Legislative Council,

Friday, 10th December, 1920.

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

NOTICE PAPER—DELAY.

Hon. A. SANDERSON: I wish to point out that I have not been supplied with a copy of the Notice Paper. We are working at high pressure and I hope that steps will be taken by the leader of the House to see that copies of the Notice Paper are placed on our tables.

The PRESIDENT: It is the duty of myself and of the staff to see that the Notice Papers are here. I regret that they are not here. It appears that they have only just arrived from the Government Printer, although the Government Printer was furnished with the copy at 12 o'clock last night.

QUESTION—PARLIAMENTARY OFFICIALS' SALARIES.

Hon. J. NICHOLSON asked the Minister for Education: Is it a fact that the salaries of the Clerk and Clerk-Assistant of the Legislative Assembly have been increased, and if so—(a) by how much; (b) for what purpose; and (c) by what method?

The MINISTER FOR EDUCATION replied: (a) The allowance payable to the Librarian and the salary of the Clerk Assistant have been increased by £50. (b) To increase the emoluments of the Clerk of the Assembly to the amount drawn by his predecessor nine years ago, and to the Clerk Assistant to maintain a proper proportion between the two officers. (c) By the Colonial Treasurer on the recommendation of the Speaker.

BILL—FACTORIES AND SHOPS.

In Committee.

Resumed from the previous day. Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 149—Printing of records:

Hon. A. H. PANTON: I wish to make a personal explanation. In dealing with the question of awards last evening, particularly with regard to Bunbury, I quoted from the wrong copy. I was supplied with two copies by the secretary, one the original draft, and the other the agreement which had been adopted. In mistake I quoted from the draft which provided for 48 hours starting not earlier than 8.15 a.m., and finishing at 6 p.m., on five days in the week, with the hours of 8 a.m. to 12.30 p.m. on Saturday. The final decision of the conference was that the week's work should consist of 48 hours starting not earlier than 8.30 a.m. I had no desire to mislead the Committee.

Hon. V. HAMERSLEY: Mr. Stewart has asked me to endeavour to secure an alteration to this clause which I think is very necessary. I move an amendment—

> That in lines 3 and 4 the word "shall" be struck out and "may" inserted in lieu, that the words "fee to be fixed by regulation" be struck out and "prescribed fee" inserted in lieu.

Hon. A. Sanderson: What is the difference between a fee fixed by regulation and a prescribed fee?

Hon. V. HAMERSLEY: There is no difference or a very slight one. The clause would give the Government Printer the exclusive right to print these record books and forms. Other people may be able to supply these books and forms, and so long as they comply with the requirements of the measure, that should be sufficient. We should not compel employers to obtain them from the Government Printer or an inspector.

The MINISTER FOR EDUCATION: Other provisions of the measure provide for uniformity, but I do not propose to compel people to purchase record books and forms from the Government Printer. It was thought that as the printing of these books and returns would be costly, we might undertake to print them in large numbers and consequently more cheaply than would otherwise be the case. It would be wise to leave the obligation on the Government Printer to print these forms, though I do not mind if people are free to purchase them elsewhere.

Hon. A. LOVEKIN: This would be a good provision for the metropolitan area, because the forms could be printed cheaply in bulk and could be readily obtained, but the people in the country could not go to the Government Printer, and probably could not always catch an inspector from whom to obtain a supply. The forms could be printed in country districts. The amendment suggested by the Minister should meet the case.

Hon. A. SANDERSON: Why not allow these forms to be printed anywhere?

The Minister for Education: I agree with that.

Hon. A. SANDERSON: I take it then that anyone will be able to print these forms so long as they comply with the requirements of the measure.

The MINISTER FOR EDUCATION: It is not necessary to strike out the first "shall" but we might strike out the second

one and make it "may." People should be able to get these things from the Government Printer if they so desire.

Hon. A. SANDERSON: I understand this is going to be optional.

The Minister for Education: Except that the Government Printer must supply if he is asked to do so.

Hon. A. SANDERSON: Then I am satisfied to leave the rest to the Minister.

Hon. V. Hamersley: I will withdraw this amendment.

Amendment by leave withdrawn.

Hon. V. HAMERSLEY: I move an amendment—

That in line 4 "shall" be struck out and "may" inserted in lieu, and that in line 5 "only" be struck out.

Hon. A. Lovekin: We should also take out the words "or an inspector only."

Hon. A. SANDERSON: We can accept the assurance of the Minister. The recasting of the clause can be done by his skilled advisers.

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

Clauses 150, 151—agreed to.

Clause 152—Effect of industrial awards and agreements:

The MINISTER FOR EDUCATION: I move an amendment—

That in Subclause 2 "Clause (a)" be struck out and "Subsection 1" inserted in lieu.

Hon. A. SANDERSON: The object of this clause and Clause 113 is to hand over to the Arbitration Court power to amend the measure when it becomes an Act. What is the difference between the two clauses?

The MINISTER FOR EDUCATION: This clause was inserted at the request of the employers, and cannot benefit the employees. If the Arbitration Court, acting within its jurisdiction, specifies shorter hours for employment than are provided in the Bill, these hours will be observed no matter what the Bill says. Clause 113 is designed to make something happen consequent upon an award of the Arbitration Court. The court could fix the hours during which persons may be employed, and Clause 113 says that if the court fixes an earlier hour up to which persons can be employed the shop must close at that hour. The court, however, may not declare that the shops shall close at that hour, because it has no power to do so.

Hon. A. SANDERSON: I do not understand the explanation of the Minister. Time and again we have passed clauses like this, and months afterwards the question has cropped up as to their meaning, and generally I find that they have been passed without explanation. I have no desire to block the business of the House, but I must confess I do not understand the position yet.

The MINISTER FOR EDUCATION: Clause 113 related chiefly to the matter of the closing time for butchers' shops. The court can say that the employees shall not work after six o'clock in the evening, but cannot say that the butchers' shops shall close at six o'clock, for that is outside the jurisdiction of the court. The clause says that when the Arbitration Court has said that the butchers shall not be employed after a certain hour, the shops shall close at that hour. Clause 152 simply says that the awards of the Arbitration Court, when they have been made a common rule and are within the jurisdiction of the court, shall take precedence over this measure.

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

Clause 153—agreed to.

Clause 154—Exemption of portion of State from operation of Act:

The MINISTER FOR EDUCATION: I move an amendment—

That Subclause (4) be struck out and the following subclauses inserted in lieu:—

(4) If either House of Parliament passes a resolution disallowing any such proclamation, of which resolution notice has been given at any time within fourteen sitting days of such House after such proclamation has been laid before it, such proclamation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done or of the omission of anything in the meantime. This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same session of Parliament, or during the same Parliament as that in which the proclamation is laid before the House.

(5) When a resolution has been passed, as hereinbefore mentioned, notice of such resolution shall be published in the "Gazette."

The purpose of the amendment is to bring the Bill into conformity with the Interpretation Act, which provides that where regulations are framed and submitted to Parliament, either House shall be entitled to disallow them.

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

Clause 155—agreed to.

Clause 156—Exemption of bazaars:

Hon. V. HAMERSLEY: Mr. Mills has an amendment on the Notice Paper, but I think I can improve on it. I move an amendment—

That after "bazaar" the words "agricultural show, country race meeting" be inserted.

Agricultural societies do not receive any subsidy from the Government and are serving a good purpose. Frequently they have stalls on the ground, and the proceeds from

the sale of the goods displayed are used to maintain the grounds during the year.

Hon. A. Sanderson: Not always.

Hon. V. HAMERSLEY: Many of these shows do have these stalls with that object. I do not know whether there is ever any other object, unless it be charity.

Hon. A. H. PANTON: Where exactly will this amendment take us? While agricultural shows are run for purposes other than profit, even such a show has a liquor booth which employes barmen, and then there are caterers employing waiters and waitresses. There were no fewer than 680 of these employees at the Ascot Christmas races. These employees make the profits for the people who purchase the privileges of the booths and so forth, and therefore they should be protected. I see a danger in this amendment.

Hon. A. SANDERSON: There is no doubt that the last speaker is right. I am not sure, however, what his attitude is with regard to country agricultural shows. The mover of the amendment, I take it, wishes to protect the interests of agricultural shows, which should be entirely outside the scope of the Minister or the inspectors under this measure, in the same way as are entertainments for charitable, religious or public purposes. But the proprietor of a booth cannot be said to be there for a charitable or a religious or a public purpose, although he has paid, say, £10 to the agricultural show committee for his privilege. If the Trades Hall wishes to control the 600 odd waiters and waitresses on the Perth racecourse——

Hon. A. H. Panton: The Arbitration Court controls them.

Hon. A. SANDERSON: I was not aware of that. Here is the conflict between town and country once again. At a country race meeting or a country agricultural show, there may be a booth or a refreshment room with anything from one to ten attendants. Is it desired to protect country interests in this respect?

Hon. V. Hamersley: Yes.

Hon. A. SANDERSON: To achieve that object will require a clause drafted with great care and skill. The matter is one for an expert, and I shall refuse to take any part in the work. We got ourselves into difficulties in this country by our slipshod methods of legislation. Betting is illegal in Western Australia.

Hon. J. J. Holmes: But do not the Taxation Department tax profits from betting?

Hon. A. SANDERSON: Never mind that. Magistrates and members of Parliament are to be found betting away to their hearts' content at Ascot, without any notice being taken of it. People doing these things just "chance it," and country members might chance this clause without the amendment. If, however, they want to establish themselves in an unassailable legal position, they should have a carefully drawn clause inserted protecting country race meetings and country agricultural shows from the Minister and the inspectors and the police. If necessary, we should have a division on that point; that would be an instruction to the Minister.

Hon. A. J. H. SAW: I oppose the amendment because I think it will lead to absurdity. It will extend from one country town to another, and then to Northam, and from Northam to Kalgoorlie, thence to Fremantle, and so finally to Perth. Booths which are carried on for profit should not come under this clause.

Hon. A. H. PANTON: We may safely assume that an arbitration award would supersede this clause. I know that in most country places the work here in question is done voluntarily.

The MINISTER FOR EDUCATION: I see no necessity for the amendment. The clause as it stands is the clause under which we have been operating for years, and I have never heard of the least trouble arising from it. Moreover, the Minister has power to suspend temporarily the operation of any portion of the measure in any locality. I do not think the clause is intended to cover agricultural shows. The Victorian Act in this connection gives power to the Minister, after due inquiry, to suspend the provisions relating to shops as regards any public place where exhibitions are held for public purposes and not for private gain. Victoria has no general power to exempt, but here we have this clause as well as a general power of exemption.

Hon. J. CORNELL: I cannot support the amendment in its present form. As an old sport, both metropolitan and rural, I see no need for exempting race meetings unless they are held for charitable purposes; and in that case they will be exempt. I agree with Mr. Hamersley regarding the exemption of agricultural shows, and if the Minister's contention does not hold good, I would suggest to Mr. Hamersley that he should withdraw his amendment and move another which, while it would give discretion to the Minister, would also provide the society with all it was entitled to, if it was prepared to carry out the provisions of the Act.

The MINISTER FOR EDUCATION: It is not intended that people should be allowed to sell groceries on race courses. At fairs and bazaars people sell all sorts of things and that is why they are granted exemption. Does Mr. Hamersley suggest that race clubs will sell ordinary articles of commerce?

Hon. A. Sanderson: But what about agricultural shows?

The MINISTER FOR EDUCATION: They would come under the heading of a "fair."

Hon. V. HAMERSLEY: There is a certain amount of doubt in my mind as to the position, and rather than take an assurance from anyone, I would prefer to see some provision in the Bill. I am not so particularly

concerned regarding country race meetings, although people do go there and sell a lot of things. They also provide meals at these meetings.

The Minister for Education: They can still do so.

Hon. V. HAMERSLEY: Still they may come under the definition of a shop, seeing that they are disposing of meals. We do not want an inspector to come along and condemn the bush sheds where the meals are being served. It may be that, by some means or other, the feelings of an inspector may have been hurt and there is no saying what he may do in some of these country districts.

The Minister for Education: I do not think the race-courses would be covered but the shows would come under the heading of fairs.

Hon. V. HAMERSLEY: I am mostly concerned regarding the agricultural shows. I added race meetings because they are so often run in connection with agricultural shows.

Hon. E. ROSE: I am not prepared to agree that the word "fair" covers agricultural shows, because they might not be regarded as being held for charitable or public purposes. At country agricultural shows, there are tea rooms and refreshment rooms, and an inspector may cause trouble because dressing rooms for the waitresses are not provided there, although the premises are only used once a year.

Hon. J. MILLS: This amendment stands in my name. I am sorry I was not in my place to move it. My absence is attributable to the bells not ringing upstairs. At the country shows when prizes are awarded, many people desire to purchase the trophies from the successful people, and it would be hard if they could not continue to do so.

The Minister for Education: How have they got along all these years under this provision?

Hon. J. MILLS: Have these provisions obtained all along?

The Minister for Education: Of course they have, for years past.

Hon. J. MILLS: Then the Act has not been administered.

The Minister for Education: Of course it has.

Hon. J. J. HOLMES: What has happened in the past does not appeal to me in the least. We understand that for the future we are to have a real live department.

The Minister for Education: You have had that in the past.

Hon. J. J. HOLMES: I can foresee a big expensive department over-running the country and harassing everybody.

Hon. A. SANDERSON: I desire to have a clear understanding on this point because I will have numerous requests from agricultural societies in my district to know what the position is. These people should be in a position to have exemption granted to them for 24 hours, so that no restriction should be placed upon them. I put it to the Minister plainly: is he at the present time able to grant exemption for a particular area for 24 hours?

The Minister for Education: Yes.

Hon. A. SANDERSON: Then I can say to these agricultural societies, "Whenever you are going to hold a show, apply in plenty of time to the Minister and total exemption for 24 hours from the operations of the Factories Act will be granted to you." If the Minister will not grant that exemption——

The Minister for Education: I did not say I would not.

Hon. A. SANDERSON: Then if the Minister gives a guarantee that he will grant exemption and it is on record in "Hansard"——

Hon. Sir E. H. Wittenoom: The Minister can not give a promise to do that now. He has to exercise his discretion.

Hon. A. SANDERSON: He can give me an assurance on this particular point. He has done so and has informed me that he has the power to grant the necessary exemptions. That point must be made perfectly clear so that we may know where we are. If the Minister is unable to give that assurance I will divide the Committee, and if the amendment be carried I will ask the Minister to draft a clause.

The Minister for Education: I will gladly draft anything you may carry.

Hon. A. SANDERSON: If we are defeated in the division we shall have to go back to our electors and tell them they must be very careful when holding an agricultural show, because the Bill is a most drastic one.

Hon. Sir E. H. WITTENOOM: It would simplify the matter if we could get an interpretation of "fair." We have heard it associated with meetings in England, but I do not know whether the term could be applied in the same way in Australia. If "fair" could be made to include agricultural shows the difficulty would be overcome.

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

Ayes	12
Noes	8
Majority for	4

AYES.

Hon. E. M. Clarke	Hon. J. Mills
Hon. J. Duffell	Hon. J. Nicholson
Hon. V. Hamersley	Hon. E. Rose
Hon. J. J. Holmes	Hon. A. Sanderson
Hon. A. Lovekin	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. A. H. Panton (*Teller*).

NOES.

Hon. R. G. Ardagh	Hon. J. Cornell
Hon. F. A. Baglin	Hon. J. E. Dodd
Hon. C. F. Baxter	Hon. T. Moore
Hon. H. P. Colebatch	Hon. A. J. H. Saw (*Teller*).

Amendment thus passed.

Hon. A. LOVEKIN: On the suggestion of Mr. Sanderson it was understood that the division represented a test vote, and that the Minister would re-cast the clause to give effect to the wishes of the Committee.

The MINISTER FOR EDUCATION: I am quite willing to have the clause re-cast to give effect to the desire of the Committee, but I shall have to know exactly what that desire is. As Sir Edward Wittenoom pointed out, unless the latter part of the clause is amended, those gatherings will only be exempt when held for religious, charitable, or public purposes. Now, I understand, Mr. Sanderson wants them to be absolutely exempted. Does the hon. member mean that they shall be run for private profit in defiance of the Act?

Hon. A. SANDERSON: It is perhaps asking too much of the Minister that he should re-draft the clause, considering the pressure of business on him. In order to save time I will consult other members and draft a clause to be submitted on recommittal.

Clause, as amended, put and passed.

Clause 157—agreed to.

Postponed Clause 1—Short title and commencement:

The CHAIRMAN: An amendment has been moved by Mr. Holmes to strike out all words after "on" in line 2 and insert "1st July, 1921."

Hon. J. J. HOLMES: Since we have given the Minister power to do almost anything under the Bill, since we have decreed that shops in the metropolitan area shall close at six o'clock, while in the remainder of the State they shall be allowed to remain open, since we make an award of the Arbitration Court, and even a registered agreement, supersede the Act and close up the shops at six o'clock, in view of all these powers given to outside, irresponsible persons, I am prepared to give a responsible Minister power to proclaim anything. I will not offer any further objection to the proclamation, but will withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Hon. A. SANDERSON: Is this a proper time at which to ask when the proposed redrafted clause shall be considered?

The MINISTER FOR EDUCATION: My intention is to complete the Committee stage now and, when we come to the report stage, make the consideration of the report an Order of the Day for the next sitting; then on Tuesday to recommit the Bill. This will afford time for further consideration of some of the details of the Bill.

Hon. J. J. Holmes: On recommittal, shall we be able to introduce new clauses?

The CHAIRMAN: Yes.

Postponed Clause 22—Minister may declare a person to be occupier of a factory for the purpose of effecting structural alterations:

[Hon. V. Hamersley had moved that in line 4 the word "owner" be struck out and "occupier" inserted in lieu.]

Hon. V. HAMERSLEY: I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

The MINISTER FOR EDUCATION: When the clause was previously under discussion it was intimated that if provision was made to protect persons who had already entered into leases, no objection would be offered to the clause, because owners, in making new leases, could protect themselves. To achieve this I have had a proviso drafted by the Crown Law Department as follows: "Provided that this section shall only apply where the occupier of the factory is the tenant under a lease or agreement made after the commencement of this Act."

Hon. J. NICHOLSON: The proviso would not be sufficient. We want to protect not only the owner in the case of a lease made prior to this Act coming into force, but the ordinary man who prepares an agreement of lease without legal help.

The Minister for Education: He deserves anything that happens if he does that.

Hon. J. NICHOLSON: I agree. But a large number of these leases are drawn up by the ordinary agent or bush lawyer, or by merely filling in a printed form obtainable from a stationer's.

Hon. A. J. H. Saw: Or by going to an optician.

Hon. J. NICHOLSON: Under this measure the owner would be liable to carry out any structural alterations or additions if the tenant applied to have the place registered as a factory. A man might let his house and, contrary to expectations, the lessee might convert it into a factory. If no restrictions were imposed, the owner receiving the rack rent would become the occupier for the purpose of carrying out the alterations and repairs required. I move an amendment—

> That after the word "factory" in line 3 the following words be inserted: "And if the owner of such factory shall have agreed with the occupier to carry out any requisite alterations or additions."

This would make the position clear and safe not only for the owner but for the tenant. Then if the tenant wished to use the premises as a factory, the parties could arrange between themselves for the alterations to be carried out, probably on the payment of five or ten per cent. extra rental.

Hon. J. J. Holmes: Is not that provided for?

Hon. J. NICHOLSON: No.

The Minister for Education: The clause does not provide against that.

Hon. J. NICHOLSON: The occupier is required to carry out all notices, and if a

tenant has applied for the registration of a place as a factory and the Minister has notified that certain alterations must be carried out, the owner is saddled with the responsibility of carrying out those alterations irrespective of whether he gets it back from the tenant or whether any increased rent is paid. Then I propose to move a proviso to meet the case in the event of the parties being unable to agree. The occupier should be compelled to carry out the requirements. He has applied to have the place registered as a factory——

Hon. J. Duffell: For his own advantage.

Hon. J. NICHOLSON: Yes; and the following proviso is necessary: "Provided that if no such agreement shall have been made, then the occupier shall comply with all requirements in relation to such alterations and additions."

The MINISTER FOR EDUCATION: Mr. Nicholson's proposal is the most extraordinary I have ever heard. To adopt it would have the same effect as knocking out the clause. The amendment would mean absolutely nothing, because not a single word of the clause would apply. If the hon. member is dissatisfied with my proposed amendment, let him vote against the clause, but he should not seek to insert words which will make the clause meaningless. What is the hon. member's idea? He must surely know that the clause, amended as he suggests, would mean nothing. All that the hon. member suggests can be done under the clause as printed.

Hon. J. J. Holmes: Could not we put in the amendment as an interpretation?

The MINISTER FOR EDUCATION: It was stated that if I had a proviso drafted to protect existing leases, no objection would be taken to the clause. I have indicated a proviso which fully protects them, and now the hon. member has suggested an alternative which would completely destroy the clause and make it meaningless.

Hon. Sir E. H. Wittenoom: Does this provision appear in the present Act, or is it in force in any other State?

The MINISTER FOR EDUCATION: It is in the New South Wales Act of 1912, identical in principle and almost in verbiage. I have done what members asked me to do. If members do not like the clause, I would sooner they voted against it than support a meaningless clause such as the hon. member would make it.

Hon. Sir E. H. WITTENOOM: I cannot grip the importance of this clause. It states that the Minister may notify the owner of a factory and that he will become the occupier. This is quite permissive and there must be certain circumstances in which he would make the notification. I do not suppose they would occur very often. The Minister would probably notify the occupier. If there was something wrong with the occupier, the Minister would fall back on the owner. I cannot understand why an owner should be described as a man receiving the rack rent which in turn is defined as being two-thirds of something else. Why not provide that the owner is the man who holds the title deeds and is receiving the rent? I do not object to the clause because I do not understand it. If it has been in the New South Wales Act for the last eight years there must be some good reason for it. All that is necessary is to give notice to the occupier, though the Minister may in certain circumstances give notice to the owner. What circumstances would occur when notice would be given to the owner instead of the occupier?

[Hon. W. Kingsmill took the Chair.]

The MINISTER FOR EDUCATION: The occupier is always looked to to do this work. If it is necessary to call upon the owner it can only be done by treating him as the occupier. A man may own the freehold of land and have buildings on it. The definition of "owner" is put in to show who the man is who should be dealt with, and we say that the owner is the man who receives nearly all the rent from the property. Exactly the same provision is made in other Acts. It has been in our Health Act for years past. The cases in which this occurs under the Health Act are chiefly in regard to the provision of the necessary sanitary conveniences. Under this Bill the chief difficulties that have arisen in the past are in regard to premises which are occupied by two or three tenants. The question of a fire escape has been one of the chief causes of trouble in the past. It is sometimes impossible to call upon several sets of occupiers to make such provision, and in that case it would be considered right to call upon the owner. If the owner failed to comply with the requests the factory would not be registered.

Hon. V. Hamersley: You want to get at the owner before the occupier.

The MINISTER FOR EDUCATION: The occupier is the only person who can be got at.

Hon. J. J. HOLMES: The Minister for Education has an amendment protecting existing leases and agreements. That is all that is necessary. If we put in a clause which does that in the future, and a landlord does not stipulate that his property may not be used as a factory he will only have himself to blame. When a man lets three shops it is customary for him to stipulate that one shall be used, for instance, as a drapery shop, another as a grocery shop, and the third as a boot shop. Under this Bill these all become factories. The owner will then say he is not concerned about that. The tenant may have to go out of business, but he cannot get out of his lease with the owner. A hardship may then be inflicted on the tenant, and this aspect of the position should be considered. All we can be expected to do is to protect existing leases and agreements.

Hon. J. NICHOLSON: The Minister has not quoted a case analagous to the one I

have put before the Committee. Landlords would expect to be put to the expense of carrying out sewerage and drainage work. This Bill, however, leaves it in the hands of the Minister to require the owner to do many things.

The Minister for Education: If the place is to be registered.

Hon. J. NICHOLSON: If a tenant chooses to apply for a place to be registered, the Minister may call upon the owner to do such work as is necessary for such registration. A private dwelling house may be let to a tenant who may wish to make it into a factory, and all the expense necessary would fall upon the owner of such dwelling house. If the owner is called upon to do a certain thing and fails to do it he can be prosecuted.

The Minister for Education He would not be registered; that is all.

Hon. J. NICHOLSON: It would be better a thousand times to strike out the clause. The provision is a wrong one and will work hardship in many instances, and people will afterwards ask why Parliament ever put it into the Bill.

The CHAIRMAN: I would point out that the hon. gentleman has moved an amendment.

The Minister for Education: The amendment has the same meaning as striking out the clause.

Hon. J. NICHOLSON: The Minister does not understand the effect of my amendment.

The MINISTER FOR EDUCATION: I am content for the Committee to judge the merits of Mr. Nicholson's arguments by the illustration of the dwelling house he has mentioned. Is it common sense to suppose that a person who has taken a house as a residence would be allowed without the owner's permission, to knock down walls and turn the place into a factory?

Hon. J. Nicholson: He could do it.

The MINISTER FOR EDUCATION: Could I as the lessee of a house knock down the walls of a house?

Hon. J. Nicholson: I could use it for anything I liked.

The MINISTER FOR EDUCATION: I ask the hon. member to stick to his case. How can anyone lease a place as a residence and, in any circumstances whatever, without the consent of the owner, knock down walls and do all sorts of things like that? Hon. members do not require to be lawyers to know that such a suggestion is absurd on the face of it. I ask members to draw their own conclusions regarding Mr. Nicholson's argument, judged by the utterly ridiculous illustration he has put before them.

Hon. J. NICHOLSON: The remarks of the Minister are entirely wrong. I did not say that a man who had rented certain premises to be used as a residence would knock down the walls.

The Minister for Education: You said he would knock down the walls in order to make it a factory.

Hon. J. NICHOLSON: I did not say that at all. What I said was that assuming that the house was let for residential purposes, and that the occupier thought he could convert it to better use by having it as a factory, he could apply for registration as a factory under the Bill, but in order to be registered as a factory, he would probably find he would require to knock the walls down.

Hon. V. Hamersley: The inspector would demand the alteration.

Hon. J. NICHOLSON: Quite so. If he knocked down the walls an injunction could be taken out against him by the owner, if the owner did not consent.

The Minister for Education: Or he could be prosecuted for damages.

Hon. J. NICHOLSON: The position is entirely the reverse to that suggested by the Minister. I have not been able to drive my point home apparently but I may do so in time. The position of the parties is reversed because the man who is the owner is converted into the occupier for the purposes of carrying out these alterations and the conditions which are necessary for the protection of the tenant to convert the house into a factory, have to be carried out by the owner.

Hon. A. J. H. Saw: Not by the owner; he would refuse.

Hon. J. NICHOLSON: Dr. Saw does not follow the position. The owner is called upon to carry out the alterations in the sense that he is the person required to do the work.

The Minister for Education: And he refuses to do so.

Hon. J. NICHOLSON: The occupier would be entitled to the protection of the Act.

Hon. T. Moore: When it is a factory, but not when it is a house.

Hon. J. NICHOLSON: Suppose the tenant persists in requiring the alterations and the owner refuses to do the work, in which case the lessee is compelled to carry out these extensions, it might land the owner in heavy expenditure for which he would receive no recompense. The clause is unfair in its incidence.

The MINISTER FOR EDUCATION: The hon. member has given us his illustration. The man lets the house as a residence and the occupier comes along and asks that it should be made a factory. The inspector informs him that he cannot register the premises unless structural alterations are made The Minister, very absurdly—I give Mr. Nicholson the point he has made—calls upon the owner to make the alteration and the owner refuses. That man cannot be prosecuted in those circumstances. All that could happen would be that, the owner having refused to make the alterations, the inspector would say, "Very well I will not register the premises as a factory."

Hon. J. Nicholson: Why put the clause in at all?

The MINISTER FOR EDUCATION: There are a lot of buildings which are let

to tenants and in which, from time to time, it may be necessary to carry out alterations for the safety of the persons working there.

Hon. A. SANDERSON: Having experienced great difficulty in having matters discussed, I am willing to assist my honourable and learned friend Mr. Nicholson to go into this matter, as long as we understand what we are doing. As I understand him, however, he goes further than Mr. Holmes. Mr. Holmes has put the position fairly and clearly. He has pointed out that all existing landlords are protected under the Bill. We cannot go further than that. I will concede to Mr. Nicholson that he is quite right and if I concede that the Minister is quite wrong I will still assure Mr. Nicholson that I will not support him. All we can do is to protect existing rights and that is as far as we can go, in the face of the temper of the Committee and of public opinion. If he thinks he can block the whole Bill, I will assist him.

The CHAIRMAN: Will hon. members consider the clause from the standpoint of the existing agreements between owners and occupier, as foreshadowed by the amendment?

Hon. J. J. HOLMES: In my opinion the effect of the amendment by Mr. Nicholson will be as stated by the Minister. We appreciate that Mr. Nicholson is concerned about people who will not consult lawyers. I suggest that the hon. member should combine his public duties with those of his profession of a lawyer, and issue an invitation to the public to call upon him when making leases. In that capacity he would save people from the trap which is set by this Bill.

Hon. A. J. H. SAW: The point which strikes me about Mr. Nicholson's hypothetical case is that the premises, not being registered, the Minister cannot call upon the owner to make the alterations until the place is registered as a factory.

Hon. V. HAMERSLEY: If the owner refused to carry out the structural alterations required by the inspector, in order that the premises may be converted into a factory and registered as such, I think the tenant would have right of action against the owner for damages.

The Minister for Education: Owners can protect themselves under leases or agreements.

Hon. V. HAMERSLEY: I am not satisfied that Mr. Nicholson's amendment will deal with the position effectively.

Hon. J. J. HOLMES: If an owner let premises to a tenant for five years and the tenant desired to turn the place into a factory, the inspector could refuse to register because the building was not suitable. The tenant would then go to the landlord and the landlord would reply, "I did not let the place as a factory; make the alterations yourself. If you cannot carry on your factory, that is not my business. Your agreement is to lease the premises and pay the rent." If the tenant wanted to carry on the factory, he himself would have to make the alterations.

Amendment put and negatived.

Hon. V. HAMERSLEY: I move an amendment—

That the word "owner" in line 4 be struck out and "occupier" inserted in lieu.

The MINISTER FOR EDUCATION: This amendment has the merit over Mr. Nicholson's that it is shorter, but its meaning is the same. It would be tantamount to striking out the clause.

Hon. A. LOVEKIN: The Minister's amendment should sufficiently cover the position, and protect leases which have been granted in the past. If, after the passing of this measure, people let premises without properly safeguarding themselves, they will run into the noose with their eyes open.

Hon. V. HAMERSLEY: As the general feeling of the Committee seems to be that the Minister's amendment will meet the case, I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

The MINISTER FOR EDUCATION: I move an amendment—

That the following proviso be added: "Provided that this section shall only apply where the occupier of a factory is the tenant under a lease or agreement made after the commencement of this Act."

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

New Clauses:

The MINISTER FOR EDUCATION: I move—

That the following be inserted to stand as Clause 100: "(1.) The Governor may by proclamation constitute any defined portion of the State a shop district for the purposes of this Act, and specify the boundaries of such district, and may in like manner (subject as hereinafter provided) abolish any district. (2.) The Metropolitan Shop District, consisting of the following electoral provinces, namely, the Metropolitan Province, the Metropolitan-Suburban Province, and the West Province, shall be deemed to have been established by proclamation under this Act, but the Governor shall have no power to abolish such district. (3.) If any district is abolished by proclamation, the abolition shall not of itself abrogate any choice or proclamation or resolution of electors theretofore made, issued, or carried under any of the succeeding provisions of this Act and in force at the time of the abolition, and no proclamation constituting or abolishing any district shall of itself render any area subject to any choice or proclamation or resolution of electors made, issued, or carried under any of the said provisions."

We struck out the reference to the Metropolitan-Suburban and West Province constituting a shop district with the idea of inserting a comprehensive clause to cover every situation. Subclause 2 will preserve the principle observed when the Early Closing Act was first passed. The metropolitan district was firmly established by the Act and we intend to continue that.

Hon. A. LOVEKIN: I cannot see why the Governor should have no power to abolish such district as is provided in Subclause 2. Why not give to the people of the metropolitan district the same rights as have been conceded to the people of the other districts?

The Minister for Education: All that this provides is that the Governor cannot abolish the district.

Hon. A. LOVEKIN: I misunderstood the intention.

New clause put and passed.

The MINISTER FOR EDUCATION: I move—

> That the following be inserted to stand as Clause 116: "Notwithstanding anything contained in this part of this Act to the contrary, it shall be lawful for any person with the authority and consent of the local authority to sell, expose, or offer for sale from any stall or vehicle at an open market conducted in the street between the hours of 5 o'clock and 11 o'clock in the morning of any week day, any of the undermentioned goods, that is to say, (a) home made jams and preserves; (b) honey; (3) butter, other than factory butter, and eggs; (d) hams and bacon not being factory made hams and bacon."

At present it is legal to sell at the kerbstone markets any of the articles mentioned in the fourth schedule because there is no fixed opening time for the articles set out in that schedule, but there are articles which are sold and which do not come under the fourth schedule. I do not think the kerbstone markets should be allowed to sell groceries. Representatives of the Housewives' League discussed the matter with me the other day. They wanted an exemption for fancy goods and so on. I refused, and after argument I think they agreed with me. On the other hand, there is no reason why a producer who brings in eggs with vegetables should be allowed to sell the vegetables and not the eggs. There is no reason why he should be prohibited from selling honey, home made jams, butter, hams and bacon.

Hon. A. Lovekin: What about dried fruits, raisins, and so on?

The MINISTER FOR EDUCATION: Those are really grocery lines. I have discussed the matter with the Town Clerk who said that although a man was given a permit to sell groceries, it would never do to have the open markets competing with the ordinary shops and selling goods when the ordinary shops were compelled to be closed. At present the open markets can sell all the articles mentioned in the fourth schedule.

Hon. J. J. Holmes: Can they sell bread?

The MINISTER FOR EDUCATION: Yes. If on top of that we give them the right to sell home made jams, preserves, butter, bacon and hams, I think we shall be meeting all the requirements of the kerbstone markets.

Hon. A. LOVEKIN: As to dried fruits—figs and raisins—numbers of returned soldiers and others are on little plots of land, and we know that the fig and the grape yield profusely in this country. These small settlers should be entitled to dispose of their dried products at the kerbstone market.

The MINISTER FOR EDUCATION: At the present time one can go into a fruit shop at any hour of the day to buy dried fruits. There is restriction only as regards the sale of articles which other establishments are prohibited from selling at certain hours.

New clause put and passed.

Hon. J. CUNNINGHAM: I move—

> That the following be added to stand as Clause 52: "When in accordance with, or as a result of, any award of the court under the Industrial Arbitration Act, 1912, or of any registered industrial agreement which has been made a common rule of the employees employed in the manufacture of articles in any factory or in the principal or one of the principal departments of any factory, the employees are required to cease work on any day at any hour, then the factory or such department of any factory shall cease working operations on that day not later than the hour fixed for the cessation of work under the said award or industrial agreement which has been made a common rule, and shall continue the cessation of work until the time fixed or determined by or under such award or agreement for the commencement of work by such employees."

The new clause stands to factories in the same relation as Clause 113, which has been passed, stands to shops, and will be governed by Clause 152.

Hon. J. J. HOLMES: I do not wish it to be thought that my silence gives consent. I do not think the majority of the Committee are in favour of this new clause or of Clause 113. When the Bill comes up for final consideration, I shall ask for Clause 113 to be recommitted, and also this new clause, if it is passed.

New clause put and passed.

First Schedule:

The MINISTER FOR EDUCATION. It is intended also to repeal the Seats for Shops Assistants Act by this repealing schedule. I move an amendment—

> That the words "Seats for Shop Assistants Act, 1899 (63 Vict., No. 25)" be added to the schedule.

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

Second Schedule:

Hon. A. LOVEKIN: Where do the fees under this schedule go to?

Hon. J. DUFFELL: The fees go into the revenue.

Schedule put and passed.

Third Schedule—agreed to.

Fourth Schedule:

Hon. A. LOVEKIN: Should not butchers' shops be included in this schedule?

The MINISTER FOR EDUCATION: During the discussion on one of the clauses, I gave an undertaking to Mr. Holmes that I would have a clause drafted in regard to the opening and closing of butchers' shops. That clause cannot be dealt with until recommittal. Whether butchers' shops are to be included in this schedule, will depend on the acceptance of the new clause by the Committee.

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

> That in Part II. of the schedule the words "Premises of a registered club" be struck out.

The same words have already been deleted in connection with the definition of "shop assistant."

Hon. A. H. PANTON: Like Mr. Holmes, I do not wish my silence to be construed as giving consent. Why should registered clubs be excluded?

Hon. Sir E. H. WITTENOOM: This is a Bill "to consolidate and amend the law relating to the supervision and regulation of factories and shops." Under what circumstances could that title possibly include a club? A club does not manufacture anything, and does not sell anything. A club makes no profits. A club pays no dividends. Possibly, it may be argued that because a club employs a man to act as cook and to get in certain supplies and cook them, whereupon they are distributed among a certain number of people who pay for them, the club sells them. But the club is simply a combination of people who have agreed among themselves to make what Mr. Panton would call a home from home. Those people are all sharers and partners in the club. A club is exactly like a man's home on a large scale. Therefore, a club, being neither a factory nor a shop, should be excluded from the operation of this measure.

Hon. A. H. PANTON: I have not yet belonged to a club.

Hon. A. Sanderson: You now belong to the best club in Perth.

Hon. A. H. PANTON: If this place is the type of a registered club, then I say registered clubs should come under this measure, because the working hours of the employees here are too long. I am prepared to accept what Sir Edward Wittenoom says about the inner workings of a club. However, the employees of registered clubs in the metropolitan area have done more clamouring at the Trades Hall for organisation than have any other section of employees in the metropolitan area. On getting them organised we found we were up against a brick wall. The registered clubs will not recognise their organisation, and will not draw up an agreement with them. And now we find them fighting us in the legislative halls.

Hon. Sir E. H. Wittenoom: Why worry about them?

Hon. A. H. PANTON: When I find a section of the community asking for assistance at the Trades Hall it is my duty as an officer of the Trades Hall to see that they get it. Sir Edward Wittenoom says that club cooks and stewards are employed in manufacturing nothing, selling nothing. I have yet to learn that the cook is not manufacturing something out of the raw material. I realise that I am going to be defeated on this because the great bulk of members here are club members also. Still, I see no reason why the staff of a club should work under greater disabilities than cooks and waiters in a cafe. I make a special plea to hon. members to give club staffs the same right as is enjoyed by all workers in similar avocations, namely the right to go to the Arbitration Court, or alternatively to make an agreement with their employers. When I find any section of the community clamouring for organisation I know that something is wrong.

Hon. J. Duffell: We have only your word for that.

Hon. A. H. PANTON: And my word is quite as good as that of the hon. member.

Hon. J. Duffell: You said that domestic servants work 22 hours out of the 24. You told us that, but we know that it is wrong.

Hon. A. H. PANTON: I say that domestic servants, living on the premises, are at the beck and call of their employers for every hour of the 24, except the half hour they are off duty.

Hon. A. SANDERSON: Let us examine the question brought forward by the hon. member. Sir Edward Wittenoom has shown very clearly that the clubs cannot logically be brought into a Shops and Factories Bill. I have not the slightest objection to giving all club staffs the right to go to the Arbitration Court. I should like to see domestic servants free to approach the court. Do not let any hon. member go away with the impression that we are rejecting this merely because we belong to clubs. I am opposed to clubs being brought into the schedule, solely on the ground that clubs are neither shops nor factories.

Hon. T. MOORE: I know a good deal about clubs. When I go to the club it is because the pub is closed. If we allow public houses to be included in the Bill, why exclude the place we go to when the public house closes? It is when the hotel closes that the club begins to fill.

Hon. A. Sanderson: Nonsense!

Hon. T. MOORE: I know it of my own knowledge. I cannot see why a steward in a club should have different treatment from that meted out to a man working in a hotel. If hotels are left in the Bill, so, too, should clubs be left in.

Hon. Sir E. H. Wittenoom: The hotel is run for profit, whereas the club is not.

Hon. T. MOORE: We have set up provisions so that certain men shall not work long hours in one week. Why should we not do the same for another body of men who are engaged in exactly the same kind of work?

Hon. A. Sanderson: What about domestic servants

Hon. T. MOORE: The hon. member threw them out. I voted to keep them in.

Hon. A. Sanderson: In this Bill?

Hon. T. MOORE: Yes, the hon. member threw out boarding-houses. We have legislated for those who are employed in hotels, why not do the same for those who are employed in clubs? It is in the clubs that the long hours are worked.

Hon. Sir E. H. Wittenoom: The employees would not stay there if it did not suit them.

Hon. T. MOORE: Members of clubs would be quite willing that the conditions which apply to hotel workers should also apply to those in clubs.

Hon. J. E. DODD: It has been suggested that club employees have not the right to approach the Arbitration Court. That assumption, I think, is wrong. The only individuals who have not the right to approach the Arbitration Court are domestic servants and rural employees. The argument advanced by Sir Edward Wittenoom that clubs do not declare profits is no argument against the inclusion of registered clubs in the Bill. I am a member of the A.M.P., whose profits go to the members.

The Minister for Education: But that is not a shop or a factory.

Hon. J. E. DODD: There is nothing in the contention that registered clubs do not pay dividends.

Hon. A. H. Panton: They cannot go to the Arbitration Court because they are not an industry.

Hon. J. E. DODD: I am not referring to any particular club in the city because there are workers' clubs and the position in some of those is worse than that of others. I would bring all clubs under the provisions of the Bill.

Hon. A. H. PANTON: I have no grievance against clubs or any particular club. I also want to inform Mr. Sanderson that I never go out of this Chamber with a grievance. Whatever fight I carry on here, it finishes here. I assure the leader of the House that insurance employees cannot be registered. I helped to organise them in 1913, and tried to have them registered as an industrial union, but the court ruled against us because they were not an industry, and we have not been able to secure registration since. In the first place, to form an industrial union, you must be in an industry. The president of the Arbitration Court argued that, irrespective of the vocation of the employee, he must be in some industry, as the employer must be in some industry, and that is the interpretation that stands. I am more than ever convinced that if we cannot do anything for the employees in clubs under the Bill, we must find some method by which the difficulty can be overcome. Even if we do include registered clubs I do not see how we are going to improve the conditions of the employees. The only thing we could do for them would apply to the hours that they work. These club employees are to-day industrial outcasts.

The MINISTER FOR EDUCATION: I am not going to discuss the defects, or the supposed defects, of the Arbitration Act. This Bill deals purely with factories and shops and we cannot bring clubs within the definition of either.

Hon. T. Moore: Then why hotels?

The MINISTER FOR EDUCATION: In the Bill as drafted, clubs were not included in the definition of shop or factory. As a matter of fact they are not included in any legislation in Australia or in any part of the world. To include them would be to offend against the principle. A shop is a place in which goods shall be sold retail to the public.

Hon. Sir E. H. Wittenoom: For a profit.

The MINISTER FOR EDUCATION: The business may be carried on at a loss. The principle is the selling or the exposing for sale of goods to the public. We do not define restaurant, or coffee palace or hotel, because we understand what they mean. The New Zealand Act, however, does define restaurant. It says that a restaurant means any premises in which meals are provided and sold to the general public. A shop is defined, as I have said, as a place where goods are sold retail to the public. A club does not sell anything to the public.

Hon. F. A. BAGLIN: I support the deletion of the clause because I have not heard anything which convinces me that we can make a club either a shop or a factory. Mr. Dodd said that the conditions of some of the workingmen's clubs in Perth were much worse than the conditions pertaining to other clubs. May I correct him and say that there is no workingman's club in Perth. I understand that there is one at Midland and one at Fremantle. I can speak for the club in Fremantle. The workers there only work the ordinary hours that apply to harmen, and get a great deal in excess of the existing wage. I do not visit my club after 9 o'clock in the evening.

Hon. T. Moore: A lot of your friends do.

Hon. F. A. BAGLIN: If the hon. member wants to make the conditions appertaining to club work easier, I advise him not to visit his club after 9 o'clock. Even if we provided for club workers in this Bill it would not improve matters for them. What

is required is that they should organise and improve their own conditions. Clubs and hotels are distinct from each other. That which applies to an hotel does not apply to a club. Clubs should not come under the provisions of this Bill.

Hon. A. J. H. SAW: A club is not a factory, and it is not a shop. It is not a factory because members of it toil not neither do they spin.

Hon. T. Moore: The employees toil.

Hon. A. J. H. SAW: I am speaking of the members. Further, a club is like a home. A home is an Englishman's castle, and a club is the fortress where he takes refuge from his wife.

Hon. Sir E. H. WITTENOOM: Mr. Dodd has compared clubs to the Australian Mutual Provident Society, on the ground of distribution of profits. In the clubs I have anything to do with there are no profits. The funds of clubs are raised by the subscriptions of members. It is not customary for clubs to make a profit, therefore they cannot be looked upon either as a factory or a shop. Apparently Mr. Moore is a veritable encyclopaedia. Not a single subject has come up for discussion on this Bill that he has not had some experience of. He knows too much for me. Why is it considered that the workers in clubs are dissatisfied? My experience is that they are quite satisfied. They seem very cheerful, they are well paid, and they have excellent situations.

Hon. J. E. DODD: I was not referring to the Fremantle Club. The reason why domestic servants were omitted from the Arbitration Act of 1912 was because of the opposition of Mr. Moss, not on account of wages, but for the reason that it would place the housewives at the mercy of the inspectors.

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

Schedules 5 to 7—agreed to.

Title—agreed to.

Bill reported with amendments.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—MEEKATHARRA HORSESHOE RAILWAY.

Second Reading.

Debate resumed from 1st December.

Hon. Sir E. H. WITTENOOM (North) [7.30]: Before I address myself to the Bill I would like to place on record my appreciation of the courtesy of yourself, Mr. President, and of the leader of the House in extending privileges to me before tea in order that I might have more time to look through the Bill. We have been devoting so much attention to the Factories and Shops Bill that to suddenly deal with another subject, meant that not very much time was available to go through the measure. However, I listened carefully to the introductory speech of the leader of the House when he presented the Bill to the House. I gathered from him that one of the chief points in the Bill was that there were no terms and conditions laid down as to what the gauge should be. I am heartily in accord with the principle of allowing private enterprise to carry out these works in places where the Government are not able to develop the country by means of railway and other works. When we have resources—I understand that there are very large resources in this particular instance—lying unused, we should give every encouragement to those who are prepared to develop them at their own expense. As a rule it is wise that the Government policy of constructing and owning the railways should be adhered to, but unless there are some improvements evidenced on the profits of the railways, in a year or so I shall be one of those who will be found advocating selling the railways to someone who can run them at a profit.

Hon. A. Sanderson: Hear, hear!

Hon. Sir E. H. WITTENOOM: However, that is anticipating matters. I support the Bill as it comes before us. I have given some consideration to it and I have endeavoured to secure some information regarding the proposition. I have seen one or two of the directors of the company, and they have indicated to me that if the Government and Parliament will only give them some assistance, they will be able to develop the manganese deposits which exist in that part of the State. Mr. Stewart has tabled several amendments to the Bill and the only one I can agree with is that in favour of the time within which operations are to be started being reduced from two years to one year. From what I can understand, the railway is not to be one in the ordinary sense of the word. It is to be more like a road-railway. It will be put down in the easiest possible manner in order to get the manganese down to the head of the established railways. If the amendment proposed by Mr. Stewart is carried stipulating that no line shall be constructed of less than 3ft. 6in. gauge, I am given to understand that the Bill will be futile.

Hon. J. Duffell: They will be carrying passengers.

Hon. Sir E. H. WITTENOOM: I cannot say as to that, but it is not their object to carry passengers. Their aim is to construct a road-railway in order to bring the manganese ore down to the head of the railway. They do not want to make money out of the line by carrying passengers. The work will be constructed in such a manner as professional men in connection with the Railway Department consider fairly safe, not for the purpose of carrying passengers or making money, but simply to transfer the ore to the rail head. Much the same thing has been done at the Surprise mine at Geraldine. They have put a tramway down there, and it can be taken up and thrown to one side without loss of time or expense. The Government have power under the Bill to take the railway over at any time. The lease granted is for 99 years,

but there is a condition attached to enable the Government to purchase the railway at a sum to be fixed, which will not exceed the cost of construction less depreciation. I do not know exactly what depreciation on railways is fixed at. I do not know whether it is 10 per cent. or five per cent. If it is 10 per cent., in 10 years' time, if the line were taken over, the Government would not have to pay much for it. So far as I can ascertain this is largely a speculative railway, and the Bill authorising its construction is, in the circumstances, amply justified. I am informed that the deposits of manganese are magnificent and that this ore is required in connection with the manufacture of steel. This line is what might be termed an elementary railway. If the mine proves successful, a heavier railway will be required. When that heavier line is required, the State can make what conditions it likes. If the Bill goes through, without any harsh conditions such as those affecting the gauge, the carriage of passengers and so on, there is a possibility of money being found to develop the manganese deposits straight away. If the conditions are harsh, however, I am given to understand it is probable that the scheme will not go through. I have much pleasure in supporting the second reading of the Bill.

Hon. J. MILLS (Central) [7.40]: This Bill is for the purpose of providing authority for the construction of a railway from Meekatharra to the Horseshoe bend, where, it is alleged, there is a magnificent deposit of manganese ore. I understand that the ore is there on the surface, and that it only requires development. The Government would be well advised to assist the company as far as they possibly can. We have some 330 miles of railways to Meekatharra, and that line is hardly earning axle grease at the present time. So far as we can see, there is nothing in view that is likely to improve the position. With this ore body there waiting to be developed, the progress of the district, besides the establishment of a profitable commercial concern, should have its effect in assisting to wipe off the deficit, whereas at the present time the railway concerned contributes very largely to it. The Government are not committed to anything in the Bill, but are merely asked to provide the land upon which the railway or tramway, as it has been called, is to be constructed, so as to bring the ore to the rail head. It is in no sense a passenger train although the company will accommodate members of the public who desire to avail themselves of the convenience. At the present time the Meekatharra railway is of little or no use to us, and it is to be hoped that the development of the mine will mean additional prosperity for the district and that the ore will be conveyed to Geraldton which is its natural port and not be diverted elsewhere.

Hon. F. A. Baglin: Why is the line not to be constructed by the Government?

Hon. J. MILLS: I am in favour of the time limits being reduced from three years and two years to two years and one year respectively, because if the company are likely to do anything at all, they will be able to do it within 12 months. If the conditions are not carried out, the mine should revert to the Crown. The Government have entered into other trading concerns such as the timber mills, State brick works and so on, and they are able to compute what is ahead of them and what their costs are likely to be. So far as the manganese proposition is concerned, they would not be groping about in the dark. It has been variously computed as being worth up to 26 millions sterling. If the Government believe in trading concerns —and we know that some members of the Government do—they should look into this matter. For my part I am not wedded to State trading, but the Government would be well advised to give this matter their serious consideration and, if necessary, carry on the work at Horseshoe and so make the railways more profitable. It would not matter if nothing more were achieved than to make the line pay. The Government have nothing to lose and everything to gain and I hope the Bill will have a safe passage through the House.

Hon. J. J. HOLMES (North) [7.45]: If desired this Bill could open up a wide field of discussion. It could open up the question of State versus privately owned railways, and personally I am inclined to think that if we are not now faced with the question of leasing our railway system or handing it over to the railway employees to run, we very soon will be. This Bill was introduced by the Premier in another place. It really appears to me to be a private Bill and should have been introduced as such.

Hon. A. Sanderson: Hear, hear!

Hon. J. J. HOLMES: The leader of the House says that the Government are not committed to anything under this Bill. I have been busy on other matters and not until this evening did I have an opportunity to look at this Bill, but according to Clause 6 the Government have to survey the line at the cost of the owner. This is something which the Government have to do, and are committed to. So far as I can find, no deposit is required from the company concerned.

Hon. J. Mills: The Government would not undertake the work without getting a deposit.

Hon. J. J. HOLMES: That may or may not be the case. But the company are not required to put up a deposit to show that they will pay for the survey of the line or that they will construct the railway. The owner, backed by a Bill such as this, has power to construct a railway, and to have the survey made by the Government, and pay for it after the company is floated, and not pay for it if the company is not floated.

The Minister for Education: It would not be done until after the flotation of the company.

Hon. J. J. HOLMES: The company are getting a concession. They have two years in which to start the work and three years in which to finish it. There is no guarantee that they will ever start the work, but it seems to me to be a liability on the Government to first make the survey. Clause 11 provides that if the owner shall make default in the performance and observance of the provision to construct the railway within the time allowed the Governor may by Order in Council declare the rights of the owner under this Act forfeited, and thereupon the authority conferred by the Act to construct, maintain, and work the railway shall be annulled. If the company fail to so as they intend the concession may be cancelled, but the proviso to Clause 11 permits the company to take away the only asset, namely, the rails and material laid down. These are only one or two points which have occurred to me in looking over the Bill during the last few minutes. It is a Bill which requires serious consideration.

Hon. A. Sanderson: It should be referred to a select committee.

Hon. A. LOVEKIN (Metropolitan) [7.49]: This Bill should be very carefully looked into before it is passed by this House. It is very much like a Bill I remember many years ago in connection with the Midland railway. There was a company which at that time had not a feather to fly with. They got a concession from the Government, a representative of the company let a contract, they had a great banquet at the turning of the first sod, and when it came to the point the company had not sufficient funds to pay for the little festivity. Mr. Keane, the contractor at the time, carried on and exhausted his own finances to continue the work. The company had nothing and another friend of mine, the late Mr. Alex. Forrest, almost exhausted himself in helping Mr. Keane. Finally the Government had to find £600,000 to enable the company to complete the line. The company had nothing from start to finish, but they have since levelled a good deal of abuse against this State for what they are pleased to term the unfair and scandalous treatment meted out to them. This Bill very much resembles that one. As Mr. Holmes pointed out this company might have scarcely a penny in the world or a feather to fly with. There is to be no deposit for the concession, and it seems to me the Government will have to finance the company from the very start.

Hon. Sir E. H. Wittenoom: Not at all; the Government do not finance anything.

Hon. A. LOVEKIN: Clause 4 provides that the Minister for Lands may set apart certain Crown lands and the Minister for Works may resume for the purposes of the railway certain land which has already been alienated. It is almost taken for granted under this Bill that the Government are going to do the paying. Clause 5 provides that the owner shall pay the cost of the acquisition of any alienated land, and shall pay the compensation payable to the owners or occupiers of such land, that is, after the Government have committed themselves to the resumption and have gone to arbitration and got an award. The Government have to find the money in the first instance, and if the company have no money the Government will have to wait.

Hon. J. J. Holmes: Read Clause 6, which states that the Government shall do so and so.

Hon. A. LOVEKIN: As soon as the necessary land has been set apart, reserved and acquired, the Department of Public Works shall survey and lay out the line of railway at the cost of the owner. But the Government, in the first instance, have to find the money for the survey. It is true that the owner is to repay this money, and of course will do so if there is any money. We have nothing to show that the company have any funds at all.

Hon. A. Sanderson: Hear, hear!

Hon. A. LOVEKIN: Possibly this measure is required for no other purpose than to enable the company to effect a flotation, and that with nothing to start with. I do not know anything about it; I am just taking the Bill as it comes. These are a few of the points that occur after reading the Bill. Clause 11 provides that the owner shall begin the railway within two years and shall pay the charges of the Works Department relating to the survey and laying out of the line and the supervision of its construction. That presupposes that the Government must first find the money on account of these people. The proviso sets out that if the owner makes default in the performance and observance of these provisions, the Governor in Council may declare the rights of the owner forfeited, but any rails and material belonging to the owner may be removed within six months and if not so removed shall become the property of the Crown. Here is a company which under Clause 11 may make default in payment and, as Mr. Holmes suggested, we are going to permit them to take away the only assets there will be. I suggest that we want more information than we have before we pass this Bill, and I am inclined to agree with the interjection by Mr. Sanderson that, before we proceed further, this Bill should go to a select committee so that we can get complete information.

Hon. Sir E. H. Wittenoom: It is not worth it.

Hon. A. LOVEKIN: I think it is.

On motion by Hon. V. Hamersley, debate adjourned.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Second Reading.

The HONORARY MINISTER (Hon. C. F. Baxter—East) [7.57] in moving the second reading said: This measure is only a short one which seeks to continue the operations of the Industries Assistance Act for another 12 months. Since the commencement of this Act in 1915 amounts totalling £4,050,870 have been advanced to the different clients, and I think it is well to note what the result of these advances has been. To date an amount of £4,154,533 has been returned since those advances were made. So far 729 customers have received their discharges, and many others, in fact a very large majority, have made good as a result of the assistance given under this Act. The advances made during the 12 months amount to £712,000, which has been utilised mainly to carry on operations during the year. The amount outstanding at 31st March was £697,000. There is no question that this Act has been of considerable benefit to the sections of the community who have availed themselves of it. At the inception of the Act there was a great outcry, in fact I do not suppose that any measure put through the Legislature of Western Australia has evoked so much comment and criticism as did this measure during the first year of its operation, but it has proved one of the most useful measures passed by the Legislature of this State. In addition, it has been the salvation of a very large number of good settlers who, without the assistance rendered possible by the measure, could not have made good on the land. Many of them have been put in the way of making good, moreover, by the instruction they have received from the inspectors of the Industries Assistance Board, and by the care which has been taken to see that they carry on their farms on good business lines. The average farmer under the Industries Assistance Act is working on far better lines than those on which he worked before he came under the Act. This is due largely to the tight hold kept by the board on his operations and his expenditure. A number of the farmers under the Industries Assistance Act are in a fairly solvent position. It might be contended that, being solvent, they should be struck off the list of the Industries Assistance Board. That matter, of course, is open to consideration and debate; but for the good of the people of this State, as well as for their own good, they should not be forced off the board if they do not wish to leave. After all, the board really act as a business organisation putting the farmer in the right way to do his business. The State has benefited in a great many ways from the operations of the Industries Assistance Act. A very little consideration will show what the Act has done for the State as a whole. There has been much comment regarding the effect of the Act on the commercial houses, but I contend that on the whole they have benefited largely from the Act. I know very well that from first appearances it might be said that the Act has borne hardly on those commercial houses that have extended credit to clients of the board. But had the State not been in a position to assist the settlers through this Act, the commercial houses would never have succeeded in collecting that proportion of their debts which they have, in fact, collected up to date. The assistance given has facilitated the payment of land rents, and also been the means of protecting the assets of the Agricultural Bank. Without the advances which were made to the settlers by the Government under this Act, no bank or commercial firm would or could have carried the settlers through. The result would have been that the assets of the Agricultural Bank would have been reduced and that in some instances the bank's securities would have become valueless. If the land of Western Australia is allowed to lie idle for a number of years, it reverts in some cases to a worse state than it was in originally. On many abandoned farms there can to-day be found a growth that is more expensive to clear off than was the original virgin growth. There is no question that the assistance rendered under the Act, enabling so many settlers to remain on their holdings, has materially increased land values in this State. Land values here have an upward tendency, and this is largely due to the men who have made good thanks to the operations of the Industries Assistance Board. No doubt the prices of produce would have assisted towards the settlement of our lands, but the impetus given to settlement from that factor would not have been so great as to increase land values in the way they have increased. Let it be remembered that we have had our settlers on the land all the time producing revenue. That revenue has rendered material assistance to our Railway Department and other Government institutions. As regards the commercial houses, an amount of £210,000 has been paid by the board to those creditors. There is another amount of £40,000 to be distributed now, making a total of £250,000

Hon. V. Hamersley: When is that amount to be distributed?

The HONORARY MINISTER: I believe it is in process of distribution now. Beyond the total amount of £250,000 that has been distributed, there is a balance remaining of £392,000 still due to the commercial houses. It might be contended that the commercial houses have been harshly treated; but without the operation of this Act, the farmers in question could never have righted their position. Their assets were frequently of little value as compared with their liabilities. It is reasonable to assume, therefore, that

had the commercial houses been left to look after their debts themselves, they would not have done any better than they have done under the Act; indeed, it is reasonable to assume they would not have done nearly so well. During the past few years an amount of three million pounds has been paid out in cash to those commercial firms for their wares. That has been in respect of cash transactions, on behalf of the clients of the Industries Assistance Board. I doubt whether more than 20 per cent. of those clients could have kept going without the assistance of the Act. Members will acknowledge, therefore, that the treatment of creditors has not been harsh, although it is an unfortunate fact that those creditors have had to stand out of their money for so long.

Hon. V. Hamersley: Is interest being paid on the debts?

The HONORARY MINISTER: No. The Act has been before the House every year since its inception, and I do not think I need stress its value further. Hon. members know just as well as I do what the Act has meant to Western Australia. I can safely say that the State has received no less than two millions of revenue thanks to the operation of the Act, and that is a hugh amount well worthy of consideration. Before concluding, let me say that the report of the Industries Assistance Board was laid on the Table of the Legislative Assembly on the 23rd November.

Hon. A. Sanderson: It is not on the Table of this House.

The HONORARY MINISTER: I do not know what has occurred, but on inquiring for the report here this evening I discovered that it had not been laid on the Table of this Chamber. I have a copy of it, and will lay it on the Table. The fact that it has not been laid on the Table appears to be due to an oversight. I commend the Bill to hon. members. The measure proposes an amendment to Section 15 of the Act, extending the operation of that section to 1922. The object is to protect the Government in respect of moneys advanced, because some of these moneys will not reproduce any value until 1921.

Hon. A. Lovekin: Will your read the section?

The HONORARY MINISTER: It is a long one. You do not want me to read it.

Hon. A. Lovekin: I have looked at the Act, Section 15 of which you are seeking to amend, and I find there are only 14 sections in it.

The HONORARY MINISTER: In addition, it is necessary that the Government should have a lien on succeeding crops, because a good year may be followed by a poor one, and thus the Government would risk the loss of their advances. The clients of the Industries Assistance Board do not wish the Government to lose anything in this connection, and they approve of the proposed amendment. I move—

That the Bill be now read a second time.

The PRESIDENT: In regard to the laying of the papers on the Table, I would point out to the Honorary Minister that it is very evident that the report of the Industries Assistance Board has not been sent along to this House. The fault is not that of this House, but that of the department concerned.

The HONORARY MINISTER: May I lay the report on the Table now, sir?

The PRESIDENT: Yes.

Hon. A. SANDERSON (Metropolitan-Suburban) [8.13]: It is very difficult indeed not to fell impatient when we have to put up with the treatment that we are now receiving. Of that treatment we could hardly have a better illustration than has been given this evening in connection with the Bill now under discussion. Here we are at the end of the session, and there is enough work on our Notice Paper to last us for a session of two or three months, working quietly and thoroughly, and going adequately into the measures which are sent here to be passed. Now the Honorary Minister comes down on the 10th December with this Bill. We have never received the report or the balance sheet of the Industries Assistance Board. Those documents have never been laid on the Table here. I tried to follow the figures given by the Honorary Minister, but the information which has been furnished is very fragmentary and unsatisfactory. There seems to have been a very large amount of money spent by the Industries Assistance Board. It will be within the recollection of hon. members, and it is well known outside, that this was emergency legislation, passed when the war broke out and the very heavens seemed to be failing us. Now that we have come successfully through the period of the war, we ought to be very indulgent in our criticism of what Ministers and members of Parliament did during that period, so long as we are satisfied that they were really honestly trying to do their best in those most difficult circumstances. Therefore, I make no complaint, and I do not propose to trace the history of the Industries Assistance Board from its commencement. But, if one did that, it would certainly be a very interesting story. I want a definite statement from the Government whether this emergency legislation is to be turned into permanent legislation. If we decide on that, our task will be comparatively simple. We shall have a big public department.

Hon. J. Nicholson: We have one now.

Hon. A. SANDERSON: Yes, but when the Government say that as soon as possible they will get rid of the board, and give us an assurance that at every step they are working towards getting rid of it, we shall know where we are. Are they definitely working to get rid of this Industries Assistance Board, or are they definitely working to continue it as a permanent institution?

Hon. J. Mills: Yes, they are.

Hon. A. SANDERSON: I did not know the hon. member was authorised to speak on behalf of the Government. He may be perfectly right in his answer, but I am afraid I cannot take that assurance.

Hon. J. Mills: You will see that it is correct.

Hon. A. SANDERSON: I am of the same impression.

Hon. J. Mills: Then why question it?

Hon. A. SANDERSON: The reason why I think it will be permanently on our books is that we shall presently get into such a position that we shall not be able to get rid of it, even though we wish to. If at present there was a determination on the part of the Government to get rid of this board, I think even with the difficulties of the position it could be done, and within a reasonable time. One could scarcely imagine anything more difficult than the wool market at present; yet the British Government and the Australian Government have agreed that as quickly as possible, with due regard to all the circumstances, we are to get rid of the wool pool.

The Honorary Minister: They got rid of it once and had to bring it into force again.

Hon. A. SANDERSON: I admit that when you start these pools you cannot, in justice, do anything in a hurry; obligations arise which were not thought of at the time. But it is very different when all parties in the arrangement are honestly making towards a complete disappearance of the pool. We are entitled to know the policy of the Government. Nobody will be severe on them if by force of circumstances they are in difficulties over the matter, but if, on the other hand, they announce that they are going to get rid of this emergency legislation, the Industries Assistance Board——

Hon. J. Mills: The Premier did not say so in the House the other night.

Hon. A. SANDERSON: I have tried to follow the Premier's utterances on this question, but I find it is very difficult to understand anything the Premier is saying just at present. A few weeks ago he said the session would finish before the end of November. But can the hon. member who has taken it upon himself to answer for the Government say whether the Government are openly announcing that they are going to get rid of this board?

Hon. J. Mills: The Premier said that whilst he remained Premier he would not cut it out.

Hon. A. SANDERSON: While he is Premier, within three months of a general election! At all events, if that is correct, we must assume that it is going to be permanently incorporated with our State Trading Concerns. We want a clear, definite announcement on that point. We do not want a Bill to carry on the system for another 12 months. We want a well-considered scheme, with the capital properly arranged and subscribed for the purpose of carrying on this board. But is it fair treatment of this Chamber for the Minister to come down here, make the few desultory remarks and announce at the end of his speech that the report of the department is on the Table of another place. What would be said in an ordinary business company if the shareholders were treated in that way by the chairman of directors?

Hon. F. A. Baglin: They would sack him.

Hon. A. SANDERSON: I do not wish to be severe on the Minister. I do not blame him, but I do blame his Government for permitting him to treat us in the way he has. This is not novel. I understand the Honorary Minister is engaged in very little else but the wheat business. I should have thought he would have the whole matter at his finger ends, he would have realised that the whole of the country is anxiously awaiting information on this subject; and that in consequence he would have made sure weeks ago that every member of the Chamber was supplied with a full account of the operations of the board, so that the whole country might clearly understand the position.

The Honorary Minister: Is the hon. member referring to the Bill in discussing wheat?

Hon. A. SANDERSON: Does the hon. member know what the Bill is about? If the people working under the Bill are not intimately connected with the wheat scheme I should like to know what they are connected with. Since that point has been raised, it is interesting to recall that the original Industries Assistance Board Bill was intended to apply to all the industries in the State. At least nine-tenths of this Bill has to do with the wheat farmers of the State.

The Honorary Minister: That is right.

Hon. A. SANDERSON: I gathered from the hon. member's interjection that he questioned whether, in dealing with the wheat scheme, I was dealing with the Bill. If the hon. member had said to us "I am going to reserve my remarks on the wheat pool until we come to the Wheat Marketing Bill, when I shall place the whole position before the Chamber," then I would not have ventured to speak on this Bill at all. However, I am under the impression that right now and on this Bill is the best opportunity I shall have for dealing with the wheat scheme as a whole.

The PRESIDENT: I do not think the hon. member would be in order.

Hon. A. SANDERSON: Well, that is sufficient for me. I shall not go any further into that matter. I am only suggesting what the Honorary Minister might have done.

The Honorary Minister: I am not administering this measure.

Hon. A. SANDERSON: I confess I thought he was. That shows my ignorance

of the subject. In order to avoid any rebuke from the Chair or criticism from the Honorary Minister, I will leave it on the question of policy in respect to the Industries Assistance Board and on the question of the treatment of this Chamber in regard to the report and balance-sheet for the last 12 months. Not only would I withdraw and even apologise to the Honorary Minister——

The Honorary Minister: I do not ask for a withdrawal.

Hon. A. SANDERSON: No, you do not, but let me put myself right in a higher quarter. Taking the narrowest ground, have we had an indication from the Government as to the future of the pool? Is it a reasonable thing that we have no opportunity for looking into the figures? I am not sure whether the two other subjects I have noted would come into this Bill. On the slightest indication from the Minister that I am going astray with my facts, I will cease my comments. They refer to soldier settlement and the Agricultural Bank. I will not go further than to ask hon. members and the people outside, who are as much interested in this Bill as we are, whether they do not think that the Bill which we are asked to pass to-night, the Agricultural Bank, and all that that involves, and the soldier settlement and the wheat scheme, are not all interlaced, so much so that they can hardly be separated? It is all very well to lay the papers on the Table of the House just before these matters are discussed, but unless we have them at least a week in advance, it is impossible for us to offer intelligent criticism when the Bills come forward.

The PRESIDENT: For the guidance of hon. members and more especially Ministers, I would point out that there seems to have been some laxity in connection with the presentation to Parliament of these reports. I find that the report in question was laid on the Table of another place, but not on the Table of this House, whereas it is distinctly laid down in Section 27 of the parent Act that in every year the Colonial Treasurer shall cause to be prepared a financial statement and report upon the operations of the Act, and that every such statement and report, together with the report of the Auditor General shall be laid as soon as practicable before both Houses of Parliament.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.33]: As the Honorary Minister cannot speak without closing the debate, I desire on his behalf to draw attention to an error in the Bill. It is trifling, but it might cause serious inconvenience if it is not corrected. When the first Act was passed in 1915, Section 13 provided—

> No commodity shall be supplied or money advanced under the principal Act or this Act after the 31st March, 1917.

In 1917 an amending Act was passed, section 15 of which set out—

> Section 13 of the Industries Assistance Act Amendment Act, 1915, is hereby repealed and the following provision shall have effect in lieu thereof: "No commodities shall be supplied or money advanced under the principal Act or its amendments after the 31st March, 1918, except under the provisions of Section 14 of this Act."

Since the passing of that Act of 1917, the Act of 1915, limiting the time within which the commodities supplied or moneys advanced, has been regarded as a dead letter, and our succeeding amending Acts for the purpose of continuing this legislation, have in each case referred to Section 15 of the Act of 1917. The last Act we passed was the Act of last year, Section 7 of which provided—

> Section 15 of the Industries Assistance Act Amendment Act, 1917, as amended by the Industries Assistance Act Continuation Act, 1919, is hereby further amended by omitting the figures "1920" and inserting the figures "1921" in place thereof.

This Bill is intended to carry out the same purpose and consequently Section 15 of the Act of 1917 as amended by the Act of 1919, is hereby further amended. Section 15 of the Act of 1915 has nothing whatever to do with this matter. It relates to different matters altogether. That has been put aside by the amending Act of 1917. How the error was made, and how it came to escape notice in another place, I do not know.

Hon. T. Moore: It was noticed in another place. One member there drew attention to it.

The MINISTER FOR EDUCATION: Although this is a Government measure, I have not the slightest hesitation in finding fault with it by saying that it is wrong, in that Section 15 of the Act of 1915 does not deal with this matter at all. It might be correct if it said that "Section 13 of the 1915 Act," because that is the section dealing with the matter. The correct reading of Clause 2 should be: "Section 15 of the Act of 1917."

Hon. A. LOVEKIN (Metropolitan) [8.38]: One cannot but admire the ingenious and subtle way in which the Minister has got his colleague, the Government, the Legislative Assembly, and the draftsman out of a difficulty.

The Minister for Education: It was not the fault of the Honorary Minister.

Hon. A. LOVEKIN: All I know is that one gets these Bills, and one tries to study them to the best of his ability. When I got the Bill I looked up the Act to see what Section 15 of the Act of 1915 related to. I found that that Act of 1915 contained only 14 sections. I invited the Minister to read out Section 15 and I was referred to another Act, which was not the Industries Assistance Act Amendment Act but the Industries Assistance Act. Then we get back as the Minister says to the 1917 Act and we discern there that that was the Act it was intended to refer to. Now I am trying to find

out what it is that we propose to amend. The Minister says this should be 1917. I believe it should be. The words cannot be right. It is set out—

> The Act of 1917 is hereby further amended by omitting the figures "1920" and inserting "1921."

So that I do not know where we are. We are being rushed with legislation. Bills are now coming down and we are supposed to look into them. The first little Bill that comes along we find contains an error made apparently by the draftsman. The Bill passed another Chamber and the fact that Mr. Moore interjected that the error was detected there, makes the position all the worse, because the Assembly evidently passed the Bill well knowing that it contained an error. Now we are asked to pass it in its present form. We have been told how the clause should read and how we should proceed, but it is necessary to make some other alterations, and we cannot be expected to deal with the Bill after five minutes consideration. The leader of the House should give us an opportunity to look into it.

The Honorary Minister: It will not be rushed, you will have ample time.

Hon. J. J. HOLMES (North) [8.43]: I do not propose to discuss the Bill or the errors it contains. What I propose to do is to try to analyse what the Honorary Minister said when he introduced the Bill. We should have had the report of the Industries Assistance Board some weeks ago, so that we might have become familiar with the position of affairs. I gather from the Honorary Minister that there has been advanced about four millions. There has been expenditure to the extent of about half a million in sinking fund and other channels, and there has been returned about four millions. At the time the board was brought into operation five years ago, I gathered from the remarks of the Honorary Minister, there was owing to the merchants about £600,000. The Government have got back about four millions out of the 4½ millions, but the merchants have only received about £250,000 out of the £600,000 owing to them. There is still owing to the merchants £350,000.

Hon. J. Ewing: An amount of £390,000.

Hon. J. J. HOLMES: I am speaking in round figures. The Honorary Minister has told us that many of these settlers under the Industries Assistance Board are in a solvent condition but do not want to go out. If they go out they have to pay their liabilities.

The Honorary Minister: Those I referred to have paid their liabilties.

Hon. J. J. HOLMES: To merchants as well as the Government?

The Honorary Minister: Yes, they are solvent.

Hon. J. J. HOLMES: Why does the Industries Assistance Board still carry them on? If their creditors and the Government are paid, why do the Government carry these people on, except to make clients of them, who may be very useful in March when the general elections will be held?

The Honorary Minister: The hon. member knows better; it is to assist the administration charges.

Hon. J. J. HOLMES: The Government are acting as bailiffs in this matter. So long as they act as bailiffs for clients the people to whom this £350,000 is owing cannot get their money. That condition of affairs should not exist.

Hon. J. Ewing: And they are getting no interest.

Hon. J. J. HOLMES: The Government get interest on the money they have advanced, and they have first lien over all securities. They have got their money back, but the merchants to whom this money is owing have neither security over assets nor have they had any interest.

Hon. J. Mills: They would never have had a penny but for the Industries Assistance Board.

Hon. J. J. HOLMES: If the Government think they can teach farmers how to grow wheat better than they know at present they are taking too much upon themselves. Our experience in other matters is that immediately the Government interfere with anything it goes down. They have had the audacity to tell this House that they have taught people how to grow wheat. The Honorary Minister says that land values are increasing. How long is it since the party to which he belongs claimed and secured a re-appraisement of land values by way of a reduction? To-night he told us that the land is increasing in value. They have put the buying price down and now they want the selling price to go up. To cut down the value is to reduce the State's assets, but to put the values up is to increase the assets of the individual, and this is what the Honorary Minister takes credit to himself for. I have simply drawn these deductions from what the Honorary Minister has told us. He has revealed a position of affairs which is not satisfactory to me.

Hon. J. EWING (South-West) [8.47]: I regret I have not had an opportunity of seeing the report. I should like to know how this money has been expended, where it has gone, and whether there has been any preferential treatment meted out in the expenditure. The Honorary Minister told us how much had been invested. I take it the total amount was something like five million pounds.

The Honorary Minister: It was four million pounds.

Hon. J. EWING: He also said of that money there had been returned to the State £4,154,000. He further said that there were 759 discharged clients, that last year £702,000 had been advanced, and that over and above that there was £600,000 still owing.

The Honorary Minister: That is correct.

Hon. J. EWING. This makes £1,300,000 now invested in rendering assistance to farmers. I am impressed by Mr. Holmes's remarks. A few years ago when, with my colleagues, I visited different portions of our province, the storekeepers who had advanced money in large amounts, told us that they had been left high and dry. It might well be acknowledged that the merchants and storekeepers of the State have done their part in assisting in the development of the land of Western Australia. But scant courtesy has been meted out to them. They have received no interest on their money. Many of these storekeepers have suffered severely on account of the non-payment of the money due to them. Is it not possible to ameliorate their conditions and make greater repayments to them in the future? I admire the Government who initiated this scheme. It meant the salvation of the State at a time when assistance was absolutely necessary. Although the Government have done a great deal the commercial men and storekeepers of Western Australia have at least played their part. Many of them have not received a penny of the money they advanced, and I should say it will be a long time before they do. It has been brought under my notice from various portions of my province that storekeepers are being crippled on account of having advanced all this money. I hope the Government in extending this scheme of assisting the man on the land out of his difficulties will see that some help is accorded to those who assisted the settlers in the past, and are still doing so. Mr. Sanderson touched the key note of the position. It is a pity he has not an opportunity now of saying what is in his mind. He pointed to the Industries Assistance Board, the Agricultural Bank, the Wheat Marketing Act, and suggested that all the officers concerned might be drawn together and brought under the Agricultural Bank. If that were done expenditure would be reduced, and the work would be carried out in a more efficient manner. In the Industries Assistance Board there is a huge army of civil servants. At the time when it was thought fit to advance this money the whole scheme could have been brought under the Agricultural Bank. The bank would have had different branches to carry on the work, but they would have been under one management. As things are, the officers of the service are not always in sympathy with giving assistance to those who may require it. Ever since the inception of the Agricultural Bank there has been a want of sympathy shown to the south-western portion of the State. It has been difficult for settlers there to obtain any advance from the bank. This must be within the knowledge of the Honorary Minister. If he examines the books of the bank he will find very few clients from the South-West. They have had to go to the ordinary banks and pay the ordinary rate of interest, and have not received the assistance they were entitled to.

Hon. T. Moore: So they owe the Collie traders very little.

Hon. J. EWING: I did not say a word about Collie. I was referring to other portions of the province I represent. Assistance has been refused by the Industries Assistance Board to settlers in the South-West. The Honorary Minister has told us that £4,500,000 has been expended, and most of this money has gone into the wheat areas.

Hon. A. Sanderson: All of it?

Hon. J. EWING: The major portion of it. The case of a settler not far from Collie was brought under my notice four or five months ago. He had a certain area of land cleared and wanted to get seed wheat. He applied for assistance from the Industries Assistance Board in order to put the whole of his land under wheat. I wrote to the department and went minutely into the question. I could not understand the position. On every occasion the reply has been that the board did not wish to advance money in the South-West. All this money has been expended in the wheat areas, but what is wrong with the South-West that it cannot get the same assistance? That is the reason why I rose to speak. I appreciate the good work which has been done and the assistance that has been given to settlers in Western Australia, but I hope the Government will note the fact that in the South-West practically none of this money has been spent, and I trust something will be done in the future to assist that portion of the State. If that is done I am sure the settlers there will be very grateful.

Hon. T. Moore: They are getting a lot of repatriation money spent there.

On motion by Hon. J. Mills, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.55] in moving the second reading said: This is a short Bill, but it is a very important one, and very urgently needed. Notwithstanding the circumstances of its introduction at a late hour in the session, it is one of the Bills I appeal to hon. members to give their close attention to. If they are satisfied that its provisions are just and equitable I hope they will pass it into law. It is not necessary for me in introducing the Bill to delay the House at all by discussing the general question of industrial arbitration. I take it we have accepted it, and that there is no present intention of departing from it. That being so it will be admitted by all members that it is essential that the machinery of our industrial Arbitration Court

should be sound and adequate. I venture to think that the limited measure of success which has attended the Arbitration Court—I mean the fact that the success has been very limited—is due in no small way to the difficulties which have been experienced by parties in getting before the court. Long delays have taken place and apparently are bound to take place under existing conditions. It cannot be expected that workers who consider that they have a good case will remain content with month after month going by and their being unable to get their case heard in the court. I noticed only a day or two ago that a prominent practitioner in the Supreme Court voiced a very vigorous protest against the cases of ordinary clients being delayed several months. When ordinary clients, having to go before the court, protest because they are kept waiting without a judgment on their cases—a very proper thing to do—it cannot be wondered at if those engaged in industries, who have accepted this method of settling their disputes, should take umbrage and become restless if they find the machinery of the court such that they cannot get their cases heard for a long period after they are listed. It is no uncommon thing for the argument to be raised against reference of a matter to the Arbitration Court on the ground that it is not possible to get to the court within a reasonable period. The chief purpose of the Bill is to do something towards removing that obstacle. It is provided under Section 43 of the principal Act that in the case of the illness or absence of the President at any time the Governor shall nominate a judge of the Supreme Court to act as President during such illness or absence. Clause 2 of the Bill proposes to amend Section 43 of the principal Act by inserting after the word "absence" the words "and may from time to time appoint a judge as deputy president of the court and in that capacity to exercise the powers and functions of the president." The intention of the clause is that it will not be only in cases of sickness and absence that a second judge may be appointed. It is intended that when a judge of the Arbitration Court is at work on the ordinary court business, a second judge may be appointed so that the work of the court may be facilitated and additional matters dealt with. It is not the intention to establish two courts. One judge with the two members of the court will be dealing with cases in the ordinary way, and the second judge may take Arbitration Court matters in chambers, and may also preside over compulsory conferences. By that means it is thought that the work of the court can be greatly expedited and numbers of disputes settled in a legal manner, which cannot be settled in a sufficiently expeditious way at the present time. Another difficulty has arisen and an attempt is made to overcome it in Clause 3. Judges who, from time to time, have occupied the position of president of the Arbitration Court, have refused to hold compulsory conferences while a strike exists in the industry affected. They contend that under the existing Act they are not permitted to hold compulsory conferences while there is a strike. I will not question for one moment the legal accuracy of the contention. But it must be very evident that the time when a compulsory conference is most urgently required is when a strike has actually been precipitated, because it is then that everything should be done to end the trouble in a manner equitable to all parties concerned. Undoubtedly the compulsory conference should be, as it has often proved to be, the means of settling strikes. Thus, Clause 3 provides that Section 120 of the principal Act shall be amended by inserting after "dispute" in Subsection (1) the words "and notwithstanding that a lockout or strike may exist." That will remove any doubt there may be in the minds of judges that a compulsory conference may be held when a strike is in progress. This provision links up with the proposal to appoint a second judge, so that when a strike has been commenced, a judge may take the necessary steps to bring about an equitable termination of the trouble.

Hon. J. J. Holmes: The real trouble has been that the judge has refused to sit with law breakers.

The MINISTER FOR EDUCATION: That is not the case. The judge's interpretation, which he has placed upon the Act, has prohibited him from dealing with matters when a strike or lockout has taken place. There is no question of a sentimental objection.

Hon. J. J. Holmes: It is more than sentimental.

The MINISTER FOR EDUCATION: Call it what you like, there is no principle involved except the judge's interpretation of what the Arbitration Act permits him to do. It must be admitted that if arbitration is adopted for the settlement of the dispute, that method should be open at all times and the stage it is more urgently needed is when a strike is in progress. I want that point considered by hon. members. The next provision is in regard to the holding of the conference. It is doubted by judges at the present time whether, in the event of a compulsory conference, they have the power to refer to the court those matters which it has been found impossible to agree to at the conference. Subclause (6) of Clause 3 provides that whenever a conference has been held and no agreement has been reached as to the whole or some portion of the matters in dispute, the president may refer all matters in dispute, on which no agreement has been arrived at, to the court. The clause goes on to provide that the court shall have jurisdiction to hear and determine any matter so referred to it, as an industrial dispute under the Act. The intention, it will be seen, is that

all matters not agreed upon shall be referred to the court to deal with. Clause 4 makes provision for the appointment of a special Commissioner and endows him with powers in very much the same manner as the judge in regard to holding compulsory conferences.

Hon. Sir E. H. Wittenoom: Must the special Commissioner be a judge?

The MINISTER FOR EDUCATION: Not necessarily. Members will be aware that even without this provision, something of the sort has been done in the past and Commissioners have been appointed. That method of settling disputes has proved satisfactory to both parties on many occasions. It is to provide that method with legal sanction that this clause is inserted so as to make it part of our industrial law. Clause 5 makes provision that "when a conference has been held under Section 120 and 120 (a) and an agreement has been reached as to some portion of the matters in dispute, but not all of them, and an industrial agreement is not made between the parties and registered within 14 days after the close of the conference, the president or the Commissioner shall sign and cause to be filed with the clerk of the court a memorandum of the matters upon which an agreement was reached and such memorandum shall thereupon have the force and effect of an industrial agreement between the parties for the period therein specified." It is with the object of finalising matters that the clause is inserted, so that the outstanding matters upon which agreement has not been arrived at, shall be sent on to the court for decision. Clause 6 of the Bill provides for an amendment of Section 48 of the Act so as to increase the salaries of the lay members of the Arbitration Court from £400 to £600. That is an entirely equitable proposal. At the time when the Act was passed and £400 was fixed as the remuneration for the work to be carried out by the members of the Arbitration Court, the work was nothing like as continuous and exhausting as it is at the present time. These gentlemen work very hard and very long hours and their position obviously is one which should be such as to gain the respect and confidence of the whole of the community. In view of the increase, not so much in the cost of living as in the payment for all classes of work, I think that the increase proposed to the members of the Arbitration Court is one at which members cannot cavil. The last clause of the Bill, Clause 7, is one which was inserted in the Bill in the Legislative Assembly. I think it is one which deserves consideration.

Hon. J. Nicholson: It may deserve consideration perhaps.

Hon. Sir E. H. Wittenoom: It is the most important clause in the Bill.

The MINISTER FOR EDUCATION: I do not think so. Sir Edward Wittenoom may mean that it is the most far-reaching clause of the Bill. The most important clauses, from my standpoint, are those which aim at perfecting the machinery of the court to enable disputes to be settled. There is something to be said in connection with the new clause introduced in the Legislative Assembly. The provision is that the court shall from time to time at intervals not exceeding six months after public inquiry as to the increase or decrease in the average cost of living, by order, determine what shall be the basic wage to be paid to adult male and female workers in defined areas of the State. It provides for automatic adjustment by the Arbitration Court of industrial awards.

Hon. Sir E. H. Wittenoom: Upwards?

The MINISTER FOR EDUCATION: I have read the clause and will be glad to hear the views of Mr. Panton and Mr. Moore on this aspect. Was it intended that the clause should provide for automatic increases of wages in the event of an increase in the cost of living and also provide for an automatic decrease in wages if the cost of living decreases?

Hon. A. H. Panton: It says that public inquiries shall be made into the increase or decrease.

The MINISTER FOR EDUCATION: That is undoubtedly what the court has to do, and it says the court may call evidence and summon persons to attend and give evidence and so on. The last subclause provides—

> The minimum wage to be payable under any industrial agreement or award, made before or after the commencement of this Act, shall not be at a lower rate than the basic wage for the time being; and every such industrial agreement and award shall have effect as if it were therein provided that the minimum wage to be paid thereunder should be not less than the basic wage as determined for the time being; but subject to any special provision in the agreement or award fixing a lower rate of wage in the case of workers who are unable to earn the basic wage by reason of old age or infirmity.

It is clear that if the cost of living increases, the Arbitration Court will provide for the automatic increases in the wages, but I cannot see that it provides that where the cost of living goes down, the wages shall also decrease. I will leave that aspect to Mr. Panton to discuss. I will not say I am antagonistic to the clause. I am prepared to give it fair and reasonable consideration. I do not feel I am primarily responsible for that part of the Bill. If hon. members do not object to the clause appearing in the measure, or by amendment desire to make it equitable, I am perfectly content to leave it there. I move—

That the Bill be now read a second time.

Hon. A. H. PANTON (West) [9.13] It is with somewhat mixed feelings that I address myself to the second reading of the Bill. My principal regret is that the time is so late in the session and that the Government have not brought down a more comprehensive amendment of the Arbitration Act. Undoubtedly there are many amendments to be made to the existing legislation if compulsory arbitration is to do all we would like. The Labour party, as a party, is bound to the principle of compulsory arbitration, notwithstanding what may be done by sections of the movement from time to time. The Bill has been brought forward for the purpose of rectifying some of the disabilities which exist under the present Act. I rise with somewhat mixed feelings because there are clauses in this Bill which appear to outsiders to be likely to rectify these disabilities, but some of them I consider will be very detrimental to the trades union movement. The compulsory conference for which the existing legislation provides has certainly caused a good deal of heart burning. Some of the organisations want compulsory conferences to be convened by the judge, and others when in trouble do not want any compulsory conferences at all. The judges for some reason or other have not been unanimous on the matter of compulsory conferences. When the iron workers were on strike Mr. Justice Rooth, at the request of the employers, ordered a compulsory conference and much to our surprise, when we were unable to come to an agreement, he referred the matter straight into the court whether we liked it or not. I mention this because I have a knowledge of what is going on and I wish to tell members candidly about it. The iron workers would have won through within a week but for being referred into the court. The fact of being ordered into the court put a very different complexion on the matter. I well remember the day when I had to address a meeting of 780 men on behalf of the disputes committee, and order them back to work, they having the knowledge that another week would have led to a settlement of the strike in their favour. Mr. Justice Rooth told us that if we did not appear in the court to represent our side of the question, he would give a decision in accordance with the evidence produced by the employers. Therefore we had to declare the strike off and the men had to return to work. That is one instance of a compulsory conference. On the other hand, a strike occurred among the hotel and restaurant employees at Kalgoorlie. It was essential to get the case into the court as soon as possible because the court was going to take the miners' and other cases. It is not an easy matter to get a case prepared for the court and to comply with all the formalities required by the Act and to get before the court. Mr. McCallum and myself set out to find a way by which we could get to the court quickly. We therefore followed the precedent established by Mr. Justice Rooth of asking for a compulsory conference and then getting the matter referred straight to the court. Mr. Justice Burnside was sitting on this occasion and he was prepared to call a compulsory conference, but he decided that he had no jurisdiction, in the event of a disagreement, to refer the matter into the court. That showed a disagreement between the two judges. While I am not going to oppose the second reading of the Bill or seek to amend Clause 3 in Committee, I say unhesitatingly that it will not be for the benefit of the workers who, but for this provision, would often win on a strike. Regarding the appointment of a deputy president, I ask the House what would be the advantage of appointing a deputy president who would be a judge when we have such a small number of judges at our disposal? It is of no use shutting our eyes to this fact. We have Mr. Justice Northmore practically occupied with the civil service appeals. It will take two or three years to do justice to them and clear them up. Sir Edward Wittenoom may laugh, but two or three years will have elapsed before all those appeals are cleaned up. Thus, we are left with two judges. The leader of the House said that complaints are being made regarding the court. I went through seven weeks in the Arbitration Court at Kalgoorlie. We had the miners, shop assistants, engineers, and hotel and restaurant employees' cases. The miners' case is held up. I was to have received the minutes of that case on Wednesday last, but the case has been held up because Mr. Justice Burnside had to take his seat in the Supreme Court. Mr. Justice Burnside is one of the hardest worked judges in the State, and he takes a particularly keen interest in the arbitration work. It was unfair to drag him away from his task of dissecting the large volume of evidence presented in the miners' case to sit in the Full Court for a couple of days. There were 53 witnesses for the miners and 23 witnesses from the other side, apart from the great amount of technical evidence which was called. All this evidence has to be dissected and an award framed on the evidence. If the judge is to do justice to this work, he should be retained in the Arbitration Court and not be called away to the other courts for two or three days here and there. A deputy president will not be of any benefit at all.

Hon. J. Nicholson: Unless he could be left in the Arbitration Court.

Hon. A. H. PANTON: Unless there is one judge in the Arbitration Court all the time. This is the difficulty to-day. There are a lot of disputes existing at the present time. When men are prepared to go into the Arbitration Court and they find that there are already several cases listed, that the court goes into vacation this month and will not sit again until the beginning of March, and when they realise that a large amount of legal work must pile up in the meantime, work which will be cleaned up by the judges

first of all, and that a judge will not be available for the Arbitration Court for any length of time until June or July next, they get restless and grow tired of arbitration. I am satisfied that if the Arbitration Court sat continually there would not be one-half of the disputes to settle outside.

Hon. J. Nicholson: Would not a deputy president help to avoid that condition of things?

Hon. A. H. PANTON: I cannot say whether we shall get him. If Mr. Justice Booth goes back to the court, there will be the Chief Justice and Mr. Justice Burnside to do the whole of the Supreme Court work.

Hon. Sir E. H. Wittenoom: Appoint a new judge.

Hon. A. H PANTON: That is what ought to be done.

Hon. J. Nicholson: That is what the deputy is intended for.

Hon. A. H. PANTON: I have read the "Hansard" reports of the debates in another place and the Attorney General there stated in language that could not be mistaken that it was not intended to appoint another judge. I am absolutely opposed to the proposed appointment of a special commissioner. I cannot see that any benefit will be derived from this innovation. The position to-day is that a judge is the president of the court. If another judge were appointed instead of having a special commissioner, that judge could take advantage of the Act as it stands by convening compulsory conferences whenever he thought it necessary or was asked to do so. The appointment of a special commissioner would simply mean building up another department, for he would be sure to have his clerk and probably new offices and everything else. Sometimes I think it would be better to have someone other than a judge of the Supreme Court as president of the Arbitration Court, but there are other times when I realise how difficult it would be to get a man outside of a judge to please either side. The leader of the House was not quite right in saying that a commissioner had been appointed in various cases. The system to which he refers is not the one proposed under this measure. What has really happened has been that where strikes have occurred, or where there was a probability of a strike, we referred the dispute to an independent board and Mr. Canning has been appointed to hear these cases. He has been appointed by the mutual consent of both parties. This, however, is not the intention of the Bill. It is intended to appoint a special commissioner, not necessarily a judge of the Supreme Court. Whatever Government are in power when the special commissioner is appointed, a great deal of discontent is sure to be caused by his appointment. We are only human, and if the present Government appointed a commissioner the workers would look upon him with suspicion, just as the employers would regard with suspicion an appointment by a Labour Government. I am afraid that the special commissioner will not be the success that some members think he will be.

The Minister for Education: He may be appointed from time to time.

Hon. A. H. PANTON: I do not think he would give satisfaction even then. He will have power to call a compulsory conference and if the parties do not come to an agreement he will be able to refer the matter to the court. The special commissioner will hear the evidence and the hearing will probably extend over four or five days. If he cannot bring about an agreement and he refers the matter to the Arbitration Court, he will not preside in the Arbitration Court. The dispute would be heard by the President and the whole of the evidence would have to be tendered afresh.

Hon. J. Nicholson: It would be better to have another judge.

Hon. A. H. PANTON: Yes, because a judge who could devote all his time to the work of the Arbitration Court would be able to call a special conference at which he would preside, and if the parties could not agree on certain points, the rest could be referred to the court.

Hon. Sir E. H. Wittenoom: All the parties might agree at the conference.

Hon. A. H. PANTON: At a conference the parties might agree on 60 per cent. of the points and disagree on 40 per cent., but at the present time we have to refer the whole matter to the court. This is one new principle sought to be established by this Bill which I commend, but I reiterate that the judge who will finally try the case is the man who should be in the chair at a compulsory conference. He would know what arguments had been advanced and any matter agreed upon could be accepted by the court. I propose to endeavour to amend the clause dealing with the special commissioner so that he will be appointed only on the agreement of the parties concerned. I very much doubt whether it will be of any advantage to have a commissioner appointed by the Government. I disagree with the leader of the House when he says that the time for a compulsory conference is when a strike occurs. That is the worst time. The best time is before the strike begins. During the last 18 months I have devoted a good deal of my time to industrial disputes as chairman of the disputes committee. If we get a conference, whether voluntary or compulsory, before a strike begins, there is a greater chance of bringing about an amicable settlement than if a strike actually begins. Once a strike begins there is a certain amount of dignity on each side; though people say there should be no dignity

about labour, but each party gets on the end of the rope and pulls in opposite directions, and it takes a pretty good man to get them together to talk things over. When one does get that strike, the bitterness has started, whereas there is no bitterness if one gets the compulsory conference before the strike starts. If there was a judge permanently in the Arbitration Court, either side could go to him and say, "There is a dispute arising which will probably result in a strike unless the parties are brought together." In such circumstances there would be easily 80 per cent. of the disputes settled without a strike, and probably 80 per cent of the present arbitration court cases would be settled out of court. I hope hon. members will at least express to the Government the view that another judge should be appointed to take control of the Arbitration Court and perform no other duties. With regard to the increase in salaries of the two lay members of the court, I think they are well worth the money proposed. Those two men have become experts at the game and have a large amount of work to do. It may not seem very much from the outside. However, lay advocates come to the court and pile up evidence, and that evidence has to be dissected by the two assessors. A salary of £600 is not too much for the position. I am a little doubtful as to the basic wage proposal in this Bill. To use Mr. Holmes's pet phrase, "I see a nigger in the wood pile." The basic wage originated in New South Wales. Its inclusion in this Bill was moved by the leader of the Opposition in another place. I regret that it was inserted in this Bill. When one is dealing with industrial matters, one should afford the organisation which is most closely concerned some say. However, I have talked the matter over with leading officials of the Labour movement, and they think this is good. Therefore, I shall not vote against the basic wage clause. But what this Bill proposes is something altogether different from the basic wage principle as understood in New South Wales, where it originated. The New South Wales Board of Trade sits periodically, at intervals of not more than six months, and fixes a basic wage. Here the Arbitration Court fixes a minimum or basic wage, and builds up from that according to the various grades of skill. The New South Wales Board of Trade is composed of representatives of the employers and representatives of the employees, and, for a wonder, representatives of the public. The board draws up a basic wage, as a rule quarterly, on statistics obtained by the board. There is no Arbitration Court in New South Wales, but the wages board system obtains there. Once the basic wage has been fixed by the board of trade it only remains for the various industries through their wages boards, comprising a chairman appointed by the Government and a representative of each side, to fix rates of wages in the particular industry, but no wage so fixed must be less than the basic wage. Each trade deals with its own business, building rates from the basic wage upward, according to the degree of skill required. That is a good system because one can have a dozen wages boards sitting at the same time, and thus there is no waiting for the Arbitration Court to sit. I hope to see that system introduced here. I do not see how the basic wage will work well under this Bill because we shall have to depend absolutely on Knibbs's statistics unless the Government are prepared to build up a statistical department for the express purpose of providing statistics for the board of inquiry under this Bill. The board in question are to inquire publicly, evidently on the same lines as the Federal Basic Wage Commission. But unless the Government provide the proposed board with statisticians, then the board's public inquiries will resolve themselves into contests between the employers and the employees, each side endeavouring to instil into the board its particular ideas as to what the basic wage should be. There will be some chance of overcoming the difficulty if the proposed board are given statisticians of their own. I cannot give the leader of the House any information as to whether there is a proposal to decrease wages as well as to increase them. I have been looking forward for some time to the struggle which will ensue if the law of gravitation ever applies to the cost of living. The struggle will be as to whether wages shall go down with the cost of living. In the Trades Hall I have always argued that it is a comparatively easy matter to settle disputes with the cost of living constantly rising. But it is only reasonable to assume that once the cost of living starts to come down, the employers will take the employees into the Arbitration Court, through compulsory conferences, and will then use the converse of the arguments we are using to-day. Suppose the cost of living goes down by 20 per cent., then the employers will propose a reduction of 20 per cent. in wages. The employees will refuse to accept the reduction, and will threaten to go on strike. Then there will be a compulsory conference, at which the parties naturally will fail to agree. Next, both parties will find themselves in court. I can only say that I hope that the cost of living will not come down as quickly as it went up. I am sorry that the Bill is not more comprehensive, but I realise that a comprehensive measure at this late stage of the session would receive very short shrift. I see nothing in the Bill that necessitates very much amendment except the provision for the special commissioner. Unless I hear something more to convince me of the necessity for the special commissioner I shall try to vote it out altogether. It only means duplicating the present court. If the Government are wise, they will appoint another judge to sit in the Arbitration Court with power to call compulsory conferences.

Hon. A. SANDERSON (Metropolitan-Suburban) [9.40]: I move an amendment—

That the word "now" be struck out, and "this day six months" added to the motion

I want to get on with the work of the House. We should give the Government clearly to understand that we are now going to be treated at the end of this session as we have been treated year after year. We have to consider the best interests of the country, and there are other Bills which we ought not to reject and cannot reject. But here is a Bill which we can fairly reject. We must all of us have listened with great interest to the last speaker, and from his remarks it is to be gathered that the rejection of this measure will not cause any violent upheaval. Apparently the Bill contains only one provision of urgency and necessity, and that is the raising of the salaries of the assessors in the Arbitration Court from £400 to £600. I believe the time will come when there will be only a judge in that court, and no assessors, and when we shall be able to save their salaries. As the leader of the House and the leader of the Arbitration Court bar, however, both say that the salaries should be increased, let them be increased through the Annual Estimates. Then it will be open to members to discuss the matter.

The Minister for Education: It cannot be done that way.

Hon. A. H. Panton: The Arbitration Act fixes the salaries at £400.

Hon. A. SANDERSON: If I had control of the Treasury for half an hour and communicated with these gentlemen, I undertake to say they would not object. I certainly do not wish to see any hardship inflicted in this matter. I shall not go through the various points which have been so ably debated by the last speaker, but he is opposed to practically every clause of the Bill. The leader of the House is opposed to the most important clause.

The Minister for Education: I did not say I was opposed to it.

Hon. A. SANDERSON: I refer to the last clause. I leave it to hon. members present. Certainly I do not wish to put words into the Minister's mouth, but he does not seem very enthusiastic in support of that clause. I say to hon. members here, and if I could I would say to hon. members who are absent, this Bill affords the best opportunity we have of getting a measure off the Notice Paper. Let us reject the Bill tonight, and we shall have done some good work.

Hon. Sir E. H. WITTENOOM (North) [9.44]: If I speak to the amendment, it will not prevent my speaking on the second reading, Sir?

The PRESIDENT: No.

Hon. Sir E. H. WITTENOOM: I intend to oppose the amendment. Whilst I have views of my own about arbitration, which I am not going to express at the moment, I think this Bill of sufficient importance, while we have the arbitration system at work, to warrant our discussing it on second reading and taking it into Committee. As I need hardly say, I do not agree with the Bill in its entirety. I reserve my remarks on the question of the second reading, and at present say merely that I am unable to support the amendment.

Amendment put and negatived.

On motion by Hon. Sir E. H. Wittenoom, debate adjourned.

BILLS (4)—FIRST READING.

1, Land Tax and Income Tax.

2, Permanent Reserves.

3, Public Service Act Amendment.

4, Transfer of Land Act Amendment.

Received from the Assembly.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.50] in moving the second reading said: This is a short Bill amending the Workers' Compensation Act in four directions. I find myself in rather a difficult position in moving the second reading, because two of the amendments which the Bill proposes to make are amendments which I have very strongly opposed in the past. I quite candidly make that admission. In regard to one of these amendments, I can see it will be my duty, as representing the Government, to do the best I can for it. That is as far as I feel prepared to go. The first of the amendments is one which I heartily approve of, namely, to increase the amount which governs the definition of worker from £300 to £400 per annum. I do not think any argument is necessary in regard to that amendment. At the time "worker" was first defined as one earning not more than £300 per annum, that was a high wage for a worker employed in the industries likely to be included under the Workers' Compensation Act. Undoubtedly the increase in wages since then justifies us in saying that if a man does earn over £300 that is no reason why, if otherwise qualified, he should be excluded from the advantages of the Workers' Compensation Act. The second amendment is one which I have fought against on many occasions. It is in regard to including tributers within the meaning of the word "worker." Since the proposal was last before the House, I think in 1912, the circumstances have altered to some extent. There is a very much larger number of men employed in tributing at the present time. Indeed, the Perseverance mine employs more tributers than any other mine in Australia.

Hon. A. H. Panton: They are all tributers.

The MINISTER FOR EDUCATION: I understand there is no other mine in the world which employs tributers on so large a scale. I am not going to put forward any excuse for a change of attitude. I simply regard the facts as they are, namely, that whereas in 1912 the tributer was merely an occasional contractor, at the present time on the Perseverance all the workers are tributers. It is quite competent to put up the argument that those men are really drawing their wages and sharing the profits. Whilst I still hold that a tributer is a contractor, and ought not to be described as a worker, one can advance the argument that those men should have some protection such as is afforded by the Workers' Compensation Act. What would happen if this obligation were cast upon the owners of the mine? They would have to insure all their tributers and take that fact into account when making their agreement for the tribute. The third provision in which the Bill alters the Act is an amendment of Section 6, by omitting "one week" in paragraph (a) of Subsection 2, and inserting in lieu thereof "three days." It means that, whereas under the Act the employer is not liable in respect of an injury which does not disable a worker for at least one week from earning full wages, the Bill proposes to reduce the period to three days. I do not know that there is anything objectionable in connection with that. If a worker is injured for a period of three days, he should get something. A further amendment is really a consequential one. Whereas previously it was provided that compensation should not be paid for the first week, the period is now to be reduced to three days. The last amendment is also one which I previously opposed. It is an amendment of the third line of Section 16 of the First Schedule of the existing Act. Section 16 provides that where weekly payment has been continued for not less than six months the liability therefor may, on application by the employer, be redeemed by the payment of a lump sum to be settled, in default of agreement, by the local court. When the original Act was introduced, the words "or employee" appeared after the word "employer." I was one of those who successfully fought to have those words struck out. The argument I used was that it might very often completely ruin an employer if the employee could take him to the court and compel him to pay the lump sum.

Hon. J. Duffell: He has the provision of insurance.

The MINISTER FOR EDUCATION: But not all employers insure. Although I opposed that section before, my attitude now in regard to it is quite different. I can see many arguments in favour of it which did not then exist.

Hon. T. Moore: Wisdom comes with age.

The MINISTER FOR EDUCATION: But in this instance the circumstances have altered. There is also a proviso that in exercising his jurisdiction the magistrate shall take into consideration the ability of the employer to make compensation in that form. That removes the strongest objection I had previously to the provision. There is also the fact that the Act has now been in force for many years, and that in consequence most of the employers realise the necessity for insuring under it. There is a further point which makes me lean strongly towards the proposal which I previously opposed. I know what has happened. Even in cases where men are covered by insurance, because they cannot demand that the lump sum shall be paid, notwithstanding that they are entitled to the lump sum, they are persuaded into taking a smaller sum in order to get cash down. It is wrong and entirely foreign to the spirit of the Act, and if for that reason alone I would be prepared to alter the attitude which I previously adopted. What occurs is this. In cases where, if the employer himself was to go to the court and say "I want to be relieved of this by the payment of a lump sum," or if the employee could appeal to the court, undoubtedly a certain sum would be fixed and paid; because the employee has no right to insist upon the payment of a large sum, he is now offered a very much smaller sum, and he takes it to get cash down. That is not right. For that reason, and because of the proviso, I think the amendment ought to be made. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

House adjourned at 9.59 p.m.

Legislative Assembly,

Friday, 10th December, 1920.

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