quite definitely, I shall divide the Committee if the voices are against me.

The MINISTER FOR JUSTICE: I oppose the amendment. The arguments that have been voiced on Clause 9 apply to this clause, and to speak on the amendment would be only wasting the time of the Committee, as members fully understand the position. A principle is involved; we desire to provide the system of nominee voting. The voting by soldiers will not be compulsory, and they may nominate father, mother, brother, sister or any friend to vote for them in Australia.

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

Ayes	13
Noes	15
Majority against	2

AYES.

Mr. Abbott	Mr. North
Mr. Berry	Mr. Seward
Mr. Boyle	Mr. Shearn
Mrs. Cardell-Oliver	Mr. Watts
Mr. Mann	Mr. Willmott
Mr. McDonald	Mr. Doney
Mr. McLarty	*(Teller.)*

NOES.

Mr. Coverley	Mr. Styants
Mr. Fox	Mr. Tonkin
Mr. J. Hegney	Mr. Triat
Mr. W. Hegney	Mr. Willcock
Mr. Johnson	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Cross
Mr. F. C. L. Smith	*(Teller.)*

PAIRS.

AYES.	NOES.
Mr. Stubbs	Mr. Collier
Mr. Sampson	Mr. Hawke
Mr. J. H. Smith	Mr. Holman
Mr. Latham	Mr. Millington
Mr. Hill	Mr. Leahy
Mr. Thorn	Mr. Raphael
Mr. Patrick	Mr. Panton
Mr. Warner	Mr. Wilson
Mr. Keenan	Mr. Rodoreda

Amendment thus negatived.

Clause put and passed.

Clauses 12 to 15—agreed to.

Progress reported.

House adjourned at 10.52 p.m.

Legislative Assembly.

Thursday, 30th October, 1941.

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

QUESTION—PLANT DISEASES ACT.

Fruit Fly Regulations.

Mr. THORN asked the Minister for Agriculture: 1, Is it the intention of the Department of Agriculture to enforce the fruit fly regulations in the Guildford municipality? 2, If not, will he make provision for the spraying of properties where the occupier is unable to carry out this work?

The MINISTER FOR AGRICULTURE replied: 1 and 2, Fruit fly regulations are being enforced. In some districts there have been cases where the Department has arranged for the necessary work to be done at owner's and occupier's expense. This applies to aged and incapacitated people. If a request is made from the Guildford municipality for this service, it will receive consideration.

QUESTION—LOTTERIES COMMISSION.

Mr. MARSHALL asked the Minister representing the Chief Secretary: Since the inception of the Lotteries Commission, what amounts have been paid by that institution to the R.S.L., the Maimed Soldiers' Auxiliaries, and kindred associations affiliated with the R.S.L.?

The MINISTER FOR THE NORTH-WEST replied: £22,500.

QUESTION—STIRLING SQUARE, OLD SOLDIERS' INSTITUTE.

Mr. MARSHALL asked the Minister for Lands: 1, Was the land in Stirling Square, on which the old Soldiers' Institute is situ-

ated, a gift from the Red Cross Society or the Crown? 2, From what source of revenue was the building thereon erected? 3, If now sold, by and to whom was it sold? 4, What was the price received, and for what purpose was the money so received used? 5, If the building is at present leased, who is the tenant and what is the rental paid?

The MINISTER FOR LANDS replied: 1, No. 2, Soldiers' Welfare Committee, two-thirds; Red Cross Society, one-third. 3 and 4, The Crown has not sold the building, but has purchased it from the Returned Soldiers' League. 5, The building is at present leased to the Australian Broadcasting Commission at an annual rental of £902.

BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).

Introduced by the Minister for Works and read a first time.

LEAVE OF ABSENCE.

On motion by Mr. North, leave of absence for two weeks granted to Mr. Hughes (East Perth) on the ground of urgent public business.

BILL—LAND DRAINAGE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [4.35] in moving the second reading said: This Bill seeks to do three things—

1. To give the Minister and drainage boards adequate and clear authority in connection with all drains and works forming portion of the drainage systems maintained by the department or by boards.

2. To give the Minister power to fix by by-law the commencing date of the financial and rating year.

3. To exempt minor works from the lengthy and cumbersome procedure prescribed in the Act before works of any size can be undertaken.

The proposal to make the position clear in connection with the control of drains maintained by the department or by boards is the most important provision in the Bill. Some of the drains under consideration date back to the early nineties and include those cut in the Coolup and Harvey areas and those made in the Peel Estate. The first Land Drainage Act was passed in 1900 and was repealed by the Act of 1925. It was soon found that the latter did not meet the position in the south-western and southern portions of the State, and an amending Bill, somewhat on the lines of that now before the House, has been on the stocks since 1928.

Members are probably aware that the Land Drainage Act contemplates the constitution of a drainage district before any works are constructed. Following the constitution of a district the Act provides that the proposed works shall be advertised and land owners given an opportunity to lodge objections. The Act provides that works cannot be proceeded with if an adverse petition, signed by a majority of the owners of rateable land in the district, is lodged with the Minister. In conformity with the developmental policies of all Governments over the past 50 years or more extensive drainage works have been constructed, and it was therefore not possible or practicable to constitute a drainage district without including some drainage works which were constructed before the declaration of the district and which, in some instances, were constructed before even the commencement of the 1900 Act. It can be stated definitely that the expenditure on all the drains and drainage works has been made with proper authority, but such authority to expend does not afford authority in regard to construction and subsequent control and maintenance.

The total mileage of drains and water courses treated as drains maintained by the department in the south-western and southern portions of the State is 1,080 miles, including 286 miles in the districts of Harvey, Collie and Waroona. The total expenditure to the 30th June, 1941, on land drainage was £1,044,300. It is estimated that a total of considerably over 100,000 acres benefits from the drainage system. The purpose of the Bill is to remove any doubt which may exist in regard to the authority under which some of the drains in the huge total of 1,080 miles were constructed. The present position has arisen owing to fortuitous circumstances and to a variety of contributory factors occurring over the lengthy period involved.

These factors may be generally referred to as follows:—

(i) The absolute necessity of rushing drainage assistance to settlers.

(ii) No advice in the early years as to a comprehensive systematised engineering scheme of agricultural land drainage.

(iii) No definitely determined drainage policy.

(iv) The number of different departments involved in the construction of the drains from time to time, namely, Public Works Department; Lands Department; Water Supply, Sewerage and Drainage Department; Agricultural Department; then back to the Lands Department; and finally returning to the Public Works Department.

These departments were involved for a lengthy period in the construction of that enormous mileage of drainage, serving a considerable area. No serious difficulty has been encountered to date but, now that the drainage systems have been practically completed in many areas, it is essential that the department be left in no uncertain position in regard to its authority to control and maintain all drains and works comprising the systems for the benefit and protection of the land owners generally. Without this authority, one obstructive land owner could under certain circumstances seriously jeopardise the proper and safe functioning of the drains serving a large area. Those people with experience will realise that that is possible, and at times it has actually occurred.

It is not anticipated that the Bill, if passed, will inflict the slightest hardship or inconvenience on any farmer served by the drains, but it will certainly protect the safe working of all drained areas. It is practically impossible in many instances to establish whether certain drains now in use and maintained by the department were constructed under any specific statutory authority. It can, however, be stated confidently that, since the construction reverted to the Public Works Department, all major works have been fully authorised under the provisions of the Land Drainage Act or of the Public Works Act, and proper arrangements made with the land owners.

When the Land Drainage Acts were before Parliament in 1900 and 1925, it was freely admitted by all that the development of the south-western, and southern portions of the State could only be achieved after comprehensive drainage works had been constructed. Originally the water courses running off the ranges simply dispersed on to the coastal plain for months at a time for each succeeding winter. Obviously, the peaks of each succeeding flood got away to the sea, but large tracts of country were left permanently flooded throughout the winter, and the then process of drying out those areas was not by drainage but by evaporation. The ground under such conditions, being absolutely devoid of humus, would grow very little except rough bush herbage. Thus, in the early days of the development of the State only the slightly higher red gum banks could be cultivated.

Roads were practically impassable during the winter time for vehicles, and up to as late as 1913 in the Collie and Harvey areas one of the most important farm vehicles was a sledge. The primitive method of relieving the flooded areas nearer to the railway, where no water courses were available, was to drain on to the lower-lying ground further west, and that system operated until the position became acute. In 1918 the Royal Commission on Agricultural Industries directed special attention to the imperative need for an adequate and co-ordinated drainage system for the low-lying land with a high rainfall in the South-West. A comprehensive drainage policy was adopted in 1926, whereby the high-level or hills water was conveyed in high-level channels across the coastal plain ultimately to discharge direct into the ocean. The coastal plain was given an independent drainage lay-out with outlet drainage facilities at the lowest corner of the various holdings, and, where possible, branch drains introduced or provided for in the design of each scheme to give immunity to the holdings from outside flooding.

For the protection of farmers as a whole it is absolutely essential that the department should have clear control over all drains and works to enable it to enforce the removal of illegal obstructions which are a menace to other farmers, and to permit of adequate maintenance by the department without fear of having committed trespass. Under the Land Drainage Act, 17 drainage districts have been constituted, but only eight are functioning fully—four of these being administered by boards and four by the department. With the completion of the drainage system it is probable that new and active districts will be created within the next few years.

The revenue received from rates levied by the department in declared drainage districts administered by the department is not sufficient to cover the cost of maintenance. During the past five years the total collections amounted to £10,356 and the total maintenance and operating expenses to £17,561. Maintenance expenditure in non-rated areas averages about £13,000 per annum. I hope the drainage is useful to settlers; it is not very productive to the Treasury. In connection with the proposal to give the Minister power to fix the date of the commencement of the financial and rating year by by-law, I have to inform members that of the four Acts administered by the department and involving rating, the Drainage Act is the only one which stipulates a commencing date for the rating year, namely the 1st July.

In the other three Acts—the Goldfields Water Supply Act, the Irrigation Act and the Water Boards Act—the date is determined by by-law. The reason for the present proposal is that a real difficulty has arisen in regard to land drainage rating appeals. With the rate struck on the 1st July, the rate notices cannot be served until the end of that month. Appellants then have till the end of August to lodge appeals and the Drainage Appeal Board, after preparing the necessary data for each case, fixing programmes for hearings and giving each appellant six days' notice, cannot at the earliest commence dealing with the appeals until the beginning of October. This means that the four board members have to postpone all other work to give preference to the appeals.

Mr. Raphael: Has anyone ever won such an appeal?

The MINISTER FOR WORKS: Those who appeal receive a very fair deal.

Mr. Raphael: That is not what I asked. My question was whether anyone had ever won an appeal.

The MINISTER FOR WORKS: Yes, I can answer that question in the affirmative —without notice. The greatest handicap, however, is that the board is forced to hear appeals when the land is getting dry and has to visualise winter conditions at the hearings. This has resulted in many appeals being deferred for winter inspections, frequently involving a delay of six months. That has proved to be most unsatisfactory for both parties. Furthermore, appellants generally argue on flooding conditions and damage, often a matter of a claim for injurious effect upon properties, rather than on the suitability of the drainage rate struck for any block and the ability of the drains to deal with normal winter overflow. A recent drainage appeal court case in Bunbury involved a considerable period of time as the result of an argument about flood damage for the winter succeeding the rating year in question. If the Bill is agreed to the commencement of the rating year will be fixed much earlier in the calendar year.

The only other proposal to which I desire to draw specific attention is that which seeks to exempt minor undertakings from the lengthy procedure prescribed in the Act in connection with the construction of works. No matter how small the job may be, the requirements of the Act have had to be complied with in their entirety. Often the small job may be urgent, yet all the formalities have to be complied with. If the Bill is passed, the boards and the department will be exempt from the necessity to furnish preliminary notices and so on. The time taken in complying with the procedure as now defined, which was obviously intended only for major works, is approximately two months. In the Metropolitan Water Supply Act and the Water Boards Act special provision is made for the exemption of such reticulation works as the Governor may determine, and that provision has been largely availed of by water boards and the department. A similar provision in the Land Drainage Act would be quite appropriate and is certainly to be recommended in regard to minor undertakings. Small improvement and protective works are often found to be urgently necessary, and members will appreciate that it is obviously not practicable to comply with the Act as it now stands.

The Land Drainage Act has not been amended since 1925. Land drainage works have been carried out over a very lengthy period, particularly in the South-West and Great Southern districts. Actual experience has proved that the Act in its present form is not suitable for application to conditions that obtain in the southern parts of the State. Drains have been constructed there under the authority of different departments and the opinion has been generally expressed that a doubt exists as to the extent of the

power capable of being exercised by the boards or the department. The object of the Bill is to clear up that position. When members consider the length of drains already constructed and the large area drained, they will agree that there should be no doubt respecting the authority vested in the boards or the department for the control of those drains. They were put in under the necessary authority from the standpoint of construction, but the Bill is necessary to remove all doubt when it comes to a question of authority respecting maintenance and control. Under existing conditions it is quite possible for some obstructive landowner not only to make himself a nuisance, but to jeopardise the interests of other holders of property. Although the amendments embodied in the Bill are quite simple, they are essential to put beyond all doubt the question of authority to control drainage by the boards and the department. I move—

That the Bill be now read a second time.

On motion by Mr. McLarty, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th October.

MR. McDONALD (West Perth) [4.56]: The Bill is one of some general importance, and I regard it as necessary for me to pay some attention at this stage to the individual provisions that appear in it so that when members deal with the measure in Committee they will have some previous knowledge, such as I can afford them, regarding the issues involved. The Bill is one that might well go into cold storage until the war is over. Conditions to-day are, of course, abnormal from every point of view and, one might say, most of all from the standpoint of employment and industry. With the exception of one clause which deals with authority for women to work double shifts, the whole of the Bill has permanent application. It will be operative when the war is over.

Some of the provisions are innocuous and might be acceptable, but by themselves are hardly of sufficient significance to warrant the introduction of legislation to amend the Act at this juncture. To my mind the Bill may be described as unseasonable, to say the least of it. Everyone desires to see proper safeguards provided for workers in factories, shops and warehouses. Everyone wishes to ensure the safeguarding of their conditions and prosperity by every legislative means possible, but there is a broad aspect regarding this type of Bill. That broad aspect is: What is the benefit that will accrue to the worker? I should say the first and primary benefit in the interests of workers is that they shall have work and wages.

In order to achieve that end, on no unreasonable standard, we must have conditions obtaining in the State that will enable industry to carry on, to compete with similar industries in the other States and, if we possibly can, to enable industries to be carried on under such conditions that they can be built up so that they can not only compete with similar industries in the Eastern States, but fulfil the whole of the requirements of our local market. When considering any industrial legislation that may be introduced, not merely have we to regard it as something that may bring improvement in the conditions of the workers, but we have to regard it also from its broadest aspect and ask ourselves whether it will interfere with the scope and activity of industry in this State; and, above all, we must ensure that we do nothing to impede or handicap the industries of this State through restricting opportunities of employment for the workers.

I propose to refer to the various divisions in the order in which they appear in the Bill. The measure commences by proposing amendments to the definition section in the Act. The first amendment is to bring under the definition of "factory" any building in which people are engaged who are not naturalised. At present, the Act, as the Minister explained, brings under the definition of "factory" any building in which Asiatics are engaged. The Bill proposes to extend and bring under the definition any factory where people are engaged who have not been naturalised. With that provision I am in entire agreement.

The Act then provides what a factory means and sets up eight industries or operations, the transaction of which will bring premises under the definition. At the end of the definition of "factory," provision is

made that where not more than four people of the same family are carrying on manufacturing in their own home and without using any machinery of a mechanical horse-power exceeding one horse-power, they are exempted from the provisions of the Act. In this class of factory, which is commonly called the "backyard factory," but might more appropriately be called "home industry," no mechanical power is used, and it is considered proper under legislation that the various requirements and conditions of the Act should not apply.

The Bill proceeds to add a new type of factory which will bring under the definition any building, premises or place in which lead processes are carried on. It seems to me that the term "lead processes" certainly requires some further clarification in the Bill. Would the expression "premises where lead processes are carried on" bring under the definition of "factory" a building in which a plumber was carrying on operations involving the use of lead? Under the definition in the Bill, any premises or place where lead processes are being carried on would be a factory, and it is almost impossible to say where it would end.

The definition also brings under the term "factory" any building, premises or place in which paint is manufactured or mixed or applied by the spraying method. Although I have approached industrial organisations in order to get as much information as possible about the Bill, I have not been able, in the time available, to ascertain exactly what that definition would cover. So I do not know how many premises or types of premises might be included in the term "premises where paint is manufactured," or how many might be involved in the portion of the definition including a place where paint is mixed or applied by the spraying method. Apart from motor-body factories, there might be many operations where paint is applied by the spraying method. There again we have a definition in the Bill which, so far as I can judge at present, is so wide that it might cover and bring within the term "factory," and under the provisions of the Act, premises that by no stretch of imagination could normally be regarded as factories. The Minister should consider precisely what those definitions mean and precisely what their limits are likely to be, and bring down any necessary amendments to make their application reasonably certain.

I do not say that it might not be proper to include factories which engage in the manufacture of paint in the course of their business. Such an amendment might well be justified by the conditions under which such manufacture is carried on. A new definition provides that "paint" means "any lead paint, silica paint, or any enamel, vitreous enamel, lacquer or any other material having a nitrocellulose and/or inflammable liquid content." Though I cannot claim to be an industrial chemist, that appears to be wide enough to cover almost anything. It is wide enough to cover the act of putting a little turpentine into ordinary paint in order to manufacture some other sort of paint. When we come to enamel, I do not know where the definition will end, because I cannot say how many people, private or other, might have occasion to use enamels and various other ingredients covered by this extremely wide definition of paint. I have tried to find out from those engaged in the painting trade exactly what the definition means and where it ends, but the time at my disposal was insufficient to allow me to obtain the information.

There is, I think, in this clause a drafting omission to which I would draw the Minister's attention. In the definition clause a family factory carried on in a private house has an exemption in respect of the eight classes of industry, mentioned in the definition. The new definition covering paint manufacture is No. 9. Therefore, unless the Minister alters the figure, the definition will mean the exclusion of small factories in respect of all manufactures at present brought under the Factories and Shops Act but they will be brought in as subject to the Act in respect of paint manufacture only. I feel sure that is an anomaly. The next clause provides that the inspector may enter upon any factory or shop at night time as well as by day. At present he has power only to enter during the day. The amendment is quite unexceptionable, and will be useful in adding to the inspector's powers.

The next amendment is one of those which touch the real issues in the Bill. Section 28 provides that subject to the provisions of the previous Act a male worker shall not be

employed in or about a factory for more than 48 hours, excluding meal times, in any one week; and the section goes on to say—

> The foregoing limits of working hours shall not be deemed to apply to any male worker employed in getting up steam for machinery in the factory, or in making preparations for the work in the factory, or to the trades referred to in the Third Schedule hereto.

There are several trades mentioned in the Third Schedule, such as butter manufacturing and the canning of jam and fruits in season and so forth—trades which in some cases are of a seasonal character and in which it is necessary to work specially urgent hours in order to get the work done during the period the season is operative.

The Bill proposes to amend Section 28 of the Act by providing that a male worker shall not be employed in a factory for more than 44 hours in any week, in lieu of the present provision, under which he may be employed for 48 hours. The objection I take to that proposal is that the subject is one which particularly at the present time should essentially be left to the determination of the Industrial Arbitration Court. It is quite true that under Section 163 of the Act the Arbitration Court by its award or industrial agreement can disregard or override any provision in the Factories and Shops Act except provisions in that Act relating to overtime work by women and boys. This provision that a male worker may not work more than 48 hours in any week is, therefore, something that may be overruled by an award or industrial agreement of the Arbitration Court; but until an award or industrial agreement is made this provision applies. If we pass the amendment it will mean that until an award or industrial agreement is made under the Arbitration Act, no industry will be able to employ a male worker for longer than 44 hours in any week.

First of all, it is not really necessary to have the provision in the Act at all, under existing conditions. I am instructed that there is practically no industry which can be described as major or material that is not the subject of determination by the Arbitration Court. I think there are two industries in the metropolitan area which are not the subject of determination by the Arbitration Court with regard to wages and hours, and those are the match factory and Plaistowe's confectionery works. In both those instances, I think, the conditions are so satisfactory to the workers that they realise they would get nothing better if they approached the Arbitration Court. The match factory especially is one which gives its employees particularly favourable conditions. I believe its general welfare ideas are worthy of commendation.

But there are three aspects of the amendment. The first is that until an award is made, this measure will apply to an industry. If, therefore, any employer attempted to introduce a new industry into this State, until an award or determination of the Arbitration Court was made the new industry would be limited to 44 hours per week; and it might not be one that could satisfactorily work a 44-hour week.

The matter was recently before the Arbitration Court in connection with the manufacture of soap in Western Australia. We are competing for the Western Australian market for soap with South Australian manufacturers, and when the matter of an award for the soap industry was before our Arbitration Court it was pointed out to the court that South Australia is in general a 48-hour State and that 48 hours obtain in South Australia in the soap industry. If, therefore, the Arbitration Court of Western Australia made an award by which 44 hours was the maximum time that could be worked by those engaged in the soap industry in Western Australia, it would mean that the industry in this State would not be able to compete with the industry in South Australia. And that was recognised by our Arbitration Court, and the award was made in these terms, that for the Western Australian soap industry the maximum hours should be 48 per week, with the proviso that if in South Australia hours were reduced to 44, then the hours in this State should also be reduced to 44.

So that until an award or industrial agreement under our Arbitration Act is made, then, if this provision becomes law, a new industry in this State will be limited to 44 hours, and if limited to 44 hours it may find itself, as in the case of the soap industry, quite unable to compete. Doubtless it would never start when regard was had to the considerations obtaining in other States. It is true that if the Bill becomes law and the 44 hours per week are substituted for the 48, when any industry comes before the Arbitration Court that court may

say, "Notwithstanding the general prevalence in factories and shops of the 44-hour week, we are going to make in this case a limit of 48 hours." The court has power do to that.

When Parliament takes legislation which now provides for a maximum of 48 hours—in the absence of an award—and reduces that maximum to 44 hours, any Arbitration Court would be bound to say to itself, "We must give some weight to the views expressed by the Legislature of this State in its recent legislation, by which it has reduced the maximum hours from 48 to 44." Any reduction such as is proposed to be made by the Bill must have its influence on the policy of the Arbitration Court of our State. Any reduction such as is proposed to be made by the Bill would be a statement by the Legislature that we are going to maintain in this State at all costs, as regards competition with other States, a shortened maximum period of work in any week. So the tendency would be for any arbitration tribunal that might be involved—whether State or Federal, and in some cases Federal tribunals may be dealing with industries in this State—to say that the policy of the Western Australian Legislature is that there shall be a maximum of 44 hours. The tribunal might otherwise have felt that the preservation of an industry and its successful establishment in Western Australia could best be accomplished by a working week of more than 44 hours.

If the Bill passes, the tribunal might feel that its duty is, in view of the expressed opinion of the Legislature, not to exceed the 44-hour week. If at the time when the soap manufacturing case came before our local Arbitration Court a provision had been in force such as that in this Bill which specifies a maximum 44-hour working week, then conceivably the court might have said to the Western Australian manufacturers, "You will have to put up with a 44-hour week, whatever the consequences may be by reason of the competition with South Australia, because our Legislature has recently said that the State's policy in industrial matters is a maximum 44-hour week." We must realise how dangerous and detrimental it will be to our State, our industries and, above all, our workers, to take these matters from the province of the Arbitration Court itself. Whereas the Act lays down a flat rate and provides a general rule regarding hours and other conditions, the Arbitration Court takes into consideration all the circumstances surrounding the particular industry, the desirability of establishing it in the State and the conditions under which it may be established or may continue in competition with other States. Having all those circumstances before it, the Arbitration Court can lay down conditions which would be applicable and suitable to each industry concerned.

I hope, therefore, that the House will not interfere with the present provision in the Act. When peace returns we shall be justified in reconsidering all these matters; but members know a good deal better than I do that today there is no question of workers in industry being underpaid. There is competition for workers. Their services are in demand. The Federal Government has recently had to pass a National Security regulation preventing employers from paying more than a certain wage. The Federal Government is not afraid the employers may pay less than the prescribed rate. The object is to prevent employers from paying more, because of the competition of rival manufacturers who cannot get enough labour and who try to induce workers to leave one concern in order to join their concern. There is this added protection for workers, which all members desire to see maintained. The moment any considerable industry is established, there will be an Arbitration Court award or an industrial agreement governing it.

In the Welshpool factory, where some 1,500 workers are to be employed, we can be as certain as we are sitting here today that immediately work starts, an award or an industrial agreement will be made prescribing at all events the conditions, and no doubt the wages of the workers in that industry. They will be protected. My view, and it is the view of those concerned with the industries of this State whose opinions I have endeavoured to get, is that in this State—where our industries work under a disadvantage compared with the more highly industrialised industries of the other States—we should not at the present stage interfere with the existing legislation by altering the maximum number of hours prescribed by the parent Act. We should leave the matter to the determination of the proper tribunal and not convey to that tribunal

the suggestion that Parliament requires hours to be reduced to a maximum of 44 per week, when it may so happen in a number of cases—as in the soap industry—that it is to the interests of the State and to the interests of the workers, who would be safeguarded and protected, to have a longer working week.

The section of the Act to which I referred, Section 28, provides not only that the maximum hours of work of a male worker are to be 48 per week, but that the time spent in getting up steam and in necessary preparation for work shall not be deemed part of the 48 hours. Now, although by this Bill it is provided that the time taken in getting up steam and preparing for work is not to be prohibited by the Act, although in excess of 48 hours, the Bill goes on to say that all time worked in excess of the weekly or daily limits therein prescribed shall be deemed to be overtime and shall be paid for at the rate of not less than time and a half for the first two hours and double time thereafter.

There again the measure imposes another burden on industry; or if it does not impose a burden, because an award is obtained from the Arbitration Court or an industrial agreement, it conveys to that court. Parliament's measure of what the overtime should be where workers are engaged in work mentioned in the provision such as getting up steam or the usual preparations for work. My contention is that the Arbitration Court can be left to deal with these matters. It considers each industry according to its particular position and takes into account time involved in such preliminary preparations and makes a suitable and just award as between the employer and the employee, and states what the overtime rates shall be. I suggest that the House should leave these matters to the court as it has done in the past and not seek to set up standards which the court, if it were left to its own unfettered judgment, would feel were not applicable in the best interests of the industry concerned.

The next clause is one which is necessary and to which no exception can be taken. It provides for an extra spread of hours per day to enable a five-day week to be worked. The next clause is consequential to the one I read just now—or is more or less consequential—by which the maximum hours of the male worker are reduced from 48 to 44 hours. What I have said in connection with Clause 28 dealing with maximum hours would apply also to the other clause in which the same reduction is made.

I now come to that part of the Bill which the Minister quite rightly said had particular application to the new industry which is about to be established at Welshpool. By the first of the provisions mentioned in the clause the Minister may by a permit under his hand allow women to be employed on shift work in any factory between the hours of 7 a.m. and 11 p.m. on any day. There is nothing in that to which any exception can be taken. If we are to establish munitions factories here under war conditions, we must be prepared to have the employees work two or three shifts in the course of the 24 hours.

My only objection is that the matter is left entirely to the discretion of the Minister. I do not desire to disparage the Minister in this respect, but this provision places in his hands complete power to say whether female workers in an industry may work more than one shift per day. It is given to him to decide whether an industry can or cannot start in this State, in the case of those industries which cannot carry on without more than one shift; and there is no appeal. That is a big power to be vested in any one man, however competent he may be, and if the Minister can devise some alternative means by which this particular provision can be dealt with, I shall be glad to hear of them.

Under the same clause, the next step in the Bill is to provide that where workers are employed on shift work in any factory whether they are men or women, the occupier shall in addition to the payment of wages, overtime and any other allowances prescribed by the Act, pay to such workers the sum of 12s. per week. A worker will obtain his wages, his overtime and I presume any travelling expenses in which he may be involved, but he is also entitled under this Bill to a shift loading of a special sum over and above all that remuneration and those expenses of 12s. per week. This is a matter the House might well consider.

I am advised that 12s. per week is by no means the standard or accepted shift loading where more than one shift is worked. From inquiries I have made in regard to the recent sheet metal trade award, the shift loading is five per cent. of wages where a continuous shift is worked in a factory; that is, where three shifts are worked in 24 hours. If two shifts are worked, the shift loading is 10 per cent. for the first month and 7½ per cent. thereafter. The minimum rate under the Factories and Shops Act for a female worker is £2 8s. 10d. per week and if she were employed at that rate in a factory in which shift work took place, her shift loading would amount to approximately 25 per cent. of her wages. I suggest to the Minister that a percentage scale as adopted in the Federal sheet metal workers' awards—and which I am informed is the general practice in awards of the Arbitration Court—would be much more suitable than the flat rate which the Bill proposes, and which will perhaps be far too much in some instances and perhaps too little in other instances.

I pass to another provision in this Bill dealing with double shifts. It sets out that where, in any factory, two shifts or more are worked, preference shall be granted to financial members of the unions registered under the Industrial Arbitration Act of Western Australia, or the Commonwealth Conciliation and Arbitration Act. The Minister is in the position that he has complete power, where females are to be engaged for more than two shifts, to say whether or not the industry shall start at all. If he does grant permission for it to commence and work two or more shifts—I refer particularly to industries which will be engaged in the manufacture of munitions in this State—then automatically there shall be preference to unionists in that industry.

That is a direct encroachment on the province of the Arbitration Court. If a munitions factory were working two or more shifts, there would immediately be an award or determination of the Arbitration Court issued to cover it, and as I understand the matter, if the award or industrial agreement applicable to that industry were silent on the matter of preference to unionists, this Bill, if it becomes law, would automatically grant preference, in addition to the provisions of the award of the Arbitration Court. The Minister knows more about the history and practice of preference to unionists than I do, but I am informed that the power to grant that privilege to unionists is one very rarely exercised by the Court of Arbitration, and that it has ruled that special circumstances must exist before preference will be provided.

I am not entering on a debate as to whether preference to unionists should be granted or not. My opinion is that every worker should belong to the union applicable to his trade. If that were so, this question would not arise. Preference to unionists has always been the peculiar province of the Arbitration Court. The provision has been sparingly inserted in awards, and that being the case, the Arbitration Court no doubt has had good reasons for the policy it has pursued. Why should we, therefore, by this Bill, take away from the Arbitration Court—respecting the important munitions factories we hope to establish in this State—one of its important functions, and enforce preference in circumstances which the Arbitration Court would possibly regard as not applicable to the principle? The more we leave these matters to the proper tribunal—the Arbitration Court—the better we will serve the State, and the interests of workers engaged in industry. I regret it is impossible to deal with this Bill more rapidly, but it raises very far-reaching questions.

Our men are engaged in war industries, and the main objective is to produce as much as possible. When, at the present time, we may be on the eve of a vast expansion of these industries through the improved allotment of munitions manufacture to this State, then we cannot be too careful in the amendments we make to our industrial law; nor be too much on our guard in seeing that we do nothing to make it impracticable for people to start and successfully conduct new industries. The more these matters are left to the Arbitration Court, which arrives at a decision after inquiry and hearing the people concerned, the greater will be the inducement given to prospective capital, and workers, to commence operations in Western Australia; and they will have more confidence in successfully conducting these industries under the conditions laid down by the Federal Government and in the face of competition from the other States.

The next clause is one dealing with meal hours, or crib time. Under Section 31 of the Act, every worker, except a worker employed on continuous process plant, shall be entitled to three-quarters of an hour for a meal between the hours of 12 o'clock noon and 3 o'clock in the afternoon; and also between 5 o'clock and 8 o'clock in the evening. It also provides that the worker shall not be required to work more than a certain number of hours between meals. This measure proposes to amend the Act by a proviso which states that notwithstanding anything contained in that section, a worker in a continuous process plant shall not be required to work for a longer period than 4½ hours without having a meal time of at least 45 minutes. The sections of the Act regarding meal hours are not applicable to factories which work continuously. This amendment seeks to apply to factories engaged on continuous work the same provisions as the Act now provides in the case of factories working one shift. Under the amendment, if a factory is working continuously, say, three eight-hour shifts per day, no worker shall be required to work for a longer period than 4½ hours without having a meal time of at least 45 minutes.

No one wishes that workers shall have extended to them other than the utmost regard respecting the conditions under which they are expected to work, but I am advised that this particular provision requires much more consideration than appears to have been given to it. I am told that in continuous process plants the usual crib time allowed is 20 minutes. In plants of that description the hours during which workers are engaged are eight and, where there is a meal period during that time, the worker is very properly paid for the whole eight hours, inclusive of the period during which he has his meal. I am told, however, that in the continuous process plants a system is followed of staggering meal hours. Members will appreciate that it would not be possible to close down the whole plant lock, stock and barrel while all the workers went off at the same time and had their meal. The loss to industry would be far too great where continuous process plants are operating. I am told that if that course were adopted and a plant had to be closed down for three-quarters of an hour every eight hours so that all the employees could simultaneously enjoy their crib time, the routine of the factory would be seriously dislocated and the capacity of the plant correspondingly reduced.

If the staggering process were adopted under the provisions of the Bill, under which three-quarters of an hour has to be provided for meal-time and no longer than 4½ hours will be permitted between meals, it might well be that in some instances workers should have two meal periods of three-quarters of an hour each in their eight-hour shift. The employer would be compelled to allow the workers those two meal periods during each eight-hour shift the operatives were employed. I suggest to the Minister that that particular clause requires a good deal more consideration and some reference to those who have experience in the operating of continuous process plants. I am informed—again I cannot pretend to speak as an industrial expert—that in continuous process plants the crib time is a matter for arrangement between those concerned—the employees, the union and the employers. The system is so worked by mutual agreement that the workers receive fair treatment and ample time for their meals, while at the same time the successful operations of the plant are not at all affected.

Mr. Fox: Increased pay is provided in some awards.

Mr. McDONALD: With whatever is provided in awards I whole-heartedly agree; that is the whole point. Let the Arbitration Court, after considering matters relating to the industry, decide what shall be the position and if it should decide that increased pay is necessary, by all means let the increase be paid. The Arbitration Court is a tribunal with expert knowledge that hears the parties, both employers and employees, and reaches its decision. Employers and employees can confidently rely upon it that the court's determination in such matters will be fair and reasonable, having regard to the operations of the industries concerned.

The next clause in the Bill deals with what is referred to as tea money. Paragraph (f) of Section 37 of the Act prescribes that—

> In every case where a woman or boy is required to work extended hours the occupier shall, in addition to any payment for overtime, provide every such woman or boy, either with a sufficient meal between the hours at which the factory ordinarily closes and the hour at which the extension is to commence, or with an allowance of not less than 1s. 6d., such allow-

ance to be paid on the day on which such extension is to apply not later than the hour at which the factory ordinarily closes.

The Bill contains a provision the effect of which will be to extend that principle to all workers. Here again it is agreed by everyone that adequate arrangements must be made where the employee has not his customary opportunity to obtain a meal in ordinary circumstances. I am informed that where awards of the Arbitration Court provide for tea money it is invariably prescribed upon certain well-known principles, the main one being that tea money shall not be paid unless it is required. If the worker ceases operations at or about the time when he would normally go home for his meal, then the payment of tea money is not necessary, nor could it equitably be applied for. If the employee happens to be living in close proximity to the factory and he is able to go home for his meal at the normal hour, then the payment of tea money is not required. On the other hand, the Bill provides that tea money shall be paid to all workers. I am informed that the tea money aspect, if applied on the basis set out in the Bill, will be illogical and will depart from the principles that have been invariably followed by the Arbitration Court in dealing with this phase in awards it issues. The matter is not a small one, because I am told that in some industries tea money amounts to about £300 a year. If the worker is entitled to tea money he should receive it, otherwise the workers as a whole in factories such as I speak of would lose £300 a year. It is equally proper that if the workers do not require tea money, being able to secure their meal in the ordinary course of events, then they should not get it.

The next clause deals with holidays, and here again the position is rather interesting. Section 39 of the Act prescribes that the occupier of a factory shall allow his employees the holidays that are set out in that part of the Act, but the Bill proposes that not only must the occupier of the factory grant the holidays, but the employees must take them. The effect of that is that when the holidays mentioned in Section 39 occur there is no option about the matter at all. An offence will have been committed if the employee does not take advantage of them. If he should remain on the premises, a breach of the Act will have been committed. This provision of the Act, as it stands and is implemented, applies in a number of cases where there is no arbitration award. It applies in country towns, for instance where there is an electric lighting plant for the town. The employees have no award but come under this provision of the Factories and Shops Act.

Under the present law, it is not an offence for an employee in an electric lighting plant not to take the holiday on the particular day prescribed, but he may take it on some other day in lieu. I am told it is customary for employees not necessarily to take their holiday on the prescribed day. But under the Minister's amendment all the employees of such electric lighting plants in country towns will be compelled by law and under penalty to absent themselves from the factories on those prescribed days, and I am told the result will be that electric power will not be available. Pictures, street lighting, domestic lighting and the other amenities of the town will not be available.

Mr. Seward: Perhaps it would not be available even for an operation in a hospital theatre.

Mr. McDONALD: Perhaps so. This will apply in quite a number of country towns where no award is in existence and the provisions of the Act operate. I hope I am wrong in my information and in what I am told will be the result of the amendment, but that is my information. At present such a difficulty can be overcome. Somebody is retained to run the plant on a particular day which may be a public holiday, or one employee remains behind, but when it becomes an offence and when the electric lighting plant might be owned by the municipality, there will be no option under the penalty of committing an offence but for all employees to cease work for the 24 hours of the holiday and leave the electric lighting of the town in abeyance.

By a subsequent provision of the Act, Section 40, every occupier shall allow a half-holiday each Saturday where shops are required to close on that afternoon and, where districts have not the statutory half-holiday, shall allow a half-holiday on the day that obtains in the district. Under the Bill the Minister, by a similar method, proposes to make it mandatory on the occupier to push his employees out on those half-holidays, and I am told that

the same result may ensue on the Saturday night, because employees may not be available to run the electric lighting plant and the locality may have to do without lighting. These are matters into which the Minister might well inquire, and if he can inform me that I am under a misapprehension, I shall be only too glad to stand corrected.

The next provision deals with fire escapes. In general, nobody would support more strongly than I would any measures to ensure that adequate fire escapes are provided. The Act requires fire escapes for factories where 15 people or more are engaged. The Bill proposes to require fire escapes not only for factories but also for shops and warehouses, and to require fire escapes where 10 or more people are engaged. At present the provision of fire escapes is covered by local government legislation, and the by-laws of municipalities, in the metropolitan area at any rate, already contain provision for fire escapes in the buildings in their areas. The proposal in the Bill may be entirely justified, but there is one point upon which I should like to have an assurance from the Minister.

Will this involve the provision of many fire escapes? If it will, can they be obtained? Normally fire escapes have to be constructed of iron or steel, but if there is a demand for a large number of fire escapes and a penalty is to be imposed on occupiers unless they provide this safeguard immediately, might it not be the case that occupiers simply cannot comply with the law? Might it not be that manufacturers of fire escapes cannot supply them? Is not there such a demand for metal workers in munition industries that the manufacture of fire escapes is something for which no workers can be obtained? Would not employers and occupiers of factories, shops and warehouses be placed in the position of being under penalty to do something which they cannot do? The Minister may inform me that there will be no trouble in complying with the terms of the measure; but I think this is something which the House should consider, so that we may not impose upon employers and occupants of factories, shops and warehouses an obligation under penalty to do something which they cannot possibly comply with in existing circumstances.

The next provision is an example of the Minister's abundant caution. The hon. gentleman provides against the worker being deprived of a holiday in the event of Easter Monday or Good Friday falling on a Sunday. I have no objection to that precaution being taken. Next, the Bill deals with Section 100—and members will be glad to know that I have got into three figures. But the Minister ought not to bring down Bills like this. This is a measure which in peace time we might debate for days and days and all be happy. However, it is a controversial Bill and, to say the least, unseasonable.

Mr. Sampson: And unreasonable.

Mr. McDONALD: The Minister now has a tilt at the butchers. Under Section 100 all shops except those mentioned in the Fourth Schedule and except registered small shops shall be closed on one week day at 1 o'clock and on the other five week days at 6 o'clock.

Mr. Cross: The butchers' employees want that.

Mr. McDONALD: The result is that while under the existing law a butcher in Perth, in Barrack-street, or Hay-street, may keep open until 1 p.m. on Saturday and until 6 p.m. on any other week-day, it is now proposed by the Minister that butchers' shops within a radius of 30 miles of the Perth Town Hall shall close at 12 o'clock noon on Saturday or on one of the week days and at 5 o'clock on all other days. I am told that would suit the small suburban butcher, because he does not do any trade to speak of between 5 and 6 in the evening and between 12 and 1 on the short working day. But it may not suit the butchers in the city, who do a large part of their trade between 12 and 1 on Saturday and between 5 and 6 on other week days. The proposed arrangement may suit the small butchers generally, as well as the butchers further out; but we have to consider the city butchers and all the buyers, all those men and women—fathers of families, and wives occupied in the home—who now go into a shop to buy some meat for the home between 5 and 6 on week days and between 12 and 1 on Saturdays. When leaving their work between 5 and 6 they have been accustomed

to make purchases of meat, but under the Bill these people will no longer have that facility.

The Minister for Labour: A good housewife never allows her husband to buy the meat.

Mr. McDONALD: I think that just the opposite is the case. I believe that the Minister, if he inquires, will find that there are hundreds and hundreds of husbands who call in at the butcher's shop on the way home and buy the family joint or something for tea. All these people the Minister's amendment will deprive of a facility they now have. And it is the workers who are not to have this privilege. The amendment will not in any way affect women who have leisure time to go out and do their shopping at any hour of the day.

Mr. Needham: That yarn was put up many years ago.

Mr. McDONALD: The Minister may be quite right, but other people do not think he is right. Other people say there are many men and women who work until 5 o'clock on ordinary week days and until 12 o'clock on Saturday in factories and shops, and that it is a great convenience to them if they can go into a butcher's shop as into any other shop and buy the household requirements after finishing their work.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. McDONALD: For a long period—I think 20 years—a provision has obtained by which butchers' shops, in common with other shops, may remain open until 1 o'clock on Saturdays and 6 o'clock on other week days. I am not suggesting that merely because the provision has been in force for 20 years it necessarily should not be altered; but I do suggest no grounds have been placed before the House for altering those hours with regard to butchers' shops in the metropolitan area. I can well see that an alteration may result in inconvenience and loss of facility to a substantial section of the public, including the housewife. Members should require more evidence and reasons than the Minister has given for this proposed change in the hours during which butchers' shops may remain open.

The section of the Act provides that shops shall close at certain hours; and to that extent—unlike many other provisions of the Act—it would in effect override the powers of the Arbitration Court, because although that court may prescribe the hours of work for employees in the industry (if by this measure we say that the shops shall close at a certain hour) to that extent we render nugatory the provisions of the Arbitration Court's award. I presume that by the industrial agreement or award governing this industry, hours are prescribed for the workers engaged in it, and that the agreement or award is based upon those hours extending up to the time the shop closes at 1 p.m. or 6 p.m., as the case may be, under the existing legislation. By this amendment, if agreed to by the House, we would—as I said—automatically abrogate the current industrial agreement or award by reducing hours. If that view is incorrect, I shall be glad if the Minister will advise me.

That brings me back to the argument I have had occasion to use more than once in speaking to this Bill, and that is the undesirability of Parliament, by this class of legislation, taking from the ambit of the Arbitration Court the determination of conditions in respect to which the court is so much better fitted, after hearing both sides, to decide. By the next provision every person employed in a shop shall be compelled to take a holiday on full pay on any day on which the shop is required to be closed. That is an amendment of Section 116. I suggest the Minister might inquire whether this amendment is necessary at all, because it seems to me that the result he aims at by the amendment is achieved by Section 118. In the short time at my disposal since this Bill was introduced, I could not examine all these complicated provisions carefully.

The next clause again seeks to reduce the working week from 48 hours to 44 hours and is therefore to some extent consequential upon the principle which the Minister has sought to introduce earlier in the measure. I do not propose to repeat what I have already said on the question of the reduction of hours, but the provision goes on to say—

> Notwithstanding anything to the contrary contained in any award or agreement made under the provisions of the Industrial Arbitration Act, 1912-1935, no female shop assistant and no boy shall be employed in any shop between the hours of midnight and six o'clock in the morning, irrespective of the time such shop assistant or boy commenced work.

If therefore, a female shop assistant or a boy went on duty at 10 o'clock at night, he or she would be compelled to cease work

two hours later, at midnight. Neither could work after midnight. The first aspect of that amendment which will strike members is that it proposes to override altogether the Arbitration Court, whether Federal or State. It says that notwithstanding anything to the contrary contained in any award or agreement of the Arbitration Court, this provision against working after midnight shall apply. So we face again that fundamental question as to how far we are to leave the Arbitration Court as the true judge of industrial conditions, and how far we are to lay down rules that will limit the discretion of that court.

I am advised that when the Bill says that notwithstanding any award of any Arbitration Court no female worker or boy shall be employed in any shop after midnight it abrogates existing determinations or industrial agreements of the Arbitration Court of this State. I am instructed that there are now awards and agreements which have been pronounced or ratified by the court in this State in relation to night cafes, for example, under which female assistants are or can be employed after the hour of 12 midnight. So we are brought back to the old question: Are we going to override the Arbitration Court or are we going to allow it to be the determining tribunal in matters affecting the various industries of the State? Under this clause the Bill proposes not merely to limit and circumscribe the authority and discretion of the Arbitration Court in the future, but also to abrogate existing awards and agreements of the court which have already been approved as representing the reasonable conditions in industry as between employer and employee.

There are two or three more clauses to which no exception can be taken. Under Section 128 in every shop there is to be kept a record of the age of each assistant under 23 years. The Bill proposes to reduce that to 21, and that appears to be quite desirable. By a further provision it is provided that the shopkeeper of every shop of the description mentioned in the Fourth Schedule shall keep a record of the name and sex of each shop assistant and the name and age of each assistant under 21, the class of work performed by each assistant, the days on which assistants are allowed a half holiday or a holiday, and the wages paid to each assistant. The Bill provides that this record shall be entered up daily by the shopkeeper and be signed weekly, if correct, by the shop assistants. As the Act stands, the shopkeeper has to enter up the record once a week. I think that in all the awards of the Arbitration Court this particular class of book is required to be entered up by the shopkeeper weekly in accordance with the present law. This is not very important, but it is just one extra burden on the shopkeeper in respect of which, if he omits to observe the condition laid down, he will be liable to a penalty. The clause regarding the reduction of the fee by half when registration for only half a year is required, appears to be quite all right, and so also is the suggestion that a certificate shall be given by the clerk or the registrar of the court setting out the lowest minimum wage possible under any award, which certificate shall be evidence in any prosecution under the Act.

I come now to the last clause of the Bill which requires a little explanation. The section affected is Section 142, which says that in any proceedings against an occupier of a factory for employing a person in breach of the Act, subject to the express provisions of Section 38, proof of a person being found in any part of the factory shall be prima facie evidence that the person was then being employed in the factory. Section 38 says, in effect, that a person shall be deemed to be employed in a factory from the time he or she commences work until the time working operations cease for the day excluding, however, the meal time prescribed by the Act.

The existing law says, in effect, that in any factory—and this is confined to factories—if a person is found outside meal time hours on the factory premises, that is prima facie evidence that he was being employed when so found, even though the time he was so found was outside the usual scope of his working hours. That is to say, if an inspector enters a factory after the factory has been closed and finds an employee on the premises and proves that fact to the court, the court assumes that that employee was there for the purpose of working, and therefore in breach of the Act, unless the occupier of the factory can submit proof to the contrary. That is quite an understandable provision, because people do not remain in factories after working hours except when they are having a meal; they

go away. The Minister proposes, however, to extend this provision to shops and warehouses, and I think—though I speak again subject to correction—that a hotel comes within the definition of "shop."

Many employees of hotels live on the premises. They sleep there, and even apart from the time of sleeping on the premises they sometimes remain beyond the usual working hours because it is their home. Because the amendment seeks to extend the rule of prima facie evidence to shops and warehouses, any girl found at any time in a hotel where, in fact, she lives will prima facie be deemed to be working, whether sleeping, or playing bridge or doing anything else. The Minister seeks to extend this particular provision, which is quite applicable to factories, to other types of employment, to which it is really unsuited. Some shops have rest rooms and recreation rooms where employees gather after hours for the purposes of recreation, in which case the employer would, prima facie, be guilty of an offence if the employees were found in these rooms outside the prescribed working hours.

The individual terms of the Bill are sufficiently important to be given serious consideration. Members will agree that the best possible conditions of work and wages should be given to employees in this State. It is necessary that the various provisions governing industry should be policed, and in order that employees may be protected limitations should be placed on the powers of employers. But I do, Mr. Speaker, ask myself whether this is a time to make these limitations more stringent; whether we should make the conditions of industry more rigid than ever; or whether this is not a time when we can well leave existing provisions, which are not by any means obsolete, as they stand. In other words, do we need to encroach still further upon the elasticity of industry in view of the conditions obtaining in the world today, and in particular in this State? If we do that, are we not going to make matters more difficult for our industry, and so reduce the opportunities of our employees?

I have endeavoured to explain, following on the Minister's remarks, that the Factories and Shops Act, except in one respect, applies only where there is no award or industrial agreement. The moment an award or industrial agreement is made, with one exception, it takes charge and supersedes any contrary provisions of the Factories and Shops Act. The one exception is the provision in relation to overtime worked by women and boys. The Factories and Shops Act is predominant in that case. Practically all industries in this State come within the determination of the Industrial Arbitration Court and in such cases this Act will not, therefore, apply except in regard to overtime for women and boys. But it does not end there. If we amend this legislation and say that it is the policy of Parliament that in this time of war, and in the particular industrial conditions of our State today, all provisions regarding employment should be tightened up—hours should be reduced and conditions made more stringent—and say to the Arbitration tribunals that that is the policy laid down in this year of grace, 1941, the second year of the world war——

Mr. Styants: The third year.

Mr. McDONALD: The third year, as my friend corrects me, then that will have an effect upon all industrial tribunals and Arbitration Courts dealing with wages and conditions in this State. They must then say, "This is the Legislature's last determination; this is its last expression of policy. When it altered this Act it did so for a purpose. We must take that into consideration. We must bear that in mind when we are considering hours and conditions." I suggest that this is a time when we would not be wise to fetter or limit the discretion of the Arbitration Court. This, above all times, is a time when we should say that elasticity is more required than rigidity; that in these changing circumstances and abnormal conditions, we will leave these matters to the Arbitration Court which inquires into all the conditions and hears the various parties. It is an expert tribunal and fitted by the policy of our country to lay down the conditions applicable to each industry. It will certainly be an obligation of this House to review its industrial laws as soon as the war ends. It may be an obligation before that. We must try to obtain the best conditions possible. But I suggest that under present circumstances, this Bill would not be in the best interests of either our war effort or the promotion of industries in our State, or the opportunities for our workers to be absorbed into new industries, or learn new industries, and for those reasons the Minister might

well allow the existing law to remain and be reconsidered at some more suitable time.

On motion by Mr. Needham, debate adjourned.

BILL—METROPOLITAN MARKET ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th October.

MR. MANN (Beverley) [7.58]: I have examined this Bill. It gives me the impression that it will create a monopoly for the market. One of the main points which concerns me is the question of the market gardener's existence. The prices he receives vary. Another point is that the country people do not gain the advantage that the city people do in regard to the purchasing of fresh vegetables. Those who grow commodities required for consumption by the people generally represent the backbone of the country, and they should secure reasonable prices. If there is to be any monopoly we should be certain that we will not load additional costs upon the consumer.

Mr. SPEAKER: Order! I must ask members to keep order and cease the conversation that is going on.

Mr. MANN: I read the speech delivered by the Minister when he introduced the Bill and I can appreciate his point of view. There is the fear that interested parties may co-operate with the object of defeating the purpose for which the metropolitan markets were established. The Bill will have an effect upon the marketing and control of fish supplies. Australia is today probably one of the dearest fish-supplying countries in the world. In many parts of the world fish is a staple diet, and yet people here and elsewhere in Australia have to pay excessive prices for such supplies. If, as the result of the passage of the Bill, fish will be available to the people generally at a cheaper price, it will be productive of much good. I am satisfied that the measure represents an honest attempt to protect the markets from possible exploitation by unscrupulous individuals. The Bill is designed to counter the middleman and conserve the interests of both consumer and producer.

MR. THORN (Toodyay) [8.2]: One can understand the Government's desire to amend the Metropolitan Market Act with the object of protecting a concern in which public funds have been invested in constructional work. From the grower's point of view I do not know that the concentration of marketing facilities under one roof has been as advantageous as the position was formerly when separate markets were in existence. With all such facilities concentrated, the buying community get too exact an idea respecting market supplies for the day, get their heads together and bid accordingly. Apart from that phase, the arrangement is excellent, and it is essential that the Government shall protect its assets and safeguard the operations of the markets. I appreciate the intention of the Government to prevent other establishments opening up on, say, the other side of the street and competing with the existing markets, which have been erected at so great a cost to the public purse.

I am glad that the amendments proposed will not interfere with the operations of producers who, in many instances, supply fruiterers and greengrocers privately. They make their own arrangements, which has the effect of relieving the markets of possible congestion and has a tendency to stabilise prices for the day. That applies particularly to fruit. I have often seen the markets glutted with fruit supplies, and if all fruit and vegetable consignments were forced through the markets such gluts would be more frequent. Prices are governed by the law of supply and demand and if gluts were frequent prices would be correspondingly unprofitable.

An important phase of the Bill has regard to the question of fish. In the course of his remarks in moving the second reading of the Bill the Minister said that he hoped to improve the position in that respect, and I trust his anticipations will be realised. The fisherman who goes to sea and brings in his load of fish should be the man to market them, instead of that part of the transaction being undertaken by the middle man. In Fremantle all fish must pass through the Fremantle Municipal Fish Markets before being made available to the public. I am not sure if that is the position in Perth.

The Minister for Agriculture: No.

Mr. THORN: I think it should be. It has always been a source of dissatisfaction and disappointment to me that fish here and elsewhere in Australia should be so dear.

That commodity should be available to even the poorest as an article of daily diet. When we consider the vast fishing grounds we have along our coast line, there seems to be no reason why that should not be the position.

I have always interested myself in fish marketing and I have visited cool chambers in Perth at different times of the year. In those chambers I have seen upwards of 60 tons of fish hanging up frozen like icebergs, and kept there month after month. Supplies are drawn from the cool chambers only to the extent necessary to regulate the market so that high prices may be maintained. To-day the fishing business is mostly in the hands of nationals of other countries. They seem to have a complete grip on it.

Mr. Cross: Refugees are getting a grip on the shops in the city.

Mr. THORN: They seem to have the position well under control, and are forcing Australians to pay high prices for their fish requirements. If any improvement can be effected by the Bill——

Mr. Marshall: That will not be the position.

Mr. THORN: If it will prevent the dealing that goes on between the time the fish is caught and delivered and when it is marketed, the position may be relieved. I hope it will be. Fish should be available to all sections of the community.

Mr. Sampson: At a reasonable price.

Mr. THORN: If the industrial aspect were properly controlled, I am satisfied even the poor could enjoy fish as part of the daily diet. I support the second reading of the Bill.

HON. N. KEENAN (Nedlands) [8.8]: There is only one phase of the Bill to which I desire to draw attention. I refer to the objective of protecting the interests of the public in connection with fish supplies. It is hoped that by the forethought of the Minister the Bill will lead to a reduction in the price of fish. The reason high prices rule for that commodity is largely due to scarcity. I can remember that when I first came to this colony, as it then was, we could get schnapper off the old jetty.

Mr. Marshall: You can get blow-fish there now.

Hon. N. KEENAN: Perhaps so, but the blow-fish is not very edible.

Mr. J. H. Smith: There are a few blow-fish in this Chamber.

Mr. Marshall: Do not condemn yourself.

Mr. SPEAKER: Order!

Hon. N. KEENAN: Very largely due to the practices indulged in by those who caught fish, the supply has been destroyed. I have not been out to Gage Roads for some three years, but I used to sail quite a lot in those waters and around Rottnest and very rarely indeed was it possible to catch a schnapper for the simple reason that, owing to our not spending enough money on policing our fisheries, the young fish have been destroyed.

Mr. Marshall: That is correct.

Hon. N. KEENAN: The spawning grounds have been raided, by foreigners mainly, who have destroyed the young fish, with the result that it is very difficult indeed to catch large fish off our coast unless one goes far enough north, to Shark Bay for instance, and gets beyond the area of depredation.

But there is another feature with which the Bill does not deal and which very largely controls the price of fish, and this is that only a certain number of people are in a position to enter into contracts for a constant supply of fish. On one occasion I was a partner in a large sailing boat that went to Shark Bay fishing. Fish were caught because there is a very fair supply to be obtained on that part of the coast, but we were not in a position to assure a constant supply. When the boat came down, we were able to offer fish to the various hotels, restaurants and suchlike places, but between times, of course, we could not.

There is operating in Perth a close ring, and that ring announced to all hotels and restaurants that if they dealt with anyone else, they would not get a constant supply. Although we were willing to sell our fish at slightly below market price, they realised that if they dealt with us, they would get no fish at all at times when we were not able to supply. Until we deal with the fish ring, which makes it compulsory for the regular consumer to deal with it and no one else, we shall not be able to cheapen the price. The ring is financially strong, and when a large quantity of fish is caught, it is put on ice and doled out, as the member for Toodyay (Mr. Thorn) complained, although it seemed a strange complaint to come from a member of the Country Party.

The Minister for Agriculture: Orderly marketing!

Hon. N. KEENAN: From an orderly marketing point of view, I suppose it is the right thing to do, but it means dear fish for the people. When there is a large supply of fish, it is put into cold storage and kept there, and doled out at a rate at which consumers are prepared to buy and at the price the ring likes to charge. Until we can get legislation to deal with the fish ring, we shall not get cheaper fish in Perth. In any event, I do not think we shall ever get cheap fish in Perth because the sea immediately near to Perth has been entirely denuded. If we could have some arrangement for a State ship to bring fish from Shark Bay and the Treasurer would finance it, which even his smiling face does not indicate is likely to happen——

The Premier: We had one.

Hon. N. KEENAN: And it did not do too well.

The Premier: We had the "Bonthorpe" at Albany.

Hon. N. KEENAN: Unless some system is brought into existence for supplying the metropolitan market from far afield, we can never expect to get cheap fish in Perth.

Mr. Marshall: What is the Prices Commissioner doing?

Hon. N. KEENAN: The Prices Commissioner can do a lot of things, but he cannot create fish. There are no large fish on the market, not because the fishermen have not been out, but because they have not been able to catch them. I am referring to dhufish and schnapper. Of course, there is a large quantity of other fish available, but large fish have almost disappeared from the coast south of Geraldton. This factor and the existence of the ring make it impossible for me to imagine that this little provision in the Bill will produce cheap fish. It may lead to a little more efficiency in the disposal of certain classes of small fish, such as whiting, bream, etc., but it will have no effect whatever on the price of big fish.

The Minister for Agriculture: It will hamper the ring in its operations.

Hon. N. KEENAN: How can it hamper the ring in its handling of schnapper and other large fish?

The Minister for Agriculture: Because the ring will not be able to sell retail, as agent, to its own shops.

Hon. N. KEENAN: It is not so much a matter of selling the fish retail; it is the fact that if any regular consumer such as a hotel or restaurant does not deal with one of the ring—and members of the ring are not absolutely painted so that they might be recognised—that consumer does not get fish. There is no question of price; the consumer simply cannot get it.

MR. BERRY (Irwin-Moore) [8.17]: I am in agreement with the member for Nedlands (Hon. N. Keenan) in his remarks about the price of fish and the impossibility of cheapening it by means of a measure such as this. I know something about the disappearance of fish from our waters; on a previous occasion I discussed the matter in this House. If we really desire to give the people adequate supplies of fish at a reasonable price, the time has come to take steps to protect the fish. We must realise that if we wish to propagate anything, we cannot succeed by permitting the killing of the unborn offspring, and that is what is happening today. The spawn are simply not allowed to mature, in fact to be hatched. On various parts of the coast there were formerly very prolific breeding grounds, but I venture to say that those breeding grounds have been so depleted that few fish are to be found there now.

I discussed this matter with the department recently in the hope that something would be done this year to close estuaries and breeding grounds in order that objects such as are envisaged by this measure might be realised. If we want cheap fish, we cannot get it by legislating for it. If the fish are not there, we must find means of getting them there. As the fish were there in former years and as they have disappeared in consequence of our own actions, we must do something to ensure that the breeding grounds are protected and preserved. I understand that this year the herring were protected around Rottnest, where they are said to breed, in consequence of the enforcement of the war emergency regulations, with the result that for the first time for many years herring have been caught at Waterman's Bay and other northerly resorts where they had not been seen for 15 or 20 years. If that is so, it would point to the fact that if we want cheap fish we cannot hope to get it merely by enacting a measure of this kind. That is the point which the member for Nedlands stressed.

If we, as leaders of the people, do the right thing, we will endeavour to control the price of fish by preventing the destruction of fish. We know very well that the people want cheaper fish. The cry of the local Press has been, "Let us have as much fish as possible at a lower price." To make that demand is all very well. But how can we give the public fish if the fish have been destroyed? That is the real point which the member for Nedlands has been stressing. No legislation can give us cheap fish unless fish are bred. I do hope serious consideration will be given to the question of closing the estuaries. The story of Safety Bay, as I have told it in this Chamber, is illuminating.

Mr. SPEAKER: I think the hon. member is getting away now from the marketing of fish.

Mr. BERRY: I only mention that case because I maintain that unless we do something about this business of preservation, Acts of Parliament will prove mere waste-paper so far as a fish supply is concerned. Fish have to be caught before they can be marketed. If we want fish, let us protect those we have, before there is nothing left to be protected.

MRS. CARDELL-OLIVER (Subiaco) [8.21]: I fully endorse the remarks of the member for Nedlands (Hon. N. Keenan). I am convinced that we do need cheaper fish. Today fish are at tremendous prices, and people who depend on fish for a diet cannot obtain them. My particular suburb of Subiaco has a market, and I would like to be given an assurance, which will appear in "Hansard" and which I can submit to the Subiaco Municipal Council, that the Bill in no way affects the Subiaco market. There we have a wonderful advantage in obtaining very first-class supplies of goods both from the producer and from the retailer.

The Minister for Agriculture: The Bill will not affect the Subiaco market.

Mrs. CARDELL-OLIVER: I thank the Minister for his interjection and I would like him, when replying, to enlarge on it. I apologise for my ignorance and my want of intelligence in not being able to see the point, because the Bill does specifically mention "metropolitan markets" and Subiaco is within the metropolitan area. I wish the Minister would point out just why the Subiaco market will not be affected. There must be something in the parent Act that I have failed to appreciate.

HON. C. G. LATHAM (York) [8.23]: I rise because I believe that when recently we had marketing legislation before the House, this side offended the Minister by some remarks. I have received a letter—I regret not having it with me—from a man interested in marketing generally, and particularly in the marketing of fruit. The letter states that the Minister had said he did not intend to introduce any more marketing legislation because of our conduct.

The Minister for Agriculture: I said nothing of the sort.

Hon. C. G. LATHAM: That was stated, anyhow. I regret that the Minister happens to be so thin-skinned as not to take opposition to his legislation in the spirit in which it is intended. In point of fact, we on this side are most considerate to Ministers. Anyhow I propose, and I hope every member is prepared, to express opinions on legislation. That is our duty as members. Sometimes we agree and sometimes we disagree, but in case of disagreement do not let us take it too much to heart. I dislike that sort of thing, and I am wondering whether there is not a little more politics in it than appears on the surface. However, I have risen to express my opinion on this Bill.

The Minister proposes to bring all wholesale produce except potatoes and onions under the control of the Metropolitan Market Trust. Many years ago there were in this State two or three general marketing places where auctions were held of fruit, vegetables and the like. Eventually those markets were brought more or less under the control of the trust at West Perth. More recently additions have been made to the West Perth markets. At the time the Bill establishing the Metropolitan Market Trust was introduced, doubt was expressed whether there was any means of compelling people to utilise the markets. By this Bill the Minister proposes to close the door against anyone who desires to trade away from the West Perth markets, in the way business is conducted there.

I am not much concerned about that angle, but I am naturally concerned as to whether the best possible service is being obtained from the markets at West Perth.

I know the producer's position very well and so does the Minister. Frequently goods are railed to Perth, with handling charges involved, and sometimes there is a credit of a few shillings sent along to the purchaser and sometimes he receives a debit. Yet when going round the retail shops one sees the prices of commodities reasonably high. I do not say they are excessive, but they are reasonably high—higher than the returns to the producers themselves justify.

My idea of the markets was that they would enable us to bring under one roof all produce coming into the metropolitan area, and to deal with it in the cheapest possible way, giving the producer a fair deal and at the same time making available to the consumer very necessary commodities at reasonable prices. I fear that ideal has broken down. I have been wondering how we can get over the difficulty. When controlling the markets for a little while, I tried to encourage the attendance of the public. The first trolley buses ever to run in Perth were run to induce the people to go to the markets and buy their goods direct from the producers themselves. The metropolitan markets have proved a complete failure, but in the electorate of the member for Subiaco (Mrs. Cardell-Oliver) a market has proved highly popular. If you, Mr. Speaker, and I were to go to the Subiaco market tomorrow evening, we would find large numbers of cars parked and large numbers of people asembled in Rokeby-road at the local market. The same remark applies, though in a lesser degree, to the markets at Victoria Park and North Perth.

In Perth itself, however, the public do not seem inclined to avail themselves of the marketing facilities available to them. The Perth City Council established open markets in Wellington-street. I do not know what became of the buildings erected for the purpose, but eventually the markets themselves were closed. When I was in Adelaide not long ago, I saw that the police were used to control the traffic going to and coming from the city markets. Here we have a market conveniently situated, with reasonable transport facilities, yet we had to abandon the idea of private treaty. The stalls that were erected I think have been converted into buildings which are leased to packers who put up parcels, principally for the country.

A full inquiry should be made into the matter. I know the Minister is busy, but the inquiry may be held over until the new Government takes office next year. I did not say there would be a change of Government. Why all the silence? When the new Government assumes office next year, an opportunity may be afforded to learn what has actually happened to the market. The producers feel that the auctioneers keep down prices, then purchase the goods themselves and despatch them to Kalgoorlie and other country centres, where much higher prices are obtained. The market was never intended for that purpose. It was intended for legitimate trading, where goods would be sold by auction to retailers, so that the cost to the consumer would be kept down to a minimum. I am anxious to ascertain whether any justification exists for the rumour amongst country producers. I have had returns sent to me by producers; in one case a man who had sent some bags of cabbages to the metropolitan market received in return a debit note for 3s.

Mr. Thorn: There should be auctions at the market, not dealing.

Hon. C. G. LATHAM: The auctioneers should not be dealers also. The producers believe that the auctioneers are also dealers who try to keep prices down and who in some instances, as I have been told myself, also carry on business as retailers. As I say, we ought to have an investigation. I am not against the idea of a market. It is well that a large city should have a market, but at the same time I want to see that the producer gets a reasonable price for his goods and that the consumer is not called upon to pay more for them than he should.

Australia is probably one of the worst parts of the world as regards its fish supplies. Fish are a necessary foodstuff and yet unless a person has a medium income he cannot afford to buy fish. There must be some reason for that. I do not claim to be an authority, but I prefer cold water fish to warm water fish. The further south I go, the better I find the fish. I have eaten fish caught off the North-West coast, but it has not the high quality and flavour of the fish further south.

The Premier: The fish might be high!

Hon. C. G. LATHAM: I got some fish in the North-West on one occasion and before we reached Fremantle it was so high that it had to be thrown over the side.

The Minister for Justice: Good fish are obtainable at Esperance.

Hon. C. G. LATHAM: Esperance may be a good fishing place. I notice North-West members looking unkindly towards me. I have some doubt about whether we can cheapen fish by utilising the market along the lines of this proposed legislation. The Minister is proposing still further restrictions and these are likely to make fish still dearer. The main idea in establishing the market is to prevent monopolies and, if we succeed in doing that, we shall have achieved something. I am not against giving this proposed legislation a trial, but I hope that next year we shall have an opportunity to go more thoroughly into the matter in order to ascertain whether we can improve the conditions.

Mr. Marshall: Next year? You are optimistic!

Hon. C. G. LATHAM: It would be well to clear up these points. Members complain about the high price of fruit, another necessary foodstuff. The market does not seem to have cheapened fruit, which I think was cheaper in the old days, when we had one market in James-street, another in Pier-street and another somewhere else. I hope that next year further consideration will be given to the views I have expressed. In the meantime we shall have ascertained whether this legislation has had the effect the Minister desires. If so, an improvement will have been made.

MR. SAMPSON (Swan) [8.36]: I was pleased to hear what the member for Nedlands (Hon. N. Keenan) had to say on the Bill, because he is regarded as the State's leading amateur fisherman. I myself have travelled up and down our coast and have always felt disappointed because of the poor fishing. At Shark Bay big hauls of whiting and sea mullet were made and I am aware that large quantities of those fish are sent to the Eastern States. If, when going up the coast, a local fisherman brings to the ship a couple of king fish, there is a state of mild excitement and of course the steward purchases them.

Mr. SPEAKER: Order! This is not a fishing expedition up the North-West.

Mr. SAMPSON: No, Mr. Speaker. The high price of fish is a problem. Fishing companies have been formed in this State. One, named Trawlers Ltd., was formed some time ago; but no such company has proved successful. Then there was the factory ship which operated in the North. That also was unsuccessful. Why, I do not know. We had another example at Carnarvon, where sharks, sword fish, beche-de-mer, and all manner of other big fish were caught. Yet that concern had to close down, notwithstanding the tremendous hauls made.

Mr. Cross: Another fish story!

Mr. SAMPSON: What is the use of trying to reduce the price of fish when very few fish are available? Someone might be able to advise the House why, since Britain rules the waves, Britishers in this country have no liking for fishing, with the obvious exception of the member for Nedlands. The Britisher who comes to Australia will not take on the job, or if he does is unable to make it pay. We have to depend on Southern Europeans to provide us with the small quantity of fish that is made available.

THE MINISTER FOR AGRICULTURE (Hon. F. J. S. Wise—Gascoyne—in reply) [8.40]: I endeavoured to explain, when introducing the Bill, just what its provisions were and the effect it would have on our present marketing system and I thought I had made the position quite clear. Certainly it has nothing whatever to do with some of the aspects mentioned during the debate. The point raised by the member for Subiaco (Mrs. Cardell-Oliver) is covered by Section 12 of the Metropolitan Market Act, 1926. The proviso to Subsection 1 reads—

> Provided that with the approval of the Governor the municipal council may, under and subject to Part XXI of the Municipal Corporations Act, 1906, provide market places for the sale of produce by retail.

The Bill does not in any way encroach upon that provision, but is intended not merely to continue the existing position, but to encourage the municipality in this connection.

Mrs. Cardell-Oliver: Thank you!

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—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th October.

HON. C. G. LATHAM (York) [8.43]: It is very necessary to have some legislation of this kind. I pointed out when speaking on another subject the other evening how necessary it is for the Government to have employees to fill temporary vacancies occasioned by enlistments. At the same time it would be unfair and unprofitable to overload our Public Service by entitling such temporary employees to permanent appointment.

I am afraid, however, that the Bill goes a good deal further than I would desire. It seems to me that it will preclude the permanent employment of men who have already become entitled to such appointment. If I have interpreted the legislation correctly, that is the effect. If a man has had five years' temporary service he can ask the Public Service Commissioner to appoint him to a permanent position. This House makes mistakes sometimes, though not intentionally. We have introduced legislation of this kind forgetting that there are men who are entitled to consideration and we have unknowingly deprived them of their rights. That has been done on more than one occasion. It occurred in connection with the Architects Act. Men who had nearly completed their term were made to qualify by taking a University examination, which was very unfair.

I am afraid that the same thing will occur in this instance. I will accept the Minister's assurance but intend to check it by another authority before the Bill reaches another place. It would be very unfair if men who are now entitled to ask the Public Service Commissioner for permanent employment were to be deprived of that privilege. If we wanted to do anything of this kind we should have done it when the war began. This legislation should not be retrospective. Apart from that, I have no objection to the Bill. Every person who is employed on the temporary staff as the result of war conditions should be informed that he cannot subsequently expect permanent employment if he is filling a position temporarily vacated by someone who is serving oversea or is engaged in munitions work. So long as that is made clear, we shall be doing nothing unfair. I am afraid, however, that an injustice may be done to men who are already entitled to permanent employment. The Minister shakes his head but I do not think he has given this matter much consideration.

The Minister for Labour: Yes, I have.

Hon. C. G. LATHAM: Then I have no objection to offer.

THE MINISTER FOR LABOUR (Hon. A. R. G. Hawke—Northam—in reply) [8.46]: The point raised by the Leader of the Opposition received a good deal of consideration. It was discussed with the officers of the Crown Law Department, with Cabinet and with everyone concerned. We were very particular indeed that the Bill should be worded in such a way as not to have any retrospective application. I give the Leader of the Opposition a very earnest assurance that the Bill will not have any such application; and if after he has consulted any number of authorities that he cares to consult, he can, before the Bill goes through the Legislative Council, produce an authority of some standing to say that the Bill will have a retrospective application, I assure him the opinion of such an authority will receive every consideration.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Subsection 3 of Section 6:

Hon. N. KEENAN: What the Leader of the Opposition wished the Minister to give him an assurance about was the case of a public servant who had, I will suppose, three years——

The Minister for Labour: Five.

Hon. N. KEENAN: No. The Leader of the Opposition was mindful of the fact that the war is only a little over two years old. What would be the position of an employee who was given a temporary appointment prior to the outbreak of the war?

The Minister for Labour: He would not have any claim for permanent appointment.

Hon. N. KEENAN: He is not a war appointee. The Leader of the Opposition wanted information on the case of a person taken on as a temporary employee two years before the war commenced. Assuming he continued in the service for five years would he have acquired certain rights?

The Minister for Labour: You are making the speech.

Hon. N. KEENAN: If the Minister does not contradict, the matter goes by the board. If, in fact, an employee were taken on as a temporary employee two years before the war started, he had already—although he had no actual right to it—commenced to acquire a right. He was two years towards the total of five years giving him a legal right. That man is not brought into the service to fill a gap in consequence of enlistments in the A.I.F. or other defence services.

The Premier: No right accrues until he he has been five years in the service.

Hon. N. KEENAN: That is so, but it begins to acrue from the first year. If the service is terminated at the end of two, three or four years, the employee has no rights. The question of the Leader of the Opposition referred to temporary employees filling vacancies in the ordinary course of events, and not war vacancies. Will such employees be affected? This measure seeks to put an end to the operation of the subsection which would have given them rights next year.

The MINISTER FOR LABOUR: There may be cases where men were employed in the public service in a temporary capacity a year or two years before the war.

Hon. C. G. Latham: Say three years!

The MINISTER FOR LABOUR: If a man were employed in a temporary capacity in the public service three years before the war and continued without a break, he would have qualified and established a very good claim for permanent employment, provided his record was in order. This Bill would not affect the position of any such person. I understand that was the question raised by the Leader of the Opposition on the second reading debate, and that was the question I answered. The instances brought forward by the member for Nedlands appear to me to be of an entirely different character.

Hon. N. Keenan: Take the period of two years and six months!

The MINISTER FOR LABOUR: It does not matter whether it is two years and six months, one year and six months, or six months, because in principle such cases are all the same. If the member for Nedlands is so concerned about these particular individuals, we had better allow the existing law to remain. The amendment is brought forward for the purpose of enabling employees engaged in a temporary capacity in the service to be continued in employment without any break, and without any necessity arising for the Public Service Commissioner to dispense with their services if he feels that their permanent appointment would lead to a loading of the service in such a way as to create a difficulty when the permanent men who enlisted return after the war. The amendment is designed to protect the interests of permanent civil servants who have enlisted or who may enlist, and to enable temporary employees to have continuous service.

The Premier: Without gaining any accrued rights.

The MINISTER FOR LABOUR: If a temporary employee were in the service for two years before the war and continued for another four years, he would certainly have completed six years' continuous service but, by virtue of this alteration in the law, he would have no legal claim to permanent appointment. If, on the other hand, some employees had been employed continuously for three years before the war, and remained in their position since, they would have established, before the passing of this Bill, the five years continuous employment necessary to give a legal claim to permanent appointment, and would not be interfered with by this measure.

Hon. C. G. LATHAM: The member for Nedlands stated the case very clearly. I will refer to the Act which this measure proposes to amend. Subsection 3 of Section 6 of the principal Act states that any person who has been employed at a daily or weekly rate of wages for not less than five years continuously in a department of the Public Service within the Public Service Act, 1904, and whose duties are similar to those of an officer on the permanent staff, or such as are proper for an officer on the permanent staff to perform under such Act, may

apply to the Public Service Commissioner for appointment to the permanent staff. The Public Service Commissioner shall hear and determine such application, and state in writing his finding on the facts and decision, and an appeal shall lie to the board from the finding of the Public Service Commissioner as regards all material facts and his decision thereon.

This Bill provides that the operation of that subsection shall be suspended during such time as the war in which the Commonwealth of Australia is engaged at the time of the commencement of this proviso, continues, and for a period of one year after the Governor-General of the said Commonwealth, acting in accordance with law, shall have declared the said war has ended. If I read that correctly, immediately this measure becomes law, no person who has been in the service in a temporary capacity for five years can receive permanent employment, despite the fact that the Minister said in his reply that he could. He would have no claim. If any employee is entitled to it now and makes his claim before this Bill is passed, he will be entitled to the benefits of the existing law.

The Minister for Lands: Provided he is employed in a similar capacity.

Hon. C. G. LATHAM: Even if he has been in the service for six years, but does not apply for permanent appointment until after this measure becomes law, he will be statute barred. Those who have been engaged to replace men doing national work should not be permitted to obtain permanent employment. The first week a man starts in the service he commences to establish his rights under the subsection I have quoted. If he has been in the service in the same position for three years we may take it that he ordinarily would have qualified himself for the position, and it would not be easy to do away with his services.

The Minister for Lands: Under the Public Service Act the Commissioner has the right to terminate the officer's services.

Hon. C. G. LATHAM: Quite so. A man may have been in the one position for four years and 11 months and then be dismissed.

The Minister for Lands: That has been done.

The Premier: That is the regular policy in Federal departments.

Hon. C. G. LATHAM: I do not think Parliament should do an injury to a man who has established a legal right to his position.

The Minister for Lands: Not a legal right but an approved right.

Hon. C. G. LATHAM: Perhaps so. At any rate, that is what I had in mind. The Minister said he had received a letter from the Civil Service Association intimating that the organisation was satisfied regarding the position, but the association may not have viewed the matter from the angle I have suggested. At any rate, we should not tolerate men taking the positions of those who are away on war service.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—FRANCHISE.

In Committee.

Resumed from the previous day. Mr. Marshall in the Chair; the Minister for Justice in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 15 had been agreed to.

Clause 16—Members of forces in military camps may vote as absentees in certain cases.

Mr. McDONALD: The clause deals with voting by members of the forces in military camps within the State, and sets out that members of the forces shall be deemed to be serving or stationed in a military camp on either of the two days immediately preceding polling day or on polling day itself. Polling usually takes places on a Saturday and soldiers may go on leave on the Friday night. In the circumstances, it is desirable that they be deemed to be serving in camp although actually on leave on polling day. I suggest it is not necessary they should be so deemed to be in camp for two days preceding polling day, and I think it would be sufficient to make provision for one day preceding election day. I shall move an amendment to confine the provision to the day preceding polling day and polling day itself. I move an amendment—

That in line 4 of Subclause 3 the words "either of" be struck out.

The MINISTER FOR JUSTICE: I have no objection to the amendment. The purpose of the clause is to give the soldiers an opportunity to vote. Soldiers in camp come from all over the State, and if they were to go on leave at election time they would not have the opportunity to exercise the franchise. If a man recorded a postal vote it would have to be in the polling booth in the district where he was enrolled, on the day of the election. Soldiers would find that rather awkward and as voting is compulsory the Government considers it reasonable to give them the opportunity to vote before going on leave. Some of the soldiers may be enrolled in Derby or in Esperance.

Mr. Seward: What difference would that make? They could vote by post.

The MINISTER FOR JUSTICE: There would not be sufficient time for their votes to reach the centre where they were enrolled. I am glad the Leader of the National Party approves of the principle, and I thank him for the consideration and sympathy he has for the soldiers.

Hon. C. G. LATHAM: I most certainly oppose the amendment. Are the men in camp unintelligent? They are not placed at the slightest disadvantage compared with the ordinary citizen who is entitled to vote. Soldiers are not shifted from camp to camp every five minutes. They are usually in camp for fairly fixed periods and when they are to move elsewhere they generally know where they are going. The Act provides that any person who believes he will be more than seven miles from a polling booth in the electorate where he is enrolled on the day of election may vote by post. Why cannot the soldier do the same?

Mr. Tonkin: For a very good reason.

Hon. C. G. LATHAM: There is no reason. I happened to be in camp a little longer than the hon. member has been. What is the difference between the position of a soldier and that of a private individual who has come to Perth from Broome? Both exercise the vote in the same way. The postal vote is recorded and is sent North by one of the air mails, of which there are two or three a week. One would think the soldiers were namby-pambies. If they are not highly intelligent when they enter camp, they certainly know left from right after they have been there a fortnight. There is no need to allow two days. Probably the soldiers in the past have been in the habit of exercising postal votes and will know what to do. Whether they do or not, there will be plenty of advisers.

The Premier: Who will they be?

Hon. C. G. LATHAM: Union organisers will be busy, Country Party organisers will be busy, though unfortunately we have only a few, and the National Party organisers will be busy.

Mr. McDonald: We have not any.

Hon. C. G. LATHAM: That is unfortunate.

Mr. J. H. Smith: We will have the good will of the people.

Hon. C. G. LATHAM: The Bill should have been put in the waste-paper basket long ago.

The CHAIRMAN: The question before the Chair is the amendment.

Hon. C. G. LATHAM: There is no need for the amendment. The member for West Perth has moved it out of kindness of heart. He knows that the men concerned will not be placed at any disadvantage.

The Minister for Justice: Why not give them the advantage?

Mr. Thorn: Is there any advantage?

Hon. C. G. LATHAM: The Minister has not explained why the soldiers would be at a greater disadvantage than anyone else, except that he thinks he should go out just before an election and protect these men.

The Minister for Justice: They do not need it.

Hon. C. G. LATHAM: In some respects the Minister is going to take the vote from them and give it to some of his friends here.

The CHAIRMAN: Order!

The Minister for Justice: You seem afraid of the soldiers' vote.

Hon. C. G. LATHAM: Why should I be?

The Minister for Justice: I do not know.

Hon. C. G. LATHAM: This legislation proposes to take away the soldiers' vote and give it to somebody who stays behind. That is what I am opposing.

The CHAIRMAN: The Leader of the Opposition is again getting away from the amendment.

Hon. C. G. LATHAM: It is an insult to an intelligent body of men to say in effect, "You do not know too much about this business and so you shall have three days or two days." I say one day is sufficient. From the day of nominations until the day of

the elections, the soldiers will be entitled to record a postal vote if they are of opinion that they will be more than seven miles from a polling place on polling day.

The Premier: If they are going home, their minds will be full of other things at the time.

Hon. C. G. LATHAM: If they are going home, their minds will certainly be occupied with far more important things than politics. While in camp they will have any amount of time. I am sorry the Minister for Mines is not present to tell us what happened during the polling oversea at the time of the 1914-18 war.

The Minister for Works: This is provision for men in the State.

Hon. C. G. LATHAM: I am aware of that; postal votes cannot be exercised outside the State. There is already sufficient legislation to give these men a vote and there will be time for them to cast it. They may be back in the districts for which they are enrolled, but if they have an idea that they will not be within seven miles of a polling place on polling day, they may use the postal vote. If the Minister wishes to help, let him arrange for the attendance of a number of postal vote officers in the camps, and ask the commanding officer of each unit to advise the men that postal votes may be cast from the time the names of candidates are sent to Perth.

The Minister for Justice: We want to facilitate the work in the camps.

Hon. C. G. LATHAM: Then this is the way to do it. There will be a fortnight or three weeks in which to cast the votes. Now the proposal is to confine the voting to two or three days.

The Minister for Justice: The men you are referring to could still use the postal vote.

Hon. C. G. LATHAM: I oppose the amendment and will oppose every clause of the Bill. To pass legislation that will break down a law which has proved so successful would be very unwise. The Minister said that, because some laws are old, they should be scrapped and something new should be substituted.

The CHAIRMAN: The Leader of the Opposition is drifting away from the amendment. Old legislation is not mentioned in the amendment.

Hon. C. G. LATHAM: This will amend the Electoral Act.

The CHAIRMAN: The amendment will not amend the Electoral Act. I want the Leader of the Opposition to obey the Chair.

Hon. C. G. LATHAM: Very well!

Mr. TONKIN: The argument of the Leader of the Opposition would be sound if what he said about the men knowing their movements was correct, but it is not correct. A soldier does not know from one day to another where he will be. He might be expecting week-end leave and might intend to vote in his district on polling day, only to find on Friday afternoon that he is detailed for guard duty on Saturday. He would have lost his opportunity to vote by post, and he would lose his vote on polling day because he would not be able to attend the polling booth.

Mr. Thorn: He would not be on guard all day.

Mr. TONKIN: He might be on a 24-hour guard. The general experience is that the soldier does not know what might happen in the succeeding 24 hours. The authorities might arrange for men to go out on manoeuvres at the week-end when they expected leave, and when they found out, it would be too late to vote. This provision, if passed, will not harm anyone; and it will provide a facility which may be of distinct advantage in certain cases. If that facility is denied, occasions will arise when men will be deprived, through no fault of their own, of their opportunity to vote. The position of the soldier is different from that of a private person, who is more or less master of his destiny and can order his affairs to suit himself. On the other hand, the soldier is subject to the dictates of his officer and must do what he is told. Thus his arrangements are frequently upset. Personally I would not have accepted, as the Minister has done, the amendment of the member for West Perth.

Mr. W. HEGNEY: I tried to follow the reasoning of the Leader of the Opposition but was unable to reach his conclusion. The other evening he and other opponents of the Bill enthusiastically supported the Federal idea. Now, as this clause to some extent runs in conformity with the Federal provision, the Leader of the Opposition opposes that provision as well. All the subclause seeks to do is to establish a system of absent voting prior to polling day. I would rather have retained the subclause as it stands; but as the Minister has accepted the amend-

ment of the member for West Perth, I shall support it. In the Northam military camp are congregated four or five thousand men from all parts of Western Australia. Postal vote officials would be engaged there for a week or a fortnight, but if polling booths were established three or four days before the election the electoral officers could take the votes of all men in the camp. There is no special catering for soldiers in the Bill. I deny that the provisions of the measure amount to an insult to the soldiers. The Leader of the Opposition said union canvassers would be active in obtaining support for this legislation.

Hon. C. G. Latham: Don't you think so?

Mr. W. HEGNEY: The men in camp have sufficient intelligence to know what to do without the assistance of union organisers. I regret that the Minister has reduced the number of days in which soldiers may exercise their votes.

Hon. C. G. LATHAM: The member for Pilbara tries to persuade the Committee that the Minister's proposal is similar to the Federal provision. The Federal Electoral Act contains no provision for two or three days of polling.

Mr. W. Hegney: For absent voting.

Hon. C. G. LATHAM: Certainly there is provision for absent voting. As regards my opinion of the soldiers, I distinctly stated that they were quite as intelligent as any other men. This is not a question of one day or two days during which the soldiers are to have the opportunity to exercise the franchise, but a question of three weeks. The two or three thousand men in Northam camp would have to record their votes there.

The Premier: A postal vote takes about ten minutes to record.

Hon. C. G. LATHAM: It might take a sick person, but certainly not a well person, that length of time.

The Premier: I am speaking of the electoral officer.

Hon. C. G. LATHAM: That officer has three forms to fill in, and the voter has to sign three times. Moreover, three weeks are to be allowed for the job—not two or three days. Elections were held during the last war, and we did not have these facilities. Yet there was never a complaint from the soldiers about their treatment in this respect. Changing the law only clouds the issue. On the eve of an election the Minister desires to alter the law. That is not sound policy at all. It only confuses people's minds. Certainly some boxes must be provided. Is it proposed to send civilians to take the votes?

The Premier: We have not yet got into touch with the Federal Government about that.

Hon. C. G. LATHAM: There will not be any need at all for it.

The Premier: Ah!

Hon. C. G. LATHAM: Is it proposed to ask the Federal Government to make available some military people as returning officers?

The Minister for Justice: That is a matter for negotiation.

Hon. C. G. LATHAM: Is it proposed to give civilians a pass so that they may take the votes? The Minister is not taking members into his confidence.

The Minister for Justice: I am afraid you are stonewalling.

Hon. C. G. LATHAM: I may be, but I am asking for information which I hope I shall get.

The Minister for Works: Would you like the names of the postal vote officers?

Hon. C. G. LATHAM: It would not be fair for me to expect that information, as I know it could not be given at present. This voting will be spread over three days.

Mr. Tonkin: The clause does not say that the soldiers shall have the right to vote over a period of three days.

Hon. C. G. LATHAM: It does.

The Minister for Justice: The Bill says "one day preceding polling day."

Hon. C. G. LATHAM: I refer members to Subclause 3 of Clause 16, where they will find these words: "on either of the two days immediately preceding polling day or on polling day itself."

Mr. Tonkin: The soldiers must be in camp for three days.

The CHAIRMAN: These interjections must cease. I can only accept contributions to the debate from one member at a time.

Mr. Rodoreda: It is a pity the Leader of the Opposition did not read the Bill so that he might understand it.

Hon. C. G. LATHAM: I would not mind reading the Bill to the Committee, but you, Mr. Chairman, would not permit me to do so.

Mr. Rodoreda: That provision means that the soldiers must be in camp for three days.

The Minister for Works: It is one day for each party!

Hon. C. G. LATHAM: Are we to have two laws for the same people, one for a man and and another for his wife?

The Minister for Justice: I think you are slipping.

Hon. C. G. LATHAM: I am not. Would the Minister apply this proposed law to civilians?

The Minister for Justice: No.

Hon. C. G. LATHAM: There should be no change in the present law, which is well understood by all the people, including the soldiers.

The Minister for Justice: We should never make changes!

Hon. C. G. LATHAM: If we do, let us make them for the better.

The Minister for Justice: This change is for the better.

Hon. C. G. LATHAM: No, for the worse. The Minister will at least give me credit for being fair.

Mr. Mann: And broadminded, too.

The Minister for Lands: Cut out the mind!

Hon. C. G. LATHAM: The Minister has not made the explanation for which I have asked. If he had, I should perhaps be able to understand his line of reasoning. If the Minister can justify this proposed legislation I will probably support it.

The Minister for Justice: You will get a practical demonstration on polling day.

Hon. C. G. LATHAM: There will be no demonstration whatever. If I had my way I would tear up the Bill because it is useless. Had it not been for the member for West Perth, not the slightest discussion would have taken place on the measure.

The Minister for Labour: Is this a private argument, or can anyone join in?

Hon. C. G. LATHAM: I hope the Minister will tell us his reasons. I shall listen to them patiently.

Mr. TONKIN: If the Leader of the Opposition is in the mood to listen to reasons, he can get plenty of them.

Hon. C. G. Latham: I am glad you are helping.

Mr. TONKIN: Personally, I would much prefer voting in the polling booth to the casting of postal votes. If a large number of soldiers in a military establishment are to cast postal votes, the postal vote officers will have an arduous job. A considerable time is involved in taking a postal vote and anybody confronted with the task of taking hundreds of votes would not relish it. If it is possible to take votes in a booth without any considerable difficulty arrangements should be made to do so. That is the first argument in favour of the clause. The Leader of the Opposition said the soldier is in camp for a long time and will have ample opportunity to make up his mind to cast a postal vote. That is not the point. I can imagine many soldiers who believe that at a certain time they will be free to vote in their own district. They have no reason to believe otherwise. I can readily understand that as election day approaches they will say, "I will be out on that week-end and will be going home. Therefore there is no need for me to worry."

Mr. Doney: Do not you suppose they will think that possibly they will be on guard or other duty and not be able to get away?

Mr. TONKIN: No. There is a fairly regular routine generally speaking, which is broken into from time to time. A certain number of men obtain leave one week-end and another number another week-end; generally speaking, there is regularity, but often something occurs to upset that. Provision is not made for the unforeseen but only for regular occurrences. What would hon. members do? They would not cast a postal vote on the off-chance that they might not be in their electorates on polling day.

Mr. Thorn: I would!

Hon. C. G. Latham: So would the member for North-East Fremantle!

Mr. TONKIN: No. I have not much liking for postal votes.

Mr. Doney: Any man really interested would take that precaution.

Mr. TONKIN: Would he? My experience has been that it is a good deal of trouble to get postal votes taken; especially was that so before there was compulsory voting. People keep putting off the recording of a postal vote until eventually it is never done. Many soldiers would not be worried about casting postal votes if they thought they would be able to attend a polling booth on polling day.

Mr. Thorn: What will our organisers do?

Mr. TONKIN: How would they get into the camp? They would not get past the guard.

Mr. Thorn: Then we will not be allowed to address the men?

Mr. TONKIN: I do not think so, and I do not think it would do the hon. member much good if he did.

Mr. Thorn: No. I have got them already!

The CHAIRMAN: I do not think the amendment has anything to do with that; it is concerned with voting.

Mr. TONKIN: There will be very few inside the camp sufficiently interested to record postal votes. Almost all the soldiers with any expectation of being free on polling day will not worry about casting postal votes. Then on polling day some will find that, contrary to expectations, they will not be free. If this provision is inserted in the Bill they will not be able to vote and then—I am open to correction on this point—they would be liable to a fine for failure to vote.

Hon. C. G. Latham: Not if they are seven miles away from a polling place.

Mr. TONKIN: Yes. The Electoral Act does not relieve a man of liability to a penalty for failure to vote just because he is seven miles away from a polling booth. What is wrong with voting in a polling booth even six months before election day if the matter is properly controlled?

Hon. C. G. Latham: I am glad you said properly controlled!

Mr. TONKIN: There is less likelihood of any miscarriage with regard to votes recorded in a polling booth than there is in regard to postal votes.

Mr. SEWARD: It is wonderful how members argue one way one day and a different way on another day.

The Minister for Lands: It is!

Mr. SEWARD: It is strange how we get away from the practical aspect when we consider these matters. For years past whenever I have asked the Electoral Department for a polling booth in any part of my electorate, I have been told I could not have it, and the remark has been made, "Let them use the postal vote system." Now when we suggest that the postal vote system is the proper method to use to record soldiers' votes, the idea is opposed, and we are told, "No, you must have a polling booth and have it open for from one to five days." The member for North-East Fremantle is entirely wrong in his remarks concerning soldiers. A soldier has no right to anticipate that he will be anywhere of his own choice on any particular day. He is a servant of his superior officer and is at that officer's disposal. When he goes into camp he has every reason to anticipate that he will not be in his electoral district on polling day.

Mr. Tonkin: You are saying that all soldiers should vote by post?

Mr. SEWARD: Yes. It is the easiest way. They can do it any time after nomination day, but to have a polling booth open for days on end is wrong. Polling should be done on the one day. If it is considered convenient for people in widely separated localities to go to a polling booth on the one day, surely it is more convenient for polling to take place on the one day in a camp where a large number of soldiers is congregated. The hon. member knows that very few soldiers are in camp on Saturday, the day on which an election is held. On that day as many as possible are given leave, and there is no need to have a polling booth open for more than one day. Soldiers should be encouraged to use the postal vote system because it is the easiest and best.

Mr. MANN: I have listened with interest to the various debates on the second reading and the Committee stages.

The CHAIRMAN: We are dealing with the amendment only.

Mr. MANN: It is far better to have a postal vote system. Why is all this interest in soldiers displayed? As an old soldier, I say that they will not worry whether they vote or not. Soldiers have a bigger job to do than to worry about politics.

Mr. Rodoreda: You made it compulsory.

Mr. Fox: You would not oppose this if you did not believe in party politics.

Mr. MANN: For the benefit of members, I will read the particular clause.

Mr. Sampson: Why not read the whole Bill?

Mr. MANN: No, I will read the clause and then discuss it and the amendment. The clause states that where on polling day any member of the forces is serving or stationed in any military camp in Western Australia, and is thereby absent from the district or province for which he is enrolled, he may be permitted to vote in person as an absent voter. The Leader of the Opposition has asked the Minister to define and explain this particular clause. If he does that, members on this side of the Chamber will give it serious attention.

Mr. Cross: You would not understand it if he did.

Hon. C. G. LATHAM: I am glad one member on the other side is prepared to answer for the Minister. I am grateful to the member for North-East Fremantle for doing that. He said the absentee voting should be provided because it is so simple. I do not know the system proposed and the Minister will not say.

The Minister for Justice: I did not think you were a child.

Hon. C. G. LATHAM: I am sorry for the Minister's childlike outlook.

The CHAIRMAN: Will the Leader of the Opposition resume his seat? I have been particularly lenient and very generous indeed. This discussion is verging on the farcical. I ask members of this Committee to help me to deal with the business in a more dignified manner. The constant cross-firing and interjections of an inane nature reduce the status and decorum of this Chamber to a state the public, or even members themselves in their sober senses, would not appreciate. I call upon members to realise their position. They are discussing the laws of the land. I hope dignity and decorum will prevail during the remainder of the discussion on this measure.

Hon. C. G. LATHAM: Will the Minister tell us whether he proposes to carry out the system of the Federal Government? That system is equally as tiresome and lengthy as is the postal vote system.

The Minister for Justice: It is copied from that system.

Hon. C. G. LATHAM: Forms have to be filled in and signed in exactly the same way as for postal voting. There must be some check to know where a man comes from, and to ensure that by having this privilege he will not exercise his vote a second time when on leave. Under the existing postal vote system an elector's vote is not counted until his name is struck off the roll. Will the Minister state whether boxes will be placed in the camp for two or three days and the soldier permitted to vote without any electoral rolls being there? Is it proposed to have electoral rolls available, or are the forms to be filled in under the present postal vote system, placed in an envelope, and then checked at the head polling place of each respective electorate? That would necessitate the vote going to Broome in the case of the Wyndham electorate.

The Minister for Lands: There is no Wyndham electorate.

Hon. C. G. LATHAM: For the Kimberley electorate! I presume the Kimberley roll would be in these camps and the names struck off as the votes are made. I will give the measure proper consideration if the Minister will supply the information.

The MINISTER FOR JUSTICE: The system is really copied from the Commonwealth system. The rolls will be used in the camps and as the men record their votes the names will be struck off.

Hon. C. G. Latham: That is not done under the Federal system.

The MINISTER FOR JUSTICE: The votes will be sent to the Chief Electoral Officer and counted and the No. 1 vote will be wired to the returning officers throughout the State before the close of the poll on the following day, and the number of votes will be recorded for the various districts. The Chief Electoral Officer has gone into the whole position and no question arises from the machinery point of view. We are not sure, until the Bill is passed, whether the military authorities will require the voting to be carried on within the camp, or whether civilians will need to be appointed to do the necessary work. That depends upon the Commonwealth Government. I assure the Leader of the Opposition that the Chief Electoral Officer has gone into the details and there will be no hitches.

Hon. C. G. LATHAM: I have taken out a list of the military camps already established and if the Minister is to provide rolls he must appreciate that quite a number will have to be supplied. That is not the system adopted by the Federal Government. Frankly, my opinion is that no rolls will be provided and the soldiers will merely vote as they would under the Federal system, their votes being checked later on. What worries me is the possibility that men who vote in camp may vote again when they return to their homes.

The Premier: They would not do that.

Hon. C. G. LATHAM: We know what happens sometimes when the soldier returns and meets a few friends and probably has a few drinks. Then a friend may say to the soldier, "You have not voted yet." The soldier may thoughtlessly go and vote again. I shall accept the Minister's assurance regarding the rolls, but the matter of checking up will not be as

easy as he imagines. The present system of postal voting is better. I cannot support either the amendment or the clause.

Amendment put and passed.

Mr. McDONALD: A consequential amendment is necessary. Having provided that the soldier may cast his vote on one of two days instead of one of three days, the later reference to the two days immediately preceding polling day and polling day itself requires rectification. I move an amendment—

That in line 5 of Subclause 3 the words "two days" be struck out and the word "day" inserted in lieu.

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

Clause 17—Polling places may be appointed in military camps:

Mr. McDONALD: Following upon the amendments to Clause 16 consequential amendments are required in this clause. I move an amendment—

That in line 3 of paragraph (b) of Subclause 1 the words "two days" be struck out and the word "day" inserted in lieu.

Amendment put and passed.

Mr. McDONALD: I move an amendment—

That in line 4 of paragraph (b) the word "three" be struck out.

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

Clause 18—Manner of voting:

Mr. McDONALD: In paragraph (b) reference is made to the issuing of ballot papers in any case where the soldier is entitled to vote for both the Assembly and the Council. The words appear to have been inserted under a misapprehension because there will be no election for a province and an electorate on the same day. I move an amendment—

That in lines 2 to 5 of paragraph (b) the words "or ballot papers in any case where such member of the forces is entitled to vote for both the Assembly and the Council" be struck out.

The MINISTER FOR JUSTICE: I accept the amendment. The member for West Perth is quite right. The draftsman was under a misapprehension and evidently thought two elections would be held on the one day.

Amendment put and passed.

Mr. McDONALD: Consequential amendments are necessary to strike out the reference to other ballot papers, which is now unnecessary seeing that we have struck out the reference to the Council. Will they be dealt with consequentially?

The CHAIRMAN: The hon. member had better move to strike out the words.

On motions by Mr. McDonald clause further consequentially amended by striking out the words "or ballot papers" in line 6 of paragraph (b), in line 3 of paragraph (c) and in line 2 of paragraph (d).

Hon. C. G. LATHAM: Is it proposed to permit soldiers to exercise a vote for the Legislative Council under these conditions?

The Minister for Justice: Yes.

Hon. C. G. LATHAM: So this measure will apply to a Council election exactly the same as to an Assembly election?

The Minister for Justice: Yes, it will apply to a Council election.

Clause, as amended, agreed to.

Clauses 19 to 23—agreed to.

Clause 24—Regulations:

Mr. McDONALD: I move an amendment—

That in lines 3 to 8 the words "In particular, regulations may be made from time to time altering the form in the Appendix, when necessary, to bring it into conformity with conditions then existing. Any such alterations to the form shall be of the same validity and effect as if prescribed by this Act" be struck out.

The words proposed to be struck out give power to make regulations from time to time to alter the form in the Appendix and bring it into conformity with the conditions then existing. The Minister has given notice of intention to insert a new form of Appendix, and it will not be necessary or desirable to take power to make regulations which could alter the Appendix, because that is a material part of the measure. The amendment will mean that the Appendix, once passed, cannot be altered except by amending the Act.

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

Clauses 25, 26—agreed to.

Appendix:

Hon. C. G. LATHAM: I oppose the Appendix. I wish to place on record in "Hansard" an official statement of the

number of votes exercised under this system in the 1941 elections in Queensland. The following is from the Journals of the Legislative Assembly of that State:—

Mr. Nicklin, pursuant to notice, asked the Attorney-General: How many proxy votes were exercised at the last general elections by or on behalf of (a) the Premier, (b) the Leader of the Opposition, (c) other persons?

Answer: Assuming that the hon. member wishes to ascertain the respective numbers of certificates of nomination to exercise the right of voting on behalf of electors absent from Queensland on war service, which were issued by the Principal Electoral Officer in respect of the fifty-seven contested electoral districts at the general elections on March 29, 1941, I give the following information:—

(a) The Premier of Queensland .	741
(b) The Leader of the Opposition..	238
(c) Other persons	2,503
Total	3,482

It was not necessary to issue certificates in respect of the five uncontested electoral districts, in which the respective nominations were:—

(a) The Premier of Queensland ..	64
(b) The Leader of the Opposition..	20
(c) Other persons	129
Total	213

Thus the Premier had 741 votes, and the Minister for Justice says that this is not plural voting. I ask the Committee not to agree to the retention of the names of the party leaders. There are many objections to their appearing in the Appendix.

The Minister for Justice: I propose to ask that the Appendix be struck out.

Hon. C. G. LATHAM: We generally have the appendix removed when it causes trouble. I should like to hear the Minister's proposal.

The MINISTER FOR JUSTICE: I ask that the form of Appendix be struck out with a view to substituting a new form.

Appendix put and negatived.

The MINISTER FOR JUSTICE: I move—

That the following Appendix be inserted:—

APPENDIX.

Franchise Act, 1941.

Nomination Paper for Enrolment and Voting.

I, ...of.....having enlisted ((1) for continuous service beyond the limits of the Commonwealth) as a member of the forces on the.....day of....., and being a person eligible to be enrolled for the Electoral District of.....and being or about to be on service as a member of the forces outside the State of Western Australia, hereby nominate and appoint.....of .....to sign on my behalf a claim for enrolment for the electoral district aforesaid.

I desire to vote for the return of a member of the Legislative Assembly and/or the Legislative Council for the district for which I am entitled to vote at (2) all elections which may be held during my period of service.

I HEREBY NOMINATE AND APPOINT:—

(3) .....
of (4) .....
to attend at a polling booth to exercise the right of voting on my behalf.

I solemly declare that the particulars hereunder are true and correct in every detail.

(5) Surname of member of the forces.....
Christian names (in full).....
Regimental number .....
Place of living immediately prior to enlistment .....
Place of birth.....
Date of birth.....

Dated at.....the.....day of .....19...
.....Member of the forces.

Signed by the abovenamed in my presence the day and year abovementioned.

(6) .....
Non-commissioned or commissioned officer, or person duly appointed by the Governor.

To the Chief Electoral Officer,
Hay Street, Perth,

(or the Assistant Returning Officer nearest to Elector).

Note:—

(1) The words in parentheses to be struck out if person signing has not so voluntarily enlisted.

(2) If it is not desired that the nomination should apply to all elections, strike out the words "all elections which may be held during my absence from Western Australia on service during the present war or within twelve months thereafter" and insert description of the particular election or elections intended.

(3) Christian name and surname of nominee in full, so far as known.

(4) Place of residence or business and also occupation of nominee.

(5) These particulars to be completed in every case of nomination for enrolment and/or voting.

(6) Non-commissioned or commissioned officer of the forces with which the elector is serving, or a person appointed by the Governor in Council to attest such nominations.

Hon. C. G. LATHAM: This is where the danger lies. Though we have deleted the names of the party leaders, the Minister's proposal does not meet my objection. What will happen will be that trade union secretaries and organisers will be travelling around trying to get from the men the right to vote for them. I am surprised that any Minister in an enlightened age should propose such a beastly system. Unfortunately, I cannot express my disgust as clearly and forcibly as the member for Nedlands expressed himself the other night. He showed plainly what an offensive system this might prove to be and how it would be open to abuse. Certainly it is open to abuse. A single canvasser is to be handed an untold number of votes. The Premier said the Eastern States were giving consideration to this scheme. With the exception of Queensland, they did give consideration to it but showed commonsense. That is why Queensland is the only State that has adopted the scheme. In Queensland Government policy must go because there is no Opposition, or not any Opposition that can upset a decision of Caucus. Some day our enlightened Labour Government's adoption of the proposal may be brought home to Ministers. If the Minister for Labour were still an organiser of the Labour Party, as he was when I first knew him, he would be getting hundreds of votes under the Government's scheme. Thank goodness the measure requires a constitutional majority! That is the only factor which will protect the Western Australian people from having this class of legislation forced on them. Ministers will eventually regret having brought forward this proposal. The Government should have adopted the suggestion of the member for West Perth for automatic enrolment of the soldiers. Under the Government's proposal, I emphasise, one man will control hundreds of votes.

The Minister for Justice: We are only concerned to give the soldiers a vote.

Hon. C. G. LATHAM: The effect of the Minister's amendment will be not to give soldiers the vote but to place hundreds of votes under the control of one man. The right to vote secretly was obtained by fighting for it. Eastern States Governments other than the Queensland Government have recognised the danger lurking in this scheme. We are now dealing with a Caucus decision, a blank cheque to be given to some man to do as he likes with the sacred right of other men. A man's or woman's vote is his or her highest responsibility and most valuable privilege. The Minister for Justice has not the balance for which I gave him credit.

Mr. THORN: I am in accord with the objections raised by the Leader of the Opposition. I consider the proposal one of the most vicious ever submitted to this Chamber. How often have I condemned the plural voting that takes place at municipal and road board elections! Yet we are asked to agree to something which proposes to give a person the right to cast 500 or 600 votes at his discretion! I am honest; if I had authority to cast 500 votes at the next election I would cast them in favour of myself. I would be a goat to cut my own throat.

The CHAIRMAN: Order! The hon. member must deal with the appendix to the Bill.

Mr. THORN: I am doing so, Sir. I hope that even at this late hour the Government will see the light and not persist in this form of voting.

Mr. W. HEGNEY: The member for Toodyay generated a fair amount of heat, but threw little light on the appendix. The point is that it is not practicable for some soldiers to vote personally, and so it is proposed by this measure to give them the right to nominate someone, in whom they have implicit confidence, to vote for them. The person nominated, even if he had authority to cast 700 or perhaps 7,000 votes, would not exercise them on his own account. The Leader of the Opposition and the member for Toodyay are endeavouring to perpetuate the voting system which applies to elections for the Legislative Council. They have tried to camouflage the position. I hasten to add that I say that in no offensive way. I hope the Committee will agree to the appendix.

Mr. MANN: I ask the Minister what the position would be if a man who was nominated to cast a vote for a soldier died before polling day.

The Minister for Justice: It would be bad luck.

Mr. MANN: We should not make light of this matter. We have wasted half the night discussing a frivolous Bill. I ask you, Mr. Chairman, to protect me.

Mr. CHAIRMAN: The member will have protection, but I cannot compel any member to speak.

Mr. MANN: Will the Minister answer the question? Again, the question of preference voting arises. How can that difficulty be overcome?

The MINISTER FOR JUSTICE: If the person dies the whole of the votes are gone because there is nobody to record them. The soldier would have to appoint someone else.

Mr. Watts: He would not have time.

Hon. C. G. LATHAM: I thought the Minister was going to tell us that the man's executor would have power to record the votes. Such an occurrence is likely because none of us has a license to stay on this earth. I am grateful to the member for Pilbara for again coming to the Minister's assistance. There has been no camouflage about anything I have said. I have spoken as clearly as I could and those with sufficient intelligence can understand what I mean, though I may put it badly. The hon. member said that he would be able to pick out individuals in his electorate to record a vote for him and he would be perfectly satisfied, but that we were afraid because we had three or four candidates. I have already indicated that I do not want this responsibility. The responsibility of exercising my own vote is sufficient for me. I do not intend to run about asking people to let me record their votes. I think it is improper. I do not know what will happen, but in all probability I would not exercise a vote if a person sent me a nomination paper. Under this provision the soldier does not get the vote; it is another vote for the individual left behind. This is a very unsavoury sort of thing. I do not know how the Premier would get on if a nomination form were sent to him. He is lucky that his party endorses only one candidate. I object to the proxy system even in regard to companies, and would cut it out.

The Minister for Justice: In 1916 there was voting by proxy for the Legislative Council. Wives had the right to vote for their husbands so long as they remained tenants.

Hon. C. G. LATHAM: What the Minister means is that they became the occupiers. Today they are entitled to do that. A man in Geraldton told me that he had bought a house and put it in his wife's name, so that she had a vote and he had a vote as householder. That is within the law.

The CHAIRMAN: That is not relevant. I hope the hon. member will confine himself to the matter under discussion.

Hon. C. G. LATHAM: The statement I have made is true.

The Minister for Works: Do you not think that instead of the soldier being deprived of a vote he may very well depute his wife to vote for him?

Hon. C. G. LATHAM: I can understand that wives usually vote as their husbands do but it is not the other way round. I cannot imagine the Minister for Works asking his wife how to vote. We have heard what takes place regarding the marking of cards.

The Minister for Works: Your organisation marks them in the Federal sphere.

Hon. C. G. LATHAM: They have to keep up with the Labour organisations! We are setting up a bad principle. I could mention what happened when the late Minister for Works introduced a Bill abolishing plural voting in connection with local authorities. Everyone supported him and the principle was right except that the public had not asked for it. But this is a hundred times worse. I have shown how one man in Queensland had over 700 votes.

Mr. W. Hegney: How?

Hon. C. G. LATHAM: One of the paid agents of the Labour Party saw to it! That is what they are there for and no one could object to it because it was quite a legitimate thing to do. If we had sufficient money we would probably do it, but we will not have the money and that makes the position lopsided.

The MINISTER FOR JUSTICE: I want to put the Leader of the Opposition right in one respect. In 1916 legislation was passed whereby a wife had a proxy from her husband to vote in connection with the Legislative Council election while her husband was away at the war.

Hon. C. G. Latham: She was the occupier.

The MINISTER FOR JUSTICE: That does not matter. Special legislation was passed.

Mr. THORN: The member for Beverley and the Leader of the Opposition have raised another point regarding this system of voting, namely the position that will arise in the event of an appointed proxy dying or refusing to exercise a vote. That would happen in many instances and as a result soldiers would be disfranchised. That is a very strong reason why the Minister should adopt the Federal system of recording soldiers' votes.

The Premier: It is impracticable.

Mr. THORN: How?

The Premier: I have explained that.

Mr. THORN: The Federal Government was able successfully to carry out an election and satisfactorily to record soldiers' votes. Why should we not be able to do so? By adopting this system we run the risk of disfranchising many of our soldiers.

Hon. C. G. LATHAM: The Minister in reply stated that the 1916 statute, assented to on the 23rd March, 1917, and known as the Franchise Act, 1916, gave to the wife of the soldier the right to vote. So it did, but as "occupier." If the person left the house she had no right to vote. I will read the section so that the Minister will be fully acquainted with it, and not again misinform the Committee. Section 2, subsection 3, of that Act states that any person on active service with His Majesty's naval or military forces who, at the commencement of such service was enrolled or qualified for enrolment as a Legislative Council elector as a householder occupying a dwelling-house, shall retain such qualification during such service, whether absent from the State or not, so long as he continues tenant of such dwelling-house notwithstanding that he does not occupy the dwelling-house in person. Provided that if such person is a married man and absent from the State, and his wife remains in occupation of the dwelling-house she may, on application to the Electoral Registrar be registered as an elector on the household qualification in the place of her husband. That is not duplication of a vote. She was entitled to be on the roll as an occupier, and that is what the Electoral Act provides today.

The CHAIRMAN: I do not want the Leader of the Opposition to elaborate on that point. He may make a comparison to support his argument.

Hon. C. G. LATHAM: I will not deal with it further. This proposal is totally different. A man's wife may have 60 votes. She has no justification to vote 60 times, except the right conferred by a signature which happens to be attached to a sheet of paper. In the other case she had occupational rights, residential rights. Immediately she moved out of the house her franchise ceased: and it had to be the residence of the man before going oversea.

Mrs. CARDELL-OLIVER: I move—

That progress be reported.

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

Ayes	15
Noes	16
Majority against	1

AYES.		NOES.	
Mr. Abbott	Mr. Sampson	Mr. Coverley	Mr. Raphael
Mr. Berry	Mr. Seward	Mr. Fox	Mr. Rodoreda
Mrs. Cardell-Oliver	Mr. Shearn	Mr. Hawke	Mr. F. C. L. Smith
Mr. Kelly	Mr. Thorn	Mr. J. Hegney	Mr. Tonkin
Mr. Latham	Mr. Watts	Mr. W. Hegney	Mr. Triat
Mr. Mann	Mr. Willmott	Mr. Millington	Mr. Willcock
Mr. McDonald	Mr. Doney	Mr. Needham	Mr. Withers
Mr. North	*(Teller.)*	Mr. Nulsen	Mr. Cross *(Teller.)*

PAIRS.	
AYES.	NOES.
Mr. Stubbs	Mr. Collier
Mr. J. H. Smith	Mr. Holman
Mr. Keenan	Mr. Johnson
Mr. Patrick	Mr. Leahy
Mr. Boyle	Mr. Panton
Mr. McLarty	Mr. Styants
Mr. Warner	Mr. Wilson
Mr. Hill	Mr. Wise

Motion thus negatived.

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

Ayes	16
Noes	15
Majority for	1

AYES.		NOES.	
Mr. Coverley	Mr. Raphael	Mr. Abbott	Mr. Sampson
Mr. Fox	Mr. Rodoreda	Mr. Berry	Mr. Seward
Mr. Hawke	Mr. F. C. L. Smith	Mrs. Cardell-Oliver	Mr. Shearn
Mr. J. Hegney	Mr. Tonkin	Mr. Kelly	Mr. Thorn
Mr. W. Hegney	Mr. Triat	Mr. Latham	Mr. Watts
Mr. Millington	Mr. Willcock	Mr. Mann	Mr. Willmott
Mr. Needham	Mr. Withers	Mr. McDonald	Mr. Doney
Mr. Nulsen	Mr. Cross *(Teller.)*	Mr. North	*(Teller.)*

PAIRS.	
AYES.	NOES.
Mr. Collier	Mr. Stubbs
Mr. Holman	Mr. J. H. Smith
Mr. Johnson	Mr. Keenan
Mr. Leahy	Mr. Patrick
Mr. Panton	Mr. Boyle
Mr. Styants	Mr. McLarty
Mr. Wilson	Mr. Warner
Mr. Wise	Mr. Hill

Appendix thus passed.

Title—agreed to.

Bill reported with amendments.

House adjourned at 11 p.m.