

**Legislative Council.***Wednesday, 22nd October, 1930.*

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**APPOINTMENT OF DEPUTY-PRESIDENT.**

The ACTING CLERK: In the absence of the President it will be necessary for the House to appoint an hon. member to act as Deputy President.

The MINISTER FOR COUNTRY WATER SUPPLIES: In the absence of the President, who has been granted leave of absence to enable him to visit portion of his constituency, I move—

That the Hon. J. Cornell take the Chair as Deputy President.

Question put and passed.

**QUESTION—PUBLIC SERVICE, ADDITIONAL EMOLUMENTS.**

Hon. A. LOVEKIN asked the Minister for Country Water Supplies: 1, Are there any officers in the public service deriving payments from revenue or loan funds, who draw two or more salaries, or additional fees or emoluments from public or private sources? 2, If so, who are the officers and what are their salaries and emoluments or fees?

The MINISTER FOR COUNTRY WATER SUPPLIES replied: 1, Yes. 2, A return of the principal instances will be prepared and laid upon the Table of the House.

**QUESTION—AUDITOR GENERAL'S REPORT.**

Hon. J. J. HOLMES asked the Minister for Country Water Supplies: When will the Auditor General's report for the year ended the 30th June, 1930, be made available?

The MINISTER FOR COUNTRY WATER SUPPLIES replied: The report is in course of being printed.

**MOTION—TRAFFIC ACT.**

*To disallow Regulation.*

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [4.32]: I move—

That the amendment to Regulation No. 230 (a) under the Traffic Act, 1919-26, published in the "Government Gazette" on the 26th September, 1930, and laid on the Table of the House on the 1st October, 1930, be and is hereby disallowed.

In conjunction with my colleagues, Sir Charles Nathan and Mr. Macfarlane, I inspected the route in question, which is the cause of much dissension. We were met by members of the road board who explained the position. A map is displayed on the wall of the Chamber showing the route affected by the amended regulation. The protest is not being made by the taxi owners; it is being made by the whole of the residents of the district concerned. A requisition has been signed by 1,509 persons living within half a mile of the main road. They are endeavouring to arrange a deputation to the Minister to place their case before him. The amendment will cause serious inconvenience to the residents. As a residential area, this district has sprung into favour on account of the quick service conducted by the taxi cars and previously by the buses, and a number of very fine houses have been built there. The regulation will preclude anyone who desires to travel to Fremantle from entering a Fremantle taxi while it is passing through the district concerned. It will be necessary to take a tram to Claremont and get out of the prohibited area before being privileged to take a taxi car, motor bus or train to Fremantle. The stretch of road in question extends from Loch-street to Broadway, Nedlands, and is 1½ miles long. Perhaps the embargo would not be felt so acutely if there was a convenient tram service. According to the time table, a tram leaves the junction at 7.17 a.m., and there is not another until 8.11 a.m. In the afternoon, just to mention a couple of times casually, a tram runs at 3.50 and another at 4.25. Consequently the residents will be subject to serious inconvenience. I am aware of a num-

ber of men who work in the city and reside in this area and who, because of the fast taxi service, are able to go home to lunch, and quite a number avail themselves of the opportunity. If competitive fares had to be considered something might be said for the regulation, but the taxi fares are the higher, namely 6d. as against the tramway fare of 3d. In view of the facts that a deputation is being arranged, that the member for the district, Mr. Keenan, has been apprised of the position, and that the road board authorities are eager to present the case to the Minister, the regulation should be disallowed in order that the people affected might be heard. We all realise the necessity for encouraging traffic on the trams, but it cannot be encouraged at such tremendous inconvenience as would be involved by approving of the amended regulation.

On motion by Minister for Country Water Supplies, debate adjourned.

#### **BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.**

Read a third time and returned to the Assembly with amendments.

#### **BILL—MAIN ROADS.**

Report of Committee adopted.

#### **BILL—TRAFFIC ACT AMENDMENT.**

##### *Second Reading.*

Debate resumed from the previous day.

**HON. H. J. YELLAND** (East) [4.40]: I asked for the adjournment of the debate in order to deal with a few matters involving amendments to assist producers. The Bill provides for extra charges to be made for motor vehicles carting over roads other than those to the nearest railway station, and producers will be deprived of the privilege of carting their produce to the central market unless they pay the extra license fee stipulated. This will be a grave injustice to producers who convey stock to the central market. Let me point out what has been happening for many years on the railway line between York and Merredin. Stock

loaded at Bruce Rock or at stations between Merredin and Pantapin have to be loaded on Monday by 5 p.m. They are left in the trucks in the yard until 4 a.m. the following day. York is reached at about 3 p.m., and the stock are left there until 3 a.m. before continuing the journey to the market where they arrive on Wednesday between 5 a.m. and 6 a.m.

**Hon. J. J. Holmes:** What distance is it?

**Hon. H. J. YELLAND:** About 160 miles from Perth.

**Hon. J. J. Holmes:** On the Midland line you can send stock 220 miles, leaving at 10 o'clock in the morning and being delivered at Midland Junction at 10 o'clock the same night.

**Hon. H. J. YELLAND:** We have agitated for greater consideration but as a result of the lack of consideration shown by the Railway Department, producers have been forwarding their stock by motor truck. Let me explain what happens to stock sent by train. Quite a number of sheep trucked under such conditions are found to be trodden on, discoloured and bruised when they arrive at their destination and the farmer has to stand the loss.

**Hon. J. J. Holmes:** They get tired standing so long in the truck.

**Hon. H. J. YELLAND:** Yes. They lie down and others tread on them and bruise them, and the producer has to accept a lower value because of the condition in which they arrive at the market. Railway transport versus motor truck transport has been tested. While it costs about 2s. 6d. per head to send sheep to market by motor truck, it is a payable proposition to do so until the railways come into fair competition with the motor trucks and extend consideration to stock owners. Meantime the railways must expect the competition of motor transport. By making motor transport an unpayable proposition, the Bill practically insists upon forcing the producer to rail his stock. Something should be done to enable the producer who is transferring his own stock in his own truck to bring it to the central market, if he wishes to do so, without the imposition of extra fees. That can be done by eliminating the words, "to the nearest station." Here is another instance. A farmer sends his wheat to the mill for gristing, and gets back the flour

and the offal. It is an imposition to insist that the wheat shall be sent by rail, paying the minimum charge for one truck, when the farmer sends only a few bags. He should be able to take the wheat on a motor truck to the mill, and bring back the flour and offal. Under the Bill that course is to be penalised.

The Minister for Country Water Supplies: He can get permission under the Bill to do what he is doing.

Hon. H. J. YELLAND: If the Minister will cast his mind back to his experience of departmental correspondence, he will recognise that the farmer's stock would probably be starved for want of the grist while a reply to his letter was being awaited. Again, I have known a case where a grower of grapes on the Swan put a load of fruit on a truck, went into the wheat belt, and supplied the needs of the people there as he went along. This fruitgrower also kept poultry, and when he had sold the whole of his fruit he bought a load of wheat for his poultry.

The Minister for Country Water Supplies: What road would that fruitgrower take? Would he not take the Toodyay-road?

Hon. H. J. YELLAND: Not necessarily. It would all depend upon whether he was going into the York district, or into Wyalcatchem or Goomalling. The Bill insists upon his paying an extra license fee, and that is not a just tax. Many similar things in the measure strike me as not being in the best interests of production. If we minimise the results of production, the effect will be detrimental not only to the producer but to the whole State. I trust alterations will be made in the directions I have indicated, so as to enable the producer to transport his own produce in his own truck over any road to the market.

HON. E. H. H. HALL (Central) [4.50]: Like other members, I feel I shall have to support the Bill because it is the duty of everyone to further the operations of the railway system, in which so large an amount of public money is invested. At the same time, when considering the severe competition encountered by the State railways, we are entitled to ask ourselves whether the service exhibits those degrees of economy and efficiency we are entitled to expect. I

realise what are the difficulties of a layman in criticising such a department, but there are one or two things known to me, of which I consider the users of the railways are entitled to complain. One came under my notice only this week. A man at Wubin had three tons of wheat to send to Perth, and a 6-ton truck was shunted to load the wheat. The department insisted on charging the maximum freight, that is to say, the freight on six tons, for the three tons of wheat actually hauled. Many similar instances have come under my notice. In such circumstances the Railway Department, if they desire to encourage the people to use the railways, should exercise discretion. If they have no discretion, the sooner they get it the better. Such charges are not a means of popularising the railways. Another cause of heartburning is the vexed question of demurrage. It has come to my personal knowledge that the Railway Department have, in order to suit their own convenience, allowed six or eight trucks to accumulate at the siding during a couple of weeks. That is to say, they allow the trucks to accumulate until it suits them to lift the trucks. The arrangement is to lift trucks at the siding on Tuesdays and Fridays. It seems almost unbelievable that at destination there is only 24 hours in which to unload the trucks. Therefore the consignee is compelled to engage extra carriers, or else he is mulct in demurrage. On more than one occasion I have appealed to the Railway Department with respect to demurrage, but one must get the stuff away within the 24 hours, notwithstanding the fact that the trucks have been loaded for some time and should have arrived in twos and threes. This State has adopted the policy of appointing local officers to the important and responsible position of Commissioner of Railways. Colonel Pope was an officer of the department for many years, and the Government of the day thought it right to appoint him, from within the department, to the Commissionership. That course was also followed in connection with the appointment of the present Commissioner. I repeat that I do not feel qualified to criticise the management of so huge a concern, or the actions of the Commissioner; but I have gone to the trouble of getting out some figures which I think well worth looking into. In the head office of the railways here in Perth, apart from district offices such as those at Kalgoorlie,

Narrogin, Geraldton, Bunbury and elsewhere, engaged in administrative duties there are 389 officers, the total of whose annual salaries is no less than £126,320. I have here a list of the officers, which hon. members may care to inspect. The staff has been built up over a number of years. I may mention that I have had some little experience of Government service, as well as in connection with a Royal Commission which sat in Melbourne to consider economies. I may add, from personal knowledge, that many economies are at present being practised. It may be said that the falling-off in traffic enables economies to be effected. However, the Government should either request the Commissioner himself to see, or else take independent action to ensure, that the huge amount of money paid to administrative officers in the capital is justified. I support the second reading of the Bill, and I hope that the Railway Department by making full use of those officers will conduct their operations so as to win back the traffic which we all desire the system to have.

On motion by Hon. Sir Edward Wittenoom, debate adjourned.

### MOTION—COAL INDUSTRY.

*To inquire by Royal Commission.*

Debate resumed from the 2nd October on the following motion by Hon. G. W. Miles:—

That in the opinion of this House a Royal Commission should be appointed to inquire into and report upon the coal industry of the State, and particularly regarding—

1, The present position of the coal industry, including the production, carriage, distribution, bunkering, and sale of coal;

2, The capitalisation of collieries and other related enterprises in whole or in part by persons or corporations interested in the coal industry;

3, The cost of production, including interest, rent, royalties, commissions, salaries, wages, railway and shipping freights, and all other expenditure;

4, The profits or losses of collieries and other related enterprises controlled in whole or in part by persons or corporations interested in the coal industry;

5, The efficiency of management, marketing and control, including business methods, keeping of accounts, method of mining, and the utilisation of by-products;

6, The efficiency of labour and the effects of the limitation of output and of intermittency of employment upon the employees,

upon wage standards, and upon costs of production;

7, The importation of coal into the State, the relative values of imported and State coals, and the possibilities of establishing a bunkering trade with local coal;

8, The economic values of State and imported coals, and any adjustments of the costs of production and other relevant factors which are necessary to make coal available to the community at a price corresponding to its economic value;

9, The conditions relating to the formation of colliery companies operating in the State, to examine books, accounts, contracts, and agreements, relating to the production and sale of coal, including fees, commissions, and other charges on sale costs, and report thereon;

10, The agreements, if any, between persons or companies having for their objective the fixation of prices or of anything in the nature of restraint of trade;

11, The effect of the present price of coal on railway freights and on industry within the State;

12, The possibility of recovering and exploiting the market for bunker coal.

**HON. W. H. KITSON** (West) [4.56]:

When Mr. Miles first moved the motion, I was somewhat alarmed by his statements; but after having perused the file and looked into the subject from several points of view, I have come to the conclusion that quite a number of the statements he made were very wild and such as cannot be substantiated. He spoke, for instance, of unholy alliances affecting the price of coal, of the wages received by the miners, and of the hours worked by them. He drew comparisons between Western Australian coal and Eastern States coal. I find that on all those points the hon. member was not correct. I do believe, however, that there is room for more information than we possess at present. While I believe that, I am quite prepared to accept the statement of the Leader of the House that the Government are willing to institute an inquiry into the position. It appears to me that in times like these, when we are all doing our utmost to prevent the spending of money unnecessarily, it would be far better to have an inquiry of that nature than to go to the expense of a Royal Commission with the scope suggested by Mr. Miles. A Royal Commission covering so wide a range would have to sit for a considerable time, and would have to inquire into many matters quite apart from the question of the cost of coal in Western Australia. I think the

Royal Commission would prove expensive beyond any benefit likely to accrue from its inquiries. The question of bunkering was raised by Mr. Miles, and there again he showed that he had not an accurate knowledge of the position. As pointed out by Sir Edward Wittenoom, the figures quoted by Mr. Miles show conclusively that there has not been such a fall in the Western Australian bunkering trade as the hon. member suggests. Taking the position all round, it seems to me that though there may be room or scope for inquiry into the question, there is no need for a fishing expedition such as that suggested by the hon. member in his motion. It is a comprehensive motion, covering not only the activities of the coal mining companies, but also the activities of any other company which may in any way be associated with the coal companies. If the hon. member desires that we should have an inquiry of that kind he should be prepared to advance better arguments than he has done, and he should frame charges against the companies so that the Royal Commission may have something definite to inquire into. I intend to oppose the motion.

**HON. H. SEDDON** (North-East) [5.3]: I agree with the previous speaker that to a certain extent the motion is exceedingly comprehensive. However, there have been presented certain aspects by the hon. member and by speakers in another place which I think warrant investigation. It appears to me that the matters that call mostly for inquiry are those which should be investigated only by an expert, a technologist in coal, rather than anyone else. For instance, there is ground for investigation on the question of just exactly what the use of Collie coal is costing the country as compared with the value of the industry to the community. From figures presented to us there is no doubt that the coal miners, all in all, are taking more out of the common fund than they are really contributing to it. There is also another aspect that demands consideration and it is the question that Collie coal should be investigated from the standpoint of its value as compared with other fuels. We know that the thermal efficiency of crude oil is such that coal has had a severe set-back all over the world, and it will be interesting to compare the thermal

efficiency obtained from the use of oil with that obtained from coal, both Newcastle and Collie. If the three figures can be compared and placed before the public they will be of considerable interest and value to the community. There is still another aspect. For some time the coal industry has been more or less a monopoly in this State, but there has arisen another company and the effect of the competition would be the control of the price of the coal. We understand from the statement of a responsible Minister in another place that that company has not been allowed to quote a reduced price, and that its operations have been considerably hampered by the unions. These are circumstances, too, that I think warrant investigation. Then again I understand that with regard to the Griffin mine a loan has been made to permit of the construction of a railway  $2\frac{3}{4}$  miles in length. Part of the formation for that line was already in existence.

Hon. Sir Edward Wittenoom: In competition with private enterprise.

Hon. H. SEDDON: I understand the Griffin company is a private concern, but the point I make is that a railway has been built to the mine, the length being  $2\frac{3}{4}$  miles and the cost in the vicinity of £21,000. When one considers the cost of the construction of an ordinary railway, these seem to be very big figures, and they should certainly be investigated, as it appears to me that if a railway  $2\frac{3}{4}$  miles long costs £21,000 to build, there is certainly something that needs to be looked into, particularly when we remember that the formation was already in existence and that it was simply a question of laying down the road. I understand that certain bridge work was included in the cost, but even then it seems extraordinarily high. Then there is the question of calorific value. I was interested to read the remarks of the Minister in another place on this subject. He pointed out clearly and distinctly that besides the matter of calorific value there had to be considered the question of economic value, and while the calorific value may have been high, the question might arise as to whether the coal was best adapted for certain purposes. For example, the coal might be well suited for stationary boilers, which would enable the whole of the coal to be consumed. On the other hand, if it were used under locomotive con-

ditions, there might follow disintegration and instead of being fully consumed, it might be found that the coal was carried out by forced draught through the tubes.

Hon. W. T. Glasheen: And then set fire to the country.

Hon. H. SEDDON: These are aspects that appear to me to warrant investigation. It would be very difficult indeed for a person who was not an authority to go fully into the question, unless he had all the powers of a Royal Commissioner. It is from that point of view that I feel inclined to support the motion. On the other hand, the hon. member's motion is so comprehensive that it will involve heavy expenditure, and the question arises whether Mr. Miles should not reduce somewhat the scope of the suggested inquiry and bring it within the limits that I have outlined. There is also the subject of the use of Collie coal. There is no doubt it is well adapted for use as pulverised fuel. We might get figures to show the thermal efficiency of the coal as compared with the use of oil, and the higher calorific value of the fuels from the Eastern States. It appears to me possible that even allowing for freight from the Eastern States, that coal might compete more or less successfully with the local fuel. This information, too, would be valuable to the community, and the matter should be investigated. From the standpoint of a general investigation, the motion is warranted. Then comes the other all-important aspect—the remuneration due to the men who are engaged on a piecework basis. We have heard stories of high earnings at Collie gained under the piecework system. The point is, to what extent is the piecework return to be allowed to go, and on what basis has the rate been fixed? It will be quite possible to fix it in certain industries, where a man could earn money out of all proportion to the amount of energy he gave out in carrying on the work. Comparing industry for industry, it appears to me that if the rate will allow a man to make big wages out of all proportion to the energy exerted, compared to the energy exerted in other industries, the result will be to create a certain amount of discontent in those other industries not so fortunately placed.

Hon. Sir Edward Wittenoom: Do you think their wages are higher than those of shearers?

Hon. H. SEDDON: I am raising the point that the rate should be fixed upon what is recognised as a fair expenditure of energy in any industry, and having regard to the effect of the cost upon the general community.

Hon. W. T. Glasheen: Are there any particulars available as to the men's earnings?

Hon. H. SEDDON: There are text books which set out the bases.

Hon. W. T. Glasheen: Are there any figures available in regard to the earning of the coal miners?

Hon. H. SEDDON: I understapd there are. Some men have been earning as much as £18 a fortnight. I am dealing more particularly with the general remuneration on the basis of piecework. There is this aspect also with regard to the price of fuel, and it is that the future of Western Australia undoubtedly is going to be largely affected by the extent to which she can embark in secondary industries. One of the controlling factors respecting the development of secondary industries is undoubtedly the price of fuel. The price of power is materially affected by the price of fuel, and unless the cost of the fuel is such as to enable our manufactures to compete on an equal basis with those in other parts of the Commonwealth, then we shall impose on the general community, and on the secondary industries, a penalty and a handicap which may have a material effect on their operation. In these circumstances, I think there is a considerable amount of information that can be obtained by a Royal Commission conducting an investigation. I support the motion.

**HON. SIR CHARLES NATHAN** (Metropolitan-Suburban) [5.12]: The motion before the House must appeal to many members. Mr. Miles has made out a most excellent case for an investigation of some kind, but I am rather inclined to think that in his desire to probe the activities of the industry to the bottom the hon. member has gone so far that many of us would not care to follow him. I have read the Commissioner's report and it would appear that there are two outstanding matters with which we are more particularly concerned. One is the attitude of the Government and of the Commissioner towards the activities of the Griffin mine, and the other is the position in which the Commissioner finds himself in not being able to deal, on a commercial

basis, with regard to a necessary commodity. If the suggested inquiry had been limited to these phases, I should have been only too glad to support it. I have no desire to detain the House at any length, but I must refer somewhat in detail to the various headings under which Mr. Miles desires an inquiry to be made. The headings cover not only all phases of the coal-mining industry itself, but the efficiency of the men employed, the calorific values of the coal as a fuel, the bunkering trade, a complete inquiry into the affairs of the company itself, and generally into matters which would probably mean reaching out across the seas. Only recently a similar Commission was set up in New South Wales, but there it was recognised that an inquiry covering such a wide ground could not possibly be conducted by one individual. I should only have pity for the poor unfortunate without technical knowledge who was placed in the position, no matter how capable he might be, of inquiring into all the various phases of the industry. Certainly he could take evidence, but many of us know that the taking of evidence is one thing and the weighing of its value is another. The inquiry that is suggested would, to my mind, necessitate the appointment of at least three gentlemen. As has been suggested, one would probably require to be a man with judicial training. There would certainly have to be another with metallurgical and practical engineering experience, and it would inevitably be necessitated by an inquiry of this kind that the third man should have had actuarial experience and be possessed of knowledge on financial questions. It does seem to me that a case has not been made out to warrant this House in embarking on an investigation of the kind, the ramifications of which are very wide. The inquiry would last a considerable time, and would involve the State in a substantial loss of money. With regard to the Griffin mine, we have the assurance of the Minister that it is the intention of the Government to make an inquiry. It is very necessary that this should be done. I have no brief for the mine owners, nor for the men, nor for the shareholders of the Griffin mine, but we all have some sense of justice. One must bear in mind that practically the only consumer of any value in Western Australia, and the one that keeps the mine going, is the Government. It appears as though the shareholders had re-

ceived a large measure of encouragement to warrant the expenditure so far incurred by them. In addition, there has been a definite encouragement given to them by the Government advancing money for the construction of the railway. The Government have certainly protected themselves to a reasonable extent by taking debentures on £15,000 worth of shares. Incidentally, the railway has cost between £21,000 and £23,000. It does seem to me, without further investigation, it would be rank injustice on the part of the Government to deny their custom to the Griffin coal and call up the £15,000. They could, of course, recoup themselves to the extent of £15,000, but that would still leave them with approximately £7,000 to write off. Whilst it would never do to harass the Commissioner by insisting that he shall take coal that would be entirely unsuitable for railway purposes, I think an inquiry is very necessary into that particular aspect. It is also necessary from another point of view. Whilst many of us talk about the necessity for encouraging local enterprise, and many of us deplore the fact of the State having embarked upon so many activities it has no right to embark upon, surely, if the condition of affairs suggested by Mr. Miles does exist, there is justification for State-owned collieries, if, as further suggested, the Government and the people are merely puppets in the hands of unscrupulous men. Such, however, is not the case. Who is the chief customer of our coal mines? Who is it can say, "We will not take any more of your coal except at a reasonable price?" The power lies in the hands of the Commissioner of Railways, if he has the authority to exercise it, except that the agreement now in force has still 2½ years to run. We are right in seeking some assurance from the Government that during that time this particular aspect will have their consideration, and that the Commissioner will be placed in a better position to run the railways than apparently he has been in the past. He certainly should be allowed to run the railways as he thinks best with due consideration for the State as a whole. Seeing there are 2½ years to run before the agreement can receive further consideration, this House will have an opportunity to see whether in the meantime its wishes have been carried out. A Royal Commission of the magnitude sug-

gested is an unnecessary waste of time and money. I favour an inquiry into the two aspects I have referred to, but cannot vote for the motion as it stands.

**HON. E. H. H. HALL** (Central) [5.20]: Mr. Miles is to be commended for bringing forward this matter. In consideration of the financial position of the State, however, and of the very exhaustive inquiry sought by the hon. member I, like Sir Charles Nathan, hesitate to support the motion. I feel satisfied with the assurance given by the Minister, on behalf of the Government, that an inquiry will be made into the matter. That such an inquiry is warranted is beyond question. In case some members may not have had time, or have forgotten to peruse the rather big file that has been laid on the Table of the House, I should like to refresh their memories, by reading an extract from the Commissioner's letter dated the 4th July last, addressed to the Secretary for Railways in Sydney. For the Commissioner to have to write letters to this effect is not, I maintain, a credit to the State. The paragraphs in question read as follows:

For your information I may state that, by reason of the fact that practically the whole of the Western Australian coal interests are amalgamated, this department is in the unenviable position of having to negotiate for its requirements, without any of the advantages which are afforded by the calling of competitive quotations. Even in this restricted sphere, the Commissioner is not a free agent to purchase the class of coal which he desires (the quality varies according to the mine from which the coal is supplied) as before any contract is entered into with the suppliers, the percentage of orders to be allocated to each mine is first determined at a conference consisting of representatives of the miners, enginemen's unions, the Australian Labour Party, and the railway department.

Hon. Sir William Lathlain: Do not they bring in the parson?

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

Furthermore, the prices of the various coals are fixed according to the calorimetric values without regard to their real value to the department as a fuel, the Miners' Union insisting that no departure be made from this principle. In effect, therefore, we are obliged practically to take whatever coal the miners are willing to supply, and the enginemen to use, and to pay for it at the basic price demanded by the supplying company.

I do not think any further words of mine are needed. When we have an officer in the position of the Commissioner of Railways who can put this kind of thing on paper, it is high time the people in charge of the affairs of the State did something to free him, and allow him to obtain the life blood necessary to enable him successfully to run his department.

**HON. J. J. HOLMES** (North) [5.25]: Mr. Hall started off by saying he did not approve of the motion, no matter what the inquiry might produce, but finished up by pointing out what a scandalous condition of affairs exists in the Railway Department, and saying that something ought to be done to straighten it out. After the hon. member has been here for a few years, he will not take much notice of promises of inquiries. A promise of an inquiry in the past has been very much like the boy on April Fool's Day, who passes from house to house making a fool of people.

The Minister for Country Water Supplies: Why does the hon. member say that?

Hon. J. J. HOLMES: I say it in the light of my past experience. I have a little book called "The Voice of Wisdom," a quotation from which is, "Hope for the best but prepare for the worst."

The Minister for Country Water Supplies: Actually, you are accusing the Government of dishonest practices.

Hon. J. J. HOLMES: Nothing of the kind. We are told an inquiry will be held. What will be the nature of the inquiry? It may last five minutes or 10 minutes. It may be made by the Minister, it may be made by the parties to the agreement, it may be made by the Trades Hall, or by the unions concerned. The unions have decided other questions; probably they will be given the opportunity to decide this one. They have already decided upon the price of coal.

Hon. W. H. Kitson: They have never decided upon the price of coal.

Hon. J. J. HOLMES: I will come to that later. No one seems to have decided upon the price of coal. It is no one's business, but they have got there just the same. We cannot separate the coal industry from the railways. The industry could not exist for 24 hours without the railways, which consume the greater portion of the coal. Coal



is essential for the conduct of the railways, and they are essential for the development of the State. In this big country, a country of long distances, the railways have to run for hundreds of miles, whereas in other countries they run only for a few miles. The important thing is cheap coal, coal of the quality required by the Commissioner. If we boost the price of coal, and impose conditions that are unworkable, there is a strong probability that crude oil will come into the field as a fuel.

Hon. Sir Charles Nathan: It will do so all the same.

Hon. J. J. HOLMES: If that is the case coal will go by the board. I am glad to hear the hon. member's confirmation of my view. If we can reduce the price of our own coal we shall delay the introduction of crude oil fuel, which Sir Charles Nathan says must come. As suggested by this motion, it is time we removed the railways from political control. When speaking the other night, I said our chief necessity was to put the railways under a Commissioner who had a life appointment.

Hon. G. Fraser: Did you attempt to do that when you were Minister for Railways?

Hon. J. J. HOLMES: I did, and I thought I had done so. I slipped on the job. We put the railways, as we thought, 25 years ago, under the control of a Commissioner, but we made his appointment subject to the Ministry of the day. Had we made it as we should have done, in view of recent events, we should have made it a life appointment. Political events did not play the important part in affairs then that they do now. Had we made the appointment a life one, political influence would not now have existed in that respect, and the railways would not have drifted into the mess they are in owing to the fact that politicians continually instruct the Commissioner what to do.

Hon. Sir William Lathlain: Did the unions tell you which coal to use?

Hon. J. J. HOLMES: They might have told me. One-third of our loan expenditure is invested in the railways.

Hon. H. Seddon: And some of them political railways.

Hon. J. J. HOLMES: We cannot have dear coal and cheap freight. In view of the price of our primary products in the world's markets, our first necessity is to have cheap fuel. We cannot have dear coal and cheap

freight. Negotiations for the last contract regarding coal for the railways took place in October of last year. The Commissioner of Railways called for tenders, but no tenders were received. If we had a Commissioner of Railways who was removed from political influence, I know what he would have done. At least, I think I do. He would have arranged for a supply of Newcastle coal immediately.

Hon. Sir William Lathlain: Or of English coal.

Hon. J. J. HOLMES: Yes, and then we would very soon see if any tenders would be received and whether the owners of the coal mines at Collie cared whether they supplied coal to the railways or not. However, no tenders were received. On the 1st November, the Commissioner advised the Minister as to the position that had arisen. He did not get into touch with the suppliers of English or Newcastle coal; he proposed to get in touch with the mine-owners and the unions. Fancy that position! That was the action taken by the Commissioner who had received no tenders!

Hon. Sir William Lathlain: And who was the buyer!

Hon. J. J. HOLMES: Yes. In other words, the action of the Commissioner was tantamount to asking the Minister if he could see the mine-owners and the unions to ascertain if they would allow the railways to have coal. What a monstrous position!

Hon. C. B. Williams: Did not the Trades Hall come into it?

Hon. J. J. HOLMES: Not until later on. A conference was held in order to ascertain whether an agreement could be arrived at with the unions as to the allocation of coal orders.

Hon. Sir Edward Wittenoom: The mine owners did not attend that conference.

Hon. J. J. HOLMES: No, they did not come into it at all at that stage. Only when the parties were coming down the straight did the mine-owners come to light. I do not know where the owners were during the other stages of the negotiations.

Hon. Sir Edward Wittenoom: At any rate, they did not appear at the other meetings.

Hon. J. J. HOLMES: No, they did not appear in the light. They always appeared to be in the distant darkness, but they came to light on the question of prices. The allocation of coal orders was

to be discussed, not with the mine owners, but with the unions. The mine owners said they had nothing to do with the allocation of orders and that that was a matter for the unions. For my part, I should say it was decidedly for the coal owners to see that they received a fair quota of the orders. Even when it came to a question of prices to be paid to the owners, the latter had nothing to do with it! At that stage the owners merely appeared on the scene with an intimation that if there was any reduction in the price of coal, there would be industrial unrest at Collie. Thus, the owners were not concerned about prices, but merely about what would happen if reduced prices were obtained.

Hon. Sir Edward Wittenoom: Just the same as with the shearers.

Hon. J. J. HOLMES: But with this difference, that the mine owners made representation that these miners who had never been on strike for over 20 years, would possibly go on strike if prices were reduced. The miners were not likely to go on strike under such conditions, and it was claimed that they had kept the railways going. For my part, I claim that the railways kept the mines going. As to there having been no strike at Collie in 20 years, hon. members can see that there was no necessity for a strike. Nevertheless, when tonnages were discussed, the mine owners were not at all concerned about price, but merely about industrial unrest. These loyal miners, loyal to the railways, themselves and the country for 20 years, represented a matter of concern to the owners, who said that if the men were not given what they required, those loyal miners would go on strike! Yet those men were working under an Arbitration Court award. That being so, there existed the necessary machinery to deal with the men if they went on strike.

Hon. Sir Edward Wittenoom: Well, do away with the Arbitration Court.

Hon. J. J. HOLMES: I agree with the hon. member on that score.

Hon. C. B. Williams: But the Arbitration Court did not fix the wages for the Collie miners.

Hon. J. J. HOLMES: I am not asking that wages or hours shall be altered; I am asking that the coal for our railways shall be obtained at the best possible prices. If I found the mine owners in league with one

another and declining to submit tenders, I would be disposed to refuse to know that their mines existed. I would get the coal for the railways somewhere else until such times as the Collie mine owners came out of the darkness into the light of day.

Hon. A. Lovekin: We should declare coal white; it is black already.

Hon. J. J. HOLMES: In the Legislative Assembly the member for Collie (Mr. Wilson) went to the trouble to point out that Mr. Miles and others, including myself, were blunderers of the worst order and so on, and contended we were wrong when we said that the miners at Collie were working only 35 hours per week. He side tracked the issue by confining the hours of labour to so many per day. He neglected to mention how many days the miners worked per week. The whole case submitted by Mr. Wilson and published at someone's expense in the newspapers—I understand it was published as an advertisement—side tracked the real issue. Mr. Wilson pointed out that in England the men worked 7½ hours per day, but he did not say that they worked six days per week. We know that the men work seven hours per day at Collie and that they work five days only per week. Mr. Wilson did not point out that fact. His was piffle put up with the object of misleading intelligent people. If the men are working 35 hours a week, and getting big pay for it, it is the country that is paying them. If the State develops still further, our railways will want more coal and secondary industries will require additional supplies. That coal will have to be paid for at a higher rate so long as present conditions exist.

Hon. W. T. Glasheen: And then they complain because motor trucks get the traffic!

Hon. J. J. HOLMES: That is so. It seems to me that while this business was being arranged, the mine owners would not come into it at all. At the same time, they had someone else pushing their barrows. At this stage the Miners' Union, the Railway Employees' Union and the A.L.P., who had come into it as well, had been further considering the matter and, according to Mr. Wilson, Colonel Pope, the then Commissioner of Railways, sent Mr. Backshall to the conference to plead for permission for the Commissioner to be

represented at the deliberations. That is the statement made by the member for the district.

Hon. Sir William Lathlain: And the Commissioner was the buyer!

Hon. J. J. HOLMES: That is so. He had to send an officer with a request that he should be represented at the proceedings in order that the railways might get a fair deal. Everyone will admit that the Commissioner desired to secure a fair deal. Even Mr. Wilson admits that regarding the present Commissioner, for he stated in another place that if Mr. Evans said that any one coal was as good as another, he was prepared to accept his word.

Hon. G. W. Miles: But he contradicted that later.

Hon. J. J. HOLMES: Yet the Commissioner has not been able to get the coal that he requires!

Hon. W. H. Kitson: Mr. Wilson said he did not object to the Commission.

Hon. J. J. HOLMES: He says he wants a Royal Commission and that the miners desire one too. If everyone desires the appointment of a Royal Commission, why not have one?

Hon. G. Fraser: In these hard times?

Hon. J. J. HOLMES: Yes, because out of evil good may come.

Hon. Sir William Lathlain: Hear, hear!

Hon. J. J. HOLMES: The Minister appears to have been approached on this subject on the 4th November, because he seems to have indicated that it was quite right and presumably he agreed that the Commissioner should, if possible, be admitted to the conference proceedings. Several conferences were held at which the Commissioner's desires were turned down and on the 14th November another conference was held and the Commissioner reported that the miners declined to agree to his proposal. The miners would not agree! I should have regarded the miner as an individual who worked in a coal mine and received wages for what he produced, and his duties rested at that. Yet here we have the Commissioner reporting that the union declined to agree to his proposal, which was that there should be a further test of the coal and that certain percentages of different coal should be used. He suggested that the test should be over a period of 12 months only. The men would not agree to that. Then there was a proposal for a test covering a period of six months. Again the unions would not agree to it. Ulti-

mately conference broke up without coming to any decision. Then the union demanded an immediate decision as to the allocation of coal orders. The A.L.P. and the miners demanded that decision. The Commissioner, writing to the Minister, pointed out that it was unreasonable for any such demand to be made and he reminded the Minister that he desired a further test of the coal. The Commissioner also intimated that the railways were paying 1s. 1d. per ton for one class of coal in excess of what it was worth. Then, while this was going on, the mine owners came on the scene.

Hon. Sir William Lathlain: They arrived at last!

Hon. J. J. HOLMES: Yes, but merely to intimate on the Saturday that unless the matter was fixed up by the following Monday, the men would not report for work. They were referring to the men who had been so loyal for 20 years, during which they had not gone on strike. These were the men who would not answer the whistle, according to the mine owners, if the difficulty was not fixed by the following Monday.

Hon. Sir Edward Wittenoom: Was not that very good advice?

Hon. J. J. HOLMES: It represents good grounds for the appointment of a Royal Commission. I know the hon. member will not agree with me, but great minds cannot always be in agreement.

Hon. Sir Edward Wittenoom: I agree to having a full inquiry, but not a Royal Commission.

Hon. G. W. Miles: We will not get the truth, the whole truth and nothing but the truth unless we have a Royal Commission.

Hon. J. J. HOLMES: It will be necessary to look up authorities to get a definition of what constitutes a "full inquiry." Even though a Royal Commission may cost a few thousand pounds, I am convinced it would ultimately save the country tens of thousands a year. At this stage, Mr. E. H. Barker, the secretary of the A.L.P., appeared on the scene.

Hon. C. B. Williams: Is he an authority on coal?

Hon. J. J. HOLMES: He is an authority behind the scenes somewhere, because he sets out what the Government are prepared to do. What we want a Royal Commission for is to get at what has been going on behind the scenes. On the 29th November Mr. Barker said what the Government were prepared to do. On the 9th December, 10 days

later, the Commissioner wrote to the Minister that he had agreed with the unions. He might have said briefly, "I have surrendered." He agreed with the unions and abandoned everything he was justified in asking for. He put up the white flag and said, "I agree with the unions." Then we come to a change of Government and we get the Commissioner advising the Minister that he proposes to discontinue the use of Griffin coal. This is the political influence coming in, which I deplore. Mr. Scaddan, the Minister, suggests to the Commissioner that he continue as before. I and other members were under the impression that the Commissioner was running the railways. He is not; it is the Minister. Mr. Scaddan suggested the continuance of the orders as before. On the 23rd July the Commissioner said the Griffin coal was unsuitable, and that he did not propose to give any further orders after that week. Then the Premier comes on the scene. The Premier advises Mr. Scaddan, in effect, to advise the Commissioner not to stop the orders. Who is running the railways? That is the puzzle. We have the Miners' Union, the Loco. Drivers' Union, the A.L.P., the Commissioner, the Minister for Railways, and the Premier.

Hon. E. H. H. Hall: And Mr. Barker.

Hon. J. J. HOLMES: Yes; I beg his pardon. We have a vast amount of loan money locked up in the railways, the Commissioner is treated in this fashion, and then we are astounded at the end of the year to find the department has made a loss of £400,000. I am not going into the question of the calorific value of coal. Mr. Wilson, who was the prime mover in securing the contract, knows all about it. He was at conferences, and he went East to see the Arbitration Court judges dealing with the coal awards over there. He declares that whatever Mr. Evans says about coal he will accept as correct. Yet we find even the unions fighting Mr. Evans for weeks and weeks, and ultimately Mr. Evans having to surrender. Now we come to the question of dividends. One member told us the coal companies pay small dividends, that the profit is a mere bagatelle. With the desire to help an old friend I put a few pounds into the Collie Proprietary Mine 20 years ago, and I know that in the sale of interests from one company to another £35,000 was made by five people in one hit. There was £7,000 each to five persons.

Hon. E. H. H. Hall: How did they make it?

Hon. J. J. HOLMES: It was very cleverly done. They would have been in gaol if I had had my way. That £35,000 has been got back from the railways. And that is only one instance that I happen to know of; I presume that others know of several instances. So it is idle to talk about these companies not paying dividends. If they are not paying dividends they are doing something else; they are buying and selling their interests and making substantial profits out of the transactions. Much to my surprise a little time ago when my balance sheet was put in front of me, I saw as an investment so many shares in an insurance company. I said to my clerk, "What is this?" He said, "Those shares have been allotted to you in connection with Collie coal shares." So far as I can understand, an insurance company has been formed to conceal some of the profits. Then there is an electrical development, some subsidiary company being formed to cover up some more profits. I have not yet had my quota of that, but I shall make inquiries when opportunity offers. So it is idle to talk to me about non-dividend-paying coal companies. They pay sufficient dividend so that the shareholders will not be concerned about the railways getting too much; and presumably they cover up their profits. Is not that sufficient warrant for a Royal Commission? If members are satisfied with a bare inquiry, it is not sufficient for me, and I hope it will not be sufficient for other members.

Hon. E. H. H. Hall: That information you have given us does not sound too good.

Hon. J. J. HOLMES: The most serious part is this: Mr. Wilson, who knows all about it, who has been to all the meetings and takes all the credit for everything that has been done, says that I and other members do not know anything about it. Yet he did not even know of the removal from the agreement of the clause giving the Commissioner of Railways the right to cancel the contract at three months' notice. That cancellation clause has been eliminated. Mr. Wilson did not know that when he spoke in another place, although he does know it now. The Minister in this House, in answer to a question he was asked the other day whether there was in the agreement a cancellation clause, said there was not. But Mr. Wilson

claimed that there was in the agreement a cancellation clause that would protect the State. However, the cancellation clause is no longer there.

**Hon. E. H. H. Hall:** Well that settles it for the period of the contract.

**Hon. J. J. HOLMES:** But surely this matter has to be investigated now in order to find out how that cancellation clause slipped out of the contract, and in order that we may know how to deal and with whom to deal when another contract has to be made. The hon. member comes in here and is satisfied with everything. He sits on the brake and is ready to recline for 2½ years, waiting for something to turn up. The whole thing is side tracked and burlesqued by Mr. Wilson. He draws a comparison between the hours worked in England and those worked in Collie, but omits to say how many days per week the Collie miners work. From his own figures I find there are 313 working days in the year, and that the Collie miners work for 220 days in a year.

**Hon. W. H. Kitson:** Being on piece work, they are not paid when not at work.

**Hon. J. J. HOLMES:** This great leader of the Labour Party, the Collie miners' representative, whose policy is not day labour, but contract, what does he say? He says he believes in contract. He says that no other system of working a mine is possible. He says that if the day labour system were restored, for every miner there would be required a boss to watch him. That is a nice character for the leader of the Collie miners to give to his own men! He says that if we were to get back to day labour, then for every miner at work there would be required a boss to watch him! Then he draws a comparison between Western Australian coal and coal from New South Wales. I need not delay the House in explaining what happened in New South Wales. They put up the price and put up the price, and loafed on the job until they drove the coal trade of New South Wales to some other part of the world whence they cannot get it back. And a Labour Government supplied £100,000 in an endeavour to find something else for the men to do. Then Mr. Wilson draws a comparison between Western Australian coal and South Australian coal, knowing quite well there is no coal in South Australia, that the railways

there have to get their coal from Newcastle or England or elsewhere. Mr. Wilson is too absurd. These are the arguments he puts up in favour of Collie coal, and in explanation of the high price we have to pay for that coal. The high price is due to the fact that not only the price, but the hours worked and all other factors, are fixed by the seller instead of by the buyer. I do not propose to say any more on the subject just now. I did not intend to say anything at all about it, save that I thought it my duty to make clear, for what it is worth, what I know about the industry. If ever there was justification for the appointment of a Royal Commission to inquire into any of the State's activities, there is justification for a Royal Commission to inquire into this coal question, in view of the fact that the railways keep the Collie coal mines going. When it comes to the question of price and what class of coal is to be used, and the percentage of coal to be used, it is the miners and the mine owners, who are the sellers, that fix it, instead of the Commissioner of Railways fixing it. In view of the fact that we are facing a grave financial problem, that one-third of our loan money is locked up in the railways, and that cheap coal is as essential as cheap freights, I urge members to support the motion and let us have the matter inquired into by a Royal Commission.

**HON. C. B. WILLIAMS (South) [5.58]:** Merely to justify my vote, I wish to say a few words. I listened to Mr. Miles when he moved the motion, and I now express my astonishment—as I did by interjection at the time. With one or two exceptions those members who have spoken to the motion are older members than am I; yet I say here and now that everybody knew that this business had been going on for years. I knew it before I entered Parliament, although I have lived in Kalgoorlie for the past 20 years, whereas Mr. Holmes has spent all his life in and around Perth. Because I have been living at Kalgoorlie for so long, I have had to take my news from the newspaper. I understand the Government have promised a full inquiry. Some members who have spoken do not seem to understand how the unions come into the selection of coal for the railways. Surely the best judges of the value of Collie coal are the men who have

to use it. The Commissioner of Railways does not have to use it. He and his officers are more or less dependent on the men using the coal for its value as steaming coal.

Hon. E. H. H. Hall: What about the people who have to pay for it?

Hon. C. B. WILLIAMS: The insinuation behind all this pother is that someone is making a lot of money out of Collie coal at the expense of the people of Western Australia and of the Government of the State.

Hon. G. W. Miles: Hear, hear!

Hon. C. B. WILLIAMS: Evidently it is not the miner, and I am sure it is not I. Still, the insinuation has been made. Mr. Holmes said that the Collie coal miner worked only three or four days a week.

Hon. J. J. Holmes: I said 35 hours a week.

Hon. C. B. WILLIAMS: As I understand the matter, the Collie miners try to spread the work over the greatest possible number of men, and they work fewer hours rather than have a small number of men working full time. Is it not better for the Government to pay a little more for Collie coal and have the wealth circulating in the State rather than have it sent out of the State?

Hon. E. H. Harris: Is it better to pay a lot more for Collie coal?

Hon. C. B. WILLIAMS: Yes. What advantage would the State derive from the expenditure if it imported coal from New South Wales or from England? All the work it would provide would be a little lumping for the waterside workers at Fremantle.

Hon. G. W. Miles: But it could be imported for less than the Government are paying to-day.

Hon. C. B. WILLIAMS: That is where I disagree with the hon. member. I do not want to see our men employed at a lower rate. I want to see them employed at a higher rate, if possible.

Hon. J. J. Holmes: And let other people starve!

Hon. C. B. WILLIAMS: Collie is one of the most prosperous towns in Australia and probably in the world. Would it not be better to have Perth similarly prosperous?

Hon. E. H. H. Hall: What about the wheat grower?

Hon. C. B. WILLIAMS: The coal miners argue from a viewpoint very different from

that of the wheatgrowers. The miners adopt the prosperity viewpoint. The wheat farmers are always pessimistic.

Hon. E. H. H. Hall: The wheatgrowers have to sell their products in the markets of the world.

Hon. C. B. WILLIAMS: The wheatgrowers have been represented by men of insufficient optimism. Their representatives in the Federal Parliament were offered £s. a bushel for wheat and their pessimistic outlook would not permit them to accept it. Do not talk to me about the poor farmer! I represent the poor farmer better than does any direct Country Party member. The Collie coal miner is being well paid. Some members say that is because the State is paying the money. It is better to pay our own men remunerative wages than to spend our money on coal from England or New South Wales.

Hon. J. J. Holmes: Do you represent the miners' union?

Hon. C. B. WILLIAMS: I do.

Hon. J. J. Holmes: Your people cannot get along without a bonus.

Hon. C. B. WILLIAMS: I do not advocate the payment of a bonus on gold. It is the worst possible thing that could happen for the men in the industry as well as for the people in the goldfields towns. There are fewer men employed in the goldmining industry to-day when gold by reason of the exchange rate, is commanding a premium of 7s. an ounce, than when gold was £4 an ounce. The higher the price of gold, the quicker it is gouged out. The trouble is that the low-grade ore is not worked. This is the fallacy of the gold bonus that is not appreciated by people who do not understand the question. I can quite realise how the A.L.P. came into the coal negotiations, though it might appear strange to some people that a political party should be concerned. The A.L.P. have come into it, not in the role of advisers, but rather as mediators between the coal miners and the engine-drivers and firemen's organisations, both of which are affiliated with the Trades Hall. The Trades Hall authorities realised that there was a disagreement between the miners and the loco. men.

Hon. J. J. Holmes: This is an agreement between the mine owners and the Commissioner of Railways.

Hon. C. B. WILLIAMS: The A.L.P. mediated between the parties and there has been continuity of employment in the industry for many years. I admit that the coal miners might have said to the Government, "If you do not fix up this business we will go on strike." I do not blame them for that. Why should I? If the alternative were that the Commissioner would import coal from abroad and hold the gun to the heads of the miners, they, seeing their livelihood endangered, would be justified in saying, "Take our coal at once or not at all." And a strike of a month would probably have convinced the Commissioner that the loss entailed was not worth while.

Hon. J. J. Holmes: No wonder the country is on the rocks!

Hon. C. B. WILLIAMS: It is not on the rocks as a result of having purchased Collie coal. If everybody was as optimistic as the coal miner and the coal owner, we would all be better off. I merely wish to make my position clear. If it is thought that somebody has made money out of the Collie coal contracts, this is the place to state it, because members are privileged to say what they believe to be the truth. Insinuations have been made that the cutting price to the miners leaves a big margin somewhere. If it is considered that it has gone into the pockets of some members of Parliament who have had a say in fixing the contracts, let me remind members that the present Minister for Railways negotiated the first contract and the ex-Minister for Railways, Mr. Willcock, negotiated the recent one. I do not know that either of them made any money out of it and I do not believe the insinuation. The Collie coal miner receives only what he earns, and so long as the Government give all the coal companies in the State a fair deal, that is all I am interested in. I do not want the Government to cut out the Griffin mine any more than any other mine. I understand that when the Collie coalfield was originally opened, the quality of the coal was not too good, but it has improved with the passing of years. I should like to see the railway contracts distributed amongst all the mines. The Government have promised an inquiry into the matter, and I am satisfied with that promise.

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

## BILLS (2)—FIRST READING.

1. Land Tax and Income Tax.
2. Parliamentary Allowances Amendment.

Received from the Assembly.

## BILL—VERMIN ACT AMENDMENT.

*In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Amendment of Section 100A:

Hon. J. J. HOLMES: On the second reading I pointed out that the fence stipulated in the schedule was a good one, but no provision was made regarding fences already erected. A rabbit fence should be of 1½-inch netting and 3ft. 6in. high, but no provision was made to alter that type of fence so that it would keep out dogs and foxes also. A fence for that purpose should have 1½-inch netting for the first 3 feet and 4-inch netting for the second 3 feet. The Minister has shown me a letter pointing out that some of the rabbit netting might be only two feet high, but that would not meet requirements. It cannot be a rabbit fence unless it is 3ft. 6in. high. I move an amendment—

That the following paragraph be inserted after paragraph (a):—" (a) Add to the second proviso to subsection (1) words as follows:—'for the purposes of this proviso any fence already erected as a rabbit-proof fence shall be deemed to be a vermin fence if the height thereof is increased to the same height as that required for a vermin fence, and if, when increasing such height, the additional wires are of the kind and are spaced as required in a vermin fence and the wire netting hung therein is of the mesh required for a vermin fence.' "

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

Hon. H. J. YELLAND: The amendment simply means that those who already have a rabbit-proof fence erected shall be permitted to increase its height so as to meet the demands of this Bill, thus converting the rabbit-proof fence into a vermin-proof fence. The amendment is necessary; in its absence those who have rabbit-proof fences would have to pull them down.

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

Clause 7—Amendment of Second Schedule:

Hon. H. J. YELLAND: I move an amendment—

That in line 11 the word "four" be struck out.

On the second reading I mentioned that the definition of fence represents a fence which it is impracticable for the general run of farmers to erect. A fence 5ft. 6in. high will keep out all the vermin likely to come the farmer's way. The imposition of a 6ft. fence is a way of saying to the farmer, "You will have exemption from fees provided you put up a fence which it is really beyond your power to put up." Failing this amendment, the exemption will be of no avail. As regards posts, by this amendment I thought to achieve something which, however, is already met by Mr. Holmes's amendment. Provided the necessary height is attained, the sinking of posts to a depth of 20 inches will suffice. At any rate, with a height of 5ft. 6in. a depth of 20 inches will be enough. The higher the fence, the deeper must the posts be sunk.

The MINISTER FOR COUNTRY WATER SUPPLIES: I appeal to hon. members not to reduce the height of the fence, as this would be against the advice of the experts of Western Australia and the Eastern States. A dingo would get over a 5ft. 6in. fence. Moreover, the fence is also to keep back foxes, and a height of 5ft. 6in. would not stop a fox. Again a fence with posts 20ft. apart erected in ground that is boggy during winter would be blown over by a heavy wind. Netting would still be required with a 5ft. 6in. fence. I hope the amendment will not be carried.

Hon. J. J. HOLMES: Whatever is fixed here will be the minimum. The owner will have the option of putting up as high a fence as he likes. Some owners will not be in favour of fences that will not keep out dogs and foxes. It is a strange fact that a fox which gets into a vermin-proof paddock will never go out of it for the rest of his natural life.

Hon. E. ROSE: My experience with dingoes, which is considerable, tells me that they will not jump a high fence. Very few

foxes will ever jump a 5ft. 6in. fence, especially if there is barbed wire on top. I agree with what Mr. Holmes says about foxes getting inside vermin-proof paddocks. A fox inside a paddock will soon be destroyed. A fence 7ft. 6in. high is too much to ask for.

The CHAIRMAN: This is hardly within the province of the Chairman, but I would ask Mr. Yelland whether he desires a uniform fence, or desires that the straining posts shall be 78 inches out of the ground and the other posts only 66 inches.

Hon. H. J. YELLAND: A uniform fence.

The CHAIRMAN: Then the hon. member has gone the wrong way about it.

Hon. H. J. YELLAND: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. H. J. YELLAND: I move an amendment—

That in line 8 the words "seventy-eight" be struck out, and "sixty-six" inserted in lieu.

The MINISTER FOR COUNTRY WATER SUPPLIES: Mr. Rose said that dingoes would not jump a 5ft. 6in. fence. I have repeatedly seen them jump such fences without any trouble. A 5ft. 6in. fence would be useless. A lot of our Acts of Parliament are framed to protect people against themselves and this is such an instance. The Committee would be badly advised to agree to reduce the height. It would be against the advice of all the experts in this and the Eastern States. What is required is nothing less than a 6ft. 6in. fence.

Hon. J. J. HOLMES: I have not so far expressed any opinion as to the height of the fence, but I do say it is the duty of Parliament to protect some owners against themselves. I do not think a 5ft. 6in. fence will keep out vermin. The minimum height should be 6ft. 6in. It is unwise to allow people to go to the expense of putting up a 5ft. 6in. fence that will not answer the purpose when it is erected.

Hon. H. J. YELLAND: I am still of the opinion that a 6ft. 6in. fence will be an imposition which a majority of farmers will not be able to provide. It is quite impossible for many farmers to erect a 6ft. 6in. fence and it will be impossible for them to increase the height of the 5ft. fences by another 18 inches, especially when the ex-



tension by 9 inches would answer the purpose. It is because of my experience that I have submitted the amendment.

**THE MINISTER FOR COUNTRY WATER SUPPLIES:** The old schedule was much more drastic than this. We want to get rid of the vermin. Shall we do it by putting up low fences that we know the vermin will jump? The extra height would not prevent the settler erecting a fence if he is inclined to erect it.

**Hon. J. J. HOLMES:** I refuse to believe that there will be so much difference in the cost of erecting 5ft. 6in. and 6ft. 6in. fences. A post has to be cut and it can just as easily be cut 8ft. 6in. instead of 7ft. 6in. Then post holes have to be sunk and when you are putting netting on the top it is only a question of whether the netting is to be 2ft. wide of 3ft. wide. On the stations all the subdivision fences for sheep are of five wires. Those fences are sufficient for subdivisions, but the squatter invariably puts up a 6-wire boundary fence. The difference in the cost is a mere bagatelle.

**Hon. E. H. HARRIS:** I would like members to tell me what is the height of fences erected at the present time.

**Hon. H. J. Yelland:** Five feet.

**Hon. E. H. HARRIS:** And to keep out dingoes it is suggested that the height should be increased.

**Hon. H. J. Yelland:** If you erect a fence as provided in this schedule you get relief from vermin taxation.

**Hon. E. H. HARRIS:** It seems to me that it would be beneficial to erect the higher fence of 6ft. 6in.

Amendment put and negatived.

Clause put and passed.

New Clause.

**THE MINISTER FOR COUNTRY WATER SUPPLIES:** I move—

That the following new clause be added to stand as Clause 4:—"Section fifty-nine of the principal Act is amended by adding to subsection two a further proviso, as follows:—Provided also, that no rate shall be assessed or be deemed to be imposed or payable in respect of land held on conditional purchase lease, granted before or after the commencement of this proviso, under the Land Act, 1898, or any amendment thereof, for two years from the commencement of the lease.

The clause is really self-explanatory and it will bring the Vermin Board into line with the Central Board.

**Hon. J. J. HOLMES:** I should like to ask the Minister whether it is true that while in the past the vermin boards have been paying £2 for dogs and £2 for foxes, it is intended to reduce the amount paid for foxes to £1? In my opinion it will be unwise to do that. People have awakened to the fact that they must improve their flocks and wherever one goes, evidence of that is seen. Foxes may not be a menace to grown sheep, but they are a menace to lambs. If a fox gets amongst ewes and lambs at night, he chases the lambs until they put out their tongues. Then the foxes seize the tongue and that is the end of the lamb. I do not think it wise to reduce the amount from £2 to £1. Incidentally I may mention that foxes are having a bad effect in another way. We look upon the wild turkey as a bird to be proud of. They shelter on the ground at night, and foxes are annihilating them. When they have finished this work of destruction they will probably become more severe upon lambs. I urge that the board should continue to pay the bonus of £2 on foxes.

**THE MINISTER FOR COUNTRY WATER SUPPLIES:** I heard something of the sort myself, but not officially.

**Hon. J. J. Holmes:** I think it is a fact.

**THE MINISTER FOR COUNTRY WATER SUPPLIES:** I will get the fullest information on the matter from the department, and give it to the hon. member on the third reading of the Bill.

**Hon. W. T. GLASHEEN:** The matter was rather one of finance. The board, after considering the great increase in the cost of paying for foxes, felt that if the £2 were continued it would be necessary to revert to the original basis of taxation. It will be remembered that the tax was reduced by half, with the result that the number of foxes paid for at £2 rendered it necessary to overrun the amount available. Foxes are more easily trapped and poisoned than dingoes. In many cases where they are plentiful there is no destruction amongst lambs. Furthermore, foxes are responsible for a large amount of destruction amongst young rabbits, and they are also very fond of emu eggs. In the circumstances we should be

satisfied to pay £1 per head on foxes, instead of doubling the amount of taxation in order to pay £2 per head.

The CHAIRMAN: I cannot allow this discussion to proceed further. Mr. Holmes asked a question of the Minister, and he has replied.

New Clause put and passed.

Title—agreed to.

Bill reported with amendments

## BILL—EDUCATION ACT AMENDMENT

*Second Reading.*

Debate resumed from the 21st October.

HON. H. J. YELLAND (East) [8.5]: I regret I have to support this Bill. It is a measure that has become necessary owing to the present economic situation. The unfortunate position in the world has rendered it necessary to effect retrenchments in every direction. It might be as well if I diverged a little and dealt with the work of the Education Department. I think members will then realise what has been done for the advancement of education in this State. I would refer to the results of this work in much the same light as the Premier has referred to the necessity for developing the resources of the State. His policy has always been to develop the country and transform its potential wealth into real wealth. We have all agreed when he has been doing this that we have wisely been spending our capital. The same principle applies to the Education Department, which is endeavouring to develop the potential wealth in the minds of our youth. As a nation it is our duty to lift them above humdrum existence, and raise them to a standard that will help them in their future. I have always said I would rather give my son £1,000 worth of education to fit him to fight the battles of life than I would give him £5,000 in cash, when he would become the prey of all the financial vultures of the city.

Hon. G. Fraser: Why pick on the city?

Hon. H. J. YELLAND: The city or the country. Quite a number of city people go out into the country if they think there is any prey to be got there.

Hon. A. Lovekin: There is nothing but wheat there.

Hon. H. J. YELLAND: The child's mind is an asset which no nation can afford to neglect. The advancement of a nation depends largely upon the development of its youth. These youths will become the people of the future. If we do not train them to-day they will not make satisfactory citizens when they come to take their place in the battle of life. During the recent war the odds were with the scientific application of the principles of war. The application of science to war or peace, to our political arena or to the ordinary business of life, and the application of knowledge, always make for advancement. As it is with individuals, so it is with the nation. The Education Department have been given the task of developing in a primary sense the youths of the nation with a view to making of them valued citizens, in order that they may play their part in building up the nation in after years. I mention these broad issues, because I feel that it is due to the Education Department that I should do so. We now have a Bill before us giving the Government the opportunity to reduce the staff of that department. It is with a deep sense of regret that I have to admit the circumstances are such that this seems the only course to take. In the words of the old Book, "In the beginning God created the Heavens and the earth." He divided the waters from the land; at another stage He gave us the live creatures of the sea, and eventually the live creatures of the land, and then He concentrated His creation upon the intelligence of the human being. The development of that intelligence has placed man supreme above all other creatures. The work that is given to the Education Department is to further foster the development of the mind. As it has this work solely in its power, it is to be regretted we have to call a halt at the present time. Civilisation and education have shown a definite development of the cranium and the brain over the past centuries. China was well civilised about 2,000 before Christ. We take that country as an example of old civilisation. Its people have the heaviest average brain capacity of any people in the world. The Australian aboriginal, the lowest type of humanity—uneducated as it is—has a brain averaging in weight about 40 ounces. The Southern Europeans, who are known as the Indo-Cau-

casian race, have a brain capacity averaging about 48 ounces.

Hon. G. Fraser: Is this the Anatomy Bill?

Hon. H. J. YELLAND: This indicates that during the 2,000 years of development of the intellect and the brain, the Indo-Caucasian race has developed from the low standard of those days to the extent of about 8 ounces in brain weight on the average. The Chinese, whose civilisation dates back for 2,000 years before that, have a brain capacity exceeding that of the Indo-Caucasian by about another 4 ounces, making the average weight about 52 ounces. That indicates the development of the brain capacity through civilisation. It also shows that we should support our education system if we are to keep pace with the development we hope for. To place restrictions on the department, on account of such stringent circumstances, is regrettable.

Hon. A. Lovekin: You had better not go too far, because most civilisations have broken down.

Hon. Sir William Lathlain: And a lot are out of work.

Hon. H. J. YELLAND: The Bill provides for a type of retrenchment which is different from that which has appertained in the past. When an officer is found to be an excess officer, he is to be removed from that position, and takes one on a lower scale. The officer removed then becomes an excess officer, and goes another step lower down.

Hon. G. Fraser: And joins the unemployed.

Hon. H. J. YELLAND: Ultimately someone reaches the bottom of the ladder. As a rule when a vacancy occurs at the top of the tree, an officer who is lower down steps up one place, and the officer below that one steps up into the former officer's place. That is the principle which has been followed in the past. If retrenchments are necessary, the only fair and equitable way is to reduce officers by the same method as they have been advanced. That is reasonable and fair, and under that system, if men were to be retrenched, the process could be taken back to the person on the lowest rung. In that event, the lowest

officer would probably be able to retain his position, and the difficulty would be overcome by refraining from making any further appointment. That brings us to the stage that the depletion of the officers in the Education Department is made good through the agency of the Teachers' Training College at Claremont. If there is one institution that has proved its worth in this State, it is the Teachers' Training College, which has done remarkably good work. Although at the present time we have an excess of teachers, that has arisen simply because the teachers themselves are retaining their positions for longer periods. That is principally on account of the ladies, for whom the marriage market is a little slack at present. Not so many lady teachers are being married, which means that there are not so many vacancies for those who are being prepared to fill the gaps. The effect of that is that the department must reduce temporarily their training operations. Mr. Franklin has suggested that an inquiry should be held regarding the Teachers' Training College because during the last ten years the cost of conducting the institution has risen from £11,000 per annum to £16,000 per annum. If we regard that in the aggregate we find that it means an increase of £500 a year. The real reason for that development is due to the fact that during that period there have been two reclassifications of the department. As a result, a large impost has been thrust upon the Treasury because of the increases granted under the reclassification of the service. Mr. Drew will admit that was the position. It does not mean that there has been any extravagance merely because the cost of running the institution has risen from £11,000 ten years ago to £16,000 to-day. Look at it from another point of view. Ten years ago the number of students who passed through the Training College was 150 a year. To-day there are 250 students passing through. When we take those figures into consideration we find that even under conditions that exist to-day regarding the cost per student, the figures are on the right side. We must remember that during the ten-year period there has been a great advance in the number of schools erected, of teachers employed, and of scholars taught. Gradually the present system of education has been built up and thoroughly established, and I am jealous of the wonderful work of the Education De-

partment generally. I am too jealous of it to allow any suggestion to be made that an inquiry is necessary regarding the conduct of such an institution as the Teachers' Training College. I am informed that only about 3½ per cent. of the teachers in the Education Department are able—not merely capable, but able—to receive a salary of £500 per annum. When I remind hon. members that our teachers are professional men, I would ask them how many professional men would be prepared to accept £500 per annum as a satisfactory salary? Very few! Yet these professional men in the Education Department have had to submit to a severe training and are called upon to carry out the duty of training the young people of the State to become worthy citizens to take our places in future years. They are asked to do that work at what is a paltry salary for professional men. I will indicate to hon. members what has to be done by these young men and women who enter upon their course of training. Their apprenticeship is most severe. First of all, they must remain for about five years in a secondary school or its equivalent. Then they have to serve for two years as monitors, during which time they are still undergoing their training, and then they have to spend one or two years at the University before they can be regarded as fully qualified teachers. Before they can reach that stage, they have to serve an apprenticeship extending over eight or nine years and before them then is the prospective goal, if they are fortunate enough to attain it, of a professional salary of £500 per year. In addition, they have the knowledge that but 3½ per cent. only of the teachers are able to secure even that salary.

Hon. G. Fraser: No wonder there was the necessity for a reclassification.

Hon. H. J. YELLAND: Young lads and girls who entered the department as teachers ten years ago are 23 or 24 years old before they pass out of training.

Hon. A. Lovekin: They are pretty slow in acquiring knowledge in it takes them all that time.

Hon. H. J. YELLAND: It is not a question of acquiring knowledge; it is a question of special training for special work. The teachers of Western Australia are doing their work remarkably well. I am satisfied that the education system in vogue in Western Australia will compare favourably

with other systems in operation throughout the Commonwealth, and is well worthy of emulation in other parts. I put these points before hon. members because I regard the time as opportune to do so. While it has become necessary to reduce the status of some of our teachers and to shorten hands because of the financial depression, it is only just that the department should have an opportunity of spreading the effect through the whole department in the form of retrogression, in the way that they were able to apply advancement in past days. I support the second reading of the Bill although it is with a great deal of regret that I do so.

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East—in reply) [8.20]: I thank hon. members for the sympathetic reception they have given the Bill. There are practically no queries to which I should give answers. Like other hon. members, the Government regret the necessity for the introduction of such a Bill, but circumstances have necessitated the step. Hon. members can understand the necessity for restrictions being imposed, because additional teachers will not be required for the time being.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to reduce staff:

The CHAIRMAN: I have drawn the attention of the Leader of the House to Subclause 9 which deals with the duration of the measure, and which does not conform to our Standing Order 175. Under that Standing Order the provision dealing with the duration of a measure must be embodied in a separate clause.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move an amendment—

That Subclause 9 be struck out.

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

New Clause:

**THE MINISTER FOR COUNTRY WATER SUPPLIES:** I move an amendment—

That a new clause, to stand as Clause 3, be added as follows:—“This Act shall remain in force until the 31st day of December, 1931, and no longer.”

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

## **BILL—STIPENDIARY MAGISTRATES.**

### *Second Reading.*

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [8.30] in moving the second reading said: In my view the most important function in the community is the administration of justice. At all times it must be fearless, impartial and skilful, and the aim of this Bill is to bring about that desirable state. With that end in view, Viscount Bryce in his work “Modern Democracy” offers a solution in these words—

Capacity and learning, honesty and independence being the merits needed in a judge, how can these be secured? Three things have to be considered: the inducements offered to men possessing these merits to accept the post; the methods of selecting and appointing persons found to possess them; and the guarantees for the independence of the judges when appointed. The inducements are three: salary, permanence in office, and social status, this last being largely a consequence of the other two.

In observance of those views the Bill before the House will create a stipendiary magistracy with a tenure of office similar to that now enjoyed by judges. In the past magistrates have been appointed by the Public Service Commissioner and have had no more security in their positions than any civil servant in the exercise of administrative duties. At the moment it will not be possible to extend the principle of the Bill from one end of the State to the other. The exigencies of so wide a State, with such divergent positions, and the slackness of the public purse, will probably make it impossible for some time to come to have in every case magistrates appointed for a long period of time—the whole period of their

useful lives—with the qualifications necessary for the position. The principle will have to be extended gradually, until in due course, as the community becomes larger and as finance is freer, every person occupying a judicial position will have the same independence of tenure with adequate remuneration, as the judges of the Supreme Court now enjoy. The magistrates in Western Australia at present are as follows:—In Perth, three; in Fremantle, Kalgoorlie, Geraldton, Bunbury, Albany and Northam, one each. That makes a total of nine. In addition there are magistrates at Carnarvon, Cue and Broome, while at other places there are gentlemen occupying the dual position of magistrate and resident medical officer. That applies at Marble Bar, Port Hedland, Roebourne, Derby and Hall's Creek. At Hall's Creek the magistrate is also the postmaster. If the Bill be passed, the intention is to make it operative at the inception to the first nine magistrates mentioned. Under Clause 1 it will be observed that the Act is only to extend to such parts of the State as may be from time to time proclaimed. The reason for that course is that in certain outlying districts of the State the functions of magistrate, as previously mentioned, are combined with those of resident medical officer, and it would be impossible to appoint a whole-time magistrate with the qualifications required under the Act. Therefore, the intention for the moment is to extend the operation of the Act only to some nine magisterial districts. Power is, however, available in the clause to extend it to cover 12 magisterial districts as the State progresses and finances are available. In the meantime the appointments in the districts to which this proposed Act is not extended will remain subject to the Public Service Act. With the provision for an extra three, the Government would have the power to extend the provisions of the measure to, perhaps, Broome. The Kimberley Division should have the advantage of the provisions of the Bill as soon as possible. If that can be done, the magistrate in charge of the district would be given the tenure that will apply to others in the south. Derby and Wyndham are now served by aeroplane, and there is no reason why the resident magistrate at Broome should not be able to visit Derby and Wyndham and carry out the

requisite duties there. Clause 3 provides for the payment of an annual salary to be fixed by the Governor, and a minimum limit of £636 and a maximum of £1,020 are fixed. Those limits are fixed to embrace the varying salaries at present paid to magistrates, £636 being the minimum paid and £1,020 being £60 more than the present maximum. That range of salaries will give the Government—when funds are available—the opportunity to increase the maximum slightly above that now paid. Under Clause 4 it is provided that a magistrate shall hold office during good behaviour and can only be removed on an address of both Houses of the Legislature on the grounds of proved misbehaviour or incapacity. In the same clause it is laid down that a stipendiary magistrate shall not hold office after he has reached the age of 70 years. If the appointments were for life, as in the case of judges, there might be a temptation to a magistrate to continue in office to extreme old age, since no pensions are provided except in the case of magistrates who were in the service prior to 1904. That will place the magistrates in practically the same position as that occupied by Supreme Court judges. In so providing, the precedent set by Parliament in the Arbitration Act Amendment Act of 1925, which lays down that the president of the court, while enjoying every other characteristic of a Supreme Court judge's position, should retire at the age of 70 years, has been followed. Our judges hold office during the term of their lives, subject to removal for incapacity or misbehaviour. That is the practice in England and throughout Australia. The Government may appoint one or two gentlemen who are nearly 70 years of age now. They are acting in a magisterial capacity and there is no reason why they should not be permitted to complete the year or so before attaining the age of 70 years, so that there could be continuity of their services.

Hon. J. J. Holmes: But no pension.

The MINISTER FOR COUNTRY WATER SUPPLIES: No. If the Bill be passed, it will be impossible in those parts of the State to which it will be applied by proclamation for anyone to hold a magisterial position in an acting capacity, except as a stop-gap. Provision has been made that should a stipendiary magistrate be unable to fulfil his duties through ill-health, absence on holidays or for some other such

reason, an officer may be appointed to act in a temporary capacity. The position of such a man would be entirely temporary. In the case of a vacancy occurring through the death or retirement of a stipendiary magistrate, it is proposed in the Bill that the Government may appoint temporarily a man to fill the position for a period not exceeding two months, that being the time necessary to fill the vacancy. If the magistrate at, say Northam, retires, applications would have to be invited from those desirous of securing the appointment. Naturally the Government would seek to get the most qualified man available, and with that object in view it would take some weeks to go through the applications. If a lawyer were appointed to the position, he would require some little time to wind up his affairs before taking over his duties. Apart from those considerations, the intention is that no one shall hold a magisterial position in an acting capacity. It is also intended that those occupying magisterial positions at present shall not be interfered with. Under the existing law no one can be appointed to the magistracy unless he is a qualified solicitor, or has passed the necessary examinations. The Bill proposes to alter that to permit of the appointment as stipendiary magistrates of any of the persons whose names appear on the Public Service List for this year as holding the position of stipendiary magistrate. Under that provision it is intended to show consideration to some who are in that position to-day. There are several gentlemen carrying out magisterial functions to-day who are not qualified as solicitors, nor have they passed the necessary examinations. I move—

That the Bill be now read a second time.

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

## **BILL—EVIDENCE ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the previous day.

HON. A. LOVEKIN (Metropolitan) [8.40]: I am going to suggest to the hon. gentleman sponsoring this Bill that before he proceeds to the Committee stage he should further consider the provisions of the measure. In the present Evidence Act

there is provision for taking affidavits, perhaps in a form different from that which the hon. member suggests in the Bill. I do not propose to take any exception to the clause as proposed, which simply means that a person making an affidavit which has to be sworn in a manner other than that already provided by the Evidence Act, and in the manner provided here, that is to say, uses a certain form of words; I can see no objection to his using any form of words he likes. Apart from that, any declaration or affidavit is good which is sworn in a manner that will be binding upon the conscience of the person making them. Passing that, I cannot agree to accept the amendment which the hon. member proposes in Clause 106a, because it seems to me that, instead of assisting people in making affidavits or declarations or entering into recognisances, he is going to make the position rather more difficult. It is provided here that if a person wishes to make an affidavit, he must go to a commissioner for the taking of affidavits, provided there is a commissioner within three miles. But if there is no commissioner within three miles, then the person making the affidavit can go to a justice of the peace, whereupon the justice has to satisfy himself before he allows the affidavit to be sworn that there is no commissioner within three miles. In a country of long distances such as ours, we do not want to put people to the trouble of chasing about all over the place when they wish to make an affidavit; rather should we make the procedure as simple as possible. The Federal authorities have made the procedure very simple. Section 12 of the Commonwealth Evidence Act, 1905, prescribes that affidavits for use in the High Court, or in any court exercising Federal jurisdiction may be sworn before any justice of the peace without the issue of any commission for the taking of affidavits. We can do that under the Commonwealth law, but under this measure people will have to go all around the country chasing justices and trying to discover whether a commissioner is available or not. If a person goes to a commissioner there are fees to be paid. If members have seen lawyers' bills they will have noticed items such as "preparing affidavits," "attending you on swearing," "marking exhibits," at 1s. apiece and so on. I do not wish to deprive anyone of a job, but for

the sake of the small amount it means to commissioners, we should study the convenience of the people, especially in a big State like ours. If this provision is good enough for the Commonwealth, it should be good enough for us. Therefore in Committee I shall propose to insert the words contained in the Federal Act, which will provide all that is required in this State. I hope the hon. member will agree to that.

**HON. J. NICHOLSON** (Metropolitan—in reply) [8.46]: The House is indebted to Mr. Lovekin for his observations on this Bill. I realise that he is animated by the best of intentions on behalf of the public. He has pointed out the provisions of the Commonwealth Evidence Act and what he has read is perfectly true. But each State has its own laws, its own Supreme Court rules and its own procedure, and I do not know of any State where the appointment of commissioners for taking affidavits is dispensed with. Those men are recognised as officers of the court, not only in the various States, but by the court in England.

Hon. J. J. Holmes: No one suggested that they should be dispensed with.

Hon. J. NICHOLSON: No, but I should like to point out that the Bill has been prompted by a truly altruistic motive. Notwithstanding this, Mr. Lovekin has indulged in some sarcastic remarks resulting in the members of the profession to which I belong coming in for a share of ridicule which is not justified. There is no profession that renders a greater service to the public than does the legal profession. Its members must have undergone a certain course of study and passed various examinations. Naturally when any reference is made to costs, there may be found references to "attending you," "letter to you," etc. I believe Mr. Lovekin is always desirous of assisting the youth of the country, but the suggestion he has made for the elimination of the services of commissioners for affidavits will do great injury to the youth of the profession. Due to the esprit de corps displayed by the profession, the swearing of affidavits is usually assigned to the younger members of the profession. They are the persons who usually gain whatever emoluments are obtained from the swearing of affidavits. Therefore, I

do not consider the hon. member's proposal would be a kindly act to the youth of the profession.

Hon. A. Lovekin: I want to simplify the procedure for the people.

Hon. J. NICHOLSON: At the same time it is desirable that we should respect the rules of the court. They prescribe that certain affidavits, etc., shall be sworn before a commissioner appointed by the court. The fact of commissioners being appointed by the court is in a measure a hall mark of their trustworthiness. It may be said "Very well, why open the door one little bit and allow a few justices to come in?" The reason why the door is being opened a little is to facilitate the taking of affidavits in remote places, so that people may not suffer the hardship they have suffered in the past from having to bear the expense of a special commissioner to take an affidavit, or if a special commissioner was not appointed, from having to travel many miles in order to swear it. Mr. Holmes mentioned that in his province many instances of hardship had occurred. I instanced Wyndham. I do not think there is a practising solicitor at Wyndham, and a man who requires to swear an affidavit for use in the Supreme Court would have to travel to Broome or have a special commissioner appointed in order to get the affidavit sworn at Wyndham.

Hon. J. J. Holmes: If a justice of the peace can take an affidavit at Wyndham, why not in other places?

Hon. J. NICHOLSON: I admit the force of the argument. If I open the door one bit, why not all the way? The reason why I am not opening it all the way is because I wish to pay respect to the rules of the Supreme Court, and I ask members to do the same.

Hon. A. Lovekin: What about the Federal Act?

Hon. J. NICHOLSON: I do not care what the Federal Parliament have done.

Hon. J. J. Holmes: If we legislate in this way, the rules of the court will have to be amended.

Hon. J. NICHOLSON: I ask the House to agree to the Bill, which will overcome great difficulty experienced and hardship suffered in the past. It is not a hardship to travel three miles to swear an affidavit.

Hon. A. Lovekin: Why compel a person to travel three miles if it is not necessary?

Hon. J. NICHOLSON: When moving the second reading of the Bill, I pointed out that in country districts a justice of the peace may be distant more than three miles, and if a man had to go to a justice of the peace, he would have to undertake that journey. The only other way would be to appoint a multitude of justices throughout the State in order to make it unnecessary for anyone to travel any distance at all. Measures like this seeking to introduce reform—

Hon. E. H. Gray: By increasing lawyers' fees.

Hon. J. NICHOLSON: That is where the error comes in.

Hon. J. J. Holmes: You said the fees kept the younger generation going.

Hon. J. NICHOLSON: No.

Hon. E. H. Gray: You said it encouraged them.

Hon. J. NICHOLSON: The hon. member must have misconstrued what I said. I said that any small emoluments which might accrue from the taking of affidavits are generally earned by the younger members of the profession.

Hon. J. J. Holmes: At the public expense.

Hon. J. NICHOLSON: The hon. member says at the public expense, but there is no great expense attached to the taking of an affidavit. The fee, as I explained, is 1s. 6d.

Hon. J. J. Holmes: But what about "attending you whilst making affidavit, 10s. 6d.?"

Hon. J. NICHOLSON: I am glad the hon. member has mentioned that. Mr. Lovekin, with that bantering which he enjoys at the expense of the legal profession, also referred to the costs usually found in a lawyer's bill, "attending you," etc. Assume for a moment that it was made possible for any justice of the peace to take an affidavit, it would not save the client one-half-penny so far as attendance was concerned. It might possibly lead to incurring more costs, and I think the people would be better served by having a commissioner, particularly the people in the populous centres. I admit there is a difficulty regarding people who reside in remote places, and the Bill is designed to overcome that difficulty.



Hon. G. Fraser: If they can do it in the country districts, why not in the metropolitan area?

Hon. J. NICHOLSON: The multitude of affidavits are made in populous centres like Perth, Fremantle, Kalgoorlie, Northam, York, etc., where there are practising solicitors. In all those places are to be found men enrolled by the courts as commissioners for taking affidavits. When affidavits taken by them come before the courts, they can be verified as to the signatures of the commissioners. If the door were opened to all justices of the peace to take affidavits—that is a very bad provision in the Federal Act—there would be no definite record of signatures. Where has anyone fac-similes of the signatures of all the justices of the peace in the State? Accordingly, how is the signature of a justice of the peace to be verified before the courts? Sometimes affidavits are of the greatest importance. We shall be wrongly advised if we open the door too wide. We may open it to the perpetration of some fraud. The courts should exercise a wise determination in regard to these matters. I am seeking to preserve as far as possible by the Bill a safeguard, not for the purpose of helping the profession but of helping the public. That is the difference. The Bill has not been introduced from any such unworthy motive as has been suggested.

Hon. A. Lovekin: That was only banter.

Hon. J. NICHOLSON: I will take it as banter. The Bill has been introduced with a worthy object—to help the public in remote places, to assist them in their difficulties, and to save what I can only regard as needless expense. I hope the House will agree to the second reading. In order to meet Mr. Lovekin's wishes I will postpone the Committee stage until Tuesday next.

Hon. A. Lovekin: No. Go on now. I have an amendment ready.

Hon. J. NICHOLSON: Meantime I wish to consider the matter Mr. Lovekin has brought up. He has only mentioned it to me this evening. In the circumstances I would rather defer the consideration of the Bill in Committee.

Hon. A. Lovekin: I propose to insert the Federal section.

Hon. J. NICHOLSON: I shall take time to consider that matter; I have not had

the opportunity of doing so yet. In the meantime I hope the second reading will be carried.

Question put and passed.

Bill read a second time.

*House adjourned at 9.5 p.m.*

## Legislative Assembly,

*Wednesday, 22nd October, 1930.*

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

### QUESTION—TRAFFIC ACT, LICENSES.

Mr. H. W. MANN asked the Minister for Works: 1, What is the number of the following vehicles licensed at the 30th June, 1930: (a) Commercial motor vehicles, including motor vehicles licensed for the carriage of passengers for hire or reward; (b) other motor vehicles; (c) horse-drawn vehicles; (d) all other vehicles? 2, (a) What was the revenue received from each of the foregoing classes of vehicles during the last financial year, and (b) how was that revenue disbursed?

The MINISTER FOR WORKS replied: The information desired has been laid on the Table of the House.