

# Legislative Council,

Thursday, 17th December, 1925.

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The PRESIDENT took the Chair at 11 a.m., and read prayers.

## PAPERS—AGRICULTURAL COLLEGE.

### *Appointment of Principal.*

On motion of Hon. J. Nicholson (for Hon. H. J. Yelland) ordered: That all papers dealing with the advisory committee's recommendation, and the appointment of the Principal of the Muresk Agricultural College be laid on the Table of the House.

The CHIEF SECRETARY: Here are the papers required, and I move—

That they do lie upon the Table of the House.

Question put and passed.

## BILL—DRIED FRUITS.

Read a third time and transmitted to the Assembly.

## BILL—BILLS OF SALE ACT AMENDMENT.

### *Assembly's Amendments.*

Schedule of seven amendments made by the Assembly now considered.

### *In Committee.*

Hon. J. W. Kirwan in the Chair; Hon. H. A. Stephenson in charge of the Bill.

Hon. H. A. STEPHENSON: The Bill had a rough passage in the Assembly and was finally referred to a select committee, whose recommendations are now before us by way of amendments. I am prepared to accept them, for even with them the Bill constitutes an improvement on the existing legislation.

On motions by Hon. H. A. Stephenson, the Assembly's amendments were agreed to as follows:—

No. 1.—Clause 2, strike out this clause.

No. 2.—Clause 3, Subclause (3), insert at the beginning of the subclause the words "every bill of sale shall be registered and," Strike out, in lines one to three, the words "every bill of sale containing the declaration of an attesting witness as aforesaid."

No. 3.—Clause 3, strike out all the words after "therefor," in the second line, and insert in lieu thereof the following:—

*Effect of non-compliance with Act or non-registration.*

25. (1) Every bill of sale or debenture not complying with the terms of section six or fifty-one of this Act, as the case may be, or not duly registered or renewed in the manner and time in this Act provided, shall be deemed fraudulent and void as against—

(a) the official receiver or the trustee or liquidator (under any law relating to bankruptcy, insolvency or winding up) of the estate of the grantor;

(b) the assignee or trustee acting under any statutory deed of assignment for the benefit of the creditors of the grantor, so far as regards the property in or right to the possession of any chattels comprised in such bill of sale which, at any time within three months before the time of the presentation of the petition in bankruptcy or winding up, or of the passing of an effective resolution for the winding up, or of the execution of such deed of assignment, as the case may be, and after the expiration of the time and extended time (if any) allowed for the registration or renewal of such bill of sale or debenture shall have been in the possession or apparent possession of the grantor.

(2) Such bill of sale or debenture shall also be void as against all sheriffs, bailiffs, and other persons seizing any chattels comprised therein in the execution of the process of any court authorising the seizure of the chattels of the grantor and as against any person on whose behalf such process shall have been issued so far as regards the property in or right to the possession of any such chattels comprised in such bill of sale or debenture which, at the time of such seizure and after the expiration of the time and extended time aforesaid, shall be in the possession or apparent possession of the grantor.

(3) When, in accordance with this section, any document, whereby chattels are let on hire (with or without right of purchase) or otherwise bailed by the owner, or are acknowledged to have been received on hire or as a bailment

from the owner, is or becomes void in respect of any chattels as against any person, then the chattels affected shall, as between the owner and such person, be deemed to be the property of the person to whom they have been so let on hire or bailed as aforesaid, but nothing herein shall affect the respective rights, as between themselves, of the owner and hirer or bailee of any such chattels.

No. 4.—Clause 9, insert in the third line of the proposed new sixth schedule the following words:—"at ( ) on the ( ) of ( ), 19 ,"

No. 5.—Insert the following new clause to stand as Clause 8, as follows:—

*Insertion of new section in principal Act.*

8. There are hereby inserted in the principal Act after section thirty-six thereof, a section as follows:—

*Protection of bona fide purchasers.*

36a. Nothing in Sections 25, 30, 31, 32 or 36a of this Act shall affect the rights of any person making title to any chattels through or under any grantee of a bill of sale in good faith and for valuable consideration, by virtue of any sale or other disposition effected whilst the chattels were not in the possession or apparent possession of the grantor.

No. 6.—Insert a new clause to stand as Clause 9, as follows:—

*Amendment of Section 54.*

9. Section 54 of the principal Act is amended by the insertion before the word "sewing-machine" of the words "household furniture, tools of trade."

No. 7.—Insert a new clause to stand as Clause 10, as follows:—

*No retrospective effect.*

10. Nothing in this Act contained shall affect the rights or liabilities of the parties to any bill of sale or debenture which has already been executed prior to the coming into operation of this Act.

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

## **BILL—LAND DRAINAGE.**

### *Assembly's Message.*

Message from the Assembly notifying that it had agreed to Nos. 2, 5, 6, and 8 of the Council's amendments, and had disagreed to Nos. 1, 3, 4, and 7, now considered.

### *In Committee.*

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

No. 1, Clause 6.—Insert after the word "land" in line 4 of the interpretation of

"works" the words "or preventing its overflow of water upon land of a lower level":

The CHAIRMAN: The Assembly's reason for disagreeing to the Council's amendment is as follows: "The additional words do not serve any useful purpose. The definition definitely states that works include drains, etc., to be used for draining or diverting water from land. This would naturally include the prevention of the overflow of water."

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

When the Bill was previously before the Committee, I pointed out that the interpretation of "works" gave all the power that was necessary.

Hon. A. BURVILL: In practice drains that are supposed to divert water have overflowed and the damage done has cost the department and the settlers considerable sums of money. I thought the amendment would prove a safeguard against what has happened under every drainage scheme. However, I shall not press for this amendment provided amendment No. 4 is insisted on.

Question put and passed; the Council's amendment not insisted on.

No. 3.—Clause 31, delete all words after "to," in line one down to the end of the clause, and insert in lieu thereof the following:—"such number of votes, in respect of his qualification, to each of as many candidates as are required to be elected, as he would be entitled to at an election of members of a road board under the Road Districts Act, 1919."

The CHAIRMAN: The Assembly's reason for not agreeing to this amendment is that the qualification should be similar to that of other States and countries.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

The amendment deals with the qualification of elector and provides for one ratepayer one vote. That is in harmony with the legislation adopted in the Eastern States and also in England, where it has been in the Municipal Corporations Act since 1882. There are strong reasons for adopting this principle. The holder of a small block would be as vitally interested as would a man with a large block; in fact, the owner of a large block might not be cultivating his land at all.

Hon. C. F. BAXTER: The Minister has overlooked the fact that a small holder might have to pay half a crown where another holder might have to pay more than £100. It would not be right to give each of them the same voting power. The people who have to pay should have the say.

Hon. E. ROSE: The larger holders should have a bigger say, because of what they have at stake. In the South-West areas where drainage is required, there are hundreds of holdings of half an acre, and it would not be fair to give the owners of them voting power equal to the man who has to pay heavy rates.

Hon. A. BURVILL: Owners of large areas want their land drained. They are the people who have to pay for the work. There is no doubt about them cultivating their land. Individuals having small garden or township blocks would not be affected except that the drains would carry off storm waters. The owner of a large area might have to pay £30 in rates and two or three individuals having to pay only £1 might land him with drainage works that he did not desire. I am opposed to giving way on this amendment.

Hon. G. POTTER: This amendment affects the representation of a district and does not relate to the carrying out of works. The board will really represent the extent of land and, considered in that light, it is only just that the extent of land should have representation. There are safeguards in the matter of carrying out works.

Hon. J. J. HOLMES: An important principle is involved. If we admit the one-man-one-vote argument here, we must admit it for municipalities, road districts, and for this Chamber. The people who pay the money should have the say as to how it is to be expended. There is any quantity of good land in the South-West, better land than I thought existed, but there have been failures. It is said that 40 per cent. of successes under the group system will be creditable. It might happen that the 60 per cent. holding areas temporarily would elect a board and embark upon a scheme and then, abandoning their holdings, leave the 40 per cent. to pay.

Hon. E. ROSE: Mr. Potter's statement strengthens my opinion. We must be careful to have practical men on the board. With the increased land tax, a man cannot afford to hold his land in idleness.

Hon. V. HAMERSLEY: To show the interest people are taking in this measure, I met three men this morning who said they viewed seriously the voting power proposed in the Bill. If it is to be one man one vote, they would rather be without the Bill. They have devoted years to building up their properties and feel that newcomers with very small commitments should not have an equal say on the question of borrowing money for drainage works. I do not see why we should depart from the existing principle.

Hon. J. CORNELL: I cannot see why we should insist upon the amendment. Every settler will receive his money's worth for the amount of rates he pays. Why, therefore, should one settler have more voting power than another?

Hon. A. BURVILL: If a man has only five acres the draining of the country will scarcely affect him. His object will be to see that as much work as possible is done in the district, and he will not worry about the cost because he will not pay more than £1 a year. The amendment I put up originally was taken from the New Zealand Act.

Hon. T. MOORE: Mr. Burvill must be referring to township blocks. These would not have to be drained. Very few people who will have a vote under this Bill will hold less than 100 or 150 acres.

Hon. J. NICHOLSON: Every block in the drainage area will be rated. If the amendment is not insisted upon a man holding five acres will have the same voting power as a man holding 500 acres. In mining companies shareholders have one vote for each share they possess. We should uphold what is a wise provision.

Hon. A. BURVILL: In the Grassmere-Torbay area there are some 40 township lots, and the owners of these, although not paying more than £40 between them, will be able to put anyone they like upon the board.

The CHIEF SECRETARY: When the Act governing municipalities was amended, to provide that the tenant and not the owner of the property should have a vote, I heard similar expressions of alarm, but the administration of the different municipalities has since been quite satisfactory.

Hon. A. J. H. SAW: You did not hear the Premier's remarks about Cottesloe?

The CHIEF SECRETARY: I suppose there is a black sheep in every flock. Even at Home, as far back as 1882, a system of one voting paper only was introduced. In that respect we are far behind the Old Country and some of the Eastern States. Surely hon. members do not fear to give the man on a 10-acre block who is working for his livelihood the same voting power as the man having a large area.

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

Ayes	..	..	..	6
Noes	..	..	..	13

Majority against .. 7

#### AYES.

Hon. J. R. Brown	Hon. E. H. Gray
Hon. J. Cornell	Hon. T. Moore
Hon. J. M. Drew	Hon. E. H. Harris
	(Teller.)

#### NOES.

Hon. A. Burvill	Hon. G. W. Miles
Hon. J. Duffell	Hon. J. Nicholson
Hon. J. Ewing	Hon. E. Rose
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. H. Seddon
Hon. A. Lovekin	Hon. G. Potter
Hon. J. M. Macfarlane	(Teller.)

#### PAIRS.

AYES.	NOES.
Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. H. A. Stephenson	Hon. J. W. Hickey

Question thus negatived; the Council's amendment insisted on.

No. 4. Clause 60, Subclause 2—Insert a paragraph to stand as paragraph (c), as follows:—"Obtain from the Engineer-in-Chief a certificate that he is satisfied that the proposed works will be of sufficient capacity to carry off all waters which are likely then or at any future time to flow into such works from the catchment area which will be served thereby, and that proper and sufficient outlet to the sea has been provided":

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Hon. A. BURVILL: We must insist on this amendment. The reason why all the drainage works now existing are more or less failures is that the principle of the amendment has not been observed. The Chief Secretary thought it would be too much trouble to define catchment areas, and therefore opposed my amendment having their definition in view. The Government have recently paid some thousands

of pounds by way of damages because a catchment-area had not been defined. The present amendment may be somewhat drastic, and I am willing to modify it to read "a certificate that he is satisfied that the proposed works will be of sufficient capacity to carry off all waters which may reasonably be expected then or at any future time to flow into such works from the catchment area which will be served thereby, and that a reasonably sufficient outlet to the sea has been provided." It is unreasonable to allow things to go on as they are in the drainage department, simply by rule of thumb. Knowing what engineers are, I have a strong suspicion that they would agree to this suggestion. I have also a strong suspicion that it has not been put up to them for their opinion.

Hon. E. H. Gray: The Peel Estate drainage is a great success.

Hon. A. BURVILL: In that instance all the original drains had to be re-estimated and enlarged. Whether enough account has been taken of the catchment area on the Peel Estate is also questionable.

Hon. A. J. H. SAW: I hope the Committee will not insist on the amendment. I have previously pointed out that it is unreasonable to ask the engineer to give a certificate on such matters of detail as these. Unless the certificate is to be of a very perfunctory nature, the Engineer-in-Chief himself will have to check all the calculations and go minutely into the details. Undoubtedly proper surveys should be done and full investigations made before a drainage scheme is embarked upon, but to require from the Engineer-in-Chief a certificate covering even abnormal conditions is unreasonable. The amendment asks the Engineer-in-Chief to certify to what is unknowable. His time will be taken up fully with highly important work, and he should not be loaded up with matters of detail.

Hon. J. EWING: Dr. Saw has not the knowledge of engineering that he has of the medical profession, in which everything is dependent upon the individual practitioner. The Engineer-in-Chief, however, has under him numerous engineers who are supposed to be competent, and it is upon their investigations and reports that he will give his certificate.

Hon. A. J. H. Saw: I said he would have to check their reports.

Hon. J. EWING: Not personally.

Hon. A. J. H. Saw: Then his certificate would be worthless.

Hon. J. EWING: The administrative work of the department could not be carried on if the conditions were as supposed by Dr. Saw. I have supported Mr. Burvill all through on this Bill. The Peel Estate drainage was not altogether successful in the initial stages.

Hon. E. H. Gray: There was nothing ever wrong with the drainage of that estate.

Hon. J. EWING: Mr. Rose and I inspected the Benger swamps and were able to appreciate the necessity for the compensation that the Government had to pay owing to defective drainage operations there. That is what Mr. Burvill wished to avoid. If the Engineer-in-Chief cannot organise his staff so as to rely upon those under him giving him data to enable him to furnish a certificate, it does not say much for his capacity.

Hon. A. LOVEKIN: Standing Order 225 provides that in the event of the Assembly disagreeing to an amendment proposed by the Council, we can propose a further amendment as an alternative. Perhaps Mr. Burvill can gain his end by that means.

Hon. A. BURVILL: The amendment could be amended by striking out "are likely" in the 4th line, and inserting "may reasonably be expected," and in the 6th and 7th lines by striking out "proper and," and inserting "a reasonably sufficient."

Hon. J. J. HOLMES: The Committee should insist upon a certificate being furnished by some responsible officer, not necessarily the Engineer-in-Chief. We have heard a lot about drainage schemes in the past. It is known that between the swamps in the South-West and the ocean there is a range of sand hills which represent the natural drainage. It occurs to me if we drain the water from the swamps into the ocean, we may possibly drain the ocean into the swamps!

Hon. E. H. Gray: How did they drain Holland?

Hon. J. J. HOLMES: Mr. Gray claims that the Peel Estate work has proved a success.

Hon. E. H. Gray: There is nothing wrong with the drainage.

Hon. J. J. HOLMES: I find from the Auditor General's report that the Peel estate was purchased for £53,500, and to the 30th June last £1,210,000 had been spent there.

Hon. E. H. Gray: I referred to the drainage works. There was nothing wrong with them.

Hon. J. J. HOLMES: The interest on that amount represents about £70,000 a year. We have not begun to see a return representing anything like £70,000 a year.

Hon. E. H. Gray: That has nothing to do with the drainage.

Hon. J. J. HOLMES: I also find that, up to 30th June, £2,236,000 had been spent in the South-West in connection with group settlements. If we are to continue spending money in this way without some certificate from a responsible officer to the effect that the work will be satisfactory when completed, we will get into a bad position. I do not wish to be arbitrary but my vote will be cast so as to insist upon some certificate being furnished by a competent officer.

Hon. A. J. H. SAW: I suggest to Mr. Burvill that after "Engineer-in-Chief" he inserts the words "or officer deputed by him."

Hon. A. BURVILL: I accept that suggestion and I will move an amendment—

That the Council's amendment No. 4 be modified by inserting after "Engineer-in-Chief" the words "or an officer deputed by him"; by striking out in line four the words "are likely," and inserting "may reasonably be expected" in lieu, and in the sixth and seventh lines by striking out "proper and," and inserting "a reasonably" in lieu.

The CHIEF SECRETARY: There is no doubt that the amendment, with the alteration suggested by Dr. Saw, is an improvement upon the original proposal. This provision will nevertheless considerably increase the cost of drainage. Here we have a professional man, with the attainments possessed by the Engineer-in-Chief, who will have to accept the responsibility of certifying that the drainage to be provided will be sufficient to cope with the water now and at any future time.

Hon. J. J. Holmes: Such as it may be "reasonably expected" to deal with.

The CHIEF SECRETARY: The Engineer-in-Chief will recognise that his reputation is at stake and he will take every precaution to see that the scheme to which he certifies will cope with all possible requirements.

Hon. V. Hamersley: But the people's money is at stake as well.

The CHIEF SECRETARY: I know of an instance where a river—it is really a drain—overflowed its banks and caused heavy damage. It spread to a width of 10 miles

That occurred 35 years ago and has not been repeated since.

Hon. A. Burvill: That is why the words "reasonably expected" are included in the modification.

The CHIEF SECRETARY: There was a catchment area and there is a possibility of a similar abnormal rainfall again.

Hon. V. Hamersley: When did that occur?

The CHIEF SECRETARY: It was during one February at Greenough. The Engineer-in-Chief will see that the drains are large enough to carry away not only the water that may have to be coped with under ordinary conditions, but to deal with a possible abnormal flow. That means that the owners will have to pay the piper.

Hon. J. J. Holmes: That does not matter if we can get an efficient job.

The CHIEF SECRETARY: Would any doctor give such a certificate guaranteeing that the prescription he gave to a patient could be reasonably expected to effect a permanent cure?

Member: A "quack" might.

The CHIEF SECRETARY: Would a lawyer furnish such a certificate to a client?

Hon. A. J. H. Saw: He would give you anything for 6s. 8d.

The CHIEF SECRETARY: Lawyers do not bind themselves down. They always say, "I am of the opinion."

Hon. E. H. ROSE: The modification will be of great assistance to drainage boards, particularly if they can secure a certificate from the Engineer-in-Chief. We know that the original drains at the Peel estate had to be widened because they were too narrow and too shallow.

Hon. E. H. Gray: That will occur with any scheme.

Hon. H. A. Stephenson: With any rule-of-thumb scheme.

Hon. E. H. ROSE: With such a provision in the Bill there will be no repetition of what occurred at Bengar. An event such as that referred to by the Chief Secretary, when floods were experienced at Greenough out of season, represents the abnormal. Statistics dealing with rainfall would enable the Engineer-in-Chief to determine what might reasonably be expected during a normal period.

Hon. V. HAMERSLEY: The modification is reasonable and necessary, and is

based upon experience. There is a danger of the political element being introduced in the future, as it has been in the past. The State is suffering to-day, for instance, because of conditions arising out of work that was provided for the unemployed. Those who have to pay the cost should have an assurance from some responsible officer of the department that due provision has been made to carry off all water flowing into the works.

Amendment on the Council's amendment put and passed; the Council's amendment, as amended, insisted upon.

No. 7.—Clause 89, insert at the end a proviso as follows:—"Provided that any person feeling himself aggrieved through his land not being graded under this section may, on appeal to the board or a local court under the provisions hereinafter contained, raise as a ground of appeal that the land is entitled to be graded under this section, and the board or court may make such order thereon as shall be just."

The CHAIRMAN: The Assembly's reason for disagreeing to the Council's amendment is as follows: "The amendment to Clause 97, which the Assembly has agreed to, provides the machinery to make the appeal."

The CHIEF SECRETARY: I move—

That the amendment be not insisted upon.

Hon. A. BURVILL: It is true that the Assembly has agreed to an amendment to Clause 97, but even so it is not obligatory on the board to make differential rating. Should the board impose a flat rate, any ratepayer objecting will have to appeal to an appeal court. There will be a danger if we do not have this amendment No. 7.

Question put and passed; the Council's amendment not insisted upon.

Resolutions reported, the report adopted and a message accordingly returned to the Assembly.

## BILL—WEIGHTS AND MEASURES ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the previous day.

HON. J. M. MACFARLANE (Metropolitan) [12.25]: When the Act of 1915 was passed the City Council made arrangements to dispose of their standard weights and hand over to the department. However, the Act was not proclaimed, and so

nothing was done, despite the representations of the City Council. Many excuses were made by the department for not taking over from the City Council. First they said they desired to get out a set of standard weights—which, of course, the City Council could have supplied. Later the excuse was that the set of standard weights ordered by the department had gone to the bottom of the sea. A second set was ordered, and that has been here for some years past. The next excuse for not bringing the Act into operation was that the department had not a suitable building. Yet the department had a much more suitable building for the housing of its officers than had the City Council. However, the City Council, loth to see the community imposed upon by faked scales, continued to do the work, although under very great disadvantages. Recently the council changed their premises and by deputation asked the Premier that this matter of weights and measures be taken in hand without further delay. The result has been that the department is now moving. Still I cannot understand why there should have been so long a delay. There does not seem to be any adequate reason why the existing Act was not proclaimed years ago. The House will be well advised to pass the Bill for a limited period with a view to seeing how it will work. Since the existing Act has never been proclaimed, it is curious that we should have a new amending Bill.

Hon. J. Cornell: Well, the Act is ten years old.

Hon. J. M. MACFARLANE: But it has never been tried.

Hon. V. Hamersley: The great thing is to get the legislation into operation.

Hon. J. M. MACFARLANE: If we restrict the measure to a limited period, we shall be able to review it after having had experience of its operations. It is proposed to delete the provision bringing railway scales within the scope of the Weights and Measures Act. The railway scales, however, should be governed by the Act, because their weights play such an important part in the business of the community. I have experienced a lot of trouble with producers who forwarded consignments to me, as they considered I had cheated them in the matter of weights, but it was proved that the discrepancy was due to the inaccuracy of the railway scales. Other traders have had similar experiences, and it is not difficult to

understand the mistrust that exists between producers in the country and purchasers in the city. Further, the railway people frequently charge for a quarter of a hundred weight when they should not do so. Probably the consignor sometimes gets the advantage of the railway scales being out of order, but my experience is that it more often operates in favour of the department.

Hon. J. J. Holmes: I understood that the railway scales were still included.

Hon. J. M. MACFARLANE: Section of the 1915 Act reads—

The Commissioner of Police may, by arrangement with the Commissioner of Railway from time to time examine and test any weighing instrument used on the Government Railway.

That section is to be repealed by this Bill.

Hon. J. Cornell: I cannot see any reference to that in the Bill.

Hon. J. M. MACFARLANE: The parent Act contains a schedule of fees to be paid for testing, verifying or stamping weights and measures and weighing instruments. If this Bill be passed, the schedule will be deleted and those charges will be fixed by regulation. On many occasions this House has objected to the imposition of fees by regulation on the ground that that system presented a temptation to use various Acts for revenue-raising purposes when Parliament intended that charge sufficient to cover only administrative cost should be imposed. This is another reason why the operation of this measure should be limited. Paragraph (j4) of Clause 1 empowers the Government to make regulations prescribing the weights, measures or sizes in which packages of specified goods shall be sold. Under the Health Act Amendment of 1911 a Food Standard Advisory Board has been established charged with the duty of fixing standards and regulating the weights of packages of specified goods. The provision in this Bill would either duplicate that work or deprive the advisory board of the power given it by the Act of 1911. It is important that we should have a proper supervision of weights and measures so that the public may get their just dues and that the seller may be protected, but I do not feel justified in voting to let loose this measure on the community. At the same time realise the difficulty, knowing that the City Council have disposed of their standard weights and that at present no one is supervising weights and measures.

**HON. A. LOVEKIN** (Metropolitan-Suburban) [12.38]: This Bill has come to us very late in the session and may have far-reaching effects. It requires a good deal of consideration, because the principal Act as well as many other Acts must be studied before one can give a proper interpretation of this measure. Health Regulation No. 13 deals with exemptions for beer, soda water, etc., but under this Bill the Government have power to make certain exemptions, and no reference is made to the exemptions at present operating. Further, the public should know definitely what charges they will have to pay, and those charges should be set out in the Bill and not prescribed by regulation from time to time. In order that legislation might not be hindered, I suggest that we add to the Bill a clause stipulating that it shall operate till the 31st December, 1926, and no longer. Then next session we could consider the whole law of weights and measures and either prolong the life of the Act or otherwise deal with it as members think fit. With this safeguard, no harm will result from passing the Bill.

**HON. J. NICHOLSON** (Metropolitan) [12.40]: Mr. Lovekin's suggestion should appeal to the Minister. We have to bear in mind that this is a Bill to amend an Act that has not yet been enforced, which shows how essential it is to take time to consider the measure thoroughly. The Act was passed in 1915, and provision was made for it to come into operation when proclaimed, but it has never been proclaimed. I cannot understand why its proclamation should have been deferred so long. Yet important amendments are now proposed to an Act that has never been put into operation. There are various points to which one might allude, but in view of Mr. Lovekin's suggestion to restrict the operation of this measure to 12 months, I shall content myself with referring to the application of the regulations. Health Regulation No. 13 makes special exemption regarding packages of food "named or indicated hereunder" which shall be exempt from the provisions of the Health Act requiring information by an accompanying or attached label or statement as to the weight, measure, or number of the contents. The list of exempted articles covers more than half a page. When this amend-

ing measure becomes operative, it may clash with the health regulations. Aerated waters, summer drinks, etc., are exempted under the Health Act and why should they not be exempted under this measure? There may be some sound reason for not exempting them, but we have not had time to ascertain the reason. If we pass this Bill, we might include a clause stipulating that anything in this measure shall not affect any exemptions provided for under the Health Act, 1911. That would prevent any clashing or confusion. Subject to that safeguard, and any amendment to be suggested later, I support the second reading.

**HON. H. A. STEPHENSON** (Metropolitan-Suburban) [12.45]: No Bill of this kind should be allowed to pass unless the Railway Department is brought within its purview.

Hon. A. Lovekin: It does include them.

Hon. H. A. STEPHENSON: The railway weighing machines and weighbridges should be included. For many years these weighbridges have been far from satisfactory. The railways are common carriers. It is just as necessary that their weights should be correct as in the case of any other trading concern. It has been my experience for many years to find that the question of railway weighbridges has been a burning one with farmers and merchants. The railway people say they weigh goods only for freight purposes, and not for trade purposes. It is just as necessary they should declare the correct weight for the one as for the other.

Hon. C. F. Baxter: The weighbridge weights are accepted.

Hon. H. A. STEPHENSON: There are weighbridges at Kellerberrin, Grass Valley, Northam, Narrogin, Katanning, Pinjarra, and other places. Farmers who consign goods from those centres have them weighed over the railway machines. There is no one in attendance. The carter merely comes in with his load and weighs it. Weather conditions play a big part in the tare of a wagon. A carter may come in with his wagon perfectly clean, and the correct weight of the goods on it may be obtained. In the winter time the wagon may have 2 or 3 cwt. of mud on the wheels, and that is charged up as chaff, oats, wheat, or some other commodity. Obviously, therefore, that weight must be incorrect.



When the consignment reaches the other end it is again weighed by the purchaser, and there is a big discrepancy between the railway weights and his own. This leads to endless trouble. The position of the farmer is very much changed from what it was a few years ago. In those days hay, chaff, wheat, oats and barley were loaded in the country and consigned to Perth, where it was resold and could be re-weighed. The opening up of group settlements and various timber mills has changed the position. Most of these goods are to-day consigned direct from the loading stations to the sawmills, group settlements, or other destination. It is therefore, necessary that the weights should be correct, in order to avoid annoyance and trouble. If a truck of chaff or oats, that is sent away from the receiving station, is subsequently found to be short by several cwt., trouble arises. In most cases the railways have already collected a freight in excess of what they are entitled to collect. I have known of discrepancies of anything up to half a ton to occur in the weight. On one occasion a truck of oats was loaded at Narrogin and consigned to a timber mill 100 miles away. When the invoice went in, the people who received the goods objected on the ground that the weight was incorrect, and that there had been an overcharge. The number of bags mentioned in the invoice was at variance with the number of bags received. The Railway Department were written to, but they affirmed that the truck was correctly weighed, and the number of bags contained in it was as specified. The trouble went on for nearly a year, and the people who received the goods refused to pay the freight. Finally it was discovered that the farmer who had weighed the truck and put into it a certain number of bags had later on in the day taken 30 bags out, and sold them to another man.

Hon. J. Cornell: What has that to do with the Bill?

Hon. H. A. STEPHENSON: A great deal.

Hon. J. Cornell: Nothing at all.

Hon. H. A. STEPHENSON: It has. The trouble arose because there was no official in attendance at the weighbridge to see that the weights were checked, and that the number of bags put into the truck was correct.

Hon. J. Cornell: This Bill is to protect the person who buys.

Hon. H. A. STEPHENSON: It is necessary also to protect the person who sells. If the Railway Department have weighbridges at the centres I have mentioned, they should appoint a man to check the weights, and see that the trucks are not afterwards interfered with. The man who receives the goods is entitled to protection.

Hon. C. F. Baxter: Do you suggest that there should be an attendant at every railway weighbridge?

Hon. H. A. STEPHENSON: Yes, except at unattended sidings.

Hon. C. F. Baxter: What you want to do is to close the weighbridges at the small sidings.

Hon. H. A. STEPHENSON: The railways have a system of running weight. There may be a rake of 20 trucks passing over a weighbridge in the yard. A man stands by and calls out "on" and "off" as the trucks pass over the weighbridge, and he takes down the weight. That is how the railways try to arrive at the correct weight.

Hon. E. H. Gray: They get it, too.

Hon. A. STEPHENSON: They say this is only done for freight purposes. The weight, however, should be correct. Why should people have to pay more or less freight, as the case may be, because of the incorrectness of the weights?

The PRESIDENT: The question is that the Bill be read a second time.

Hon. H. A. STEPHENSON: I support the second reading, but in Committee will endeavour to make certain amendments to it.

HON. J. CORNELL (South) [12.55]: This is a Bill to afford protection to the community. The Government are entitled to credit for bringing down a measure that should have been passed into law long ago.

Hon. V. Hamersley: What have they done?

Hon. J. CORNELL: One would not have expected the Government to proclaim an Act that is ten years old. I understand that they will proclaim it, but say it must first be brought up to date. That is what the Bill seeks to do. Can any member accuse the Government of ulterior motives? The Bill is brought down in the interests of the community. Although our population is roughly 370,000, there is no machinery in

operation to ensure that a man is not selling half a pound weight of something for a pound. It is disgraceful that the community should be left in that position. I cannot think that any legitimate trader has any reason to fear the Bill; if so, he should no longer be allowed to trade. There is but little connection between Mr. Stephenson's remarks and the purport of the Bill. If I go into a shop and buy an article by weight or measure, the law is supposed to protect me so that I get what I pay for. The railways are common carriers. I may desire to consign to Mr. Stephenson in Perth a truck of produce from Kellerberrin.

Hon. V. Hamersley: What would you be consigning?

Hon. J. CORNELL: Chaff, without grain or with very little. I weigh this over the railway weighbridge. It is then delivered to Mr. Stephenson.

Hon. V. Hamersley: If he is lucky.

Hon. J. CORNELL: Unless it is blown off the truck. The functions of the department then cease. If I have consigned a ton of chaff to Mr. Stephenson and he does not get the full ton, he is not expected to sell it to someone as if it were a full ton.

*Sitting suspended from 1 p.m. to 3 p.m.*

Hon. J. CORNELL: I was pointing out that the comparison Mr. Stephenson endeavoured to draw between the actions of the Railway Department and the Bill before us is not applicable. The Railway Department, acting as carriers, cannot be construed as being in the same position as persons to whom this Bill applies. With regard to Mr. Macfarlane's and Mr. Lovekin's contention that a clause should be added making the measure operative only to the end of December, 1926, I do not think it necessary to limit the duration of the Bill. The measure is long overdue, and it is purely a protective measure. By no stretch of imagination could it be contended that the Government will gain anything from the enactment of this Bill. If in its working the measure is found to bear hardly on any section of the community, there would be no misgivings about introducing an amending Bill. Should the House insist on limiting this legislation, I suggest that the period should be not less than two years. We have no provision for the control of weights and measures in this State, and to perfect the necessary organisation for giving effect to this legislation

will occupy some time. Twelve months would scarcely be sufficient for the purpose, though a period of two years might do.

HON. J. DUFFELL (Metropolitan-Suburban) [3.2]: It will be generally admitted that at this stage of the session it is impossible to do full justice to the Bill, which proposes numerous amendments to the principal Act. In order that those amendments may be adequately considered, it will be necessary to have before us the parent Act and compare it with the regulations already gazetted under Section 83. Those regulations affect numerous trades, and to pass a satisfactory Bill is almost beyond the power of the Council, having regard to the late period of the session, if the session is to close as anticipated. In all the circumstances I regard the suggestion to limit the operation of the measure to 12 months as an excellent one. The same course was adopted when this Parliament fixed the hours for trading in liquor at from 9 a.m. to 9 p.m. True, that was a war measure; but at the end of 1916 it required only a resolution of both Houses to continue the Act for another 12 months. The same steps might be adopted in connection with the present Bill. Twelve months would allow time for mature consideration, and for the preparation of any necessary amendments. The Act dealing with the hours of trading in liquor was renewed from year to year, but eventually became the permanent law of the land; and it is now regarded in the other parts of the Commonwealth and in New Zealand as the best measure dealing with the liquor trade that is to be found on the statute-book of any country in the Southern Hemisphere. I hope the Chief Secretary will accept the suggested limitation, because in that way he will be enabled to tide over the rush of the present period and the Government will be placed in a position to formulate any amendments which may be found necessary in the measure. I have been spoken to by several Perth traders, who agree that it would be confusion thrice confounded if this Bill were passed without limitation to its operations.

HON. J. J. HOLMES (North) [3.8]: The parent Act was passed ten years ago, and nothing has been done in the matter except to bring down this Bill. Several Governments have spent years in considering the original Act, and now, at the eleventh hour

of this session, we are asked to deal with amendments which cannot be properly considered without a careful scrutiny of that Act. I am prepared to devote any time that may be necessary for the careful consideration of the amendments; but if that course is adopted, we shall not finish the session to-morrow. I thought the Bill might be treated as a lapsed measure to be taken up next session, but on looking up the Standing Orders I find that that cannot be done, because an election of the Council takes place in the meantime, and the Bill would have to be started all over again. What I want to be sure about is that not only shall the Railway Department come under the Bill, but also the various trading concerns and ramifications associated with a Government who compete with private traders. I refer particularly to the Wyndham Meat Works. The people I represent send in twenty odd thousand cattle to the works, and have nothing more to do with them from the time they enter the yard until some weeks later, when an account is rendered showing that they weighed so much per head. There is no method of checking the accuracy of the scales which weigh the cattle. It behoves us to see, when the Government enter into trading ramifications, that they compete on the same lines as private traders. According to official information which I have, as regards this Bill we are putting the cart before the horse, because nothing can be done in the matter until proper buildings are erected. I was astonished, and I believe the House will be astonished, to learn that the necessary buildings cannot be erected for less than £10,000. That is not hearsay. I think £11,000 is the official estimate. Here we are going on with the Bill, and if the Bill becomes an Act its provisions cannot be carried into effect. The housing accommodation for the paraphernalia required will cost not less than £10,000, and that is one of the reasons why the Bill has been held up so long. I think we had better leave the Bill until the foundation stone of the new structure is laid. In any case, I should urge members if they pass the Bill, to limit its duration. Undoubtedly this is an important measure. One thing I should like metropolitan members to watch is that we do not, by means of this Bill, legalise some of the regulations which this House has disallowed. I refer to health regulations and

sundry others over which there have been big fights here. In some instances the House was almost unanimous in disallowing a regulation. If we are not careful, we may wake up on Saturday morning and find that all our good work in dealing with regulations has been nullified by something agreed to in this Bill. I should very much prefer to see the measure held over until next session. As the Act has existed for 10 years without necessity being found for its proclamation, I do not think we should be asked now to amend it in 10 minutes. If we pass the Bill and the Act is proclaimed, it will be an Act without a home. Therefore, I do not think it is asking too much that the Bill be placed at the bottom of the Notice Paper for resumption next session. If we cannot do that I shall be prepared to put a limit on it that may result in the Act lapsing before the foundation stone of the building is laid.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central—in reply) [3.15]: I have always taken a great personal interest in this class of legislation. As I have already stated, I had the privilege of introducing the Bill passed in 1915. Since then I have endeavoured to keep in touch with it. It has always been a mystery to me why the Act was not proclaimed. It was delayed for a couple of years through the vessel that was bringing out the first set of standard weights being torpedoed. Since then I have frequently asked why the measure was not proclaimed, and one most consistent reply has been that the delay was due to want of housing accommodation. Some time ago I asked the Commissioner of Police what was the real reason for the delay, and he, too, said that it was the absence of proper housing accommodation. When the present Government came into power, I found that the 10 years old excuse was still being made. No doubt that excuse was pretty soundly based. We discovered that negotiations were already in progress for the erection of the necessary buildings. The intention was that the staff of the Water Supply Department should be removed to the Public Works Department. Then new buildings were to be erected for the housing of the weights and measures staff and their equipment, at an estimated cost of £11,000. So it will be seen that it would not be advisable to limit the operation of the measure, for that would express a doubt as to whether the measure would be finally en-

acted, and in those circumstances the Government could not go on with the erection of the necessary buildings. Mr. Macfarlane referred to the exemption of the Commissioner of Railways from the operation of the measure. The Commissioner was exempted under the original Act. There was a good deal of controversy in this Chamber over that exemption, but eventually, as a compromise, it was decided that the Commissioner of Railways should from time to time have his weights and measures tested by the Weights and Measures Department. As I say, that provision is in the existing Act. Mr. Macfarlane asked why this amending Bill should be necessary. When moving the second reading I explained that the Bill is almost an exact copy of the the New South Wales legislation. The Government got into touch with the officer in charge of the administration of the New South Wales Act, who said the operation of that measure had proved that a number of amendments were necessary. In the first place some of the original provisions were not sufficiently far-reaching, while other provisions had proved to be defective. Again, it was necessary to meet the different circumstances of different districts, and amendments had to be made accordingly. From the experience of New South Wales we came to the conclusion that it was advisable to have similar amendments in our own legislation. The Government are not responsible for the provision in the Bill for the making of regulations. Originally the fees are put in a schedule, but exception was taken to it in another place and power was given to the Government to make regulations fixing the fees. If hon. members come to the conclusion that they cannot at this late stage of the session give the Bill sufficient consideration to justify them in passing it, it would be far better to allow the Bill to lapse than to limit its duration to one year, which would not be acceptable to the Government. The measure is of great importance, and the country has been crying out for it for years. If members fail to pass it I am sure it will be solely because they think there is not sufficient time in which to give it full consideration.

Question put and passed.

Bill read a second time.

## BILL—ROADS CLOSURE.

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

### *Assembly's Message.*

Message received from the Assembly notifying that it had agreed to Nos. 5, 6, 19, 20, 23, 36, 39 to 47 inclusive, and 49, of the Council's amendments; had disagreed to Nos. 1, 2, 3, 4, 7 to 18 inclusive, 21, 22, 24, 25, 26, 28 to 35 inclusive, 37, 38, 48, and 51 to 57 inclusive, and had amended No. 27—now considered.

### *In Committee.*

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

No. 1. Clause 2, Subclause (1).—Delete all words after "State" in line 5 down to the end of the subclause.

The CHAIRMAN: The words proposed to be deleted are "and also any club employing one or more workers." The reason given by the Assembly for disagreeing with the Council's amendment is as follows: "Worker in clubs are entitled to the same protection as other workers."

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 2.—Clause 2, Subclause (4), delete paragraph (h).

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows:—"The amendment proposes to delete one of the basic principles of the Bill and of compulsory arbitration, and in the opinion of the Assembly the deletion would materially interfere with the satisfactory operation of the measure and deprive the court of a legitimate discretion."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 3.—Clause 2, Subclause (6), delete all words after "by," in line one down to and inclusive of the word "by," in line three.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows:—"It is opposed to the principles of justice to debar the workers sought to be covered by the clause from the protection afforded other sections of work-ers." This has reference to domestic ser-vants.

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Coun-cil's amendment insisted on.

No. 4.—Clause 2, Subclause (6), delete the second paragraph, and insert in lieu thereof the following:—"The term includes canvassers for industrial insurance whose services are remunerated wholly or partly by commission or percentage reward. For the purposes of this paragraph, the word "canvassers" means persons wholly and solely employed in the writing of industrial insurance business, and/or in the collection of premiums at not longer intervals than one month in respect to such insurance, but does not include any person who directly or indirectly carries on or is concerned in the carrying on or conduct of any other business or occupation in conjunction or in association with that of industrial insurance.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amend-ment is as follows:—"It is illogical to provide for canvassers of only one class of insurance, and inequitable to ex-clude other workers remunerated on the same principle."

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 7.—Clause 4, delete.

The CHAIRMAN: The Assembly's rea-son for not agreeing to the Council's amend-ment is as follows:—"The operation of the present law in regard to the restriction to a specified industry has proved to be a source of industrial unrest and interference with the proper application of the principles of arbitration."

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 8.—Insert the following new clause to stand as Clause 4:—"Section 29 of the prin-cipal Act is amended by adding thereto a para-graph as follows:—"For the purpose of this section a reference to the court shall be deemed

to be not pendent if no proceedings therein have been taken for a period exceeding 12 months.'"

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that it may jeopardise unions that are un-able to get before the court within a year through no fault of their own.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 9.—Clause 5, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that the Australian Workers' Union em-braces a large number of men who follow casual employment on various classes of work, and those men are entitled to full industrial benefits.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 10.—Clause 6, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that it is consequential on No. 9.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 11.—Clause 8, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows:—"The constitution of the court as set out in the Bill is considered es-sential for the satisfactory and prompt oper-ation of the Act, and for the attainment and maintenance of social justice and industrial peace."

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 12.—Clause 9, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that it is consequential on No. 11.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 13.—Clause 10, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that it is consequential on No. 11.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 15.—Clause 12, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that it is consequential on No. 11.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 16.—Clause 13, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that it is consequential on No. 11.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 17.—Clause 14, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that it is consequential on No. 11.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 18.—Clause 15, delete paragraph (i) and proviso.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that the provision is necessary for the quick settlement of urgent disputes.

Hon. J. CORNELL: Clause 15 has been amended in two places and the Assembly has agreed to one amendment and not agreed to the other. The striking out of the word "Minister" and inserting "Commissioner" is consequential on the striking out of paragraph (i). It shows that another place has not given close consideration to the Bill.

Hon. A. LOVEKIN: It cannot be altered now. We must wait until we have the conference which I take it must follow.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 21.—Clause 18, delete all words after "Act," in line five, to the end of the clause.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that the procedure before the court should be as simple and inexpensive as possible.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 22.—Clause 20, delete the words "the issues are settled," in line five, and insert "applications are lodged for the settlement of issues."

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "A union may lodge an application, but not be prepared to immediately settle issues. The settlement of issues indicates the preparedness of the organisations to go on."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 24.—Clause 23, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "It is necessary to give the court full power to ensure industrial peace."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 25.—Clause 25, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "It is unjust to debar workers from obtaining the wages as determined by the court from the time specified in the clause."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 26.—Clause 26, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amend-

ment is as follows: "The clause is essential for the protection of the workers employed by persons not directly engaged in the particular industry."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; The Council's amendment insisted on.

No. 28.—Clause 31, delete all words after "by," in line one down to and inclusive of the word "by," in line three.

The CHAIRMAN: No reason has been given by the Assembly for disagreeing with the Council's amendment.

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 29.—Clause 31, insert after "of," in line one of second proviso, the words "the first." Insert after "award," in line two the words "and after the expiration of any subsequent period of twelve months." Insert after "vary," in last line, the words "or rescind."

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "The court should be free to amend or alter at any period."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 30.—Clause 33, delete the proviso.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "It is consequential on No. 25."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 31.—Clause 33, Subclause (2), delete all words after "court," in line six, down to and inclusive of "orders," in line eight.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "It is consequential on No. 25."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 32.—Clause 34, delete Subclause (3).

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "The clause is necessary for the elimination of unfair competition in industries."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 33.—Clause 35, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "The presence of the legal profession will tend to have the case settled by legal technicalities instead of on the facts of the case."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 34.—Clause 38, insert after "any," in line four, the words "police or resident," and delete the words "appointed by the Governor as an industrial magistrate for the purposes of this Act," in lines five and six. Delete the words "before an industrial magistrate," in lines one and two of proviso.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "The proposal to include all magistrates is not conducive to the specialisation on industrial matters."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 35.—Clause 42, delete the words "for any," in the last line, and insert "without good."

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "Industrial legislation to be effective should be as free as possible from provisions which lead to litigation and consequential industrial unrest."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 37.—Clause 56, delete all words after "ninety-seven," in line one, down to the end of the clause, and insert in lieu thereof the following words:—"of the principal

Act is amended by omitting the words 'nor shall any application be made to the court by any such union or association for the enforcement of any industrial agreement or award of the court,' and by omitting in Subsection (1) the words 'provided that if the resolution is for a reference of an industrial dispute it shall,' and inserting in lieu thereof the word 'and.' And is further amended by inserting in the last line of Subsection (1), after the word 'minutes,' the words 'and any such ballot shall be a secret ballot, and no form of voting shall have any letter, number, or record thereon to show or indicate how such voters may have voted.'"

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "The procedure of approaching the court should be made as simple and expeditious as possible."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 38.—Clause 57, delete, and insert in lieu thereof a clause as follows:—

Part V. of the principal Act is hereby repealed, and the following provisions are inserted in place thereof:—

#### *Part V.—Basic Wage.*

100. (1.) Before the fourteenth day of June in every year the court, of its own motion, shall determine and declare—

- (a) a basic wage to be paid to male and female workers;
- (b) wherever or whenever necessary, differential basic rates to be paid in special or defined areas of the State.

(2.) The expression "basic wage" means a sum sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligation to which such worker would be ordinarily subject.

(3.) By leave of the court any party concerned may be represented at and take part in any inquiry which may be held by the court when determining the basic wage. The court may allow such reasonable costs to the parties as it may deem to be sufficient, and such shall be payable from moneys appropriated by Parliament for the purposes of this Act.

(4.) The determination of the court shall be presented to the Minister, who shall cause it to be published forthwith in the "Gazette."

(5.) The basic wage so declared shall operate and have effect from the first day of July thence next ensuing, and shall remain in force until the thirtieth day of June in the year following.

(6.) After the declaration of the basic wage as aforesaid, no award or industrial agreement shall be made which prescribes a lesser wage in money or money's worth than the basic wage, except in the case of junior, infirm or aged workers, or apprentices.

#### *Existing awards and agreements.*

101. Awards and industrial agreements made before the commencement of this part of the Act may be varied by the court on the application of either party so far as the same may be inconsistent with the basic wage as determined under this part of the Act. If no application be made such awards and industrial agreements shall continue in force until the expiration of their currency.

#### *New awards and agreements.*

102. Awards and industrial agreements made after the commencement of this part of the Act shall prescribe and distinguish separately—

- (a) the basic wage;
- (b) any other wages or allowances, and/or additional remuneration in respect to skill or employment in offensive, unhealthy, injurious, or dangerous occupations, trades, or vocations,
- (c) any deductions in respect to junior, infirm or aged workers or apprentices, or for benefits received in the course of the employment.

#### *Automatic increases and decreases.*

103. Subject to section one hundred and one the basic wage prescribed in every award and industrial agreement shall, from time to time, automatically become increased or decreased so that it conforms to and is parity with the basic wage as last determined by the court: Provided that in the case of junior, infirm or aged workers or apprentices, in respect to whom a lower basic wage may have been prescribed, such increase or decrease shall be pro rata to such lower rate of wage.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "The clause is ambiguous, and not understandable, and may work considerable damage."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 48.—Clause 61, insert after "employers," in line four, the words "and the number of apprentices to be employed."

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "The number of apprentices should be fixed in the respective awards for the various trades, and not by regulation."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 51.—Clause 66, delete.



The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "It is not logical or equitable to exclude club workers from the protection and benefits of the Act."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 52.—Clause 67, delete.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "The powers are necessary for the proper enforcement of the awards of the court."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 53.—Clause 68, delete "industrial," in line five, and insert "police or resident."

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "It is consequential on No. 34."

The CHIEF SECRETARY: I move—

That the Council's amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 54.—Clause 69, delete all words after "by," in line two, and insert the words "substituting for the words 'three months' the words 'twelve months.'"

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "There is no logical reason for singling out workers in the matter of the recovery of wages as compared with other persons to whom money is due. Workers should have the same rights and protection as other creditors."

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 55.—New clause: A section is inserted in the principal Act as follows:—

64a. The president may, if he thinks fit, in any proceeding before the court at any stage and upon such terms as he thinks fit, state a case in writing for the opinion of the full court upon any question arising in the proceedings which in his opinion is a question of

law. The full court shall hear and determine the question, and remit the case with its opinion to the president, and may make any order as to costs as it thinks fit.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows: "It is essential that the industrial arbitration law be kept free from all legal entanglements."

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 56.—New clause: Section 115 of the principal Act is amended by adding thereto the following two subsections:—

(1.) It shall be the duty of the registrar whenever a total or partial cessation of work occurs in or in connection with any industry to make immediate inquiry into the cause thereof, and to take legal action to enforce against any person found, on such inquiry, to be committing any breach of this Act or of any industrial agreement or award of the court all or any of the remedies provided by this Act, which he may deem applicable to the case.

(2.) In the carrying out and discharge of his duties under this section, the registrar shall be entitled to the assistance of all industrial inspectors and officers of the court.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is as follows:—"The proposed amendment would place the registrar in an altogether impossible position, and would interfere with the performance of the proper functions of office."

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 57.—New clause: Section 110 of the principal Act is repealed, and a section is inserted in place thereof, as follows:—

*Penalty for contempt.*

110. (1.) Any person who—

- (a) in writing, by speech, or otherwise insults any member of the court or of a board, or any commissioner or member of a committee, or the clerk of the court, or a witness, whether in court or in the precincts of the court, or elsewhere; or
- (b) wilfully interrupts the proceedings before the court; or
- (c) without good cause refuses to give evidence; or
- (d) is guilty in any manner of wilful contempt of the court,

shall be guilty of an offence against this Act.

Penalty: £100.

(2.) It shall be lawful for any officer of the court, or any member of the police force, to remove any person offending against this section from the precincts of the court to be detained in custody until the rising of the court: Provided that a person so offending shall be liable to the penalty for his offence whether so dealt with or not.

(3.) The court shall have the same power as the Supreme Court to punish for contempt, and nothing in this section shall be deemed to derogate from such power.

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that the power contained in Sections 110, 111 and 112 of the present Act has proved adequate.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

Resolutions reported, the report adopted and a message accordingly returned to the Assembly.

*Sitting suspended from 1.7 to 4.30 p.m.*

## **BILL—DAY BAKING.**

### *Assembly's Message.*

Message from the Assembly notifying that it had agreed to Nos. 3 and 4 of the amendments made by the Council, but had not agreed to Nos. 1 and 2, now considered.

### *In Committee.*

Hon. J. W. Kirwan in the Chair; the Chief Secretary (for the Honorary Minister) in charge of the Bill.

No. 1. Clause 3, Subclause 1—Delete the words "whether he is working on his own account or for any other person," and insert in lieu thereof the words "carrying on business as a baker who employs labour in such business":

The CHIEF SECRETARY: I move—

That progress be reported until after Order of the Day No. 7.

I made a promise that these amendments should not be considered until after 5 o'clock.

Motion passed, progress reported.

## **BILL—APPROPRIATION.**

### *Second Reading.*

Debate resumed from the previous day.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central—in reply) [4.36]: Mr. Harris during the course of his speech on the second reading made reference to the mining industry, and stated that it required assistance. He suggested that a gold bonus should be paid out of the Federal grant to this State. What Federal grant I should like to know? I understand that the Federal Prime Minister during the general election gave a promise to make a grant of £450,000 to Western Australia. That appeared in the newspapers, but up to the present the State Government have had no assurance from the Federal Government that any such grant will be made. No communication whatever on the subject has been received. At any rate, there is only one grant of £450,000 promised per medium of the newspapers. It would be unwise for the State Government to make any promise in regard to a gold bonus on the basis of simply a single grant of £450,000 either from the Commonwealth Government or from anyone else.

Hon. E. H. Harris: There are many other ways in which you could assist the industry.

The CHIEF SECRETARY: I will show the hon. member that we have assisted the industry, and assisted it substantially. One of the chief causes of the decline of gold mining undoubtedly was the hardship inflicted on the prospector through the income tax. The present Government brought down legislation relieving the prospector from all taxation on his income from the sale of a mine he had discovered, whether the remuneration was in cash or in shares. This relief applies also to a syndicate or a person backing a prospector. It used to be said that the mining industry had been retarded by the pressure of income taxation on mining companies.

Hon. F. E. S. Willmott: Tell us what you have not done for the industry. It would be quicker.

The CHIEF SECRETARY: The Government amended the Act, and the companies are no longer taxed on income received from the mine until the whole of the capital invested has been returned. We shall be told by Mr. Harris that we have not made as great concessions as have the Federal Gov-

ernment. Certainly we have not made concessions to the speculator and the manipulator, but we have made concessions, and substantial concessions, to the bona fide prospector and also to bona fide companies engaged in development. During the progress of the State general election in 1924 a promise was given by the present Premier that if he were returned to power a Royal Commission would be appointed to inquire into the falling-off of the gold production, and that an endeavour would be made per medium of this Commission to revive the industry and devise means by which its activity would be renewed. That pledge has been kept. Mr. Kingsley Thomas was appointed a royal commissioner, and his report has been published; and a perusal of that report will lead most people to conclude the causes of the decline in the mining industry. What did the Commissioner find? Not that the mines were exhausted, but that they were not worked economically. He showed the need of co-operation in connection with the larger mines, and pointed out the lack of efficient machinery and the necessity for amalgamation of interests. The pronouncement of his opinion, an opinion coming from so high an authority, must carry a great deal of weight in mining circles. Mr. Kingsley Thomas has spoken, and already I can perceive, as a result of my investigations, that there is in the minds of investors a feeling that antiquated methods have been permitted too long, and that material changes must be effected if the interests of shareholders are to be conserved. The Royal Commissioner did not condemn the managements wholesale. He praised where he considered praise was deserved. He drew special attention to the Sons of Gwalia and the Great Victoria leases, holding them up as examples to the managers of other propositions.

Hon. E. H. Harris: And they are just struggling.

The CHIEF SECRETARY: Mr. Kingsley Thomas's report must have results of a tangible nature in the course of time. It cannot be otherwise unless mining investors are blind to their own interests. So far there has not been time for the Government to take action in a direction which might commend itself to their judgment, because immediately subsequent to the presentation of Mr. Kingsley Thomas's report a session of Parliament opened, and during the interval since the hands of the Government have been to a large extent tied owing to the need for giving

attention to business to be presented to Parliament. In other ways the mining industry has been helped. Fines for late payment of lease rents have been abolished. Government liens on abandoned leases have been removed. There have been cases where departmental money has been lent on leases, and then after a time the property has been abandoned. The property might have been lying idle for years, but under the old condition of things a fresh applicant had to shoulder the lien or mortgage. That system had a most pernicious effect on the goldmining districts. It created a group of permanently abandoned shows. The present Government removed that disability. The only obligation now is in regard to plant and machinery on leases in respect of which the Government have advanced money. To assist prospectors working at long distances from a State battery, the Government have given a subsidy of 1s. per ton per mile after the first five miles for the carting of stone. This subsidy operates up to 30 miles. It is a condition of the subsidy that the cost of cartage to the prospector shall be as high as 1s. per ton per mile. If the distance is less, the prospector gets a subsidy pro rata. The effect of that system has been to increase the tonnage of some batteries. Moreover, prospectors are encouraged to go further back and try localities which have been long neglected owing to distance from a battery. Free railage of ore consigned to a State battery has also been introduced in order to test localities not served by batteries. Reductions in railway charges on mining supplies estimated at about £11,000 per annum have been granted. Then there has been assistance under the Mining Development Act. At no time in the history of this State has a Ministry done so much for the mining industry as the present Ministry is doing. Last year £83,000 was actually spent apart from commitments, and that is a greater sum than has ever been spent in one year previously, according to information given me by the Mines Department. Last June a mining company approached the Government with a request for financial assistance. They stated that if they got £25,000 they would be able to carry on for three years. That was last June, and this year the company have been knocking at the door of the Treasury. They had the audacity to do that.

Hon. E. H. Harris: Which company might that be?

Hon. F. E. S. Willmott: No wonder you have no money for the poor cocky.

The CHIEF SECRETARY: The cocky has done very well also. Mr. Harris queried an item in the Revenue Estimates under the heading "Miscellaneous services" and referred to the entries "Expenses deportation Robert Fletcher" and "Expenses deportation J. Antulo." These are mares' nests discovered by Mr. Harris. Fletcher was a person of very weak intellect. He had been an inmate of the Hospital for the Insane, and after discharge from that institution was detained at the Perth observation ward on four occasions. Although mental, he was quite harmless. Fletcher was a miserable, sickly-looking individual, afflicted with an incurable tumour on the neck. He received sustenance from the Charities Department. He had friends in Ireland, and the Government thought it wise to grant him a passage to those friends, who were prepared to maintain him. J. Antulo belonged to the large party of Albanians who were here some months ago, introduced into the Commonwealth by the Federal Government. He was in one of the country districts when his compatriots were deported by the Commonwealth Government. Subsequently he returned to the city and asked to be treated similarly to his fellow men. As he could not secure employment, and had a wife and three children in Albania, the Government assisted him to return to his native land. Although it has nothing to do with my department, I receive letters from time to time from persons anxious to be deported. I got one about three months ago. The writer, who put up a very strong case, showed that during his residence in Western Australia he had thoroughly qualified himself in every respect for deportation. He had studied the Immigration Act and he showed me that under that legislation in at least four respects he was eminently fit to be removed from the hospitality of Western Australia.

Hon. J. Duffell: What did you say his name was?

The CHIEF SECRETARY: I do not wish to mention it. From his record I think Australia would be well rid of his presence. I sent on the letter to the Minister in charge of the Charities Department, and probably next year members will see the gentleman's name figuring in the Estimates. I hope so, for the sake of my native country. Mr. Moore during the course of his remarks implied that little good had been done through

the opening of country branches of the Agricultural Bank. There are seven such branches, and one important result of their establishment is that the head office is considerably relieved. Prior to the creation of those branches there were numerous callers at the bank, men who had come down from the country, and it was almost impossible for the bank officials to give them attention. Through the establishment of those branches, the number who come to pester the head officials is now only one-tenth of what it was previously. In that important respect the reform has been fully justified. There is now no reason whatever why a settler should come to Perth in order to receive recognition. He has but to approach the district inspector and if, after investigation, it is found that a loan is justified, it will be recommended by that official. Mr. Moore's criticism will be brought under the attention of the Minister for Lands. I may say that the whole of the criticisms of members here are always referred by me to the various departments for consideration, while if in the Assembly there be any criticism of my department, it is passed on to me and I have inquiries made.

Hon. F. E. S. Willmott: Then there ought to be a marked improvement in it after this session.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Clauses 1 and 2—agreed to.

Clause 3—Appropriation of Supplies:

Hon. H. STEWART: I have not participated in any of the many debates this session on the Water Supply and Sewerage Department. During the last couple of weeks I have perused the report of the select committee that inquired into the water supply, and I found it a particularly valuable document. It has given me a great deal of information upon and insight in to the works of the department and the various schemes under consideration. The work done by the select committee was extremely valuable, and I am certain it will be very useful to members of the Council.

Clause put and passed.

Schedules A, B, and C—agreed to.

## Schedule D:

Hon. J. EWING: I was astonished to hear the Minister say this afternoon that the Government had not seen any official announcement to the effect that the £450,000 recommended by the Disabilities Commission to be paid to this State would be so paid. During the Federal elections it was clearly stated that the money was to be paid over, and I was very sorry to hear the Minister suggest that there was any doubt about it. I ask is there really any doubt in the minds of the Government that they will receive this £450,000? I hope there is not. I do not follow Mr. Harris's criticism of the Government in respect of the assistance to the mining industry. The Government have done for the mining industry all that could possibly be expected of them. The previous Government did the same. We have an enormous quantity of low-grade ores, and we require to see how best they can be worked. If the State gets this £450,000 from the Federal Government, a large portion of it should be devoted to the payment of a gold bonus or something in that direction. I am not very hopeful that anything will be done by the Federal Government to establish a gold bonus. Only the other day I asked a prominent mining man whether, if the gold bonus were granted for ten years, the mining authorities at the end of that time would be in a position to carry on the work of opening up low-grade ores without the gold bonus. His answer was, "No, not in my opinion." So, if we do get a gold bonus it will have to be maintained for many years to come, unless indeed it results in great discoveries being made. However, I do hope that a considerable portion of this £450,000 when it comes, will be devoted to the encouragement of the gold-mining industry.

Hon. E. H. Harris: That is all I asked for.

Hon. J. EWING: That problem will confront every Government for some time to come.

The CHIEF SECRETARY: I had no intention of casting any reflection upon the Commonwealth Government. I said there had been no official communication from them, but that there had been a promise by the Prime Minister and the Federal Treasurer that the State would get one grant of £450,000. I have no doubt that promise will be kept. The pledge was made pub-

licly, and Parliament will be bound to honour it. As to the continuance of the grant, that is entirely in the clouds. There will be a conference of State Treasurers to talk the matter over.

Hon. F. E. S. Willmott: And to put a spoke in our wheel.

The CHIEF SECRETARY: I am inclined to think the Prime Minister will do his best to carry out the recommendations of the Royal Commission.

Schedule put and passed.

Schedules E, F, G and H—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and passed.

# **BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.**

## *Assembly's Message—Recommittal.*

The DEPUTY PRESIDENT: I have to report to the House a matter that has just been brought under my notice. Through inadvertence, two schedules which came from the Legislative Assembly dealing with amendments of that Chamber to the Industrial Arbitration Act Amendment Bill, were not dealt with when the Bill was considered by the Committee of this House. I would suggest to the Leader that he proposes that the message be recommitted for the purpose of considering these two schedules.

The CHIEF SECRETARY: I move—

That the Assembly's message be recommitted for the purpose of considering the schedules that were omitted.

Question put and passed.

## *In Committee.*

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

No. 27. (Council's amendment), Clause 29, Subclause 2—Insert after "rehearing" in line 2 the words "or by case stated." (Assembly's modification), Insert after "or" in line 2, the words "by agreement of the parties":

Hon. A. LOVEKIN: I move—

That the modification be agreed to.

Question put and passed; the Assembly's modification agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

## BILL—DAY BAKING.

### *Assembly's Message.*

Resumed from an earlier stage of the sitting.

### *In Committee.*

Hon. J. W. Kirwan in the Chair; the Honorary Minister in charge of the Bill.

No. 1. Clause 3, Subclause 1—Delete the words "whether he is working on his own account or for any other person," and insert in lieu thereof the words "carrying on business as a baker who employs labour in such business":

The CHAIRMAN: The reasons given by the Assembly for not agreeing to the Council's amendment are as follows:—

The deletion of the words and the insertion of the other words proposed would defeat the object of the Bill, and would make the Act, if passed, a piece of superfluous legislation.

The Industrial Arbitration Act gives full power to the Arbitration Court to regulate the hours of labour at all bakeries where labour is employed. The court exercised this power in 1919, and issued an award prescribing the hours of baking to be from 6.30 a.m. to 6 p.m. These hours were observed in the metropolitan area by employers of labour for over five years. During this time the employers were subjected to unfair competition by non-employers.

It is purely because of this unfairness and the Arbitration Court's inability to deal with the matter that the Bill was introduced.

The HONORARY MINISTER: I move: That the amendment be not insisted on.

Hon. J. J. HOLMES: The principle involved is the right of the employer to work when he likes. If the baking business is not to be allowed to go on except within the hours prescribed by Parliament, that principle should be applied to every other industry.

Hon. E. H. Gray: The Early Closing Act has the same thing.

Hon. J. J. HOLMES: Nothing of the kind. We compel a man to close his shop, but do not prevent him from working, or from getting ready for the next day.

Hon. E. H. Gray: Neither does this Bill.

Hon. J. J. HOLMES: If we admit that, when an employee does not work, the employer shall not be allowed to work, there

is no hope for the baking industry. The employer must be free to work as he chooses.

Hon. J. M. MACFARLANE: The Committee determined to stand by the principle of individual effort, and two divisions were taken on the question. It has to be confessed that the employers are placed at some disadvantage because of the spread of hours. In order to endeavour to relieve the deadlock, I am informed that the master bakers would accept the position if we could see our way clear to substitute 4 a.m. for 5 a.m. in the original clause relating to the spread of hours.

Hon. E. H. Gray: That is worse than ever.

Hon. J. M. MACFARLANE: I suggest we should move to modify the Council's amendment by striking out "five" in line 4 of Subclause 1 of Clause 3, and substituting "four." The effect of that will be to increase the spread of hours by an hour, making 4 a.m. the starting time.

Hon. E. H. GRAY: I think Mr. Macfarlane has made a mistake. I oppose the amendment and will make another appeal to members not to insist on the amendments made by the Council. Dr. Saw put up an unanswerable case in favour of the Bill as it came to us originally. I have an uncomfortable feeling that I am guilty for the position that has arisen by not properly explaining the condition of the industry to the Committee.

Hon. H. Stewart: You did famously. Whoever made that suggestion cast an unwarranted reflection upon your work.

Hon. E. H. GRAY: At any rate, I have had that feeling. The Master Bakers' Association does not comprise all big bakers. Some of them employ only one or two men and surely the small man is entitled to consideration. The Bill as it stands now will work an injustice not only to the small bakers in the town, but in the country as well. Many master bakers themselves can not bake and they employ one man. If such a man is operating in a country town and another person comes along who can bake bread, the newcomer will be able to capture the first man's business.

Hon. J. J. Holmes: One man will understand his trade and the other will not.

Hon. E. H. GRAY: But his rights should be considered. We should see that the trade is carried on fairly. The Bill as it stands may

give rise to much corruption. A little while ago an employer was sued for a breach of an industrial award. He successfully established his point that a verbal partnership existed. The court ruled that there was no time limit to a partnership, and the man succeeded. A little while later there was a row in the camp, and the man who was supposed to be a partner was sacked. He then went to the union and confessed that the partnership had been a faked one, and action was taken against the employer, with the result that the individual secured a substantial amount. I am afraid that the Bill as it stands at present may lead to dishonest practices, and to a lot of faked partnerships. No question of principle is involved in the measure.

Hon. J. J. Holmes: Yes, the right to work.

Hon. E. H. GRAY: I appeal to the Committee to give the Bill a chance and enable the industry to be placed on a fair footing.

Hon. A. J. H. SAW: The reason why the Committee passed the Bill to abolish night baking, was on two grounds: first, that night baking was unhealthy, and, second, that it was anti-social. The principle that applies to master bakers and their employees also applies to small men who do their own baking. By insisting on the amendments, the Committee will do a great deal to favour unfair competition on the part of those working single handed.

Hon. W. H. KITSON: Mr. Macfarlane must be under a misapprehension regarding the attitude of the master bakers. As a matter of fact I have received a letter from the Master Bakers' Association asking that we should agree to the Bill as it left the Assembly.

Hon. J. M. Macfarlane: That is so, but if the House will not agree to that, they want us to grant the concession regarding 4 a.m.

Hon. W. H. KITSON: They say that they represent 96 per cent. of the bakers.

Hon. J. Cornell: What does the other 4 per cent. matter?

Hon. W. H. KITSON: I do not think that the 4 per cent. of the bakers should be allowed to interfere with the proper regulation of the industry. A lot of trouble has been caused by a small minority of men who are not prepared to abide for any period by what is determined as being in the best interests of the whole trade. If the Master Bakers' Association represent 96 per cent. of the employers and the whole of the em-

ployees are in accord with the master bakers we should not object to passing the legislation they ask for.

Hon. J. CORNELL: If 96 per cent. of the bakers are agreeable, what about the other 4 per cent.? Some of the master bakers fortunate enough to employ labour were in the position a few years ago that the 4 per cent. are in to-day.

Hon. E. H. Gray: No.

Hon. J. CORNELL: I know some of them, and it is a fact. We are asked to assent to the principle that an individual, conducting a business by his own labour and doing no injury to the community, shall not be permitted to exercise what energy and resource he thinks fit to earn a living. The master bakers and the operatives have agreed to the abolition of night work, but only on condition that every baker falls into line. The master bakers should adopt the view taken by the large storekeepers of the city when small shops were allowed to keep open till 8 p.m.

Hon. J. R. Brown: They can sell only soft drinks and perishable goods.

Hon. J. CORNELL: They can sell a lot of things.

Hon. H. Stewart: Enough to make a living.

Hon. J. CORNELL: Should we curtail the personal activities of an individual who is doing no injury to the community?

Hon. E. H. Gray: The small baker is cutting into another man's business.

Hon. J. CORNELL: How?

Hon. E. H. Gray: He is making bread dear at present.

Hon. J. CORNELL: The 4 per cent. of bakers do not make bread dear. We are reaching a pretty pass. Presently we shall be asked to prohibit an accountant or clerk from auditing the books of some other organisation in his spare time. Mr. Gray might see the error of his ways and return to the baking trade, and if he could not employ labour, I should like him to have an opportunity to make a living.

Hon. H. A. STEPHENSON: During my business career I have known many a man to purchase a business of which he knew nothing and then have to employ someone else to run it. That is generally referred to as the tail wagging the dog, and it is not long before such a man comes to grief.

Hon. E. H. GRAY: It would surprise Mr. Stephenson if he knew how many

owners of big bakeries were not bakers. There is much more involved in the business than mere ability to make bread. I was referring to men who had established businesses and who were not bakers. It is evident that Mr. Cornell has not followed the debate. There is plenty of evidence to show that the fact of the small bakers not coming under the day baking system makes bread dearer because other bakers, to keep their customers, have to send their carts twice over the same ground. If this Bill is defeated, it will probably make a difference of  $\frac{1}{2}$ d. per loaf in the price of bread.

Hon. J. DUFFELL: A journeyman who, as a result of thrift, is able to start in business for himself, should have an opportunity to do so. We have no right to deprive an individual of the liberty to earn a living. It is strange that men employing no labour and selling bread over the counter should be interfering with bakers in a large way of business. I regard such statements as a paltry excuse to deprive the small men of their living. On the reason submitted by another place we should not revoke our decision. If this amendment be not insisted on, I shall have to ask members to reconsider their decision on one of the clauses of the Arbitration Bill.

Hon. J. E. DODD: If it is necessary to restrict the operations of journeymen bakers, it is equally right to restrict the operations of an individual working for himself because he might work in a way that proves injurious to his health. We should not permit small bakers to bake at night and thus create unfair competition. I hope hon. members will not nullify the effect of the Bill by insisting upon the amendment. A long spread of hours has been provided for, and I cannot see that the small baker will be detrimentally affected.

Hon. J. M. MACFARLANE: I shall support the amendment moved by this House and I trust members will not shift from the position they originally took up. I would like members to consider the master bakers' position as it is by carrying the amendment.

Hon. V. HAMERSLEY: If we alter our decision, it will amount to another step towards wiping out the Arbitration Court. The Bill will interfere with some of the duties that we have asked the court to discharge. If we start to undermine the court in any direction, we will know what to expect. I realise that the Bill is not what

the master bakers would like and if the hour of four in the morning will be of any benefit to them, I shall be only too delighted to agree to the insertion of that hour instead of five o'clock.

The CHAIRMAN: Did I understand Mr. Macfarlane to say that he wished to insist upon the Council's amendment and to propose a further amendment?

Hon. J. M. Macfarlane: That is why I rose the second time. I was not sure that I was understood.

The CHAIRMAN: A further amendment would not be in order. Under the Standing Orders it is only competent to move further amendments consequent on the rejection of the Council's own amendment, or to propose a new amendment as an alternative to the amendment to which the Assembly has disagreed.

Hon. J. EWING: I take up one position only and that is the right of a man to work at any time he wishes, and even throughout the night, provided, of course, that he does not employ labour, and that he is working for himself.

Hon. G. Potter: Would you repeal the Early Closing Act?

Hon. J. EWING: No, but that does not apply. At any rate, under that Act shopkeepers have the right to keep their premises open until eight o'clock at night.

Members: No, that is not right.

Hon. J. EWING: We have already decided that the Arbitration Court shall fix the conditions of labour, the hours, and the rates of pay. Therefore, we should say in this case, "If you want the conditions altered, you must go to the court."

Hon. J. R. BROWN: I cannot understand the attitude of certain members. First they are out to assist the big man and suddenly they twist and express a desire to help the small man. It has been pointed out that there are about four men in the metropolitan area who do not employ labour. If the amendment is not agreed to it will mean that that number will be largely increased. We are not depriving any man of the right to work: we say what hours shall be worked. We do that because the House will not allow us to have the matter decided by the court. If the court had that power, we would not be discussing the position now. The Factories and Shops Act says that shops shall close at 6 o'clock and that only certain commodities may be sold after that hour. If anything is



sold after 6 o'clock, the sale takes place under the lap.

Hon. H. Stewart: Is that done on the goldfields?

Hon. J. R. BROWN: It is done everywhere. The people on the goldfields are honest. It seems to be an unwritten law that small shopkeepers may sell any article after six o'clock. There is merely a partition in the shop and if a customer comes along, the shopkeeper puts his hand under the partition and brings out what is required. We prevent by law people from committing suicide, yet we propose to allow those engaged in the baking trade to slowly commit suicide.

Hon. E. H. HARRIS: The Committee have definitely stated that small-goods people shall have the right to work without committing a breach of an award. The Committee should not now snuffly themselves.

Hon. E. H. GRAY: It should be recognised that legislation similar to this exists in other countries. Norway, Bulgaria and I think Austria have passed day baking laws and it has been found in those countries that the Statute would be quite useless unless all bakers were included.

The HONORARY MINISTER: Mr. Cornell did not hear the speeches delivered by members on the subject, nor do I think that he even read them. I was impressed by the remarks of Mr. Dodd, who said that if he thought the measure would inflict a hardship he would not be a party to it. If I thought the original provision would handicap the man in a small way of business, I would neither advance it nor support it. Before introducing the Bill here, and also since, I have sought information from all parties concerned; and the preponderance of opinion is in favour of the Bill. My own view has not changed from what it was when I moved the second reading.

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

Ayes	..	..	..	10
Noes	..	..	..	16
				—
Majority against	..	..	..	6
				—

## AYES.

Hon. J. R. Brown	Hon. T. Moore
Hon. J. M. Drew	Hon. G. Potter
Hon. E. H. Gray	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. F. E. S. Willmott
Hon. W. H. Kitson	Hon. H. Seddon

(Teller.)

## NOES.

Hon. C. F. Baxter	Hon. A. Lovekin
Hon. A. Burvill	Hon. J. M. Macfarlane
Hon. J. Cornell	Hon. G. W. Miles
Hon. J. Duffell	Hon. J. Nicholson
Hon. J. Ewing	Hon. E. Rose
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. W. T. Glasheen

(Teller.)

## PAIR.

AYE	No.
Hon. J. E. Dodd	Hon. H. J. Yelland

Question thus negatived; the Council's amendment insisted on.

No. 2, Clause 3. Subclause 3—Delete the words "whether he is working on his own account or for any other person shall make bread for trade or sale or," and insert in lieu thereof the word "shall":

The HONORARY MINISTER: I move—  
That the amendment be not insisted on.

Hon. J. M. MACFARLANE: Would I be in order in moving the amendment I suggested at the outset?

The CHAIRMAN: The hon. member would not be in order in moving any amendment except one consequent on the rejection of either or both of these amendments, or an amendment on the Council's amendments to which the Assembly has disagreed.

Hon. J. M. MACFARLANE: I refer to the amendment for extension of hours.

The CHAIRMAN: I do not see how the hon. member can very well move that amendment, seeing that the Council's first amendment had been insisted on.

Question put and negatived; the Committee's amendment insisted on.

Hon. J. Nicholson: Could Mr. Macfarlane's amendment be dealt with now?

The CHAIRMAN: That amendment cannot possibly be dealt with under our Standing Orders. I would like the hon. member to show how, under the Standing Orders, such an amendment can be dealt with. Mr. Macfarlane did not propose the amendment either as an alternative amendment or as a further amendment. If the hon. member reads Standing Order No. 225, he will see exactly the limits of amendments that can be proposed in these circumstances.

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

**BILL--SWAN RIVER IMPROVEMENT.**

Received from the Assembly, and read a first time.

**BILL--LAND DRAINAGE.**

*Assembly's Message.*

Message from the Assembly received and read notifying that it no longer disagreed to the Council's amendment No. 3, and that it agreed to the alternative amendment to amendment No. 4.

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

**BILL--GUN LICENSE ACT AMENDMENT.**

*Second Reading.*

**THE HONORARY MINISTER** (Hon. J. W. Hickey—Central) [7.30] in moving the second reading said: This is a very small Bill. Originally it was intended to bring down an elaborate measure amending the Road Boards Act and the Municipalities Act. However, it was seen that such a Bill would operate throughout the State and, in some instances, would operate harshly. Eventually that proposal was abandoned and it was decided to restrict the Bill to the licensing of guns carried by Asiatics. The Bill originated in a deputation that waited on me at Broome with a request that it be made unlawful for Asiatics to carry firearms. It was pointed out to me that in the lay-up season large organised parties of Asiatics, all armed with guns, roamed the bush, shooting indiscriminately. Having regard to the differences that from time to time occurred between the white people in the North and the Asiatics, and in view of the representations made to me, I placed the matter before the Premier on my return to Perth, and it was decided to bring down a Bill practically disarming the Asiatics. This reform, like all others, may operate harshly in some directions, but in view of the relief it will give to the white people in the North the Government have thought it wise to go on with it. Broome was once a municipality, but reverted to a road board, and so the local authority has no jurisdiction in respect to the licensing of firearms. In that corner of Asia in a white Australia it is a positive

menace that Asiatics should be allowed to carry firearms without restriction. If the House passes the Bill those Asiatics will have to take out licenses should they wish to retain their guns. I move—

That the Bill be now read a second time.

**HON. J. J. HOLMES** (North) [7.40] :

Once more I have to thank the present Government for doing something for the North. The Bill is long overdue. In Broome the coloured men outnumber the white people by about four to one, and on Sundays and holidays, armed with guns they scour the country, firing all over the place. I asked why it was allowed, and the police of Broome told me they could not interfere, while the clerk of the courts said it was not his business. On making inquiries down here I found that when the Act was passed in 1885 provision was made that any person could carry a gun anywhere beyond a radius of five miles from a municipality. Broome is a road board area, and the nearest municipality is Carnarvon, approximately 1,000 miles south. So we see once more the difficulty of legislating in the South and applying that legislation to the North. Whilst the Government do not wish to deprive every white person within five miles of a municipality from carrying a gun, they have in the Bill effected a fair compromise. The Bill provides that no Asiatic can carry a gun without a license. Not infrequently differences arise between the Asiatics and the white people in Broome. At one time the trouble developed into a riot, and had there not been a warship in the vicinity things might have been serious. Thanks to the wireless, the warship turned up at the right moment and put the fear of God into everybody. We do not want a recurrence of that experience. The best way to preclude it is to see that the Asiatics are not armed with guns, except of course such as are reputable citizens, to whom no doubt the proper authorities will issue licenses. I hope the Bill will be carried.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time and passed.

# **BILL—MINERS' PHTHISIS ACT AMENDMENT.**

## *Recommittal.*

On motion by Hon. H. Seddon, Bill re-committed for the purpose of further considering Clause 2.

## *In Committee.*

Hon. J. W. Kirwan in the Chair; the Honorary Minister in charge of the Bill.

Clause 2—Amendment of Section 9:

Hon. H. SEDDON: I move an amendment—

That in proposed Subsection (4a) after the word "shall," in line five, the words "nevertheless continue" be inserted, and that the word "cease" be struck out.

When a man comes under the operation of the tuberculosis clause, he should be entitled to receive the whole wage he was receiving previously, unless he is offered suitable employment. The Act intended to make suitable provision for the miner. The relief afforded under the Mine Workers' Relief Fund is not adequate for the maintenance of a man in sick health. My intention is to prevent the Bill from minimising the benefits that the Act was intended to afford him.

The HONORARY MINISTER: After consulting the Crown Law authorities and discussing the matter with the Minister for Mines, I find that last night I correctly interpreted the position. The change in the words from "until" to "unless" was made to meet the very position instanced by Mr. Seddon. It was never intended that the responsibility of the Government should cease so soon. I did not enter into a fuller explanation of the Bill because it is so serious a matter that I had no desire for it to be made a plaything of politics, or used as a football to kick around the Chamber.

Hon. H. Seddon: Do you suggest that this has been done?

The HONORARY MINISTER: I do.

Hon. H. Seddon: I take exception to that. I have moved this amendment in the best interests of miners. The Honorary Minister is not justified in making use of that expression.

The CHAIRMAN: I do not think the Honorary Minister made it clear who was treating the question in that way.

The HONORARY MINISTER: This is an honest attempt on the part of the Government to grant relief to the men con-

cerned. Instead of getting the hearty co-operation and assistance of those who might be looked to for support, the opposite attitude has been adopted by them. We take up the miner where the Act drops him. The same thing applies to the miner's dependants. We are keenly anxious to do the right thing by these people, but we must combine sentiment with practicability. The Bill has been submitted to all concerned and they are appreciative of the fact that the Government have acted wisely and made an honest attempt to rectify the existing position.

Hon. J. CORNELL: All I am concerned with is as to privileges already existing being taken away from those concerned. Reference has been made to the fact that the Act was not proclaimed, but it was useless to proclaim it until the Federal Government had fulfilled their obligation and provided the laboratory necessary to enable the examination of the men to proceed.

Hon. T. Moore: The point is that the time has now arrived for the Act to be proclaimed.

Hon. J. CORNELL: That is so. We passed the Workers' Compensation Act Amendment Act and brought men suffering from miners' diseases within the scope of that measure. The part of the Act referring to miners' diseases has not been proclaimed yet. The reason for that was that the mining companies claimed they would not carry the burden until the working conditions of the men in relation to those suffering from diseases had been assessed. I presume that when the condition of the men has been determined, those who are withdrawn from the mines will come under the provisions of the Workers' Compensation Act Amendment Act and the industry will have to carry the burden. If that is so, what is the good of bringing men within the scope of that legislation because no finality will be reached? When we consider the position under the Miners' Phthisis Act, with the present amending legislation, we find that the man who is affected by the proposal under discussion is the individual regarding whom the principal medical officer finds that suitable employment cannot be secured. The issue is whether such a man shall continue to draw the ruling rate of wages in the district or shall be paid according to the scale of the Mine Workers' Relief Fund? Mr. Seddon's amendment will assure to him the former rate of wages. Probably no man will be withdrawn from the mines for whom suitable employment cannot be found.

Hon. T. Moore: That is right.

Hon. J. CORNELL: But if there is such a man we should err on the side of generosity. That is what the amendment proposes.

Hon. J. EWING: I feel alarmed at the suggestion that the payment prescribed under the parent Act might be reduced, as Mr. Cornell has indicated, and I am inclined to support the amendment. Evidently there are very few men for whom employment cannot be found.

Hon. J. R. Brown: None at all.

Hon. J. EWING: If there are only a few, we should honour the contract implied by the parent Act.

Hon. T. MOORE: The Act provides that when men are taken out of a mine, they shall be put on the ruling rate of wage until employment is found for them. The Minister said that employment would have to be found for only six or seven men per month. It is quite an easy matter to place in other employment the men who are in the mines today, but we want to provide employment for the men who, having been taken out of the mines and found various jobs, reach a stage when they are unable to work. Members cannot contend that this Bill will make the Act worse. Yet it has been given out that something not intended by the original Act is proposed by this Bill. Do members consider that the Bill will make the Act worse? The measure has been introduced by Mr. Troy, who has worked in mines and is familiar with the conditions. He is trying to deal with men who, having been found jobs, can work no longer. It is proposed that they shall come under the Mine Workers' Relief Fund, as have other men who have gone out of the mines. This Bill is an improvement on the Act, and is the result of a consultation between the Minister and the miners. The Minister reported that the miners were satisfied with the amendments proposed in the Bill. I give the lie direct to the statement that the Act was more favourable to the miners than this Bill will be. I want members to be fair. A start has to be made and we shall have to build as we go along. We should not jeopardise this measure, but should do our best for the miners. The Act must be administered sympathetically and I cannot imagine our having a hard-hearted Minister for Mines.

Hon. E. H. HARRIS: I endorse the remarks of Mr. Moore.

Hon. T. Moore: I am afraid your speech has conveyed a wrong impression to the miners.

Hon. E. H. HARRIS: The Bill is designed to remedy a defect in the Act, but while it safeguards some men, it will affect others. That was the line of argument taken on the second reading. The Act provides that if a man is taken from a mine, he shall be paid the standard rate of wages until suitable employment is found for him. Under the clause the Government must continue to find employment.

Hon. T. Moore: It is a big thing.

Hon. E. H. HARRIS: I admit that. But when the parent Act was put through it did not discriminate between the two classes of men. We are now dividing them into two classes. "A" is found suitable employment as prescribed by the doctor; "B" has fallen ill and he may be unwell for six or eight weeks and when suitable employment is found for him he is too chesty and nothing can be done for him. What will he get? Will he get the standard rate of wages?

The Honorary Minister: He got nothing before.

Hon. E. H. HARRIS: "A" will get the standard rate of wages, and "B" will get 25s. a week. Is that what we provided for originally? On the Golden Mile a number of men have been examined but they have not been given certificates and they can get no satisfaction. The health officers say, "Our instructions are to report to the authorities."

Hon. W. H. Kitson: Are those men working on the mines now?

Hon. E. H. HARRIS: Some who have been examined are working on the mines and some are not. At any rate we are not aware whether any of the men examined are suffering from tuberculosis, and until they receive a certificate they cannot make any claim under Section 9 of the Act. Immediately on the issue of the certificate the department will set out to find suitable employment. I intend to support the amendment.

The HONORARY MINISTER: No provision is made under the present Act for the particular cases that have been referred to by Mr. Harris. Under the Act, so long as the Government provided one hour's work their obligation ended. The Bill takes up the position where the Act drops it.

Hon. E. H. Harris: You must find suitable employment for the men.

The HONORARY MINISTER: The amendment to the Act provides that after a man is down and out he will be paid a sum equivalent to that which he is paid by the Mine Workers' Relief Fund, not the amount paid by the Fund to-day, but the amount originally paid by the Fund when it was inaugurated.

Hon. J. Cornell: The clause does not say that.

The HONORARY MINISTER: That is the intention.

Hon. J. Cornell: The clause is ambiguous.

The HONORARY MINISTER: If the man is in a helpless condition his dependants will be entitled to consideration.

Hon. J. EWING: Do I understand the position to be that until employment is found for a man who is unable to follow any occupation, he is to be provided for. Suppose a man is taken from a mine and is given employment and quarrels with his employer soon afterwards; will he be stranded?

Members: No.

Hon. J. EWING: That is what I wanted to know.

Hon. J. CORNELL: Suppose there are 50 men withdrawn; it is proposed by the amendment that until suitable work is found for them they will be paid the ruling rate for the district. Will they be paid what they were receiving when withdrawn from their work and until suitable work is found for them? Assume also that suitable work cannot be found for them. Then assume that within six months ten of those men break down temporarily. What rate would those ten receive until further suitable work was found for them?

Hon. J. Ewing: That is the point.

Hon. J. CORNELL: Would they receive the ruling rate of wages in the district, or would they receive under the Mine Workers' Relief Fund? It is important that these things should be known.

The Honorary Minister: I wish you had raised these points when the Bill was up previously.

Hon. J. CORNELL: I presume that the unfortunates pulled out of the mines will not have the benefit of the Workers' Compensation Act. As the result of my inquiries in South Africa, the then Minister for Mines, Mr. Seaddan, decided to bring in the Miners' Phthisis Act. The only men who can be

withdrawn from the mines are men suffering from tuberculosis. The parent Act does not provide for the forcing out of men suffering from other diseases. However, there is no provision for the compensating of a man who comes out voluntarily. We are faced with the question of finding employment for tuberculous men. The American medical experts consider that any man withdrawn from a mine because of having tuberculosis on top of silicosis is not worth bothering about from the employment aspect, because his days are numbered.

Hon. A. J. H. SAW: I move—

That the Committee do now divide.

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

Ayes	..	..	16
Noes	..	..	6
<hr/>			
Majority for	..	10	<hr/>

#### AYES.

Hon. J. R. Brown	Hon. G. W. Miles
Hon. J. M. Drew	Hon. T. Moore
Hon. W. T. Glasheen	Hon. G. Potter
Hon. E. H. Gray	Hon. E. Rose
Hon. J. W. Hickey	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. H. Stewart
Hon. W. H. Kitson	Hon. A. Burvill
Hon. A. Lovekin	(Teller.)
Hon. J. M. Macfarlane	

#### NORES.

Hon. J. Cornell	Hon. H. A. Stephenson
Hon. J. Duffell	Hon. J. Ewing
Hon. E. H. Harris	(Teller.)
Hon. H. Seddon	

Motion thus passed.

Hon. H. SEDDON: As I have not had an opportunity of replying, I prefer to withdraw my amendment rather than that it should go to the vote.

The CHAIRMAN: The Committee have just decided that the question be now put. By leave of the Committee, without a dissentient voice, the hon. member can withdraw the amendment notwithstanding the decision that has been arrived at. Is it the wish of the Committee that Mr. Seddon have leave to withdraw the amendment?

Amendment by leave withdrawn.

Clause put and passed.

Bill reported without amendment, and the report adopted.

Read a third time, and passed.

**BILL—STAMP ACT AMENDMENT.**

Received from the Assembly and read a first time.

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [9.53] in moving the second reading said: Four amendments of the Stamp Act are necessary—first, provision for payment of duty on each sale of property; secondly, continuation of the increase of the stamp duty on conveyances of property which was imposed as a war measure and has been continued from year to year; thirdly, the bringing into line of goldfields racecourses with those of country districts so far as the tax on betting tickets is concerned; fourthly, the exemption from stamp duty of cheques drawn by friendly societies and similar bodies on State and Commonwealth savings banks. As to the first amendment, in connection with transfers which are generally referred to as “transfers by direction” it frequently happens that a parcel of land is sold several times before a transfer is effected, and as the law stands stamp duty is payable only on the last consideration, that is the amount realised from the last sale before a transfer is registered. For example, A sells a block of land to B for £500, B sells it to C for £600, C sells to D for £700, and D sells to E for £800. A, by direction, transfers to E and stamp duty is payable on £800, the last consideration. The Registrar of Titles reports that a considerable amount of stamp duty is lost to the State each year by this, and that in one instance alone the State lost £550. The present condition of affairs benefits only the land speculator and is not in favour of the purchaser of a farm, a home, or business premises. The speculator holds out the transfer as long as possible, while the bona fide purchaser registers it at once. No undue hardship will be inflicted on anyone by the amendment. The increase in the rate on conveyances or transfers is fresh in the minds of hon. members. It was passed in the first instance in 1918 as a war measure, and it has been continued from year to year ever since. It is now desired to make it a permanent charge. If agreed to, the duty will be 5s. on every £25 or 20s. in the £100.

Hon. A. Burvill: That is doubling it.

**THE CHIEF SECRETARY:** It is exactly the same as it has been since 1918. Regarding the tax on betting tickets on goldfields

racecourses, the existing Act for the purposes of taxation divides the racecourses into two classes, namely, first within the grandstand enclosure of a metropolitan or goldfields racecourse, secondly, elsewhere within the grounds of a racecourse. In respect of the first the tax is 2d. on each betting ticket issued by a bookmaker, while in respect of the second it is ½d. per ticket. Population on the goldfields has declined to such an extent that it is considered only reasonable to bring the racecourses into line with those of other places outside the metropolitan area. The volume of business at a race meeting on the goldfields is now only equal to that of a country meeting, such as at Northam. The remaining proposal is to exempt from stamp duty the cheques drawn by friendly societies and similar bodies. Section 18 of the Government Savings Bank Act provides for the issue of cheque books to friendly societies, co-operative societies and local authorities. This authority has been gradually extended by the management until the number of bodies holding cheque books is now fairly large. Those bodies, however, are on the same footing commonly as other depositors who do not have to pay stamp duty on their withdrawals, the only difference being that those bodies do not have to produce their pass books at the time the withdrawals are made, and therefore the cheque or withdrawal order can be passed through a third party and by him presented for payment to the bank in the usual business way. This course has been followed by the Government Savings Bank for many years without any question of stamp duty arising, until the point was raised recently. I move—

That the Bill be now read a second time.

**HON. H. STEWART** (South-East) [9.5]: There is scarcely any necessity for the Bill this session. As to conveyancing, there are several matters that require to be looked into before we pass the provision. Even if the Bill be not passed this session, I do not know that it will greatly matter. During this session and last session various measures have contained additional imposts on the primary industries, increasing the cost of production. Here it is provided that there shall be a remission of taxation on betting tickets, a remission that will not benefit even the public who bet with the bookmaker.

Hon. E. H. Harris: The bookie might lengthen the odds.

Hon. H. STEWART: It seems the Government are prepared to forego something like £7,000 revenue by this reduction.

Hon. E. H. Harris: Nonsense!

Hon. H. STEWART: At all events it is a reduction of three-fourths of what they have been getting in the past. It is the principle that I object to—a taxation remission that will not assist production at all. On the other hand we have here a provision for putting permanently into operation what has been a temporary war-time measure, although carried on from year to year. Moreover, it is proposed to double the imposts under that measure. It is a wrong policy to have a remission of taxation on betting tickets and double and make permanent a temporary impost that seriously affects the development of the country. Then we are to add to the exemptions certain cheques or withdrawal orders on the Government Savings Bank.

Hon. J. J. Holmes: That operates now.

Hon. H. STEWART: Still, I take exception to the making permanent of a temporary war-time measure, whilst remitting taxation on betting tickets. There is no urgency for any of the provisions contained in the Bill, and I hope it will not be passed.

HON. E. H. HARRIS (North-East) [9.11]: Mr. Stewart said that remission of part of the taxation on betting tickets would mean a loss of £7,000 in revenue. I wish the revenue of the goldfields racing clubs was such that so much money would be collected in taxation on betting tickets. I am credibly informed that the reduction of taxation will not amount to more than £100 in the aggregate for the whole of the goldfields.

Hon. J. J. Holmes: Then is it worth wasting time over?

Hon. E. H. HARRIS: Some members may think that the racing clubs will be relieved. That is not so. They have had to reduce their stakes to below those given at York and Northam, and consequently they are entitled to get any relief that might be coming their way. They will certainly get no relief from this measure.

HON. A. BURVILL (South-East) [9.12]: It is intended to make permanent a temporary war-time measure. An amendment was made to it in 1923. It was provided

that a conveyance or transfer on a sale of property should pay 2s. 6d. for every £25. Now it is proposed to double the duty and make it 5s. The 1923 amendment provided that in respect to transfer of shares of co-operative or provident societies, the consideration should be 6d. for every £5. Later on the consideration was made 1d.

The Chief Secretary: In what year was that?

Hon. A. BURVILL: That is in the Act of 1921-22. I take it that this will go on. These co-operative companies are composed chiefly of working men who may hold five £1 shares. It is not fair that they should have to pay a 5s. duty should they desire to transfer these shares. A duty of 6d. on £5 would be enough. In Committee I intend to move an amendment in that direction.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [9.16]: Mr. Stewart referred to the reduction in stamp duty in the case of the Kalgoorlie and Boulder race clubs. There are two fine racecourses in those towns. They are the principal recreation grounds to which visitors when passing through Kalgoorlie are taken. The grounds were built up at great expense. For many years the clubs paid a large amount to the Coolgardie water scheme. I think the Kalgoorlie Club paid as much as £1,000 a year on water rates.

Hon. J. Cornell: A lot more than that.

Hon. H. A. STEPHENSON: It is impossible to continue racing there. Many horse owners have their homes in the town, and an endeavour is being made to keep them going, but I fear the clubs are doomed. If they can get a little relief in this respect it will help them to go on a little longer. This relief from taxation will go to the clubs. If the bookmakers are not called upon to pay a tax on their tickets, the clubs will collect the difference, and not the bookmakers.

Hon. J. J. Holmes: What would the amount be?

Hon. E. H. Harris: It would represent about £100 in the case of each club.

Hon. H. A. STEPHENSON: I think it would mean more than that. At any rate the bookmakers will not benefit by the remission of the duty.

**HON. J. NICHOLSON** (Metropolitan) [19.19]: There is a good deal in Mr. Stewart's argument. The position on the goldfields is very acute, and whatever the remission may be in this case it will certainly be helpful in the direction indicated by Mr. Stephenson. It is proposed in Clause 2 to impose a duty that is somewhat new in this State, as well as in others. It has been a recognised principle that where a transfer or conveyance of land is effected from one person to another—

Hon. H. Stewart: Or through a third party.

Hon. J. NICHOLSON: Or through a third party, only one duty is payable. I may own some land and sell it under agreement to "B." "B" may also sell to "C" under another agreement, and the consideration may be different in each case. When the transfer is effected from the original owner to the registered proprietor of the land, the duty is payable on the highest consideration that has passed. I may have sold the land for £500 to "B," and "B" may have sold it for £550 to "C," and the duty will be payable on the £550. The rate of stamp duty will be £1 per £100 of consideration. The effect of Clause 2 is that the duty of £1 per centum will be payable on the amount of consideration under each agreement. I doubt if that is fair. We know the Government are seeking to raise revenue in every way, but this is severely straining the position. In addition to the above, I desire also to refer to the amendments made by sub-clause 2 of Clause 4.

Hon. H. Stewart: It is doubling the tax on transfers which it was not felt was warranted during the war.

Hon. J. NICHOLSON: This makes permanent a measure that was passed only as a war-time expedient. The original stamp duty on conveyances was 10s. per £100 of consideration, but during the war it was increased to double the amount. We are now substituting a permanent higher rate of 5s. for every £25 of consideration. The war measure is now to become a permanent imposition. I do not know whether we should be justified in passing the Bill.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central—in reply) [8.25]: The bulk of the Bill has been in operation for some years. It has not borne heavily on the general community, and has proved a welcome

addition to the revenue. We cannot afford to sacrifice it at this stage. The Government realise that the high income tax is adversely affecting the prosperity of the country, injuring enterprise, and leading to the large transfer of capital to the Eastern States. I assure members that at the very first opportunity that presents itself, if anything transpires to improve revenue, one of the first steps that will be taken by the Government will be to reduce the income tax. Every member of Cabinet realises that position. Only recently it was announced by the Premier in another place that if his ideas were carried into effect, the bulk of the money that may come to us through the Federal Government will be utilised to reduce the income tax. I am thoroughly in accord with that proposal. It is the simplest and most effective way of meeting the present situation, and will lead in many directions to the prosperity of the State. The Government have made a serious sacrifice in revenue by reason of the action of this House. I refer to the loss of the 15 per cent. super tax. Half of it was lost last year and the balance will have been lost this year.

Hon. A. Lovekin: None this year.

**THE CHIEF SECRETARY:** The Government have lost the benefit of the 15 per cent. When we consider the money raised through the income tax, we must realise that this was a big sacrifice to make within 15 or 16 months. It is not intended to extend relief in the direction of a reduction of stamp duties. We wish this to become a permanent measure. Those who deal in property, large or small, will find the impost levied by the Bill no great burden. The gentleman who benefits by the present position is the speculator, and no one else. Under the Bill he will have to pay his due. With regard to the imposition of fees on the transfer of property, the same fees are chargeable in South Australia, Victoria and New Zealand, where the rate is 10s. per £50. The clause dealing with transfer by direction is copied from the New Zealand Act of 1923. Probably it is in operation in other parts of Australia.

Hon. J. Nicholson: I do not think so.

**THE CHIEF SECRETARY:** It is in operation in New Zealand. Our interest and sinking fund bills are increasing every year. We are borrowing large sums of money, and spending them, I hope, on reproductive works. It will be many years before some of



these enterprises pay, and probably some will not pay within the next 10 years.

Hon. A. Lovekin: Some of them will never pay.

The CHIEF SECRETARY: In the meantime the interest and sinking fund bill must be met. We need all the legitimate revenue we can secure. I hope there will be no opposition to the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clauses 1 to 3—agreed to.

Clause 4—Amendment of Second Schedule:

Hon. A. BURVILL: I wish to move an amendment to insert in the Bill a provision that appears in the 1923 Act but is not included in the Bill.

Hon. A. Lovekin: If it appears in the 1923 Act it still stands.

The CHIEF SECRETARY: The 1923 Act has not been amended.

Clause put and passed.

Title—agreed to.

Bill reported without amendment.

The CHIEF SECRETARY: I move—

That the report of the Committee be adopted.

Hon. J. NICHOLSON: With reference to Clause 2, it is recognised that the transfer of properties under the terms of a will is not subject to an ad valorem duty but is charged duty at the rate of 10s. on transfer. I think Clause 2 will conflict with Section 71 of the principal Act.

The DEPUTY PRESIDENT: It is a most unusual proceeding for an hon. member to discuss details of particular clauses on a motion to adopt the report of the Committee.

Hon. J. NICHOLSON: I am doing so with the object of later on moving for the recommitment of the Bill.

The DEPUTY PRESIDENT: I have allowed the hon. member to proceed because the Standing Orders are suspended to enable us to pass Bills through all stages on the one day. If the hon. member proposes to deal with the clause, I suggest that he adopts the usual course.

Hon. J. Nicholson: I will do so.

The Chief Secretary: I shall withdraw my motion to permit of the recommitment of the Bill.

Motion by leave withdrawn.

*Recommitment.*

On motion by Hon. J. Nicholson, Bill recommitment for the further consideration of Clause 2.

*In Committee.*

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

Clause 2—Conveyance duty in cases where conveyance made at request or by direction of intermediary:

Hon. J. NICHOLSON: I move an amendment—

That a proviso be added as follows:—"Provided that nothing herein shall restrict or limit the provisions of Section 71 of the principal Act."

The CHIEF SECRETARY: The effect of the amendment is plain indeed; it does not require much consideration to see the object of it. It will nullify the amendment of the Act.

Hon. J. NICHOLSON: That is not the intention but merely to make clear that the operations of Section 71 shall not be limited by the Bill. If the Minister thinks it will have the effect of nullifying the Bill I suggest that progress be reported in order to enable the matter to be further considered.

Progress reported.

**BILL—TAXATION (MOTOR SPIRIT VENDORS.)**

*In Committee.*

Resumed from the previous day.

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

Clause 15—Exemption:

Hon. A. LOVEKIN: I desire to provide by amendment that if the Commonwealth levies 1d. tax, we levy 2d., and if the Commonwealth levies 3d., we levy nothing. The idea is that the community will be taxed to the extent of 3d. and no more, which amount may be paid partly to the State and partly to the Commonwealth. I fancy it will be necessary to recommit the Bill in order to move to that effect.

The CHAIRMAN: It will be necessary to recommit.

Hon. H. STEWART: I move an amendment—

That the words "by Order in Council wholly or partially, and for such time as he may think fit" be struck out, and after "discontinue" the words "by so much of the tax aforesaid as the Commonwealth has imposed" be inserted.

The CHAIRMAN: Mr. Holmes has an amendment.

Hon. H. STEWART: Cannot my amendment be accepted?

The CHAIRMAN: No, we cannot go back.

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

That Subclause (2) be struck out, and the following inserted in lieu:—" (2) Notwithstanding anything in this Act contained, if an application is made to the Commissioner of Taxation by or on behalf of a consumer of motor spirit residing in that part of the State north of the 26th parallel of south latitude for a rebate of tax levied on motor spirit used by him in that part of the State, and the application is supported by a statutory declaration as to the facts, and the Commissioner of Taxation is satisfied as to the truth of the declaration, he shall allow such rebate."

This differs from the wording of the amendment on the notice paper, but it has been approved by the Crown Law Department and I understand is acceptable to the Minister. A statutory declaration is the important feature and all the oil companies will be placed on a similar footing.

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

Postponed Clause 13—Appropriation of tax:

On motions by Hon. H. Stewart, clause amended by striking out of line 6 the word "fund" and inserting in lieu thereof the words "trust account": by inserting after "expended" in line 6 the words "as provided in the Main Roads Act, 1925"; and by striking out of lines 7 and 8 the words "Minister charged with the administration of the Road Districts Act, 1919," and inserting in lieu, "Governor on the recommendation of the main roads board."

On motion by Hon. H. Stewart, proviso struck out.

Clause, as amended, put and passed.

Bill reported with amendments.

### *Recommittal.*

On motion by Hon. A. Lovekin, Bill re-committed for the purpose of further considering Clause 15.

### *In Committee.*

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

Clause 15—Exemption:

Hon. A. LOVEKIN: I move an amendment—

That all the words after "the," in line three be struck out, and the following inserted in lieu:—"Tax as prescribed by this Act shall be reduced by so much thereof as is the case of the tax imposed under any law of the Commonwealth as aforesaid."

This amendment has not been before counsel, it has been before professional gentlemen and has not been objected to. It covers the position I want to take up and that is that if the Commonwealth imposes a tax of 1d., our tax is reduced to 2d. If the Commonwealth imposes a tax of 1d., our tax is reduced to 2d. If the Commonwealth imposes a tax of 3d., our tax is reduced to nil. This will ensure that the people will pay only one tax.

Hon. J. EWING: I would have preferred that the Government abandoned all idea of imposing this tax no matter what action the Commonwealth Government might take. I think, however, that Mr. Lovekin's amendment will meet the position.

The CHIEF SECRETARY: The amendment is very clearly drawn and goes even further than the Government desires. The Minister for Works has intimated to me that if the Federal Government impose a tax of 2d. per gallon there may be sufficient revenue to warrant the cessation of the operation of this clause. In addition, there is a possibility that the Federal Government may tax motor accessories in order to raise more revenue. Under Mr. Lovekin's amendment we would still be imposing taxation that we would not require.

Hon. J. Ewing: That makes it all the more clear that the suggestion I made yesterday was the better of the two.

Hon. H. STEWART: I am not in favour of the striking out of the words; but if a different Government, led by the present Leader of the Opposition, came into power, what would be the position? The Leader of the Opposition is opposed to this tax, and consequently a change of Government in the

near future might mean a loss of revenue from this source. Consequently I feel doubtful as to how to vote, though I am inclined to support the Minister.

Hon. J. EWING: If a new Government came into power, they would have a policy to consider, and they would be just as anxious as any other Government to maintain good roads. However, the present Government are likely to be in power for some considerable time. Let us deal with things as they are.

Hon. A. J. H. SAW: Is this amendment in order? By Section 76 of the Constitution Act the Legislative Council cannot amend any Bill so as to increase any proposed charge or burden on the people. Under Clause 15 of the Bill the Governor may, by Order-in-Council, wholly or partially, and for such time as he thinks fit, discontinue the collection of the tax imposed by this Bill. The Legislative Council cannot make any request to increase burdens on the people. If the Commonwealth imposes a similar tax, the State can, under the Bill, remit this tax. Under Mr. Lovekin's amendment the Government will not be able to remit the tax.

The CHAIRMAN: I cannot find anything in the amendment that will increase the burden upon the people. The Bill as it stands leaves the matter optional, but Mr. Lovekin's amendment makes it mandatory, in certain circumstances, to reduce the tax. I therefore rule that the amendment is in order.

Hon. J. EWING: Will the Leader of the House report progress now, in view of his statement that the tax may not be necessary? It is wrong to ask the Government to do things which should be done by this Chamber. I am now satisfied that the amendment I proposed to move in the first instance was the correct one.

Hon. A. LOVEKIN: We can let this go, and then another House will have it and can amend it to meet the Minister's views if he wants to go further.

Amendment put and passed.

Hon. J. CORNELL: I desire to enter a protest against what I consider the pernicious principle contained in Subclause 1. From a State sovereign rights point of view I am against that principle. Originally this clause was not in the Bill. It was inserted at the request of the Prime Minister, on the assumption that the Commonwealth would

impose a petrol tax for the purpose of main roads. By such contrivances as this the State Parliaments are absolutely surrendering their sovereign rights. As Mr. Collier said, they are slowly but surely becoming mendicants on the Commonwealth.

The CHAIRMAN: This clause deals with exemption.

Hon. J. CORNELL: My point is that I am against the clause because it was not originally in the Bill. Our sovereign rights as a State will very soon not be worth a shilling, let alone a sovereign, and we shall be utter mendicants on the Commonwealth Government. Such legislation as this tends towards unification, as Mr. Collier has said. The States are becoming creatures of the Commonwealth, instead of the Commonwealth being a creature of the States.

Clause, as amended, put and passed.

Bill reported with amendments, and a message accordingly forwarded to the Assembly requesting it to make the amendments; leave being given to sit again on receipt of a message from the Assembly.

#### **BILL—COAL MINES REGULATION.**

Received from the Assembly, and read a first time.

*House adjourned at 10.30 p.m.*