

# Legislative Assembly.

Thursday, 10th December, 1936.

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The Speaker took the Chair at 7.30 p.m., and read prayers.

## QUESTION—CHILD WELFARE.

### Increased Allowance to Mothers.

Mr. DONEY asked the Minister for Employment: 1, In view of the improved financial administration of the Child Welfare Department, will he state—(a) whether the Government will give consideration to an increase from the present 9s. to 12s. 6d., or 15s. per week for mothers who are in receipt of monetary assistance from the department and who care for their own children: (b)

what is the net amount remaining for the purchase of necessities in the case of families with one, two, or three children after reasonable average allowance has been deducted for rent or, alternatively, for an instalment on purchase of home? 2, If the figures shown in reply to (b) are below the sustenance rate of 7s. per week, will he give early consideration to the increased assistance to mothers sought in (a)?

The MINISTER FOR EMPLOYMENT replied: 1, (a), The question of raising the weekly allowance for the families mentioned was under consideration recently. The making of a decision has been postponed. (b), It is not possible to state the net amount remaining on the basis set out in the question. It is the general policy to allow for rent. Where members of the family are earning income, fares incurred by them are also allowable. 2, When the financial position improves sufficiently consideration will be given along the lines suggested.

## QUESTION—RELIEF WORKERS AND CHRISTMAS.

Mr. SLEEMAN (without notice) asked the Minister for Employment: Is he aware that workers on relief jobs who were promised an extra week for Christmas have now been notified that they are not to get the extra week, and that any extra time they have got in is to be taken away from them; and, if so, will he see that this proposal is not carried out? Further, can he inform the House how and when the amount of £10,000 granted by the Federal Government is to be distributed?

The MINISTER FOR EMPLOYMENT replied: So far as I know, no promise was given that extra time would be allowed to any section of men. Where men have worked extra time, adjustments will probably be made. Just how and when those adjustments will be made I am not in a position to state at the moment. Regarding the grant of £10,000 by the Commonwealth for distribution as Christmas cheer among the unemployed of this State, the question of the basis of its distribution is now under consideration.

## BILL—DISTRESS FOR RENT ABOLITION.

Report of Committee adopted.

*Third Reading.*

Bill read a third time, and transmitted to the Council.

# **BILL—GERALDTON HEALTH AUTHORITY LOAN.**

*Council's Amendment.*

Amendment made by the Council now considered.

*In Committee.*

Mr. Sleeman in the Chair; the Minister for Health in charge of the Bill.

Clause 4. Insert after the word "debentures," in line 42, the words "or the rights, powers, authorities, benefits, and remedies of any other person."

The MINISTER FOR HEALTH: I have no objection to the amendment. The Crown Law Department inform me that the Bill does protect debenture-holders. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

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

# **BILL—ABORIGINES ACT AMENDMENT.**

*In Committee.*

Resumed from the previous day; Mr. Sleeman in the Chair, the Minister for Agriculture in charge of the Bill.

Clause 13—Amendment of Section 17 of the principal Act (partly considered):

Hon. C. G. LATHAM: The Act provides that half-castes shall be under the control of the department until they reach the age of 16 years. In my opinion they should not remain wards of the State after attaining that age, but should be left to fend for themselves. I move an amendment—

That in paragraph (b) the words "twenty-one," line 4, be struck out, and "sixteen" inserted in lieu.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That paragraph (c) be struck out.

The object of the amendment is that no permit shall be required for the employment of a native under an engagement which is not that of master and servant. Section 17 of

the Act provides that it shall not be lawful to employ natives except under permit, or permit and agreement. It has always been contended—rightly, in my opinion—that contracts such as I referred to on the second reading, clearing or fencing contracts, which might be classed as piece work in some instances, should not come within the scope of the provision. Contracts for clearing or fencing are frequently let by farmers and others at so much per acre or per chain. In my opinion, Section 17 should not extend to such work. On one occasion I discussed the subject with the Chief Protector, who contended that such work was included in Section 17. Obviously, the passing of this paragraph would make its inclusion perfectly certain. There should be no need for a permit in the case of people employed on a contract where they are left to do the work largely in their own time and in their own way.

The MINISTER FOR AGRICULTURE: The hon. member is not acting in the best interests of the natives by persisting in the amendment. The matter is not of much moment as regards small contracts or the employment of natives at daily or weekly work; but in the interests of the natives it is highly essential that they should be protected; and whites should also be protected by the issue of permits for such work as the clause is intended to cover. It often occurs that a contract is let, and that satisfaction is given to neither the employer nor the employee. The department desire that a certain control be given over the haphazard methods now in vogue.

Mr. Doney: In what sense is there any protection for the employer?

The MINISTER FOR AGRICULTURE: The employer may make a verbal arrangement with the native, thinking that the work may be done cheaply, and sometimes the work is not done at all. The natives and their relatives may sit down on the job, and very little satisfaction results to either party. It is in the best interests of the natives that permits should be required for such work.

Hon. P. D. FERGUSON: No good purpose can be served either in the interests of the natives and half-castes or the agriculturist employing them, by compelling him to go to the trouble of securing a permit. I would say in direct opposition to what the Minister has stated that in the district with which I am acquainted, when a permit has been given, no further interest

is taken by the department in the aboriginal or half-caste. On the Midland line, there are a number of half-castes and a fair percentage of aborigines, and quite a number of half-castes particularly do a lot of contract work: not only work mentioned by the member for Katanning, but road work, and clearing. Half-castes from the Moore River settlement, the native camp in the vicinity of Walebing and New Norcia, do a lot of work for farmers in that locality, and there is no likelihood of any farmer putting it over the half-castes. They are wide-awake and have as much intelligence as the majority of white persons. I have had some experience of them myself and venture the opinion that no one who wanted to have any work done at a lower rate, would meet with success because the half-castes are awake to the position and know the exact value of the work better than most contractors know it. A lot of the white contractors are southern Europeans and do not know as much about the value of the work as do the half-castes. While there is some virtue in having to get a permit for a man who goes on day work, there is no necessity for a permit being issued in connection with contract work.

Mr. WATTS: I fail to see how this paragraph will give any protection to the employer in the direction partly indicated by the Minister. The Protector, in issuing the permit, would hardly be likely accurately to estimate what sort of work a native might do in connection with a contract he might take on. On the other hand, I believe the retention of the paragraph is likely to militate against the employment of natives. Any amendments I have sought have been in the interests of giving these people an opportunity, wherever possible, to become self-supporting without unnecessary interference. While I am prepared to admit that interference in some directions is necessary, and while, where the actual relationship of master and servant exists, interference is requisite, I do not think this provision is required either for the benefit of the contractor or of the native.

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

Clause 14—Amendment of Section 18 of the principal Act:

Mr. WATTS: I move an amendment—

That after "amended," in line 1, the following words be added—" (a) by adding after the word 'protector' wherever it occurs in the section the words 'or inspector' and (b)."

This will be a further amendment to Section 18 of the Act, which provides that permits shall be granted or refused by protectors. As we have adopted the proposal for the appointment of inspectors, I think these people, who will no doubt be satisfactory and fit persons for the positions they will hold, and will be just as likely as the protector, to be in contact with the people concerned, should also be able to issue permits whenever required. There might be times when they would be more accessible.

Amendment put and passed.

Mr. COVERLEY: I move an amendment:

That after "proviso" in line 2, the words "and paragraph" be inserted.

Amendment put and passed.

Mr. COVERLEY: I move an amendment:

That after "the," in line 4, the words "refusal to grant, or by a" be inserted.

Amendment put and passed.

Mr. COVERLEY: I move an amendment:

That the following paragraph be added at the end of the clause:—"For the purposes of this proviso an application for a permit shall be deemed to have been refused unless it is granted within three months after the time when application is made for the permit to the Commissioner."

The clause is a new one. It provides the right of appeal by any aggrieved employer of labour; that is, a person who employs native labour under the permit system. The clause provides that the department may make regulations to govern the appeal. I was somewhat concerned about inserting the right of appeal to be conducted within a specified time. For that reason I have had this amendment drafted to prevent any hold up of a permit. This will apply practically to the northern portion of the State only. That is the only portion of Western Australia where aborigines are employed under this permit system. The Royal Commissioner recommended that the employer should have the right of appeal, and the department accepted that principle by drafting this clause: but the wording of the clause did not satisfy my desire to save time, and prevent departmental officials from holding up the right of appeal, say, for over three months.

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

Clause 15—agreed to.

Clause 16—Amendment of Section 21 of the principal Act:

Mr. WATTS: I move an amendment—

That after “protector” in line 4 the words “or inspector” be inserted.

Amendment put and passed.

Hon. C. G. LATHAM: I move an amendment—

That “twenty-one” in line 9 be struck out and “sixteen” inserted in lieu.

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

Clause 17—Amendment of Section 22 of the principal Act:

Hon. C. G. LATHAM: I move an amendment—

That in line 2 of proposed Subsection (3) “twenty-one” be struck out and “sixteen” inserted in lieu.

This is consequential on the preceding amendment.

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

Clauses 18 to 20—agreed to.

Clause 21—Insertion of new sections:

Mr. WATTS: I move an amendment—

That after “balance” in line 9 of proposed Subsection (2) the following be inserted:—“(a) between the widow or husband of the deceased and/or the next of kin, if the same or some of them can be ascertained, according to the laws of the State, in accordance with and in the manner prescribed for the administration of the estates of persons dying intestate by the ‘Administration Act, 1903,’ and (b) if such widow, husband, and/or next of kin cannot be so ascertained.”

The clause provides that in the absence of a will the administration of the estate of any deceased or missing native, and all rights of property vested in the deceased native shall vest in the Commissioner upon trust to pay the just debts of the deceased, and to distribute the balance amongst those persons who may by regulation be prescribed as the persons entitled to succeed to the property of the deceased. It seems to me that in cases where there are, according to the law of the State, next of kin who can be ascertained, the ordinary provisions relating to the administration of the estates of deceased persons should apply. I have provided for cases where those next of kin cannot be so ascertained, and in those cases I shall be satisfied if the distribution takes place under such regulations as may be prescribed. It seems to me that where

the next of kin can be found, the widow and children should not be deprived of the estate. I believe that so far as is possible we should bring those people under the same kind of regulations that would apply to ourselves. The provisions of this clause do not apply to those natives exempted from the provisions of this Act. But I submit that there will be natives who are not so exempt, even though they be quadroons, because they may be classed as natives. There is no justification for the widow and children of a quadroon, and less still the widow and children of an octoroon, who can be lawfully ascertained being deprived of the deceased’s estate. If they cannot be ascertained by the laws of the country, then there should be some regulation to provide for such eventuality.

Mr. Marshall: Have we laws that will apply in such circumstances?

Mr. WATTS: We have, and I want them to be applied.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That after “entitled” in line 19 of proposed Subsection (2) the words “under the regulations” be inserted.

This provides that a certificate under the hand of the Commissioner may be issued as conclusive evidence as to the person or persons entitled to succeed to the estate. Obviously the certificate will not be required if they are entitled to succeed under the Administration Act, but it would be required in a case that would come under the regulations that will be prescribed.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That in line 3 of paragraph (b) of proposed Section 33B the word “indigent” be struck out.

This provides that every holder of a permit to employ natives must contribute to a medical fund, and such fund shall be used to defray the medical and hospital expenses and the maintenance of indigent natives who fall ill or become diseased or who suffer any injury or accident. The member for Pilbara, the other night, dealing with certain natives in the North said that they are welcome to remain on a station so long as they behave themselves. It seems to me the intention of the clause is that the funds shall not be allocated towards the relief of natives who are employed by any station owner, but should be applied to the maintenance of

indigent natives. To explain what I have in mind I propose to insert after the word "accident" in line 5 of the same paragraph the words "in the course of employment under any such permit." This fund, which is going to be contributed to by the employers, should be utilised for the benefit of natives employed by the employer.

Mr. COVERLEY: I do not agree that indigent natives should be excluded from the benefit of the proposed fund. On several occasions in this House have I voiced the opinion that employers of native labour should contribute something towards the care and upkeep of indigent natives. The clause was recommended by the Royal Commissioner, and I think it is a very good one. Under the parent Act the employer of native labour is called upon to care for the health of any native that is injured or suffers from sickness. Many pastoralists in the North-West insure their natives under the Workers' Compensation Act, which covers only accidents occurring in the course of duty. I hope the amendment will not be agreed to, for if we exclude the word "indigent," we shall upset the purpose for which the Royal Commissioner recommended this clause.

Hon. C. G. LATHAM: It would be quite all right if the Bill had been provided for a particular purpose, as the hon. member seems to think. The clause provides that every employer shall pay a contribution to the medical fund. This fund is to be used to defray the medical and hospital expenses of indigent natives who may fall ill or be the victims of an accident. They need not be in the service of the station owner. It is incumbent on the employer to insure the natives that he employs. The disposal of the medical fund is not for the benefit of any natives that are insured, but is for the purpose of caring for indigent natives. Up North when natives are employed on a station they bring in their families. The result of this provision is that if any member of the family is injured or falls sick he will have the benefit of the fund.

Mr. Coverley: The obligation is on the department to care for all of them.

Hon. C. G. LATHAM: Under the Constitution we undertook to provide the natives with food, clothing, etc.

Mr. WELSH: No one who is employing natives will mind looking after those who become indigent, provided they are members of the family of the natives who are em-

ployed. Every employer should look after his own aborigines, but walkabout natives should not come upon the funds at all. I support the amendment.

Miss HOLMAN: The two paragraphs read together mean that the holder of a permit shall pay so much into a special fund. It will not matter to the permit-holder how many walkabout natives have to be provided for. He will pay no more into the fund because the indigent natives may be in excess of the usual number. In my opinion indigent natives should be adequately looked after.

Mr. MARSHALL: Members have a wrong conception of the meaning of these words. An employer may either insure his natives or may contribute to a fund which would be used on behalf of the natives. If he insures them, he is covered only for the natives he employs. Another man may prefer to pay to the fund a sum sufficient to cover cases of injury or sickness amongst his own natives as well as amongst the hangers-on. In my view paragraph (b) excludes any natives who are employed, and applies only to walkabout natives. The working natives will not be covered at all by the fund. The clause is very badly drafted.

Mr. WATTS: The argument of the member for Murchison is quite correct. If an employer does not wish to pay into the fund, he takes out a workers' compensation policy. Only in cases where there is no workers' compensation policy will the employer contribute to the fund. What the contribution will be we do not know. There is nothing to prevent the Commissioner from expending all the funds upon indigent natives who are not employed, and therefore being unable to contribute towards the attention required by natives who are employed but are not insured. My amendment will mean that the fund will be used for the maintenance of natives who are employed by the permit-holder.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That at the end of paragraph (b) of proposed Section 33B the words "in the course of employment under any such permit" be inserted.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That the word "and" at the end of Subparagraph (i) of Paragraph 3 be struck out.

If that amendment is carried I will move to delete subparagraph (2). The Commissioner

should not be allowed to specify the place to which injured or sick natives should be sent. Possibly he would exercise his authority reasonably, but it is better that we should give him only the power we expect him to use.

**THE MINISTER FOR AGRICULTURE:** In the sweet spirit of reasonableness that the member for Katanning suggests, I am willing to compromise. It may be that the clause mentioned in the Royal Commissioner's report, following upon his references to what obtains in the Northern Territory, would be better than the provision in the Bill. The Royal Commissioner's proposal in paragraph (b) of the second clause of his suggested conditions reads:—

As soon as is reasonably possible, provide free transport for the aboriginal and send him to the nearest or most accessible hospital.

**Hon. C. G. LATHAM:** That is in the Bill now.

**THE MINISTER FOR AGRICULTURE:** That is so, but if we do not provide for transport to the nearest hospital, it will have to be a place that the protector may indicate.

**Hon. C. G. LATHAM:** The trouble is that a protector, when he sees a sick native, may say, "This man needs a change of air, so you had better send him to Albany." I suggest to the Minister that he already has what he desires in the clause.

Amendment put and passed.

**Mr. WATTS:** After hearing the Minister and giving the matter further consideration, I move an amendment—

That Sub-paragraph (ii) be struck out.

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

Clause 22—Amendment of Section 34 of the principal Act:

**Mr. COVERLEY:** I move an amendment—

That in line 4 of paragraph (b) the words "and for the past maintenance of the child" be struck out.

I do not think there is any need for me to add to what I said on this point during the second reading debate.

**THE MINISTER FOR AGRICULTURE:** This provision has to be read in conjunction with the Act, and it will be found that this refers only to the care of a child when in a Government institution. There have been many in-

stances where the parent has been convicted and has paid maintenance for some time. He quickly ceases to do so, and the child ultimately becomes the care of the State. It is not a question, as the member for Kimberley indicated in his second reading speech, of paying past maintenance over a period of years, but merely for months until the father is located. In those circumstances, it is only just that the parent should be required to make that payment.

**Hon. C. G. LATHAM:** I support the amendment. I would agree with the Minister if the Act had operated for a long period. This will apply to whites, half-castes and others. Because the commissioner made a claim against a father, the latter might have to pay past maintenance for a period of 15 years! We know certain people are very generous to half-castes. I would not mind if this applied only to maintenance due for a few months, or until the father is found.

**The Minister for Agriculture:** That is all that is required.

**Hon. C. G. LATHAM:** That is all very well, but we know what will happen.

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

Clauses 23, 24—agreed to.

Clause 25—Repeal and re-enactment of Section 42 of the principal Act:

**Hon. P. D. FERGUSON:** I desire to move an amendment. I protest against the proposal that no marriage between natives shall be celebrated until notice has been given to the commissioner and his consent obtained. Provision is made for the commissioner to object to such marriages on certain grounds. I am old fashioned enough to believe in the sanctity of marriage.

**The Minister for Agriculture:** That is old-fashioned!

**Hon. P. D. FERGUSON:** Unfortunately it is in these days. I know hundreds of half-castes who believe in the sanctity of marriage, and I believe no restriction should be placed on their laudable desire.

**Mr. Warner:** It is dangerous to interfere with the marriage business.

**Hon. P. D. FERGUSON:** Undoubtedly it is.

**Hon. P. Collier:** There is already enough trouble about that!

Hon. P. D. FERGUSON: But we are not allowed to make any reference to that matter. I am prepared to admit that there are cases respecting which there is every justification for Parliament to give the right to the commissioner to prevent marriages, but that does not apply in the South-West, where there are hundreds of half-castes quite capable of deciding this matter for themselves who would resent the commissioner or anyone else interfering with them.

Mr. Watts: If the hon. member intends to move an amendment after paragraph (d), I wish to move an amendment to an earlier part of the clause.

Hon. P. D. FERGUSON: Then I shall not move my amendment now.

Mr. WATTS: I move an amendment—

That paragraph (d) of proposed Subsection 2 be struck out.

Without touching on the views expressed by the member for Irwin-Moore, I consider it inadvisable that the commissioner should have the right to object to a proposed marriage on the score that there may be "other circumstances which render it advisable that the marriage should not take place." It would be a matter of the commissioner's opinion only. I am in agreement with the three grounds specified in paragraphs (a), (b) and (c), upon which specific objection may be taken to a proposed marriage, but I consider it inadvisable to have such a provision as that included in paragraph (d).

The MINISTER FOR AGRICULTURE: I hope members will appreciate the difficulties of administration in such matters. The object is not to hamper or hinder the marriage of half-castes, as was suggested, in the South-West. We must look further than the South-West and appreciate conditions that prevail elsewhere. The trouble does not arise in connection with the recognised missions because those authorities repeatedly apply to the Chief Protector of Aborigines for his consent and comments relative to any proposed marriage between two parties. They know, as the Chief Protector knows, all the tribal laws obtaining in the district. The trouble that arises is in connection with people on other than mission stations who may desire boys and girls to be married. In some instances that desire is not altogether above board and the reasons would not bear investigation. There are many instances where the so-

called marriages have been approved by the Chinese cook on a station. He has found that some of the kitchen lubras or half-caste assistants might be better married, so he selects desirable young bucks from the camp, assures them they are married, and sends them bush. From time to time, many people wander through the back country, some of whom are very undesirable. Some of them may, for purposes of their own, wish to see old men and young girls married, and, in some instances, for their own protection. Instances are known of old men applying to mission stations for very young girls on the score that they were married even before the girls were born. It will be seen that it is essential that objections taken against such marriages shall be sustained. Where, as has been the case in many instances, people who have had settlements under their control desire to marry two natives, from the point of view of their own welfare, quite apart from questions of administration that may be involved, they should not have any say whatever. There are many circumstances over which the Commissioner should have control in saying, perhaps, that it was not possible for those people to have the privilege of marrying natives who might desire to become united.

Hon. C. G. LATHAM: We have already provided that no marriage shall take place with a female aboriginal without the permission of the Commissioner.

Mr. Watts: That has been repealed.

Hon. C. G. LATHAM: Does the Minister really think we are going to enforce laws like this in the North? What is the alternative to these people getting married? There is no alternative except that it will permit a great deal of promiscuity to go on. The Commissioner might get into touch with those people who are licensed to perform marriages.

The Minister for Agriculture: They communicate with him now.

Hon. C. G. LATHAM: He can issue instructions to them, and advise them. Suppose an old man wants to marry a young girl?

Mr. Marshall: We all want to do that.

Hon. C. G. LATHAM: That seems to be a natural proceeding with the natives; and if the Commissioner says "No," and the local people say "No," what is the alternative? I prefer that the position be left entirely as it is, the Commissioner to control the female

side. Why worry about the other side? Of course, if we can Christianise the half-castes, let us do so, but it must be a slow process. There are always drag-net clauses like this in legislation that is being framed, and they are suggestive of this—"In case we have forgotten something, let us put this in."

Amendment put and passed.

Hon. P. D. FERGUSON: I move an amendment—

That after paragraph (c) the following proviso be added:—"Provided that any native who is aggrieved on account of any objection by the Commissioner under this section may appeal to a magistrate in the magisterial district in which he resides, and such appeal shall be in accordance with the regulations which may prescribe the time for appealing and the procedure to be followed."

That will give the intelligent, civilised half-caste who may be aggrieved at the decision of the Commissioner the right of appeal to a magistrate.

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

Clause 26—Amendment of Section 43 of the principal Act:

Mr. COVERLEY: This is a penalty clause, and it deals with offences against natives. When the Bill was introduced in another place, the penalty provided was not less than £25, and not less than six months' imprisonment. The term of imprisonment, however, was disallowed by another place, and now it is set out that a magistrate shall not be able to discriminate or impose a minimum penalty for a first offence, but that he may use his own discretion as to what term of imprisonment he may hand out for a particular offence. To bring the clause into conformity with the fine and the term of gaol, I propose to strike out the words "less than £25 nor." That will leave it to the discretion of the magistrate to impose what fine he thinks fit on any person charged with having committed an offence under this clause. I move an amendment—

That in line 7 of paragraph (b) the words "less than £25 nor" be struck out.

Hon. C. G. LATHAM: I know it is going to be said, in connection with the offence in question, that we are condoning it. I want the Committee to realise that if we fix a minimum penalty and we make that minimum high, there is always the inducement for a magistrate who has a slight doubt about the matter to dismiss the case. If, however, he were allowed to use his discre-

tion, he might impose a fine of perhaps £5; so I agree with the member for Kimberley. It is because of the commission of this offence that we find so many half-castes about.

The Minister for Agriculture: If you support the amendment, you will make the commission of the offence easier.

Hon. C. G. LATHAM: What I am certain of is that if the hon. member were on the bench and he were not quite sure, rather than inflict a heavy penalty he would give the accused person the benefit of the doubt.

The Minister for Agriculture: Well, reduce the minimum.

Hon. C. G. LATHAM: I do not like any minimum. If a magistrate is worth anything at all, we should leave it to him.

THE MINISTER FOR AGRICULTURE: It is essential that there should be a minimum fine. This penalty is really a deterrent for the grievous harm being done to our native race.

Hon. C. G. Latham: I do not think the £25 is considered when the offence is being committed.

THE MINISTER FOR AGRICULTURE: Perhaps not, but the £25 would be a severe deterrent to most people who wandered in this way. I do not want it to be thought that I wish to condone the offence. Rather do I desire to subdue it.

Mr. WATTS: I have had some experience of police courts, and I find that where there is a minimum penalty, it does act as a definite deterrent to the commission of offences.

Hon. C. G. Latham: How will they know what the penalty is?

Mr. WATTS: In the same way that people know what the minimum penalty is for supplying liquor to aborigines.

Hon. C. G. Latham: I guarantee that not two men in this Chamber know what that is.

Mr. WATTS: Perhaps not; because they do not supply liquor to aborigines. It is well known in the country, however, that the minimum penalty for this offence is £20, and that the minimum acts as a deterrent in this. as it does in many other respects. Whilst I do not suppose that a minimum penalty of £25 will prevent offences being committed against natives, it will be likely to minimise those offences. If there are exceptional circumstances, and if the magistrate is of opinion that the minimum penalty is likely to be excessive, he will be entitled to make a recommendation for a reduction of it, and that recommendation will be given effect to.

Amendment put and passed.



Hon. C. G. LATHAM: I move an amendment—

That in Subclause (2) the words "shall be renumbered as subsection three" be struck out and the words "is hereby deleted" inserted in lieu.

The provision is that when any offence such as those we have been discussing is committed no complaint shall be laid without the authority of the commissioner. That is extraordinary. We know that such offences are being committed, and yet no police officer may act without the consent of the commissioner. Surely the police should have a right to take action immediately they know of an offence. The commissioner might be a thousand miles away. When the provision was passed in 1911 not a word was offered in justification of it. If the measure is to be effective that power must be deleted.

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

Clause 27—agreed to.

Clause 28—Prohibition of natives on premises licensed for sale of liquor:

Mr. SEWARD: I move an amendment—

That in line 5 of the proposed new Subsection (1) the word "enter" be struck out.

There are various entrances to a hotel, and to expect a publican to watch them and prevent a native from entering would be placing too much responsibility upon him. It is quite right that the responsibility should be placed upon the native, as is provided in the proposed new Subsection 2.

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

Clause 29—agreed to.

Clause 30—Amendment of Section 59A:

Hon. C. G. LATHAM: The clause provides that no admission of guilt shall be sought or obtained from any native suspected of an offence punishable by death or imprisonment in the first instance except with the consent of a protector who is not a police officer. Any white person accused of an offence punishable by death is not permitted to plead guilty, and the native should not be disadvantaged as compared with the white person. I move an amendment—

That the words "except with the consent of a protector who is not a police officer" be struck out.

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

Clause 31—Insertion of new sections:

Mr. WATTS: The proposed new Section 59D deals with the establishment of native courts, and is one of the most important clauses in the Bill. It provides that the Government may establish a court for the trial of any offence committed by a native against another native. This is a departure from the practice previously observed when dealing with natives. The Royal Commissioner recommended a new type of court to deal with native offences, but nowhere do I find in his recommendation any suggestion that it should be confined to offences by a native against a native. He intended the court to deal with offences by natives against other persons whosoever they might be. To consummate the recommendation of the Royal Commission I move an amendment—

That the words "against another native" be struck out.

The MINISTER FOR AGRICULTURE:

I do not think the hon. member understands the clause. The difficulty in the past has been that the native has been tried under the white man's law. The clause is designed to deal with offences between natives. In other countries native courts have been constituted so that inquiry could be made to ascertain whether the matter had merely arisen out of a tribal rite or custom or whether some other offence had been committed. The provision has been included to give effect to the recommendation of the Royal Commissioner. If a native is murdered by another native, all the trappings and officials of the Supreme Court have to be transported perhaps thousands of miles to hear the evidence, though the native might have been killed during the observance of a tribal custom. The provision is intended to give the native a fair deal. A court might be 500 miles from communication. That court may be held on a mission station, or perhaps on a pastoral holding. The Commissioner may be an officer of the law, or may be a protector of aborigines; but under the clause he has the power to be constituted a Commissioner, and to have with him one conversant with tribal rites. The clause is designed particularly to obviate what happens—the trial of natives under white man's law.

Mr. WATTS: I understand the clause perfectly well. In that connection I fully understand the observations made by the Minister. I was, however, expressing the view that we should not limit the clause to

trials of offences by natives against other natives, but should extend it to trials for offences committed by natives against anyone else. A habit has grown up of appointing Royal Commissioners to make exhaustive inquiries, to travel all over the country, and to arrive at certain definite conclusions, which are subsequently ignored. It was from that aspect I moved the amendment. The Royal Commissioner, Mr. Moseley, dealt with the subject as follows:—

**Trial of aboriginal offenders.**—Although this matter has recently been the cause of a good deal of comment, the system of bringing all aboriginal offenders before our ordinary courts of justice, no matter the nature of the charge, has been the subject of judicial criticism for many years; but the system has continued. Perhaps it has continued because authorities have hesitated to interfere with a procedure in the extreme fairness of which they feel some pride; perhaps because the matter has not been deemed of sufficient importance to justify interference. As far as a great many natives are concerned, I see no reason why there should be any change in our present system. There are many who have been born and brought up in civilised communities who have little of the tribal instinct in them and who have, by reason of their long association with whites, quite a working knowledge of the difference between right and wrong.

The only persons now natives are those people who are neither quadroons nor of less blood, and who have not lived in white conditions.

Why should they not be amenable to our laws and, when offences are alleged against them, be tried by the courts set up to administer such laws?

I agree that they should be; but, generally speaking, they are not natives under the Bill.

But there is another class of native against whom our laws would seem to operate unfairly—the bush native who commits what under our law would be a crime, but which is perfectly in order according to his tribal customs—which amount to his law. In such a case the whole procedure, from the moment of arrest, seems inappropriate. In the case of a white person accused of an offence, he is, or perhaps I should say should be, cautioned that he need not, unless he so desires, make any statement. . . . On the other hand, in the case of a bush native arrested on some charge arising out of tribal disturbance, or for cattle killing—which seemed up to a point to be one of the most frequent charges—evidence has on many occasions been given of the admissions of the accused person. . . . The accused native and the witnesses are then taken under escort to the nearest court—it may be 200 or more miles away—and he is placed in the dock to answer the charge. He has brought no witnesses with him—his mental

equipment, even if he understands what is going on, does not enable him to think of that before leaving his country, and his protector—well, at that moment the protector is a police constable, and of course his duty is to arrest the man and bring him to trial. In the event of a conviction, and the case seems sufficiently over-ruled to justify one, the prisoner is sent to gaol. After his sentence has been served, he returns to his country, not in any spirit of humility, but, on the contrary, feeling in every way superior to others of his tribe who have not been so fortunate. . . . What is required in my view is, firstly, a different tribunal—one that will really enable the native to understand what is going on and the proceedings of which can be listened to and understood by others of the tribe; secondly, a different form of penalty. . . . The form the tribunal should take requires consideration. I am not favourably inclined towards a court constituted as suggested by the Chief Protector, the personnel being, in my opinion, too cumbersome for effective work. The proposal was that the court should comprise a resident magistrate as chairman, the Chief Protector, or his nominee, some person to be nominated by the Minister, and the head man of the tribe to which the accused belonged.

Some of those recommendations with regard to the constitution of the court are to be found in the clause, but on a more reasonable basis. The Royal Commissioner has been fairly definite in his report. Native cases should be dealt with by a specially constituted court, no matter against whom the offence has been committed. The Royal Commissioner makes no reservation as to charges against others than natives. It would be a big step forward towards the solution of the aborigines question if we had such courts for those purposes.

**THE MINISTER FOR AGRICULTURE:** Every word read out by the hon. member is sufficient justification for retaining the wording of the clause. Since it is not possible under present legal happenings to have a native's case properly heard under white man's law, it is essential that these native courts should be constituted. I hope the hon. member will not press the amendment.

**MR. MARSHALL:** The member for Kaitangia has strained my loyalty almost to the breaking point. Native law and British or Australian law differ only by virtue of standards or codes. Mainly it is the codes that cause the trouble. In Western Australia we have tribal laws and white man's laws. A sufficient penalty in the eyes of British or Australian law, perhaps a few months' imprisonment, would appear altogether too lenient in the eyes of the native law. In some respects the native moral code

is much higher than ours. Any breach of that code can, in native opinion, be punished only by death. The Royal Commissioner, in recommending these courts, has no other objective than that they should be confined to troubles arising out of the tribal character and tribal beliefs. In the case of a native taking the life of a white man, or a white man taking the life of a native, the trial must be held in our courts. I support the clause as it stands.

[*Mr. Hegney took the Chair.*]

Amendment put and negatived.

Hon. N. KEENAN: In paragraph (b), what is the reason for adding to a special magistrate a nominee of the Commissioner? Is there any reason for it? I understand the whole scheme of the clause, and feel myself very much in accord with it; but the clause would be much more likely to work well if a special magistrate were appointed and he took into consultation a head man of the tribe.

THE MINISTER FOR AGRICULTURE: The object is to have an added safeguard, so that someone who knows all that is to be known of aboriginal affairs so far as State administration is concerned shall be available.

Hon. N. Keenan: But the special magistrate will be picked for that purpose; he will not be picked for incompetence.

THE MINISTER FOR AGRICULTURE: But the special magistrate may on occasion be the local policeman who happens to have locked up the accused.

Hon. N. Keenan: Then why have him?

THE MINISTER FOR AGRICULTURE: He may be the only one available, or the only one acceptable to the person charged with the offence.

Hon. C. G. LATHAM: I move an amendment—

That in paragraph (c) “may” be struck out and “shall” inserted in lieu.

Mr. COVERLEY: The amendment moved by the Leader of the Opposition is dangerous. It might cause the court occasionally to be prevented from functioning. With due respect to the Aborigines Department and the Minister in charge of the Bill, I foresee occasions when the head man will not be found.

Hon. C. G. LATHAM: There is nothing to compel him to attend. The words are “shall call.” It does not say the headman.

The Minister for Agriculture: There are many headmen.

Hon. C. G. LATHAM: What we are trying to get at is this: that where there is an offence against the tribal code, there should be an attempt to educate rather than to punish the offender.

Amendment put and passed.

Hon. C. G. LATHAM: I move an amendment—

That after Subclause (4) of proposed new Section 59D, the following words be added:—“provided that the wife of an accused native shall not be a compellable witness.

I do not see why wives should be compelled to give evidence against their husbands any more than our wives are.

Mr. Warner: Wife or wives?

Hon. C. G. LATHAM: One includes the other.

Amendment put and passed.

Mr. COVERLEY: I move an amendment—

That the following proviso be added to proposed new Section 59H:—“Provided further that no such permission shall be granted north of the 18th parallel of south latitude.”

This clause empowers the commissioner to give a permit which will enable natives the right to carry poison. I do not object to that in a general way because there are quite a lot of semi-civilised natives in the Murchison and North-West districts who actually do carry poison for poisoning hawks, dingoes and other vermin, and likewise also in the agricultural areas, but in the district I have in mind it is an entirely different thing. There is a different class of native and our experience leads us to the conclusion that it would be very bad for natives to be allowed to carry poison. Poison bait has been left by natives on the stock routes to the detriment of donkeys, which are poisoned by the dozen through natives having the right to carry strychnine for laying baits. This amendment will exclude that portion of the North-West north of the 18th parallel, 150 to 200 miles south of Broome.

Hon. C. G. Latham: The amendment takes your district out of it, but what about ours?

Mr. COVERLEY: I do not think it would affect your district.

Mr. Welsh: Where is this parallel?

Mr. COVERLEY: Not in your electorate.

Hon. C. G. LATHAM. We purport by this clause to hand over authority to certain

persons, subject to the commissioner's permit, to handle poisons.

Mr. Coverley: It is done now.

Hon. C. G. LATHAM: In this city I defy any hon. member to go to any reputable chemist and obtain poison without taking a witness along who knows him and without signing a book. Under this provision, immediately a commissioner issues a permit, natives will be able to obtain poison without further ado. The Bill when it becomes an Act will override any other Act. We must not forget that. The word "supply" used in the provision may mean give, sell or anything else, and without witnesses at all.

The Minister for Agriculture: This provides that you cannot allow a native to use poison unless you hold a permit.

Hon. C. G. LATHAM: The demand today by the Pharmaceutical Society is that we should tighten up our laws in regard to poisons. I hope that if this is passed the commissioner will be very sparing in the issue of these permits. What he should do is to issue a permit to an employer, if he wants to, permitting him to hand over the poison baits.

The Minister for Agriculture: That is what it means.

Hon. C. G. LATHAM: No, it does not. It all depends on how it is interpreted. I should like to see the clause redrafted. I see in it a grave danger. There is nothing to prevent bush natives poisoning wells on the Canning stock route.

Mr. WELSH: Very often it is advisable to send a native out with poison after dogs and foxes. Only a good native is chosen for that work.

Hon. C. G. Latham: You happen to be a wise man; others might not be so careful.

Mr. WELSH: I think they are. Invariably the native will get his dog or fox. This does not provide that a native can get poison from any person. The commissioner issues a permit to the employer, enabling him to supply the native with poison. The native is not allowed to keep the poison in his camp after he has returned, but has to hand over what is left to the employer. I do not think there is any danger in the provision. The member for Kimberley says the natives may poison the wells in his district, but in the more settled districts with which I am concerned it is expedient to give natives the poison in order that they may go out after dogs and foxes.

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

Clause 32—agreed to.

Clause 33—agreed to.

Clause 34—Amendment of Section 63 of the principal Act:

The MINISTER FOR AGRICULTURE: I move an amendment—

That after "account" in line 5, the words "of the refusal by the Minister to grant such certificate, or" be inserted.

That gives an opportunity for an appeal to a magistrate by any native who is aggrieved on account of the revocation by the Minister of his certificate.

Amendment put and passed.

Hon. C. G. LATHAM: I move an amendment—

That after "resides" in line 7, the words "the magistrate may make such order regarding the issue or revocation of the certificate as in his opinion the justice of the case requires, and such order shall be given effect to by the Minister" be inserted.

This provides that where a native feels aggrieved on account of the revocation of his certificate, he may appeal and the magistrate shall make such order as he thinks fit and the Minister shall agree to give effect to it.

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

Clause 35—agreed to.

New clause:

Mr. WATTS: I move—

That the following new clause be inserted to stand as Clause 28:—"28. A new section is inserted after section forty-four of the principal Act as follows:—44A. A native child shall not, without the written consent of the Minister, attend a Government elementary school within the meaning of the Education Act, 1928, in any district or locality where there is a native institution which is accessible and available within a distance of five miles to such child for the purpose of schooling or education."

Originally I gave notice of this amendment without the words "within a distance of five miles," but it was realised that it might be wrong to have no limitation on the distance, and so I have had those words inserted. On the second reading I mentioned that at Gnowangerup there is a mission institution which is a school, conducted, I understand, by capable persons. There are 43 half-castes or native children in the locality, of whom 41 attended this mission school

and two attend the State school. It is not desired that any change in that condition should be permitted to take place. The local authorities of the district have written to me asking me to have inserted in the Bill some clause such as the one I have moved. It is not intended that such children shall be deprived of the opportunity to obtain education. It is, therefore, only where there is a native institution, such as a mission school, which is accessible and within a distance of five miles, to such children for the purpose of receiving education, that the proposed new clause will apply.

**THE MINISTER FOR AGRICULTURE:** I fear the hon. member has overlooked the fact that very many coloured children are perfectly clean and conform to white standards, and are acceptable at State schools. In districts where there is a native school at which the native children may attend, the hon. member is going to deprive them of the opportunity to improve their condition and generally uplift themselves. It is desirable that every opportunity should be afforded and that those children should attend schools, wherever situated, if they conform to white standards. I think the hon. member has not thoroughly gone into this matter.

**MR. WATTS:** I have endeavoured so far as is possible to prevent circumstances arising such as these that appear to distress the Minister. The position is that under the proposed clause the Minister will be entitled to consent to such children attending State schools if he thinks the circumstances warrant it. Secondly, such a child as the Minister refers to, in all probability would not be classed as a native at all, but would be exempt from the provisions of the Bill. I can assure the Committee I have given grave consideration to the matter, and it is because of that I have moved the amendment and am keen on its being accepted. The proposed new clause shows ample evidence of every consideration having been given to it.

New clause put and passed.

Title—agreed to.

Bill reported with amendments, and the report adopted.

### *Third Reading.*

Bill read a third time and returned to the Council with amendments.

### **BILLS (5)—RETURNED.**

- 1, Financial Emergency Tax (No. 3).
- 2, Mortgagees' Rights Restriction Act Continuance.
- 3, Northam Municipal Council Validation.
- 4, Road Closure.
- 5, Reserves.  
Without amendment.

### **BILL—DAIRY PRODUCTS MARKETING REGULATION AMENDMENT.**

*Council's Amendment—As to Committee Stage.*

Order of the Day read for the consideration in Committee of an amendment made by the Council.

### **THE MINISTER FOR AGRICULTURE**

(Hon. F. J. S. Wise—Gascoyne) [9.58]: I move—

That the House do now resolve itself into Committee for the purpose of considering the Council's amendments.

**MR. SLEEMAN** (Fremantle) [9.59]: I do not think we ought to go into Committee on the Council's amendment. In fact, I move an amendment—

That "now" be struck out with a view to inserting other words.

We have reached the stage where anything of a dairying or farming or pastoral nature is passed by another place without hesitation. We passed a Bill for the reduction of rents on pastoral leases, and there was no hesitation in another place, where it was passed in a few minutes. As I say, anything touching the farming industry or the pastoral industry is never held up by another place. But I am sick and tired of seeing industrial legislation sent there from this place only to be thrown out of the window.

**Mr. Warner:** Nonsense!

**MR. SLEEMAN:** It is not nonsense. There has never been an objection in the Council to any farming or pastoral measure. In this Chamber the only measure we have ever contested was that for the bulk handling of wheat, and we had good cause for contesting that. The time will come when the farmers will admit that it is not much good to them. This House would be well advised in future to see that industrial measures were sent up to another place first

of all, and that Bills relating to the farming industry were made to wait until we saw whether our industrial measures had been passed or thrown out. I take second place to no man in my desire to see that the farmers receive a fair deal. Someone, however, has to make a move to see that the industrial legislation of the Government is not thrown out as has been the case this session. It seems to me that members of another place are so biased that they cannot see fair play in any legislation that is of an industrial nature.

Mr. SPEAKER: Order! The hon. member must not reflect on members of another place.

Mr. SLEEMAN: That was no reflection.

Mr. SPEAKER: The hon. member must not continue in that strain.

Mr. SLEEMAN: We sent them a Bill to relieve tenants, and it was thrown out. We sent along the Factories and Shops Act Amendment Bill. There was nothing revolutionary in that, but it was valuable to the industrialists and it was thrown out. The Fair Rents Bill was thrown out. Anything that was of any benefit to the industrialists was thrown out. Take the Mines Regulation Act Amendment Bill and the Industrial Arbitration Act Amendment Bill; both were thrown out. Now there is a move to disallow a regulation dealing with the mining industry. There is one section of the community which will stand no nonsense from another place; I refer to the mining section. I am pleased to know there is a section that will stand up to these old fellows if necessary. The Whole Milk Act Amendment Bill was passed without any argument. The Dairy Products Marketing Act Amendment Bill comes back to us with only a slight amendment. Another Bill relating to the dairy industry, the Industries Assistance Act Amendment Bill, a Bill relating to wool, and another relating to reductions of rents for pastoralists, all were passed without any difficulty in another place.

Hon. C. G. Latham: On a point of order. I understand the question before the House is whether we resolve ourselves into Committee for the purpose of considering a message from another place.

Mr. SPEAKER: The question is that I do now leave the Chair.

Mr. SLEEMAN: The Leader of the Opposition will have his turn later. We should not agree that the Speaker should now leave

the Chair. The time has come for someone to make a move to see that justice is done to the workers. The people of this State are paying out many thousands of pounds for members of Parliament to legislate for all sections of the community. They are paying out thousands of pounds for a few gentlemen in another place to throw out legislation that is of the utmost value, at all events to one section of the community. I defy members opposite to show that any opposition of any kind has been displayed—

Hon. C. G. Latham: That is all bluff and show.

Mr. SLEEMAN: It is all very well for the hon. member to say, "If this Bill passes this House it will not be passed through another place." He has threatened that on many occasions.

Hon. C. G. Latham: Nothing of the sort, and you know it.

Mr. Raphael interjected.

Hon. C. G. Latham: Shut up!

Mr. SPEAKER: I hope the member for Victoria Park and the Leader of the Opposition will keep order.

Mr. SLEEMAN: If any industrial question is brought down and opposition is shown to it by members on the other side of the House, and they are outnumbered, they do not hesitate to say, "We will let it go; we do not think it will get through another place." It is time the people of the country took a hand and agreed that another place had no longer any right to exist.

Hon. C. G. Latham: Very well, let us try that. Get the Government to resign.

Mr. SLEEMAN: I would resign tomorrow but for the fact that the old fowls up there—

Mr. SPEAKER: Order! The hon. member must not use language like that concerning members of another place.

Mr. SLEEMAN: As if there was any chance of getting them to go out! Of what use would it be for us to resign? We could resign ten times over and come back with a mandate from the people, and members of another place would simply sit there and laugh.

Mr. SPEAKER: The hon. member is not giving reasons for striking out the word "now."

Mr. SLEEMAN: I am giving the Leader of the Opposition reasons why it would be useless for us to resign. The time has

arrived when we should amend a motion of this sort so that you, Mr. Speaker, do not now leave the Chair for the purpose of discussing this message. We should no longer tolerate the action of another place, as we have been doing. This Bill affects the dairying industry, but has come back to us with only a small amendment. What happened to the Bill that was intended to relieve necessitous tenants? What happened to the Factories and Shops Bill which was urgently required by the workers—those people who are being ground down by unscrupulous employers? Both those Bills were thrown out. For these reasons I have much pleasure in moving that the word "now" be struck out with a view to inserting other words.

**MR. RAPHAEL** (Victoria Park) [10.5]: I second the amendment. It is time that members of the Labour Party accepted the suggestion of the Leader of the Opposition, resigned, and went to the country. We would be prepared to accept that challenge if members of another place would do the same. That challenge has been thrown out to the Labour Party on many occasions by members opposite, that when a measure was defeated in another place we should go to the country. What object would there be in our going to the country when members of another place would not be prepared to do likewise? I believe that many members opposite would go to their electors in far greater trepidation than most members on this side of the House would show. We had the agony of listening to many amendments moved by the member for Katanning on the Aborigines Bill. He is prepared to give much time and consideration to affording justice to black fellows.

Hon. P. D. Ferguson: Was there anything wrong about that?

**MR. RAPHAEL**: Whenever there was a chance of affording relief to necessitous workers, to sustenance workers and others, his vote was always given against doing so.

**MR. SPEAKER**: The hon. member must not discuss the member for Katanning, but discuss the matter before the Chair.

**MR. RAPHAEL**: I am giving my reasons.

**MR. SPEAKER**: The hon. member's reasons are out of order.

**MR. RAPHAEL**: This is not the first time that members of another place have thrown out important industrial measures. They

are prepared on all occasions to give consideration to any Bill that directly affects the interests of pastoralists, farmers and people engaged in the dairy industry. They are prepared to pass all those Bills and make only minor amendments to them. Quite different is their attitude towards industrial legislation. During the past week four or five important measures were thrown out without even being taken into Committee. The miners are entitled to some consideration at the hands of another place. They practically live underground and drag up the wealth of the country, and are responsible for Western Australia being put back on the map. The Bill relating to them received no consideration in another place. The miners, however, are prepared to take direct action by striking. Other industrialists have not the same opportunity. They cannot point the gun at people's heads. Shop assistants and others are denied their legislative rights by 30 men, or I should say by about 18 out of the 30. They are denied this right notwithstanding that the Labour Government was returned by a majority vote of the people, returned on an adult franchise against the franchise of bricks and mortar in another place. The workers are denied by another place the opportunity of benefiting from any legislation passed in this Chamber. They are therefore denied their full rights. It is fitting that we should take this opportunity to voice our protests against the action of another place. I see members of the Country Party grinning. They appreciate that they have been successful with all the Bills affecting their particular communities.

**MR. WARNER**: What about the Agricultural Bank Act?

**MR. RAPHAEL**: The hon. member's party supported it. They do not like the Agricultural Bank Act now they have wakened up to it.

**MR. SPEAKER**: The hon. member cannot discuss that Act.

**MR. RAPHAEL**: I am replying to an interjection. I hope that next session the Labour Party will introduce only legislation that affects industrialists.

**MR. WARNER**: Is that a threat or a promise?

**MR. RAPHAEL**: If we are not successful in getting our industrial legislation passed we should leave the pastoralists and the farmers high and dry.

Hon. P. D. Ferguson: They are high and dry already.

Mr. RAPHAEL: I suppose they are dry. When another place was threatened by the Government that the farming community would suffer if the Financial Emergency Bill was not passed, members there quickly changed their attitude. If our industrial legislation is not passed next session we should see that no other Bills are brought down. The member for Fremantle has brought forward one of the most important questions referred to this session. I hope the Government will bear the matter in mind and see that Labour principles take precedence over all others.

**MR. HEGNEY** (Middle Swan) [10.13]: Representing an industrial constituency I wish to add my protest to that of other members. Another place has shown a distinct bias this session in dealing with industrial measures. They did not even have the courtesy to carry the second reading in most cases. They could well have taken the Bills into Committee and amended any clauses that appeared to them unreasonable. So transparent was their bias that they rejected those Bills on the second reading. We know the fate of the Factories and Shops Act Amendment Bill, and the Industrial Arbitration Act Amendment Bill. The latter Act has not been amended for many years. By virtue of the experience gained in the administration, and the knowledge as to the limitations of the Act, the Government brought down certain amendments. These were considered in this Chamber in a good spirit, and eventually the Bill was sent to another place. The Legislative Council did not even allow the Bill to reach the Committee stage. I have been returned by an industrial population, and desire to protest against the action of another place. In my capacity as a member of this House, I have endeavoured to examine every measure brought before us. When it has affected the primary producers, I have extended every assistance and support in order to legislate in their interests. When it comes to matters affecting the industrial community, another place peremptorily rejects the legislative proposals. On the other hand, when Bills dealing with the interests of primary producers confront them, they are dealt with in a considerate manner. If the Council make amendments to such Bills, we give those amendments careful considera-

tion when the measures are returned to us in their amended form. Members of this Chamber give fair and reasonable consideration to such legislation, but the Legislative Council have not dealt with the industrial legislative programme of the Government as they should have done. On various occasions I have listened to the debates in another place and have heard members there criticise the Government, particularly with regard to taxation, and urge that the workers in receipt of the basic wage or less should be required to contribute something towards taxation. The present Government desire to exempt the men in receipt of the basic wage or less, but not only on the present occasion but during other sessions the Legislative Council have given scant consideration to such matters. The industrial section complained bitterly regarding the unceremonious way the Legislative Council deal with the Government proposals. Many reasonable and fair provisions were included in the Factories and Shops Act Amendment Bill and the Arbitration Act Amendment Bill, but the members of another place had not the decency to examine them.

Mr. Doney: On a point of order. I wish to point out, Mr. Speaker, that the member for Middle Swan is reflecting upon another place, and the Standing Orders will not permit of that being done.

Mr. SPEAKER: The member for Middle Swan is not reflecting upon another place but upon their work. The hon. member may proceed.

Mr. HEGNEY: I am endeavouring to point out that the Legislative Council have not dealt with the Government's industrial legislative programme in a fair and reasonable manner.

Mr. Sleeman: You are treating them very leniently.

Mr. HEGNEY: I was elected to support the legislative programme of the Government, and I expect the Government to give effect to their policy. Although I was returned by a majority of the industrial workers of Middle Swan, I have endeavoured in an impartial manner to deal with every proposal brought before this House. I expect the members of the Legislative Council to do that too. I protest vigorously against the biased and partisan manner adopted by the Legislative Council. I have listened to arguments that were puerile in the extreme, and I protest against the attitude of the Council.



Mr. Doney: Is that not a reflection upon another place?

Mr. HEGNEY: I hope my protest will be supported by the Government.

MR. MARSHALL (Murchison) [10.20]: I much regret having to support a motion of this kind, which may be accepted as an indication that one is keenly desirous of destroying valuable legislation.

Mr. Sampson: It is not compulsory to do so.

Mr. MARSHALL: I do not require to be reminded of that fact. I am particularly concerned with regard to what is happening, because we continually advise our electors at all times to adopt Constitutional methods to gain reforms in general and progress in industry. That is what we stand for. But if I am expected to sit quietly by when all avenues of a Constitutional character have been exploited, unavailingly, due to the fact—I do not think members opposite will deny it—that much of the industrial legislation, such as that which will be before the Chamber in a few minutes, has received scant consideration in another place because of its application to a different section of the community than that in which they are mainly interested, I say quite openly that if the workers are to be compelled to toil underground without any improvement in their industrial conditions, and Constitutional methods to effect reforms are to fail continually, then, so far as I am concerned, every miner can cease work.

Mr. Sleeman: The Council are after the new regulation now.

Mr. MARSHALL: If all legislation were given fair and honest consideration, I would not complain, but you, Mr. Speaker, know as well as I do that much of the Government's legislation is discussed and its fate decreed before ever it is introduced in the Chamber.

Mr. Cross: Yes, at conferences in the corridor.

Mr. MARSHALL: No; its fate is decreed at the office of the Employers' Federation. That is where its political trial first takes place. Such undemocratic procedure rather rankles. We should remember that 220,000 people elected the members of this Chamber, and supported a policy presented by the Government.

Hon. C. G. Latham: You know you do not represent half the people of the State.

Mr. MARSHALL: I am speaking about the electors who choose the members to take seats in this Chamber. They endorsed the policy of the Labour Party and returned the present Government. Against that, 60,000 people elected the members of the Upper House and the plural voting that goes on aggravates the position. We find that the members of another place disallow what a majority of the people desire. I am sorry that members of another place, who are always boasting about the Constitution and claim that they are a House of Review, should pursue such a policy. As a matter of fact, they have not reviewed any of the legislation that I have in mind. That legislation was placed on the political chopping block long before it was introduced in that Chamber. When a person has a little property and can get his name on the roll for the Legislative Council, he is able to elect members of another place to deal with legislation that the Government desire to have passed. There are thousands of workers throughout the State and if they find they can no longer expect reform in a Constitutional manner, they will take the bull by the horns and see that they get what they want.

HON. C. G. LATHAM (York) [10.25]: Apparently opportunity is being taken on this motion to conduct a post mortem with respect to what has occurred during the current session. The decorum that is usually displayed in this House has been departed from and members have embraced the opportunity to say unfair and unreasonable things about another place. Some of the statements made could be said also about this Chamber. Bills have been introduced for the benefit of primary producers and what sort of treatment did they receive? Were they given consideration?

Mr. Cross: Of course.

Hon. C. G. LATHAM: Was consideration given to the Bill introduced by the member for Irwin-Moore (Hon. P. D. Ferguson) last night? As a matter of fact, if we are to take this opportunity to criticise what has been done, we can have a good deal to say on this side of the House.

Mr. Sleeman: What was wrong with the Bill last night?

Hon. C. G. Latham: What was wrong with it? It was not given any consideration.

Mr. Sleeman: It was not properly before the House.

Hon. C. G. LATHAM: I know what happened. Bills have been introduced by private members and passed by this House that imposed a drain upon the public revenue no more and no less than the Bill that was ruled out of order last night. As a matter of fact, members of this side of the House have given every consideration to the legislation that has been introduced. Not one measure did not receive fair and reasonable discussion. If hon. members wish to discuss the actions of another place, then let them go on the platform outside and take the question up before the electors.

Mr. Thorn: They would not come at that.

Hon. C. G. LATHAM: That is the proper place. If hon. members do that, we will show them where we stand.

Mr. Sleeman: More threats!

Hon. C. G. LATHAM: The threats have come from the Government cross-benches and members there should be ashamed of themselves. Let them go outside and say these things.

Mr. Raphael interjected.

Hon. C. G. LATHAM: The member for Victoria Park should be quiet. He remained as silent as possible when the member for East Perth (Mr. Hughes) tackled him.

Mr. Raphael: Rats!

Hon. C. G. LATHAM: If the member for East Perth were in his seat now, not half what has been stated this evening would have been uttered by members opposite.

Mr. SPEAKER: Order!

Mr. Raphael interjected.

Mr. SPEAKER: Order! The member for Victoria Park will run a grave risk if he will not obey the Chair. I hope the Leader of the Opposition will address himself to the motion.

Mr. Cross interjected.

Mr. SPEAKER: Order!

Hon. C. G. LATHAM: I will attempt to obey your orders, Mr. Speaker, but I wish to take this opportunity to say something in reply on behalf of the members of another place, because they have no opportunity of defending themselves in this Chamber. I resent the statements that have been made about them. The opportunity has been taken to reflect upon them. Members of another place have had an opportunity to deal with

legislation just as we have had the opportunity to deal with it here and each House has acted as it thought fit. This is not the place to complain about the Legislative Council. Let members go out into the provinces and take the matter up with the electors.

Mr. Hegney: We have, and we were returned.

Hon. C. G. LATHAM: If they want the franchise altered, there is a proper way to deal with it.

Mr. Sleeman: We have tried that.

Hon. C. G. LATHAM: That may be so, but that is no justification for such an attack on members of another place. I notice that members here waited until a certain Bill was passed by another place before they made their attacks. The attack made to-night could have been made last night or on some other night. The Minister for Agriculture has had the Bill returned with an amendment which, I believe, was proposed by himself. As a protest against the introduction of ill-framed legislation in this House I should like to object to you, Sir, leaving the Chair. Proper consideration is not given to it, and hundreds of amendments are put on the Notice Paper by Ministers when introducing legislation here, and that shows clearly that they have given very little consideration to their Bills. If we had done that kind of thing when we were in office, hon. members opposite, from the side of the House on which I am now speaking, would have complained bitterly. In every possible way we on this side of the House have tried to assist the Government and the protest I make now is that the legislation that has been introduced has been ill-considered. If members want final discussions to take place, and they seize the opportunity to vilify another House, they are making a mistake, and they will not get away with it. I was hoping that the good feeling that had existed throughout the session would have been maintained until we had had the opportunity of wishing each other the compliments of the season. I do not care a continental what has happened, but I do not intend to remain silent while members on the cross-benches opposite attack another place. It is quite unusual; I have never heard it done before, and it is a pity that such tactics have been introduced so late in the session.

**MR. TONKIN** (North-East Fremantle) [10.33]: I intend to support the motion as a protest against what appears to me to be the extremely partisan attitude adopted by another place when considering legislation from this Chamber. In voicing my protest, I do not see any reason why the Leader of the Opposition should have got so hot and bothered. I assure him that when I leave this Chamber I shall leave it with every good feeling towards other members and without a thought of malice towards anyone. I am taking the opportunity to protest against what I think has been the unfair attitude of another place towards a section of the community. This Government have introduced more than a fair proportion of Bills in the interests of the people directly represented by members opposite, and because we have been most considerate in that regard, I think we might reasonably have expected another place to have given better consideration to the industrial Bills we put up, even if another place did not eventually pass them. But instead of giving consideration to those Bills, another place simply took the first opportunity to vote them out.

**Mr. Thorn:** But you never put them up to be passed.

**Mr. TONKIN:** Certainly we did.

**Mr. Thorn:** I thought not.

**Mr. TONKIN:** The hon. member is always thinking quite a lot. In view of the very reasonable attitude of the Government in putting up, in my opinion, more than a fair proportion of Bills mostly in the interests of constituents of members opposite, we could have expected better treatment for our industrial legislation. Hon. members opposite have said here on occasions, when we have submitted our industrial Bills, that they would be able to rely upon another place to defeat those Bills. They have declared that they have never used that threat, but I can remember its having been said repeatedly. Members opposite have been very annoyed because we have had the numbers in this House to carry certain measures, and they have said that when a certain Bill reached another place, that would be the end of it.

**Hon. C. G. Latham:** You are protesting because they have the numbers.

**Mr. TONKIN:** I am protesting because they have thrown out our legislation, which would have been in the interests of the hon. member's constituents. We could reasonably

have expected that another place would pass a proportion of the measures we sent to them, just as we would expect them to pass a proportion of the legislation that would be in the interests of the primary producers. The present Government have done a fair thing and the perusal of the Bills sent forward will prove what I say. That part of our programme introduced for the purpose of assisting primary producers has been gladly accepted by members opposite, and by their colleagues in another place, but the industrial legislation has been defeated almost in toto. That is not reasonable treatment and I urge the Premier to take notice of the suggestion made by the member for Fremantle to send forward to another place at an earlier stage of the session, all the industrial legislation, and then to follow that up with legislation in the interests of the primary producers, and that he should refrain from going forward with the latter legislation until such time as he gets a reasonable response in connection with the industrial Bills. That appears to me to be the only way in which we can get our industrial Bills passed, certainly while the Legislative Council is constituted as it is at present. Whilst we have the numbers against us in that Chamber we have no chance of getting very necessary Bills through. Why should not members representing industrial constituencies expect to get Bills passed which will be of assistance to their constituents? Are we to remain satisfied with only one section of the community deriving a benefit from legislation? I believe in reasonable treatment all round, and whilst I have never obstructed legislation when I felt it was in the interests of the primary producers, I have had to watch the wholesale destruction of industrial legislation in another place because it was supposed to have been against the interests of certain members representing primary producing constituencies. This is the only opportunity we have of entering a protest against what has been done by another place and I commend the member for Fremantle for taking the opportunity of giving utterance to this grievance. I trust the Premier will adopt the hon. member's suggestion and in that way probably get through next session some of those Bills that another place rejected this session.

**MR. LAMBERT** (Yilgarn-Coolgardie) [10.41]: I, too, desire formally to support the motion moved by the member for Fremantle. Since I have been in this Chamber the attitude adopted by another place towards legislation sent forward by this House has been definitely inexcusable. The five industrial Bills that we sent to another place this session were all voted out on the second reading. Not one was given the slightest consideration.

**Mr. Thorn:** Just as you treated some of the Bills from this side of the House.

**Mr. LAMBERT:** I know how I would like to treat the hon. member. The Bill to amend the Mines Regulation Act was voted out without any consideration at all. That Bill did not make any definite departure from the existing legislation that has been in force for 17 or 18 years.

**Mr. SPEAKER:** The hon. member cannot discuss legislation on the motion.

**Mr. LAMBERT:** I take it, however, that under the motion that you should leave the Chair, another place can be brought into clearer view. That was not the only Bill that was passed out on the second reading. The Financial Emergency Act Assessment Act Amendment Bill met with a similar fate, whilst the Industrial Arbitration Act Amendment Bill was also thrown out—all without any consideration whatever as to the merits or demerits of those measures. It is quite evident that members of another place have set themselves out to reject legislation that is likely to implement the policy of our party.

**Mr. SPEAKER:** The hon. member is out of order.

**Mr. LAMBERT:** I do not intend to deal with that phase of the question.

**Mr. Thorn** interjected.

**Mr. LAMBERT:** It appears that you will be—

**Mr. SPEAKER:** Order! The hon. member will address the Chair.

**Mr. LAMBERT:** I felt keenly the passing out of the Bill last night.

**Mr. SPEAKER:** Let me direct the hon. member's attention to the fact that he cannot discuss what happened last night.

**Mr. LAMBERT:** I do not desire to discuss the Bills that have been passed out, but as you, Mr. Speaker, allowed a certain amount of latitude to previous speakers, I thought it would be possible for me to walk the same plank.

**Mr. Withers:** It is a bit wobbly.

**Mr. LAMBERT:** If you, Sir, consider that I am out of order in reviewing the actions of another place and the manner in which they have treated our legislation this session—

**Mr. Coverley:** You will gracefully retire?

**Mr. LAMBERT:**—there is little more for me to say. I associate myself with the member for Fremantle in voicing a definite protest against the unpardonable manner in which another place this session has dealt with the legislation sent forward. Probably members of another place will be satisfied if we have a mining strike throughout the goldfields on one principle that was embodied in legislation enacted 16 or 17 years ago. It is not for members of another place to throw out legislation that did not even vary but merely sought to give clear interpretation to an existing Act. I do not know whether it would be fruitful or informative for me to speak at further length, other than to say that I have been pleased to register the wish that this Chamber will preserve its self-respect. We have received a mandate from the people, and it is our duty to give effect to it in this Chamber, and not allow a privileged Chamber to tamper with our legislation as they have done. Guy Fawkes would be a very fine chap—

**Mr. Marshall:** The only man who entered Parliament with good intentions—to blow the place up.

**Mr. Thorn:** You have no right to say that.

**Mr. LAMBERT:** If I might be pardoned for referring to the Rural Relief Act Amendment Bill, I regret your ruling, Mr. Speaker.

**Mr. SPEAKER:** The hon. member is too late to regret it now. He should have done so last night.

**Mr. LAMBERT:** I did do so.

**Mr. SPEAKER:** The hon. member is not going to discuss the Bill now.

**Mr. LAMBERT:** I am glad the member for Fremantle seized the opportunity to voice the only protest that can be made. I for one will avail myself of every possible opportunity to do likewise.

**Mr. Thorn:** You are too late this session.

**Mr. LAMBERT:** The hon. member appears to have had much more than cricket to-day. We are in the executive position and we have a right to protest. I shall seize every opportunity to protest if another place will not implement our legislation as might reasonably be expected. The last of this

story has not been told and will not be told until—

Mr. Warner: The roses bloom again.

Mr. LAMBERT: No; until members of another place are faced with the probability of the biggest industrial upheaval the State has witnessed.

Mr. Warner: Do you propose to bring down a bulk-handling scheme?

Mr. LAMBERT: The hon. member had better stick to his grasshoppers. When that occurs—

Mr. Coverley: The grasshoppers?

Mr. LAMBERT: When the upheaval occurs, members of another place will be approaching the Labour Party with a request that the industrial organisations be disciplined. It is not within our province to discipline people who are suffering disadvantages that legislation could have rectified. I do not wish further to parade my viewpoint beyond saying that unless we are allowed to implement some of our legislation, essential from an industrial standpoint, members of another place will get no legislation to satisfy the interests they represent, namely the commercial and moneyed interests of the city as distinct from the interests of the country districts.

**MR. STYANTS** (Kalgoorlie) [10.55]: As one who endeavours to represent a constituency comprising principally industrial workers, I am glad of an opportunity to voice a protest against the partisan attitude adopted towards industrial legislation this session. I am greatly disappointed, because many of the measures which were considered to be quite fair and which closely affected the interests of people in my electorate have been thrown out without due regard being paid to at least some of the good provisions contained in them. Several measures have not even reached the Committee stage. While I should not expect all the industrial legislation submitted by the Labour Party to be passed, I did expect it would reach the Committee stage, and that any objectionable provisions would be amended. That course has not been adopted by another place. It was and still is my opinion that the scales of justice should be held evenly in the matter of legislation. There should not be a burning desire to pass legislation suitable to a particular section of the people whom the Government represent, and there should not be a similar desire to pass legislation required by those who are generally considered

to support members of the Opposition. Fair treatment should be meted out to all classes of the community. During this session I have endeavoured to follow that policy. If members of the Opposition had framed their Bills in accordance with Parliamentary procedure, I would probably have supported many of the clauses, but the Bills were not so framed, and therefore were disallowed. That is not the fault of members on this side of the House. The Leader of the Opposition said that during the session he had taken every opportunity to assist the Government. This is my first session in Parliament, and if the tactics adopted by the Leader of the Opposition and the combined Opposition have been directed to assisting the Government, I do not know what would have occurred to the Government had those members been dinkum in their opposition. On no fewer than three occasions they have endeavoured to unseat the Government. The first occasion was when they failed, on a motion moved by the member for East Perth, to rope in the independent member, the member for Nelson, but on the second occasion they made no mistake, and framed their motion in terms that were all-embracing. I shall not occupy any great time in voicing my protest. I have endeavoured to do justice to all sections of the community, and I expect members of the Opposition to act similarly when legislation is introduced to benefit the industrialists. I would be very loth to adopt the retaliatory methods suggested by previous speakers. In my opinion, that would be wrong. Still, we have our duty to represent the industrialists. While I shall be pleased to support legislation for the benefit of agriculturists, if the same uncompromising attitude is adopted to industrial legislation next session, I shall have to consider seriously whether I can continue to pursue that course. I shall do what the Leader of the Opposition suggests should be done—go to Kalgoorlie over the week-end and make arrangements to address a meeting of the electors of Kalgoorlie to tell them what is the attitude of another place with regard to industrial legislation. It will probably rest with them to decide, to some extent, what representation they will have in that Chamber in future.

**MR. SAMPSON** (Swan) [11.1]: I have been surprised and disappointed at the remarks of so many speakers who in their own behaviour have been guilty of at least

the same partisanship, if partisanship does exist in another place. Last night a Bill was before this House. I take it, Mr. Speaker, you will not object to my drawing an analogy between—

The Minister for Employment: What Bill was that?

Mr. SAMPSON: There was before this Chamber last night a Bill the object of which was to provide hospital service for persons not able to pay for it.

The Minister for Employment: On what basis?

Mr. SAMPSON: Apart from the Minister, who spoke against the measure, not one member on the Government side of the Chamber said one word in connection with it. The Bill went out on the second reading. It was not a taxing measure. Its object was to enable—

Mr. SPEAKER: Order! The hon. member has been here long enough to know that he cannot discuss a Bill which was thrown out on the previous night.

Mr. SAMPSON: Quite so, Mr. Speaker. We have heard to-night many complaints of alleged partisanship in another place. It would be well if members who spoke along those lines considered their own conduct in connection with the hospitals measure.

Hon. P. Collier: That was not a party measure.

Mr. SAMPSON: No, but it had a highly important bearing on the country.

Hon. P. Collier: Not more so than on the goldfields.

Mr. SAMPSON: Just so.

Hon. P. Collier: You do not know what you are talking about.

Mr. SAMPSON: The member for Boulder perhaps does.

Hon. P. Collier: I do.

Mr. SAMPSON: We shall be very pleased to hear the hon. member's voice now and then.

Hon. P. Collier: Members would rather hear me than hear you.

Mr. SAMPSON: Perhaps the member for Boulder—

Mr. SPEAKER: Order! The hon. member had better address the Chair.

Mr. SAMPSON: I am very anxious to address the Chair, Sir. I claim that the consideration given in this Chamber to a certain measure relating to hospital service was entirely unfair and did not indicate

that regard for the welfare of others which has been so blatantly expressed to-night.

Mr. Lambert: We'll find a decent hospital for you!

Mr. SAMPSON: I could give the address of a suitable hospital for the hon. member, but he probably, in company with every other member of the House, knows that address. Therefore there is no need for me to give it. It has been suggested that a one-sided attitude has been adopted by another place in regard to certain legislation. That is an unfair thing to say, particularly when, as I indicated, every speaker on the Government side of this Chamber showed himself disinclined last night to give consideration to the sick—every one of them.

The Minister for Employment: What is the object of this speech?

Mr. SAMPSON: The object of this speech is to show the unfairness, the lopsidedness of certain remarks which have been made. If the speech provides the means of inducing the member for Boulder to make some remarks on the subject, then it may be justified from that aspect.

Hon. P. Collier: You might not be pleased to hear what I have to say.

Mr. SAMPSON: I do not say I would be, because the hon. member might exercise his mind in abuse and condemnation of other persons.

Hon. P. Collier: I have been very merciful to you.

Mr. SAMPSON: I have never noticed it yet.

Mr. Lambert: It is easy to talk like that.

The Minister for Employment: There is a chap at Kalamunda who will stir you up!

Mr. SAMPSON: We will put him on the platform with that party from Northam who—

Mr. SPEAKER: I understand that the hon. member will connect those remarks with the question before the Chair.

Mr. SAMPSON: Yes, Sir. The remarks made by various speakers have been quite unjustified. What this has to do with a Bill relating to primary products, which we were about to consider, is a question. It would appear that those who have spoken desire, because there is a measure coming on dealing with marketing regulations for dairy products, to raise objection to things that have happened in another place—in several instances, many days ago.

That is quite unjustified. If hon. members will give consideration to their own conduct, they will realise that there has been a good deal of hypocrisy in some of the remarks which have been made.

Amendment put and negatived.

Question put and passed.

*In Committee.*

Mr. Hegney in the Chair; the Minister for Agriculture in charge of the Bill.

New clause:—Insert a new clause after Clause 21, to stand as Clause 22, as follows:—

*Amendment of Section 43.*

22. Section forty-three of the principal Act is amended by adding thereto a subsection, as follows:—

(2.) If at any time the Treasurer is unable to make advances to the Board as provided for in subsection (1) of this section, and the Board is unable, by reason of not having any funds invested or for any other reason, to borrow from a bank by means of an overdraft on current account as provided for in section forty-two of this Act, and moneys for the time being in the Dairy Products Stabilisation Fund are not sufficient to enable the Board to make to any person willing to store dairy products for purposes of deriving benefit from the Dairy Products Stabilisation Fund in accordance with this Act, payments in accordance with this Act out of the said Fund, the Board may with the approval of the Governor do either or both of the following things, namely:—

- (a) Borrow such amount as may be required by the Board for such purpose from any bank, corporation, or person willing to lend the same on the security of the Dairy Products Stabilisation Fund upon such terms and conditions as may be mutually arranged between the Board and the lender; and in such case the repayment of the sum so borrowed, together with interest payable thereon shall be a charge upon the said Dairy Products Stabilisation Fund; or
- (b) By arrangement with any bank, corporation or person willing to lend direct to the person willing to store dairy products as aforesaid, money up to the amount which the Board is willing and authorised by this Act to pay to such person out of the Dairy Products Stabilisation Fund to guarantee to such bank, corporation or

person on the security of the Dairy Products Stabilisation Fund repayment with interest thereon of such amount as such bank, corporation or person may lend pursuant to such arrangement; and in such case any principal or interest which the Board may be required as guarantor aforesaid to repay to such bank, corporation or person as lender aforesaid shall be a charge upon the Dairy Products Stabilisation Fund: Provided that if and when after the Board as guarantor aforesaid has made payment to any bank, corporation or person as lender, any payment is recovered by the Board from the person to whom money was lent by such bank, corporation or person, shall be placed to the credit of the Dairy Products Stabilisation Fund.

**THE MINISTER FOR AGRICULTURE:**

The Leader of the Opposition made a very unkindly remark when he declared that very little consideration had been given to this and similar Bills prior to their coming to this Chamber. I admit that the amendment now before us was moved by the Chief Secretary after it had been sent by him to me. The reason is obvious to all who read the amendment. There has been great difficulty in connection with the arrangement of finances in the operations of the Dairy Products Marketing Regulation Board, who had arranged the storage of a major proportion of the butter output, particularly butter from a certain factory. The amendment is desired in order to give effect to the arrangements of the board in connection with finances. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

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

**BILL—FEDERAL AID ROADS (NEW AGREEMENT AUTHORISATION).**

Returned from the Council without amendment.

**RESOLUTION—BETTING CONTROL BILL.**

*To Inquire by Joint Select Committee—Council's Message.*

Message from the Council received and read, notifying that it had agreed not to

appoint a select committee to act in conjunction with the select committee appointed by the Assembly in connection with the Betting Control Bill.

**BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT (No. 2).**

*First Reading.*

Bill introduced, and read a first time.

*Second Reading.*

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [11.13] in moving the second reading said: The Bill is necessary to bring the assessment measure into conformity with the Financial Emergency Tax Bill which has been passed by the Legislative Council. The essential clause of this Bill is Clause 2, which brings the Assessment Act into conformity with the taxing measure as just passed by the Legislative Council. It alters the exemption figure in the Assessment Act from £3 12s. to £3 15s., and makes the necessary adjustment for applying the two rates of tax in the year of income just passed. Clause 3 is a consequential adjustment of Section 9 of the principal Act. I did think that we might alter the figure "twelve" to "fifteen" by a simple amendment; but owing to the fact that the imposition of the tax and the assessment of the amount to be paid by persons obtaining income who are assessed on their last year's income, we have to impose one financial emergency tax which would start to operate from the beginning of the year, and another which would operate for the six months at the end of this year. In the case of persons receiving income, the assessment is made on last year's income. Therefore it is necessary to have a Bill in this form to conform to the taxing measure and to bring the Assessment Act into line. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned to a later stage of the sitting.

**BILL—PURCHASERS' PROTECTION ACT AMENDMENT.**

*Council's Amendments.*

Schedule of three amendments made by the Council, now considered.

*In Committee.*

Mr. Sleeman in the Chair; Mr. Wilson in charge of the Bill.

Clause 2.—Delete the word "section" in line 3 of proposed new subsection (2) and substitute the word "subsection."

Clause 2.—Add the following proviso to proposed new subsection (2):—

"Provided that no such relief shall be granted after judgment, unless the court is satisfied—

- (a) that the proceedings in which judgment was obtained were not contested by the purchaser because of poverty; or
- (b) that evidence which the purchaser for any reason was unable to produce when judgment was given against him, is available; or
- (c) that the purchaser had not a reasonable opportunity of contesting the proceedings on which judgment was given against him by reason that—
  - (i) he was in ill-health; or
  - (ii) he resided at such distance from the court that the court was not reasonably accessible to him; or
  - (iii) for any other reason, which the court deems sufficient."

No. 3. New clause.—Add a new clause to stand as Clause 3, as follows:—

"3. The principal Act as amended by this Act may be cited as the Purchasers' Protection Act, 1933-1936."

On motions by Mr. Wilson the foregoing amendments were agreed to.

Resolutions reported, the report adopted, and a message accordingly transmitted to the Council.

**BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 3).**

*Second Reading.*

Debate resumed from the previous day.

**THE MINISTER FOR WORKS** (Hon. H. Millington—Mt. Hawthorn) [11.17]: This measure was passed in another place and introduced in this House by the member for Katanning. It seeks to amend the Transport Co-ordination Act passed in 1933. One of the important amendments proposed is that of Section 33, which provides that—

No license shall be necessary in respect of any commercial goods vehicle which: (a) oper-



ates solely in the area within a radius of 15 miles from the General Post Office, Perth; (b) operates solely within a radius of 15 miles from the place of business of the owner.

If the word "thirty" be substituted for "fifteen" an owner of a commercial goods vehicle within an established place of business in Perth could transfer his place of business in Perth to Wooroloo and convey all classes of goods between Perth and Northam, Perth and York, Perth and Toodyay, and to places ten miles beyond. Likewise, a person could transfer his place of business to, say, Muchea, and convey all classes of goods from Perth to Gingin and as far as Wannamal, and a person who established his place of business at Mardella could operate between Perth and as far south as Coolup and a little beyond. I have had plans prepared which will illustrate just what the effect of this Bill would be if a 30-mile radius were substituted for a 15-mile radius. This plan has been drawn to scale, and a disc has been provided which represents a 30-mile radius. Those who wish to see what this Bill means can operate the disc for themselves. By placing the disc at Wooroloo it will be seen that a business can be established there serving all the districts around Northam and York, and cutting out the railways altogether. I do not know whether the hon. member realises that, but that would be the effect of the amendment. It looks innocent enough, but it completely defeats the object of the transport measure. I do not know whether that is the desire, but that will undeniably be the effect. I will have this placed on the Table so that what I say can be demonstrated by anyone sufficiently interested—and we should all be interested. Notwithstanding the fact that Section 33 of the Act provides that a person who owns a commercial goods vehicle may operate it solely within the area of 15 miles radius of the G.P.O., Perth, or within a radius of 15 miles of the place of business of the owner, many licenses for the transport of goods to and from areas beyond 15 miles from the G.P.O., Perth, or from the established place of business in country centres have been granted and in all such instances nominal fees only have been charged for permits or licenses so issued. The board have not taken a narrow view and have been careful to preserve the interests of traders, provided the traders do not unduly prejudice the business of the railways. Generally speaking such licenses or permits are issued so that

goods can be conveyed to places that are isolated from railway lines, or for the transport of classes of goods which cannot be conveniently carried by rail. Clause 3 provides for the amendment of Section 37 of the Act by giving to the owner of a commercial goods vehicle who is aggrieved by any decision of the board, the right to appeal to the resident magistrate in whose magisterial district is situate, or principally situate, the area or route which would be served by the service or the proposed service. The Act provides that the board shall consist of three members, one of whom shall be a Government official, one a representative of rural interests, (Mr. T. H. Bath), and one representative of city interests (Mr. J. B. Hawkins). It was further provided that the members appointed should be persons who, in the Governor's opinion, were capable of assessing the financial and economic effect on the State as a whole of any transport policy. The board are required to make investigations and inquiries into transport matters, and particularly to give consideration, among other factors, to the question of transport in the light of service to the community, the needs of the State for economical development, and other matters set out in Section 10. In the course of their investigations, the board have acquired knowledge which qualifies the members of it to decide whether licenses for road transport should or should not be granted. Every application made to the board is very fully investigated before a decision is reached. It is doubtful whether any magistrate in this State has studied the world-wide problem of transport by railways, road or air, or is capable of assessing the financial and economic effect on the State as a whole of any transport policy. This is a special question which requires some initiative on the part of the board. We have the experience of representatives of rural and city interests and the experience of a capable Government official in Mr. Munt, the under-secretary for works, to assist us. Nevertheless, and after the board has decided that a license should not be issued a magistrate can order the board to reverse their decision. In other words the board would be compelled to do what in their considered opinion was wrong, and thus the authority conferred on the board by Parliament might be undermined. In this connection, it must be remembered that the board, by reason of their experience,

formulate a policy of State-wide importance, and to give a magistrate the power to upset a decision of the board might very seriously interfere with the policy which has been framed from a co-ordinating point of view. There are so many interests affected by the decisions of the board that it would be an unwise course to adopt to give a magistrate opportunity of coming to a decision which would have a State-wide effect. He would give a decision on a case which would have far-reaching effect and interfere with the policy which has been successfully built up by the board. A decision given by a magistrate would be confined to the particular case presented to him, but such a decision might force the board to adopt a policy which is contrary to the spirit and intention of the Act. Even one wrong decision might place the board in a very invidious position in regard to other applications which had been received and refused. In connection with this much vaunted question of appeal there is no appeal allowed against a decision of the Licensing Board.

Mr. Watts: The Transport Board do not take evidence like the Licensing Board.

The MINISTER FOR WORKS: Don't they? How do you think the board arrive at decisions?

Mr. Watts: They do not take evidence like the Licensing Board, on oath.

The MINISTER FOR WORKS: The Transport Board have the opportunity of basing their decisions on evidence. They have to study the transport system throughout the State and study the interests of the railways, into which they go carefully. That was what they were appointed to do, and for everything they have done they have set out reasons in their reports. If members will read those reports they will see that the policy the board has adopted has undeniably been justified. Again, there are no appeals against the decision of the Arbitration Court, and whenever boards are appointed there is no appeal against their decision. Paragraph (3) of the First Schedule provides that a producer who owns a truck and who uses it solely for the carriage of livestock, poultry, fruit, vegetables, dairy produce, or other perishable commodities or wheat, may use that truck without a license to convey such goods from the place where they are produced to any other place, and to carry back on the return journey any farmers' requisites for domestic use or for use in producing the

commodities referred to. The Bill provides for the insertion of the word "wool" after the word "wheat." If the Bill is agreed to, it may be taken for granted that a farmer who produces wheat and wool will send his wheat by rail and get his super back by rail, but will transport his wool on his own truck to Fremantle. That further means that on the return journey he can carry with him supplies of petrol, groceries, and anything else he needs for his domestic use or for the production of commodities. The passing of the amendment would lead the way to the undermining of the Act itself. So this measure, which has been sent to us from another place, is one that we are prepared to consider but can hardly be expected to agree with. There is a suggestion that because Kojonup is nearer to Perth by road than by rail, some important concessions should be given. But the Transport Board dealt with this question in their report for 1935, as they have always attempted to deal with all objections taken to their administration. Not only is Kojonup affected in this way, but so also are many other districts. Take Wiluna, whose distance from Perth is 700 miles by rail and 560 by road, a difference of 140 miles. Wiluna would have a case just as exceptional as that of Kojonup. Then there is Meekatharra, which in point of distance as between railway and road shows a difference of 144 miles in favour of the road. We have had to restrict the commercial vehicle on the roads in its competition with the railways. Williams is 100 miles distant by road and 183 miles by rail, a difference, of course, of 83 miles in favour of the road. Kojonup by road is distanced 159 miles and by rail 230 miles, or a difference of 71 miles in favour of the road. So, as I have shown, Kojonup is not the only place that is adversely affected. Almost all districts having railway communication are served by railways that do not follow a direct line, but traverse a longer distance than does the corresponding road. Kojonup, about which so much fuss is made, is a pastoral district rather than an agricultural district. I will give the hon. member an instance to show the importance of railways because of their cheap transport of super and of wheat. Without super our State, I am sorry to say, would be almost a barren waste. I visited Boyup Brook and was taken to a place 12 or 15 miles out. Being near to Boyup Brook, the owner of that place can afford to cart super, and so

he puts it on his paddocks in the proportion of a bag to the acre. He was carrying 1600 sheep on 400 acres, due to the fact that not only did he dress heavily with his fertiliser, but also he had his holding divided into small blocks. Mr. Forrest, 20 or 30 miles further out, said he could not afford to give his land a heavy dressing, because the cost of carting super by truck was too great. And here we have Kojonup, a sheep district, where super is used as heavily as possible. It means that, without the railway, sheep could not be profitably carried at Kojonup. I remember when we had that agitation for the building of the Boyup Brook-Cranbrook railway, I said to some of the settlers, "Seeing that you are all sheep-raising, why do you desire this railway?" They said, "For the purpose of carting super." So, despite what Kojonup may say, the railway is essential to Kojonup, not only for the carriage of super but also for the carting of their wheat. They desire that wool shall be one of the commodities that can be carried by motor truck. The wool would be carted from Kojonup to Fremantle by road, and the truck owner would then have the right to cart back goods that are extremely profitable to the railways. The Commissioner of Railways is carting super at 48d. per ton per mile, and wheat also he carts at a rate that is not profitable. It must be remembered that the small concession given in the early days for the carting of super cost the railways about £10,000 per year, whereas now it is costing the railways about £150,000 per year. If the Commissioner of Railways has to do that, and at the same time make the railways pay, it follows that he must have the carriage of those goods on which profits can be made. If he is to cart only non-payable products such as super and wheat, while the motor trucks get the cream of the freight, it means that from the point of view of the railways the position is impossible. Therefore I am opposed to the amendment moved by the member for Katanning.

*Sitting suspended from 11.40 p.m. to  
12.15 a.m.*

**MR. WITHERS** (Bunbury) [12.20]: I do not altogether agree to the distance of 15 miles covered by a transport license in the metropolitan area. The Minister spoke of what would happen if the place of business

were removed. If the radius of 15 miles from the General Post Office were extended, possibly 30 miles would be too great a distance when we take the outer districts into consideration. In fact, the distance would be too great. Ever since the Transport Board came into operation I have had experience of the effect of the 15-mile radius in my own district. One cannot go round the clock for a 15-mile radius from Bunbury, because the north and the west are bounded by the sea, and it is only possible to go half way across the clock in the direction of the other two points of the compass. The radius has operated unfairly to people who have established themselves in business in my district within that particular circle. Speaking on the Address-in-reply, I pointed to the necessity for something being done to alter the position. I am not at all sure that the extension to a 30-mile radius would overcome the difficulty. If that could be so, I would be prepared to support Subclause (b). A radius of 30 miles may seem a long way. There are people in my district who, going out from Bunbury, visit the orchardists, buy fruit from them, and deliver it in the district. This is fruit which the orchardists cannot send to market because it is not of the class that usually goes to the general market. Nevertheless, it is good fruit. The orchardists cannot get rid of it unless someone with a vehicle calls for it and takes it away. The person who does this business sells the fruit in the surrounding district to people who are not in a position to obtain fruit from the markets. By this means the residents receive a good quality fruit at a reasonable price.

**Hon. P. D. Ferguson:** And get it fresh.

**Mr. WITHERS:** Yes. Because these orchards are in an area where the trucks would pass almost parallel to railways in several directions, the board would not consider the granting of transport licenses. To put the fruit on a train would mean that it would have to be packed in proper cases, carted to the railway siding, transported to a point, and then carted back for delivery. That would be out of the question. A man with a run-about calls at the orchard, picks up the fruit in loose cases, takes it out and distributes it. Possibly the difficulty could be overcome by this person moving his place of business. It should not be necessary, however, for a man who was carrying on this business

long before the Transport Board was spoken of to adopt the method, pack up his traps, and establish himself in another area. I know of one man who was fined by the court for breaking the law in this connection. That man has now gone to the trouble of licensing three trucks, I think, in three different districts, so that he can operate them from different centres. I think he has one license at Bunbury, one at Harvey, and one at Collie. These towns become his places of business. It should not be necessary for a man to have to do that. If the Minister is not prepared to accept the whole Bill, or to extend the distance to 30 miles generally, I hope in Committee some means will be found to give the board power to grant a concession where a condition of this sort arises. When the board members are approached, they refer to Section 33 of the Act, and say, "Parliament has laid this down, and we have to abide by it." I will say that when the board have had an opportunity to extend a privilege, they have done so. I know of one case where they have extended the privilege to a person to cart fish. There were extenuating circumstances, because that particular centre could not get fish on a Friday unless it was carted direct from the seaboard to the township. The board have given this concession after considerable agitation on the part of the applicant for a license, and on my own part. The board have been generous enough to meet the situation in that case, but will not budge for the man who wishes to deliver fruit. I hope in Committee some means will be found to overcome the difficulty so that the board may take into consideration special circumstances and treat them accordingly.

**MR. NORTH** (Claremont) [12.28]: I support the Bill and endorse the remarks of its sponsor. I am particularly anxious to have the radius extended from 15 to 30 miles. It may in Committee be necessary to alter the means whereby this end is achieved. The Minister pointed out that this would cover too large an area. The desire is to enable merchants to deliver goods in certain towns that are a considerable distance away from the centre. It may not be necessary to include the whole of the circle embraced in the 30-mile radius if some other means could be found in Committee to achieve the desired end.

**MR. WATTS** (Katanning—in reply) [12.30]: I shall not keep members for any considerable time in dealing with the comments on the measure. I repeat that I do not represent the district of Kojonup, although I am acquainted with the case the people there desire to place before the House. I am not pledged to the distance of the extension proposed in the Bill, and I shall be pleased to accept any reasonable amendment that may be proffered along the lines that have been indicated during the course of the debate. As to the appeal, the Minister indicated that there are other districts beside Kojonup that are similarly affected and are entitled to the same consideration as Kojonup. I do not think that the fact that other districts are affected—I mentioned one myself—is any argument against the Bill, rather is it an argument in favour of it. I take it the Minister does not wish districts elsewhere in the State to labour under disabilities that further inquiry might result in removing. If the inquiry that is suggested in the Bill were to take the form of an appeal to a magistrate, good results might follow. The Minister referred to the fact that there is no appeal from decisions of the Licensing Court or the Arbitration Court.

Mr. Warner: Two wrongs do not make a right.

**MR. WATTS**: There is but little analogy between an inquiry conducted by the Transport Board—I do not for one moment suggest that such an inquiry, so far as it goes, is not bona fide—and those conducted by the Licensing Court or the Arbitration Court. There are essential differences. The proceedings in the Licensing Court and the Arbitration Court are open to the public. Persons, who have evidence to give, may go to those courts and arrangements can be made to take their evidence. Again, there is the right granted to opposing parties to cross-examine witnesses, place before them points of view not considered in the evidence tendered by them, and seek the views of those witnesses on the particular points so brought to their notice. By that means the whole question can be examined publicly. Then again the proceedings of the courts are conducted in a form of an ordinary judicial inquiry. Both sides are in exactly the same position regarding the presentation of the facts. Such inquiries are conducted on a very different basis from that which is possible in view of the peculiar con-

ditions in which the members of the Transport Board have to work. They are obliged to make inquiries *ex parte*, and, to a considerable extent, these are one-sided. There is no opportunity for cross-examination of witnesses, and arguments cannot be conducted on the spot. The business consists of the examination of *ex parte* statements obtained from those anxious either to obtain something or to prevent something being done.

The Minister for Justice: The members of the board have the powers of a Royal Commission.

Mr. WATTS: If that is so, they have not exercised that power in dealing with this question. If they had done so, the situation might have been a little better. The most important item, to my mind, is the proposal to include wool in the Third Schedule. The Minister told us the old story about superphosphate. I have always held, and I believe there are strong grounds for that opinion, that the haulage of super at a cheap rate is essentially in the nature of an insurance policy in the interests of railway revenue. In this State, superphosphate has to be used in large quantities, and, in consequence, has to be obtained cheaply. Production will be greatly limited, and in some directions cease altogether, if that is not possible. It is not to be assumed by any means that farmers use superphosphate for the mere pleasure of doing so. It is used almost entirely because they wish to increase production. Without superphosphate, there would be little wheat or wool to be carted by rail or road, particularly in the agricultural districts. Without wool and wheat being produced in fairly large quantities and in increasingly large quantities per acre, profits cannot be augmented. Without the use of superphosphate, there would be little need for agricultural machinery, and less need to purchase requirements in other directions. It will be seen, therefore, that there is a definite case to be made out, not so much from the standpoint of the uses of superphosphate, as from the point of view of an insurance policy for the revenue of the State. In those circumstances, that phase decidedly must be considered in relation to this question. Why should the wool producers be in any worse position than other primary producers whose production is exempt from the third paragraph of the Third Schedule? There is no reason at

all, except the one that has been advanced that wool is hauled over the railways at a very profitable freight rate. I do not suggest that if the Bill becomes law, all wool will be carted by road. Many of the farmers who would have to cart their wool over long distances on their own trucks—the Bill provides that only their own commercial vehicles can be used for that purpose—would not consider doing so for one moment, and, in consequence, many of the producers both in the North and the South will despatch their wool by rail. The Bill merely seeks to mete out an equal measure of justice to the wool-growers as has been extended to other primary producers. It is because this is the most important phase that I have taken some time both when moving the second reading of the Bill, and again to-night in replying to the debate, to explain the attitude I adopt regarding that question. I hope the House will agree to the second reading so that the various clauses may be discussed in Committee.

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

|               |    |    |    |    |
|---------------|----|----|----|----|
| Ayes          | .. | .. | .. | 20 |
| Noes          | .. | .. | .. | 20 |
| A tie .. .. . |    |    |    | 0  |

#### AYES.

|                     |             |
|---------------------|-------------|
| Mr. Boyle           | Mr. Patrick |
| Mrs. Cardell-Oliver | Mr. Sampson |
| Mr. Doust           | Mr. Seward  |
| Mr. Ferguson        | Mr. Shearn  |
| Mr. Hill            | Mr. Thorn   |
| Mr. Keenan          | Mr. Warner  |
| Mr. Latham          | Mr. Watts   |
| Mr. Mann            | Mr. Welsh   |
| Mr. McLarty         | Mr. Withers |
| Mr. North           | Mr. Doney   |

(Teller.)

#### NOES.

|                |                    |
|----------------|--------------------|
| Mr. Collier    | Mr. Munsie         |
| Mr. Coverley   | Mr. Raphael        |
| Mr. Cross      | Mr. Rodoreda       |
| Mr. Fox        | Mr. Sleeman        |
| Mr. Hawke      | Mr. F. C. L. Smith |
| Mr. Hegney     | Mr. Styants        |
| Miss Holman    | Mr. Tonkin         |
| Mr. Lambert    | Mr. Willcock       |
| Mr. Marshall   | Mr. Wise           |
| Mr. Millington | Mr. Wilson         |

(Teller.)

Mr. SPEAKER: The voting being equal, I give my casting vote in favour of the Noes.

Question thus negatived; Bill defeated.

#### BILL—APPROPRIATION.

Returned from the Council without amendment.

# **BILL—LOTTERIES (CONTROL) ACT AMENDMENT.**

## *Council's Message.*

Message from the Council received and read notifying that it did not insist upon its amendments made to the Bill.

# **BILL—AGRICULTURAL BANK ACT AMENDMENT (No. 2).**

## *Second Reading, Debate adjourned.*

Order of the Day read for the resumption from the previous day of the debate on the second reading.

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [12.45]: I move—

That the debate be adjourned.

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

|      |    |    |    |    |
|------|----|----|----|----|
| Ayes | .. | .. | .. | 20 |
| Noes | .. | .. | .. | 18 |

Majority for .. 2

| AYES.          |                    |
|----------------|--------------------|
| Mr. Collier    | Mr. Rodoreda       |
| Mr. Coverley   | Mr. Sleeman        |
| Mr. Cross      | Mr. F. O. L. Smith |
| Mr. Fox        | Mr. Styants        |
| Mr. Hawke      | Mr. Tonkin         |
| Mr. Hegney     | Mr. Willcock       |
| Miss Holman    | Mr. Wilson         |
| Mr. Marshall   | Mr. Wise           |
| Mr. Millington | Mr. Withers        |
| Mr. Munsie     | Mr. Raphael        |

(Teller.)

| NOES.               |             |
|---------------------|-------------|
| Mr. Boyle           | Mr. Patrick |
| Mrs. Cardell-Oliver | Mr. Sampson |
| Mr. Doust           | Mr. Seward  |
| Mr. Ferguson        | Mr. Shearna |
| Mr. Hill            | Mr. Thorn   |
| Mr. Keenan          | Mr. Warner  |
| Mr. Mann            | Mr. Watts   |
| Mr. McLarty         | Mr. Welsh   |
| Mr. North           | Mr. Doney   |

(Teller.)

| AYES.       | PAIRS. | NOES.           |
|-------------|--------|-----------------|
| Mr. Nulsen  |        | Mr. Brockman    |
| Mr. Lambert |        | Mr. Latham      |
| Mr. Troy    |        | Mr. McDonald    |
| Mr. Needham |        | Mr. J. H. Smith |
| Mr. Johnson |        | Mr. Stubbs      |

Motion thus passed.

# **BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT (No. 2).**

## *Second Reading.*

Debate resumed from an earlier stage of the sitting.

**HON. N. KEENAN** (Nedlands) [12.46]: There is no reason to delay the proceedings

because the Bill does not in any way alter the position. Therefore, I do not offer any opposition to the Bill.

Question put and passed.

Bill read a second time.

## *In Committee.*

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

## *Third Reading.*

Bill read a third time and transmitted to the Council.

# **BILL—DISTRESS FOR RENT ABOLITION.**

## *Council's Amendment.*

Bill returned from the Council with a schedule of four amendments which were now considered.

## *In Committee.*

Mr. Hegney in the Chair; Mr. Cross in charge of the Bill.

No. 1. Clause 6: Delete the words "weekly or monthly."

Mr. CROSS: I move—

That the amendment be agreed to subject to the insertion of the words "or lessee" after "tenant."

All the four amendments have been made by the Council to Clause 6 and the object of the amendments is to speed up the process of eviction. While in ordinary circumstances I would not be agreeable for two minutes to accept the amendments, I fear that unless we do agree to them, the Bill will be lost. What I set out to do in the first place was to break down an outrageous practice that had been carried on for nearly a thousand years. We can agree for the time being to the amendments made by another place and see how they work. Unless the landlords operate this clause in a reasonable manner in the next six months, we can later on bring in an amending Bill.

Mr. THORN: Is the hon. member in order in moving to agree to the amendment made by another place contingent on a further amendment? The hon. member is imposing a condition under which he will accept the amendment from the Council.

The CHAIRMAN: The hon. member is quite in order in moving to accept the Council's amendment subject to a further amendment.

Mr. MARSHALL: What is the use of members voting on the blind on an amendment submitted by another place? What effect will the amendment have? In other words, what are we going to vote for? What are we doing?

Hon. P. D. Ferguson: There has been no explanation.

Mr. MARSHALL: I am not prepared to vote for the motion until we understand what we are doing.

Mr. CROSS: Four amendments have been made to Clause 6, three more of which have yet to be considered. Under the new process, when two days' notice has been given to the tenant, he may be summoned in the police court. Within seven days the man must appear in the police court to show why he should not be ejected. This will expedite the hearing by the court as compared with the local court procedure previously proposed. I prefer to accept the amendment rather than lose the Bill.

Mr. DONEY: Surely our last opportunity to add the words "and lessee" was on the third reading! We cannot add new matter on a motion to agree to the Council's amendment.

Mr. MARSHALL: I shall vote against the motion. Although the bailiffs could not be put in to seize the tenants' goods and chattels, the facilities for evicting a tenant would be expedited and the landlord could get judgment and sell the chattels just the same.

Question put and passed; the Council's amendment, as amended, agreed to.

No. 2. Clause 6: After the word "tenancy" where it appears in lines 16 and 17, insert the words "or lease."

On motion by Mr. Cross, the foregoing amendment was agreed to.

No. 3. Clause 6: Delete all the words after "and," in line 18, down to and including the figures "1904" in line 20.

Mr. CROSS: The effect of the amendment would be to take the process from the local court and bring it under the Justices Act, which provides a speedier process. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 4. Clause 6.—Delete the words "such aforesaid Act," in line 21, and substitute "the Justices Act, 1902-32."

Mr. CROSS: This amendment is consequential. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

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

## **BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 2).**

*Second Reading Defeated.*

Debate resumed from the 4th November.

**THE MINISTER FOR WORKS** (Hon. H. Millington—Mt. Hawthorn) [1.10]: I have often heard of one-clause Bills but this is a one-word Bill, the word "honey" alone being involved. It is desired to declare that honey in a container is a perishable commodity. I will read a portion of the First Schedule to show where the Bill proposes to insert the word "honey." It would read—"Solely for the carriage of livestock, poultry, fruit, vegetables, honey, dairy produce and other perishable commodities." The Transport Board hold that crude honey is a perishable, but that having been placed in a container it is not a perishable any more than are jams, tinned milk, and many other commodities that are placed on the market. Therefore it would be inconsistent and ridiculous to amend the First Schedule as desired by the Bill. To show that the Transport Board are reasonable, they have already agreed that honey in its crude state is a perishable commodity, and have decided that unrefined honey may be conveyed from the place where it is produced to another place. It has been further agreed that crude honey may be transported to any particular refinery, and that on each return journey from the refinery not more than one drum of petrol and all supplies necessary for use by the apiarists in connection with the production of honey may be transported. Thus full consideration has been given to that aspect. Even if the word "honey" were inserted in the paragraph, beekeepers would be no better off than they are at present.

Hon. P. D. Ferguson: Yes, they would be.

The MINISTER FOR WORKS: They would not. They could transport the commodity only from the place where it was produced to another place. Whatever the hon. member may have had in his mind, that is the position. The concession is merely for the carriage of those commodities from the place where they are produced to any other place. That is all that would be possible if the Bill were passed.

Hon. C. G. Latham: Then let us pass it.

The MINISTER FOR WORKS: The Transport Board have gone further, and agreed to give favourable consideration to any application that may be made for the right to convey refined honey by road from any refinery established in a country town to a wholesale distributing centre in Perth, and on the return journey to convey to the applicant's place of business supplies necessary for the refining of honey, including empty containers and a limited supply of petrol. Everybody wants to beat the railways in the matter of transport of petrol. The board will give sympathetic consideration to any reasonable application that may be made, but the board cannot for a moment admit that honey refined and placed in containers in a marketable form can be described as a perishable. What the beekeepers originally asked for was that they be permitted to use their own vehicles to transport honey from any place in Western Australia to any other place in Western Australia, and on the return journey to carry anything they required for domestic use or the production of honey. The board could not go so far as that. A refinery has been established at York by McNamara Brothers. The cost of transport by rail to Perth is approximately £1 per ton, equal to 3d. per ton per mile. It would cost more than that to cart by motor truck from the refinery to Perth. There is also a refinery in Perth. Honey in crude form can be conveyed by road to these two, or to any other refineries. Because McNamara Brothers claimed that they would be placed at a disadvantage if compelled to rail refined honey to Perth, the board agreed to permit that to be done, but will not allow McNamara Brothers to carry back unlimited supplies of petrol, groceries, and other goods. That would not be fair to traders in the town, who are compelled to obtain all supplies by rail.

Hon. C. G. Latham: I do not think it was a matter of unlimited supplies.

The MINISTER FOR WORKS: On the 16th September last the Transport Board addressed the following letter to Mr. J. S. Teasdale, General President of the Primary Producers' Association, clarifying the position of the board and proving, I think, to hon. members that the board are not inclined to be hard on primary producers:—

I refer to your interview with my board, in company with Mr. J. Myers, on the 4th instant, regarding the transport of honey and supplies for beekeepers. Prior to that interview my board had agreed to issue licenses to apiarists for the following purposes: (a) For the transport of bees, hives, and necessary equipment from place to place.

Mr. Sampson: That is giving nothing; that is provided for in the Act.

The MINISTER FOR WORKS: The hon. member's amendment merely proposes to permit cartage from the place of production in the bush; so that the board's letter gives more than his amendment suggests. The letter proceeds—

(b) For the transport of crude honey from the apiary to the particular refinery to which supplies are forwarded. (c) For the transport on the return journey from the refinery of not more than one drum of petrol and supplies necessary for use by the beekeeper in the production of honey. In addition to the above, the board has directed me to inform you that they will give favourable consideration to any application that may be made for the right to convey refined honey by road from any refinery established in a country town to a wholesale distributing centre in Perth—

That is very fair.

Hon. P. D. Ferguson: What does "favourable consideration" mean? Why does not the board grant the right?

The MINISTER FOR WORKS: The letter goes on—

—and on the return journey to convey to the applicant's place of business supplies necessary for the production or refining of honey, including empty containers and a limited supply of petrol. Any apiarist who desires such a license should make formal application by completing and returning one of the attached application forms, setting out thereon the locality of the refinery and the distributing depot as well as the area over which he desires to convey his hives and equipment.

The letter is signed by the secretary of the Transport Board. From what I can gather, that letter is satisfactory.

Mr. Sampson: From whom did you gather that?



The MINISTER FOR WORKS: I mean, satisfactory to the primary producers.

Mr. Sampson: Not satisfactory to the beekeepers.

The MINISTER FOR WORKS: I would not support the board if I believed they were dealing harshly with the producers. The further they go in giving concessions as to carting produce to market, the greater is the demand for permission to cart back supplies and materials. That is why the board has to resist. It is not the business only of this side of the House to protect the railways. Protection of the railway system is the be-all and end-all of the Act. I assume that the successful working of the railways is a matter of importance to the State, and a matter of supreme importance to the primary producers. That is the view which I found was taken by the primary producers assembled in meeting at Bunbury. It is perfectly well known that the Commissioner of Railways has been able to grant rebates to the extent of about £150,000, and the railways are in an immeasurably better financial position than they were. We must keep before us the great issue. If we nibble here, there, and everywhere, we destroy the work of the board. The board has met the beekeepers to the fullest extent in regard to crude honey, and largely in regard to honey in containers. Why a Bill should be introduced to direct the board on a tuppenny-half-penny matter such as this, I do not understand. Does not the board give due consideration to the primary producers? If not, there would be something to be said in favour of the Bill. Let me point out what is the constitution of the board. There is a Government official, Mr. Munt, a man highly capable of administering an Act and of understanding the meaning of the Act and also his job. Then there is a representative of rural industries, and a representative of city industries. The board is entirely non-political. There is no Labour representative on the board. Politics enters into it only when some tinkering measure is brought before the House and made a political issue. I suppose we shall have a division entirely on party lines.

Hon. C. G. Latham: What do you think we are here for?

The MINISTER FOR WORKS: In this matter I think members opposite are here to protect the board. That is as much the

responsibility of the Opposition side as of this side.

Hon. C. G. Latham: You give way all right when it suits you to do so. You give way by remitting fines or releasing offenders.

The MINISTER FOR WORKS: Here the action of the board is being questioned by interested parties, purely for political reasons, and tuppenny-half-penny reasons at that.

Hon. P. D. Ferguson: You are not here for political reasons, are you?

The MINISTER FOR WORKS: When I do use political influence, I will not use it for the sake of a pot of honey.

Mr. Thorn: You might use your influence to put in a big sewerage scheme. A pot of honey means a lot to us.

The MINISTER FOR WORKS: All this tinkering with the board's administration means that in the opinion of some members opposite the board is incompetent. In my opinion, the board has done its job fearlessly, and to such effect that the Act has produced the results we hoped for. Naturally, someone must get hurt. It was intended that the railways should be protected. There is no reason for the Bill.

*[The Deputy Speaker took the Chair.]*

MR. THORN (Toodyay) [1.28 a.m.]: The Minister has made a very good case for accepting this small amending Bill. He as much as stated that we get more from the board than we ask for. Then why cannot the Minister assent to the Bill?

The Minister for Works: The Bill is a motion of no-confidence in the board.

Mr. THORN: Honey is separated from the comb by a separator, just as milk is separated. Honey is not a manufactured article. To compare it with such things as jam is ridiculous. Jam is definitely manufactured. Sugar is added to fruit, and the fruit is boiled, and manufactured into jam. It might as well be said that the bees get the honey in the bush and that in its crude form honey is manufactured in the bush. Similarly it might be said that milk is being manufactured in the field by the cow. Honey is definitely a primary product. The Minister makes a big noise about a small thing the primary producers are asking for.

The Minister for Health: What about tinned milk?

Mr. THORN: That is a manufactured article.

The Minister for Health: Honey is a processed article.

Mr. THORN: I am a primary producer, and have handled honey. The comb is placed in the separator, and there the honey is separated from the comb. How honey can be described as a manufactured article has me beaten. The member for Swan (Mr. Sampson) is asking for a reasonable amendment. According to the Minister's own statements, nothing will be given away if the Bill passes.

The Minister for Health: As far as processed honey is concerned, yes.

Mr. THORN: I do not know why the Minister makes that point; it is so small. All he is going to do is to force the bee farmer in the country to bring his honey in a crude form to have it separated in the city. That is what the farmer is asked to do. Instead of separating the honey on his own property he will be forced to bring it into the city.

The Minister for Works: Not so.

The Minister for Health: It is nonsense.

Mr. THORN: It is not; it is a fact. If the honey producer wants to cart his own honey he can cart it in in a crude form and bring it to the city and have it separated. Why not let him separate it on his own farm? The Minister made a mountain out of a molehill and the least he can do is to agree to this amendment. There has been a lot of discussion in this Chamber about how wonderfully we have been treated in respect to measures we have brought forward to assist the man on the land. In my opinion anything we have brought forward has been dumped well and truly, and mostly on points of order.

The Minister for Works: We have passed an Act and now you are trying to break it down.

Mr. THORN: No, I am not. You introduced the matter of the importance of the Transport Board and the necessity for assisting our railways. There was another measure before the House this evening which I admit was a little dangerous. It would rob the railways; but this means very little to the railways. According to the Minister's own statement, he could easily agree to the amendment and give us one victory before the session closes.

The Minister for Health: We haven't had one victory yet on this side.

Mr. THORN: It has been one long victory for you. As I said before, we have introduced several measures from this side of the House to assist the man on the land, and every measure which has come from this side of the House has been dumped.

The Minister for Health: And every measure which has come from here has been dumped in another place.

The DEPUTY SPEAKER: Order!

Mr. THORN: I do not want to upset the Minister.

The DEPUTY SPEAKER: If the hon. member will address the Chair he will get on better.

Mr. THORN: I am doing my best. All I ask in conclusion is that the Minister will reconsider the matter. It is up to him to do so. I ask the Minister to agree to this small amendment requested by the member for Swan, in the interests of the bee-farming community.

HON. C. G. LATHAM (York) [1.35]: The Minister emphasised that the Act was introduced to protect the railways. That is not right.

The Minister for Works: It is.

Hon. C. G. LATHAM: The point was never made when the Act was introduced.

The Minister for Works: That is the most remarkable statement I have heard in this House.

Hon. C. G. LATHAM: Division (2) of the Act, Section 10, states—

Subject to this Act, the board may of its own volition, or under the direction of the Minister shall—(a) make investigations and inquiries into transport matters. In making such investigations and inquiries the board shall give consideration, among other factors, to all or any of the following factors, namely:—(i) The question of transport generally in the light of service to the community; (ii) the needs of the State for economic development; (iii) the industrial conditions under which all forms of transport are conducted; (iv) the impartial and equitable treatment of all conflicting interests; (b) be empowered to demand and obtain information relating to matters connected with the internal transport of the State, including transport controlled by the Crown or any agency of the Crown.

Having that knowledge, the Board were given power to issue licenses. As a fact, it is known that the railways have considerably benefited by this Act. I do not think that there was great opposition to the introduction of the Act. We realised as the Minister did that certain unfair competi-

tion was being entered into with the railways and we tried to rectify it. In the proposal submitted by the member for Swan there is a different issue altogether. We are importing into this State a big quantity of South Australian honey and it comes on to the market much more cheaply than the price at which we can get our honey into the city. While we cannot prevent South Australian honey coming here, we can give our people equal opportunities of marketing.

Mr. Withers: Do you know how much honey is stored in Western Australia?

Hon. C. G. LATHAM: Not much.

Mr. Withers: A hundred and fifty tons.

Hon. C. G. LATHAM: The great danger is that it does encourage centralisation. It is probable that honey will be produced in greater quantities in the South-West than anywhere else. From information that has reached us, the karri blossom produces the best honey in Australia.

Mr. Withers: They are saying that they cannot get the price because so much honey is stored.

Hon. C. G. LATHAM: So much honey is brought here and is under-selling ours. It does not matter what we say, both sides of the House know that money speaks all languages and if women can buy an article for a penny less—even though they have to spend 3d. on a tram fare to buy it—they will do so. I am worried by the fact that if a man desires to establish a refinery in Bunbury to refine his honey, he will have to send the honey by rail to Perth. If he established himself in Perth he would be encouraging centralisation. I think this is a trifling matter, but it deals with an export commodity. McNamara Bros. are exporting a big quantity of honey from this State. I expect the Minister knows that.

The Minister for Works: They are allowed to bring it to Perth.

Hon. C. G. LATHAM: They bring the honey here and export it; they do not want to send it through the warehouse here at all, they want to export it completely.

The Minister for Health: If they took nothing back, I do not think the board would object.

Hon. C. G. LATHAM: The board have already agreed to give them a limited quantity of petrol. They are satisfied with that but they complain that they are compelled

to pay a license fee, and that they should be excluded.

The Minister for Works: In a case like that they charge a very moderate license fee.

Hon. C. G. LATHAM: The point is that if we include the word "honey" in the schedule, these people will be able to bring their honey to Perth and sell without having to get a license. We are all anxious to find another article that we can export. If we can export honey a certain amount of employment will be provided. All the tins are manufactured here, the printing is done here, and the cases are put up here. It means providing work and it does not mean much for the Transport Board. It is on that account that I ask the Minister to include these words. I am not offering any argument against the board, the members of which I think are doing a reasonably good work.

The Minister for Railways: You have had all the concessions you have asked for.

Hon. C. G. LATHAM: They are charged a license fee.

The Minister for Railways: It is nominal.

Hon. C. G. LATHAM: How much?

The Minister for Railways: I don't know.

Hon. C. G. LATHAM: The Minister makes statements and then admits that he doesn't know the facts. As a matter of fact, in one case it is £1 14s. and in another case £1 9s.

The Minister for Railways: What effect will that have on them?

Hon. C. G. LATHAM: Every penny piece counts when you have a keen competitor like the South Australian honey producer. Every little mickle added tends to cripple them.

The Minister for Railways: And the railways, too.

Hon. C. G. LATHAM: If you prefer the railways and not industries—

The Minister for Works: You can't have industries without railways.

Hon. C. G. LATHAM: And you can't have railways without industries.

The Minister for Works: What the Leader of the Opposition says is true; what I say is true.

Hon. C. G. LATHAM: I think if the Minister and I got together quietly we would be able to come to a satisfactory arrangement.

The Minister for Works: You might urge your friend to withdraw this amendment.

Hon. C. G. LATHAM: No. I believe the Minister is anxious enough to encourage another industry if it is possible, but South Australian honey is procurable at a cheaper rate than that at which our own people can provide local honey.

The Minister for Works: That is not due to any disability imposed by the Transport Board.

Hon. C. G. LATHAM: If that is the case, why not accept this small amendment? It is not going to hurt the Minister or interfere with anything. It would give these people some encouragement. These people have to face all sorts of difficulties, losses from forest fires, and so on.

The Minister for Health: This amendment to the Transport Act would not help that.

Hon. C. G. LATHAM: I am not suggesting that it would; I am telling the Minister what the industry is up against, and if we could relieve them I would be glad.

MR. SAMPSON (Swan—in reply) [1.45]: I regret that this has come on us at so late a stage of the session, but it was introduced on the 22nd September, so I have been by no means to blame. In paragraph 3 of the Third Schedule we get the words "solely for the carriage of livestock, fruit, vegetables, dairy produce, wheat or other perishable commodities." I understand the objection of the Minister is that honey is not a perishable commodity. The world authority on honey is "The Bee World" which is published in London. In an issue dated October 1936 we find this—

The average grocer is reluctant to buy honey (except on sale or return) because it so frequently spoils on his hands and becomes unsaleable. Jars of honey which have leaked and soiled their labels or cracked or made a sticky and dust-retaining mess on his shelves or frosted heavily (so that the ignorant customer suspects him of selling adulterated produce, increased in bulk by the addition of sugar) are all spoilt from the grocer's point of view.

So it is a perishable commodity. Had this been put in the Bill when the Bill originally reached the Chamber, not a word of objection would have been raised, and we would not have had the pathetic appeal of the Minister when he implied that the railways will be in a state of great difficulty if bee keepers are given the same privileges as are given to other primary producers. An attempt has been made to point out that, the nectar having been gathered by the bees, and

delivered at some point, the fact that it has been delivered there and something done to the honey places it outside the pale. The same thing applies in respect of apples. They are picked in the orchards and transported to the community packing sheds where they are cleaned, graded, packed and then transported, without any question of violation of the Transport Act, either to the wharves or to the market. That is an important point and there should be no attempt to prevent the apiarists receiving the consideration they otherwise would receive. Now we are told that the board have directed that they will give favourable consideration to any application for the right to convey honey. The unfortunate bee-keepers are to go and see the board on every occasion and do something which is colloquially termed "dog dancing" before they can get this permission. The Minister says they will be given some special consideration in respect of the return. The bee-keepers ask for no more than is in the Act; for the Act provides that they shall be given consideration the same as other primary producers. The McNamara Brothers have been mentioned. They have made good progress and have won prizes at Wembley and in other parts of England. The Minister himself said to me that if McNamara Bros. did not bother nothing would be heard of it. That is not so. I have here a list of the apiarists concerned, as follows:—

McNamara Bros., York.  
A. Cook, Dewar's Pool.  
Mr. Lloyd, Toodyay.  
J. E. Myers, Baker's Hill.  
H. Noonan, Dale, via Beverley.  
W. Folland, Katanning.  
Coad & Son, Porongorup.  
Worth, Porongorup, Mt. Barker.  
J. E. Myers, Denmark.  
L. J. Skipper, Mt. Barker.  
C. Langley, Mt. Barker.

Apart from the value of the honey is the value of the bee as an apollinating agent. It is perhaps the most valuable agent that the fruitgrower and the grower of clovers and other fodder grasses have.

The Minister for Works: The bee attends to his own transport.

[The Speaker resumed the Chair.]

Mr. SAMPSON: Yes, he is a wonderful insect. Even the pumpkins growing at Osborne Park and Wanneroo—all these things are influenced by the bee. Is it not then our duty to do all that we can to encourage the industry? Why should we object

to giving these primary producers the same consideration as other primary producers receive? In California, one of the great fruitgrowing centres of the world—

Mr. Hegney: Did you say California or Kalamunda?

Mr. SAMPSON: I said California. The bee is the greatest apollinator that the primary producer has to depend upon. We appreciate the courteous letter sent out by the secretary of the Transport Board as to what the board will do if the beekeepers will come along and make application to them. But this should not be the result of a special visit to the Transport Board; it should be the right of the beekeepers, just as it is the right of the fruitgrowers and other primary producers. The Minister made quite a feature of his reference to honey being a perishable commodity. Yet in the very paragraph wheat is included.

The Minister for Works: You are misreading the clause.

Mr. SAMPSON: It says "various perishables and wheat." It does not say that wheat is a perishable, but it is not difficult to prove that it is so. Everything is perishable; even the apparently solid Minister for Employment would come into that category. There is every reason why the beekeeper should have the right to transport his honey. I have no desire to hold up the House. The Minister himself said the Bill was an example of brevity. I do not want the Transport Board to give this permission as an act of grace, for the beekeepers should have it as a right by virtue of the fact that they are the primary producers of a perishable commodity. I will leave the matter in the hands of members and I hope the beekeepers will be given this slight encouragement. It is an industry that it is difficult to make a living out of.

Hon. P. D. Ferguson: How many are there in this industry?

Mr. SAMPSON: There are several thousand people keeping bees, but few of them depend entirely on the industry. The time will come when Western Australia will produce much more honey than it does to-day, so it is our duty to encourage that industry.

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

|      |    |    |    |    |    |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 17 |
| Noes | .. | .. | .. | .. | 20 |

Majority against .. .. 3

Mrs. Cardell-Oliver  
Mr. Doust  
Mr. Ferguson  
Mr. Hill  
Mr. Latham  
Mr. Mann  
Mr. McLarty  
Mr. North  
Mr. Patrick

AYES.

Mr. Sampson  
Mr. Seward  
Mr. Shearn  
Mr. Thorpe  
Mr. Warner  
Mr. Watts  
Mr. Welsh  
Mr. Doney

(Teller.)

Mr. Coverley  
Mr. Cross  
Mr. Fox  
Mr. Hawke  
Mr. Hegney  
Miss Holman  
Mr. Lambert  
Mr. Marshall  
Mr. Millington  
Mr. Munale

NOES.

Mr. Raphael  
Mr. Rotureau  
Mr. Sleeman  
Mr. F. C. L. Smith  
Mr. Styants  
Mr. Tonkin  
Mr. Willcock  
Mr. Wise  
Mr. Withers  
Mr. Wilson

(Teller.)

Question thus negatived; Bill defeated.

*Sitting suspended from 2.3 to 3.40 a.m.*

### BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT (No. 2).

Returned from the Council without amendment.

### BILL—PETROLEUM.

*Council's Message.*

Message from the Council received and read, notifying that it did not insist upon its amendments.

### BILL—PEARLING CREWS ACCIDENT ASSURANCE FUND.

*Council's Further Message.*

Message from the Council notifying that it continued to insist on its two amendments, to which the Assembly had disagreed, now considered.

*In Committee.*

Mr. Sleeman in the Chair; the Minister for Agriculture in charge of the Bill.

The MINISTER FOR AGRICULTURE:  
I move—

That the Assembly continue to disagree to the amendments made by the Council.

Question put and passed.

Resolution reported, and the report adopted.

*Assembly's Request for Conference.*

The MINISTER FOR AGRICULTURE:  
I move—

That the Council be requested to grant a conference on their insisted-upon amendments, and that the managers for the Assembly be

the Hon. C. G. Latham, Mr. Coverley and the mover.

Question put and passed, and a message accordingly transmitted to the Council.

## **BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS.**

### *Council's Message.*

Message from the Council received and read notifying that it did not insist upon amendments 15 and 17 but insisted upon amendments 9, 11, and 19; that it agreed to the further amendment made by the Assembly on its original amendment 20 subject to the further amendment as set out in the schedule annexed; and that it disagreed to the further amendment made by the Assembly to amendment 10 for the reasons set out in the schedule annexed.

No. 9. Clause 8: Subclause (4), (a), (i), page 6:—Delete the words "an inspector" in line 37 and substitute the words "the Minister."

No. 11. Clause 8: Subclause (4) (b) (i), page 7:—Insert after the word "section" in line 15 the words:—"such warning to be in writing signed by the Minister and delivered at the place of business of the printer."

No. 19. New Clause:—Add a new clause after Clause 23, to stand as Clause 24, as follows:—

24. This Act shall continue in force until the thirty-first day of December, 1938, and no longer.

On motions by the Minister for Employment, the foregoing amendments were again not agreed to.

No. 20. Schedule:—Add the following items to the Schedule.

"Clothing and materials for clothing made wholly or partially of wool."

The MINISTER FOR EMPLOYMENT: I move—

That the further amendment be not agreed to.

Question put and passed; Council's further amendment not agreed to.

No. 10. Delete the words "the Minister" in lines 3 and 4 and insert in lieu thereof the words "an inspector."

Delete the words "twelve hours before the date of publication" in lines 5 and 6 and insert in lieu thereof the words "eight hours before the usual time of publication."

Delete the word "twenty-four" in the last two lines and insert in lieu thereof the word "sixteen."

The MINISTER FOR EMPLOYMENT: I move—

That the Assembly insists on its amendment to the Council's amendment.

Question put and passed; the Assembly's amendment to the Council's amendment insisted on.

Resolutions reported, the report adopted and a message accordingly transmitted to the Council.

## **BILL—DISTRESS FOR RENT ABOLITION.**

### *Council's Message.*

Message from the Council received and read notifying that it had agreed to the amendment made by the Assembly to amendment No. 1 made by the Council.

*Sitting suspended from 3.50 to 8 a.m.*

## **BILL—PEARLING CREWS ACCIDENT ASSURANCE FUND.**

### *Council's further Message.*

Message from the Council received and read notifying that it had agreed to the request for a conference, had appointed the Chief Secretary, Hon. G. W. Miles and Hon. H. S. W. Parker as managers, the President's room as the place of holding the conference, and the time forthwith.

## **BILL—ABORIGINES ACT AMENDMENT.**

### *Council's Message.*

Message from the Council received and read notifying that it had agreed to amendments Nos. 6, 11 to 15 inclusive, 19, 25, 31, 33 and 34, made by the Assembly and had disagreed to amendments Nos. 1 to 5 inclusive, 7 to 10 inclusive, 16 to 18 inclusive, 20 to 24 inclusive, 26 to 30 inclusive, 32 and 35, for the reasons set forth in the schedule annexed.

### *In Committee.*

Mr. Sleeman in the Chair; the Minister for Agriculture in charge of the Bill.

The MINISTER FOR AGRICULTURE: I move—

That the Assembly insists on the amendments disagreed to by the Legislative Council.

Question put and passed.

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

## **BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS.**

### *Council's Further Message.*

Message from the Council received and read notifying that it continued to insist on its amendments Nos. 9, 11 and 19, insisted on the alternative amendments to its original amendment No. 20, and continued to disagree with the Assembly's further amendment to amendment No. 10.

### *Assembly's request for Conference.*

Mr. Sleeman in the Chair; the Minister for Employment in charge of the Bill.

The MINISTER FOR EMPLOYMENT:  
I move—

That the Council be requested to grant a conference on the amendments insisted upon by the Council, the managers for the Assembly to be Mr. Watts, Mr. Tonkin, and the mover.

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

*Sitting suspended from 8.10 a.m. to 8.50 a.m.*

## **BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS.**

### *Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council and disagreed to by the Assembly, and had appointed Hon. W. J. Mann, Hon. H. V. Piesse, and Hon. E. H. Gray as managers for the Council, the Chief Secretary's room as the place of meeting, and the time forthwith.

## **BILL—ABORIGINES ACT AMENDMENT.**

### *Council's Request for Conference.*

Message from the Council received and read requesting a conference on the amendments insisted on by the Assembly, and notifying that at such conference the

Council would be represented by three managers.

The MINISTER FOR AGRICULTURE:  
I move—

That the conference requested by the Council be agreed to, that the Hon. C. G. Latham, Mr. Coverley, and the mover be appointed managers for the Assembly, and that the Speaker's room be the place of meeting, and the time 10 a.m.

Question put and passed.

*Sitting suspended from 8.57 a.m. to 4.20 p.m.*

## **BILL—PEARLING CREWS ACCIDENT ASSURANCE FUND.**

### *Conference Managers' Report.*

The MINISTER FOR AGRICULTURE:  
I desire to report that the managers met in conference and failed to arrive at an agreement.

## **BILL—ABORIGINES ACT AMENDMENT.**

### *Conference Managers' Report.*

The MINISTER FOR AGRICULTURE:  
The managers met in conference and have agreed to the following report:—

No. 1. Clause 2.—The following was agreed to:—

Insert a further subparagraph after the words "who is" at the end of paragraph (b) of the definition of "Native" in Clause 2 of the Bill:—

I. A quadroon under twenty-one years of age who neither associates with or lives substantially after the manner of the class of persons mentioned in paragraph (a) in this definition unless such quadroon is ordered by a magistrate to be classed as a native under this Act.

No. 2. Clause 2.—The following was agreed to:—

Strike out subparagraph (ii) of paragraph (b) of the definition in Clause 2 of the Bill and substitute the following:—

"(ii) A person of less than quadroon blood who was born prior to the 31st day of December, 1936, unless such person expressly applies to be brought under this Act and the Minister consents."

No. 3. Clause 5.—The following amendment was agreed to, namely, that the proposed new proviso inserted by the Legislative Assembly to Subsection I. of proposed new Section 3 (a) be not insisted on.

No. 4. Clause 5.—The managers disagreed to the amendment striking out Subsection 2 of proposed new Section 3 (a) but agreed on the following amendment:—

After the word “person” insert the words “who was born prior to the 31st day of December, 1936, and who is.”

No. 5. Clause 6.—The managers agreed to the amendment.

No. 7. Clause 11.—The managers agreed that the amendment be not insisted on.

No. 8. Clause 12.—The managers agreed that the amendment be not agreed to but that the following amendment be agreed to:—

In paragraph (b) of proposed new Section 15A (Clause 12) strike out the words “use such force as may be necessary to” and substitute the words “use such means as may be necessary to.”

No. 9. Clause 13.—The managers disagreed to the insertion of the word “sixteen” for the word “twenty-one” in line 23 and agreed that the word “twenty-one” stand as printed.

No. 10. Clause 13.—The managers disagreed with the Assembly’s amendment striking out paragraph (c) of the clause and agreed to the paragraph (c) as printed.

The managers agreed to the insertion of a further paragraph at the end of Clause 13 as follows:—

(d) By adding a further subsection as follows:—

(3) every agreement or permit and agreement shall be in accordance with the prescribed form.

No. 16. Clause 16.—The managers disagreed to the amendment and agreed that the proviso stand as printed.

No. 17. Clause 17.—The managers disagreed to the amendment and agreed that the proviso stand as printed.

No. 18. Clause 21.—The managers agreed to the amendments to Subsection (2) of proposed new Section 33A.

No. 20. Clause 21.—The managers disagreed with the amendments proposed and agreed to the following amendments:—

In paragraph (a) of subsection (I.) of proposed new section 33B strike out the

words “who is not otherwise insured and kept insured to the satisfaction of the commissioner against sickness or accident.”

No. 21. Clause 21: In paragraph (b) of the same subsection strike out the word “indigent.”

No. 22. Clause 21: The managers disagreed with the amendment and agreed on the following amendment:—

In subsection (3) of proposed new section 33B, page 10, line 4, strike out all words after the word “possible” and add the following:—

(a) provide free transport for the native and send him to the nearest and most accessible hospital, or

(b) at the option of a protector provide free transport for the native to the protector and thence provide free transport for the native to the nearest and most accessible hospital.

No. 23. Clause 22: The managers disagreed with the amendment and agreed to the following amendment:—

In paragraph (b) of the clause insert after the word “child” in line 35 the words “not exceeding six months, in the case of the child.”

No. 24. Clause 25: The managers disagreed with the amendments of the Assembly striking out paragraph (d) of subsection (2) of proposed new section 42, and agreed that the paragraph should stand as printed, and to the insertion of a proviso at the end of subsection (2) as follows:—

Provided that any native who is aggrieved on account of any objection by the commissioner under this section may appeal to a magistrate in the magisterial district in which he resides. Such appeal shall be in accordance with the regulations which may prescribe the time for appealing and the procedure to be followed.

No. 26. Clause 26: The managers agreed to the Assembly’s amendments of the proposed new subsection (1) of Section 43 and further agreed to the insertion of a further subsection after the new subsection (2) proposed to section 43:—

(3) All offences under this section shall be tried and determined by a resident magistrate.

The managers disagreed with the Assembly’s amendment to strike out subsection (2) of Section 43 of the principal Act.



No. 28. Clause 28: The managers agreed to the Assembly's amendment.

No. 29. Clause 30: The managers agreed to the Assembly's amendment.

No. 30. Clause 31: The managers disagreed with the Assembly's amendment, but agreed to the following amendment:—

In paragraph (c) of subsection (2) of proposed new Section 59D strike out the word "may" and substitute the following: "shall if practicable".

No. 35. Proposed new Section 44A: The managers disagreed with the Assembly's amendment.

I move—

That the report be adopted.

Mr. SLEEMAN: It was difficult to follow all the amendments as read by the Minister. I should like to know the final position of the quadroons. Then there was a reference to the word "force." Seemingly "force" was struck out and "means" included, but "means" would include force, if necessary. These conferences, in my opinion, are becoming a farce; in fact, I have always considered they have been. We appoint three members from each House, with power to do practically as they like. True, the House can throw out the report of the managers, but that is seldom done and it would be difficult to get a majority after the outstanding amendments have been discussed by three managers from each place. I gathered that quite a number of amendments have been thrown out, and that some other arrangement has been reached between the six managers. Evidently new matter has been inserted that the House has not had an opportunity to discuss.

The MINISTER FOR AGRICULTURE: Regarding quadroons, the amendment proposed to delete the words "over twenty-one years." The proposal now is to give an opportunity to improve the conditions of quadroons, not only those living in native camps, but also those who are wards of the State, and in certain homes. They will be free from the provisions of the measure unless they live substantially as natives or apply to a magistrate to be classed as natives.

Mr. Marshall: Those in institutions will be classed as natives?

The MINISTER FOR AGRICULTURE: They will be mostly children of tender age, but for many reasons an endeavour will be made to uplift them, particularly those who are very light in colour—and there are some

sad cases—who are wards of the State and are sent to homes and controlled. As to the deletion of the word "force," the member for Kimberley might be able to explain the point further; but the contention was that where it was found essential to inspect natives for all forms of disease, take charge of them and have them sent to hospital or other proper place for attention, some force might be necessary. An agreement was arrived at by using the word "means" instead of the word "force."

Question put and passed; the managers' report agreed to.

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

#### *Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the conference managers' report.

### **BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS.**

#### *Conference Managers' Report.*

#### **THE MINISTER FOR EMPLOYMENT**

(Hon. A. R. G. Hawke—Northam) [4.32]: I desire to report that the managers representing another place and this House met and have come to an agreement. The report of the managers may be summarised as follows:—

Clause 8. Add after the word "Minister" as suggested in the amendment the words "or the Chief Inspector" in line 42 of page 6.

Consequential amendments as above to be placed in lines 4, 20, and 25 of page 7.

In line 39, page 7, after the word "warned" add the words "in writing by the Minister or the Chief Inspector."

Clause 8. Page 7, line 9, after the word "before" add the words "the date of."

Clause 2. Insert a new definition as follows:—"Chief Inspector" means the Chief Inspector of Factories appointed under the Factories and Shops Act, 1920.

Clause 24 of the Bill has been deleted, thus making the Act permanent.

Schedule. Add the following items to the schedule:—"clothing and material for clothing made wholly or mainly of wool."

I move—

That the report be adopted.

Mr. Watts: I did not hear the Minister refer to altering the time in which a warning must be given to the Press.

**THE MINISTER FOR EMPLOYMENT:** That is dealt with in Clause 8, page 7, line 1, as set out in the report.

Question put and passed; the managers' report agreed to.

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

#### *Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the conference managers' report.

### **ASSENT TO BILLS.**

#### *Summons to Council.*

Mr. SPEAKER: Hon. members are requested to be in attendance in another place at 4.45 p.m. where His Excellency the Lieut.-Governor will give his assent to Bills that have been passed.

*Sitting suspended from 4.35 to 5.5 p.m.*

### **ABDICATION OF KING EDWARD VIII.**

*Message from the Secretary of State for the Dominions.*

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [5.5]: I have a Message from the Secretary of State for the Dominions with reference to the abdication of His Majesty the King received through His Excellency the Lieut.-Governor. I move—

That the Speaker read the message, and that it be subsequently laid on the Table of the House.

Question put and passed.

Mr. Speaker read the Message. [*Vide* Council report *ante*.]

### **ADJOURNMENT—CLOSE OF SESSION.**

#### *Complimentary Remarks.*

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [5.8]: The work of the session has now concluded, and I desire to wish the compliments of the season to the Speaker, and to thank him for his good and impartial work. I also desire to express the same sentiments to the Chairman of Committees and the Deputy Chairman of Committees, to all the officials of the House, and also to the "Hansard" staff. I also desire to express my appreciation of the courtesy which has been extended to me and to members of the

Government by the Leader of the Opposition and the Leader of the National Party, and also to every member of the House who has acted in a similar manner; to all, in fact, who have acted similarly. The session has been very well conducted, thanks to your able presidency, Mr. Speaker. Sometimes we may have felt a little heart-burning in regard to some things that have been said to and about us, but I hope that any ill-feeling which may have temporarily existed in anybody's mind no longer exists, and that we have got back to normal conditions. So far as our relationships in this House are concerned we meet as political opponents, but always, I hope, as friends, with the outstanding knowledge with regard to each other that we are all here for the purpose of doing our best for the State of Western Australia. During the year conditions have improved somewhat in Western Australia but unfortunately climatic conditions, particularly in the outback parts of the State, where drought has existed, have resulted in a serious loss to both the agricultural and pastoral industries. I hope that during the coming year the State will be prosperous and contented, more so than during the past year. I hope too that we shall be much more fortunate regarding climatic conditions so that all citizens of the State, wherever they are situated, will enjoy a prosperous year in 1937.

**HON. C. G. LATHAM** (York) [5.11]: I desire to endorse the remarks of the Premier and to extend to you, Sir, the Chairman of Committees, the Deputy Chairmen, the "Hansard" staff and the officers of the House the compliments of the season and to express the hope that all will have an enjoyable holiday. I also desire to thank the Premier and Ministers for their courtesy to the Opposition. In politics, unfortunately, the road is not always smooth; but with tolerance towards each other we are able to iron out the ruts and corrugations along that road and display good feelings towards each other. I desire to express also to the Press my thanks for their kind consideration towards members on this side of the House. We have had from those gentlemen a very fair report of our proceedings during the session that is about to close and we are grateful to them for sometimes not giving publicity to those things that might have been left

unsaid. The session has not been a very strenuous one except towards the end. I think it was last year that I expressed the hope that there would not be any more endurance tests towards the close of our work, but it seems impossible to finish the session without having to go through such an ordeal. I hope that in the future we may be able to arrange the business so as to avoid any kind of an endurance test, because members are physically no better off by what they have to go through during the closing hours. I admit that there might have been some reason for the lengthened sitting this year, but I hope next year we shall be able so to adjust legislation that we shall not have to repeat the experience that we have just concluded. We are sorry to see our ex-Premier taking a back seat on the floor of this House, but we can all express the hope that the rest he has had has improved his health. I can also express my regret that Mr. Drew had to relinquish his office during the year. Of all the men we have had the privilege of knowing, very few have endeared themselves to us more than has Mr. Drew, whose lovable nature and wonderful disposition have secured for him the friendship of everybody. I wish all members and the staff a pleasant holiday and when we meet again I trust that all will be in the enjoyment of good health and that those who are not in that happy condition to-day will be restored to it when next we meet.

**HON. N. KEENAN** (Nedlands) [5.15]: I desire to endorse what has been said, and so well and truly said, by the Leader of the House and the Leader of the Opposition. To you, Sir, the Deputy Speaker, the Chairmen of Committees and the officers I extend the compliments of the season. I also wish to express my appreciation of the courtesy that we have always experienced at your hands, and at their hands. I join likewise in conveying to

the "Hansard" staff our appreciation of the admirable manner in which they convey to the public in intelligible English what we have attempted to say on the floor of this House. Lastly I desire to acknowledge, and acknowledge most gratefully for myself and those for whom I am entitled to speak, the services of the clerks, and the staff under the clerks, without whose services it would be impossible for us to carry on successfully our debates in this Chamber. And so the session has come to an end, and it only remains now for us to wish one another in the most heartfelt and true manner the compliments of the season. I am expressing the feelings of all who are associated with me when I say that we appreciate and always have appreciated the courtesy of the Premier and other Ministers in their attitude towards us. I wish all a very happy Christmas.

**MR. SPEAKER** [5.17]: On behalf of the Chairman, the Deputy Chairmen of Committees, the officers of the House, and the "Hansard" staff, I desire to thank the Leaders for their kind words. I feel that the staff deserve what has been said of them, and for myself I can say that I have every right to appreciate the services they render. Only those like myself, who have an opportunity of constantly working with them, can really value the services they render. On their behalf I reciprocate the good wishes of members and trust that the festive season will be a bright one and that the new year will be prosperous for all.

#### ADJOURNMENT—SPECIAL

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [5.19]: I move—

That the House at its rising adjourn to date to be fixed by Mr. Speaker.

Question put and passed.

*House adjourned at 5.20 p.m. (Friday).*

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*[By Proclamation published in the "Government Gazette" of the 28th May, 1937, Parliament was prorogued until Thursday, the 29th day of July, 1937.]*