

Legislative Council,

Thursday, 3rd November, 1938.

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

BILL—RETURNED SAILORS AND SOLDIERS' IMPERIAL LEAGUE OF AUSTRALIA, W.A. BRANCH INCORPORATED (ANZAC CLUB CONTROL).

Read a third time and *passed*.

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. SEDDON (North-East) [4.36]:

This Bill has been introduced at the request of the men to overcome an obstacle to the provision of fortnightly pays on the mines. There are real difficulties associated with the introduction of the new system. Section 55 of the Mines Regulation Act says—

The Governor may, by notice in the "Government Gazette," direct that the wages due to all workmen employed on any mine shall be paid in two instalments in each month. Any manager who fails to comply with such directions shall be guilty of an offence against this Act.

Clause 2 of the Bill seeks to repeal that section and to insert the following in lieu:—

The Governor may, by notice in the "Government Gazette," direct that, notwithstanding the provisions of this or any other Act of Parliament, or the terms of any award or industrial agreement made under the provisions of the Industrial Arbitration Act, 1912-35, the wages of all workmen employed on all mines shall be paid on the last Friday of each successive fortnight after the date fixed by such notice . . .

I have read those two provisions to direct the attention of the House to two points. The first is that Section 55 simply lays down that payment shall be made in two instalments each month. On the other hand, the Bill provides that payment shall be made fortnightly, but it proceeds expressly to prohibit any interference by the provisions of any other Act or Arbitration Court award. As I have said, difficulties exist regarding the introduction of the fortnightly pay system. The Arbitration Court has held that it has no power to adjudicate upon the fortnightly pay issue because of the provisions of Section 55 of the Mines Regulation Act. For that reason an amendment of Section 55 is necessary.

The history of the negotiations was detailed by Mr. Williams. The Arbitration Court was approached to arrange fortnightly pays, but contended that such an arrangement was outside its power. The union then approached the Chamber of Mines in an endeavour to reach an agreement. The Chamber of Mines agreed to the idea of fortnightly pays, but with the reservation that the measurement for piece-workers, instead of being made twice monthly, as at present, should be made at the expiration of four weeks. They suggested that the men should be paid at the schedule rate during the first fortnight, and that adjustments on account of piece-work should be made at the end of the fourth week. The men would not accept that suggestion.

Hon. A. Thomson: Why?

Hon. H. SEDDON: Mr. Williams pointed out why they would not agree: they did not consider it in their interests. Consequently, there is a double deadlock. The court cannot deal with the question because of the existence of Section 55, and an agreement cannot be reached because of a difference of opinion between the employers and the employees that has not been adjusted. The refusal of the mining companies to agree to the fortnightly measurement is connected with the preparation of their statistical returns, which are based on the international system of the calendar month. These companies are mostly London companies.

Hon. C. B. Williams: They are all London companies.

Hon. H. SEDDON: They are controlled from London offices, which are also directly connected with mining companies operating in the United States of America, Canada, South Africa, and West Africa.

Hon. C. B. Williams: That is only within the last four or five years. You tell the truth, the same as I did.

Hon. H. SEDDON: That is the position.

Hon. C. B. Williams: We were trying to obtain these fortnightly payments for years before these companies were internationalised.

Hon. H. SEDDON: I am pointing out the contention of the Chamber of Mines.

Hon. J. Cornell: Every South African mining company must have its registered office in South Africa.

Hon. H. SEDDON: The fact remains that these statistics are prepared on the basis of a calendar month. They are international, and are compiled for the purpose of comparison of monthly outputs and the costs and conditions obtaining in various parts of the world.

Hon. C. B. Williams: With your knowledge of mining, do you consider that you are putting up a decent argument?

Hon. H. SEDDON: I am placing the position before the House as fairly as I can. I am putting forward the contentions of both parties.

Hon. A. Thomson: That is what we want to hear.

Hon. H. SEDDON: The House has to adjudicate on this matter. The proposal is to substitute a lunar month as a basis instead of a calendar month. That is to say, we would have 13 months of four weeks each instead of the present system of 12 months of varying lengths. The contention of the companies is that in order to maintain the international data, a system of measurement at the end of each calendar month is necessary, in addition to the two measurements for the two fortnightly pay periods. That contention was advanced before the court by the Chamber of Mines. Mr. Williams has clearly set out the contention of the men; they consider that the institution of a four-weekly measurement will operate unfairly against the piece-workers.

Hon. C. B. Williams: They could not possibly measure shrinkage stopes as suggested.

Hon. H. SEDDON: When the Bill is in Committee we can deal with details of that kind. I am placing the position before the House as fairly as I can.

Hon. A. Thomson: Why could they not possibly measure shrinkage stopes?

Hon. C. B. Williams: To explain that would occupy an hour.

Hon. H. SEDDON: Many points have been raised by both sides in support of their contentions, and the House has to decide whether it feels justified in determining the matter here, as the Bill sets out to do.

Hon. A. Thomson: Independent of the Arbitration Court or any Act of Parliament?

Hon. H. SEDDON: That is the intention of the Bill, definitely to determine the matter in one direction. One great objection to the Bill is that no provision is made for a reasonable interval between the close of the pay period and pay day. That question was raised in the Assembly. The Minister moved an amendment to the Bill as introduced that he contended would overcome the difficulty, but legal opinion holds that the Bill in its present form is indefinite.

Hon. C. B. Williams: So is the Act.

Hon. H. SEDDON: Therefore it is possible for a man to claim and be entitled to receive payment up to the day on which he is paid.

Hon. C. B. Williams: So it is to-day; but it is never done. Why draw that red her-ring across the trail?

The PRESIDENT: Order! I must ask the hon. member to listen to the debate without interruption.

Hon. H. SEDDON: That is the contention, and it raises a big point, because if the matter were taken to court the companies would find themselves in a difficult position.

Hon. C. B. Williams: They will find themselves in a difficult position as it is. Nobody has bothered about this for 40 years, and they are not doing so to-day.

The PRESIDENT: Order!

Hon. H. SEDDON: On a big mine like the Lake View and Star, employing 1,500 men, some on day work and others on piece-work, obviously the time, which is made up from plod cards, cannot be compiled until after midnight at the end of the pay period. Time must be allowed for the completion of the calculations.

Hon. C. B. Williams: Do you say that is true, or is it just something somebody has told you?

The PRESIDENT: Order!

Hon. H. SEDDON: It is obvious that—

Hon. C. B. Williams: I am asking you whether what you say is true or whether it is something somebody else told you?

The PRESIDENT: Order! The hon. member will have ample opportunity to discuss the question in Committee.

Hon. C. B. Williams: It would be nice to have an acknowledgment from the hon. member that he is repeating something he has been told.

The PRESIDENT: The hon. member is not under cross-examination.

Hon. C. B. Williams: I know.

Hon. G. W. Miles: Oh, keep quiet!

Hon. H. SEDDON: I am pointing out that an interval of time must elapse between the closing of the pay period and the making up of the pay sheets. When piece-work is being considered, the work has to be measured and plotted, deductions have to be made for stores, adjustments have to be made for boring allowance, change of personnel in a party and the differing rates applying to the nature of the ground worked. These calculations are handed over to the clerical staff that compiles the pay sheets. When the pay-sheet is made up for the men with their varying rates and varying number of shifts, the extensions have to be compiled, and no fewer than five different deductions have to be made from the pay. When the National Insurance Scheme comes into operation there will be six deductions, so members will realise that the making up of the pay-sheet is no simple task.

Hon. J. Cornell interjected.

Hon. H. SEDDON: Whether the Bill is passed or lost, I am indicating the difficulties that exist. This Bill expressly precludes the possibility of the Arbitration Court dealing with the question of pays. I have pointed out there is a disagreement existing between the employers and employees in Kalgoorlie with regard to one aspect of the fortnightly pay period, although they are in agreement on the idea of a fortnightly pay in principle, provided the difficulty can be overcome. Whether that difficulty can be overcome by Parliament remains to be seen.

We ought to consider whether this House is in a position to know the facts for and against. I should like to stress the attitude adopted by this House to industrial matters. The House has always held that, by the creation of the Arbitration Court, a tribunal has been set up to deal with industrial matters. When we have been asked to deal with Bills involving industrial matters, the House has invariably insisted that those decisions

should be made by the court. When cases have been adequately presented to and thoroughly investigated by the court, and a decision has been given, the men are generally found to have received a fair deal. Even though the court has decided against them, the matter has been thoroughly investigated by the tribunal appointed for that purpose. As regards the fortnightly pay, I have had experience of both systems, and I certainly prefer the fortnightly pay.

Hon. A. Thomson: Why?

Hon. H. SEDDON: It is a more practical arrangement; it certainly enables a man to arrange his financial affairs more satisfactorily. On the arrival of the 13th week of the quarter, the housewife on the fields finds herself in difficulties. When I was conducting a house agency business in Kalgoorlie and women called to pay their rents, we had to intimate to them from time to time that they were a week short in their payments. "How is that?" they would inquire. "I have paid my rent every fortnight." They had overlooked the last week in the quarter and the fact that they were a week behind in their payments. This disconcerting discovery was always being made by the housewife, and for that reason I think it would be desirable, if possible, to provide for a fortnightly pay.

Unfortunately, for a long period, the world has worked on the Gregorian calendar, which lays down the present system of calendar months. Anyone who examines that system must realise that from a scientific standpoint, or from the standpoint of order, it is about the most impossible system we could have, especially for making comparisons involving periods of time. Some months have 31 days, some have 30 days, and then there is one month with 28 days, or 29 days in every fourth year. How on earth can a system of comparative monthly statistics be established with varying periods of that kind? Unfortunately the world has compiled a mass of data based on the calendar month, and the change-over to another system, unless adopted by international convention, would involve double data and cause confusion in making comparisons. So, rather than face the difficulty of making an adjustment, the world seems content to carry on with the present system.

I think I have explained the position clearly. The House has to determine what

is to be done. The Bill definitely stipulates a system of fortnightly pays, without regard to any other consideration. Members have to decide whether they will approve the Bill, amend it, or refer this contentious question to the Arbitration Court as the recognised tribunal to deal with industrial matters. I have my own point of view. I think we can agree that the principle of the fortnightly pay having been accepted by both parties can be laid down as a controlling principle, though from the aspect of the pieceworkers the House has the choice of determining their position or amending the Bill to provide that the court shall determine what conditions shall obtain.

On motion by Hon. A. Thomson, debate adjourned.

BILLS (2)—FIRST READING.

1. Inspection of Scaffolding Act Amendment.
 2. Workers' Homes Act Amendment.
- Received from the Assembly.

BILL—STATE GOVERNMENT INSURANCE OFFICE.

Further Recommital.

On motion by the Honorary Minister, Bill recommitted for the further consideration of Clause 7.

In Committee.

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

Clause 7—Administration:

Hon. H. SEDDON: I move an amendment—

That after the word "State" in line 1 of the new Subclause (6) inserted by a previous Committee the word "Government" be inserted.

This amendment is necessary to correct a clerical error.

Amendment put and passed.

Hon. H. SEDDON: I move an amendment—

That the word "thirteen" in line 3 of Subclause (6) (now Subclause 7), be struck out.

The amendment, if passed, will ensure that the funds of the State Government Insurance Office cannot be taken into Consolidated Revenue or appropriated in the way

in which money can be appropriated under Section 13 of State Trading Concerns Act.

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

Bill again reported with further amendments.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.4] in moving the second reading said: The Bill makes provision for the following amendments to the existing Act:—

Act to be made permanent.

Appointment of Commissioners to be for a period of three years.

Deletion of limitation of number of lotteries to be conducted by the Commission in any one year.

All profits from the lotteries conducted by the Commission, including any residue of the 25 per cent. allowed for expenses, to be paid into a general fund for charitable purposes.

One audit only, to be conducted by the Auditor General.

Hon. J. Cornell: In other words, the Commission is to have an open go and run as many lotteries as it likes.

The **CHIEF SECRETARY**: Yes, if the hon. member cares to put that construction upon what I have said. Members are aware that the Government has had to bring down a Bill each year to ensure the continuance of the Commission. Members are also aware that when the legislation was originally introduced, it was considered to be purely experimental and for that reason the Government considered it advisable that the Act should remain in force for a period not longer than one year. We consider we have now passed the experimental stage. The Lotteries Commission has become part and parcel of the life of our people, and we think provision should be made to put the Commission on a permanent basis. Members will recall that at the time the Commission was established quite a number of unauthorised lotteries were being conducted by all sorts of people and various organisations. In many instances the profits of those lotteries were utilised for private purposes. I think I am correct in saying that a considerable number of lotteries were run simply for private gain. The Lotteries Commission

has practically wiped out those unauthorised lotteries. Very few lotteries or sweeps are conducted now that are not authorised by the Commission, although we do hear from time to time of a sweep that has been completed without the knowledge of the Commission.

Hon. A. Thomson: It would be a very small sweep.

The CHIEF SECRETARY: Yes. In former days some form of control was necessary, so the Lotteries Commission was established. The Commission has operated satisfactorily since 1932; at all events, the results achieved are a credit to the persons charged with the responsibility for conducting the lotteries.

In most countries of the world lotteries are conducted under the authority of the Government. It is rather interesting to know the purposes for which lotteries are run in various countries. I am indebted for my information to an issue of the "Readers' Digest" which contains an article on Government lotteries conducted in various parts of the world. The writer states that, with the exception of Great Britain, Japan and the United States, every important national Government permits some kind of public lottery. The money derived from the lotteries is used for various purposes. In Argentine, Panama, Germany and France, portion of the profits is used for governmental purposes and the remainder for relief, hospitals and other essential needs. Even Turkey has a national lottery, but in that country the proceeds are applied towards purchasing aeroplanes. In Italy proceeds of lotteries are devoted to electrifying the State railways. Other instances can be quoted. In the Commonwealth, Queensland and New South Wales have State lotteries, while in Tasmania a well-known lottery is conducted. In those States there is no limitation of the period for which the lotteries are to continue, and I submit that such non-limitation enables those States to conduct lotteries in such a way as to compete to the disadvantage of our own lottery. One reason is that in the other States, immediately a sweep or lottery is filled with the required number of subscriptions, whether it be 100,000 or 200,000, the lottery automatically closes. Subscriptions received after the close of the lottery are utilised for the succeeding lottery, with the result that no delay or difficulty occurs.

Hon. J. Cornell: The Minister has not informed the House that the body which raises the money does not spend it.

Hon. L. B. Bolton: Why cannot we do that?

The CHIEF SECRETARY: Mr. Cornell can deal with that point, should he think it necessary, when he is speaking to the Bill. It is not an essential point, because I believe our Lotteries Commission has given every satisfaction. Every part of the State has shared in the distribution of the proceeds of the lotteries, and that is in accordance with the Act under which the Commission operates. Later I shall give the House a synopsis of what has been accomplished this year by the Lotteries Commission.

Hon. L. B. Bolton: We could adopt the same method.

Hon. J. A. Dimmitt: No. The tickets are sold through agents.

The CHIEF SECRETARY: We could not adopt the same method under the present Act. We are bringing forward an amendment to deal with that point. If the amendment is agreed to, the Lotteries Commission will be enabled to carry out its work more easily and deal with many matters more satisfactorily than it can do at present. Large sums of money are diverted from Western Australia to fill lotteries run by other States of the Commonwealth. This money should be retained here and those responsible for our State lotteries should be enabled to compete with the other States in such a way as to ensure the retention of that money within our own borders. The removal of the limitation will be a big factor in securing more successful consultations or lotteries in this State.

The State-conducted lotteries of Queensland and New South Wales have been responsible for making available very large sums of money for the social services of those States. For the year ended the 30th June, 1938, the Queensland lotteries handed over the sum of £397,931 5s. 4d., and in addition the sum of £87,000 was paid to the Commissioner of Taxation for hospitals and social services of that State.

Hon. G. W. Miles: That is because there is no starting-price betting in Queensland.

The CHIEF SECRETARY: I do not agree with the hon. member.

Hon. J. Cornell: The Queensland Act provides how the money shall be applied.

The CHIEF SECRETARY: In New South Wales the sum of £792,183 lis. 10d. was made available by the Lotteries Commission to assist the hospitals of that State. Those are very large sums of money, so it is not surprising that the hospital services of those States are perhaps more up to date than are ours, and that the hospital authorities there have not as many difficulties to contend with as we have. In this State last year the amount available from the lotteries for charitable purposes was £87,455 13s. 8d. Only a cursory examination of the figures is required to show that on a per capita basis more money should be available for social services than is indicated by the figures I have given.

Hon. L. B. Bolton: Do you mean that people should gamble more?

The CHIEF SECRETARY: A large amount of money is leaving the State for lotteries conducted in other States. That money could be retained here if our lotteries were competitive with those held elsewhere.

Hon. J. Cornell: The recent 10s. lottery flopped badly.

The CHIEF SECRETARY: If this object is to be achieved, continuity of operations must be prescribed, and, to the extent that we fail to do this, a large sum of money will each year be diverted from the social services of Western Australia. Members are aware of the necessity for increasing the accommodation at the Perth Hospital. That has been obvious for many years, and has been recognised by Governments of different political beliefs. The difficulty has always been lack of finance. I suggest that one of the results of making the Act permanent would be to place the Commission in a position to provide interest and sinking fund on payments made over a given number of years to assist in supplying the necessary accommodation at the Perth Hospital. We desire to bring this about without impairing the usefulness of the Commission in the assistance it renders to country hospitals and to orphanages upon which some of the money now received is expended.

I said that last year a sum of £87,455 was made available for charitable purposes in this State. I can now give the position for this calendar year. Members may have all the details if they so desire. Since the commencement of this year nine consulta-

tions have been finalised, the results of which were as follows:—

	£	s.	d.
Public subscription	153,371	12	6
Prize money (50.03%)	77,230	12	6
Expenses, including 10% commission paid to agents (14.81%)	22,725	4	5
Profits (34.82%)	53,415	15	7
Amount paid in donations this year	64,807	17	3
Commitments amount to	44,499	8	11
Amount at present available for distribution	1,644	16	6
Hospitals assisted to amount of	37,652	7	9
Blankets, sheets and money distributed through distress agencies	3,635	16	0
Donations to Hospital Social Service	1,246	15	1
Orphanages	8,440	2	0

These figures represent the operations of the Commission prior to the closing of Consultation No. 71 a few days ago. The organisation is fulfilling a very useful purpose. When we consider the long list of hospitals that have received assistance this year, we must realise how essential it is that the Commission should be allowed to continue. We must, therefore, make it possible for the Commission to carry out its duties with as few legislative difficulties as possible. Provided we can arrest the flow of capital to lotteries in other States, the additional hospital services to which I have referred, particularly the Perth Hospital, can be supplied. I understand that a commencement has already been made with very large additions to the Perth Hospital, and that the cost will ultimately reach £765,000. So large a sum could not be provided out of ordinary revenue, and therefore, the continuity of the Commission should be ensured so that the necessary funds may be forthcoming for the institution.

Hon. A. Thomson: You might consider imposing a tax as you do in country districts, by making the people of the metropolitan area contribute towards the cost.

The CHIEF SECRETARY: The hon. member can use that argument if he wishes, but it is just about threadbare.

Hon. A. Thomson: Not on the figures.

The CHIEF SECRETARY: Yes; country hospital committees are very well satisfied.

Hon. A. Thomson: They are satisfied with the Lotteries Commission.

The CHIEF SECRETARY: They are satisfied with the way in which they have

been treated by the Commission. Had it not been for that body many country hospitals would not have been improved, would not have had the additions made that have been made in the last year or two, and would not have been equipped to the extent they have been.

Hon. A. Thomson: I quite agree with you.

The CHIEF SECRETARY: If we are agreed upon that point, half the battle is won. Provided the Commission is allowed to function as proposed by the Bill, additional money will be available for those purposes. Whilst considerable sums have been spent in this direction during the last year or two, I am prepared to admit there is plenty of scope for further activity. Many country hospitals could do with more assistance than they have had. Some require additional wards, some have not up-to-date equipment, X-ray plant, etc., and others are as yet not modern in all respects. After the passing of this Bill the time will come when we shall be able to say that our country hospital services compare with similar services elsewhere in Australia.

After we have agreed that the legislation shall be permanent, we must deal with the appointment of members of the Commission. At present, these gentlemen are appointed for one year only. The Bill allows for a three-year term, one reason being that such a term will ensure continuity of policy. The Bill proposes to strike out Section 8 of the Act, which provides for a maximum of 15 State-wide lotteries being conducted by the Commission.

Hon. H. S. W. Parker: How many Commissioners do you propose to appoint?

The CHIEF SECRETARY: The same number as at present, namely four. The Commission conducts only 13 lotteries in the year. The retention of Section 8 compels the Commission after every sweep to sort the marbles that have been used. It does not limit the number of tickets that may be sold, and the Commission advises me that it is supplying all public needs in this respect. In no other State is it necessary to re-sort the marbles after each lottery. The Queensland "Golden Casket" drawing is performed by a machine. In New South Wales and Tasmania there is no necessity to sort the marbles because the sweep is drawn when the number of tickets advertised to be sold has been sold. The sorting of marbles here, which is enforced by Section 8, costs the Commission between £50 and £60 per sweep.

Hon. J. Cornell: That is brought about by the broken ticket books.

The CHIEF SECRETARY: That is so. It is proposed to adopt the system that exists elsewhere. By deleting the provision for the limitation, lotteries conducted by the Commission will be advertised as, say, for 100,000 or 150,000 subscribers, and when the 100,000 or 150,000 subscriptions have been received, the consultation will automatically close. There will then be no necessity to worry as to whether all the tickets in a particular book have been sold. This will mean an alteration in the system that has been in vogue in the past, but is a very desirable alteration. The Commission will save between £50 and £60 per sweep, and in the course of a year that will run into a substantial amount. A slight alteration will be required to Section 7 by deleting the words up to and including "eight" in the first line. It will be also necessary to amend Section 10. As it stands, this section involves additional expense which can be obviated by a slight alteration.

The section was framed at a time when the practice, which it was proposed to control by legislation, was to run a sweep, and when the profits had been disposed of for charitable purposes, to organise another sweep. Members will realise how awkward it is for the Commission to conduct its business under the conditions laid down by the Act. This meant the keeping of accounts for each sweep in separate books, and provision was also made for not more than 25 per cent. to be allowed for expenses—the difference between the actual expenses and the 25 per cent. to be treated separately insofar as disbursements were concerned. The proposed alteration, whilst still providing that the expenses shall not exceed the amount referred to, makes provision for the establishment of a common fund into which all moneys shall be paid and from which all disbursements shall be made. This will simplify book-keeping and place the operations of the Commission on a more business-like footing.

Members will observe that the deletion of Section 8, and the drawing of each lottery when it is fully subscribed, will obviate the necessity for referring to any particular closing date, because the closing date will be when the lottery is fully subscribed. Hence the amendments contained in this section to delete reference to closing date except as regards lotteries controlled by other than

the Commission. Only in cases where the Minister may direct that a lottery run by the Commission shall be closed at a given date will the consideration of the question of a pro rata payment be necessary. Obviously there will be no over-subscriptions. Applications arriving after a lottery is closed will be transferred to the next convenient lottery conducted by the Commission.

Members will recollect that the previous Act was altered to provide that the Auditor General should audit the accounts of the lotteries. At that time provision existed for an auditor to be appointed, and the amendment as carried necessitated both the auditor decided upon and the Auditor General being engaged in auditing the accounts.

Hon. J. Cornell: Absurd!

Hon. J. J. Holmes: That was never intended.

The CHIEF SECRETARY: Of course this makes overlapping inevitable, and in addition necessitates the payment of fees to two auditors, as each auditor receives £15 15s. per sweep for audit purposes. The Auditor General's supervision should suffice, and it is therefore proposed to effect a further economy in this respect. To enable this to be done Section 15 has been redrafted to provide specifically for the Auditor General to audit all lotteries conducted by the Commission. Furthermore, the amendment to the previous Act providing for returns submitted to be laid on the Table has also been incorporated in the amendment to this section.

This amending measure has as its objective the enabling of the Commission to operate under reasonable competitive conditions, with a view to obtaining for the State at least a proportionate share of the money made available for lottery investments, and thereby enabling social services here to be attended to not less beneficially than those operating in other States and countries where lotteries are run for this purpose. The saving in expenditure that will be effected will of course mean additional moneys available for charitable purposes, and those savings, coupled with the increased amount which, it is anticipated, will be invested in our own lotteries, will enable the Commission to assist to a much greater extent in the provision of additional hospital accommodation, whilst not limiting its highly commendable activities in assisting country hospitals and social services. I have now

dealt fairly fully with the amendments contained in the Bill. I do hope the House will agree with me that the time has arrived when it is no longer necessary to bring down an annual continuance Bill. The operations of the Act have resulted in very great benefit to practically all the charities in Western Australia—especially country hospitals and general hospital services. I believe that if the Act is amended as proposed by this Bill, the Lotteries Commission will be enabled to do even more for charity than it has been able to do in the past. I move—

That the Bill be now read a second time.

On motion by Hon. J. J. Holmes, debate adjourned.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

Second Reading.

The CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.41] in moving the second reading said: The Bill is one of those which it has been necessary to introduce annually since the parent Acts first became operative.

Hon. G. W. Miles: I hope you do not want to make that Act permanent!

The CHIEF SECRETARY: The Government has no such desire. The Mortgagees' Rights Restriction Act has been carried on from year to year since it was first passed, in 1931, and the Government feels that it is necessary to continue the operation of the statute for another year.

Hon. J. M. Macfarlane: I hope you will tell us why.

The CHIEF SECRETARY: As members are aware, the Act was passed at a time of emergency for the purpose of giving mortgagees and purchasers of land under contract of sale some protection against losing their property. The operations of the Act, as members are aware, extend only to mortgages and agreements for sale entered into prior to the enactment of the original legislation, and to mortgages subsequently executed which are collateral security for moneys secured by other mortgages current at the commencement of the Act. I do not think there are many of those cases, but still the Act applies to such as there are. The Act does not apply in respect of any other mortgage or lease entered into since that date.

Under the Act restrictions are imposed on the rights of mortgagees and others. A mortgagee is not entitled to enforce his security without leave of the Supreme Court. That is to say, unless he obtains the necessary order, he is precluded from suing for his principal, entering into possession of the land, distraining for arrears of interest, exercising his power of sale or foreclosure, and from appointing a receiver of the rents and profits of the land. Similar restrictions apply in the case of a vendor of land under a contract of sale, which is deemed to include lease of land containing either an optional or a compulsory purchasing clause. The court, in considering applications for leave to proceed, takes into consideration—

(1) whether by reason of the wasting nature of the security the mortgagee is likely to be seriously prejudiced by the continuance of the mortgage;

(2) whether the mortgagor could redeem the mortgaged property; and

(3) whether the conduct of the mortgagor is such that he is undeserving of the benefits of the Act.

The Court also has regard to—

(i) whether the refusal of leave would inflict great hardship on the mortgagee, or, alternatively, whether the granting of leave would inflict great hardship on the mortgagor—

Hon. T. Moore: Can you tell us whether the court has been moved by mortgagees?

The CHIEF SECRETARY: I cannot say how often it has been moved.

(ii) whether the default of the mortgagor has been caused by economic or financial conditions affecting trade or industry in the State; and

(iii) whether refusal of leave would be reasonably likely to enable the mortgagor to meet his liabilities within a reasonable time.

The court will not grant leave unless it is satisfied that, having regard to these considerations and other relevant circumstances, it would be unjust and inequitable to refuse the application. In certain circumstances, the Act puts an obligation on the purchaser under an agreement for sale to approach the court and justify his position if he desires to be protected against the vendor. This particular provision obtains when a vendor serves a notice of his intention to exercise his rights under an agreement upon a purchaser who is in arrears for a period of 12 months in respect of any payment of principal or interest, and has made no payment in respect of any portion

of the amount due by him under the agreement during any period of six months. The Act also provides that no judgment creditor shall be entitled to issue any process of execution for the recovery of a sum of £50 or upwards against the lands of a judgment debtor, except with the leave of the Supreme Court.

These are the main provisions of the Act, and although there may be a few occasional complaints about its operations, on the whole it is an equitable measure, preserving as it does the original rights of the mortgagee and vendor whenever the Supreme Court can be satisfied that they have a case for the enforcement of their remedies. Last session some members strongly urged that the Act should be allowed to lapse, and I suppose on this occasion similar representations will be made. While some of the State's industries have undoubtedly been restored to normal, drought and low prices have adversely affected the rural industries to such an extent that to-day the difficulties of mortgagors and purchasers in the country districts are almost as acute as when this legislation was first introduced in 1931.

The Government therefore feels that there is still a necessity for the protection afforded by this legislation, and I accordingly hope that the House will agree to its re-enactment for another twelve months. I would be pleased if we could say the time had arrived when there was no longer any necessity to bring forward this legislation; but with the knowledge we have of the conditions that exist, we say that the time has not yet arrived when we should allow the Act to lapse. It is needed more particularly in our country areas, and there are cases even in the metropolitan area where, but for this Act, hardship would be inflicted on deserving people. I move—

That the Bill be now read a second time.

On motion by Hon. H. V. Piesse, debate adjourned.

BILL—FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.45] in moving the second reading said: The purpose of the Bill is to enable the Fremantle Gas and Coke Company to extend its activities to certain

portions of the Cottesloe and Claremont municipalities. A similar Bill was introduced last session.

Hon. J. J. Holmes: Is it the same?

The HONORARY MINISTER: There has been a slight alteration. As members are aware, there are two gas supplying authorities in the metropolitan area—the Electricity and Gas Department of the Perth City Council and the Fremantle Gas and Coke Company. The operations of the Fremantle authority are restricted to the area within a five-mile radius of the Fremantle Town Hall, under the provisions of Section 3 of the principal Act. Prior to the amendment of the Perth Gas Company's Act last session, the scope of the activities of the council's department was similarly limited to the area within five miles of the General Post Office, although by virtue of Section 215 of the Municipal Corporations Act, municipal councils outside that area had power to contract for gas supplies with the Perth City Council. However, since the enactment of the amending measure, there is now a provision in the principal Act that enables the gas department to operate outside the five-mile radius, provided approval has been obtained from the local authority and the Governor has made the necessary proclamation.

I may recall that at the time the amendment to the Perth Gas Company's Act was brought forward last year, a complementary measure was introduced dealing with the Fremantle authority. The provisions of both those measures were similar, except that the Bill which sought to amend the Fremantle Gas and Coke Company's Act contained a proviso that would have enabled any proclamation issued by the Governor for the purpose of extending the scope of the Act to be subsequently revoked. Last session Mr. Holmes made an attack against the proclamation and the result was the defeat of the Bill.

Hon. J. J. Holmes: And the same provision does not appear in this Bill?

The HONORARY MINISTER: No. During the course of the debate, I emphasised that it had not been deemed necessary to insert this proviso in the other Bill since that measure dealt with a municipal utility. Some safeguard, however, was necessary in the case of an ordinary business undertaking. The Government was not agreeable to the deletion of the proviso, and the Bill was allowed to lapse.

This Bill has been introduced to give residents of certain portions of the Cottesloe and Claremont districts contiguous to the boundary of the Fremantle Gas Company's present sphere of operations the benefit of a gas supply. The area concerned is marked in red on Plan No. 41, which I shall place on the Table of the House. The Bill, therefore, provides that the Governor may by proclamation, and at the request of the local authority concerned, extend the scope of the operations of the Fremantle Gas and Coke Company to any portion of the State mentioned in the First Schedule. The boundaries set out in the Bill are those agreed to by the two supply authorities as being the most convenient, taking into consideration the location of existing mains; and actually take in more territory than it is proposed to supply at present. When further extensions are warranted, it will be competent for the local authority concerned to make the necessary arrangements with the company. The objection raised by Mr. Holmes last session to what was contained in that Bill no longer stands. Consequently I do not expect there will be any opposition to the passing of the measure. I move—

That the Bill be now read a second time.

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—MARKETING OF EGGS.

Second Reading.

Debate resumed from the 1st November.

HON. V. HAMERSLEY (East) [5.57]: I have very few remarks to make on the Bill because I believe everyone recognises that the poultry-farmers desire that a measure such as this should find a place on the statute-book. I have attended various meetings that have been called with a view to bringing about an improvement in the conditions of the poultry-raisers, and the one theme uppermost was the question of marketing. Really this is the position throughout the world. Poultry-raising and egg-producing have developed into an industry of considerable importance, and only by

thorough organisation, particularly in respect of the marketing of eggs, can it be made entirely successful. The growers in Western Australia would benefit very considerably by having a marketing system inaugurated under the control of a board. The desire is that marketing legislation should be passed as speedily as possible, so that nobody associated with the industry should fall by the wayside. Proper organisation would help the industry very materially. Probably the railway authorities might then be induced to render assistance in the direction of competing in a market that we know should belong to Western Australia. That market is at Kalgoorlie. Travelling over the East-West line a little while back, I saw thousands of cases of eggs that had been brought from Adelaide delivered in Kalgoorlie. On making inquiries, I had no difficulty in learning that the eggs were scoured from Adelaide because the freight from Adelaide to Kalgoorlie was less than the freight from Perth to Kalgoorlie. An organised body might possibly bring pressure to bear upon the Minister for Railways with a view to altering that state of affairs. There is no reason at all why the Western Australian producer of eggs should not supply the Kalgoorlie market.

Hon. T. Moore: The Commissioner of Railways is in charge of the railways.

Hon. V. HAMERSLEY: Yes, but there is a Minister over him. We should do our utmost to help the industry, and that is one way in which we could do so. We are certainly entitled to a market that really belongs to us. I do not desire to take up any more of the time of the House in debating this matter, because I realise the importance of getting the measure passed as quickly as possible. I have pleasure in supporting the second reading.

On motion by Hon. J. M. Macfarlane, debate adjourned.

BILL—JURY ACT AMENDMENT.

Second Reading.

HON. J. NICHOLSON (Metropolitan)
[6.1] in moving the second reading said: This Bill was introduced in another place with the object of extending to women the right to serve on juries. The Jury Act extends that right to men only and, having regard to the important duties women have

undertaken in the life of the community for many years, not only here but in other parts of the world, members will agree that it is merely right and just that the privileges extended to them in other countries may well be granted here. As originally presented to another place, the Bill was modelled on the Queensland Act, but, in the course of its progress through the Legislative Assembly, amendments were made that materially altered some of the clauses from the form in which the sponsor of the Bill desired.

In the original Bill, as in the Queensland Act, provision was made for any woman between 21 and 60 years of age, who was a natural-born or naturalised subject of His Majesty and resided in Western Australia, and who, being of good name and character, possessed the property qualification required of a male juror as set out in the principal Act, and who—this is the important part—advised, in writing, the resident magistrate or police magistrate in the district where she lived that she was desirous of serving as a juror, being qualified and liable to sit as a common juror on all civil and criminal proceedings, as well as on any inquisition within a radius of 36 miles from her residence.

Hon. T. Moore: We shall have some busybodies butting in!

Hon. J. NICHOLSON: There will be no need for busybodies to butt in. I am sure Mr. Moore will be first amongst the members of this House to acknowledge the great services rendered to the State by women in many departments, apart from the domestic sphere. Having regard to that, it is but right that recognition of the part they have played, not only in State activities but in movements further afield, should be extended.

Hon. J. Cornell: Let us keep them off juries and give them the O.B.E.!

Hon. J. NICHOLSON: In England women are in the same position as men with regard to juries, but they may be exempted by making application with that object in view. The Bill now before the House partakes somewhat of that character. Members can consider the position and determine what shall be done. If the Bill be altered back to its original form, much work will be saved. When placed before members of the Legislative Assembly, the proposal was that women who desired to serve on juries should give notice in writing to that effect, but the Bill, as amended in the Assembly, makes every

woman liable to serve on a jury unless she writes to the authority specified and claims exemption. If the Bill be agreed to in its present form, thousands of applications will be received from women desirous of being exempted from the obligation to sit on juries. Not every woman will desire to undertake that duty. Many, for various reasons, will be unable to assume the responsibility, and it should be left to those who feel that they can render service in this particular field to make application accordingly.

If the Bill should reach the Committee stage, as I trust it will, I hope that an amendment will be moved to restore the Bill to its original form. It is not necessary for me to say much more regarding the measure. I could have dealt with many other phases, but I have stressed the essential point. Shall we place the obligation upon every woman, as the Bill does at present, to serve on juries, unless application for exemption is made, or shall we restore the Bill to its original form and allow a woman to apply for the right to serve on juries? Obviously, the better course would be to restore the Bill to its original form. If an amendment be moved with that object in view, I shall be very pleased to accept it. In the meantime I move—

That the Bill be now read a second time.

On motion by Hon. T. Moore, debate adjourned.

House adjourned at 6.12 p.m.

Legislative Assembly.

Thursday, 3rd November, 1938.

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

QUESTION—AGRICULTURAL BANK.

Linking-up of Farms.

Mr. WARNER asked the Minister for Lands: 1, Has the scheme for the linking-up of farms in the north-east areas been completed? 2, If not, what further period of time does he anticipate will be required to complete the proposed linking-up?

The MINISTER FOR LANDS replied: 1, No. 2, 75 per cent. of work completed. Completion of balance delayed owing to staff being fully engaged in connection with drought conditions.

QUESTION—RAILWAYS.

Holiday Travel Stamps.

Mr. SAMPSON asked the Minister for Railways: 1, Is he aware that in New Zealand a special arrangement has been made whereby those who desire a holiday by train may purchase from any officered railway station, travel stamps—1s., 2s., 2s. 6d., 5s.—to be used for payment of holiday fares and that, pending use, an interest payment of 5 per cent. is allowed? 2, Will he give consideration to the adoption of a similar method in this State?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, The matter was considered two years ago, when it was decided not to introduce the scheme in Western Australia.