ago, when she had not full representation and full discussion of the far-reaching effects of Federation. The result we see today in the financial position of Western Australia which, it seems to be agreed among all those who devote time to the question, we cannot begin to put right without first grappling with and settling on a sound foundation the Federal bond.

Question put and passed.

On motion by Hon. A. Sanderson, resolution transmitted by message to the Assembly, and their concurrence desired therein.

MOTION—ELECTRICAL ENERGY.

To inquire by Royal Commission.

Order of the Day read for the resumption from 18th November of the debate on the following motion by Hon. J. Ewing:—"That in the opinion of this House the Government should appoint a Royal Commission to inquire into the feasibility of generating electrical energy at Collie and transmitting the same from there with a view to reducing the cost of the supply of power for industrial and domestic purposes at centres where it is required."

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

BILL—FACTORIES AND SHOPS.

To revive Committee stage.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.4]: I give notice that at the next sitting I will move—

That the Committee stage of the Factories and Shops Bill be revived at the stage at which it was when the Chairman left the Chair.

House adjourned at 5.5 p.m.

Legislative Assembly,

Tuesday, 30th November, 1920.

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

QUESTION—SANDALWOOD, EXEMPTED AREAS.

Hon. W. C. ANGWIN asked the Minister for Forests: 1, Is the area that has been applied for by the firm of Plamar & Co., Ltd., for cutting sandalwood, the area comprising Dorre and Bernier Islands? 2, If not, is it the same area as that from which the samples of sandalwood were brought down by a Mr. Freney, and handed to Mr. Lane-Poole, Conservator of Forests, for experimental purposes? 3, What is the extent of the area applied for by Plamar & Co., Ltd., and where is it situated? 4, Will he refrain from granting any permit in the district to any person, company, or firm, without calling for tenders for cutting sandalwood?

The MINISTER FOR FORESTS replied: 1, Yes. 2, Replied to by No. 1. 3, Dorre and Bernier Islands—30,000 acres, situated in Shark Bay. 4, The Act provides that no permit, the royalty from which exceeds £10, can be granted by the Conservator without being submitted to tender or auction. Tenders will therefore be called.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Treasury Bonds Deficiency.

2, Health Act Continuance.

VISIT OF THE PRINCE OF WALES.

Resolution of Loyalty—Letter in reply.

Mr. SPEAKER: I have received from His Excellency the Governor a copy of a despatch from the Right Honourable the Secretary of State for the Colonies as follows:—

I have the honour to acknowledge the receipt of your despatch No. 22, of the

13th August, transmitting addresses to His Majesty the King which were passed unanimously on the 5th August by the members of the Legislative Council and the Legislative Assembly of Western Australia. The addresses have been laid before the King, who desires that the members of the Legislative Council and Legislative Assembly may be informed how deeply their Majesties have been touched and gratified by the warm-hearted and affectionate welcome given to His Royal Highness the Prince of Wales everywhere throughout Australia.

BILL—MEEKATHARRA HORSESHOE RAILWAY.

Report of Committee adopted.

Bill read a third time and transmitted to the Council.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

The PREMIER (Hon. J. Mitchell—Northam) [4.37] in moving the second reading said: When the Budget was introduced I announced that it would not be necessary to impose additional taxation this year. Subsequently I told the House that owing to the increased charges set against the revenue due to various arbitration awards, and other causes, not only had we to increase railway freights, but that I would be compelled to ask for some increased taxation. There is some improvement in the position during the last four months as compared with the similar period of four months in the previous year. For the first four months of the financial year 1919-20 the deficit was £465,398, and for the first four months of this year it was £394,541, an improvement of £70,857. The expenditure to the end of October last year was £1,854,728, and to the end of October of this year it was £2,097,337, an increase of £242,609. The revenue to the end of October last shows an increase. Up to October of last year the revenue was £1,389,330, and for the four months of this year it was £1,702,796, an increase of £313,466. This shows some improvement over last year, but not sufficient, I think the House will agree, in the circumstances. Sooner or later we must endeavour to square the ledger. I have told the House this cannot be done in a year or two. I have also pointed out how this deficit is occasioned, and that the sinking fund contribution forms a very considerable portion of the shortage. I will tell the House how this increased expenditure is made up. Under Loan Acts the increased expenditure is £75,670. A good deal of that is due to the fact that a very large sum of money has been spent on soldier settlement. Up to date the interest on that money has been borne by revenue. Under other special Acts the increase has been £12,059, for domestic services £9,140, and for administration £35,483. The railways show an increased expenditure of £92,185, tramways £6,144, lighting £5,706, water supplies £4,454, other business undertakings £1,768, a total of £242,609. Apart from the expenditure under special Acts there is an increased expenditure largely due to the extra rates of pay accorded to civil servants, teachers, police, and wages men generally employed in the service. In the circumstances there has been a very satisfactory increase in revenue. Taxation increased by £12,023, land rents by £9,204, timber by £22,868, departmental by £30,686, and other increases £1,389. The railways show an increased revenue of £179,267, harbour boards, £19,453, tramways £11,017, lighting £9,367, water supply £8,261, other business undertakings £5,912, and trading concerns £4,019, a total of £313,466. Whilst the increased revenue is entirely satisfactory, the increased expenditure has been due very largely to the facts I have mentioned. During the year the interest on money borrowed is charged to revenue, to be recouped in the case of the Agricultural Bank once in each half-year from money invested. There will be a considerable recoup in connection with the additional interest on money recently borrowed. I am asking for an additional revenue of £55,000 from increased taxation. This Bill re-imposes the taxation for one year. In addition to the Land and Income Tax which has been paid previously, we are asking for authority to increase the flat rate on incomes to 4s. in the pound, which will be reached on incomes over £7,766.

Hon. W. C. Angwin: Will that include those who float themselves into companies?

The PREMIER: We are asking the House to agree to the imposition of a super tax of 15 per cent. on all incomes, with the exception of incomes under £252. Last year, when the flat rate was introduced, it was 2s. 6d. in the pound on incomes over £4,767. This year we propose to impose a flat rate of 4s. on incomes over £7,766.

Hon. W. C. Angwin: There is no increase on land tax.

The PREMIER: We will come to that in a few minutes. Hon. members will note that the total incomes of £7,766 will not all be taxable, because the State allows deductions for Federal taxation paid to the Federal Government. The increase in the flat rate means a considerable burden upon those whose incomes are beyond that amount. In imposing a super-tax of 15 per cent. on all incomes for this year, I think we are doing as much as could be expected, notwithstanding that the deficit is so considerable. This additional impost will mean increased revenue amounting to £55,000. I am sure members will agree that men drawing less than £252 per year should not have any additional burden cast upon them. As a matter of fact, a man drawing £400 will pay very little more on account of the super tax.

On incomes of £300, the extra amount will be 12s. and on incomes of £400, 19s. On the larger incomes the amount payable will be much heavier. A man with an income of £1,000 a year will pay super tax amounting to £4 12s. 6d. On £2,000, he will pay £16 15s.; on £3,000, £36 7s. 6d.; on £4,000, £63 10s., on £7,767, £233. Last year on all incomes we assessed taxation amounting to £224,761. Of that amount £18,211 was on account of incomes up to £200. These incomes are exempt from the super tax. On incomes between £200 and £300 the amount charged was £24,956. It is impossible to say how much of those incomes will be exempt from this super tax. This taxation Bill has been here so often that members know it well, and they will readily realise that all we are doing is to impose the super tax of 15 per cent. on incomes over £252, and to increase the flat rate from 2s. 6d. to 4s. in the pound. The member for North-East Fremantle (Hon. W. C. Angwin) interjected that there would be no increase in land taxation under this proposal. There is not a very substantial increase, but we propose to impose a super tax of 15 per cent., bringing the amount payable for land tax into line with that payable on income tax.

Hon. W. C. Angwin: They only pay one tax; they should pay both.

The PREMIER: I know the hon. member would like to see some of my friends in the country paying both taxes.

Hon. W. C. Angwin: I am not so much concerned about the man in the country paying both taxes, but men holding building property in the city escape. That is what I am concerned about.

The PREMIER: That is perfectly true. There are holders of city properties who are exempt from this tax. That is the law today, and I do not propose during this session to make any alteration in the law. I think the House will agree to ask the Commissioner of Taxation to increase the collections to the extent of 15 per cent., in addition to the payment provided for last year.

Mr. Pilkington: Does Clause 5 represent merely a re-enactment, or is it new?

The PREMIER: It is only a re-enactment. The only new aspects are those I have mentioned.

Hon. P. Collier: There are some other alterations, are there not?

The PREMIER: No.

Hon. P. Collier: The maximum is increased is it not?

The PREMIER: The maximum now is £7,766.

Mr. Pilkington: What was the maximum before?

The PREMIER: The maximum was £4,766.

Mr. Pilkington: The tax on all incomes between those two amounts will be greatly increased.

The PREMIER: Yes. The tax from 2s. 6d. on £4,766 goes up to 4s. on £7,766. I thought members would understand that such was the case when I gave particulars of the increased flat rate. I move—

That the Bill be now read a second time.

On motion by Hon. P. Collier debate adjourned.

BILL—DIVIDEND DUTIES ACT AMENDMENT.

Second Reading.

The PREMIER (Hon. J. Mitchell—Northam) [4.53] in moving the second reading said: The Bill provides for an increase in the dividend duties of 15 per cent., as in the case of income tax. Last year we collected £144,748, and it is estimated this year we will receive £145,000. The super tax of 15 per cent. on that amount, will be £21,750. Some members will probably imagine that all dividend duties come from mining companies. That is by no means the case, because mining companies do not pay as much as traders and manufacturers. Dividend duty payments also come from banks and other sources. The only amendment provided in the Bill is to impose, in addition to the dividend duty of 1s. 3d. in the pound, a super tax of 15 per cent. I move—

That the Bill be now read a second time.

On motion by Hon. P. Collier debate adjourned.

BILL—LAND ACT AMENDMENT.

Second Reading.

The PREMIER (Hon. J. Mitchell—Northam) [4.55] in moving the second reading said: It will be remembered that a Bill to amend the Land Act was introduced last year and dropped.

Hon. P. Collier: It was introduced just about the corresponding time in the session to the present time this session. You are a bit earlier this year.

The PREMIER: Apart from that, members discussed the matter very considerably last year, and they will hardly desire to discuss the Bill at length again.

Hon. P. Collier: Is it the same one?

The PREMIER: It is very like the other Bill. There are some small amendments, but generally speaking, the Bill is very similar to that of last year. Last time when the Bill was before the House, members said that it was a very good one.

Hon. W. C. Angwin: This is not the same Bill by a long way. The area is double.

The PREMIER: It is very much the same Bill. There is, of course, the question of area, which I will deal with later on. I have already stated that there are some small amendments which have been made in this Bill. For instance, at present town and suburban land is auctioned at a fixed price, and all received above that amount is considered

as premium, and has to be paid even where the successful bidder elects to take a lease of the land. He can take either the lease of the block or acquire the freehold. If he takes the lease, he pays the premium, which is the amount above the price fixed by the department as the value of the land, in addition to which he pays four per cent. on the capital value of town and suburban blocks and 3 per cent. on suburban blocks for cultivation. He can ask for a freehold of his land at any time during the currency of his 99-years' lease. That seems to me to be entirely wrong. In some towns on the goldfields, for instance, the value of the blocks may go down, but in other parts of the country the reverse may take place. It is proposed that in future all lands will be convertible from leasehold to freehold at a price to be fixed by the Minister. Obviously, if a man secures a block in a small country town to-day at £20, in 20 years' time that block may be worth several thousands. If the present conditions continue, the man converting that leasehold to a freehold would simply pay £20 in addition to the four per cent. interest during that period. That is wrong. If such a man desires to convert his leasehold into freehold, he should pay the value of the land at the time of conversion.

Hon. W. C. Angwin: He pays the premium.

The PREMIER: Yes, but the premium in most cases amounts to very little.

Hon. P. Collier: In such cases they are called upon to pay for their own industry.

The PREMIER: I have heard it said that the value of the land increases by the efforts of other people.

Hon. P. Collier: So it does too.

The PREMIER: That is the argument advanced now. Land may be resumed under Section 9 of the Land Act. If it be conditional purchase land, the compensation is a refund of the purchase money paid plus 10 per cent. When land is resumed for public purposes, there is something to be said in favour of the payment of compensation. It is true that if the Crown has other land in the vicinity an exchange might be made, but it does not often happen that we have other land and that an exchange can be made, and so great injustice is frequently done, particularly where land is resumed for subdivision into township blocks and resold. The conditional purchase holder who has land taken from him for resale, not for other purposes, should be compensated just as he would be if his land were freehold. For the first 20 years, while the conditional purchase lease is running, he would come under one set of conditions, and in the 21st year, the year of ownership, he would come under another set of conditions. Great hardship has been inflicted upon conditional purchase holders.

Hon. W. C. Angwin: I suppose you will give a few instances to bear out that statement.

The PREMIER: There are none at North Fremantle.

Hon. W. C. Angwin: But land has been resumed there.

The PREMIER: And the owners have been compensated in every case.

Hon. P. Collier: We had better make this retrospective.

The PREMIER: Yes, to cover North Fremantle. Members know that land can be taken either from a conditional purchase lease or under a Crown grant for public purposes free of any payment so far as the land is concerned to the extent of one-twentieth of the block. To-day, notwithstanding that one-twentieth part of an estate may be taken over free of compensation, it is also provided that the holder can only be paid for houses and land used for gardens. Compensation is not now paid for clearing, ring-barking, cultivation, orchard or crop. We propose to provide that compensation shall be paid not only for buildings and for gardens but for other improvements. Everyone will agree that this is at least fair. Now we come to the pastoral lease clauses which are the most important clauses of the Bill. In order that the House may know just how far this Bill has been altered, I may point out that last year we proposed that the area of land permitted to be acquired after the passing of the Act, should be 500,000 acres. This year it is proposed that the maximum shall be one million acres.

Hon. P. Collier: A slight difference.

The PREMIER: I shall explain the difference later on.

Hon. P. Collier: The difference is 500,000 acres. It explains itself.

The PREMIER: Some exemptions were made in the Bill of last year applying to people who obtained pastoral leases by gift.

Hon. P. Collier: As soon as the Premier saw there was no reference to a million in this Bill he put it in.

The PREMIER: The exemption this year applies to one million acres. Last year it was proposed that the interests of shareholders in a company should be proportionate to their interests in the capital. Under this Bill the acreage interest is in proportion to the share of the paid up capital of the company. A clause is provided that mortgagees are not to be deemed to be interested unless they are in possession for two years, or in the case of foreclosure. Even then it is proposed to give them time to realise their security. It is important that the people who lend money for the improvement and stocking of these leases should be amply protected. Most of the money advanced to pastoralists is advanced by the pastoral companies and by the banks, and it is advanced at a fair rate of interest and under fair conditions. We want to encourage these institutions to finance the development of these vast areas. It is also proposed under this Bill that where a group of leases form one station, and any one of these leases is disposed of either by forfeiture or sale, the remaining lease shall be subject to reappraisement. If a man has a

million acres in five leases and discards one-fifth of the area representing 200,000 acres, it will be necessary to reappraise his lease if he is to pay a fair rental on the balance. If he sells to another person a portion of his land, reappraisement will be necessary in both cases in order that each lessee shall pay a fair rental. It is important to see that the rental is applied fairly. It is proposed also that where Crown lands are taken up, where a new lease is issued, the maximum rent per thousand acres for the first five years is not to exceed 10s. It requires the whole of the first five years to in any way develop a pastoral lease. A great deal of developmental work has to be done, and the lessee ought to be given time. In the case of conditional purchase lands we charge no rent at all for the first five years. In the case of pastoral lands it is proposed that the rent shall be fixed at a figure not exceeding 10s. per thousand acres. At present the rate in the North-West district and in the Kimberley district is 10s. per thousand acres, in the Eastern district 5s. per thousand acres, and in the Eucla district 3s. per thousand acres. If this measure is passed, the rent may be fixed at any amount up to 10s. per thousand acres in any of these districts, notwithstanding that smaller amounts are now charged in the Eastern and Eucla districts. There are 242 million acres of land leased now and the applications to come under the Act or leases on which double rent is paid represent 234 million acres. As a matter of fact, nearly all the pastoral land will be brought under the amending Act of 1917. Where double rent is paid, the lessees may apply up to March next to come under the 1917 Act. During the two and three-quarter years we have collected £180,000 by way of additional rent. This is over and above the ordinary rent paid for these leases. In some cases the double rent will be increased by the reappraisement. The land is now being appraised by the board appointed under the 1917 Act. During the last 12 months we have dealt with 100 million acres, and we are now classifying nine million acres per month. There still remains to be classified about 120 million acres, so that it will take nearly a year to complete the job. It is a very difficult matter to get men of sufficient experience to make this classification. It is important to the pastoral lessee and to the State that the classification should be made by men who know their job, and that it should be fairly made. I would say that this is particularly important to the pastoral lessee, because we must be quite fair to him. It is not an easy matter to arrive at a fair rental except by very close classification. A very close classification is being made, and the board whose duty it is to make the appraisement are competent to do the work. The board appointed under the Act consist of Mr. H. S. King, the Surveyor General, who is the Chairman, Mr. A. W. Canning, who is the man in charge of the work, and Mr. C. H. McLean, a station manager of many years experience and a very fine man, is the third member of the board. They are doing their work very thoroughly, having regard to the disadvantages under which some of the isolated stations labour, and the advantages of the more favourably situated leases. Eighty-eight appraisements have been made in the Gascoyne, Murchison and East Murchison districts. The area appraised is 23½ millions, for which the rents have been fixed. The highest rental is 43s. per thousand acres, and the lowest rental is 14s. per thousand acres; the average is 25s. 7d. per thousand acres for the 23½ million acres so far appraised. This comprises some of the very good land of the State, a portion of which is very well situated. On this average, in addition to the double rental, there will be 5s. 7d. per thousand acres to pay. A lessee who prior to the 1917 Act paid £500 for a million acres of land wll now pay £1,250 per annum. This represents a very considerable increase in the rent. I shall show just what the compulsory improvements would mean. The 1917 Act provided for the double rent from the 1st April, 1918, and for adjustment after appraisement, application to be made within 12 months. The amending Act of 1918 provided that application might be made within 12 months of the declaration of peace, namely, before the 8th March, 1921. One of the penalties provided was that no refund was to be made if the double rent was more than the appraised rental. Every lessee had the opportunity to come under the 1917 Act, and if he did not elect to do so, he still had to pay the double rental. Under the 1917 Act he would get a refund for anything overpaid, but under the 1918 Act he would not. This was fair, because a lessee delayed at his own option. I have already told the House that we have received about £65,000 a year by way of increased rental. When the Bill was introduced I estimated to get a million of money from the increased rentals by the time the present leases expire, and we shall certainly get the million pounds. Under the 1917 Act a man could hold a million acres in each of the five divisions or five million acres in all. There are some 24 people who own more than a million acres in this State to-day.

Hon. P. Collier: You mean individuals, not companies.

The PREMIER: Individuals. Last year the House warmly approved of the company clauses, and I think rightly so. This measure provides that if a man has one-tenth interest in a million acres he is regarded as holding 100,000 acres. If he has an interest in several companies, his share capital in each company will represent a proportionate area.

Hon. P. Collier: A man might hold practically the whole of the interest in a company.

The PREMIER: If a man holds a nine-tenth interest in a million-acre company, then nine-tenths of his right is absorbed.

Hon. P. Collier: That is what I mean.

The PREMIER: That is so.

Hon. P. Collier: He cannot hold nine-tenths in a number of companies.

The PREMIER: He can hold nine-tenths in one company only. Beyond that he may hold shares that represent 100,000 acres, making up a total of one million acres.

Hon. P. Collier: He cannot have a beneficial interest in more than one million acres?

The PREMIER: That is so. We need not bother about a man who holds more than one million acres, because when he either sells the lease, or leaves it to his sons, it must be sold in areas not exceeding one million acres. The descendants cannot have more than that area.

Hon. W. C. Angwin: Why did you increase the area from 500,000 acres to one million acres?

The PREMIER: The hon. member does not give me time to explain.

Hon. W. C. Angwin: I was afraid you would pass it.

The PREMIER: Last year I had some doubt about the Bill that I introduced. When the House first passed the 1917 Act every member agreed that one million acres was a reasonable area.

Hon. W. C. Angwin: That is not so.

The PREMIER: The majority of members agreed, and many thought that we were fixing the area at one million acres. I have made this area one million acres and not 500,000 this time because that is in keeping with what we wanted in the 1917 Act.

Hon. W. C. Angwin: You knew that was wrong.

The PREMIER: In making the area one million acres we are not breaking faith with anyone. The rentals have been increased very considerably, and it will not pay any man to hold his land and not use it. In addition to an increase in the rent from 10s. to 25s. 7d. per thousand acres, improvements have to be made at the rate of £1 per 1,000 acres for each year of the first ten years. Further, there are very severe stocking clauses in the Bill. The stocking clauses in the 1917 Act say that for the first two years 10 sheep or two large stock, must be found on every 1,000 acres, at the end of seven years 20 sheep, or four large stock, must be found, and for the remainder of the term 30 sheep or six large stock must be found on every 1,000 acres. This will ensure that the land is used.

Hon. P. Collier: Are the stocking conditions being enforced?

The PREMIER: They will be enforced. I think the stocking conditions are carried out. There are some leases which are not stocked, but they will be forfeited just as ordinary C.P. land is forfeited when the conditions are not complied with. It is for the administration to see that the stocking clauses are observed. In view of these provisions, there is no need to limit the area at all. At the end of 15 years the leases are re-appraised and the rents may be increased up to 50 per cent. There is no fear that the pastoralists under these conditions will hold more than one million acres. There are 24 men who hold more than one million acres. There is no need to bother about those men, who bore the heat and burden of the day in the Kimberleys some 20 or 30 years ago and who have done their duty to the country. We should not say to such men that they must get rid of their land. It is sufficient to say that if they sell it they must sell it or dispose of it in blocks of not more than one million acres.

Mr. Maley: It is the only fair thing to do.

The PREMIER: It is what we propose to do, and in this way we safeguard the interests of the country. Had the conditions previous to 1917 been what they are here, there would never have been any need to discuss the limitation of area. There are many station properties on the market now and many men are endeavouring to dispose of their surplus land. The 1917 Act has done a great deal for Western Australia. Not only has it meant the production of additional revenue, but it provided for increased improvements and certain stocking conditions, and made it quite clear to those who held pastoral lands that they had security of tenure until 1948. It may be said that we renewed these leases too soon. Something like 242 million acres of land have been leased. Much stock was running on it, and a great deal of money invested one way and another by the pastoralists concerned It was, therefore, necessary to give these people time. When it comes to a question of renewing these leases, it will be found that 10 years is not too long a period.

Hon. W. C. Angwin: It is 20 years.

The PREMIER: If we had told them they had to dispose of their stock in five years it would have ruined them. If anyone is to have this land, the men who have held it so long and done so much with it are more entitled to have it than anyone else. If they hold it under unfair conditions, this House will not approve of their retaining it.

Hon. W. C. Angwin: If you use that argument no one will settle on agricultural lands.

The PREMIER: We are not talking about agricultural lands. If land is wanted for agricultural purposes inside any of the pastoral leases, it can be taken. Land held in the south-west division under pastoral lease is subject to the application of the agriculturists. The position is entirely different. If land is wanted for agricultural purposes in the North-West, it can be taken from any of these leases. I want to treat fairly those men who have held these areas and used them, and have done so much to develop this country and given employment to so many people. There may be some difference of opinion about the area, but there can be no question about the improvements and stocking clauses, which are more important than anything else. Another clause of the Bill provides that where Crown land has been

granted in the name of a person who has died before the Crown grant came into his hands, and where the property is worth less than £100, and the man has left a widow, the grant may be issued to the widow. This clause is inserted to meet a single case which occurred recently. A man died and the Crown grant was issued in his name, and should have been issued to the widow. We propose to take power to make the necessary alterations in the law in order that the widow may come into possession of the block. The clause can only apply where the estate of the deceased person is worth under £100. I move—

That the Bill be now read a second time.

On motion by Mr. Troy the debate adjourned.

BILL—MINING ACT AMENDMENT.

In Committee.

Resumed from 25th November. Mr. Stubbs in the Chair; the Minister for Mines in charge of the Bill.

Clause 3—Mineral oil the property of the Crown:

The MINISTER FOR MINES: I have a number of amendments on the Notice Paper. I propose to have this clause deleted, and to make certain other amendments later. All that is necessary is that I should vote against the clause.

Hon. P. COLLIER: Does the Minister propose to move for the insertion of an amendment relating to this clause, or is it proposed to strike it out altogether?

The Minister for Mines: To strike it out altogether and put in another clause.

Hon. W. C. ANGWIN: I congratulate the Minister on his desire to strike out the portions of the Bill which he definitely stated amounted to confiscation. The clause is very definite and will not be difficult for anyone to misunderstand. If the Minister does not regard this clause as confiscatory, why has he asked the Committee to vote against it?

The MINISTER FOR MINES: Clause 3 does not confiscate anything. I am authoritatively advised to that effect. On the second reading I told hon. members that if the wording of the clause conveyed an impression of confiscation, I would amend it. Hence the amendments which in this connection appear on the Notice Paper. All that the clause was designed to ensure was that the Government should have control of mining for oil in the same way as the Government control mining for gold. The Imperial Government themselves, in connection with Crown Colonies legislation, have a similar provision to this clause.

Hon. P. Collier: Are you arguing now in support of the clause?

The MINISTER FOR MINES: Not at all. However, the Government merely desire to control mining for oil on private property, as such control is necessary in order to prevent the possible destruction of oil basins.

Clause put and negatived.

Clause 4—Reservation in Crown grants:

Mr. JOHNSTON: On a point of order, I submit that this clause is out of order, being an amendment of the Land Act. If it is passed in its present form, people holding conditional purchase leases issued between 1890 and 1898 and having a currency of 30 years will eventually obtain a different title from that to which they are entitled. Every argument used by the member for North-East Fremantle against the preceding clause applies to this one. It will confiscate any petroleum which may exist on lands such as I refer to.

The MINISTER FOR MINES: I say it is not competent for this Committee to say that the clause is out of order even if it does conflict with another Act. That is a matter for the courts of law.

The CHAIRMAN: But possibly the clause may be beyond the scope of the title of the Bill.

Mr. TROY: The matter is entirely one for the Chairman to determine, and the Minister is wrong in stating that the Committee cannot determine whether the Bill is in order or not. This House can determine, and has determined, such matters, because it has prevented Ministers from introducing in one measure a principle amending another Act. For instance, some years ago a Bill dealing with tramways proposed to amend the Railways Act, and that Bill was immediately disallowed in consequence.

The MINISTER FOR MINES: This clause proposes to amend the principal Act, which already contains a similar provision, namely, Section 268—

> No Crown land situated within a goldfield or mineral field shall be leased, granted, or disposed of under the provisions of the Land Act, 1898, or any amendment thereof, without the approval of the Minister for the time being charged with the administration of this Act.

The CHAIRMAN: Will the member for Williams-Narrogin inform me in connection with which section of the Land Act he desires me to rule this clause out of order?

Mr. JOHNSTON: My point is that the Land Act provides for the issue of Crown grants in a specific form.

The MINISTER FOR MINES: This clause does not interfere with the Land Act. It refers to Crown grants issued after the passing of this measure.

Mr. Johnston: But the leases issued between 1890 and 1898 have a currency of 30 years.

The MINISTER FOR MINES: The holder of such a lease would get his Crown grant as originally provided.

Mr. JOHNSTON: If the Government wish to amend the Land Act, they should do so by a Bill specifically amending that Act.

The CHAIRMAN: I rule that the point raised is not relevant to the clause before the Committee.

Mr. PILKINGTON: The point which the member for Williams-Narrogin has put with regard to the clause is a most important one. It appears to be that if this clause passes, the grantee of a lease issued between 1890 and 1898 would be deprived of his right to a Crown grant in the particular form provided.

Mr. *Johnston*: Because there is no reservation of the existing right.

Mr. PILKINGTON: Because there is no reservation of the existing right in this clause. I confess that I do not know whether there are any such contracts, but, if there are, the rights should certainly be reserved. The clause might be amended by the addition of such words as "subject to the provisions of existing contracts." Otherwise the Crown grant issued might not be in accordance with the contract.

The MINISTER FOR MINES: I have no objection to such an amendment if it is warranted, but for the life of me I cannot follow the argument of the member for Williams-Narrogin and the member for Perth. The point raised seems to be that under this clause any oil on the lands referred to will be reserved. Take the position regarding pastoral leases or leases for agricultural purposes.

Mr. Johnston: That does not apply.

Mr. Pilkington: What about conditional purchase leases?

The MINISTER FOR MINES: A conditional purchase lease means that the land has been disposed of conditionally for purchase. I cannot believe that the Parliamentary draftsman overlooked a point of this kind and left it for the member for Williams-Narrogin to discover. I do not want to put something into the Bill that is absurd or unnecessary. The definition of Crown lands under the principal Act we are amending says—

> All land of the Crown which has not been dedicated to any public purpose, or reserved, or which has not been granted in fee simple or lawfully contracted to be so granted. . . . .

Mr. Johnston: The question of Crown lands does not come into this.

The MINISTER FOR MINES: Will the hon. member read the clause, not a piece of it?

Mr. Johnston: I have.

The MINISTER FOR MINES: Then the hon. member does not understand it. The principal Act provides for the definition of Crown lands, which sets out that these do not include lands which are granted in fee simple or lawfully contracted to be granted in fee simple or with the right of purchase under the Act. I am not amending the definition of Crown lands and therefore the definition stands. Of course, if, on inquiry, I find that it is necessary, I will make some provision to cover the point that has been raised. At the present moment, however, I am not prepared to accept the position as set up by the member for Williams-Narrogin, in preference to the Parliamentary draftsman.

Mr. Johnston: You do not take up that attitude always.

The MINISTER FOR MINES: It is possible that we may have blundered, but I do not admit it on this occasion.

Mr. JOHNSTON: The explanation given by the Minister is the most absurd I have heard. If we were to discuss matters on the basis he suggests, we would do nothing at any time. As a matter of fact, the attitude the Minister adopted on the preceding clause would show that if the Parliamentary draftsman is responsible, which he is not, the Minister had very little faith in that official. I have made inquiries regarding this matter, and I am assured that the effect of this clause will be to alter the form of the Crown grant leases. In order to put this matter in order I move an amendment—

> That the following words be added to the clause:—"Provided that this clause shall not apply to existing contracts under the Land Act."

The MINISTER FOR MINES: I do not intend to oppose the amendment, but it is only playing with the question, for there is no need for the amendment. This is an amendment of the Mining Act, and I am not dealing with the matter of definitions at all. Therefore, the definition of Crown grant stands as in the existing legislation.

Mr. Johnston: The lands this applies to were alienated 20 years ago.

The MINISTER FOR MINES: I do not care whether they were alienated 100 years ago. It does not affect the position at all, unless I amend the definition which would then affect existing contracts. I will not be placed in the position of saying that I would do anything to interfere with existing contracts.

Mr. PILKINGTON: The definition of Crown lands has nothing whatever to do with this. To quote the definition is to quote something which is wholly irrelevant. The reference to Crown land is merely to show the Act which has been altered. The words are merely there to identify the Act referred to. The amendment is necessary to protect leases and to assure those elsewhere they are not being interfered with.

The Minister for Mines: The definition under the Land Act is the same.

Mr. PILKINGTON: It does not make any difference. The reference to Crown lands here is merely to the Act relating to Crown lands, which provides for the terms under which Crown lands may be granted in fee simple or conditional purchase lease or pastoral lease. In order to protect contracts that exist, the proviso should be inserted.

The ATTORNEY GENERAL: I do not know what the amendment means. After hearing the amendment read by the Chairman, I consider that it means nothing. It

will have to be broadened a bit to become effective.

Mr. PILKINGTON: I suggest that all that is necessary is to make the proviso read as follows:—"Provided that this section shall not prejudice existing contracts." That is all that is meant by it.

Mr. Johnston: I will accept that suggestion and ask leave to move accordingly.

The CHAIRMAN: The amendment will now read—

That the following words be added to the clause:—"Provided that this section shall not prejudice existing contracts."

Mr. MALEY: I am not sure how this clause will affect the position regarding leases obtained under the old Imperial Act.

Mr. Pilkington interjected.

Mr. MALEY: The member for Perth assures me that this clause protects all the existing Imperial rights, and that being the case, I am in accord with it.

Hon. P. COLLIER: I do not know where we are. I accepted the statement of the Minister for Mines as being correct when he said that Clause 3, which has been struck out, did not in any degree involve confiscation. Clause 3 specifically stated that all oil "is and always has been the property of the Crown." If that did not amount to confiscation, how can Clause 4 in any way prejudice the rights of the leaseholders? The Minister, I take it, did not make his statement in a casual way, but had informed himself on the subject. On the second reading he quoted the Imperial Act of 1890 to show that nothing of this nature could take place. The hon. member, with his amendment is searching after something there is no need for.

Mr. Pilkington: It would not affect leases issued after that date.

Hon. P. COLLIER: No. All subsequent contracts would be under our own legislation.

The Minister for Mines: Up to 1899 the grants did not reserve the oil.

Hon. P. COLLIER: This is the position: Some leases granted between 1890 and 1898 are still running. In a few years time the grantee will be entitled to the fee simple. Then, under the clause, he would be deprived of the right to any mineral oil found on his property, although in accordance with the original contract he should get his land without any reservation. It may be that we would be breaking a contract. I do not stand for breaking contracts entered into by the State. Probably it was an oversight in the legislation of those days that the minerals were not reserved; because in all our subsequent legislation all minerals are specifically reserved to the Crown.

Mr. Pilkington: It was scarcely an oversight, because they always reserved the precious minerals, gold and silver.

Hon. P. COLLIER: Then apparently it was agreed that the base metals should be the property of the owner of the land.

Mr. Maley: In some districts land has been put up for sale on that inducement.

Hon. P. COLLIER: My view is that all minerals should be the property of the Crown. Of course that would not justify our going back to give effect to some contract of 30 years ago. I am not sure of the effects of the proposed amendment. I was accepting the view of the Minister that there was nothing at all of a confiscatory nature even in Clause 3, and I know that Clause 4 is much less dangerous than was Clause 3.

Mr. Maley: The one was dependent on the other.

Hon. P. COLLIER: However, it does not matter much, because if there is anything at all in the Bill which seeks to deprive of their rights persons having vested interests, the Bill will meet with a sharp fate in another place, where they specially watch clauses of this nature.

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

Clause 5—Power to obtain mineral oil:

The MINISTER FOR MINES: Hon. members will find on the Notice Paper a number of proposed amendments to this clause and, further down the page, a re-print of the clause as it will read when amended. The clause gives us the right to go in and take oil from any place on Crown lands, and on any land in the grant or subsisting lease in which there is a reservation of the oil, and on any other land where oil has not been reserved, subject of course to the payment of compensation for deprivation of any surface rights. We propose to provide that if the oil has been reserved to the owner he shall be paid compensation, not only for deprivation of any surface rights, but also for the oil. We accept it as being his property.

Hon. P. Collier: But you are reserving to yourself the right to take the oil.

The MINISTER FOR MINES: Yes, subject to the same conditions under which we can take his land or anything else that is his; that is to say, we must pay him full compensation for it.

Mr. Pickering: And in case of a dispute it goes to arbitration.

The MINISTER FOR MINES: That is so.

Hon. P. Collier: The compensation for the oil is to be assessed in the manner provided in the Public Works Act?

The MINISTER FOR MINES: Yes, by arbitration in the event of their not agreeing.

Sitting suspended from 6.15 to 7.30 p.m.

On motions by the Minister for Mines, clause amended to read as follows:—

(1.) The Minister is hereby empowered, by his officers, agents, or workmen, to search for mineral oil, and conduct all operations deemed necessary for obtaining, refining, and disposing of mineral oil. For this purpose the Minister may enter upon

and occupy, either temporarily or permanently, (a) any vacant Crown land; or (b) any land in the grant or subsisting lease of which from the Crown, whether issued before or after the passing of this Act, mineral oil has been reserved, or held under lease, license, or permit for pastoral or timber purposes only, without making any compensation, except for deprivation of the possession of so much of the surface, including any improvements thereon, as is required for the working of the mine and surface rights of way thereto or therefrom; or (c) any mining tenement held for the purpose of mining gold or other mineral, including coal, subject to the payment of compensation for any interference with the operations of the holder thereof. (2.) Subject to section four of the Western Australia Constitution Act, 1890 (Imperial) the Minister may, by himself and any person acting with his authority, for the purpose of searching for mineral oil, enter upon any other land alienated from the Crown for an estate in fee simple before the passing of this Act, or held under any subsisting lease from the Crown issued before the passing of this Act, and conduct all operations deemed necessary for that purpose subject to the payment of compensation: provided that the owner or lessee of the land may require the land to be resumed under and subject to the next following section. (3.) For the purpose of determining the compensation to be paid under this section, the provisions of the Public Works Act, 1902, shall be applicable.

Clause as amended put and passed.

Clause 6—Land may be resumed:

On motion by the Minister for Mines, clause amended by striking out of Subclause (2) the words "provided that in assessing compensation, no allowance shall be made for any mineral oil known or supposed to be in or upon the land resumed."

Clause as amended put and passed.

Clause 7—Prospecting areas:

Mr. PICKERING: Will this clause prevent the issue of more than one license to one person?

The Minister for Mines: No, but it will prevent the issuing of a license over the same land to more than one person.

Mr. PICKERING: The clause gives power to grant a license for a period not exceeding 10 years. Has provision been made for renewal after the expiration of 10 years?

The Minister for Mines: A fresh license could be taken out for another 10 years.

Mr. PICKERING: If a licensee has done a considerable amount of prospecting, would he get preference if he wished to renew the license?

The MINISTER FOR MINES: I take it that the licensee would get preference, but I cannot say what will happen 10 years hence. The licensee would get the right for 10 years, but the license is subject to regulations, and the regulations may provide for prior right to a fresh applicant at the end of the 10 years.

Clause put and passed.

Clauses 8 to 10—agreed to.

Clause 11—On discovery of payable mineral oil, the licensee may claim a reward lease:

Mr. PICKERING: Has the Minister reconsidered this clause since the second reading of the Bill was passed? During the debate I endeavoured to impress the urgency for offering special inducements to capital to exploit the State for oil. In spite of what has been said regarding the area of 640 acres, I fear that this measure will be futile unless an extended area is granted. I repeat that a company searching for oil would be put to enormous expense. At present a company are prepared to expend about £50,000 on practically a geological exploration to ascertain the possibilities of finding oil. Should favourable indications of oil be found, the company would be prepared to expend an unlimited amount of money. We are making provision to so safeguard the oil industry that the Government will have complete control. If oil is found the Government will be able to monopolise it or fix any royalty they like. What does it matter whether one or 20 are concerned in the particular area that is found? It would be better if the operations were confined to one company which was used to prospecting for oil, and if these were controlled by that company. England has spent over one million pounds in the search for oil. The statement made by the leader of the Opposition with regard to the finding of oil in England is not such a happy one as appeared at the time. Mr. Cunningham Craig this year says that the possibilities of finding oil in England are not so rosy as seemed likely in the first instance. The suggestion that oil was found in England was probably due to a desire to mislead the enemy.

Hon. P. Collier: It was after the war was over that the discovery of oil was alleged.

Mr. PICKERING: Mr. Cunningham Craig says that the results of drilling were disappointing so far as Derby was concerned, and that it was unfortunate that so much prominence should have been given in the Press to such a paltry and unpromising show. To quote from Mr. Craig's book—

> In June (1919) two wells had reached such a depth that their prospects of striking oil were rapidly vanishing. The Millstone Grit had been pierced, and beyond a few shows of heavy oil and occasional blows of gas, had given no signs of being productive. But the wells were continued below the horizons in which alone commercial success was possible. In the Hardstoft well, at a depth of 3,077 feet, a show of filtered oil was encountered unexpect-

edly in a fine-grained bed. This was most unfortunately advertised as "a strike of oil," and by some was considered "a promising indication." The oil, which the writer has examined, is brown in colour, and of a rather unpleasant odour. It is light in gravitiy, and is not accompanied by gas.

Then follow several analyses. He continues—

This is obviously a filtered oil, the parent oil of which is, or rather was, at one time at a higher horizon. So far from being a "promising indication" it is fairly conclusive evidence that the well is a failure, and it is most unfortunate that undue prominence should have been given in the Press to such a paltry and discouraging show. Two at least of the Derbyshire wells can be written down as failures, and the prospects of the others are gloomy. The oil has evidently been present in the Millstone Grit, but it is there no longer in sufficient quantity to be worth exploiting.

We cannot look to the Government of Western Australia to take the matter in hand in this State, and it is not a matter for a small company. I move an amendment—

That the following be added to the clause:—"notwithstanding anything herein contained it shall for the purpose of initiating the industry be competent for the Minister to grant for the discovery of the first payable oil field such area as the discoverer may require, not exceeding 100,000 acres."

The Minister has ridiculed the idea, and it makes me doubt the sincerity of his desire to give effect to the necessary legislation to deal with oil. The area suggested in the Bill does not give effect to the desires he has expressed.

Mr. DUFF: I do not intend to support the amendment. Instead of the Minister, at his discretion, giving certain time to the prospector to open up an oil channel, it would be better if he set down a definite time, say, 12 months after the discovery of oil, in order to give the prospector a chance of following the seepage of the oil channel so that the benefits of the discovery may be enjoyed by him.

The CHAIRMAN: We had better discuss one thing at a time.

The MINISTER FOR MINES: I would point out that the discoverer does not have to take up a lease until he has found payable oil. He may go on working under his license until he does so, and can then choose 640 acres wherever he likes. The amendment suggested by the member for Sussex is probably one of the most important yet brought forward. My sincerity is in the direction of safeguarding the interests of the State, and that of the hon. member of safeguarding the interests of a small company. It is rather a coincidence that the acreage he requires to be available to the finder of oil is the very acreage which has been suggested as part of an agreement made between the Anglo-Persian Oil Company and the local oil exploration company. The agreement provides that unless they can get Parliament to give them the right to take 100,000 acres of oil leases they do not intend to go on with their contract. I would not have said this but for the remark of the hon. member. Parliament would be doing something detrimental to the State if it agreed to such a provision. These gentlemen did not say they should take 100,000 acres at the point where the oil was first discovered, but that they should take it in the aggregate throughout the State. That would mean that they could get the whole of the oil basins in the State piecemeal until they had in the aggregate 100,000 acres. I am prepared to make a sporting offer to our friends who are anxious for the 100,000 acres. If they will surrender their license I can make a better agreement with the Anglo-Persian Oil Company than the local company can. My predecessors having granted a license to prospect over a definite area, it is my bounden duty to do what has been recognised as a principle in the State, namely go on giving a right to a person who has been accorded that right so long as he exercises the powers conferred upon him, and to to maintain that right by giving him priority over any extension that is going to be made. That, however, does not give the right to a person to hawk his privileges round the world and try to induce Parliament and the Government to do something which is unfair to the State. All we do under the Bill is to grant leases and provide for the payment of a small annual rental and royalty. I could make an agreement with the Anglo Persian Oil Company to spend something approaching £100,000 in five years to explore the State for oil, and in the event of oil being discovered to make this State a partner, if our friends will step out. If these people are sincere and will abandon their license, I will undertake before another license is granted to get into touch with the Anglo Persian Oil Company.

Mr. Pilkington: Would they come in under Clause 11?

The MINISTER FOR MINES: The Western Australian Oil Exploration Company, a small syndicate, has been formed with a small capital called up, and a small amount still to call up. A number of licenses were granted to this company covering a huge area. They made certain investigations and have obtained what they consider indications of oil, largely at Pingelly. One of the members of the company, Mr. McFarlane, proceeded to London on behalf of the company. I told him and the members of the company that they could never expect to raise capital in this State to successfully prospect for oil; that as they were holders of the license and had indications of oil, the thing for them to do was to get into touch with a company that would

provide the necessary capital and give them an interest. They approached the Anglo-Persian Oil Company, because those people had already indicated that they were desirous of prospecting for oil. I understand that the Anglo Persian Oil Company entered into a contract with them to take up their license —this would be the license granted under the Bill—and form a company of 100,000 shares at £1 each, give the local company 25,000 fully paid shares for handing over their licenses, find £50,000 for prospecting for oil, obtaining geological data, and going on until they had indications of oil, and keep 25,000 shares in reserve, in case more capital was required than the £50,000.

Mr. Thomson: How much has the local company got?

The MINISTER FOR MINES: They might have £1,000. The Anglo Persian Oil Company also undertook to find the necessary capital in the event of payable oil being discovered. They then approached the Government at the time the renewal of the license was under consideration. They suggested that if we would reserve the whole of the oil to the Crown they would enter into an agreement with the Government to prospect for oil. The terms of the agreement were not made known to me. I replied that the licenses had been granted, that we could not take any of that particular portion of the State, and that, therefore, the Anglo-Persian Oil Company could not displace the license under the existing arrangement. Of course, the only other method open to the Anglo-Persian Oil Company was to buy up the local company's rights. I am still doubtful whether the Anglo-Persian Oil Company really understand what we propose by this Bill. They ask for 100,000 acres, but I do not think they want 100,000 acres of actual oil leases after oil has been discovered. I think they are under the impression that the position here is the same as in other countries, where large areas are given for prospecting, and where oil leases are taken up as soon as oil has been discovered. I understand that in other countries oil areas are of very small dimensions, and oil basins frequently not more than two acres in extent. In Nigeria, which is a Crown colony administered by the Imperial Government, the provisions are much the same as in this Bill; and the maximum area allowed in Nigeria is only four miles. Moreover, once payable oil has been discovered in Nigeria and the discoverers have taken up what areas they are entitled to, the Crown takes the balance of the area. Such an arrangement would be advisable here. If oil is discovered in Western Australia, the Government should get some benefit from it besides the royalty. I feel sure that the Anglo-Persian Oil Co. would come to terms with us to-morrow if there was an opportunity of discussing the matter. I am told that the holder of 100 shares in the local company has been offered £600 for them, merely on the probability of a contract being made.

Mr. Pilkington: What is preventing the agreement from going through?

The MINISTER FOR MINES: The refusal of the Government to grant an area of 100,000 acres of oil leases. However, I believe that the Anglo-Persian Company have not yet been placed au fait with this clause, which provides that they shall get an area of 640 acres after oil has been discovered.

Mr. Pickering: What has Trinidad done?

The MINISTER FOR MINES: Trinidad, which is a Crown colony, has given one company the right to prospect the whole of its lands for oil. But that is an entirely different thing from giving this small local company a guarantee of 100,000 acres of oil leases. I have great sympathy for the local company, who have made certain investigations; but we should not give them the State to do as they like with in the matter of oil.

Mr. PICKERING: Without sufficient capital the business of oil prospecting cannot go on. Seeing that this Bill has been before the House only a very short time, I doubt, like the Minister, whether the Anglo-Persian Oil Co. are aware of its contents. However, the measure contains provisions which would enable the Government to control the oil output, to direct it where they please, and to charge what royalty they like.

Hon. P. Collier: But even 100,000 acres would be no good to the company if the Government could get at the company some other way.

Mr. PICKERING: I presume the Government would not exceed a reasonable rate of royalty. In any case, a maximum royalty should be fixed. My object is to get the Anglo-Persian Oil Co., or some other company of magnitude, to come here and prospect for oil. Otherwise the search for oil in this State is likely to be postponed indefinitely. Let us remember that the world's known supplies of oil are becoming exhausted.

Mr. GRIFFITHS: The area proposed by the Bill does seem too small to induce any company of magnitude to embark on a search for oil in this State. An area sufficiently large to serve as an inducement should be offered.

Amendment put and negatived.

Clause put and passed.

Clauses 12, 13—agreed to.

Clause 14—Reservations and covenants in leases:

Mr. PICKERING: I move an amendment—

> That in paragraph (b), line 2, after "royalty" there be inserted "which shall not exceed twenty per cent."

This will serve to limit the royalty chargeable.

The MINISTER FOR MINES: I hope the amendment will not be pressed. If those words are inserted, it will go out to the world that the Parliament of this country proposes to make the royalty 20 per cent.

That rate is very high. I do not think the royalty is likely to exceed 15 per cent. at the very most. As I understand, the practice elsewhere is to provide a sliding scale of royalty. A discoverer might be charged five per cent., and the man within a mile of his discovery 10 per cent., and the man who finds oil two miles away from the original discovery 15 per cent. On the second reading I explained that the royalty must be fixed by regulation, that it is not possible to fix by Act of Parliament a royalty which will be fair both to the State and to the producer of oil.

Mr. Pickering: I take it this is an assurance by the Government that the royalty charged will not be exorbitant.

The MINISTER FOR MINES: I object to the amendment only because it may mislead the public in regard to the intentions of the Government. They would immediately say that the minimum would become the maximum. In view of the fact that this must be done by regulation, if anything were contained in the regulations which would tend to frighten away capital or prevent oil being exploited or work any hardship, the House would disallow those regulations. On the other hand, it might be said that Parliament had fixed the royalty at 20 per cent.

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 22—agreed to.

Clause 23—Right of pre-emption:

The MINISTER FOR MINES: The clause provides that the Governor shall have the right of pre-emption of all oil produced by the lessee from any lands held under a mineral oil lease, and so on. I move an amendment—

That after "lease" in line 3 the following words be inserted: "Or by any owner of land from land alienated by the Crown without the reservation of mineral oil."

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

Clause 24—Sub-letting on tribute:

Hon. P. COLLIER: I see by the Notice Paper that the Minister desires to make some amendments in this part of the Bill regarding the approval of tribute agreements. It will be necessary to amend Subclause 2 of this clause. That subclause provides for the approval by the warden of a tribute agreement. If an amendment be passed later on providing for assessors, I take it that the approval referred to in the clause will require to be made by the board and not by the warden alone.

The MINISTER FOR MINES: I spoke to the Solicitor General on that particular point and he informed me that in drafting the amendment which will stand as Clause 37, he was providing that where either party desired, the board would sit and the decision would be from the board and not from the warden. Wherever it says that the warden may do something, in the event of one or other party desiring it to be referred to the board, then the board will take the action, and not the warden.

Hon. P. COLLIER: I am doubtful whether the amendment to stand as Clause 37 will provide all that is required. The question of the approval of a tribute agreement is not a matter that would be before the Warden's Court at all.

The Minister for Mines: No, that would be before the warden alone.

Hon. P. COLLIER: I do not want this right confined only to matters which may come before the Warden's Court. In some cases the whole conditions to be embodied in an agreement would not come before the court in the ordinary course. I do not know whether the phrase "or matter before the Warden," which is contained in the proposed Clause 37, would cover the position I am dealing with.

The Minister for Mines: The Attorney General informs me that it will not cover it.

Hon. P. COLLIER: Our object will be defeated if we do not secure that position.

The Minister for Mines: I will postpone this clause and get an amendment to cover this position.

Hon. P. COLLIER: I discussed this point with the Solicitor General and he took a note of my suggestion. I am afraid he did not embody it in the amendment put up for the Minister.

Mr. Hudson: Would you take every tribute agreement to the board?

Hon. P. COLLIER: No, only where either party requires that course to be adopted.

The MINISTER FOR MINES: I move—

That consideration of Clause 24 be postponed.

Motion put and passed.

Clause 25—Tribute agreements:

Mr. LUTEY: The clause reads at present to the effect that every tribute agreement shall be in writing signed in duplicate by and on behalf of the lessee and the tributers, and so on. It is desirable that the names of the whole of the tributers should appear on the agreement. There are tributes which have been taken up through outside influence being used, and those using influence are really sleeping partners. It would be in the interests of those concerned if we had all the names disclosed. I move an amendment—

That in line 2 after "and," the word "by" be inserted.

The clause would then read that every tribute agreement shall be signed by or on behalf of the lessee and "by the tributers," etc.

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

Clause 26—agreed to.

Clause 27: Term and renewal of tribute agreement:

The MINISTER FOR MINES: I move an amendment—

That after "tributer" in line 2 the words "of a block of ground defined by metes and bounds" be inserted.

Amendment put and passed.

The MINISTER FOR MINES: I move an amendment—

That in line 4 the words "before or" be struck out.

I discussed this matter with a number of leaseholders and they complained that some had entered into an agreement dealing with their mines on a basis that enabled the tributers to take up the work and in some cases the whole of the mine was let. Under the clause as it stands, it would be possible for a mine to be held on tribute in perpetuity. I do not want the retrospective aspect to apply in these cases, and I want it to be known that in future the tributers will be able to work on the block and time system, and that they will be able to work under extensions until they have worked out the block. They will have the right of renewal up to three years.

Hon. P. Collier: I did not follow the Minister in the first part of his explanation. I am under the impression that we should retain these words.

The Attorney General: They will have a retrospective operation.

The MINISTER FOR MINES: It would give them the right to an agreement which it was never intended this should apply, giving them right in perpetuity.

Hon. P. Collier: I am doubtful about that. If we strike out these words, there will still be the right to tribute under an agreement made under this Act. Where is the difference?

Mr. Johnston: They will know what they are doing when they enter into the agreement.

The MINISTER FOR MINES: The leaseholders object to this provision. It provides that they may work the whole block in one mine.

Hon. P. Collier: The leaseholders object to the Bill in toto.

The MINISTER FOR MINES: They will have to comply with it in future. The only question is whether we will do an injustice.

Hon. P. COLLIER: Unless the tributers who are at present carrying on operations in some of these mines receive some protection under this Bill, I fear that some of them will have a very slight chance of getting a renewal of their lease in the future. Rightly or not, some of the leaseholders have been responsible for the agitation that has been going on and which has, to some extent, brought about the introduction of this Bill. Had it not been for the discontent that has been voiced by a large section of those engaged in tributing in the Boulder mines, I doubt whether the Bill would be before the House at the present time. Personally, I should like to see the clause stand as it is printed.

The MINISTER FOR MINES: It is questionable whether it is desirable for Parliament to make this legislation retrospective. In view of the knowledge we have of the difficulties which have arisen in regard to the under-letting of portions of leases granted by the Crown for specific purposes, we cannot allow the existing conditions to continue. Conditions are made impossible where the ore is of a lower value than 14 dwt. We must get better control, and the conclusion has been arrived at that the provisions of the Bill are fair and just and equitable between the tributer, the lessee, and the Crown. The only point to which there is objection is that in regard to the retrospective provision. If a tribute agreement is made after the passing of this measure, a tributer shall have the right to go on a block and work it for at least three years. If a tributer gets a good block, and it is going to pay him to work it out in that period, he will work it out all right.

Mr. TROY: With regard to the Fingal mine, where tributing is being carried on at the present time, there is no possibility of the company working that property again. All the evidence is against it. The mine has been worked to a depth of over 1,000 feet and over a million sterling has been paid in dividends. The company have abandoned the proposition, and to-day they are getting rid of machinery and buildings as fast as they can. All the evidence is that they are not going to work the mine again.

Amendment put and passed.

The MINISTER FOR MINES: I move an amendment—

That the following paragraph be added to the clause:—"Provided that no such agreement shall be renewable as of right if the period thereof in the aggregate would exceed three years. Provided, further, that it shall not be obligatory for a lessee to renew if it is proved to the satisfaction of the warden that the development of the mine would be thereby seriously delayed or impaired."

Hon. P. COLLIER: I do not know how far we shall be able to make any consequential amendments that may be necessary by virtue of the amendment to Clause 37.

The Minister for Mines: The warden is to sit as a court in this case.

Hon. P. COLLIER: Yes, with assessors. The paragraph, however, does not say so.

The Minister for Mines: We can add the words "sitting with assessors" after "warden." I can add those words to the amendment.

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

Clause 28—Condition on which warden may register tribute agreement:

Hon. P. COLLIER: This is where the whole of the conditions are set out. The

question is whether the power to decide what the conditions are to be is to be left to the warden or the assessors.

The MINISTER FOR MINES: What I propose is that it shall be by the wish of either party whether the warden sits with assessors. In some cases it is not necessary. I intend to consult the Parliamentary draftsman and, if necessary, I shall alter the amendment to Clause 37 to provide that the warden shall sit with assessors. I move an amendment—

That after "tributers" in line 2 of paragraph (a) the words "engaged in the actual working of the ground" be inserted.

Amendment put and passed.

Hon. P. COLLIER: I move an amendment—

That in line 2 of paragraph (a) the words "three pounds" be struck out.

Under the clause as printed, no royalty shall be payable unless the tributers have earned £3 per man per week. The object of the amendment is to strike out £3 and insert in lieu "a sum equal to the ruling rate of wages as prescribed for the time being in any current industrial agreement or award in force in the district." The Minister has gone some distance in providing for £3. But, after all, £3 is not a living wage, and it is only reasonable that men should receive the ruling rate of wage in the district.

The MINISTER FOR MINES: It is not easy to oppose the amendment because, on the face of it, before one is entited to take anything from another, that other should have a living wage. On the other hand, tributing is entirely different from working for wages. The tributer has a chance to make a big rise. What I am afraid of is that since we are giving them definite rates for a definite period under tribute, if it pays the tributers to do so they may be content to break out just sufficient ore to make wages without paying royalty. At present royalty is taken on the gross after the men have earned £2 per week; now I am proposing that royalty shall be taken only after the costs of mining have been deducted and £3 per week earned. I think that is going far enough.

Mr. DUFF: The Minister is acting liberally, since tributers have been earning only £2 per week before paying royalty on the gross. The Minister is now giving them £3 before they are called upon to pay royalty on the net. It is a great advance on existing conditions. Tributing is very different from the ordinary working in a mine. Under the amendment every miner will be looking for a tributing agreement.

Mr. MULLANY: I will support the amendment. Surely the Minister is not serious in his objection that tributers may reduce their output merely to keep themselves on a bare ruling rate of wage, when it is possible for them to earn more. It is a very weak objection. I am surprised, too, at the objection raised by the member for Claremont. When the leaseholder employs wages men to work his mine he takes the risk that if sufficient gold is not produced to pay expenses he will have to make up the wages. The tributer relieves the leaseholder of that responsibility, for he undertakes to work portion of the mine and pay royalty if he earns more than the ruling rate of wages. The question of whether royalty should be taken after £3 per week has been earned or after the ruling rate of wages has been earned will be a very small one to the leaseholder, but of vital importance to the tributer.

Mr. TROY: The contention that the tributer might work leisurely in order to make the tribute spin out is positively absurd.

Hon. T. Walker: One might as well suggest that a man will neglect to earn an income so that he shall not be taxed.

Mr. TROY: The tributer, because he is looking for results, works much harder than the wages man. No man would engage in tributing unless he thought he had a good chance of making more than wages. What the Minister has not touched upon is the fact that the tributer relieves the mine owner from his obligation to comply with the labour conditions, and at the same time is assisting in the development of the mine. Tributers have been responsible for many discoveries which without them would not have been made. The tributers in the Great Fingal take risks which they would not take as wages men; they are getting out the pillars of ore which the company left in for the safety of the mine. If it were not for the tributers the Great Fingal would be well and truly closed down. It is quite possible that the tributers will yet discover something new in that property. The future of that great mine is solely in the hands of the tributers. Surely the tributer is entitled to at least the ruling rate of wages. I hope the Minister will agree to the amendment.

Mr. LUTEY: Men take a tribute simply to get a rise on the ruling rate of wages. But for the tributers in the Perseverance Mine, a valuable chute of ore which has returned thousands of pounds to the shareholders would probably not have been discovered. I hope that the Minister will agree to the tributers receiving the rate of wages ruling in the district.

Amendment put and passed.

Hon. P. COLLIER: I move an amendment—

That after the word "week" in line 3, of paragraph (a), the following words be inserted—"a sum equal to the ruling rate of wages as prescribed for the time being by any current industrial agreement or award in force in the district."

Amendment put and declared passed.

Hon. P. Collier rose to speak.

Mr. Duff: Divide!

Hon. T. Walker: You are too late.

Hon. P. COLLIER: The hon. member

should have called for a division on the previous amendment.

Mr. Duff: I call for a division.

The CHAIRMAN: The leader of the Opposition may continue.

Mr. Thomson: The member for Claremont has called for a division.

Hon. P. COLLIER: The member for Claremont is quite able to answer for himself without the help of the primary producer, who is in his place about once a month.

The CHAIRMAN: I heard only one voice for the "Noes."

The Minister for Mines: That is why I did not divide on the previous amendment; no one else opposed it.

Mr. Thomson: I support him.

Hon. P. COLLIER: The hon. member is too late now. He knows that to divide on this amendment would be ridiculous. The time to divide was on the previous amendment. So carefully is the member for Katanning watching the interests of the primary producers, in the shape of the miners, that he does not know what is happening.

Mr. Duff: I call for a division.

The CHAIRMAN: I heard only one "No."

Mr. Thomson: I am supporting him, and that makes two.

Hon. P. COLLIER: The member for Katanning is supporting him now.

The CHAIRMAN: The question raised by the member for Katanning does not come in at all. It is for me to decide the call for a division. I heard only one "No" and therefore did not order a division.

Mr. Thomson: With all due respect to your ruling, I also called "No."

Hon. P. COLLIER: The hon. member does not count.

Mr. Thomson: I do count and I insist on a division.

Hon. P. COLLIER: But I have the floor.

Mr. Thomson: On a point of order, when two members call "No" and ask for a division, I claim that they are entitled to it. I distinctly called "No" at the same time as the member for Claremont.

The CHAIRMAN: Very well.

Division taken with the following result:—

Ayes	24
Noes	2
Majority for	22

AYES.

Mr. Angwin	Mr. Maley
Mr. Broun	Mr. Mitchell
Mr. Collier	Mr. Mullany
Mr. George	Mr. Pickering
Mr. Griffiths	Mr. Scaddan
Mr. Hardwick	Mr. Teesdale
Mr. Harrison	Mr. Troy
Mr. Holman	Mr. Walker
Mr. Hudson	Mr. Willcock
Mr. Johnston	Mr. Willmott
Mr. Jones	Mr. Wilson
Mr. Lutey	Mr. O'Loghlen
	(Teller.)

NOES.

Mr. Thomson	Mr. Duff
	(Teller.)

Amendment thus passed.

Hon. P. COLLIER: I move an amendment—

That at the end of the paragraph the words "of three pounds" be struck out.

Amendment put and passed.

The MINISTER FOR MINES: I move an amendment—

That the following words be added to paragraph (a)—"In calculating such expenses, wages to employees shall be at the ruling rate in the district for the hours of labour actually spent in working the tribute."

This is necessary following on the amendment moved by the leader of the Opposition. If the tributers are to be paid the ruling rate before tribute can be taken, they should earn the ruling rate by working the prescribed number of hours.

Amendment put and passed.

Hon. P. COLLIER: I move an amendment—

That the following new paragraph be inserted—"(c) That the tribute to be payable to the lessee or owner of the mine shall not exceed twenty per centum of the net proceeds of the sale of the product after deducting all the relevant costs, charges, and expenses of treatment and realisation, and that such proceeds shall be accounted for at the price actually received on the sale of the gold or other product."

The MINISTER FOR MINES: This is an important amendment and, before expressing an opinion on it, I should like to submit it to the Solicitor General for his opinion. Therefore it would be advisable at this stage to report progress.

Progress reported.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second reading.

Debate resumed from the 25th November.

Hon. P. COLLIER (Boulder) [9.15]: I am going to support the second reading of the Bill, although I must express regret that it does not go much further. So far as the Bill goes, it will be acceptable to the majority of members of the House, but if it has a defect it is that it does not cover the general ground of complaint of those who are affected by this class of legislation.

The Attorney General: You must remember the stage of the session.

Hon. P. COLLIER: One has to be guided in one's remarks as to any of the Bills that now come forward by what it is possible to achieve when we reach the stage of the ses-

sion we have now reached. We are forced, in the circumstances, to accept Bills by way of a compromise which, if we had the opportunity, we would doubtless desire to make more comprehensive. It is proposed to enlarge the definition of "worker" under the Workers' Compensation Act to include the tributer. The Bill in that respect is a good one. But there are other classes of labour which might well be brought within the scope of this measure. There are, for instance, the men engaged in our agricultural areas, in clearing the farmer's land, who do not come under the present Act. It may rightly be claimed that this is a class of worker somewhat analagous to the tributer. The tributer is really assisting the mine owner to work and carry on his mine. The men who are engaged in clearing agricultural lands are really assisting the farmer in his operations, but do not receive payment for their work until the end of the contract, although they may receive, perhaps, progress payments as the work goes on. The clause which increases the amount for a person earning a wage from £300 to £400 is a good one, but does not go as far as similar legislation in the other States.

The Attorney General: Further than some.

Hon. P. COLLIER: Yes, but not so far as others. In Queensland, it is as high as £500, but in some of the States it is less than £400. It is, however, a step forward, but really £400 to day with the increase in wages consequent upon the increase in the cost of living, is really no more than £300 was a few years ago. It may be said, therefore, that we are not extending the provisions of the Act in this respect, but are really increasing the amount in such a way as to leave the effect of the Act as it was before.

Hon. T. Walker: Under the basic wage it will not be up to the amount required.

Hon. P. COLLIER: It will be necessary for us, if the basic wage comes into operation, to further amend the Act. I am not sure that we should not amend the Act now in anticipation of the establishment of the basic wage and so avoid the necessity for amending it again next year.

The Attorney General: I think you want the Bill to pass.

Hon. P. COLLIER: We could bring it up another hundred a year without saying that we were merely doing so to meet the altered conditions, which will arise shortly through the establishment of the basic wage. To save time and trouble later on we might do this now. I do not propose to discuss the matter further than I have done, but will have something to say in Committee.

Hon. T. WALKER (Kanowna) [9.20]: Every member must feel gratified that some attempt is to be made to improve the Workers' Compensation Act. I regret that we shall not review the whole Act as it stands, in the light of the experience we have had of its operation. There is great room for improvement. With regard, for instance, to the notices, many an action could have been taken and many an injured workman could have received relief had it not been for the formality of giving notice within the due time and the properly constituted manner. When an accident is provable, I do not care how long after it is brought before the notice of the employer, so long as it is provable according to the law of evidence, compensation should be paid. Those who are workers in many instances, especially in dangerous work, are not the most cultured; some of them are not the most alert intellectually, nor even the most mindful of their interests, and as a consequence they trust more or less to the generosity of human nature, to the justice of human nature, and are not accustomed to those technical interests that are more or less of a legal character or may lead to legal action; they have but little regard for the essential facts of an accident. There are, therefore, those who have been deprived of that which was lawfully due to them, as contemplated by the Act, in consequence of these deficiencies. We might have made some amendment there, and it is possible we might be able to do so in Committee. The framework of this little Bill is, however, so small, that I question if whether, at this late period of the session, we could enlarge it and bring it within the scope of a measure of reform, such as our experience teaches us is necessary. Then again, I want to know why we have not altered Schedule 1 of the Bill, considering the alterations we have made in the definition of "worker," a man receiving under the old Act up to £300 now going up to £400, which is not sufficient in view of the wages that must be paid to accomplished workmen as time goes on. We allow £400 as the value of a human life. Surely we cannot now say that this is fair or just to the dependants of those who survive the breadwinner killed in the service of another. If we raise the wage value from £300 to £400, surely we can raise the death stake or death value, so to speak, by a couple of hundred. We are now the least of all the States in our appreciation of the value of a human life. More is granted in New Zealand and in the other States of the Commonwealth, and yet there is no proposal here to raise the sum set out in the first schedule. Possibly that will be a matter for Committee. I should like the Government to make a proposition for amendments in this direction. The leader of the Opposition has raised the point as to other than tribute workers. I am exceedingly pleased that tributers are to be brought under the Workers' Compensation Act. It was one of the first of my efforts in this Chamber to get a Tributers' Bill passed into law. It was in 1911 I introduced it purely for the purpose of bringing tributers under the Workers' Compensation Act. Unfortunately it did not get through the other Chamber, and it is only to-day that we have a revival of the same attempted legislation. I hope this measure

will have better luck and go through both Houses. But these are not the only ones. Whilst we are legislating we do not want to think of one body alone, but all bodies who in like manner should be brought under the measure. I have known in my limited experiences men who have been permanently injured and have been barred because they were working nominally as contractors, but actually working for some farmer. These are men who have gone out clearing, a very necessary, useful and important work in the development of the State. I know of nothing that is of greater importance to the future welfare of the country than that work which hews down our forest and puts in place of it the waving golden harvest. Without the clearing of our forest lands it is impossible for agriculture to go ahead. The work is risky and arduous and trying. It is work in which, with good luck, a man may make a little more than ordinary wages. By skilful work and exceedingly good luck a clearer who thoroughly understands the work might make just a little over the £300 a year. On that ground he would not be a worker. Another ground for his not being a worker is that a man who takes a job at clearing is, so to speak, independent of the farmer. He is given an area and is told to clear it. The farmer may stand to him with the store, make progress payments, and at the end measure up and give him the balance of his earnings by cheque. The clearer is, therefore, not a wages man but a contract man. He is not interfered with as to the hours he works, or as to the way in which he conducts his work. Consequently he is not held at the disposal of a master. The master cannot direct him; and the test of a worker, therefore, is lacking from the man. He is not within the category of a worker, and therefore can claim no benefit under the Act. We have recognised the evil in the case of the tributer; I want the evil recognised in the case of the farm worker doing clearing work. The Labour party exists for the protection of all parties—in this instance, the man who develops the country by means of a farm, and also the man who helps him to make the farm. By-and-by we shall have to appoint inspectors for this purpose. Just as there now are Agricultural Bank and Industries Assistance Board inspectors to protect monetary interests, so, possibly combining these functions, there will in the future be inspectors to see that work is done without risk to life and without injury or wrong to the worker. In most instances these things are governed by insurance. Even now there are owners who insure their clearers; I have known cases of that kind. The worker has been perfectly content and assured that if any accident did come to him, he would be able to avail himself of the rights given to other workers under the Workers' Compensation Act; but after the accident has happened he has suddenly discovered that he is out of court.

Mr. Harrison: Clearers must take their own precautions.

Hon. T. WALKER: But they do not know that.

Mr. Harrison: But one cannot prevent them from running the wrong side of the tree after they have set fire to it.

Hon. T. WALKER: This is the point: They are injured. The farmer himself insures his workers, including his clearers. He believes that he is all right and that they are protected, and the clearers believe themselves to be protected. But when it comes to the test, after the accident has happened, then the insurance companies say, "No. We insure your workmen, not the private contractors on your premises. This injured clearer was not a worker of yours, and he is not insured. We insure you to the full extent of your legal liability. But it is not a legal liability to pay a contractor compensation for his injury."

Mr. Hudson: You contend that the clearer is a piece worker under the Act?

Hon. T. WALKER: That is precisely how I would have him defined. Clearers and all others working for employers under contract should be included in the Act. The employers will understand that these men, like tributers, are justly claimants in the case of accident against the insurance fund. Piece workers, whether employed as coal miners or as farm hands or in other capacities, employed as men practically contracting to do work as workmen for employers or owners, and only paid by contract as a matter of convenience, should not be regarded as outside the relation of worker to master in the slightest degree. These are the things which I should like to have attended to when the Bill reaches the Committee stage. There are other defects of the measure, but I do not see how we can amend them in so small a compass as this Bill, which deals with only a few of the essential features of the Workers' Compensation Act. I shall vote for the second reading. Even if the Bill goes through as it is, it will be a contribution to reform; but I should like to see a complete and effective reform made while we are engaged on the matter.

The ATTORNEY GENERAL (Hon. T. P. Draper—West Perth—in reply) [9.37]: It is quite true that this Bill deals only with certain subjects which were discussed when the motion of the member for Hannans (Mr. Munsie) was before the House. At that time I informed the House that I personally had not sufficient information to deal with the matters then brought forward. To-night I was reminded by one hon. member that I had instructions. I am not aware of any such instructions; but I will tell that hon. member that if I had had instructions and had not sufficient matter and information available to introduce a Bill which I could conscientiously recommend to the House, I should not introduce a Bill, in spite of the instructions. If the hon. member considers that he has given instructions to be obeyed, he has his remedy. There are one or two matters

mentioned by the member for Kanowna (Hon. T. Walker). One of them is the question of the definition of "worker." I am not going to say that the definition of "worker" is satisfactory in all respects. The Minister for Mines I think gave a promise to those who are interested in mining that he would bring the tributers into the wording of the Workers' Compensation Act. Of course a mining Bill is not the proper place in which to bring forward such an amendment, and therefore the amendment appears in this Bill. I have not sufficient information before me to justify me in extending this measure so as to cover the workers suggested by the member for Kanowna. I regret also that I have not sufficient information to amend the maximum amount which can be claimed by a worker who has suffered serious injury. I admit at once that the Bill is not satisfactory in all respects, but I have regard for the somewhat limited time at the disposal of this House. I am anxious to pass the Bill not only through this Chamber, but through another place. I need hardly remind hon. members that at this late stage of the session, if we desire to get the measure through, it is better to mould the amendments which are obvious that those which are of a controversial nature.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 4:

Hon. P. COLLIER: Whilst approving of the desire to bring the tributer under the definition of "worker," I fear we shall have some difficulty in determining what a tributer's earnings might be. The limitation under this Bill is £400 per annum. Now, a tributer's earnings vary very considerably from month to month and from crushing to crushing. In the event of a tributer being injured or killed, how is it to be determined whether he has been a worker within the definition of this Bill, that is to say, earning less than £400 a year? Of course in the case of a wage earner getting £4 or £5 a week that difficulty does not arise. But for three months a tributer may be earning at the rate of £100 a year, and for the next three months at the rate of £1,000 a year. How is the basis of a tributer's earnings to be arrived at? I fear the question will give rise to disputes and litigation unless this measure includes a period, say, three months, or possibly six months, over which the calculation shall be made. Otherwise a determination cannot be arrived at. We might be granting to one tributer compensation under this clause which at the end of the year he might not be entitled to, as he might have earned at the rate of considerably over £400 a year. On the other hand we might refuse it to a tributer whose earnings were at the rate of more than £400 for three months, yet at the end of 12 months he might have earned considerably less than £400 a year. It is not an easy matter to determine, and we should make this clear by fixing the time over which the calculation may be made.

Hon. T. WALKER: The principle is wrong in making the test of a worker the amount he can earn. A worker is a man who devotes himself to his calling. It does not make him any the less a worker because he earns £1 or £2 a week, more or less. We have to think of the man's dependants, and what is the value of human life or limb. It does not matter whether he earns more or less than £400 a year. I suggest that we should postpone this definition and instead of making it a monetary test, make it a working test.

Mr. Hudson: The objection of the leader of the Opposition was not only to the tributing, but to the amount of £400 and the method by which it was arrived at.

Hon. T. WALKER: He was dealing particularly with tributers, because this scarcely applies to other workers, who are pretty well assured of a certain return. That cannot be said of anyone working a tribute on a mine. They may work for a long time with results which would scarcely enable them to get tucker out of it, and then strike a rich patch which would make them enormously wealthy for an hour or two. The test of money is an unfair one, especially in the case of a tributer. Whether he gets £60 or £2 in any one week should not enter into the question. The test should be whether he is actually working on a tribute when an accident happens. If he is so working, he should come under the operation of the Bill, irrespective of the amount of his average earnings for the previous three months or 12 months.

Mr. HUDSON: I agree, now that it is proposed to introduce the tributer as a worker under this Act, that some consideration should be given to the question of the calculation of the remuneration of such tributer.

The Attorney General: The schedule will hardly help us there.

Mr. HUDSON: A good deal of confusion has arisen between the definition of a tributer under the Bill and the earnings of a worker under the schedule to the Workers' Compensation Act. If the Attorney General would consider whether it would not be better to apply the conditions under the schedule to the tributer, that would overcome the difficulty.

The ATTORNEY GENERAL: I appreciate the difficulty that has been raised on this point, and I notice that the schedule speaks about the average weekly earnings. For the purpose of assessing the amount of compensation we might arrive at an average weekly wage, but although that would help us to assess compensation, it would not assist us to

say whether or not the worker earned £400 a year.

Hon. P. Collier: It does not help us to say whether he is a worker under this Bill.

The ATTORNEY GENERAL: This is a matter that should be looked into.

Progress reported.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from 27th October.

Hon. P. COLLIER (Boulder) [9.55] This is another of those small Bills which I suppose we are compelled to accept in its present form or else lose altogether.

Mr. Hudson: On the principle that a slice of bread is better than no loaf.

Hon. P. COLLIER: I fear many of the Bills we shall be called upon to deal with during the remainder of the session come within the category of the "half-loaf or no bread." For my part I should like to see the present Arbitration Act amended in some of its more important provisions. I realise that there is no time to secure these amendments at the present stage of the session, without risking the loss of the Bill altogether. If I might be permitted to refer to something regarding the Act which is not referred to in the Bill, I would like to state that I would desire to have the position of president of the Arbitration Court open to others than a Supreme Court judge. While I would not go so far as to exclude a judge of the Supreme Court, I would make the position open to others as well. It would be possible to secure the services of a layman who, by virtue of his experience in the industrial or commercial spheres, and by reason of his training, which does not fall to the lot of the man who is reared and educated in law, would be able to take a breadth of view on questions coming before the Arbitration Court for settlement which some—I do not say all—of those who occupy positions on the Supreme Court bench, do not seem able to bring to bear. It would be useless to discuss an amendment of that kind and other phases of the Arbitration Act under this Bill. So far as the Bill itself is concerned, we find that it seeks to clear up a matter which has been somewhat in doubt under the present Act. It gives power to the judge, after he has called a compulsory conference, to refer the dispute to the court itself for settlement. At the present time, as the Attorney General explained when introducing the Bill, there is a considerable amount of doubt on that score. Some of our judges who presided over the Arbitration Court have taken the view that they had not that power; that after failing to bring about a settlement of a dispute by way of compulsory conference, they had not the power to refer the dispute to the Arbitration Court for adjudication. On the other hand, Mr. Justice Rooth held that the Act did give him that power, and he acted accordingly. He referred a matter to the court under those circumstances, and it was dealt with. In order to clear up the position, however, Clause 2 has been included in the Bill. I propose when in Committee to amend this clause, so as to enable a judge to refer either the whole or any part of a dispute to the court.

The Attorney General: I will accept that.

Hon. P. COLLIER: Under an amendment of that description, in the event of the parties, when called together at a compulsory conference, agreeing to all the matters in dispute except one or two, it will not be necessary to refer the whole of the dispute to the court. Such an amendment would enable disputes to be practically settled at a compulsory conference and only the points outstanding to be dealt with by the court. After all, those are minor amendments which the House, I hope, will agree to. The Bill seeks to make an important alteration in the existing legislation, in that it empowers the Government to appoint a special commissioner to bring the parties together in the case of an existing dispute, or to prevent an impending dispute. If the special commissioner should fail to bring about a settlement, he shall have power to refer the matter to the court. It seems to be merely a duplication of the powers now conferred under Section 120 of the Act. It merely proposes to set up a special commissioner, who may be anybody at all.

Mr. Troy: He may be Lazarus.

Hon. P. COLLIER: He may be anybody. He is to interpose to bring about a settlement. To-day all these powers are conferred on the president of the court.

The Attorney General: How often are they exercised?

Hon. P. COLLIER: Not often, but occasionally. No special commissioner is likely to be more successful in preventing disputes or bringing about a settlement than would be the president of the court. It is setting up another tribunal to do work which the court itself has been entrusted with. I do not think it will be successful. On the other hand, it may lessen the influence of the court in the minds of the general community. The provision sets up a principle somewhat contradictory to that under which a Supreme Court judge is President of the Arbitration Court. Of course the special commissioner is not given power to finalise or determine anything. If he succeeds in bringing about an agreement, it shall be registered as an award of the court; if he fails, he cannot determine the points at issue, but shall refer the matter to the court. It may so happen that one of the parties to a dispute will bring pressure to bear on the Government to appoint as commissioner some person favourably disposed towards that party. Of course no result may follow such an appointment, because both parties have to agree; but if a special commissioner should prove to be favourably disposed to one of the parties, and

if the other party refused to agree to a settlement, and the matter was referred to the Arbitration Court, that party which had secured the appointment of a particular person as special commissioner would naturally feel aggrieved that it had been unable to reach a settlement, and might not be so willing to accept the compulsory reference to the court and the award which would follow as a result of that reference. My objection to the principle is that it is merely duplicating existing machinery. The president of the court already has all the powers for calling a compulsory conference, as well for the preventing of an impending industrial dispute as for the settling of an existing dispute. It is proposed to empower the Government to appoint a special commissioner who shall merely have a right now enjoyed by the court. The number of cases in which settlement would be brought about by the agency of any such commissioner, but which could not be reached through the medium of the president of the court, will be very few indeed. I do not propose to support the appointment of this special commissioner. I have on the Notice Paper a further amendment, dealing with the basic wage. It is not necessary to take up the time of the House discussing that on the second reading, because we shall have to go over the ground when in Committee; but I hope hon. members will carefully read the amendments on the Notice Paper in the names of the member for Guildford (Mr. Davies) and myself, which deal with the basic wage, and that they will be able to give them support in Committee. Those amendments are designed for the sole purpose of facilitating the work of the Arbitration Court. Frequently under existing conditions has the court wasted time and energy and piled up the expenses of both parties to a dispute in hearing evidence which is merely repetition of that which they have heard over and over again during the previous few months. I hope hon. members will not be scared by the phrase "basic wage" as the result of what has recently occurred in Federal circles. Had it not been that the amendment was drafted prior to the publication of the report of the Basic Wage Commission, I should have substituted for "basic wage" the phrase "living wage," for I fear the phrase "basic wage" may prejudice my amendment, if not here, at any rate in another place. However, I can assure the House that the amendment is designed merely to facilitate the work of the court and reduce the expenses of those who have to appear before the court.

Mr. Johnston: Are not the terms "living wage" and "basic wage" synonymous?

Mr. Wilson: The one is not as big a mouthful as the other.

Hon. P. COLLIER: It is, perhaps, merely a distinction without a difference. However, I will support the second reading, and I hope we shall be able to secure such amendments to the Bill as will considerably improve the existing legislation.

Mr. TROY (Mt. Magnet) [10.10]: I am not quite sure whether or not I welcome the Bill. Although ostensibly the Bill has been introduced for only one purpose, yet opportunity has been taken to bring in a few other amendments to the existing Act. Many other matters of more importance than those contained in the Bill ought to be dealt with. For instance, I agree that the court should have power to call a compulsory conference, because the calling of such a conference may hasten the settlement of an impending dispute. Still, there are other powers which the court should have, as for instance, power to award retrospective pay where it has been proved that the applicants for relief have been awaiting a hearing for a considerable time. I suggest to the Attorney General that he give me till to-morrow to draw up such an amendment. On a number of occasions has the court deplored its inability to make awards retrospective.

Mr. Thomson: It might hit very unjustly.

Mr. TROY: No, it would not. As pointed out by Mr. Justice Powers in the Federal Arbitration Court, frequently the workers in an industry, labouring under great difficulties as the result of the increased cost of living, have to wait 10 and 12 months before securing relief.

Mr. Teesdale: Would you penalise employers for the congestion of the court?

Mr. TROY: It would not penalise the employers; it would merely afford relief to the employees. The employer, by passing on the increased cost, can at once get relief.

Mr. Teesdale: Not in the case of a contract.

Mr. TROY: At all events in most business operations. The employer invariably makes provision for an increase long before the actual necessity arises. In a big mining case Mr. Justice Powers agreed that for 12 months the worker had been bearing the burden; and he regretted that he had not power to award retrospective pay. Recently in this State the court, sitting as a board, but having no jurisdiction as a court inasmuch as the unions appearing before it were not registered, by consent awarded retrospective pay. On the Chamber of Mines making application for a stay of the award, the president said, "Very well, I will hold it over, providing retrospective pay is given." The court should have power to make a retrospective award. In the case of a contract it could be pointed out to the court that to make the award retrospective would be unfair to the contractors. The court would not be compelled to give a retrospective award, but would do so when in their wisdom they thought it necessary. This is all I ask. There may be cases in which it would be a hardship to make an award retrospective, and I have no desire to be unjust, but where the court in their wisdom determine that an award should be retrospective in the operation of certain conditions, the court

should have power to make an order to that effect. If the Attorney General made provision for this in the Bill, it would be a step in the right direction. One of the chief difficulties in connection with the Arbitration Court to-day is the congestion. One court is not competent to deal with the numbers of disputes listed in the State. In New South Wales I believe there are several courts sitting.

The Attorney General: The Arbitration Court during part of the year is doing nothing.

Mr. TROY: In late years the court has been doing nothing only when it has been in recess.

The Attorney General: No, during portion of this year.

Mr. TROY: Well, I know that unions have had to wait months and months before they could get a hearing. If the court has been idle I do not think it has been due to lack of work. One of the greatest troubles arises from the fact that the unions have to wait so long before they can get to the court. When an industrial dispute occurs it means great loss to the country, and the court should have summary powers to grant a hearing and deliver the award as soon as possible. This is one complaint I have against the court. Occasionally, when matters are referred to the court, it takes a month to get a hearing which it should be possible to get in an hour. I do not think that any Arbitration Act which can be introduced will ever give thorough satisfaction. Like every other Act of Parliament, arbitration legislation must be an experiment.

Mr. Thomson: We thought that we had solved all our labour troubles.

Mr. TROY: It was an experiment, but by experience we improve on the experiment and bring the law nearer to perfection. While the condition of employer and employee exists as it does to-day, the awards of the court, while giving satisfaction to one side, must be unsatisfactory to the other side. The court cannot give mutual satisfaction. Wherever a condition of society exists whereby one side carries on by making profit out of the labour of others, there must be disputes and want of harmony, and any court or any body of any description would never be able to give satisfaction to all parties under such conditions. I could conceive that under a different system of society in which employer and employee were working and sharing in a common way, a court of this character might give satisfaction, but as society is at present constituted, no court could give satisfaction all round. I do not think that the special Commissioner proposed to be appointed under this measure will be of much value.

The Attorney General: This Bill merely gives power to appoint a special commissioner.

Mr. TROY: I do not think he will be of much value, because he will have no final word in determining matters. He will be merely an intermediate step. The parties may be called together to meet him, and he may exert his powers to bring about a settlement. He may succeed occasionally, but in a majority of cases I am satisfied that only the body which has the final decision will be satisfactory. We provided an intermediate step in the shape of the conciliation boards appointed under the first Arbitration Act, and so far as I can recollect, in very few instances did disputes stop at the conciliation board. The conciliation board heard a dispute, and if they gave satisfaction to one side, they gave no satisfaction to the other side, and the aggrieved party went on to the court which had the final say. I think that our experience with the special commissioner will be similar, but if he can achieve any good I have no objection to the appointment. On occasions he may succeed in bringing about an agreement between the parties.

Hon. W. C. Angwin: Why duplicate it when the President of the court already has the power?

Mr. TROY: If the court is congested I have no objection to the appointment of a special commissioner. I do not care what means are provided so long as we can end industrial disputes. If a special commissioner can do the work in the absence of the court, I have no objection to the appointment. The other matter dealt with by the Bill is that of the salaries of members of the court. I approve of the step taken by the Government to increase the salaries of members of the court, because these gentlemen occupy positions of great responsibility. Much is dependent on their impartiality, fairness and judgment, to the time they devote to the business of the court and to the fact that their work saves this country thousands of pounds which would be lost owing to industrial disputes. I have had considerable experience of the court and I am of opinion that the members of the court give the work very earnest attention. If they succeed in settling only ten disputes in a year, they are worth this money, because many of the industrial disputes, if not settled by the court, would involve the State in the loss of thousands of pounds.

Hon. W. C. Angwin called attention to the state of the House.

[Bells rung and a quorum formed.]

Mr. TROY: I regret that the hon. member called attention to the state of the House, but of course members should show some interest in the business. However, I was addressing my remarks through you, Sir, to the Attorney General, because he is the Minister in charge of the Bill, and if I can get his support I shall be satisfied.

Hon. P. Collier: If you get the support of the Attorney General, you will have the support of all the other members who have not been listening.

Mr. TROY: When dealing with the salaries of members of the court, we should take into consideration the salary paid to the clerk of the court.

The Attorney General: That does not come under this measure.

Mr. TROY: No, but the clerk of the court should come under this measure. The clerk has great responsibilities; he has to draw up all the awards and file all the papers in connection with the awards and see that everything is in order.

Mr. Wilson: A most important job.

Hon. W. C. Angwin: Will not he come under the civil service appeal board?

Mr. TROY: The clerk of the Arbitration Court has to be a statistician in order to compile all the necessary information for the court, and the salary he receives—I think it is £275—is a paltry one. The Registrar of Friendly Societies is supposed to be in charge of the court, but I doubt whether he knows much about it. I believe that the whole of the work is left to the clerk of the court, and I consider it a great pity that when the Minister was increasing the salaries of members of the court, he did not make provision for the executive officer of the court, in whose hands rests such great responsibility.

The Attorney General: He comes under the Public Service Commissioner.

Mr. TROY: No doubt, but it is a great pity that provision could not be made for him under this measure. The chief executive officer of the court should possess more than the ordinary qualifications, and I think that all who are acquainted with the court look upon the clerk as a very capable and conscientious officer. The Bill does not provide much scope for discussion. It deals with only a few principles, but I hope that the Minister will agree to give the court power to make awards retrospective when such a step is considered advisable. If he adopts this suggestion I feel sure that the House will be glad to support it. Regarding the cases mentioned by the members for Katanning and Roebourne. I have no desire that the court should make an award retrospective when it would be unfair to do so. At the same time the court should possess the power to make awards retrospective when such provision is considered by the court to be necessary.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 120:

The ATTORNEY GENERAL: I move an amendment—

That after "amended" in line 2 the following words be inserted:—"By inserting after the word 'dispute,' in line three of Subsection (1), the words 'and notwithstanding that a lock-out or strike may exist.'"

The object is to meet the contention sometimes raised, and in fact it is the invariable practice of the court, that a compulsory conference should not be called if the employees are out on strike. No notice is taken of the person who goes on strike; and a compulsory conferepce is not called.

Mr. Hudson: Because there is supposed to be an infringement of the law.

The ATTORNEY GENERAL: The insertion of these words will do away with that difficulty. It will be a question of Parliament contemplating such a state of affairs, and asking the judge to summon a compulsory conference.

Mr. TROY: I support the amendment. The court should have this power. It is more essential when there is a lock-out or a strike than at any other time.

Amendment put and passed.

Hon. P. COLLIER: I move an amendment—

That in line 2 of proposed new Subsection 5, after "reached," there be inserted "as to the whole or some portion of the matters in dispute."

Amendment put and passed.

Hon. P. COLLIER: I move an amendment—

That in line 3 of proposed new Subsection 6, after "reached," there be inserted "as to the whole or some portion of the matters in dispute," and that the words "the question or dispute" be struck out and "all matters in dispute on which no agreement has been arrived at" be inserted in lieu.

Amendment put and passed.

Hon. W. C. ANGWIN: There is a good deal of dispute as to whether the Arbitration Court has power to vary existing awards, and the result is occasionally a strike. The matter might be settled beyond doubt in connection with the proposed new Subsection 6. If the Minister will not move the amendment he has placed on the Notice Paper, I will move it—

That the following words be added to proposed new Subsection 6:—"and to vary any existing award."

In many cases employers have paid extra money in variation of existing awards for the purpose of meeting extraordinary conditions.

The ATTORNEY GENERAL: I did intend to move this amendment, but I had not then seen the amendments placed on the Notice Paper by the leader of the Opposition. It is quite true that the lack of power to vary an award sometimes leads to strikes, and for that reason I at first thought the amendment a good one. However, it is an amendment which might cut both ways. Moreover, the court can make its award for only a short period, if it thinks fit. Certainly it is desirable that both parties should know exactly where they are. If awards are to be

amended every time someone is dissatisfied, I am afraid we shall get into confusion. I think any difficulty existing will be got over by the amendment placed on the Notice Paper by the leader of the Opposition, which refers to cost of living, and which I do not intend to oppose.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 3—Special Commissioner:

The ATTORNEY GENERAL: Several members have expressed themselves against this clause. However, it proposes, not to appoint a commissioner permanently, but merely to give power to appoint a commissioner when occasion arises rendering that course desirable. I dare say members on both sides of the Chamber have known occasions when it would have been utterly useless to get the President of the Arbitration Court to call a compulsory conference. But in such circumstances it is sometimes possible to get hold of some person who, by reason of particular knowledge of the subject-matter or by reason of his association with the parties concerned, may be able to bring about conciliation. In such a case, rather than have an abortive conference, the appointment of a special commissioner is desirable. I am not urging this clause for the reason that the President of the Arbitration Court might be too busy, because at the end of the Bill I propose moving a new clause to appoint a deputy President, who, while one judge is engaged in the Arbitration Court with the assessors, might perform chamber work and could also call compulsory conferences.

Mr. WILLCOCK: I do not agree with the clause as it stands, because it gives the Minister power to appoint a special commissioner. The clause should provide for the appointment of a special commissioner by the Minister at the request of both parties to a dispute. We now often find that the parties to a dispute agree to the appointment of some particular individual, but that individual cannot exercise all the powers conferred by this clause. I move an amendment—

> That in Subsection 1 of proposed new Section 120, after the word "may" there be inserted "at the request of both parties to the dispute."

I may point out that the members of the Arbitration Court constituted themselves a board to adjudicate in the dispute between the miners, who were unregistered, and the mine owners; and the agreement arrived at in that case has never yet been signed. Practically the same procedure applied in a recent dispute on the Murchison. When an award was given, although the parties had agreed to abide by the decision, one of the parties have not signed the agreement yet.

The Attorney General: There may be more than two parties.

Mr. WILLCOCK: There are generally two who make up the dispute. It is sometimes said that there is a third party, namely, the general public, although they are not represented.

Hon. P. Collier: In the case of a mining dispute, every mine owner would be a party to it.

The Attorney General: In the case of the Chamber of Mines, which generally figures as the other party in a dispute, that body is not a party to the dispute in a legal sense.

Mr. WILLCOCK: It would be possible for the Government to appoint a Commissioner who might be objectionable to one or other of the parties to the dispute. In such an event, the parties might just as well go to the Arbitration Court. In the recent tramways dispute, Mr. Canning, who was appointed with powers similar to those under discussion, was acceptable to both parties and the case went on, although he had no legal standing.

Hon. P. Collier: How will this assist?

Mr. WILLCOCK: It would be better than if an individual was called upon to arbitrate without having any power or authority under an Act. Although I am not in agreement with the clause as it stands, I think that if two parties to a dispute are agreeable to the appointment of an arbitrator, that arbitrator should have statutory authority to do the various things set out in the clause.

The ATTORNEY GENERAL: I quite understand the use of the words "both parties" by the hon. member, because very often the dispute is really between the representatives of the union and the Chamber of Mines or some other body of employers, who are not really parties to the dispute at all. It is quite possible to have two sides to a dispute, but more often there are two sides and several parties. I emphasise that point in order to show the hon. member that, from his own point of view, I do not think the amendment would be of any use. I said some time ago that I did not object to the amendment although, in fact, I do, because I think we have the same thing in the clause now. It is obvious that if a Minister has any sense at all, he is not going to appoint a special Commissioner who would not be acceptable to both sides, to endeavour to bring about conciliation between parties.

Mr. Willcock: The idea is abroad that this appointment will be a permanent one, and that a Commissioner will be appointed to act in any industrial dispute that may arise.

The ATTORNEY GENERAL: I know there is that impression, but such is not the intention.

Mr. Willcock: There is nothing in the Bill to show it is not the intention.

The ATTORNEY GENERAL: If the judge of the Arbitration Court does not call a compulsory conference, it will then be for the Minister to appoint a Commissioner. I would sooner the clause were left as it is printed.

Hon. P. COLLIER: If the principle of appointing a special Commissioner be

adopted, we would limit the sphere of usefulness of the Commissioner by agreeing to the amendment the hon. member desires.

Mr. Willcock: There is an objection to the clause and if the amendment were agreed to, it would remove that objection.

The Attorney General: Why not simply add the words to "hear any special dispute."

Hon. P. COLLIER: There are very few cases of industrial disputes to-day which have reached a stage where there is a cessation of work, in which there have not been constant negotiations on the matters in dispute and in regard to which apparently a deadlock has been reached. If the parties have reached that stage, I do not suppose that they will agree to the appointment of an arbitrator or be induced to agree to ask the Minister to appoint a special Commissioner. I am not very favourable to the principle of appointing a Commissioner as we are appointing someone else to do the work which is really the duty of the President of the Arbitration Court. The Act says that the President may convene a compulsory conference. I think that should be read in the terms of "shall." It should be the judge's duty to take such steps as would prevent an industrial dispute or in the event of the dispute having taken place, to bring about a settlement. Earlier in the evening the Attorney General remarked that successive presidents of the Arbitration Court have not carried out this duty imposed upon them. Even so, I do not see why we should relieve them of the obligation. I am not opposing the clause on the ground that it is a new principle which will have any far reaching effect; on the other hand, I do not think it will accomplish very much. But in cases where either of the parties to a dispute refuses to carry out the provisions of the Arbitration Act, prefering to adopt other methods, this will be a way by which the special commissioner shall have the right, if he fails to bring about a settlement, to refer the matter to the court, whether the parties like it or not. Even so, it is not greater power than the president of the court will have under the Bill.

Mr. WILLCOCK: The point is that in our industrial development we have reached the stage at which practically every member of the community takes sides either with the employer or with the employee, and therefore the special commissioner will almost certainly be favourable to one or the other side.

The Attorney General: He has powers only of conciliation.

Mr. WILLCOCK: He has also power to refer the matter to the court. The trouble is the Government might make an appointment which would have the effect of inflaming one of the parties against conciliation, whereas if both parties agree to the appointment, such appointment might save considerable delay. Quite recently the printing trade agreed to the appointment of Mr. Justice Rooth as a special arbirtator. The award given was accepted, notwithstanding that the employees had declined from the employers more favourable terms than they got under Mr. Justice Rooth's award. The provision will have a prejudicial effect on the settlement of disputes, unless both parties agree to the special commissioner to be appointed.

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

Ayes	8
Noes	15
Majority against	7

AYES.

Mr. Angwin	Mr. Troy
Mr. Collier	Mr. Willcock
Mr. Holman	Mr. O'Loghlen
Mr. Jones	*(Teller.)*
Mr. Lutey	

NOES.

Mr. Broun	Mr. Mitchell
Mr. Draper	Mr. Money
Mr. Duff	Mr. Scaddan
Mr. George	Mr. Teesdale
Mr. Harrison	Mr. Thomson
Mr. Hickmott	Mr. Willmott
Mr. Johnston	Mr. Hardwick
Mr. Maley	*(Teller.)*

Amendment thus negatived.

On motions by the Hon. P. Collier, Subclause (5) amended by inserting after "reached" the words "as to the whole or some portion of the matters in dispute"; and Subclause (6) amended by inserting after "reached" the words "as to the whole or some portion of the matters in dispute," by striking out the words "the question or dispute" and inserting in lieu thereof "all matters in dispute on which no agreement has been arrived at."

Clause, as amended, put and passed.

Clause 4—agreed to.

New clauses:

The ATTORNEY GENERAL: I move—

That the following be inserted to stand as Clause 2:—"Section forty-three of the principal Act is hereby amended by inserting after the word 'absence,' in line three, the words 'and may from time to time appoint a judge as deputy president of the court, and in that capacity to exercise the powers and functions of the president.'"

This will give power to appoint a deputy president at any time. At present a deputy can only be appointed in case of the illness or absence of the president. It is desired to appoint a deputy who would have the same powers as the president. The president could be sitting in court with the assessors, and the deputy if necessary could be doing the ordinary work in chambers. This would enable any pressure of work to be relieved.

Hon. P. COLLIER: The Act provides that only a judge can be appointed president of the court. Would not it be advisable under

this amendment to broaden the choice? I do not wish to go outside the judicial bench, because there is strong opposition amongst a considerable section of the community against the appointment of anyone other than those engaged in the administration of justice. However, there are other men, such as police magistrates, who might be appointed, and from the work which has been done lately, and from the choice of both parties to a number of disputes, it is possible to find on other than the Supreme Court bench men who can give just as great satisfaction as does a judge of the Supreme Court. I suggest that the new clause be amended by making it read "judge or police magistrate." I recognised that this is trenching upon a vital principle of the main Act, but even if adopted, the choice would still be limited to a person engaged in the administration of justice. After all, a police magistrate is as impartial and as free from the prejudices and biases that affect most of us as is a judge of the Supreme Court.

The ATTORNEY GENERAL: I regret that I cannot agree with the leader of the Opposition on what he rightly says is a matter of principle. Any remarks I make must not be taken as reflecting on any civil servant, because I have no desire to reflect on anyone. I would point out, however, that a police magistrate is in a different position from a judge of the Supreme Court. One justification for placing a judge on the bench is that he is impartial, but so is a resident magistrate. A judge of the Supreme Court, however, has nothing to fear and cannot be removed from office, except by resolution of both Houses of Parliament. No resident magistrate is in that position and, therefore, as a matter of principle, I cannot agree to the suggestion.

Mr. TROY: On some occasions I have inclined to the view that a layman can fill the position equally as well as a judge. On other occasions I have reverted to the opinion that after all a judge might be the best man for the post. I do not know, however, that the office a judge holds makes him any more fit to adjudicate in an industrial dispute than a magistrate. I should like to know the Government which would dispense with the services of a magistrate because in any industrial dispute he had given a decision which was not satisfactory to one party or the other.

The Attorney General: There are times when political feeling runs higher than the circumstances warrant.

Mr. TROY: I hope I shall not be misunderstood when I say that sometimes judges are not entitled to the high opinion which custom gives to their positions. On occasions I have known police magistrates who would have filled the bill in a matter of this kind, and who would have been just as consistent, independent, and honourable as any judge, but I have known others upon whom I could not place much reliance.

New clause put and passed.

Hon. P. COLLIER: I move—

That a new clause, to stand as Clause 4, be inserted as follows:—"A section is hereby inserted in the principal Act and shall have effect as follows:—*Partial adjustment of dispute after conference.*—120b. When a conference has been held under Section 120 or 120a, and an agreement has been reached as to some portion of the matters in dispute, but not as to the whole of the matters in dispute, and an industrial agreement is not made between the parties and registered within fourteen days after the close of the conference, the President or Commissioner, as the case may be, shall sign and cause to be filed with the Clerk of the Court a memorandum of the matters upon which an agreement was reached, and the terms and conditions agreed upon; and such memorandum shall thereupon have the force and effect of an industrial agreement between the parties for a period to be therein specified."

This is to give effect, more or less, to the amendments we have carried in the earlier portions of the Bill.

New clause put and passed.

Hon. P. COLLIER: I move—

That a new clause be inserted as follows:—"*Basic wage.*—(1) The Court shall, from time to time at intervals of not exceeding six months, after public inquiry as to the increase or decrease in the average cost of living, by order determine what shall be the basic wage to be paid to adult male workers and adult female workers in defined areas of the State. (2.) For the purpose of such inquiry the Court may summon persons to attend as witnesses, and any person so summoned shall attend the Court and continue his attendance and give evidence on oath as directed by the Court. Penalty—£100. (3.) Every order made under this section shall be published in the "Gazette." (4.) No industrial agreement shall be entered into, and no award made, for wages lower than such basic wage as determined for the time being. (5.) The minimum wage to be payable under any industrial agreement or award, made before or after the commencement of this Act, shall not be at a lower rate than the basic wage for the time being; and every such industrial agreement and award shall have effect as if it were therein provided that the minimum wage to be paid thereunder should be not less than the basic wage as determined for the time being; but subject to any special provision in the agreement or award fixing a lower rate of wage in the case of workers who are unable to earn the basic wage by reason of old age or infirmity. (6.) It shall be the duty of the Government Statistician, from time to time, to collect and publish under the provisions of 'The Statistics Act, 1897,' statistics of the cost of living in prescribed areas of the State,

and for the purpose of any inquiry under this section the Court may accept such statistics as prima facie evidence of the matters therein stated.''

On the second reading I stated that my object was to reduce the work of the court and the expense entailed on the parties. The clause does not introduce any new principle, because the court now, in arriving at its decisions, has to take into consideration, and does take into consideration, the cost of living as the basis upon which to determine rates of wages. The clause will obviate the necessity of both parties to a dispute going over the very same ground which has been covered in connection with another case heard perhaps during the previous week. As regards the Government Statistician collecting statistics under this provision——

The Attorney General: I must object to that on the ground of expense, and also of want of the requisite staff.

Hon. P. COLLIER: I realised that that objection would probably be raised. Still, every State ought to have its own bureau of statistics recording prices of commodities and cost of living in the various districts. Such statistics would operate as a check on Knibbs's figures, regarding the basis of which, and the method of collection, no State has any say whatever. If my proposal is adopted, we shall not be entirely at the mercy of the Commonwealth Statistician, though in saying that I do not wish it to be inferred that the State figures would necessarily be more favourable than the Commonwealth figures to the worker. I recognise that my proposal involves the setting up of a State department which would overlap a Federal department—a proceeding which has been frequently condemned in this Chamber—and also the special employment of clerical assistance in various parts of Western Australia. Therefore I am not altogether wedded to this part of the new clause.

The ATTORNEY GENERAL: I move an amendment on the new clause—

That Subclause 6 be struck out.

Whilst recognising the advantage to the State from having a check on the Commonwealth figures, I do not think we would be justified, especially having regard to the condition of our finances, in incurring the heavy expense involved. Doubtless the leader of the Opposition recognises that whatever party may be in power next session will have to bring down another Bill to amend the Arbitration Act.

The CHAIRMAN: I fail to see in this new clause anything that is within the title of the Bill or concerned with its subject-matter. However, I do not propose to insist on the point, though the clause seems to me a very far-reaching one and quite foreign to the Bill. It deals with the basic wage.

Mr. TROY: The basic wage might just as well be termed the living wage, and this Bill provides for a living wage.

The CHAIRMAN: Very well. I will let it go.

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

Hon. P. COLLIER: I move—

That the following new clause be added: ''The court may by its award give a retrospective effect thereto, or to any of the provisions thereof, but not for any period exceeding six months.''

The ATTORNEY GENERAL: I oppose this clause. Unless the parties to a dispute agree that the judge of the court should have power to make an award retrospective, this is a very dangerous principle to sanction. The parties will never know where they are. We recently had an award which was made retrospective. One of the largest companies in the State was involved in consequence in the payment of retrospective wages extending over a very considerable period and amounting to thousands of pounds. I mention that incident as an illustration.

Hon. P. Collier: In that case, the retrospective nature of the award extended back to February of last year, that is, nearly two years.

The ATTORNEY GENERAL: That is true, but the principle is the same. People may more readily go to the Arbitration Court if they think there is a chance of an award being made retrospective. That does not counterbalance the evil involved in this principle. To a small company a retrospective award may have very serious effects so far as the financial position is concerned.

Mr. TROY: The new clause provides that the court ''may'' do this; it does not say that the court ''shall'' do it. It merely gives the court discretionary powers. If by the granting of retrospective pay the effect would be serious on the operations of a company, that fact would receive consideration by the court and the court would not grant retrospective pay. There are many occasions when months may elapse before a court can be approached. The preliminaries take up some time before the parties can get before the court. The court sometimes goes into recess at the end of the year for three months or so, in which case the application last on the list may not secure a hearing for six months.

Mr. Thomson: Does not the provision for a special commissioner help parties in that event?

Mr. TROY: No, because the special commissioner does not have full powers. In the Federal court it has been pointed out that owing to the length of these delays, the workers are compelled to shoulder the extra cost of living without any relief during that period. In Western Australia it has been proved in the Murchison case that the wages of the men there were not sufficient to meet liabilities, and the workers were always a month behind in their accounts. The increased cost of living had been borne by those men for months before the court sat to hear their claim. That frequently happens in Arbitration court cases, and it is not fair that the

workers should wait so long for a hearing. I understand the judges of the Federal court expressed regret that they did not have this particular power. I am sorry the Attorney General is opposing this new clause because it only gives the court discretionary power to grant a retrospective award when the court thinks such an award should be granted.

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

Ayes	6
Noes	14
Majority against ..	8

AYES

Mr. Collier	Mr. Troy
Mr. Jones	Mr. Willcock
Mr. Mullany	Mr. O'Loghlen (*Teller.*)

NOES.

Mr. Broun	Mr. Mitchell
Mr. Draper	Mr. Money
Mr. Duff	Mr. Scaddan
Mr. George	Mr. Teesdale
Mr. Harrison	Mr. Thomson
Mr. Hickmott	Mr. Willmott
Mr. Maley	Mr. Hardwick (*Teller.*)

Amendment thus negatived.

Title—agreed to.

Bill reported with amendments and the report adopted.

RESOLUTION—RETURNED SOLDIERS AND RAILWAY PASSES.

Council's Message.

Message received from the Council requesting concurrence in the following resolution:—"That in the opinion of this House the Government should (1) grant free transit over the State tramways to ex-members of the A.I.F. who are blinded or totally and permanently incapacitated, or eligible for full membership in the Maimed and Limbless Men's Association; (2) and in the event of the request made by the Federal Executive of the Returned Soldiers' League to the Federal Government being definitely refused, grant to ex-members of the A.I.F. free railway transit provided that they are (a) blinded or totally and permanently incapacitated; (b) inmates of or attending for treatment at military hospitals, sanatoria, convalescent homes, and hostels; (c) eligible for full membership in the Maimed and Limbless Men's Association."

BILL—PRICES REGULATION ACT AMENDMENT AND CONTINUANCE.

Message received from the Council notifying that it had agreed to the amendments made by the Assembly.

House adjourned at 11.55 p.m.

Legislative Council,

Wednesday, 1st December, 1920.

QUESTION—WHEAT, SUPPLIES FOR POULTRY FARMERS.

Hon. J. DUFFELL asked the Honorary Minister: 1, In view of the decision of the Government to fix the price of f.a.q. wheat for local consumption at 9s. per bushel free on rails metropolitan basis, in the event of the wheat pool being continued, will such wheat be sold for poultry feed at the same price? 2, If not, why not? 3, What provision will be made to see that adequate supplies of suitable wheat are available for poultry farmers? 4, At what price will such supplies be obtainable?

The HONORARY MINISTER replied: 1, No. 2, It is anticipated that there will be sufficient low grade wheat available for use as feed for poultry. This can be bought direct from growers or from the Wheat Scheme. 3, Facilities will be afforded poultry farmers to obtain inferior wheat direct from the growers at prices mutually suitable, and from the Wheat Scheme at fair dock from average value of f.a.q. pool wheat. Whether such supplies will be adequate will depend on the demand for wheat in comparison with demand for substitute feed at different prices. 4, Answered by No. 3.

LEAVE OF ABSENCE.

On motion by Hon. T. Moore, leave of absence for six consecutive sittings granted to the Hon. J. W. Hickey (Central) on the ground of ill-health.

BILL—FACTORIES AND SHOPS.

Revived.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.34]: I move—

That the Committee stage of the Factories and Shops Bill be revived at the stage at which the Chairman left the Chair.

Point of Order.

Hon. Sir E. H. WITTENOOM: I rise to a point of order. We have a Standing Order bearing on this motion and it distinctly says