

Noss.

Hon. A. Burvill	Hon. E. H. Harris
Hon. J. Cornell	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. J. Ewing	Hon. H. Seddon
Hon. E. H. Gray	Hon. T. Moore
	(Teller).

Amendment thus passed.

Question, as amended, put and passed.

LICENSING ACT AMENDMENT BILL.

Minister's explanation.

The COLONIAL SECRETARY: Before moving the adjournment of the House I wish to draw attention to the fact that notice was given of my intention to ask for leave to introduce a Bill to amend the Licensing Act. Reference to the Bill was omitted from the Notice Paper, and I wish to have an assurance that the Bill will be reinstated on the Notice Paper for to-morrow.

The PRESIDENT: That will be done.

House adjourned at 10.35 p.m.

Legislative Assembly,

Thursday, 18th December, 1924.

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

QUESTION—RAILWAY EXTENSION.

Mr. GRIFFITHS asked the Premier: 1, Has anything been arranged regarding the requested extension by 10 miles of the Wyalkatchem-Bencubbin-Merredin line? 2, Is he aware that there are returned soldiers in the Lake Grace-Goomarin area, and that some of them are carting their produce 27 miles to the nearest siding? 3, Is he also aware that the original settlers, other than the returned soldiers, proved this district to be a safe one, and that consequently a re-settlement of this partially abandoned area is taking place, and that the re-settlers have been waiting from 12 to 14 years for transport facilities? 4, Will he go into this serious lack of facilities and advise at as early a date as possible whether steps will be taken to build the extension asked for?

The PREMIER replied: 1, This extension has not yet been authorised by Parliament. 2, It is regretted that a number of settlers in this and other areas have long distances over which they must cart pending the construction of additional railways. 3, The fact that the district is a safe one is known, and it is probable that a few settlers have been waiting for a railway for a lengthy period. 4, The matter will be considered.

QUESTION—RAILWAY IMPROVEMENTS, MERREDIN.

Mr. GRIFFITHS asked the Minister for Railways: 1, Has he inquired further into the matter of the improvements so urgently necessary at the railway junction at Merredin? 2, If so, will he state at as early a date as convenient what is proposed to be done, and, if anything is proposed, when a start is likely to be made on the work?

The MINISTER FOR LANDS (for the Minister for Railways) replied: 1, The improvements necessary are known, but unfortunately owing to the limited amount of Loan money available nothing can be done for the time being. The best use will be made of the facilities available. 2, Answered by No 1.

QUESTION—DRAINAGE, MERREDIN.

Mr. GRIFFITHS asked the Minister for Works: 1, What prospect is there of obtaining the money necessary to make the main drain at Merredin? 2, As this is the best time to carry out the work, will he expedite the matter?

The MINISTER FOR WORKS replied: 1 and 2, The land required will be resumed forthwith. It is regretted that it was not possible on this year's Estimates to provide funds for the construction of the drain.

BILL—FAIR RENTS.

Read a third time, and transmitted to the Council.

BILL—CLOSER SETTLEMENT.*Council's Amendments.*

Schedule of 33 amendments made by the Council now considered.

In Committee.

Mr. Lutey in the Chair; the Minister for Lands in charge of the Bill.

No. 1.—Clause 2, Strike out "person," in line 5 of Subclause 2, and insert "practical farmer":

The MINISTER FOR LANDS: The Bill left this Chamber over three months ago, and probably members have almost forgotten its contents. We are now called upon to consider 33 amendments bearing on a Bill of 16 clauses. Subclause 2 of Clause 2 provides that the third member of the board shall be appointed from time to time, shall be eligible for re-appointment, and shall be a person having local knowledge of the matters under inquiry for the time being. I believe the framers of the original Closer Settlement Bill intended that the third member should be a resident of the locality in which it was proposed to resume land, so that he might be able to advise whether the land was being utilised or not. Any reasonable man would assume that the person appointed would be one having knowledge of the productivity of the land; in short, would be a practical farmer. However, the Legislative Council propose striking out "person" and substituting "practical farmer." The inference in the Council's amendment is that those administering the measure would not appoint a man with a practical knowledge of farming, and with a knowledge of the productivity of the soil in the particular district. If the intention had not been that such a man should be appointed, there would have been no need to say that the third member should be appointed from time to time. At all events, the amendment does no harm, and therefore I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 2.—Clause 2, Subclause 3, Strike out "think fit" and insert "direct":

The MINISTER FOR LANDS: Subclause 3 states that each member of the board is to hold office for such period as the Governor may think fit. I move—

That the amendment be agreed to.

Mr. MARSHALL: I shall not oppose the motion, but it is to be deplored that

the public do not know the cost of making these frivolous amendments. For the purposes of the subclause, I fail to see any distinction between "think fit" and "direct." The Governor in Council would not "direct" without "thinking fit."

Question passed; the Council's amendment agreed to.

No. 3.—Clause 3, Subclause 1, Insert at the end the following words: "any portion of which is situate within 12 miles of an opened railway or the intended route of a proposed railway the construction of which has been authorised by Parliament prior to the commencement of this Act":

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

Under the Council's amendment the board could not deal with any land lying beyond 12 miles from a railway. The framers of the Bill had no idea of interfering with the man who reasonably cultivates his holding; it was desired to deal with the landholder who was not doing his duty by the State. In some parts of the State the areas held are too large to allow of the holders doing justice by them. I may remind members that pastoral areas do not come under the Bill, which is restricted to agricultural land. Under the Agricultural Lands Purchase Act power is given to purchase land within 20 miles of a railway. An attempt was made to fix the same distance in this Bill but it failed. There appears to be an impression that it was the idea of the Government to resume land without recompensing the holders. Neither this nor the previous Government had any such intention. All that we want to deal with is land not being properly utilised. There are some large holdings unutilised, but nevertheless effectively locked up. Some discretion must be given to the Government and the board. To-day there is no necessity to purchase any large holdings at a considerable distance from a railway; but it is necessary that the Crown should have power to resume holdings within a reasonable distance of a railway. I hope hon. members will negative the Council's amendment.

Hon. W. D. JOHNSON: It is extraordinary that the members of another place should desire to restrict the operations of the measure to within 12 miles of a railway; it shows a want of knowledge of the requirements of the State.

Mr. C. P. Wansbrough: Would you not set a limit to it anywhere?

Hon. W. D. JOHNSON: No. Take that belt of country between Mingenew and Mullewa: I do not know any better in the State. It affords the greatest existing op-

portunity for closer settlement. Yet under the Council's amendment no land in that area could be taken under the Bill, for there is no railway within 12 miles, and if we were to authorise the building of a railway the immediate effect would be to enhance the value of the land held in the district. Members of another place are constantly voicing the perfectly sound opinion that in order to carry out financial burdens we must increase population. They admit also that the very best means of increasing population is afforded by land settlement. But having admitted that, they turn round and say that prospective closer settlement shall be limited to certain restricted boundaries. I do not know of many large estates within 12 miles of existing railways. For the most part they are well beyond the 12-mile limit. So I cannot understand another place framing this amendment. It shows how careful we require to be in watching amendments from another place. I will oppose the Council's amendment.

Mr. C. P. WANSBROUGH: The whole question hinges on the definition of the term "reasonable use." It is recognised that 12½ miles is the outside limit at which general agriculture can be successfully carried on. Another place must have had in mind the protection of those who are to-day engaged in the sheep industry beyond 12½ miles from a railway. It might help us if the Minister for Lands would tell us what he considers the reasonable use of land.

The Minister for Lands: That is for the board to decide.

Hon. W. D. Johnson: Would you seriously argue that the running of sheep represents reasonable use of land?

Mr. C. P. WANSBROUGH: Yes. Many of our farmers are producing more wealth from growing sheep than they could by any other branch of farming. It is a great power to give the board that they should say whether or not a man is properly using his land. I am perfectly ready to accept the Minister's statement that there is no desire whatever to take land that is being reasonably utilised.

Mr. MARSHALL: I agree with the member for Guildford, except when he says members of another place are inconsistent. There is no inconsistency about them; they are sent there by the landlords of the country to defend their interests.

Mr. Thomson: Why should not they be?

Mr. MARSHALL: The members for Kaitangia are not concerned as to how the State might be suffering from the holding up of lands; nor is he interested in the need for populating the State. I object to the amendment. Holders of big areas outside of the 12-mile limit may be waiting for a railway in order to reap the benefit of the unearned increment. There was some argument for the fixing of the 12-mile limit when people had to depend upon horse trans-

port, but these are the days of motor transport. I am glad the Minister is opposing the amendment. I regard it as a deliberate attempt to force upon the taxpayers an unnecessary burden in order to fill the pockets of landlords.

Mr. MILLINGTON: The measure will have the effect of inducing the present holders to develop their land. The board should certainly be given discretion, because they can be relied upon to act in a common sense way. There is no reason why this restriction should be imposed. It would defeat the object of the Bill.

Mr. THOMSON: The amendment is quite reasonable. The measure is to authorise the acquisition of land for closer settlement, and surely the Government do not desire to acquire land beyond 12 miles from a railway. That limit is recognised by the Agricultural Bank when making advances to settlers.

The Minister for Lands: If there was a large area within 12 miles and a small portion of it outside that radius, we would not be able to acquire any of it.

Mr. THOMSON: If there is as much unutilised land adjacent to railways as we have been told there is, the Minister should accept the amendment.

Question passed; the Council's amendment not agreed to.

No. 4, Clause 3, Subclause (2): After "land," in line 4, insert "having regard to its economic value."

THE MINISTER FOR LANDS: I ask members to agree to this amendment, though I consider it unnecessary. Is it reasonable to believe that any qualified board would not take into consideration the economic value of the land? I move—

That the amendment be agreed to.

Mr. MARSHALL: This amendment is equal in importance to some of the others we have considered. The public should know what it is costing to manufacture the laws of the State. It is costing a good deal to get amendments that lack any semblance of importance.

Question passed; the Council's amendment agreed to.

No. 5, Clause 4: After "Minister," in line 5, insert "and shall state in its report what in their opinion is reasonable use to which the land should be put."

THE MINISTER FOR LANDS: This amendment is not required. Did anyone ever hear of such an instruction being inserted in an Act of Parliament? Imagine a board of experts recommending the Government to resume certain land without stating the reasonable use to which it could be put! That would have to be stated in support of the recommendation. I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 6, Clause 4: After the word "notice," in the second line of the proviso, insert "of any inquiry and time and place thereof."

The MINISTER FOR LANDS: Again I point out that the amendment is unnecessary. What is the use of the board notifying that they are going to hold an inquiry and asking persons to attend, unless they state the time and place of the inquiry? Apparently some people think the officers of the department do not know how to carry out their duties, because they suggest including every little instruction possible to compel the officers to do the obvious thing. I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 7. Clause 6, Subclause (1).—After the word "Act," in the fifth line, insert the following:—"The Board shall also serve a copy of such notice on the Registrar or other officer having charge of the Office of Land Titles or of the Registry of Deeds or of the Department of Lands and Surveys or other Government department where such land may be registered, and it shall be the duty of every such Registrar or officer to enter a memorandum or record of the receipt of such notice and particulars thereof in the proper register in reference to such land."

The MINISTER FOR LANDS: There is no objection to this amendment. I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 8. Clause 6, Subclause (1), line 8.—Strike out "as" and insert "whether." Lines 8 and 9.—Strike out "mortgagee or otherwise."

The MINISTER FOR LANDS: This amendment does not affect the position. It was evidently thought necessary to improve the English of the clause. I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 9. Clause 6.—Add at the end of Subclause (1) the following:—"Within one month after the service of such notice the owner or any person having any interest in the land whether legal or equitable may notify the Board in writing of his intention to appeal against the land being declared subject to this Act to the Appeal Board as hereinafter constituted. The Appeal Board referred to in this section shall consist of three members, one of whom shall be a Judge of the Supreme Court or Resident Magistrate, another shall be appointed by the Governor, and the third shall be ap-

pointed by mutual agreement between the owner and the person or persons having an interest in the land proposed to be acquired as legal or equitable mortgagee. In the event of no mutual agreement being arrived at as to the appointment of the third member within 14 days after the appointment by the Governor of the second member, the third member shall be appointed by the other two members.

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

A board of three persons is appointed under this Bill. That board makes recommendations to the Government, who have to consider them before the land is declared to be subject to the Act. The amendment provides that after notice has been given to the owner, an appeal board shall be constituted. The Closer Settlement Board will make all inquiries in the first place, and the owner may be present at those inquiries. The Council now want to appoint an appeal board which would add to the cost of the land. This amounts to an appeal against the action of the Closer Settlement Board and of the Executive Council. It means the appointment of a board possessing greater powers than those of the Governor-in-Council. The effect of the amendment would be to prevent land from being resumed.

Mr. THOMSON: The amendment is a reasonable one. At present the owner has no power to prevent the board from deciding that his land is not properly utilised. The amendment will save expense both to the owner and the Government, and is a just one.

Mr. GEORGE: Later on in the schedule of amendments the Council propose to give the owner the right of appeal against the surveys for subdivision. If, therefore, the owner is beaten on the question of resumption it is required that he should have the right of appeal to another board. In this way he can hang up an estate for a considerable time.

Hon. W. D. JOHNSON: Members of the appeal board would not possess the same knowledge of the question as members of the closer settlement board, and the decisions of the latter should not be subject to the former tribunal. The owner would not be more likely to receive greater consideration at the hands of the appeal board than at the hands of the principal board. In another place, members amend a clause, but the amendment does not appear in the Notice Paper. We then find that the Bill has been recommitted, the original amendment passed out, and another inserted. We have to read "Hansard" carefully to find out how these amendments have been arrived at. When we read the discussions we can see that members there are influenced by one individual, whose desire is not to improve Bills, but to make their administration practically impossible.

Question passed; The Council's amendment not agreed to.

No. 10. Clause 6, Subclause (3), paragraph (i).—After the word "land," in the second line, insert the following:—"such scheme shall have endorsed thereon the approval of every person having any interest in the land as equitable owner or equitable mortgagee or under any registered mortgage or encumbrance."

The MINISTER FOR LANDS: There is no objection to this amendment and I move:

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 11. Clause 6, Subclause (3), paragraph (iii).—Strike out "from time to time as required by the Board."

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

The owner of the land that is dealt with by the board has his choice as to whether he will subdivide his property and submit the blocks to auction or to sale by private contract. It is not a compulsory subdivision, and unless the board have power to force a person to submit the land for sale from time to time, the whole thing will be a dead letter.

Mr. THOMSON: I do not think the amendment is unreasonable. The owner will be compelled to subdivide his lands.

The Minister for Lands: We do not compel him to subdivide; the owner exercises his own choice.

Mr. THOMSON: The Bill provides that the board shall compel the owner of land to do certain things. Unless the Council's amendment be agreed to, the owner of a property may subdivide his land, submit the blocks to auction and there may be no buyers. He may then proceed to cultivate the land and the board may come along and make him submit that land to auction again. That is not reasonable. The owner should not be placed in such a position indefinitely.

The MINISTER FOR LANDS: If the owner puts up his land for sale, the whole of the blocks may not be sold. If the amendment be agreed to, the Government will have to take over the portion of the land unsold and also pay compensation to the owner.

Mr. Thomson: That is quite right too.

The MINISTER FOR LANDS: The board should have the power to compel the owner to submit the unsold portions at auction again. Unless the Council's amendment be rejected, the power of the board in this respect will be gone.

Mr. Thomson: But the objection is to the indefinite period.

Mr. George: Surely the land should be dealt with in a reasonable time. The owner

might be compelled to hang on for quite a long time.

The MINISTER FOR LANDS: That is not the position.

Question passed; the Council's amendment not agreed to.

No. 12. Clause 6, Subclause (3).—Add at the end of the subclause the following proviso:—Provided that the owner shall have a right of appeal to the Appeal Board in respect of the requirements of the Board under paragraphs (ii) and (iii).

The MINISTER FOR LANDS: We have already rejected the proposal for an appeal board. This amendment is consequential and therefore I move—

That the amendment be not agreed to.

Question passed; the Council's amendment not agreed to.

No. 13. Clause 6.—Add the following further proviso to Subclause (3):—Provided that if, within three months after the date when such land shall have been offered for sale as aforesaid, the owner shall fail to effect a sale of the whole of the said land, then the owner shall be entitled within three months after the expiration of the last mentioned period to require the Minister administering this Act to purchase at the upset prices approved as aforesaid the said land or so much thereof as shall remain unsold or, alternatively, to require the Minister to discharge the unsold land from being subject to this Act, and the Minister shall repay to the owner all expenses incurred by the latter in connection with the subdivision and offering for sale of such unsold land.

The MINISTER FOR LANDS: If hon. members read the Council's amendment carefully, they will see that my statement that the main consideration shown by some persons was in the direction of protecting the men who have not done their duty to the State, was amply justified. I supported a closer settlement Bill twice when I was sitting in Opposition. Those Bills were passed by overwhelming majorities in the belief that it was the desire to compel the resumption of land held by persons who did not carry out the provisions of the Act. The amendment proposes to give protection to the man who has not done his duty to the State and not put his land to reasonable use. In fact that is the one aim throughout the amendments proposed to the Bill. The Government have no intention of interfering with men who are using their lands reasonably. But it is our intention to deal wholly and solely with the person who is not using his land properly. I move—

That the amendment be not agreed to.

Mr. THOMSON: The Minister has stated that this does not involve a matter of compulsion and that the action taken by the

owner is voluntary. The board will inspect the land and if it is deemed to be unproductive and unutilised within the meaning of the Act, two alternatives are given to the owner. If that is not compulsion, I do not know what is. The board have power to compel many things to be done by the owner.

Mr. Teesdale: The Bill provides for enough options. You surely cannot call that compulsion.

Mr. THOMSON: If these provisions leave the action of the owner at the optional stage, I do not know what constitutes compulsion. The Bill will give people the right to pick the eyes out of an estate and then the owner will be allowed to keep the rest. That is not a reasonable proposition. The amendment should be accepted.

Question passed; the Council's amendment not agreed to.

No. 14. Clause 6, Subclause 4.—Strike out this subclause.

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

Question passed; the Council's amendment not agreed to.

No. 15. Clause 7, Subclause (1).—After the word "may," in line 2, insert "within two months thereafter."

No. 16. Clause 7, Subclause (1).—After the words "has been," in line 3, insert "resumed or."

No. 17. Clause 7, Subclause (1).—Add the following proviso:—"Provided that if such notice be not given then the Governor shall by notice in the *Gazette* discharge the land from the operation of this Act."

No. 18. Clause 7, Subclause (2).—After "notice," in line 1, insert "resuming or taking said land within the time aforesaid."

No. 19. Clause 7, Subclause (2), paragraph (a).—After "Act," in line 2, insert "and subject as hereinafter provided."

On motions by Minister for Lands the foregoing amendments were agreed to.

No. 20. Clause 7, Subclause (2).—Insert at the beginning of paragraph (b) the following:—"The estate and interest of every person holding or entitled to any mortgage, charge, or security over such land shall be converted into a claim against the Crown for repayment forthwith of the amount of all moneys due or payable under or secured by such mortgage, charge, or security, the interest thereunder to be computed to date of repayment of the principal and other moneys thereby secured and."

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

The amendment means that if the land was mortgaged above its value the Government would be compelled to pay the whole of the mortgage. If land has to be paid for above its value it becomes useless to the persons who take it up after it has been

resumed. In such circumstances it will be possible for anyone to succeed on the land.

Question passed; the Council's amendment not agreed to.

No. 21. Clause 7, Subclause (2), paragraph (b).—In the first line of the paragraph insert "other" before "person."

The MINISTER FOR LANDS: It is difficult to learn why this amendment was made. I do not know what it means. At any rate, there is no necessity for it. I move—

That the amendment be not agreed to.

Question passed; the Council's amendment not agreed to.

No. 22. Clause 7, Subclause (2), paragraph (b).—Add at the end of this paragraph the following: "and every such person shall, in accordance with their respective priorities, if more than one, have a lien upon the amount so payable as compensation."

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 23. Clause 7, Subclause (3), paragraph (a).—After "land" insert "increased by 10 per cent."

The MINISTER FOR LANDS: The Bill as it went down provided that compensation should be paid (a) on the unimproved value of the land and (b) on the fair value of the improvements assessed at the added value given to the land for the time being by reason of such improvements; provided that the amount at which the unimproved value was assessed for the time being under the Land and Income Tax Assessment Act with 10 per cent. added, should be *prima facie* evidence of the unimproved value of the land. If that is not clear I do not know what is. If an agreement cannot be arrived at between the owner and the board, a settlement can be effected by arbitration under the Act of 1895 and also under the provisions of the Public Works Act, 1902. If the value of the land is over a certain figure the matter can be referred to a judge of the Supreme Court, a person representing the owner, and the third representing the board. In this way there is a fair and just value decided. But the *prima facie* evidence of the value shall be the value placed on it by the owner himself for taxation purposes, plus 10 per cent. It does not say that that is the value; it says, the *prima facie* evidence of the value. There cannot be anything more fair than what was contained in the clause. Now we are asked to agree to compensation being based on the unimproved value of the land "increased by 10 per cent." I hope members will not agree to such a proposal. I move—

That the amendment be not agreed to.

Question passed; the Council's amendment not agreed to.

No. 24—Clause 7, Subclause 3, add a new paragraph to stand as (c), as follows:—
 “In every case there shall be added to the total amount of compensation payable under the foregoing provisions a sum equal to two per centum thereof, by way of compensation for the compulsory taking of the said land, and by way of compensation for any loss or injury that may be suffered in consequence of such taking, whether in respect of the land so taken taken or in any other respect”:

The MINISTER FOR LANDS: This amendment makes a total of 12 per cent. which the Council proposes shall be added to the value of the land taken. I would rather lose the Bill than accept some of the Council's amendments, which make it unworkable. The Council would have done better to throw the Bill out than to send it back with such amendments. Upon first reading the Bill as returned, I thought it would be well to let the measure go altogether. The amendments seem to have been made for the sole purpose of rendering the Bill unworkable. I move—

That the amendment be not agreed to.

Mr. MARSHALL: I cannot support the Council's amendment. Indeed, had I been present when the Bill was discussed here, I would not have supported it. I consider that the object of the measure can be better arrived at by taxing unimproved land. The reference in this amendment to “any loss or injury” suggests that if the owner of land acquired under the measure fell down a well, he would be entitled to another 2 per cent.

Mr. Davy: The Public Works Act has allowed 10 per cent. under this head ever since 1902.

Mr. MARSHALL: I know that, but I do not agree with it. The Bill practically endorses false returns of land values by landowners, and grants them 10 per cent. for making those false returns. And here is another 2 per cent. to be given to landowners. The Parliamentary champions of landowners demand compensation for them on the ground that they have robbed and deceived the country for years.

Question passed; the Council's amendment not agreed to.

No. 25—Clause 7, Subclause 3, strike out the first proviso to this subclause and insert the following in lieu thereof:—“The unimproved value of any land means the sum which the owner's estate or interest therein, if free from any mortgage or incumbrance, might be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller might be expected to impose, if no improvements had been made on the land”:

No. 26—Clause 7, Subclause 3, after “that,” in the first line of the second proviso, insert “subject as otherwise provided in this Act”:

No. 27—Clause 7, add a new subclause to stand as Subclause 4, as follows:—“Where a claimant for compensation is a lessee or tenant under the owner of the land, the compensation for such interest shall be assessed at the probable and reasonable price at which the claimant's interest in the land and improvements might have been expected to sell at the time when the land was taken under this Act: Provided that where the land of the owner is encumbered by a lease, the arbitrator in determining the amount of compensation to be paid to the owner shall take into consideration the depreciation (if any) in the value to the owner of the land and improvements by reason of the existence of the lease”:

No. 28—Clause 9, in line 2, after “taken,” insert “or resumed”:

On motions by the Minister for Lands, the foregoing amendments were agreed to.

No. 29—Clause 10, Subclause 1, strike out all the words after “Act,” in line 1, and insert “comprises less than the whole of the owner's land situated within 10 miles of any boundary of the land taken, and worked as one property with the land taken, the owner shall have the right to require the whole of such land to be taken”:

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

Hon. Sir James Mitchell: Why?

The MINISTER FOR LANDS: Because some of these areas might not be suitable for closer settlement. I do not suppose the board would recommend them at all. Under the Land Act a person with a holding 10 miles distant from another holding cannot claim that the two are adjoining holdings.

Hon. Sir JAMES MITCHELL: We have discussed here quite recently the taking up of sandplain in conjunction with good land. That has taken place freely of late. When the owner is deprived of the good land, from which he really makes his living, the sandplain is of very little value to him. Moreover, the additional cost of resuming the inferior land will mean very little.

The Minister for Lands: I object to the limit of 10 miles.

Hon. Sir JAMES MITCHELL: The Minister should agree that the sandplain ought to be taken. Another place has fixed a distance of 12 miles from a railway, and I do not know whether this 10 miles would be additional to the 12.

Question passed; the Council's amendment not agreed to.

No. 30—Clause 12, Subclause 1, strike out all the words from the beginning to “any,” in line 2, inclusive, and strike out “that Act,” in line 3, and insert in lieu thereof “the provisions of the Agricultural Lands Purchase Act, 1909”:

On motion by the Minister for Lands, the amendment was agreed to.

No. 31—Clause 13, strike out the following words in line 4:—"may on the recommendation of the board," and insert in lieu thereof the word "shall":

The MINISTER FOR LANDS: This is an unusual amendment, but I am told there is a precedent for it. The amendment makes instructions to the Governor compulsory. I move—

That the Council's amendment be not agreed to.

Question passed; the Council's amendment not agreed to.

No. 32—Clause 13, Add a new clause to stand as Subclause 2, as follows:—"When a notice is annulled, any claimant who would otherwise have been entitled to compensation shall be paid by the Minister, as the case may be, compensation for any actual damage done to the land, and such reasonable costs incurred to the date of the notice whereby the notice taking the land was annulled, to be agreed upon, or determined by the Court of Arbitration, or a judge":

The MINISTER FOR LANDS: I do not want to go over the old argument, but here we are dealing with a person who is not reasonably utilising his land. Take the case of a man who has held land for years, doing nothing with it; what compensation should he receive?

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

Question passed; the Council's amendment not agreed to.

No. 33—Add a new clause to stand as Clause 11 as follows:—"No property which, in the opinion of the board, is used principally for the breeding of stud sheep, stud cattle or stud horses for sale shall be declared subject to this Act."

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

The only power given to the board is to deal with land not being reasonably utilised; so there is no necessity for the Council's amendment.

Question passed; the Council's amendment not agreed to.

Resolutions reported, the report adopted, and a committee consisting of the Minister for Lands, Mr. Lindsay and Mr. Richardson drew up reasons for disagreeing with certain of the Council's amendments.

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

ASSENT TO BILLS.

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

- 1, Treasury Bills Act Amendment.
- 2, Noxious Weeds.

BILL—APPROPRIATION.

Returned from the Council without amendment.

BILL—FORESTS ACT AMENDMENT.

Council's Message.

Message from the Council, notifying that it insisted upon its amendment to which the Assembly had disagreed, now considered.

In Committee.

Mr. Lutey in the Chair; the Premier in charge of the Bill.

The PREMIER: The amendment on which the Council insists is the clause inserted in lieu of Clause 3 limiting the operation of the Bill till the 30th June, 1925. I move—

That the amendment be no longer disagreed to.

Question passed; the Council's amendment agreed to.

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

BILL—TRAFFIC ACT AMENDMENT.

Recommittal.

On motion by the Minister for Works, Bill recommitted for the further consideration of Clause 3.

In Committee.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 3—Amendment of Section 7:

The MINISTER FOR WORKS: I have recommitted the Bill in fulfilment of a promise made to the Committee last evening to provide that the Commissioner of Police may depute his authority to collect in districts where there are no police. The idea is that he may appoint the secretary of the road board to do the collecting. I move an amendment—

That after "force," in line 5 of the proposed new Subsection 1, the words "or other person" be inserted.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That in proposed Subsection 2, line 11, after the word "collection," the following words be inserted, "not exceeding 5 per cent."

The amount charged for collection in the metropolitan area is now 10 per cent., but of course extensive services are rendered for that. If the Commissioner of Police is made the collecting authority for the State, I think 10 per cent. is too high. The Commissioner agrees that the maximum should be 5 per cent., and considers it will not reach anything like that in the country areas. The cost of collection will be certified to by the Minister. When the authority of the Commissioner is deputed, the cost will amount to practically nothing.

Hon. Sir JAMES MITCHELL: The mere service of issuing licenses might well be carried out without charge to the local authorities. I hope the cost will be well below the 5 per cent. I admit that we have a small police force and that its members have plenty of work.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That in line 12 all the words after "paid" be struck out, and the following be inserted:—"To the local authorities of the district in which the licensee resides at the time of the issue of the license."

Power is given to the Minister to distribute the money collected throughout the State. I said I would make the clause read to ensure that the traffic fees collected in each area would be paid to the local authority. This amendment will make that clear, and will apply either to road boards or municipalities.

Amendment put and passed.

Bill again reported with further amendments, and the report adopted.

BILL—INSPECTION OF SCAFFOLDING.

Council's Amendments.

Schedule of 21 amendments made by the Council now considered.

In Committee.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

No. 1. Clause 1.—Delete Subclause 2.

The MINISTER FOR WORKS: This amendment limits the operation of the Bill to the metropolitan, the metropolitan-suburban, and the West Province areas. The Council wish to make a law for one part of the State but not for another. Under this amendment the Bill would operate between Midland Junction and Fremantle. Outside that area men working on scaffolding

would have no protection. In the larger towns there are many two-storied buildings. The Licensing Court has insisted on new hotels being of at least two storeys, and upon all applications for the remodelling of buildings being on that basis. Parliament cannot claim to be fair when it gives protection to men inside the metropolitan area and will not give it to those outside. I have stated it is the intention of the Government to limit the operation of the Bill to the metropolitan area to begin with, and that it would ultimately be extended to the larger towns, but some members seem to think the Government would act unreasonably and go so far as to extend it to the North-West. Since we took office there has been a lot of suspicion regarding the conduct of Ministers and they do not seem to enjoy any trust.

Mr. George: We had a little of that, too.

Hon. Sir James Mitchell: Deal with the matter on its merits.

The MINISTER FOR WORKS: Other people will not trust Ministers to exercise common sense or reason. I cannot be a party to the framing of a law of this kind. The Bill sought to give the Minister power to proclaim the Act in certain areas. The object of that was to enable the measure to apply to municipalities and not necessarily to road board districts that would involve costly administration. It was proposed to leave the matter in the hands of the Minister to exercise reason and judgment in dealing with it. The Council say that if six-storied buildings are to be erected in Geraldton, Northam, or Albany, no protection is to be given to the workers there. That is illogical and unfair. No Parliament should be asked to approve such legislation.

Mr. George: I think it is absurd.

The MINISTER FOR WORKS: I move—

That the amendment be not agreed to.

Mr. MARSHALL: I support the remarks of the Minister. The Council admit the principle by stipulating in the amendment that there is necessity for the Bill in the metropolitan area. There is just as much necessity for it in the outer areas.

Mr. DAVY: I do not know that the criticism of the amendment is based on sound grounds. The other day the Minister said that it was the intention of the Government to apply the measure in the first instance to the metropolitan area, and he reserved the right to extend the operations of the Act to other districts by proclamation. Had the Bill been made to apply throughout the whole State, I would not have any criticism to offer. Parliament should have the right to determine what the law shall be and where it shall apply. The objection is raised to the Minister having the right to say where it shall apply. Without having any suspicion regarding the bonafides of the Minister, we have naturally a hereditary mistrust which has resulted in

the development of constitutional government. That hereditary mistrust provides a certain check that is very necessary.

Mr. GEORGE: Any matter involving an innovation gives rise to a certain amount of suspicion. I endorse what the Minister for Works has said and I support his attitude. It needs no argument to convince any man of experience, who knows the dangers attendant upon work on scaffolds, that there should be as much care taken for the preservation and protection of human life during the construction of a building in Wyndham as is necessary respecting one constructed in Perth.

The Premier: It is a kind of insinuation that the lives of people living in the country are not so important.

Mr. GEORGE: If this provision is necessary in Perth, it is as necessary in other parts of Western Australia.

Question passed; the Council's amendment not agreed to.

No. 2. Insert a new clause to stand as No. 2, as follows:—"This Act shall be in force and have effect only in the metropolitan area consisting of the following electoral provinces, namely, the Metropolitan Province, the Metropolitan-Suburban Province, and the West Province."

The MINISTER FOR WORKS: This amendment is consequential and I move—

That the amendment be not agreed to.

Question passed; the Council's amendment not agreed to.

No. 3. Clause 2.—Definition of "Scaffolding": After the word "structure," in first line, insert "exceeding eight feet from the horizontal base."

The MINISTER FOR WORKS: The amendment proposes to limit the operations of the Bill to all scaffolding over 8ft. from the horizontal base. An exhaustive discussion on this question took place when the Bill was before us. There is now a schedule, which is incorporated in the Notice Paper, and which will form part of the Bill. That sets out all details in connection with scaffolding of various descriptions. Those regulations deal with various classes of scaffolding from below 9ft. and provide for strengthening and so on. They provide that timber may be used for scaffolding up to a given height, and allow for what is done now up to the height of one cask, but do not allow for work two casks high. In South Australia the whole position is covered by a regulation such as we propose here. I move—

That the amendment be not agreed to.

Mr. GEORGE: I cannot agree with the Minister. I gave my reasons when the Bill was under discussion here. I am of opinion that the amendment proposed is correct.

Question passed; the Council's amendment not agreed to.

No. 4. Delete the definition of "This Act."

No. 5. Clause 4, subclause (1).—Delete paragraphs (b) and (c).

No. 6. Clause 5.—Delete the words "if he thinks fit," in the first line. Delete the words "thinks fit," in lines three and four, and insert in lieu thereof the words "may direct."

On motions by the Minister for Works, Nos. 4 and 6 were agreed to and No. 5 was not agreed to.

No. 7. Clause 7.—After "any," in the first line, insert "reasonable":

The MINISTER FOR WORKS: This amendment provides for a verbal alteration. The clause sets out that an inspector may do certain things at any time, day or night. The Council wish to insert the word "reasonable" so that the inspector shall be able to do these things at any "reasonable time." The Council will not trust anyone. They want to safeguard the position in the Act itself. The Council want to regulate men's thoughts by Act of Parliament.

The Premier: The question arises, what is a reasonable time. What may be a reasonable time under one set of circumstances, may be unreasonable in view of another set of circumstances.

The MINISTER FOR WORKS: That is so. I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 8. Clause 11.—Delete the word "such" in line 7, and in line 8 delete "as he thinks necessary."

The MINISTER FOR WORKS: I move—

That the amendment be agreed to.

Another place does not want an inspector to have the right to think. He may give notice in writing but they will not permit him to think. I have no objection to the amendment though a person must think before he directs.

Question passed; the Council's amendment agreed to.

No. 9. Clause 11, Subclause 3.—Delete "prescribed and his decision shall be final" in lines 7 and 8 and insert "set forth in this Act."

The MINISTER FOR WORKS: I move—

That the amendment be not agreed to.

There is no meaning in "set forth in this Act," and for that reason I cannot accept the amendment.

Question passed; the Council's amendment not agreed to.

No. 10. Clause 12.—Delete "if no other penalty is provided," in line five.

No. 11. Clause 13, subclause (i).—In line three delete "at or in any place where there is scaffolding or gear."

No. 12. Clause 14, subclause (i).—After "magistrate," in line five, delete all the words to the end of the subclause.

No. 13. Clause 14.—Delete subclause (5).

No. 14. Clause 14, subclause (9).—After "us," in line two, delete all the words to the end of the subclause, and insert "the court may order."

No. 15. Clause 14.—Delete subclause (12), and insert a new subclause in lieu thereof, as follows:—(12) A representative of the person killed or injured, a representative of the Industrial Union of Employers, and a representative of the Industrial Union of Workers representing the class of employment in which the persons who met with an accident were employed at the time of the accident, and concerning which accident the Minister has ordered an inquiry under this section, shall be entitled to be present at and take part in such inquiry, and shall have full power to call, examine, and cross-examine witnesses thereat.

No. 16. Clause 24.—Delete paragraph (d).

No. 17. Clause 25.—Insert at the beginning the following subclause, to stand as No. (1): "The regulations in the Schedule to this Act shall have effect and the force of law."

No. 18. Clause 25.—After "regulations," in line one, insert "not inconsistent with the regulations in the Schedule."

On motions by the Minister for Works, the foregoing amendments were agreed to.

No. 19. Clause 25—Paragraph (a) Delete "powers and" in lines 1 and 4. In lines 8 and 9 delete "competitive examination" and insert "examination competitive."

The MINISTER FOR WORKS: I believe it took another place two hours to decide whether these words should be "competitive examination" or "examination competitive," and they want to disclaim that they are wasting time.

Hon. Sir James Mitchell: What does it mean, anyhow?

The MINISTER FOR WORKS: I do not know and I am not going to attempt to explain it. The selection of an inspector will be by competitive examination, but I have no objection to the amendment, if transposing the words will please the vanity of another place. I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 20. Clause 25—Delete paragraphs (d) and (e).

The MINISTER FOR WORKS: I move—

That the amendment be agreed to with the exception of "and (e)."

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

No. 21, Schedule:

The MINISTER FOR WORKS: I move—

That the schedule be agreed to.

Hon. Sir JAMES MITCHELL: The regulations contained in the schedule, I suppose, are now part of the Bill.

The Minister for Works: Yes.

Hon. Sir JAMES MITCHELL: I congratulate the Minister upon his moderation to-night. If the Minister agreed with us as he sometimes agrees with the other place, we would be quite satisfied. But he calls upon the forces behind him to defeat every amendment we suggest. It seems a little strange that the Minister should be so reasonable with regard to these amendments. In any case I congratulate him.

Mr. Panton: Do not go too far; he is not used to flattery.

Hon. Sir JAMES MITCHELL: I do not know that he deserves very much; certainly not at my hands.

Mr. GEORGE: I suppose the regulations have been gone into with those who understand the business thoroughly. Have contractors been consulted?

The Minister for Works: Yes.

Question passed; the schedule agreed to.

Resolution reported, the report adopted, and a committee consisting of the Minister for Works, Mr George, and Mr. Panton appointed to draw up reasons for disagreeing with certain of the Council's amendments.

Reasons adopted and a message accordingly returned to the Council.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Returned from the Council with amendments.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Council's Amendments.

Schedule of 58 amendments made by the Council now considered.

In Committee.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

No. 1—Clause 2, Subclause 4, Delete paragraph (b):

The MINISTER FOR WORKS: I am not likely to be so reasonable as the Council's amendment suggests. I shall not reiterate the arguments in favour of the principle of preference to unionists. I move—

That the amendment be not agreed to.

Mr. DAVY: The Minister's attitude on this amendment suggests that he will refuse to agree to any of the amendments made by another place. The hon. gentleman could not possibly have anticipated that another place would agree to this subclause.

Mr. Pantou: Why not?

Mr. DAVY: I should not think that question needs answering. This side of the House has always stood against preference to any particular class of the community.

The Minister for Works: This provision was inserted to prevent your giving preference to a section of the community.

Mr. DAVY: If instead of the clause in the Bill, the Minister had inserted a clause giving the court power to forbid preference to non-unionists, there would have been no opposition to-day.

The Minister for Works: I have had far too much experience for that.

Mr. DAVY: Mr. Justice Higgins, in his book makes a very lame apology for preference to unionists, and points out that it is not really the right method of dealing with the situation. He adds that the court would never have exercised that power if they had had power to prevent preference to non-unionists. However, if all these controversial matters are to be insisted upon by the Minister, the Bill will go by the board and some very useful machinery in it will be lost, and we shall be where we were before the Bill came down.

Question passed; the Council's amendment not agreed to.

No. 2—Clause 2, Delete Subclause 6:

The MINISTER FOR WORKS: I move—

That the amendment be not agreed to.

This clause deals with the inclusion of domestics, insurance agents and all Government employees other than those under the Public Service Act. The Council's amendment means that the scope of the Bill is not to be extended to include those workers. This, of course, the Government cannot accept.

Question passed; the Council's amendment not agreed to.

No. 3—Clause 3, Delete all words after "omitting" in line 1 down to end of clause, and insert "in paragraph (a) the word 'fifty' and substituting the word 'fifteen'."

The MINISTER FOR WORKS: I move—

That the amendment be agreed to.

This deals with the employers' organisation and provides that instead of its having to be 50 strong, it may consist of only 15. However, I am not particularly concerned about that, since an individual employer, even though not a member of the union, may go to the court. The amendment makes no difference.

Question passed; the Council's amendment agreed to.

No. 4—Clause 4, Delete.

No. 5—Clause 5, Delete.

The MINISTER FOR WORKS: These two amendments deal with the one subject. I move—

That the amendments be not agreed to.

These clauses were framed to get over the objectionable limitation of the scope of a union to a specified industry. The main object was to cover the A.W.U., whose members consist mostly of labourers and navvies, who engage in a large variety of work. At present such a union cannot be registered. I cannot see what is to be gained by limiting a union to one industry. So many industries are interwoven with others that it is difficult to say where a specified industry begins and ends. I remember that when I applied for the registration of the undertakers' employees I was asked in what specific industry they were employed. And because we included grave-diggers and hearse-drivers and coffin-makers as members of the same union, it was contended that they represented three separate industries; and we were asked further why we did not include the curate who read the burial services.

Hon. Sir JAMES MITCHELL: Of course certain sections of the A.W.U. are registered now. Still, the position is very difficult, and must remain so while we have the two courts, Federal and State. Some sections work under the Federal court and others under the State court. In consequence, the employer does not quite know where he is; for while one award grants a certain rate of wage, a higher rate is granted in another award.

Question passed; the Council's amendments not agreed to.

No. 6 Clause 7.—Delete all words following the figures "42" down to end of clause, and insert in lieu thereof the following: "42. The Court shall consist of a President appointed by the Governor. The President shall be a Judge of the Supreme Court. The President shall not be required to perform any duties of Judge of the Supreme Court during his appointment as President of the Court of Arbitration, and his appoint-

ment shall not prejudice any rights or privileges he may have or be entitled to as Judge of the Supreme Court."

THE MINISTER FOR WORKS: This amendment deals with the constitution of the court and attacks a fundamental principle. It attempts to take out of the hands of the Government the foundation of the whole structure of arbitration. In no circumstances could we be parties to that.

Hon. Sir James Mitchell: Parliament must control.

THE MINISTER FOR WORKS: The Government have a definite policy as to the constitution of the court, and if the Government's policy cannot go, the Government must go.

Hon. Sir James Mitchell: Good!

THE MINISTER FOR WORKS: We cannot possibly stay here and have such an important point taken out of our hands. There must be no mistake about that. We have set out clearly what we consider should be the constitution of the court, and another place says that is not to be. I say definitely and distinctly whatever comes or goes the Government cannot accept that. It is not the function of another place to lay down the principles of legislation. That is the function of the Government. They are supposed to be a House of review. Here they are attacking the fundamental principle upon which the whole structure is reared, and any Government worth its salt could not possibly tolerate that.

Hon. Sir James Mitchell: What are you going to do?

THE MINISTER FOR WORKS: Tell them I am not going to have it.

Hon. Sir James Mitchell: You will not have their proposal and they will not have yours.

THE MINISTER FOR WORKS: They will take the consequences.

Hon. Sir James Mitchell: What will be the consequences?

Mr. Munsie: Shut the court up altogether.

Hon. Sir James Mitchell: You cannot shut the court up.

THE MINISTER FOR WORKS: Can't we? Better not tempt us too far. We can do it all right. As one who has stood inside the movement and outside it for compulsory arbitration, and has had to fight the extreme element inside and outside, I saw the action of the Legislative Council in attacking fundamental principles and making it so difficult for organisations to get to the court, as they do under their amendments, is driving thousands of workers into the arms of the very men they are condemning.

Hon. Sir James Mitchell: Who are they?

THE MINISTER FOR WORKS: They are proving that the extremists, as they are pleased to call them, are correct, and they are making it impossible for men to have their industrial conditions settled decently, expeditiously and efficiently and by a court in which they will have confidence. If the

Council take a stand on this Bill, they will prevent the industrial workers from getting an Act that will enable them to obtain industrial justice. I am going to make my position perfectly plain and clear to the trade unionists. I will let them know that inside this Parliament, there are men endeavouring to prevent them from getting the justice they are entitled to. If they cannot get justice by political action, there is only one other weapon available to them.

Mr. Panton: And they will use it, too.

THE MINISTER FOR WORKS: They will be advised by us who have some influence with them what to do.

Hon. Sir James Mitchell: What will you do?

THE MINISTER FOR WORKS: We shall not put up with this. We cannot have men, who do not know the first thing about the matter, taking the policy out of the hands of the Government, and attempting to frame a measure diametrically opposed to the policy of the people endorsed at the last elections.

Hon. Sir James Mitchell: Not at all.

THE MINISTER FOR WORKS: It should be well understood, and I want my position clearly understood, and I want those who appear to be playing fast and loose with such important measures to know where I shall stand, and what my advice to the trade unions will be if they are denied justice and are prevented from getting a law under which they will be able to get their grievances redressed.

Mr. Panton: They do not want arbitration; they want a fight.

THE MINISTER FOR WORKS: If they are going to join the ranks of Walsh and those who say "If you want anything, you must take it; you cannot get anything but by direct action!"—

Hon. Sir James Mitchell: You have just said that.

THE MINISTER FOR WORKS: If they are going to frame laws that will handcuff the workers and not allow them to get the justice they are entitled to, the workers must be told plainly and frankly what the real outlook for them is. That will be done. Let that be known. It might be impossible for us to get this Bill through in anything like reasonable form, but I want everyone to know where I stand.

Mr. Taylor: You do not make this as a threat?

THE MINISTER FOR WORKS: We want the President to be entirely apart from the Supreme Court. We want him to devote the whole of his time to that one particular task. We want him to make a life study of the work. That is our proposal.

Hon. Sir James Mitchell: He must have the qualifications of a judge.

THE MINISTER FOR WORKS: We are opposing that. We are not limiting the

choice to those who have the qualifications of a judge.

Hon. Sir James Mitchell: You should have been frank about that.

The MINISTER FOR WORKS: The hon. member was told that plainly when the Bill was going through this House. I have no one definitely in mind for the position, but I hope the Government will take a wide view and scour the continent to ensure that the right man is obtained for the position. There is no more important office in this State than that of the president of the Arbitration Court, and it would be very wrong if any Minister at this stage had his mind made up. This proposal is to limit us to one man.

Mr. Taylor: A judge of the Supreme Court.

The MINISTER FOR WORKS: And one man is to constitute the court.

Hon. Sir James Mitchell: The unions did favour that.

The MINISTER FOR WORKS: The unions are not favourable to it; it has been discussed by them many times. They have declared against it, and it could not be accepted by the Government. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: I am astonished at the remarks of the Minister for Works. He says if he cannot get all he wants, he is going to take it. I do not know whether he thinks he will ever get legislation on the statute-book if he takes up that attitude. He has threatened the Upper House. I do not know what the consequences will be.

The Minister for Works: They are entitled to know where I stand.

Hon. Sir JAMES MITCHELL: I do not think they ever had any doubt about that. If the Minister had told us when the Bill was going through the House that he had it in mind to appoint a layman as president, it would have helped us.

Mr. Panton: Why a man with legal training to arbitrate on industrial matters? What training has a lawyer had in industrial matters?

Hon. Sir JAMES MITCHELL: If the Minister had said he was going to have not a legal man, but a layman—

Mr. Taylor: The point is the Council suggest one man to constitute the court instead of three men.

Hon. Sir JAMES MITCHELL: No, the Minister objects to the restriction of the choice to a judge of the Supreme Court. A trained legal man would have to be obtained to do this work. I do not know that we could get any more satisfactory president than a man with the qualifications of a judge. In the court the president must decide on the evidence.

Mr. Panton: Why confine the most important position in the State to one section of the community

Hon. Sir JAMES MITCHELL: They are administering the laws that laymen make. When we appoint judges, we find it necessary to appoint men having a knowledge of the law of the land, and the same thing applies when we appoint magistrates.

Mr. Panton: They are dealing with questions of law. Arbitration is not a question of law.

Hon. Sir JAMES MITCHELL: It is.

Mr. Panton: Rats! It is a question of the bread and butter of the workers, and very little butter for the present.

Hon. Sir JAMES MITCHELL: That is always said, and always will be said by the leaders of the men, because it keeps the men satisfied with their leaders so long as they say that.

Mr. Hughes: As long as you say otherwise, money power will be satisfied with you.

Hon. Sir JAMES MITCHELL: The Minister, in amending the Act, has sought to institute his own ideas of what the arbitration laws should be. He proposes to appoint a president, but he does not want to be restricted in his choice as suggested by the Legislative Council. I confess that at one time I thought the lay members of the court were necessary and useful, but I doubt whether they are. So far as I can see they must, by the very nature of their appointment, be partisan, the one representing the workers of every industry and the other representing the employers in every industry. The president, after all, must be the deciding factor. I do not know that the two lay members ever agree.

Mr. Taylor: They may help the judge.

Hon. Sir JAMES MITCHELL: I do not suppose they do agree.

Hon. S. W. Munsie: They issued an award without the president.

Mr. Panton: And they do 60 per cent. of the work without the president.

Hon. Sir JAMES MITCHELL: That is news to me. I have watched the cases and have read their remarks, and in 999 cases out of 1,000 they do not agree on the main questions. They may agree on matters of detail. These members are unnecessary. They prolong the hearing, and I doubt whether they assist the president at all. It would be possible to have assessors associated with the president—men having special knowledge. I do not know whether that would be a more satisfactory system. I believe it is the system in some of the other States. The Minister is anxious to amend the Act, and I believe there are some amendments adopted by this House and approved by the Council that will be useful. The Minister is very young in politics and Ministerial office. He will find he will get the legislation he wants only by easy stages. He will not get it all in 24 hours. He cannot expect to convince members that all he wants is right. He would be well advised to accept a fair compromise and in another

year endeavour to remodel the Act. He will not by abuse persuade Parliament to follow him. The Legislative Council might well have rejected some of the Bills instead of amending them as they did, but in this case they amended the Bill rather than reject it. They were entitled to do this.

The Minister for Works: Not to amend it from cover to cover.

Hon. Sir JAMES MITCHELL: They have given the Minister much of that which he wanted.

The Minister for Works: They have given nothing that means much.

Hon. Sir JAMES MITCHELL: The Minister threatens, and says if they do not pass the law Trades Hall wants, the men want, he wants and the Government approve of, they must take warning that worse will happen. He suggests that arbitration will be set at defiance and that the court will be closed. He cannot mean to turn out the President, to have no hearings and to set aside all awards.

Hon. S. W. Munsie: It would be foolish to keep the President there if no one went to the court.

Hon. Sir JAMES MITCHELL: Then it would be fair to abolish arbitration.

Hon. S. W. Munsie: The Council want it abolished.

Hon. Sir JAMES MITCHELL: Let us maintain law and order. It is a responsibility of Parliament to see that this is done. No member should encourage people to disobey the law. If arbitration is not desired by the workers and if they have no intention of obeying the law our duty is clear. Untold misery follows in the train of strikes. We know what the blockage and siege at Fremantle meant to the workers. They must have lost thousands of pounds, and trade has been dislocated. We want something that will be acceptable to both sections. Our laws should be framed so as to make for justice all round.

Mr. Marshall: Where is there any justice in arbitration?

Hon. Sir JAMES MITCHELL: If the hon. member had his own way the law would be bad enough. If the Minister has in mind that a legal man shall not be president of the court he has a right to say what he wants, but to say that, unless the Council give him power to do as he pleases something worse will happen, is wrong. It is better that a man with legal training should be made president. The trouble is that the judges are not permanently engaged in that work. We should have a permanent president, and this would give us more satisfactory results. It is the work of the president that counts. The Minister would be well advised to approach this matter in a different spirit. We are just as keen as he is on having a court that will function and hold the balance fairly between the various parties, at the same time making for industrial peace and contentment. We do not want a repetition of the Walsh incident at Fremantle.

Mr. Marshall: Or the Colebatch incident.

Hon. Sir JAMES MITCHELL: I am pleased that our champion held his own. And we do not want any Walshes in this House. Members of the Council are satisfied with the work they have done.

Hon. S. W. Munsie: It is well done in the interests of the wealthy people who sent them there.

Hon. Sir JAMES MITCHELL: That is an unfair statement. They do not represent the rich men. They represent the married men and the thrifty men. Every man in the country can have a vote for the Legislative Council if he wishes.

Mr. Panton: They represent the Employers' Federation.

Hon. Sir JAMES MITCHELL: I am not going to have the Upper House maligned.

Hon. S. W. Munsie: That is my opinion and I am not afraid to express it.

Hon. Sir JAMES MITCHELL: It is a House composed of men who are doing their duty to the country.

Hon. S. W. Munsie: They have done it well!

Hon. Sir JAMES MITCHELL: All the wisdom is not centred in any one Chamber.

Hon. S. W. Munsie: I do not say it is.

Hon. Sir JAMES MITCHELL: There are some excellent men there.

Hon. S. W. Munsie: Of course, and they have done their work splendidly from their point of view.

Hon. Sir JAMES MITCHELL: Not altogether from mine, but they have done it honestly and are entitled to the respect of this House. It is not to be wondered at if they have not agreed with the Minister. Time and again in this House he has refused point blank to get on to the right track and improve his own Bill.

Hon. S. W. Munsie: They have given us nothing that we asked for.

Hon. Sir JAMES MITCHELL: I do not know that they should have done so. I think they were right in making many of the amendments. I agree that we do not need the lay members of the court, and that we should have a permanent president. It is a matter of opinion as to whether the president should be a layman or a judge. The Minister evidently thinks he can get a better man from the ranks of laymen. That may be so. There is no need to abuse people. We should live together and work together in peace and goodwill. I am going to give the Minister a little advice.

The Minister for Works: You have been giving me a lecture.

Hon. Sir JAMES MITCHELL: I did not intend to—not that you do not need it.

The Minister for Works: You are a master of tactics.

Hon. Sir JAMES MITCHELL: There is a saying that "easy does it." The Minister's way will not do much. I hope the Committee will not approve of his attitude.

His violent speech I know was not the result of serious deliberation, but was spoken on the spur of the moment.

Mr. Panton: He was very moderate tonight compared with what some of the workers are saying outside, regarding these amendments.

Hon. Sir JAMES MITCHELL: I can quite understand that.

Mr. Panton: And those are the men who will suffer.

Hon. Sir JAMES MITCHELL: You will always find men with extreme views.

Mr. Panton: But I am not speaking of people holding extreme views. I speak of the workers who will be affected.

Hon. Sir JAMES MITCHELL: The worker is entitled to decent conditions, decent wages and constant employment.

Mr. Panton: You are talking about Heaven now, not what the workers are getting.

Hon. Sir JAMES MITCHELL: In any case they are entitled to all that. There are some men like Walsh.

Mr. Panton: We are talking about the majority of workers, not of the Walsh's.

Hon. Sir JAMES MITCHELL: I hope that the Minister will do what he can to secure the appointment of a permanent president who will have all the protection that a judge of the Supreme Court enjoys. I admit that the choice of the Minister will be limited to the legal profession, but the Minister himself will have the duty of appointing the president.

Mr. DAVY: I do not agree with the amendment proposed by the Council, nor did I think the proposal of the Minister was correct. I believe that my own proposal was the best. I agree with the Minister that it is essential that the court shall function properly. I think there should be a permanent president who would carry out the duties attached to that position and none other. He should have the same security as a judge of the Supreme Court and should be appointed on such terms that he need have no fear regarding changes of Governments. It is essential that the president shall be a lawyer, more particularly in view of the Workers' Compensation Act Amendment Bill which will make the Arbitration Court the one court of appeal from the local courts on matters arising out of that legislation. The Minister himself said that there was no more difficult or highly technical piece of legislation than the Workers' Compensation Act. The Bill before Parliament will not simplify that Act, but will still further complicate it. A lawyer is trained to deal with these matters and it is more essential than ever that the president who will have to deal with the legal points that will be involved in the appeals, shall be a man trained in the law. If a layman were appointed to the position there would be sickening confusion regarding workers' compen-

sation matters. The Arbitration Court will have to deal with appeals from industrial magistrates, and there again, legal points will be involved that will require the attention of a trained legal man.

The Minister for Agriculture: Do you say that a judge is the man to decide wages and conditions for plumbers?

Mr. DAVY: I say that the judge is a man trained to weigh evidence brought before him. A lawyer is specially trained in that direction. If the Minister insists on having a plumber to sit on the bench when dealing with the plumbing trade, and an engine-driver to act as president when matters affecting engine-drivers are dealt with, he will have to dispense with the permanent president of the court and appoint shifting presidents, one man sitting for one case and another man for another and so on.

Mr. Millington: You do not think a person in that position should pronounce judgment before hearing evidence?

Mr. DAVY: Certainly not.

Mr. Millington: That was done by a judge before the hearing of an application was commenced. He was a lawyer.

Mr. DAVY: I do not say that all lawyers are sensible, but the fact remains that lawyers are men trained to deal with this class of work.

The Premier: Wages affecting four or five times the number of employees here are fixed in Victoria by wages boards on which no judge sits.

Mr. DAVY: That may be so. The Minister himself said that all should come down the one spout, and he set up wages boards—he did not refer to them as such—that would be subordinate to the Arbitration Court, which would be the head of the system. While I do not agree with the Council's amendment, I trust that some way may be found of effecting a compromise. I hope that a permanent president will be appointed and that he will be a lawyer, not necessarily a judge of the Supreme Court. Even if the Government appointed a lawyer who had taken some part in politics, such an appointment would meet with approval.

[Mr. Panton took the Chair.]

Mr. HUGHES: The member for West Perth seems to suffer from the delusion that lawyers are a section of the community apart. He seems to think they are specially trained. From what I know of lawyers they do not appear to me to be more broad-minded than any other section of the community. Watch them in their private life and you will find they have the same faults as the rest of the community.

Mr. Davy: The same thing applies to plumbers and engineers.

Mr. HUGHES: The hon. member's contention would be good if he declared that

only an engine-driver or a plumber should sit on the court. But reverting to lawyers, I know some who do foolish things just as well as do other people. I have seen an astute lawyer put on a horse all the money he had earned in the week, only to find that the horse was as dead as a doan. To hold up lawyers and declare that they are a broad-minded class who sit down and weigh facts, and who are able to give us an industrial paradise as no other section of the community would be able to do—

Mr. Davy: I never used the word "class."

Mr. HUGHES: That was the tenor of the hon. member's remarks. The duty of a lawyer is to prove that white is white.

Mr. Davy: You seem to have had an extraordinary experience of the legal profession.

Mr. HUGHES: It has been a revelation to me to find a lawyer in the court before lunch pleading that a certain matter should not have been taken into court and after dinner telling the same magistrate in another case and in which he appeared on the other side, that that was a serious offence in which the peace of the community was menaced. That is the kind of training the hon. member says is essential the president of the Arbitration Court should have. The duty of a lawyer is to win his case, honestly if he can. We know that during a celebrated trial recently, in which it took many days to present evidence to the court, the verdict of the jury showed that they believed the evidence to be a pack of lies.

Mr. Davy: What does that prove?

Mr. HUGHES: That lawyers do not always weigh the facts from both sides.

Mr. Davy: Do you mean that the evidence was manufactured by the lawyers?

Mr. HUGHES: I have a suspicion that the jury thought it was.

Mr. Davy: Do you mean that it was?

Mr. HUGHES: I think the jury thought it was manufactured, because they refused to accept it. We want a man on the bench who has a broad sympathy with humanity, a man who has some training of the world.

Mr. North: Mr. Justice Higgins is an exception, I suppose.

Mr. HUGHES: I would not say that because a man is a lawyer he is not fit to be on the bench, and I would not say that lawyers should be excluded. We want a man who has been outside in the hurly-burly of life, and who knows something of the struggle for existence on the part of the people. Is it contended that because a man has not a professional training that he is not capable of reasoning? Do not commercial men think out and weigh facts and also the prospects of success as against the prospects of failure? If we want to get the best man possible we must give the Government the widest possible choice.

Question passed; the Council's amendment not agreed to.

Amendments 8 to 12, consequential on amendment 7, were not agreed to.

No. 13. Clause 14, paragraph (b).—Delete sub-paragraph (i) and delete "the Minister" in last line of sub-paragraph (iv.), and insert in lieu thereof "a commissioner."

The MINISTER FOR WORKS: This amendment takes away from the Minister the power to refer a dispute to the court. This power is contained in the Eastern States Acts, and if it had been in existence in Western Australia during the recent trouble at Fremantle, it would have been possible for the Minister to refer the Fremantle trouble to the court. I move—

That the amendment be not agreed to.

Question passed; the Council's amendment not agreed to.

No. 14. Clause 15, line 5.—Delete the words "or the president, as the case may be."

The MINISTER FOR WORKS: This is consequential. I move—

That the amendment be not agreed to.

Question passed; the Council's amendment not agreed to.

No. 15. Clause 16.—Insert "or" after "the Minister" in line 2:

The MINISTER FOR WORKS: This amendment refers to an omission. I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 16. Clause 17.—Delete all words after "Act," in line 5:

The MINISTER FOR WORKS: This amendment deals with the appearance of lawyers in court when cases are brought for enforcement or breach. I am against having lawyers mixed up with such arguments, and I move—

That the amendment be not agreed to.

Mr. DAVY: This subject was discussed here previously in the Committee stage, and it was pointed out that the effect of the clause was to take away from a man charged with a quasi-criminal offence the assistance of a man skilled in defence. That is the grossest kind of injustice. The unions themselves are at times only too delighted to invoke the aid of solicitors to argue legal points. Surely when unions feel that need, the right should not be denied to a man who is liable to be fined. Enforcement cases are practically always matters of legal interpretation, and frequently of a highly technical nature.

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

Ayes	20
Noes	12

Majority for	..	8
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AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munie
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Hughes	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lamond	Mr. Withers
Mr. Luty	Mr. Wilson

(Teller.)

NOES.

Mr. Brown	Sir James Mitchell
Mr. Davy	Mr. North
Mr. Denton	Mr. J. H. Smith
Mr. Griffiths	Mr. Taylor
Mr. E. B. Johnston	Mr. Teesdale
Mr. Maley	Mr. Richardson

(Teller.)

PAIR.

AYES.	NOES.
Mr. Lambert	Mr. Angelo

Question thus passed; the Council's amendment not agreed to.

No. 17. Clause 21—After the word "workers" in line 7, insert "or industrial union of employers":

The MINISTER FOR WORKS: This amendment merely provides that an industrial union of employers may also petition for a special board of demarcation. To show a spirit of compromise, I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 18. Clause 22—Delete the words "thinks necessary or," in line 8, and insert "directs as":

The MINISTER FOR WORKS: Again to show that we are anxious to compromise with the Upper House, I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 19. Clause 24—Delete:

The MINISTER FOR WORKS: This clause deals with the power of the court to make its decisions retrospective. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: I do not altogether object to retrospective awards. There have been times when the parties have agreed that awards should be made retrospective. But surely where a dispute arises between a manufacturer and his workmen, it cannot be expected that the manufacturer should go on selling his goods at a price based on the current rate of wages if he may find himself called upon, later, to pay higher wages retrospectively. The manufacturer stands to lose in such circumstances; and if he bases his selling price on the ratio of the men's citation, it is an injustice to the public. The Committee should not agree to make awards retrospective.

Question passed; the Council's amendment not agreed to.

No. 20. Clause 25—Delete:

The MINISTER FOR WORKS: This is the clause binding the employer whether he is engaged in the industry or not. The clause was ridiculed in another place, but the President of the Arbitration Court has pointed out that if a firm like Foy & Gibson—he mentioned the name—employed painters to paint their premises, they could not be compelled to pay award rates, simply because they were not engaged in the industry.

Hon. Sir James Mitchell: Would the clause apply to a man brought in to do a bit of rough painting?

The MINISTER FOR WORKS: The unions are too busy to look after that man. I move—

That the amendment be not agreed to.

Mr. DAVY: Naturally, I see in the clause a personal application to myself and other persons like myself. Suppose I want a hedge chopped out in my garden, and I telephone the Labour Bureau for a man, and a man is sent along. I ask him his wages, and he replies, "Fifteen shillings a day." He does the job for me, and later I find that he is classified as a timber hewer and has to get 18s. a day. He can come back on me years afterwards and claim from me the balance of 3s. for each day's work. That is an unjustifiable burden on the private individual who wants an odd job done. Not being engaged in the particular trade, he knows nothing about the conditions and rates of wages governing the work. The question of wages would not be of great importance, but all sorts of other considerations may come into the question.

Question passed; the Council's amendment not agreed to.

No. 21. Clause 28, Subclause (2)—After "re-hearing" in line 2 of subclause, insert "or by case stated."

The MINISTER FOR WORKS: I move—

That the amendment be agreed to.

This is dealing with appeals from the board to the court. The amendment provides an alternative procedure.

Question passed; the Council's amendment agreed to.

No. 22. Clause 30—Delete "think fit" in line 8 and insert "direct":

The MINISTER FOR WORKS: I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 23. Clause 30—In second proviso insert at end of first line the words "the first" and the second line, after "award" insert "and after the expiration of any subsequent period of 12 months," and after the word "vary," in last line, insert "or rescind."

The MINISTER FOR WORKS: I move—

That the amendment be agreed to.

This is dealing with the power of the court to issue an award that, while extending over three years, can be revised at the end of the first 12 months. The amendment proposes that the award may be revised also at the end of the second 12 months.

Question passed; the Council's amendment agreed to.

No. 24. Clause 32—Delete proviso to Subsection (i) of proposed new Section 83:

No. 25. Clause 32, Subsection (2) of proposed new Section 83—Delete the following words:—"and to the power of the court to give retrospective effect to its awards and orders."

The MINISTER FOR WORKS: I move—

That these two amendments be not agreed to..

These, again, deal with the principle of retrospection, and are consequent on the other decisions.

Question passed; the Council's amendments not agreed to.

No. 26. Clause 33—Delete Subclause 3.

The MINISTER FOR WORKS: I move—

That the amendment be not agreed to.

This deals with an employer who issues shares in his business to his employees, who being then partners in the business are not subject to any award, but can work what hours they like. This, of course, imposes unfair competition on a just employer.

Mr. DAVY: But this will apply also to perfectly legitimate cases. If a father and his three sons go into the baking business, this means that the law will dictate to them what hours they are to work, and will punish them if they work more than the prescribed hours.

The MINISTER FOR WORKS: There was never a law that did not inflict hardship on somebody. To-day the employer who issues shares to his employees can get outside the award altogether. What chance of achieving success against such competition has a man who carries on his business in accordance with the law? As for the case quoted by Mr. Davy, a man should not be permitted to sweat even his own children.

Mr. Davy: Suppose he is a single man entirely on his own, with no one to help him, it applies to him, too.

The MINISTER FOR WORKS: I admit there will be exceptional cases in which hardship will be caused, but every law operates in that way.

Mr. E. B. Johnston: He cannot keep his shop open under the Shops Act.

The MINISTER FOR WORKS: That is so. On the whole, it gives the protection desired.

Question passed; the Council's amendment not agreed to.

Progress reported.

BILL—LAND TAX AND INCOME TAX.

Council's Requested Amendments.

Message from the Council received and read requesting the Council to make amendments as follows:—Request No. 1. Clause 2, Subclause 1, strike out "twopence" and "insert "one penny." Request No. 2. Clause 6, delete this clause. Request No. 3. Clause 8, delete this clause.

The Minister for Works: Now the fun starts.

On motion by the Premier, the consideration of the message was made an order of the day for the next sitting.

ADJOURNMENT—CLOSE OF SESSION.

The PREMIER (Hon. P. Collier—Boul-der) [10.44]: I move—

That the House at its rising adjourn until to-morrow (Friday) at 3 p.m.

Question put and passed.

House adjourned at 10.45 p.m.