

Legislative Council,

Thursday, 25th October, 1926.

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

BILLS (2)—THIRD READING.

- 1, State Children Act Amendment.
Transmitted to the Assembly.
- 2, Reserves.
Passed.

BILL—STATE INSURANCE.

Second Reading.

Debate resumed from the 26th October.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [4.35]: My attitude towards the Bill is one of most decisive opposition. I am well aware that Parliament has decided that compensation on a very liberal scale is to be paid to miners suffering from various diseases as the result of their occupation, and I will do my utmost to see that Parliament honours its obligation and carries out in its entirety the definite promise made to the miners. But I am strongly opposed to the methods proposed to be adopted, namely the formation of another State trading concern in order to put the wishes of Parliament into effect. I occupy a seat on the board of directors of an insurance company, and I have occupied that seat since long before I had any intention of becoming a member of the House. Yet I feel certain members will acquit me of any ulterior motive in my opposition to the Bill. It makes no difference to me what the State trading concern may be, whether for insurance or for any other object, I will oppose it very definitely. I have been informed, and the statement made by Mr. Stephenson bears out these figures, that the total liability in regard to the miners is somewhere about £500,000 and that the

annual revenue is about £38,000. It must be borne in mind that while the liability will be an ever increasing one the revenue, owing to the closing of the mines, will probably be a decreasing one. In his remarks in moving the second reading, the Minister said the insurance companies had made to the Government a definite offer to undertake the whole of this insurance, provided they were guaranteed against loss. I point out that they were asked to insure for an unknown quantity, that they did not have the information necessary to the making of a definite premium, as to what would be a reasonable amount to cover that particular risk. I think the offer made by the insurance companies was a fair one; for, after all, Parliament has undertaken that the miners shall be compensated—I cordially agree with that decision—but where the amount of compensation is to come from is another matter that must be decided by Parliament. For instance, it would be most unfair—because the greater portion of the liability is retrospective—to make either the mines or the miners responsible for something that should have been done many years ago. However, I do not wish to go into past history; we have to face the present and carry out our obligations to the miners. It would have been much wiser had the Government accepted the offer made by the insurance companies. Then we should have known exactly the position we were in, and if greater losses were made than were covered by the premiums, the money must have come from Consolidated Revenue and not been debited to either the mines or the miners. Directly or indirectly the people of the State as a whole have been the gainers as the result of the work those miners have done. The mining industry has been the forerunner of the definite progress of this State.

Hon. J. E. Dodd: Indeed of the Commonwealth.

Hon. Sir WILLIAM LATHLAIN: Well, of the Commonwealth. Exactly the same position obtains in Victoria. I know the history of Victoria very well, more particularly in respect of mining: for I had relatives who came out here in 1848, and my own father was in Ballarat in the very early days. No one in this Chamber is more earnest in his desire to see these miners properly compensated than am I. But I strongly object to the creation of another State trading concern in order to carry out the wishes of Parliament. There might have

been some excuse for the formation of this concern if the Ministry had decided that it should be for that particular purpose alone. But any thoughts we may have entertained in that regard are blown to the winds, for we find the State illegally, without the sanction of Parliament, launching out into all sorts of insurance. The new department is undertaking the insurance of wheat crops. It may yet have to undergo the same bitter experience of damage by hail as some of the insurance companies have met. The only reasonable way of compensating the unfortunate miners is by a consolidated measure that would embrace all forms of miners' diseases as well as tuberculosis. Then sufferers could be compensated by the State, as is done in respect of tubercular men at present. This could be effected by way of a small amendment to the Workers' Compensation Act, removing those men from its scope and transferring them to the Miners' Phtthisis Act. The insurance companies, when asked to quote, did not have placed before them the information necessary to determine a fair basis. I hold no brief for the insurance companies in particular. It is all to the good and the general advancement of the State that every business should make a profit. It does not matter whether a man is growing wheat, or is in the drapery trade, or in the ironmongery trade, it is all for the good of the State that these concerns should make a fair and reasonable profit. Opposition to State trading is nothing new with me. I have been a bitter opponent of that principle from its very inception. In 1912, when I was president of the Perth Chamber of Commerce, I stated in my annual address—

We are to have, it is said in the Governor's Speech, National Steamers, National Trams, National Implement Works, National Brick Works, National Timber Mills, National Milk Supply, National Fish Supply. As commercial men we do not fear competition from anyone, with the established proviso in all commerce that any undertaking should at least pay interest on the capital invested. We, however, do most strongly object as the largest taxpayers to find money to compete against ourselves, and then in addition to be further called upon to pay for the losses which these ventures will assuredly prove, if judged by the results of similar ventures in the Eastern States. The Government are thus appointing themselves directors of a number of commercial trading concerns, and we who are the electors thus become unwilling shareholders, and will have every right to insist that a true report and balance sheet of each separate concern will be submitted to the shareholders annually.

Has a true report and balance sheet of all these State trading concerns been annually submitted to the people? This has not been done. In the following year I again became president of the Perth Chamber of Commerce, and in the course of my report stated—

The State steamers showed a loss of £20,000, and I am sure I am only echoing the surprise of the community to learn that the Commission appointed by the Government to inquire into that department of Government enterprise should have been so abruptly cancelled on the resignation of the officer in control. However, one may be inclined to criticise the personnel of the Commission, containing as it did a majority of Government officers, it cannot be regarded as other than extraordinary that the Commissioners should have been disbanded before their work had been completed or a report prepared. The Government are now pushing on with their other trading ventures, and we have heard from its members glowing accounts of what is expected from them. For the manufacture of agricultural implements they have started by purchasing an obsolete plant from an estate in liquidation in South Australia. I desire to point out that there are very few agricultural implements in demand by the farmer that are not patented, and patent rights cannot be taken away, even by a Government, without adequate compensation. Will the Government be able to produce a better article than, say, a McKay harvester or a Massey-Harris reaper-thresher? In addition to this, the implement makers give purchasers three years' terms. These are important points that should not be overlooked when the Government are experimenting with the people's money. For the brickmaking industry the Government have purchased the discarded plant of a late Victorian State Government, who were also of the opinion that they could make bricks better and cheaper than private enterprise, but the sale of their plant speaks for itself, and I hope that after we have finished with our experiments we will be fortunate enough to find such good buyers for our obsolete plants. The motto for the day upon my almanac recently was "Do not waste your own good years trying to solve business problems that other men have already solved," and I would courteously commend that motto to the thoughtful consideration of the Government.

I commended this to the Government of the day 14 years ago, and I commend it to the present Government. In the present instance I can speak with the decided authority of my own electors. I am one of the most recently elected members of this Chamber. During my strenuous campaign at every meeting I held I spoke strongly and decisively in opposition to State trading concerns. That in itself was not sufficient for me. I issued a circular, a copy of which I have here, to every one of the 21,000 odd of my electors, setting forth my views in particular and enunciating my determination in regard

to this principle. I have voiced my opinion outside upon every possible occasion. Now that I have been returned as a member of this House I shall not only voice my opinion, but give my vote in opposition to any State trading concern on every occasion when one is brought forward. In my manifesto I wrote these words—

I am strongly opposed to State trading concerns, and I venture to say that their establishment has done more to retard the progress of manufacturing generally, and prevent the establishment of new industries in the State, than the people generally recognise. Quite recently the Commonwealth Government sold the Geelong Woollen Mills to private enterprise, and private enterprise is to-day employing over a hundred more hands in the same mill than was the case under Government control, and I am certain that in all our State industries private enterprise, which would also be called upon to pay municipal taxes and both State and Federal income taxes, would produce far better nett results and give employment to many more people.

By the high-handed action of the Minister for Labour in starting another of these State trading concerns in opposition to the expressed will of Parliament, one would imagine that these undertakings had been a gigantic success. No Government that has been in power, whether Liberal or Labour, National or United Party, or any other party had enough pluck to make a clear and concise statement of the enormous total losses that have been made upon these concerns.

Hon. J. Cornell: That means that they refused to hang themselves.

Hon. Sir WILLIAM LATHLAIN: No Government is game enough to tell the people truthfully the results of this disastrous policy, and face the day of retribution. When that day arrives, as assuredly it will, the people will receive a great and serious shock. As a striking instance of the methods of private enterprise as compared with Government enterprise, may I point to the difference between the McKay Harvester Company in Victoria and our Rocky Bay Implement Works? At Sunshine a township has been created as a result of the organisation of one man. Beautiful and commodious homes have been built, surrounded by picturesque gardens. Connected with that concern is every possible contrivance to increase the output, and for the adoption of up to date methods by the application of science. Everything possible has been done in the way of creating one of the biggest industries

in Australia. In addition to that the company does something which the State Government have never done, that is to say, it pays municipal taxes. That is a very important point. The fact that Government concerns do not pay taxes means unfair competition against those who are engaged in similar concerns. In addition, the company pay exceptionally large sums to the Income Tax Departments, both Federal and State. It has been definitely stated that the McKay people are amongst the biggest taxpayers, either Federal or State, that are found in the Commonwealth to-day. I have no desire that men should be put out of work. I want them to have opportunities for increased work, but I do want the right people to be handling these concerns. At the State Implement Works there is an enormous pile of obsolete machinery and second-hand implements. There has been a huge writing down of capital, the sum involved being considerably over £100,000. The ever-increasing losses represent a monument that has been erected by a series of weak-kneed Governments.

Hon. J. R. Brown: They are weaker-kneed in this Chamber.

Hon. Sir WILLIAM LATHLAIN: The duty of the Government is to govern, to guide and inspire the people, and to develop the country. Many Governments in power think they are better engaged in the more menial occupations of selling butcher's steak, pots of beer, and many other similar commodities. That type of thing is degrading to any State, and it is also degrading for the people to think that they are dependent upon such concerns as these for their revenue. Recently in another place, the Minister for Lands, in a very able and eloquent address, pointed out that he was almost at the end of his tether in regard to the alienation of further areas of land reasonably adjacent to railways. He stated that in his opinion a large sum of money would be required immediately for the construction of railways to open up and develop our lands. More money has been sunk and lost in State trading concerns than would have been necessary to provide all the railways needed for the development of the State for many years to come. To sink another amount of capital, which would have to be put into this State insurance concern, would be wrong, because if there is one thing we need at present more than anything else it is concentration of the whole

of our energies and resources upon the development of the State. Never in our history has there been a time when the eyes of the world have been so directly turned towards Western Australia. If we are wise in our day and generation we will seize the great opportunity that is presented to us, and show that we are prepared to cope with the situation as it comes along. I believe that within a short space of time we will have a big stream of people turned towards this State. Rather than lock up any money in State insurance I would put every penny of it into railways. I would sell the State Implement Works, the State Hotels, and all the trading concerns, and put all the money realised from these sales into the construction of railways and the development of the State. If the Government would do that, they would be doing something to carry out in a direct manner the wishes of the people. One would imagine that immediately a man assumes the position of Minister for Works or Minister for Labour he, in some peculiar way, becomes endowed with superhuman power or abnormal brain power. I am not referring to the present Minister for Works. I would take the whole series of Ministers from the inception of State trading concerns, and put them all in the same category. They pose as authorities or experts in every trade, profession and science under the sun. It is waste of time for men, upon whose shoulders the whole responsibility of their various offices falls in the development of a State like ours, that they should give so much of their time to these tin-pot concerns. In my opinion, these undertakings are the black curse of Western Australia. They have done more to prevent people from starting in business here than anything I know of. The McKay Harvester people recently came here. I believe they would have been here ten years ago, but for the obsolete establishment at Rocky Bay. It was obsolete from the beginning. It purchased an insolvent plant to start with, and it has been insolvent ever since. The same remarks apply to the State Brickworks. There is an enormous demand for bricks, but we cannot expect people to invest money in an industrial enterprise of this sort when they are up against competition at the hands of a concern belonging to which are 375,000 unwilling shareholders, who have to pay for the losses whether they want to or not. The same thing applies to the quarries, and the

implement works. Any amount of money would be available in Western Australia for good, sound industrial concerns, provided the people were allowed to control them, and they were not managed by a number of persons who cannot be expected to possess the ability necessary for their management. I hold no brief for the insurance companies. I do not care one button about them, but I do care for any man who is doing a legitimate business in what he believes to be in the interests of the State, so long as he is giving the people a fair deal. There are insurance companies doing business in Perth that have been established for considerably over a century. Even before Western Australia was born, they were operating, and by fair dealing, sound business principles, and the adoption of scientific methods, they are to-day in a position to suit the whole of the trading community of the State, even though they may not be able to suit the claims made by the Government. Quite recently in America a very determined effort was made to boycott the whole of the English insurance companies doing business in America because Britain—very fortunately I say—controls the world's rubber output. The Americans set about to belittle the efforts of the British insurance companies doing business in America, and they adopted all sorts of extreme methods to draw the attention of the people to the fact. However, the British companies were not affected one iota because the people of America realised that they had always had a fair deal from Great Britain and they were quite satisfied to continue to do their business with the companies. In Western Australia the people doing business with the insurance companies have had a fair and reasonable deal from those companies, and perhaps I stand here as an example of the biggest deal and the biggest payments ever made by insurance companies in Western Australia. A few years ago I experienced a disastrous fire. My dealings were with one company, and what that company did by way of apportioning its risk had nothing to do with me. In less than one week from the date of the fire, the company with which I was doing business were prepared to pay me the sum of £65,000 without a murmur. I should not like to be in the position of having to wait to prove everything before a State insurance concern in the expectation of as prompt a

payment from that concern of a sum anything like £65,000. In the Act of 1917, Section 4, Subsection 2, it is set out—

No trading concerns other than those to which this Act applies or shall apply, shall, unless expressly authorised by Parliament be hereafter established or carried on by the State, or by any person acting on behalf of such Government, or under its authority.

We all thought that with the cessation of the war the days of autocracy had gone, but we have had more examples of autocracy from Governments in Australia and from the Western Australian Government, since the termination of the war, than before. The methods adopted in the present instance of forcing a State insurance concern in direct opposition to the wishes of the people, savours very much of the methods followed by Mussolini. Whilst the methods adopted by Mussolini may suit the Latin races of Italy, they will not be tolerated by the British community in Western Australia. I do not want a red herring trailed across this Chamber because I sincerely believe there is not one member here that does not desire to carry out the wishes of Parliament in their entirety, that is to say, to give miners the compensation to which they are entitled, for the great sacrifices they have made. We do, however, strongly object to the methods that have been adopted by the Minister and those responsible for forcing upon the people another State trading concern. We have to-day State insurance over wheat crops, farms and numerous other things. Later on probably the Government will attempt to bring about State life insurance. There are no people in the world who are better served with a truly Australian service than are the people of the Commonwealth, by institutions such as the A.M.P. Society and many others. The A.M.P. Society is the greatest example of organisation that exists in the world to-day. There is none greater. That society during the period of the war, and at many other times, rendered great assistance to the Commonwealth as a whole. It has also given considerable assistance in a financial way to Western Australia. Now it is suggested that it shall be brought into competition with a concern to be run by the State and for which no one shall be responsible. I wish to refer to certain remarks made by the Chief Secretary when moving the second reading of the Bill. He asked us to offer constructive and not

destructive criticism. My constructive criticism is that there are other means by which the proper result can be obtained. The Chief Secretary, in stating his case, made reference to the fact that the State Insurance Department had, over a period of 13 years, paid certain claims, and also that there was a reserve fund of some £12,000. That may seem a lot of money for a State concern to amass in 13 years, but it is a puny amount compared with what the insurance companies as a whole have accumulated in Western Australia in the same period.

The Chief Secretary: I did not say anything of the kind.

Hon. J. Cornell: You are drawing the long bow now.

Hon. Sir WILLIAM LATHLAIN: If the Chief Secretary says that he did not make the statement I will withdraw it, but I will point this out: Last year alone the insurance companies in Western Australia, those people who are supposed to be unfair in their dealings, paid in direct taxation to the State no less a sum than £42,261. In addition to that they paid £244,390 in salaries, commissions and agents' charges, every penny of which is taxable under the assessment of the particular individual receiving his portion. In addition, the Chief Secretary pointed out that there were over 60 insurance companies doing business in Western Australia.

The Chief Secretary: The hon. member is misquoting me; I did not say that.

Hon. Sir WILLIAM LATHLAIN: I withdraw the statement: it was Mr. Stephenson who said it. There are, at any rate, over 50 companies doing business here and each one pays municipal taxes. Those taxes, applied to over 50 companies, amount to a considerable sum, and we must bear in mind that a State concern would not pay anything.

Hon. J. Cornell: The fact remains that that money is obtained from clients.

Hon. Sir WILLIAM LATHLAIN: That may be so, but if the policy of establishing a trading concern in connection with everything the Government desire to undertake, is to be carried out, why not establish communism straight away. The other day I had the privilege of accompanying a Parliamentary party to the Merredin State Farm and seeing what is being done in the way of educating the farmers. That is the right work for a Government to undertake—to show how, for instance, wheat

should be grown. It is not the duty of the Government, merely because a hotel is needed in some outside place, and because there is a possibility of getting together a few shillings, to embark on such an enterprise. The duty of the Government is to do what they are doing, not only at Merredin, but at many other agricultural centres in the way of educating the farmers. This work is to be applauded for the reason that it must in the future bring greater results from the financial point of view. It will certainly do a great deal more good than the establishment of additional State trading concerns. I do not intend to take up any further time of the House. I am strongly opposed to all State trading, and I trust that members of this House will show in no uncertain manner, in the first place, that we have had sufficient of trading concerns, and in the second place prove to the members of the present Government and future Governments as well, that the will of Parliament, and not the will of any particular person or persons, must at all times prevail. I shall oppose the second reading of the Bill.

HON. A. J. H. SAW (Metropolitan-Suburban) [5.11]: The negotiations that took place between the Minister for Labour and the insurance companies before the introduction of the Bill created a cloud of dust which has somewhat obscured the merits or demerits of the Bill. I may say, beyond what I have read in the paper that I have no inside knowledge of the course of the negotiations between the Minister and the insurance companies. I only know what I have seen in the Press and so far as I can gather, the Minister from the first took up an impossible attitude. He expected the insurance companies to quote a rate when they had not the slightest data which was necessary for them even to hazard a guess as to what liabilities they were undertaking. The Minister then appointed a committee consisting of several estimable men to make inquiries and report. Those gentlemen, I think, were quite competent to carry out the Minister's desires. But, unfortunately, they had not got the requisite data before them because the very first essential was that they should know the number of men affected with tuberculosis or silicosis, either in an advanced degree or even in a moderate degree. That information was not before the committee, because the medical board, that subsequently undertook the investigations, had

not at that time even started on their work. When the report was presented to the Minister, I understand the medical board who were to conduct the inquiry had not started on their labours. As to the committee that the Minister appointed, consisting of two Government officials in Western Australia and one Government official from Queensland, they were quite competent, but I think that even in the personnel there was something wanting. It was undoubtedly a question on which the medical profession could have thrown a good deal of light, even apart from the investigation that was afterwards made by means of X-ray, and it was a mistake on the part of the Minister not to have appointed a medical man in that committee. Undoubtedly there must have been many questions that could have been interpreted only by a medical man sitting on the committee, giving the information to the other members of the committee. The Minister then expected the companies to quote a rate. The committee did bring forward some conclusion that £4 10s. would be a suitable rate, but owing to the absence of any evidence as to the number of miners affected, it could only have been a guess in the dark. The most vital thing of all, they had no means of knowing. After the committee reported, when subsequently there was a medical board that undertook the examination of the men working underground with a view to ascertaining the exact incidence of tuberculosis and silicosis amongst the miners, the board undoubtedly had a great advantage because, by means of the improvement that has taken place in X-ray technique, one can get very positive evidence as to the incidence of such diseases. Even when the Minister had certain information at his disposal from the medical board who conducted the inquiry, he still expected the companies to quote a rate without revealing to them the information at his disposal. That was an absurd attitude for the Minister to adopt. He took up the attitude that the information was confidential. If it was to be regarded as confidential, what on earth was the use of having a medical board to conduct the inquiry? If the result was merely to be that their report was to be pigeon-holed in some Government office, and was not to see the light of day or be made available to the people most vitally interested, namely, the miners themselves, the mining companies, and the insurance companies who were expected to quote, what was the use of holding the inquiry at all?

Hon. J. E. Dodd: It was only confidential so far as the individual was concerned.

Hon. A. J. H. SAW: Why should it have been regarded as confidential in its broad outline as to the number of men affected and so on, either to the miners as a whole, to the mining companies or to the insurance companies? If it was to be regarded as confidential, then there was no object in holding the inquiry. If Bill Roberts working underground is affected with tuberculosis and the information is obtained as a result of a medical board that examined him, it is quite necessary that it should be confidential as between the person afflicted and the board. If the Minister had given the insurance companies information as to how many men were afflicted with tuberculosis, and how many were afflicted in a severe degree with silicosis, that is all that would have interested them; but the Minister withheld that information. Afterwards the Minister turned round and said to the companies, "If you give me an undertaking in writing that you will submit a rate, I will give you the information." What a ridiculous attitude that was for the Minister to take up. What would be thought of an architect who invited tenders from contractors and, when they called to see the plans and specifications, said to them, "I will allow you to look at the plans and specifications only if you give an undertaking in writing that you will submit a tender." That is not a proper way to conduct business. I can only come to the conclusion that at that time there was not a really sincere desire on the part of the Minister that the insurance companies should undertake this risk. So far, it seems to me, the Minister's attitude was an entirely impossible one, but I am afraid that towards the end of the negotiations the insurance companies did not come out a great deal better. I certainly think that the Minister's stipulation that the insurance companies were to agree in writing to submit a rate was an unreasonable one, but I also think that the companies would have been wise if they had complied with that unreasonable stipulation. The Minister, as it seems to me, was laying a trap for the insurance companies and they fell into it. When they declined to submit a quote, they gave the Minister the opportunity for which he was seeking, and that was the opportunity to say that the companies declined to give the protection to the miners and the mining companies as intended by Parliament, and consequently it was necessary for the Govern-

ment to step in, give them that protection and start State insurance. The companies, however, went still further. I understand from the speech of the Leader of the House that when the companies declined to quote a rate for the business, they made a further mistake—or at any rate some of them—by informing the mining companies that they would withdraw from their ordinary workers' compensation contracts.

Hon. J. Ewing: That was a mistake on the part of the insurance companies.

Hon. A. J. H. SAW: Undoubtedly it was. I believe there is a saying that whom the Gods wish to destroy, they first make mad.

Hon. J. E. Dodd: It shows the autocracy of the insurance companies, too.

Hon. A. J. H. SAW: If the insurance companies did adopt that attitude—I think this point is somewhat in dispute—whether they did or did not, or whether they did it subsequently—

The Chief Secretary: I think I can prove that.

Hon. A. J. H. SAW: The companies maintain that it was after the Minister had refused to approve of the insurance companies that they turned around and gave notice to the mining companies. That was undoubtedly a grave error on the part of the insurance companies, who thus made two mistakes. Then it came to the turn of the Minister for Works, who gave notice to the insurance companies, who have put up the necessary guarantees and have been conducting this business for so long, that they were no longer approved offices and could not carry on the ordinary workers' compensation risk.

Hon. J. Ewing: The Minister for Works has not taken up that attitude, has he?

Hon. A. J. H. SAW: I understand so.

Hon. J. Nicholson: He did.

Hon. A. J. H. SAW: My information is obtained from what I have read in the Press, and I have not seen any denial of that statement by the Minister. He refused to approve of those companies, and if he did so, it was a gross abuse of his high office. When Parliament said that the insurance companies should be subject to the approval of the Minister, it did not mean that the Minister was to act in an arbitrary way. It meant that he was to be satisfied of their bona fides and their financial stability, and that they conducted their business in a proper and legitimate way. If the companies did that, the Minister had no right whatever to with-

hold approval or say that they should not carry on workers' compensation business. One might almost think that one was living in Italy under the regime of Mussolini when we find such tactics adopted. I have no hesitation in saying that it was a gross abuse of authority, and was not worthy of the Minister. All this past history, as I mentioned at the outset of my remarks, only tends to confuse and prejudice the Bill before us. I do not intend to allow that aspect of the case to weigh with me at all in discussing the Bill. There is no doubt whatever that the problem of the insurance of these miners' diseases and the insurance of miners under the Workers' Compensation Act is a very difficult matter. Even with all the light that will be thrown upon the incidence of these diseases by the report of the medical board, who are still conducting their inquiries, it will be almost impossible for an insurance company to quote a rate and to be able to say, "This is a fair risk. It will give us a legitimate working profit and it will not penalise the mining companies." Until we have the method of trial by error, I do not think we shall be able to ascertain the exact risk or secure a proper quotation to cover the risk.

Hon. J. R. Brown: But this is humanitarian legislation.

Hon. A. J. H. SAW: Even granting that the Government succeed in removing from the mines all the men affected with tuberculosis, and even granting that they succeed in inducing the miners who are affected with a severe degree of silicosis to leave their occupation and take advantage of the Government's offer to find them employment in other directions, I think it is going to be a very difficult task for the Government. The men who are affected with, say, a fairly advanced degree of silicosis know they will come under the provisions of the Workers' Compensation Act so far as industrial diseases are concerned. Are they going to throw away that protection—a legitimate protection—and seek work elsewhere? The Government, therefore, have a difficult task in getting the men to come out. I do not think they can use any compulsion. The disease in that form is not infectious. In any case, there still remains the big problem of the men affected with only a moderate or slight degree of silicosis. What will be their position? Take the man with a moderate degree of silicosis which at present, as far as he knows, is not injur-

iously affecting his health, or perhaps only so slightly that he does not recognise it. Even then, however, it is easy enough for him to learn that he is a victim of the complaint. What will he do? He will at once do as every other injured worker does who is entitled to compensation under the Workers' Compensation Act—make a claim. And what will be the position of the medical man who examines him? He will recognise that the man has, beyond doubt, silicosis to a certain extent. He knows very well that if he sends the man back to work in the mine he is going to make him worse, and that the course of the diseases will probably be progressive even if the man is removed from the mine. To send him down into the mine again is undoubtedly going to make him worse. Consequently the medical man will not do that. The result will be that for the first few years after the mines come under the Workers' Compensation Act as regards occupational diseases, there is going to be a very large number of claims made by miners affected with this complaint, and quite rightly so.

Hon. H. Seddon: They cannot claim unless they are incapacitated.

Hon. A. J. H. SAW: Incapacitated to what extent?

Hon. H. Seddon: So as to be unable to continue in their occupation.

Hon. A. J. H. SAW: I know what that means. I have seen quite enough of that in ordinary cases. If a man has met with some accident, it is most difficult to convince him that there is no permanent incapacity and that he can resume his occupation. Not in every case, but in a very large percentage of cases, it is extremely difficult to convince the man that there is not some incapacity for which he should receive a lump sum by way of compensation before he resumes his work. And that will be the position in these cases, only it will be intensified because the doctor who examines the man knows that if he sends him back to the mines he will be doing something towards causing still further deterioration of health. It is going to be an even more difficult matter to judge than in the case of an ordinary accident leaving a certain amount of disability, though not perhaps sufficient to prevent the man from following his occupation. I have had a long experience of workers' compensation cases, and I know how extremely difficult it is, when there is even a very slight degree of disability, to say that the man

is capable of resuming perhaps heavy work. That difficulty has undoubtedly been intensified—such, I believe, is the experience of the insurance companies—by the more liberal provision made in the Act of 1924. It will be a most difficult matter for the insurance companies to quote a fair rate, fair to everybody concerned, fair to themselves, fair to the mining companies who have to pay the premiums, and fair to the workmen who undoubtedly, in the long run, are also affected. If that is so, what is the alternative? To my mind, the only alternative is that the Government should undertake the risk. Even if the companies had been able to quote what was considered a fair premium, it would, in my opinion, have been wise for the Government to say, "We will bear a certain proportion of the losses during the first two years." Some people have said that they want a constructive proposal put forward. I think that would have been a constructive proposal. If there had been a medical man on the committee, that is a proposal which his experience of workers' compensation and of these particular diseases might have led him to suggest—that the Government should bear a certain proportion of the risk for the first two years, because during those two years a large number of claims will be made. I do not consider that the mining companies should get off scot free. It may be difficult to make them shoulder their responsibility for past neglect, neglect on their part, and neglect on the part of the Governments and Parliaments of the past. But I hold that in the future, once the mines have been got fairly clean, the mining industry should undoubtedly carry that burden of providing compensation for its disabled employees. I do not think it is a fair burden to put on the rest of the community or on other industries. If the mining companies cannot afford to compensate the men whom the mining industry injures and whose health it destroys, then for my part I would sooner see the mining industry go out of existence. Those are my feelings as regards this occupational disease of miners' phthisis. But there remains the other problem of workers' compensation apart from occupational diseases. I know that Sir William Lathlain, who preceded me in speaking to the Bill, and other members will think they solve the problem by saying, "State trading concerns." I do not believe that solves the problem at all. I, at any rate, am not carried away by catch-

words and shibboleths. I am sure that the same people who to-day will get up in this House and say, "State trading concerns" would, if there were private savings banks and no State or Commonwealth savings bank and if it were proposed that the State or the Commonwealth Government should start a savings bank, at once say, "State trading concerns! We won't have them." At present they adopt the attitude of abusing the Commonwealth Government for competing with that State trading concern, the State Savings Bank. My opinion as to whether Government enterprise should launch out in various directions is governed by this consideration, "Is it going to be for the benefit of the great mass of the people?" By the Workers' Compensation Act Parliament has undoubtedly conferred great privileges on the insurance companies. We have made insurance compulsory, and the corollary to that in my opinion, a corollary which I recognised two years ago, is State insurance, just as when education was made compulsory it was necessary for the Government to supply facilities for education. When we made insurance compulsory we put every employer with men to insure entirely in the hands of the insurance companies. That would not be so bad if there was any competition amongst the insurance companies, but I maintain that there is no competition amongst them. From the very start they formed a ring, and made certain rates and conditions binding on all the companies operating in this State; and they have every employer, everyone who has to effect workers' insurance, entirely at their mercy. I do not know whether the rates quoted are profitable rates to the companies, or not profitable; but I say that the position is not a proper one to put the employers in.

Hon. J. E. DODD: The rates must be fairly profitable, seeing that the insurance companies paid £42,000 in income tax last year.

Member: But not on profits from workers' compensation business.

Hon. A. J. H. SAW: My objection is that no competition exists. If there were competition amongst the companies, if by better management they were able to effect certain savings, part of which they could then hand over to those who had to insure with them, it would be another matter. But it appears to me that by making workers' insurance compulsory for the employers we have conferred a great privilege on the insurance companies, into whose power we

have put the employers. Parliament having determined to make insurance compulsory—and rightly so, because without such compulsion there would be no guarantee whatever of the workmen receiving proper protection—the necessary corollary is that the State should step in and provide the means whereby that insurance can be effected.

Hon. V. Hamersley: But the State will enter into the combine.

Hon. A. J. H. SAW: I do not know that it will. In any case, I do not consider the present position fair.

Hon. Sir Edward Wittenoom: Is there a combine?

Hon. A. J. H. SAW: Sir Edward Wittenoom, being chairman of one of the largest insurance companies in the State, ought to know and I will leave him to answer his own query. So far as my observation goes, a combine undoubtedly exists, and it is impossible for anyone wishing to effect insurance with the companies here to get any variation either of rate or conditions.

On motion by Hon. J. E. Dodd, debate adjourned.

BILL—COAL MINES REGULATION ACT AMENDMENT.

Further Recommittal.

Resumed from 19th October; Hon. J. Cornell in the Chair, the Honorary Minister in charge of the Bill.

The CHAIRMAN: When progress was reported, the Bill had been recommitted for the purpose of reconsidering Clause 19. The word "every" at the commencement of Subclause 2 had been struck out, and the Committee were considering an amendment to insert the word "any" in lieu.

The HONORARY MINISTER: In order to ascertain the effect of the amendment which was moved by Mr. Nicholson I consulted the Solicitor General, who assured me that it was practically immaterial which word was used. However, "every" is used in the parent Act and in the Imperial Coal Mines Regulation Act, on which our legislation is based. The word "every" is also used in the legislation dealing with coal mines in Victoria and New South Wales. While the substitution of "any" for "every" may not have much effect, it will be inconsistent with existing legislation dealing with

the regulation of coal mines. In the circumstances I hope the hon. member will withdraw his amendment.

The CHAIRMAN: As the amendment to strike out "every" has been agreed to, the proper course will be to insert "any," and the Honorary Minister can then move to recommit the clause at a later stage.

Hon. J. NICHOLSON: When the matter was discussed before, I quoted a section in the Inspection of Machinery Act to show that the word "any" was used in a similar sense. If the Minister desires to retain the clause as it stood originally, and the Committee adopt the same attitude, I shall withdraw my objection.

The Honorary Minister: The phraseology of the clause is similar to that appearing in all Acts dealing with coal mines.

Hon. J. NICHOLSON: Perhaps so. I was influenced in moving the amendment by the latter portion of the clause for "any person" who employs labour on Sunday should be the individual to be proceeded against for the offence.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That after "employed," in line four of Subclause (2), the words "and if the employer is the owner, agent, or manager, each of them shall be severally liable to the penalty" be struck out.

As the clause stands, one person might be liable in three capacities to three penalties, instead of one penalty only.

The HONORARY MINISTER: I have already assured Mr. Nicholson that it is not the intention to penalise one person in each of his three capacities. The Solicitor General furnished me with an interpretation of the clause in which he set out that if an employer, acting in contravention of the terms of the clause, is the owner or agent or manager, each is liable to the penalty, as it is the duty of each of them—owner, agent, and manager—to see that the prohibition of Sunday labour is observed. The object of the clause is merely to place the liability where it may be, so that whoever is responsible for the Sunday labour shall be made to pay the penalty. Similar provisions in other Acts have had no ill effects, and the employers have not objected to those provisions.

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

Bill again reported with further amendments.

Further Recommittal.

On motion by the Honorary Minister, Bill again recommitted for the purpose of reconsidering Clauses 8 and 19.

Clause 8—Amendment of Section 15:

The HONORARY MINISTER: When the clause was under discussion previously, I agreed that some alteration was required, and Mr. Harris had moved an amendment. I have consulted with the Minister for Mines and with the State Mining Engineer, and I propose to move that in lines 11 and 12 of proposed Subsection (2) the words "general secretary of the miners' union" be struck out, and "or an accredited representative of the Coal Miners' Industrial Union of Workers" be inserted in lieu thereof. That is the registered title of the organisation of Collie. There are many objections to the amendment previously moved by Mr. Harris.

The CHAIRMAN: The words the Minister proposes to strike out, namely, "general secretary of the miners' union" have been already struck out by Mr. Harris's amendment, and the words "the accredited representative of any industrial union of workers who are engaged in the coal mining industry, and whose wages are determined on the basis of tonnage of coal raised" inserted in lieu.

The HONORARY MINISTER: I framed my amendment before Mr. Harris's amendment was carried. That is how the confusion has arisen. I move an amendment—

That beginning in line 11 of proposed Subsection (2) the words "the accredited representative of any industrial union of workers who are engaged in the coal mining industry, and whose wages are determined on the basis of the tonnage of coal raised" be struck out, and "or an accredited representative of the Coal Miners' Industrial Union of Workers" be inserted in lieu thereof.

Hon. E. H. HARRIS: We have discussed this on several occasions, we have had three divisions on it, and on no occasion did the Honorary Minister have more than six supporters. I will follow the precedent established by the Leader of the House, who emphatically protested against the recommitment of a clause when the amendment to be discussed was not on the Notice Paper. It was only after conferring with the Minister, the member for Collie in another place, and other interested persons that I drafted my

amendment. That amendment was most carefully thought out, and it conveys the intention of the Committee, following upon a long discussion. The Honorary Minister is now putting up practically what was originally in the Bill, and on which we have had already three divisions.

The HONORARY MINISTER: I agree that this amendment should have been on the Notice Paper. There is not much difference between my amendment and that moved by Mr. Harris, although there is a lot of difference between my amendment and the original provision in the Bill. In the opinion of those interested, my amendment is an improvement on the hon. member's amendment.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 19—Prohibition of Sunday labour:

The HONORARY MINISTER: I move an amendment—

That in line one of Subclause (2) "any" be struck out, and "every" inserted in lieu.

Hon. J. NICHOLSON: I do not propose to raise any objection, although I still think that "any" is the better word.

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

Bill again reported with a further amendment.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—JETTIES.

In Committee.

Resumed from 12th October; Hon. J. Cornell in the Chair: the Honorary Minister in charge of the Bill.

Clause 4—Power to make regulations:

The CHAIRMAN: An amendment had been moved to strike out Subclause 13.

Hon. G. W. MILES: I hope the amendment will be agreed to, for it exempts the Government from liability in several important particulars. If an error is made in a bill of lading or manifest, the consignees should be entitled to have that put right. The Government should not desire to penalise anyone for more than the actual weight or measurement of the package concerned.

The HONORARY MINISTER: I am, opposed to the amendment. The Bill has been

framed practically on the lines of the Harbour Trust regulations. If a mistake does occur it is a simple matter to amend the manifest. At the ports where this measure will operate the Government should be protected in the way proposed. If the people can always rely upon claiming against the Government they will become careless in their methods.

Hon. G. W. MILES: I do not agree with some of the regulations that have been framed. If an error is made in a weight or measurement with regard to goods shipped at Fremantle, and the goods are landed at one of the northern ports, the consignee may not come into possession of them for 48 hours. If, then, he finds that an error has been made, he should not be precluded from recovering.

Hon. J. Nicholson: The goods could be measured or weighed before they left the control of the local Government official.

Hon. G. W. MILES: Yes. Everybody concerned should be able to get justice.

Hon. E. H. GRAY: Certain recognised shipping customs have been built up on experience. We must have some basis to start on, and surely the Fremantle Harbour Trust provides the best basis. If an error occurs in a manifest, the representative of the shipping agents, or the Government officials who are on the job to safeguard the interests of the public, could have that error rectified.

Hon. G. W. MILES: We do not want the Harbour Trust officials to impose a charge less than is warranted, or one that is greater than is warranted. If a provision of this kind exists in the Harbour Trust regulations it should be deleted.

Hon. J. NICHOLSON: The rights of the Government, as well as of consignees, must be considered. Government officials at the different ports would act in accordance with the regulations. The power granted to make these regulations is one-sided. The subclause at present under discussion is an example of this. There is no power to enable a consignee to dispute any claim that may be made by the Government. The consignee could not question the manifest in any circumstances. If we are going to preclude the consignee from disputing a claim against the Government, we must include power which will prevent the Government disputing a claim against the consignee. That is not in the Bill. It

must appeal to the Minister that the clause is one-sided.

Hon. E. H. GRAY: Under the clause the Harbour Trust official would be the deciding factor and if there happened to be any mistake in the measurements he would declare the mistake.

Hon. G. W. MILES: This clause precludes you from disputing with the Government.

Hon. E. H. GRAY: Any mistake would be reported and the Harbour Trust official would then be brought into the argument and he would decide. He would be the best man to decide in the interests of the Government and the consignee.

The HONORARY MINISTER: The consignee has some little responsibility in connection with the matter. The clause operates throughout the State and up to date very few claims have been made. There is not the slightest danger in passing it.

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

Clauses 5 to 7—agreed to.

Clause 8—Private jetties not to be maintained except pursuant to license or lease:

Hon. V. HAMERSLEY: This clause seeks to give very wide powers which we should not readily grant. It deals with jetties that are private property, jetties that have been used only by the people who built them.

Hon. E. H. GRAY: Where are they?

Hon. V. HAMERSLEY: Down the river and along the coast. There are private jetties at some of the islands that are used in connection with the removal of sheep. The clause proposes that the owners shall apply for a lease. That is not right if the owners have a Crown grant of the property. This is interfering with rights that have been held for 50 or 60 years.

The HONORARY MINISTER: There is not the slightest danger of anything in the nature of what was suggested by Mr. Hamersley. It is necessary to have some control over private jetties. If persons require to build a private jetty, it is necessary that the authorities should be able to exercise supervision over it. Jetties should always be kept in proper repair.

Hon. J. Nicholson: What about the penalty of £50 and the daily penalty of £2?

The HONORARY MINISTER: The penalties may or may not fit the crime.

Hon. V. Hamersley: The clause applies to every boat landing place.

The HONORARY MINISTER: The clause has been well thought out as the officers realise they have no jurisdiction to-day, and they are fearful of the results of recklessness or neglect.

Hon. G. W. MILES: It may be all right to apply this clause to jetties to be constructed, but the proposal is to make it retrospective. Down the river there is a private jetty known as "The Coombe" to which no one can have access except by permission of the owner. Why should he have to secure a license to preserve his rights and then be under the domination of a departmental officer? If in the future a man desired to build a jetty, then of course it would be only right that he should apply for a license unless his freehold property ran into the water.

Hon. E. H. GRAY: If a man wishes to erect a house or a motor garage, he must first obtain the permission of the local authority. The owners of private jetties are thoroughly protected under Clause 6, and I see no harm in our passing this clause.

Hon. V. HAMERSLEY: If the Government wish to acquire a jetty, they have power to do so, but we should not pass a law that will deprive people of rights granted to them 50 or 60 years ago.

Hon. A. BURVILL: I support the clause, which is designed to protect the public as well as the owner of a private jetty. A watercourse constitutes a reserve, just as does a public road.

Hon. J. Nicholson: Not at all.

Hon. G. W. Miles: That does not apply at Nornalup Inlet or Wilson's Inlet.

Hon. A. BURVILL: There are old titles giving people rights to water frontages, but the owner of a private jetty should take out a license. Otherwise he would be a law unto himself and perhaps a menace to the public.

The HONORARY MINISTER: Some supervision should be exercised over private jetties, failing which the old structures will become a greater danger than they are at present.

Hon. V. Hamersley: You should have thought of that before.

The HONORARY MINISTER: It is never too late to mend. The officers of the department have directed attention to the danger and for years have been endeavouring to get the power to supervise such structures. I would not mind if a license were issued for a nominal amount, so long as the department were given control.

HON. C. F. BAXTER: There is nothing unreasonable in the clause. Jetties extend into the water and may be a danger to the public. It is necessary to insist upon the granting of a license in order that safety may be guaranteed.

Hon. J. NICHOLSON: The penalty clause should be reduced. I move an amendment—

That the word "fifty" be struck out with a view to inserting another word.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That the word "twenty" be inserted in lieu of the word struck out.

Hon. E. H. GRAY: I oppose the amendment. Local government legislation provides a daily penalty for a continuing offence. If an individual openly flouts the authorities after having received instructions to remove or repair a jetty, there should be a daily penalty.

Hon. J. M. Macfarlane: The Government would have power to remove the jetty.

The HONORARY MINISTER: I accept the proposal to make the penalty £20, but the daily penalty should be retained. The fact of its being provided does not necessarily mean that it will be inflicted.

Hon. V. HAMERSLEY: Private jetties should not be interfered with. I suggest that the further consideration of the clause be postponed to permit of a suitable amendment being framed. At most the clause should apply only to jetties constructed after the passing of the measure.

Hon. J. Nicholson: What about existing jetties in a bad state of repair?

Hon. V. HAMERSLEY: We have no right to interfere with existing private jetties, especially as the Government have power to take them over under the Public Works Act.

Hon. A. Burvill: If they are a menace to the public, they should not be allowed to remain.

Hon. V. HAMERSLEY: We should not lightly take away from people rights that they acquired many years ago. Grave injustices have been done in the past by approving of legislation of this description.

Hon. E. H. Gray: The clause will protect the public against ramshackle jetties.

Hon. V. HAMERSLEY: I wish to protect the man who acquired rights in years gone by.

Hon. E. H. Harris: He would merely have to take out a license.

Hon. V. HAMERSLEY: Why should he need a license for something that already belongs to him. The man who has his own jetty or landing should not be called upon to pay an annual tribute for it.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That the words "or a daily penalty of £2," in the last line, be struck out.

Surely the penalty of £20 is sufficient by itself. A man charged with an offence under this clause might be absent in a remote part of the State and so the penalty might run on for six months. Daily penalties are not fair.

Hon. C. F. Baxter: Do you think any Government department would exact a penalty during a man's absence?

Hon. J. NICHOLSON: It would be better to insert a clause empowering the Government to prohibit the use of a jetty out of repair and, if need be, to remove it.

Hon. Sir WILLIAM LATHLAIN: In connection with this clause the relative values of jetties must be taken into consideration. In the case of a jetty in the north or in the south at which a schooner was loading merchandise, the penalty would not be too great; but the clause will also apply to river jetties. I am not in accord with the deletion of the daily penalty, because in connection with municipal contracts and buildings there is power to inflict such penalties. The object is to cause a man to take steps to remedy defects more quickly than he otherwise would. However, the daily penalty of £2 is too high. It should be reduced to £1, in practical accordance with the reduction made in the fixed penalty.

Hon. G. POTTER: Suppose a person were brought before a court under this clause and fined the maximum of £20. Would it then be obligatory on the court to inflict a daily penalty also?

Hon. J. NICHOLSON: No. The penalties are alternative.

Hon. G. POTTER: Would the court have power to inflict a daily penalty of only 5s.?

Hon. J. NICHOLSON: It could do so.

Hon. G. POTTER: Then the penalty is not so severe as it appears.

Hon. J. MACFARLANE: I support Mr. Nicholson's amendment. The daily penalty would be all right if it referred only to the construction of jetties without a license after

the passing of the measure. As regards private jetties already constructed, however, the position is quite different. I take it that the penalties fixed by the clause are those which the court must impose; there is no latitude.

Hon. J. NICHOLSON: Section 39 of the Interpretation Act provides for the imposition of penalties.

The HONORARY MINISTER: I favour Sir William Lathlain's suggestion, and am prepared to accept a daily penalty of £1.

Amendment by leave withdrawn.

Hon. G. W. MILES: I move an amendment—

That the word "two," in the last line, be struck out, and "one" inserted in lieu.

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

(Clause 9—Regulations regarding buoys:

Hon. A. BURVILL: I move an amendment—

That the following words be added to the clause:—"or other duly appointed harbour boards or harbour trusts."

I move this amendment because it is provided that the clause shall not apply to buoys under the control of the Fremantle Harbour Trust or the Bunbury Harbour Board.

The HONORARY MINISTER: I appreciate the hon. member's contention, in view of the Bill to be dealt with later on, under which a harbour board may be constituted at Albany. It may be that buoys at other ports should not be exempt, for certain conditions might obtain to make that impracticable. I do not oppose the amendment, but I do not think it is necessary.

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

Clause 10—Fires not to be allowed near public jetties:

Hon. Sir WILLIAM LATHLAIN: While members agreed that a penalty of £50 under Clause 8 was too severe, I am doubtful whether the penalty of £20 is severe enough when it comes to lighting fires so as to endanger a jetty. I have in mind the jetty at Hamelin, which was destroyed because someone lit a fire on it. This is a serious matter because the timbers of most jetties are very dry and once alight, especially if there is a breeze, the structure is quickly demolished. I move an amendment—

That in line four "twenty" be struck out, and "fifty" inserted in lieu.

The CHAIRMAN: I cannot accept the amendment because under the Constitution Act the Legislative Council may not amend a clause to increase any charge or burden on the people.

Clause put and passed.

Clause 11—agreed to.

Clause 12—Responsibility for injuries to jetties:

The HONORARY MINISTER: I move an amendment—

That in line two, after "jetty," the words "or bridge" be inserted.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

That the following paragraph be added to the clause:—"The Governor may make regulations under this Act for the prevention of such injury to any public jetty or bridge, and may impose a penalty not exceeding £20 for the breach of any such regulation."

An incident that occurred at Fremantle recently prompted the amendment. A large dredge collided with the North Fremantle bridge and caused some damage. The owner of the dredge volunteered to repair the damage but had he not done so, some difficulty might have arisen. As the law stands to-day, it is doubtful whether the Government had the power to claim damages. In order to make sure, the amendment has been moved.

Hon. G. W. MILES: With the inclusion of the previous amendment, the clause gives the Government sufficient power, for they can now claim for all damage done to a bridge or jetty. In the North-West tidal ports, for instance, damage is frequently done to jetties accidentally, and the damage that has to be paid for provides quite sufficient punishment without the infliction of an additional penalty.

Hon. G. POTTER: I support the contention of the Honorary Minister, for regulations that can be framed will tend to prevent damage being done.

Hon. J. Nicholson: How can you prevent that by a regulation?

Hon. G. POTTER: There are many ways, seeing that the regulations can provide against certain things being done under certain circumstances. If no penalty were attached a person might take the risk.

The HONORARY MINISTER: The board recommend that statutory power should be given to prevent vessels of a cer-

tain type from going under bridges if, in the opinion of the authorities, the passage of such vessels was likely to cause damage. This would not apply to the North-West ports at all.

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

Title—agreed to.

Bill reported with amendments.

STANDING ORDERS SUSPENSION.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [8.46]: I move—

That so much of the Standing Orders be suspended as is necessary to enable any messages relating to the Traffic Act Amendment Bill to be dealt with at this sitting, whether such messages be received before or after 10 p.m.

Question put and passed.

BILL—ALBANY HARBOUR BOARD.

Second Reading.

Debate resumed from the 26th October.

HON. A. BURVILL (South-East) [8.47]: In supporting the Bill I do not think it necessary to say much to convince members of the necessity for the measure. The Minister covered the ground very fully. The Bill is the result of 20 years' agitation. Time and again have successive Governments sympathised with the people of Albany in their desire, but it is to the credit of the present Government that an attempt is now being made to get the Bill on the statute-book. Dealing with the port of Albany as an outlet for export, outside the present facilities we have in existing railways, I wish to supplement the Minister's remarks on the immense area practically undeveloped by railways within the ambit of Albany. Take the South-West section first. The railway is out only as far as Denmark, 39 miles. There is under construction another section of 35 miles towards the Nornalup Inlet, but it has still another 40 miles to go, and that through the richest part of the South-West.

Hon. E. H. Harris: That is saying a lot.

Hon. A. BURVILL: I am given to understand by the officers classifying that area that it is the richest land they have seen down there. Moreover it is carrying immense karri forests, which must find an outlet through Albany harbour. Again, there is

rich country undeveloped from Mt. Barker westward. On the Advisory Board's report that is one of the richest pieces of country we have for closer settlement. It is fit for mixed farming, fruit and dairying, and there is there a jarrah forest that must find an outlet through Albany harbour. Again, there is in another place a Bill for a railway from Royup Brook to Cranbrook, 106 miles in length, the major portion of which is within the ambit of the Albany harbour. That country is fit for mixed farming, sheep and wheat. One point in respect of that railway will be of particular benefit to Albany. When the railway is through it will be possible to take Collie coal to Albany harbour. Also it will be possible to get coal from the Wilga coal mine, which is as near to Albany as Collie is to Fremantle. One more important railway is required to develop Albany, one that I think will have to be constructed in the near future. I mean a loop line from 60 to 100 miles east of the Great Southern, to loop up somewhere about Kondinin and go down through Newdegate to the Lake Magenta country, and on through the Stirling Pass or below it into Albany. The lower end of that line must go into Albany, and it will fetch the wheat from the southern portion of the wheat belt to Albany. There is a great deal of development going on in all that country. Last week I was out at Pingrup, where a railway was built three years ago. At that time there were only four settlers in that district, but the other day we found there was going to be about 60,000 bags of wheat garnered down there, and that some 45,000 bags would go to Pingrup siding. Also there is another district, between Borden and Chesterpass, the Salt River district. When that district is opened up by a railway there will be far greater development down there. At the present time within a 15-mile radius of Borden siding there is being produced about 1,000 bales of wool and 25,000 bags of wheat. The settlers there are labouring under great difficulty. They have to take their wheat back to North Borden siding, about 15 miles. They are then 130 miles from Albany, whereas if they had a railway through to Albany, the distance would be only one-half. The necessity for local control of the Albany harbour has been manifest for many years. Business people will be appointed to the harbour board, and so the wants of the place will be far better looked after than they are at present.

Hon. G. W. Miles: Would you not have the primary producers represented on the board?

Hon. A. BURVILL: I think so. Recently I saw an illustration of the benefits of having a harbour board. On going to Bunbury I was asked to inquire how it was that oils, kerosene and that sort of thing could be delivered at Cranbrook, only a few miles from Albany, just as cheaply as they could be delivered from Albany. I found that the Bunbury Harbour Board, being a live body and wanting the oil people to make a depot there, had granted them a land concession and so got the depot. There is nothing of that sort going on at Albany, where the harbour is under the Commissioner of Railways, who is looking for revenue instead of looking to the prosperity of the district. One of the grievances of Albany is that the wheat, right down to Ongerup, is being taken to Bunbury or to Fremantle, although it is many miles closer to Albany. The buyers when appealed to say it is because there are no conveniences at Albany. The Railway Commissioner will not give the required conveniences, and when we want a reduction in rates he argues that the wheat charges would not then pay interest and sinking fund; so we never get much further. The Albany Chamber of Commerce a little time ago complained through Mr. Thomson, M.L.A., about wheat and flour going from Katanning to Fremantle. The answer received was that if the shipping companies could be induced to send their ships to Albany the shippers would be very pleased to use Albany instead of Fremantle. The letter further stated that no pressure was required to induce the shippers to use the port of Albany. The communication continues—

In regard to the letter from the Westralian Farmers, Limited, when the question arose of shipment through Albany, it was not merely the difficulty of securing freight, but the lack of facilities for shipment during the winter months. The Westralian Farmers pointed out that the absence of shed accommodation at Albany rendered the shipping of wheat during June rather a risky procedure, as rain would seriously interfere with the loading operations.

The people of Albany have not been able to get the facilities to which they are entitled. There was the matter of the electric crane for the loading and unloading of goods at the deep water jetty. This has been debated for several years. Mr. A. Wansbrough, the member for Albany, wrote stating that he had further discussed the request for an electric crane on the deep water

jetty with the Minister for Railways, but that he had been referred to the Commissioner. The Secretary for Railways had written refusing to alter the decision previously given and stating that as an Albany harbour board was soon to be appointed, any facilities regarding this question was a subject for its consideration. The letter was received. A good deal of that sort of thing has been going on in the past. Bunbury enjoys the same advantage as Fremantle in having its own harbour trust to look after the port. I hope members will agree to give Albany the same facilities. When the harbour board is appointed, I hope the members will comprise men of business ability who are conversant with shipping. I hope, too, that not less than two producers' representatives will be appointed, out of the five members chosen by the Government. The Bill will come into force by proclamation. This will afford ample opportunity to the Government and the local authorities concerned to satisfy themselves that the board shall start out on a sound business footing. I am not afraid of that. When the figures are available I am sure it will be found that the capital cost of the Albany harbour is very low in comparison with Bunbury and Fremantle. There may not be as much shipping at Albany as at the other ports, but, as the capital cost is so much lower, I think the trust will be a payable one. In view of the developments that are likely to occur at Albany, it should not be long after the Act is passed before the Government, the local authorities, and the other public bodies are agreeable to the proclamation of the Act. I should like to quote from Sir George Buchanan's report on the Albany Harbour Board. He says that Albany is one of the finest natural harbours in Australia. Its development is naturally dependent upon Government support. Given encouragement and railway communication, it should recover some measure of its former importance. The encouragement that Albany needs at present is a harbour board. After that we want railways running out into the hinterland. I have much pleasure in supporting the second reading..

HON. W. T. GLASHEEN (South-East)
[9.5]: I support the Bill. It is not necessary for me to say much about it, for I feel that members intend to pass it. The great beauty and security of the Albany harbour

are well known. Very few harbours have a greater natural security. It is defended naturally all round against invasion of any kind, and possesses considerable scenic beauty. If the harbour board can improve the harbour and make it more serviceable to the community, this Bill will undoubtedly commend itself to the people of the State. Mr. Burvill referred to the great expansion that is possible in the country districts behind Albany in the way of production. I have just returned from a trip to Newdegate, to which a railway was opened last year. To-day the people are facing their first harvest since the line was established. With every reason and confidence they anticipate that no less than 150,000 bags will be railed from Newdegate during the coming harvest. This shows the great necessity for a home harbour for all the products emanating from that part of the State. People predict that 150 miles further east the same possibilities exist in the country as have been proved around Newdegate. Members would be inspired if they could visit Newdegate and see the growing importance of that little town. The farmers there possess tractors, harvesters, binders and machinery of every description, and show every sign of that progress which would delight any person interested in rural development. Out from the Great Southern railway there are three spur lines ending in nothing but a gum tree in the bush. We know the great possibilities of this outer country, and must realise the necessity of constructing a comprehensive line that will go out past the back of these centres and circle round to the home port at Albany. When this is accomplished, the great necessity for the efficient management and development of the harbour will be manifest to all. I hope the harbour board will be created. I am sure that when it is in operation it will give great satisfaction to all the people concerned, and lead to a great improvement in existing methods.

Question put and passed.

Bill read a second time.

BILL—WEIGHTS AND MEASURES ACT AMENDMENT.

In Committee.

Resumed from the 20th October: Hon. J. Cornell in the Chair, the Chief Secretary in charge of the Bill.

Postponed Clause G—Amendment of Section 21:

The CHAIRMAN: Mr. Nicholson had moved an amendment to add at the end of the clause a subclause as follows:—

In the case of any liquors paying excise or customs duties, the measures set forth in any Act dealing with such liquors shall be held to satisfy the requirements of this section in regard to measure.

Hon. J. NICHOLSON: Since moving my amendment I have discussed the matter with the Crown Law Department. It is thought better to specify exactly the quantities to be contained in the various vessels referred to. The clause is at present indefinite, and an ordinary man might find himself a little at sea when reading it. The Act passed by the Commonwealth in 1912 specifies certain quantities. To interpret this clause one would require to look up that Act. To overcome the difficulty and make the position in our local statute clear, I ask leave to withdraw my amendment so that I may move the following:—

In the case of beer (ale, porter and stout), the undermentioned vessels shall be deemed to contain the standard measure if the actual contents are not less than the quantities set out in the following schedule:—Hogshead, 52 gallons; barrel, 35 gallons; half-hogshead, 26 gallons; kilderkin, 17 gallons; 10-gallon keg, 9½ gallons; 9-gallon keg, 8½ gallons; 5-gallon keg, 4½ gallons.

It is usual for a hogshead to contain 54 gallons. The Commonwealth recognised the impossibility of maintaining that quantity, and in 1912 passed an Act setting out that the dutiable contents of the following vessels shall be taken out as follows:—hogshead 52 gallons, barrel 35 gallons, half hogshead 26 gallons, and kilderkin 17 gallons. I ask leave to withdraw the amendment standing in my name on the Notice Paper with a view to substituting the other which I have read.

Amendment by leave withdrawn.

Hon. J. NICHOLSON: I move an amendment—

That the following subclauses be added, to stand as (6) and (7):—“In the case of beer (ale, porter and stout), the undermentioned vessels shall be deemed to contain the standard measure, if the actual contents are not less than the quantities stated in the following schedule:—Hogshead, 52 gallons; barrel, 35 gallons; half-hogshead, 26 gallons; kilderkin, 17 gallons; 10-gallon keg, 9½ gallons; 9-gallon keg, 8½ gallons; 5-gallon keg, 4½ gallons. (7) This section shall not take effect until the

expiration of six months from the commencement of this Act.”

The CHIEF SECRETARY: I do not approve of the amendment although in some respects it is better than the amendment first suggested by the hon. member. The amendment makes provision, in effect, that the quantity for which the brewer pays excise, shall be regarded as the contents of the vessel. The danger is that the brewer may supply only 72 gallons to the hotelkeeper and charge him for 54 gallons. In regard to the smaller kegs the brewer has to pay excise duty on the quantity they are supposed to contain and there is no allowance made to him. The hon. member proposes to make an allowance of half a gallon in the case of the vessels containing the lesser quantities.

Hon. J. NICHOLSON: Some little allowance should be made because it will be an impossibility to supply the exact quantity. If we could insert a provision that would get over the difficulty, and make it easier of explanation I would be glad to adopt it. The Excise Department have recognised the difficulty under which the manufacturers are operating and made the allowances that have been referred to in respect of the larger vessels.

Hon. W. T. GLASHEEN: It is understood that when a publican pays for a hogshead of beer he is not getting the full quantity of 54 gallons. I am given to understand that that is the recognised rule throughout the trade.

Hon. J. M. MACFARLANE: In the case of food where there is a natural shrinkage, that shrinkage is provided for. Where it cannot be overcome it is only sensible to admit it and to allow for it.

The CHIEF SECRETARY: Mr. Nicholson has made a sincere attempt to meet the position in a satisfactory manner. It is difficult to draft an amendment to suit both sides. I cannot combat his arguments, because what he says is perfectly correct. As the amendment stands now bottles will not be excluded.

Hon. E. H. HARRIS: The amendment refers to liquor, but I understand there are other liquids that are put into casks besides beer. Wine and vinegar are also put into barrels. Would the same thing apply as regards shrinkage in those cases?

Hon. J. NICHOLSON: We do not hear of hogsheads of wine, although wine is put into casks. No one, however, would put wine into a beer barrel. Wine might be

put into a barrel that had been used for whisky. In such cases the wine is measured out exactly, and as it is supplied in small vessels, it would not be supplied in the same quantities as beer. It is in the interests of the trade that the cask should be full when it goes out of the premises.

Hon. Sir WILLIAM LATHLAIN: I discussed with a leading man in the trade the matter of filling the casks, and he informed me it is essential to fill them so that when the bung is driven home it must cause some of the beer to escape. Otherwise the beer would deteriorate. It will be a good thing for the public when the measure comes into force, because I take it that one of the first things to be registered will be the petrol pumps, in order to ensure that the customer receives the quantity of petrol he purchases.

Hon. J. EWING: The Commonwealth Act recognises that there must be a discrepancy in the contents of a cask of beer. I understand that the publican is well aware of the position, and it is a question of give and take between him and the brewer. The amendment should meet a difficulty in a manner satisfactory to all parties.

Hon. E. H. HARRIS: It has been clearly shown that a cask, except when used on the first occasion, usually does not contain the full quantity. I understand that the Commonwealth charge on the reputed contents of a hogshead, but I should like to know on what quantity the licensed victualler pays his two per cent., on the exact quantity or on the reputed quantity?

Hon. J. NICHOLSON: The amendment follows the Commonwealth Act, and that is the result of many years' experience. I cannot answer Mr. Harris's question, but I cannot see that it affects the matter.

Hon. G. POTTER: Mr. Harris has raised a point that would be interesting if the Licensing Act were being reviewed. The Minister has said that a 5-gallon keg should contain 5 gallons. That is reasonable enough, because the shrinkage of the timber there would be infinitesimal as compared with the shrinkage in a 54-gallon hogshead. An excise officer has informed me that a hogshead generally contains nearer 53½ gallons than 52 gallons. When a publican buys or orders a hogshead of beer he does not order 54 gallons, but he knows perfectly well that it might contain 54 gallons or not less than 52 gallons. Now that the question has been ventilated, possibly the licensed

victuallers will seek to protect their own interests.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That the following subclause be inserted:—“(7) This section shall not take effect until the expiration of six months from the commencement of this Act.”

That is practically a repetition of the provision in the 1915 Act, with the exception that the period fixed in 1915 was 12 months instead of six months.

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

Title—agreed to.

Bill reported with amendments.

BILL—TRAFFIC ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read, notifying that it had agreed to the Council's amendments Nos. 1 to 5 and 9 to 18, that it had disagreed to the Council's amendments Nos. 6 and 8, and that it had further amended the Council's amendment No. 7, in which further amendment it desired the Council's concurrence.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

No. 6—Clause 13, delete “eighteen” and insert “seventeen,” in line three:

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted upon.

Hon. G. W. MILES: Before we deal with this amendment, I should like to know what has happened in regard to amendment No. 7, which also refers to Clause 13.

The CHAIRMAN: The reason given by the Assembly for disagreeing to the Council's amendment No. 6 is—

Age considered too low. We consider that the age should be fixed at 18 years.

In regard to No. 7, the Assembly's reason is—

We consider that it needs more judgment to drive a motor wagon than to drive a motor car; therefore the same age should apply.

The Assembly has amended the Council's amendment No. 7 by striking out the words

"motor wagon" after the word "drive," in the proviso, and by striking out all the words after "twenty-one years."

Hon. G. W. MILES: In view of the Assembly's disagreement to our amendment No. 7, I ask the Committee to insist upon retaining the age of 17 years. If we agree to the age of 18 years, we shall have agreed to the Assembly's amendment in our amendment No. 7, and the country districts cannot then be treated as this Chamber desires. Can we postpone the consideration of amendment No. 6 until amendment No. 7 has been disposed of?

Hon. V. HAMERSLEY: I agree with Mr. Miles. We have offered a reasonable compromise. Many youths of 17 in the country are far better qualified to drive motor cars than are women and men over 60 years of age.

Hon. A. BURVILL: Unless provision is made to permit country residents under 18 to drive motors, the amendment should be insisted on. Otherwise great hardship will be inflicted on country people. Country youths of 16 are quite capable of driving motors on farms and country roads.

Hon. Sir WILLIAM LATHLAIN: I support the Minister. Eighteen is the age for which I have contended all along, because it has for a considerable time been the age at which licenses have been granted not only in towns but also in the country.

The CHIEF SECRETARY: Sir William Lathlain has struck the right note. The rule—it has never been a regulation—has been not to grant a license to any person under eighteen years of age. This has been in force for years and there have been no complaints. If the age had been fixed at 19 years, I could understand some hostility because of the interference with existing conditions. We are simply seeking to retain existing conditions. I do not wish to provoke a controversy. This matter was discussed for three or four hours last night. I ask hon. members to exercise some generosity. We made 18 amendments to the Bill, and 16 of them have been accepted by the Assembly.

Hon. E. H. HARRIS: You ask us to compromise on this amendment.

The CHIEF SECRETARY: It is not fair and reasonable to take up the attitude that we must insist upon everything. By some of the amendments we have drastically interfered with important principles embodied in the Bill and the alterations have been en-

dorsed by the Government in the Assembly.

Hon. G. W. MILES: Notwithstanding what the Chief Secretary and Sir William Lathlain have said, the three or four new members now in the House should understand that if we do not insist upon our amendment, the age of 18 will be fixed in the Act. We fixed 17 years as a compromise. We are legislating for the State and not for the metropolitan area only. If we insist on our amendment, we shall have a further opportunity to deal with it and we can compromise later on. If we do as the Chief Secretary suggests, we shall fix 18 years of age for the whole State.

Hon. V. Hamersley: And that will be a hardship in the country districts.

Hon. G. W. MILES: I appeal to the Committee to insist upon our amendment.

Hon. V. HAMERSLEY: So far from retaining existing conditions, if we do not insist upon our amendment it will mean the inclusion in the Act of the specific age of 18 years. I admit that the police have wisely administered the traffic regulations in the past and many young men who are 17 years of age have been driving vehicles in the country districts. If we include 18 years of age in the Bill, the position will become different.

Hon. W. T. GLASHEEN: I hope the age of 17 years will remain in the Bill. In actual application I do not think it will matter two straws which age is included. I am certain that licenses have been granted to many lads under 18 years of age in the past. Even if we include 18 years of age in the Bill, I am sure the ages of lads will be misrepresented, and many younger than that will be licensed.

Hon. E. H. HARRIS: I support the Leader of the House. The Legislative Assembly wanted to provide an age limit at 19 years and we wanted one of 17 years. The provision for 18 years is a natural compromise.

Hon. E. H. GRAY: The Minister made out a good case. Particularly in view of the attitude of the Assembly regarding the Council's proposal respecting drivers of motor lorries, we should be prepared to be generous.

Hon. J. NICHOLSON: If we were to insist upon the amendment, it might mean that drivers of motor wagons need not be more than 17 years of age. Do hon. members think that youths of that age should drive buses?

Hon. G. W. Miles: But a man who drives a motor bus must be 21 years of age.

Hon. J. NICHOLSON: Not at all.

Hon. G. W. Miles: Yes, that is fixed. The reference under discussion is to drivers of motor wagons.

Hon. J. NICHOLSON: Can it be said that the driving of motor wagons is safer in the hands of a driver 17 years of age than in the hands of one of 18 years of age?

Hon. G. W. Miles: What is the difference?

Hon. J. NICHOLSON: I think it makes a great deal of difference, and the public would be more protected if the wagon were driven by a lad of 18. On Mr. Hamersley's own admission, the unwritten law limiting those to receive motor licenses to youths 18 years of age has been wisely observed. Why alter that which has given such satisfaction, and create a new position that may lead to accidents and possibly loss of life? We are not legislating for one part of the State only and, therefore, how will it be possible for those in charge of the administration of this law to cope with the position arising out of varying ages in different parts? It would make it impossible.

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

Ayes	..	..	..	9
Noes	..	..	..	7
Majority for	..	..	..	2

AYES.

Hon. J. M. Drew	Hon. J. M. Macfarlane
Hon. J. Ewing	Hon. J. Nicholson
Hon. E. H. Gray	Hon. G. Potter
Hon. E. H. Harris	Hon. Sir W. Laiblain
Hon. J. W. Hickey	(Teller.)

NOES.

Hon. A. Burvill	Hon. G. W. Miles
Hon. W. T. Glasheen	Hon. E. Rose
Hon. V. Hamersley	Hon. G. A. Kempton
Hon. W. J. Mann	(Teller.)

Question thus passed: the Council's amendment not insisted upon.

No. 7: Clause 13.—Insert after the word "age," in line three, the following: "and by substituting the word 'any' for the word 'a,' in the fourth line, and by inserting the words 'or kinds' after the word 'kind,' in the fifth line thereof"; "and by adding a proviso to Subsection (1), after the word 'specified,' as follows: 'Provided that no annual license shall be granted to drive a motor wagon or motor omnibus in the metropolitan area to any person who is under the age of twenty-one years'"; "and by adding a proviso to Subsection (1), as follows: 'Provided further that a license may be granted to a person not under the age of sixteen years permitting him to

drive a motor vehicle in the road district in which he resides, except in the metropolitan area,'"

The CHAIRMAN: The Assembly has disagreed to the Council's amendment, and as a modification, has struck out the word in line 8 of the clause "motor wagon or" and has struck out the whole of the second proviso.

The CHIEF SECRETARY: I move—

That the Assembly's modification be agreed to.

Hon. V. HAMERSLEY: There are in this two very different questions. I agree with the deletion of the words "motor wagon or" but I do not agree to the striking out of the provision for granting to persons not under the age of 16 years licenses permitting them to drive motor vehicles in the road districts in which they reside, except in the metropolitan area. All over the country we have boys 16 years of age driving motor vehicles carrying wheat to the sidings. That is what we want.

Hon. A. BURVILL: I agree to the cutting out of the motor wagon, but I do not agree with the second part of the Assembly's modification for, as Mr. Hamersley says, we have boys 16 years of age driving motor vehicles in all country districts. I should like to see that last provision insisted upon. It will still be within the discretion of the Commissioner of Police to grant or to withhold licenses.

The CHIEF SECRETARY: The Solicitor General, from a legal standpoint, strongly opposes this provision.

Hon. V. Hamersley: What has he to do with it?

The CHIEF SECRETARY: He sees it from a somewhat different angle. He shows what might happen at Narraggin, a municipality. A farmer residing outside the municipality might decide to send his 16-year-old son in to the railway station with a motor wagon. Under the amendment the boy could legally come to the borders of the municipality, but could not take the vehicle to the railway station, for in doing that he would be driving outside the road district in which he resides. The same thing could happen in the municipalities of Albany, Bunbury, Geraldton, and Northam.

Hon. V. HAMERSLEY: I am surprised at the Minister putting up such a suggestion from the Solicitor General.

Hon. E. H. Harris: It is not a suggestion; it is a hard fact.

Hon. V. HAMERSLEY: Not much wheat goes into Narrogin, Northam, Geraldton, or Albany by motor lorry; rather does it go to the sidings, miles away from those places. The sons of farmers are helping their fathers to develop the State and provide revenue for the railways, and we should do nothing to jeopardise that position. These boys have no vote, but they are capable of driving a motor lorry. Great hardship will be done if this provision is not retained in the Bill.

Hon. W. T. GLASHEEN: We should not make any discrimination between town and country, but I do agree that no undue restrictions should be placed upon the driving of motor vehicles in the country, for this will have a serious effect upon the agricultural industry as well as upon railway revenue. The best thing we can do is to leave the Act to be administered by the traffic authorities.

Hon. A. BURVILL: I suggest that the situation would be met by striking out the words "in the road district in which he resides." This will prevent the driver in question from entering the metropolitan area.

Hon. G. W. Miles: Will the Chief Secretary allow this amendment to be put in two sections?

The Chief Secretary: Yes.

Hon. G. POTTER: Unless we can deal with the amendment in two sections, I shall have to give my vote with the Noes, in the hope that members will strike out the reference to road districts.

Hon. E. H. GRAY: I am opposed to allowing boys of 16 to drive a motor lorry through the city streets. My chief concern about the youths in the country is that they shall have an opportunity afforded them of getting some of the pleasures of life in the way of a motor run.

Hon. E. ROSE: I hope the two sections of the amendment will be kept separate. It would be a great hardship to prevent a farmer's son from driving a motor wagon to a siding.

Hon. G. W. MILES: I hope members will insist upon this amendment. We have reinstated the age of 18 for the metropolitan area, and should adhere to the age of 16 for the country. Our boys should not be deprived of the opportunity of doing this work. I move—

That the Council's amendment be amended by striking out the words "in the road district

in which he resides except in," and inserting in lieu the word "outside."

The CHIEF SECRETARY: Can the Committee at this stage amend one of its previous amendments?

The CHAIRMAN: Yes, provided the amendment is relevant.

Hon. G. W. MILES: On further consideration I think the Committee should insist on the amendment as it is. We have already agreed to the amendment raising the age of 18 years and if we insist on this, the Assembly will probably agree with us. In any case, we are here to do our part of the legislation as well as the Assembly and we are not going to be dictated to by the Assembly. That is what it amounts to. I want the Committee to stand up to the opinions expressed last night when we had quite a number of divisions on the amendment. I shall withdraw my amendment.

Amendment by leave withdrawn.

Hon. J. EWING: The hon. member talks about divisions. I have a vivid recollection of the division taken on this question. I desire to strike out the clause altogether; even the Leader of the House voted to delete the clause. It has been so fooled and messed about that now we do not know where we are. I understand we are discussing a modification of our amendment. Would I be in order in moving a further modification of the clause to be deleted? If not, there is no opportunity for me to do anything. I cannot vote for it as it is because it is most inconsistent. Mr. Glasheen said that we ought to have followed the advice given by Mr. Dodd, but he was not here when the division was taken last night.

Hon. W. T. Glasheen: Did the hon. member say I was not here last night and did not vote?

Hon. J. EWING: On this particular division.

Hon. G. W. Miles: You were not here.

Hon. J. EWING: I cannot see the hon. member's name in the division list.

Hon. W. T. Glasheen: I wish to know whether you said that.

Hon. J. EWING: I said I regretted the hon. member was not here last night because if he had been here, holding the views then that he does now, and supporting Mr. Dodd's recommendation, he would have saved the position because the voting was equal. It shows how wrong it is for a member to absent himself from the House. I plead

guilty to having done so myself last session, but there were reasons.

Hon. W. T. Glasheen: Are you always here?

Hon. J. EWING: If the hon. member had been here last night the position would have been different.

Hon. W. T. Glasheen: Are you always here?

Hon. J. EWING: I do not wish to lecture hon. members. Excepting last session I do not think I have missed many sittings.

The CHAIRMAN: I am wondering what all this has to do with the amendment.

Hon. J. EWING: If the position can be cleared up and you, Mr. Chairman, can assist me, I shall be glad. I should like to move a further modification. We are not here to block legislation and it is necessary that this Bill should go through to-night. I shall try to help the Government and the only way that can be done is by deleting the clause.

Hon. G. POTTER: I would like to know whether the words "in the road district in which he resides" have been excised.

Hon. G. W. Miles: No, I withdrew the amendment.

Hon. G. POTTER: I am sorry. I appreciated very much the fact that by excluding the metropolitan area from the rest of the country will involve the Traffic Department in a considerable amount of work.

Hon. G. W. Miles: You want to injure the country.

Hon. G. POTTER: I do not, and you have no right to suggest such a thing. I intend to vote for Mr. Gray's amendment which is a good one. Rather than injure the country, I am supporting a proposal which I think is on a par with the amendment that Mr. Miles and Mr. Hamersley are closely interested in. No member has a right to suggest that another member desires to injure the country.

Assembly's modification put, and a division taken with the following result:—

Ayes	..	..	..	7
Noes	..	..	..	9

Majority against .. 2

AYES.

Hon. J. M. Drew	Hon. J. M. Macfarlane
Hon. E. H. Gray	Hon. J. Nicholson
Hon. J. W. Hickey	Hon. J. Ewing
Hon. Sir W. Latblain	(Teller.)

NOES.

Hon. A. Burvill	Hon. G. Potter
Hon. W. T. Glasheen	Hon. E. Rose
Hon. V. Hamersley	Hon. H. J. Yelland
Hon. G. A. Kempton	Hon. W. J. Mann
Hon. G. W. Miles	(Teller.)

PAIR.

AYES.

Hon. E. H. Harris

NOES.

Hon. C. F. Baxter

Assembly's modification thus negatived.

No. 8. Clause 14.—Insert after "words," in line three, the word "who," and in the same line delete "seventeen" and insert "sixteen."

The CHAIRMAN: I shall treat this amendment as consequential, and therefore as not being insisted on by the Council.

Resolutions reported and the report adopted.

A committee consisting of the Hons. G. W. Miles, V. Hamersley, and W. T. Glasheen drew up reasons for disagreeing to the Assembly's amendment on the Council's amendment No. 7.

Reasons adopted, and a message accordingly returned to the Assembly.

Sitting suspended from 11.5 to 11.56 p.m.

Request for Conference.

Message from the Assembly received and read requesting a conference with managers of the Council, and intimating that the Assembly would be represented by three managers.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [11.57]: I move—

That a message be transmitted to the Assembly agreeing to a conference; that the Hon. A. Burvill, Hon. J. Ewing, and the mover be appointed managers on behalf of the Council, and that the conference meet in the President's room forthwith.

HON. V. HAMERSLEY (East) [11.58]: Some members feel that the question at stake is an important one. Under our Standing Orders we can request that a ballot be taken to decide upon the managers for the Council. The question at issue vitally affects the country districts, and I do not know whether members agree that the managers proposed by the Chief Secretary would arrive at the full desires of this Chamber. Although the two managers, apart from the Minister, represent country provinces, I think they have not voted with us on the divisions.

Hon. J. Ewing: What difference could that possibly make?

Hon. V. HAMERSLEY: Those members might have a leaning towards the views of the Government.

Hon. J. Ewing: I think I should object to that.

The PRESIDENT: Does the hon. member desire a withdrawal of the remark?

Hon. J. Ewing: No.

Hon. V. HAMERSLEY: I should like to hear some other member express an opinion.

HON. G. POTTER (West) [12.0]: Mr. Hamersley's wish shall be granted. While it is quite in order in referring to the procedure under the Standing Orders, it is hardly consistent with the procedure or the traditions of this House to question the appointment of managers. The members suggested know the feelings of the House, and from the debate they will have been able to grasp the desires of the House. On many previous occasions we have appointed managers who, some members thought, would cause our representation to be somewhat loaded. I, for one, would not like the question to go to a ballot.

Question put and passed, and a message accordingly returned to the Assembly.

Sitting suspended from 12.2 to 1.20 a.m.

Conference Managers' Report.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [1.20]: I have to report that the Conference has met, concluded its business, and come to a satisfactory agreement. Legislative Council amendment No. 6 is abandoned. Legislative Council amendment No. 7 is amended by deleting the words "age" in line three and substituting "amended" in line one, and by deleting all words from "thereof" to the end. Legislative Council amendment No. 8 is abandoned. Clause 13 of the Bill is amended by deleting all words after "amended" in line one down to "age" in line three. Clause 14 of the Bill is deleted. I have now to explain the position to hon. members. All references to age have been deleted from the Bill; we go back to the old position, and the whole matter will be determined by the Commissioner of Police. Even the reference to age of drivers of motor buses has been excised. Mr. Hamersley's amendment referring to licenses for drivers of motor vehicles has been preserved

in its entirety. The amendment referring to an age limit of 17 years for persons sitting beside a licensed driver has also been removed. I wish to emphasise that the age limit has been deleted in every case. That is the effect of the decision of Conference. The amendments agreed to by the Managers are not intelligible as presented in the report, and cannot be understood unless one makes a comparison of them with the amendments made by this Chamber; but what I have stated is the effect of them. I move—

That the Conference managers' report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

House adjourned at 1.25 a.m. (Friday.)

Legislative Assembly,

Thursday, 28th October, 1926.

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

QUESTION—BREAD, WHOLEMEAL AND REFINED FLOUR.

Mr. NORTH asked the Hon. S. W. Munsie (Honorary Minister): 1, Has any action yet been taken to introduce, by propaganda, in the schools the use of whole