We know that inspectors do ask for rather impossible things. They may visit certain premises at a particular time, and demand that certain drainage and other works shall be carried out. Six or twelve months later other inspectors may call round and condemn all the work that was done at the instigation of their colleagues, and require that something quite different shall be done. When people have become used to certain conditions it is a good thing to leave them alone. When we amend our Acts of Parliament in this way we tend very greatly to harass those who have established themselves, and have taken into their employment two or three persons. The employers are suddenly confronted with the fact that their premises have been declared factories, and that they are compelled to work under conditions that are very different from those to which they have been accustomed. Such people cannot possibly face the additional expense involved. These constant amendments to our Acts are embarrassing for many individuals, who themselves, if they were left alone, would probably in time become large employers of labour. Those who are well established are entitled to every credit for their enterprise, but we should not prevent smaller people from emulating their good example. The Act as it is is satisfactory. It provides that if four persons are employed in the one establishment it shall be declared a factory. To reduce the number to less than four would be a mistake. If the Bill remains as it is even the owner may be declared a factory. I am opposed to that portion of it, and cannot believe it is necessary at present to amend the Act at all.

On motion by Hon. H. J. Yelland, debate adjourned.

House adjourned at 5.50 p.m.

Legislative Assembly.

Thursday, 5th September, 1935.

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

QUESTION—COMMONWEALTH SAVINGS BANK.

Assistance by State Officers.

Mr. MANN asked the Premier: 1, What amount is received by the Government as commission for work done for the Commonwealth Savings Bank at York, Beverley, Bruce Rock, and Wagin? 2, What amount is paid by the Government as allowances to the Clerks of Courts performing the work for which the commission referred to is received?

The PREMIER replied: 1, Twelve months ended 31st May, 1935:—Beverley £182 6s. 1d., Bruce Rock £167 0s. 3d., Wagin £220 5s. 5d., York £241 3s. 2, £25 per annum.

BILLS (2)—THIRD READING.

1. Fremantle (Skinner Street) Disused Cemetery Amendment.
2. Trustees' Powers Amendment.

Transmitted to the Council.

BILLS (2)—REPORTS OF COMMITTEE.

1. Brands Act Amendment.
2. Droving Act Amendment.

Adopted.

BILL—JUDGES' RETIREMENT.

In Committee.

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

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. N. KEENAN: Why is it necessary to include acting judges and commissioners

of the Supreme Court in a measure that deals with the retirement of judges when they reach a certain age? An acting judge is appointed, generally speaking, for a specified time, at the conclusion of which he retires, without any regard to age at all. Similarly, commissioners are appointed for some special purpose, and at the completion of their work they cease to hold office.

The MINISTER FOR JUSTICE: Acting judges and commissioners were included under the interpretation clause because the general principle underlying the Bill is that no person shall sit on the Supreme Court Bench after reaching the age of 70 years. An acting judge or a commissioner may be appointed and continue to sit for years. Unless some reference were made in the Bill to such appointments, there would be nothing to prevent them from continuing to sit after they were 70 years of age. The Bill has been framed to cover all persons who may act as judges or commissioners of the Supreme Court.

Hon. N. Keenan: You suggest that the Government of the day would deliberately break the provisions of the Act.

The MINISTER FOR JUSTICE: No, I do not. The provision is embodied in the Bill so that all persons who act in a similar capacity to judges shall be covered by the provision regarding retirement at 70 years of age.

Hon. N. Keenan: That is to say, a Government might do what was wrong. The Government would do it, not the man concerned.

The MINISTER FOR JUSTICE: The Government might be able to do so, but I do not suggest they would. The Parliamentary Draftsman framed the clause in order that all persons who might be appointed to act as judges would conform to the law.

Clause put and passed.

Clause 3—Act not to apply to present judges:

Hon. N. KEENAN: What does this clause mean? It reads—

> This Act shall not apply to or affect the judges holding office at the date of the commencement of this Act;——

So far the clause is perfectly plain and can be understood, but it continues—

> ——and shall not apply to any such judge, not being the present Chief Justice of Western Australia, who is hereafter appointed to that office.

All the present puisne judges are exempt from the application of the measure, and if one of them should be appointed to the position of Chief Justice, he will still be exempt. It is a personal matter. How could the present Chief Justice be hereafter appointed? The wording is incomprehensible. Ever since I have been unfortunate enough to require to read Acts of Parliament, I have never before read such confused and meaningless verbiage. I suggest that the latter part of the clause is quite unnecessary. If the desire is to be extra cautious, surely the clause should be made to provide that it shall not apply "to any such judge who is hereafter appointed to the office of Chief Justice of Western Australia." That would be quite unnecessary, because the present judges carry exemption from the Act so long as they live. As the clause stands, it is absolute nonsense, but if it must be retained, surely it should be in decent English.

The MINISTER FOR JUSTICE: It is a matter of opinion as to what decent English is, and the Parliamentary Draftsman and the member for Nedlands may have different ideas on the point.

Mr. Marshall: Did you ever know of two lawyers with the same idea?

The MINISTER FOR JUSTICE: The definition clause provides for the Chief Justice and, secondly, for judges of the Supreme Court, and it is problematical whether, in the event of one of the present puisne judges being appointed to the position of Chief Justice, he would be covered by the exemption. In order to make the position quite clear, the Parliamentary Draftsman framed the clause in the manner set out in the Bill. That was his intention.

Clause put and passed.

Clause 4—Retirement of judges:

Mr. TONKIN: I move an amendment—

> That in line 6 "seventy" be struck out and "sixty-five" inserted in lieu.

If it is fair that workers in the Government service should retire at 65, it is fair that judges should retire at the same age. Judges retire on a good pension, whereas workers in the railway service, for instance, have nothing to look forward to but the old-age pension of 17s. 6d. a week. I am not in favour of retiring anyone at the age of 65, provided he is able to do his work, but I believe that if we fix 65 as the retiring age

for judges, we shall have a better chance later on of raising the retiring age for others, as well as them, to 70.

Mr. McLarty: Politicians included?

Mr. TONKIN: Yes, I might go so far as that.

Hon. C. G. Latham: You have the advantage of being a young man.

Mr. TONKIN: I do not think we should compulsorily retire any man at 65. If he is in possession of physical vigour and mental faculties, he should be permitted to work on. Certainly a worker on the basic wage should be allowed to continue because he can do little on the old-age persion. This Bill presents no opportunity to increase the age of retirement for men other than judges, but if we retire judges at 65, it will cause such an agitation that the whole of the retiring provisions will be wiped out. Why should a man in the teaching service be retired at 65? If it is right for a judge to continue his work until he is 70, it should be right for the headmaster of a school, especially as the salary of a schoolmaster is less than that of a judge and the schoolmaster would retire without a pension. Men should be retired when they can no longer do their work efficiently.

Hon. W. D. JOHNSON: There is another point of view to be considered. I am not keen on establishing 65 as the retiring age. Many men are quite capable of carrying on their work efficiently for years after reaching 65, and it is economically wrong to have a rigid law stipulating retirement at 65, regardless of the efficiency or the expert knowledge of the individual concerned. It is all right to have a general administrative rule, but I object to making it statute-bound. Discretionary power should be given to the Administration. If we provide by Act of Parliament that 65 shall be rigidly enforced as the retiring age, it will be an unwise step. The time has arrived when something should be done regarding the judiciary, who are going too far. The pension account is growing beyond what is reasonable. I do not know how we can avoid that, but we should have a guarantee that the bench will function and that the judges will give service until they are 70 years of age. This is not a measure that I like. It should have been made more rigid regarding the work to be done. I am not prepared to vote for a recognition by statute that the retiring age shall be made rigid at 65.

Mr. TONKIN: The member for Guildford-Midland has misunderstood me. I am not keen on establishing 65 as the retiring age.

Hon. C. G. Latham: It will be established if your amendment is carried.

Mr. TONKIN: I maintain that if it is fair compulsorily to retire other workers at 65, it is fair to retire the judges at the same age.

Hon. W. D. Johnson: It is not fair.

Mr. TONKIN: If we fix 65 years as the retiring age for judges, someone will get busy, with the result that the limit will be raised, not only for judges, but for other workers. I should like an opportunity to eliminate the provision of 65 as the retiring age, but no opportunity is presented. Dozens of men have been retired at 65 while still physically fit and mentally alert. Mr. Rooney, Principal of the Teachers' Training College when I was a student there, was compulsorily retired at 65. He had a few months' holiday and is now principal of a private coaching college in Perth. That is absurd. If a man is strong and able to carry out his duties, why retire him, especially when he is without savings or income other than the old-age pension? We are prepared to say that retirement at 65 is right for the workers, but when a judge is concerned, one who will retire on a large pension, we say he should be allowed to continue until 70. I commend the Government for having introduced the Bill, but the retiring age should be made 65.

Hon. W. D. JOHNSON: The question is one of levelling up or levelling down. The hon. member thinks he will be able to level up the workers by levelling down the judges to 65. That is the wrong way in which to go about it. If we want to lift the retiring age for the workers, let us establish 70 as the retiring age for judges and then we shall have an argument. If we make it 65 for judges, there will be no room for argument. Let us retain 70 as an indication of a definite declaration by Parliament that that is the age for retirement. I cannot vote for the recognition of 65 as the retiring age.

Mr. McLARTY: Judges cannot be considered in the same light as men in other professions.

Hon. W. D. Johnson: I think they can.

Mr. McLARTY: A lawyer is often 55 or 60 years of age before he receives appointment to the Supreme Court Bench. If he knew that he was to be retired at 65, we would not be likely to get men at the top of the legal profession to accept seats on the bench. It is important that we should be able to secure the best men available, but the passing of the amendment would remove any inducement for lawyers to accept appointment as judges.

Mr. MARSHALL: The contention of the member for Guildford-Midland is correct. If we wish to lift the retiring age for the rank and file, it would be better to fix 70 rather than 65 for judges. I regard this measure as distinctly class legislation. The principle of lifting the retiring age for the bulk of Government employees to 70 did not occur to us until now.

Hon. W. D. Johnson: I voted against 65.

Mr. MARSHALL: If the Minister will give an assurance that he will introduce an amendment to the Public Service Act to raise the retiring age to 70, I will support this Bill.

The Minister for Justice: Then I am afraid I will be without your support.

Mr. MARSHALL: Quite so, which shows that this is class legislation. The Minister does not contemplate doing that. Apparently he considers it is a fair thing for other people than judges to retire at 65. He could have brought down a comprehensive measure governing all employees of the State, instead of singling out one section only. When we regulate the retiring age by statute we should put everyone on the same basis. That would be fair and democratic. I agree that judges are usually appointed when they have reached middle age or have passed it. We are living in a period when youth is favoured. Only recently five young men were called to the Bar, and all were under the age of 30. Is it suggested that it will take them 20 more years to qualify for the position of a judge?

Mr. McLarty: Yes.

Mr. Stubbs: They may not be qualified at the end of 50 years.

Mr. MARSHALL: Quite so. The outstanding man will qualify for a judgeship long before he reaches the age of 40.

The Minister for Justice: But he may not get his chance.

Mr. MARSHALL: Not many chances are available.

Hon. W. D. Johnson: This Bill will create vacancies earlier than the present system will do.

Mr. MARSHALL: The member for Murray-Wellington wants to keep judges in office until they reach the age of 70, and that will have the effect of keeping out the brilliant younger man. I agree it would be a useful precedent to follow if we established the principle of retirement at 70, but I fear we shall never be given the opportunity to carry it into effect generally. The Minister says he does not intend to bring it about.

The Minister for Justice: Not at this stage.

Mr. MARSHALL: He will have many opportunities to do so later on. I disagree with the idea of giving a special privilege to one section. This Bill differentiates between judges and ordinary civil servants. When should an officer be compulsorily retired?

Hon. W. D. Johnson: At the age of 70.

Mr. MARSHALL: I know of railway engine drivers, who would still be quite useful at the age of 70. I would rather see the matter left in the hands of the department concerned. I object to the character of this clause, and believe it is wrong in principle. It should be part of a comprehensive measure to lift everyone to the same plane. I do not say that judges are paid more than they deserve, nor do I complain about their pensions, but I do think they have a better chance of putting something by for their old age than railway employees, for instance. The Bill is scarcely just, and I am inclined to vote for the amendment.

Mr. NEEDHAM: I support the amendment. If railwaymen were retired on a pension I would not oppose the policy of the Government that they should be retired compulsorily at the age of 65. I consider that when a man reaches the age of 65 he has done well so far as work is concerned. If justice were rendered him, he should be in a position to retire at that age without any anxiety as to the remaining number of years he may live. However, railway men and other Government employees have to retire at 65 without any such assurance. Their wages or salaries do not enable them, no matter how thrifty their lives, to retire

at 65 with a sense of security. I hold that instead of there being a flat rule, cases should be considered on their individual merits. I have known railway employees retired at 65 who were physically and mentally able to give better service than many of their juniors. The man who has occupied a seat on the Supreme Court bench might well retire at 65, by which time he will have been able to secure a competency, quite apart from being entitled to a pension equal to about half his salary. No injustice will be done to any future occupant of the Supreme Court bench if we decide that the retiring age shall be 65, having regard to a pension being provided. A judge retiring at 65 and still being vigorous could go back to the practice of his profession. As regards all our people—a phase of the subject which I must not discuss at present—it would be well if the State could give every man and every woman superannuation at the age of 65 years. Our public servants are not well paid—they are in fact the worst paid public servants in Australia to-day—and they are compelled to retire at 65 without any superannuation.

Hon. N. KEENAN: The discussion on the clause has covered a wide field, being concerned principally with the question of the wisdom or folly of having any retiring age. The Public Service consists of a continuous upward stream, but the younger members of the service cannot rise if the older members remain for a very long time. In the army and navy a similar rule prevails in regard to retirement. However, that consideration does not apply to judges at all. No one has any right or claim to succeed a judge. Therefore there is no ground whatever for arguing that a judge should be removed for the same reason as exists in the Public Service. On this clause I find myself in a difficulty, because I wished to discuss with the Minister the advisableness of raising the retiring age to 75. The Minister being unwilling to accept such an amendment, I shall support the clause as it stands.

The MINISTER FOR JUSTICE: The principle as to appointment of judges has so far been that there shall be no retiring age. The principle of the clause is that there shall be a retiring age—whether 65 years or 70 years is a matter of opinion. There is something in the argument advanced by the member for Murray-Wellington. The general age of appointment to the judiciary is well over 50 years, although some brilliant young men have been appointed to the Supreme Court bench. Opportunities for appointment are not numerous in Western Australia, which now has only three Supreme Court judges. Without a retiring age, a judge might continue to occupy his seat on the bench to the age of 80 years or more, while it was evident to everyone else that the judge had passed his period of usefulness.

Hon. N. Keenan: There has been only one instance of that.

The MINISTER FOR JUSTICE: I do not wish to discuss individuals, but there has been more than one such case. New appointments should be made with the definite knowledge on the part of the appointee that he must retire at the age of 70. Some hon. members talk about a retiring age as if they wanted a man to work till the day he dies. After a person has worked solidly for 50 years, provision should be made to give him a year or two of leisure. Actuarially, a man of 65 has an expectation of life of only four or five years.

Mr. Hawke: Why stipulate a 70-year age limit, then?

The MINISTER FOR JUSTICE: Because there has been absolutely no limit previously.

Mr. Hawke: Why not get it somewhere near the actuarial expectation of life?

The MINISTER FOR JUSTICE: The principle of the Bill is to establish a limitation where no limitation has existed so far. That is a wise policy. Every member of the judiciary should have his future assured by a pension; but the State is entitled to expect some reasonable term of service justifying the payment of the pension. I am not prepared to accept the amendment.

Mr. HAWKE: I commend the Government for having brought down the Bill, because I approve of the principle of establishing an age limitation. The amendment agrees with that principle of a limitation, but proposes that the limitation shall be fixed at 65 years. On the 13th December last, I asked the Acting Premier would he, before the next session of Parliament, give consideration to the question of applying a uniform retiring age to all persons employed by the State, including judges and those not now covered by a retiring age provision. The reply given to me in the House was, yes. Evidently the Government

have given consideration to the question of making the retiring age uniform to all employees of the State, but have decided that judges should not be placed on the same retiring age as other employees, but should be given an extra five years' employment. The arguments raised against the amendment carry very little weight. The main one seems to be that if judges are to be retired at 65 years, the State will not have obtained sufficient service from them before they can claim the pension. But it seems to me that under the proposed amendment judges will give the same service in years as they would give if the age limit were 70 years, because they will commence their service as judges five years earlier than if their predecessors had retired at 70 years. Therefore the argument, that under a 65-year age limitation, sufficient service would not be given to warrant the pension, has no strength. It has also been said that if the retiring age of judges were 65 years, eminent men in the legal profession would hesitate to accept positions on the Supreme Court bench. Very few members of the Chamber will be impressed with that argument because, as I have pointed out, the appointees will be in a position to accept judgeships five years earlier than if the retiring age were 70 years, and so actually they will have the same length of time to run. So that argument has no strength. A little while ago it was said by interjection that a man had to serve many years in the Education Department before becoming Director of Education. But that man is compelled to retire from the position of director on reaching the age of 65 years. And a director of education, in his sphere of activity, is equally important with a judge of the Supreme Court in his sphere. Therefore I see no justifiable reason why we should differentiate between men occupying important positions in our various departments and those with positions on the Supreme Court bench. I hope the Committee will agree to the amendment.

Mr. MOLONEY: I oppose the amendment. In the past there has been no provision whatever for the retirement of judges on reaching any specified age. The Bill proposes that the retiring age should be 70 years, whereas the amendment would make it 65 years. I am averse to any specified age limit in the Public Service or in any other service, believing as I do that whilst a man has the ability to function, he should be allowed to continue. Plenty of instances are afforded of men effectively carrying on their duties for many years beyond the age stated in the amendment; men, for instance, like Gladstone, Asquith, Lloyd George and the present Chief Justice of Australia. Shall we say that those men had not the ability to continue after they were 65 years of age? Youth has no monopoly of brains; shall it be suggested that the youth of this country possess brains equal to those of the men I have mentioned?

Mr. Hawke: Do not you think that if there is to be a retiring age, it should be uniform throughout the service?

Mr. MOLONEY: I do not subscribe to a retiring age at all. It is apparent that the training required to qualify a judge for his position covers many years, and so a man is in his prime before he reaches the Supreme Court bench. Therefore it is essential that we should avail ourselves of his training and experience for as long as he is able satisfactorily to render service. Especially does this obtain in the judiciary, who at all times are supposed to be like Caesar's wife, above suspicion.

Mr. Needham: But Caesar's wife did not live for ever.

Mr. MOLONEY: It has been established that a judge must be above suspicion. But immediately we suggest that executive control should be exercised and that judges should be subject to the pulling of wires, that tampering with judges will have an evil result.

Mr. Hawke: But do not you think that if we have an age limitation, it should be uniform?

Mr. MOLONEY: Well, if so, the age limitation should be 70 years. Take the Director of Education, who also requires a very long training; just as he has the department under his control, he is compulsorily retired at 65 years. Is that right? Of course it is not. Those behind the amendment should accept the 70 years and make it apply to the whole of the Public Service.

Mr. Rodoreda: What chance do you give the young chap?

Mr. MOLONEY: I do not subscribe to an age limitation at all. It is only right that our judges should be provided for by pensions, but the same provision should be made for all our Public Service by means of national insurance. Certainly I am not in favour of the compulsory retirement of officers at 65 years, and I say that if there

is to be any compulsory retirement, it should be only when those officers have ceased to be effective.

Amendment put and negatived.

Clause put and passed.

Clause 5—Pensions of retiring judges:

Hon. N. KEENAN: Section 5 says that nothing in this Act shall prejudice or affect the right of any judge who retires under this Act by reason of having attained the age of 70 years, to any pension to which he would have been entitled under the provisions of the Judges' Pensions Act, etc. I remind the Committee that the existing Act provides that a judge after having served his office for 15 years and attained the age of 60 years, or on its being made to appear by medical certificate that he is incapable of performing the duties of his office, shall be entitled to a pension. Nothing in the Bill before us affects that position one iota. If we strike out the clause the position will remain exactly as it stands to-day. The insertion of the clause means nothing. There is not a single word in the Bill that affects a judge's pension. If a judge has to retire at 70 and he has not served 15 years, he cannot receive a pension, but if he has served 15 years he is entitled to one, and the Bill does not take it from him. The clause is absolutely unnecessary.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—TENANTS, PURCHASERS AND MORTGAGORS' RELIEF ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th August.

HON. C. G. LATHAM (York) [5.50]: I do not intend to offer any opposition to the Bill. At the same time I am not sure that there is any necessity for it. I should be surprised to hear that any cases were submitted to the commissioner last year.

The Minister for Justice: Yes, 35.

Hon. C. G. LATHAM: If that is so, there is need to continue it. All the same, I shall be glad to see the end of all the emergency legislation. In fact, we all will.

The Minister for Justice: Probably this will be the last time.

Hon. C. G. LATHAM: As the Minister has pointed out, the Bill will not do any harm and so we can let it go through for another year.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—RURAL RELIEF FUND.

In Committee.

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

Clause 1—agreed to.

Clause 2—Definitions:

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

That the following words be added to the definition of "Crown":—"but does not include a municipal corporation or other local governing body, or a health board."

I hope the Minister will not offer any objection to the amendment, the object of which is to bring the definition into line with the Federal law and to make sure that we do not exclude local bodies from any dividends that might be available under the Act. If we leave the definition as it is, there may be some doubt whether road boards or municipalities will come within the definition.

The Minister for Lands: The amendment really is not necessary.

Amendment put and passed.

Hon. C. G. LATHAM: I should like to ask the Minister whether the interpretation of "Director" applies to the Director under the Farmers' Debts Adjustment Act.

The Minister for Lands: No.

Hon. C. G. LATHAM: In the definition of "Farmer" I propose to strike out the words "rural industry" at the end of the definition. Not anywhere in the Bill is there any reference to "rural industry." We call this a rural relief fund and so can distinguish it from any other money in the Treasury. I thought we might have an interpretation of "Farmer" as it is in the Commonwealth Act, but I have not gone as far

as that because I think the Minister's interpretation is wide enough. It would be better, however, to define "Farmer" as a person engaged in farming rather than in a rural industry. Mining could be a rural industry once we got away from the town of Kalgoorlie.

The MINISTER FOR LANDS: The hon. member wants to cross every "t" and dot every "i." A farmer is a man who is engaged in rural industry. We are following the Commonwealth Act. The definition in the Bill is just as sure and accurate as the hon. member wants.

Hon. C. G. Latham: But "rural industry" is not mentioned in the Bill.

The MINISTER FOR LANDS: The mining industry could not be a rural industry and it would be ridiculous to interpret it as such under this measure. We might as well call kangaroo hunting or rabbiting rural industries.

Hon. N. Keenan: The Governor could declare them to be rural industries.

The MINISTER FOR LANDS: Of course, but he would not, and under this measure it would be ridiculous. It is better to leave the clause as it stands.

Hon. C. G. LATHAM: I disagree with the Minister's suggestion. If the hon. gentleman says I am pernickety when I do what I consider the right thing, that will not stop me from moving amendments which to me seem necessary. I have sent for a dictionary, and shall quote the exact definition of "rural industry." The words do not occur in any other part of the Bill. I move an amendment—

That in the definition of "Rural Industry" the following be struck out:—"and such other industries carried on in the State as the Governor may from time to time by proclamation declare to come within the definition of rural industry."

The Committee should not empower any Government to determine what is a rural industry.

Hon. W. D. JOHNSON: Does the corresponding Federal Act define rural industry?

Hon. C. G. Latham: There is no mention of rural industry in the Federal Act.

Hon. W. D. JOHNSON: The definition as it stands gives the State Government very wide authority indeed. Under the definition all kinds of agitations could arise with regard to the provision of relief from Federal funds. The Minister should make the State measure as definite as possible. The definition, if not amended, will create difficulties in the administration of a measure which should be free from difficulty. It is wrong for the Commonwealth to pass a law and give its administration into State hands without prescribing definitely what the States shall do. One State might interpret the Federal Act in one way, and another State interpret it in a different way, involving inequalities in the distribution of relief. Under the clause as it stands, agitations for proclamation are likely to be numerous.

The MINISTER FOR LANDS: The member for Guildford-Midland asks for something to be made clear. The carrying of the amendment moved by the Leader of the Opposition would create doubts. The Leader of the Opposition made it more definite in the amendment he has on the Notice Paper.

Hon. C. G. Latham: I have used the Federal wording.

The MINISTER FOR LANDS: But now he desires to limit it. I propose making it all-embracing, but it will be no longer all-embracing if the Leader of the Opposition has his way.

Hon. W. D. Johnson: Why not put it all in the Bill?

The MINISTER FOR LANDS: The member for Guildford-Midland is supporting the Leader of the Opposition. He cannot support that amendment and ask for that to be done as well.

Hon. C. G. Latham: How do you know I do not propose to put it all in?

The MINISTER FOR LANDS: There should be no doubt about this matter. Under the definition of "rural industry," the clause provides all that is necessary.

Mr. Moloney: It is certainly wide enough.

The MINISTER FOR LANDS: Someone suggested we might include the mining industry, but what could be more absurd than that contention? What could be more comprehensive than the definition included in the Bill?

Hon. C. G. Latham: We will put in the wording from the Commonwealth Act.

The MINISTER FOR LANDS: Not at all. It is not worth bothering about; the definition is wide enough.

Mr. CROSS: I oppose the amendment. If the Leader of the Opposition should fail to secure the inclusion of the additional

words he has indicated, and it is later desired to include poultry farmers, bee farmers, or others, it could not be done. We should retain the provision enabling the Government to extend the operation of the Bill to industries, as may be required.

Hon. W. D. JOHNSON: Since speaking on this matter, I have secured a copy of the Commonwealth legislation, and it is definite and distinct. It does not leave these matters to the discretion of a Government. It prescribes how the money shall be distributed. Why does the Minister look for trouble? Why does he not adopt the Commonwealth direction? If he were to do that, he could later say, "This is how the Commonwealth Act declares the money must be distributed; it is not what I would like to do." If he were to do that, he would not have to shoulder the responsibility with regard to any limitation. The responsibility would rest with the Commonwealth.

The Minister for Lands: Why not leave the clause as it is?

Hon. W. D. JOHNSON: No one knows to what it may apply. The Commonwealth Act provides a definite limitation. Against that we would have no argument; it would merely be a matter of direction under the Commonwealth law. The Bill contains an invitation to persons to make application because the State will have the right to add to the list in order to meet any circumstances that may arise.

The Minister for Lands: What could arise?

Hon. W. D. JOHNSON: I do not know, but why extend that invitation. The State should not be asked to carry that responsibility. I claim that where there is a definite direction from the Commonwealth in this regard, we should accept that direction and embody the provision in our Bill, leaving the Commonwealth to accept full responsibility.

Progress reported.

House adjourned at 6.15 p.m.

Legislative Council,

Tuesday, 10th September, 1935.

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

MOTION—MINES REGULATION ACT.

To Disallow Regulation.

Debate resumed from the 4th September, on the following motion moved by Hon. J. Nicholson:—

That Regulation No. 17a made under "The Mines Regulation Act, 1906," as published in the "Government Gazette" on 8th March, 1935, and laid on the Table of the House on 6th August, 1935, be and is hereby disallowed.

HON. C. H. WITTENOOM (South-East) [4.34]: The motion before us is by no means an easy one for members to discuss, because so few of us are familiar with underground mining. We know, however, that at times the lives of the miners depend on the experience and efficiency of the supervisors, and so members should give very careful consideration to the motion before voting on it. Mining work is admittedly very dangerous work unless the utmost precautions are taken both below and above ground. Only last week we were informed by Mr. Williams of the large number of accidents that have occurred on the Golden Mile and in Western Australia generally, and more particularly during the last few years. I have been trying to obtain some information as to where these accidents have occurred in the mines, whether in the shafts, on account of winding ropes breaking, or cages or skips getting away, or whether the accidents have been due to premature explosions through defective electric firing or defective fuses, or whether