

Legislative Council,

Thursday, 29th September, 1932.

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

ADDRESS-IN-REPLY.

Presentation.

The PRESIDENT: I desire to report that this morning I waited on His Excellency the Lieutenant-Governor and presented to him the Address-in-reply, to which His Excellency has been pleased to make the following answer:—

Mr. President and hon. members of the Legislative Council, I thank you for your expressions of loyalty to His Most Gracious Majesty the King, and for your Address-in-reply to the Speech with which I opened Parliament. (Sgd.) J. A. Northmore, Lieut.-Governor.

LEGISLATIVE COUNCIL CENTENARY.

Address to His Majesty.

The PRESIDENT: I have to report that this morning I waited on His Excellency the Lieutenant-Governor and presented to him the Address agreed to by this Chamber, to His Majesty the King in reply to His Majesty's Message, informing the Council of His Majesty's interest in the celebration of the first centenary of the first meeting of the Council and conveying his congratulations. His Excellency said he would have pleasure in conveying the address to His Majesty.

QUESTION—UNEMPLOYED BOYS.

Vocational Training in Farming.

Hon. A. THOMSON asked the Chief Secretary: 1, In view of the great difficulty confronting parents in finding avenues of employment for their sons, would it not be possible for an average number of 20 boys to be taught on each of the seven State farms, Narrogin Agricultural College, and Muresk College, which would provide an avenue of employment for 180 boys? 2, Will the Government give this matter serious consideration, and thus provide vocational training in farming?

The CHIEF SECRETARY replied: 1, The suggestion as far as the seven experiment farms are concerned has already received consideration, but is not considered practicable. 2, Regarding Muresk College and Narrogin School of Agriculture, fifty boys at the former and fifty-six at the latter are at the present time receiving vocational training.

QUESTION—RAILWAYS, FREIGHTS ON MINING SUPPLIES.

Hon. V. HAMERSLEY asked the Chief Secretary: 1, What is the freight charged per ton per mile for crude oil from Geraldton to the mines at Wiluna? 2, On what date was the rate fixed? 3, What is the freight charged on crude oil from Fremantle to the mines at Kalgoorlie? 4, On what date was the rate fixed? 5, What is the freight on coal per ton per mile from Geraldton to Wiluna for use on the mines? 6, What is the freight on coal per ton per mile from Collic to Kalgoorlie for use on the mines? 7, Is there any special rate on coal for the use of the mines at Wiluna or at Kalgoorlie to encourage the use of coal?

The CHIEF SECRETARY replied: 1, 1½d. 2, June, 1928. 3, 78s. 2d. per ton. 4, March, 1911, but there have been several minor increases since that date. 5, .86d., including rate for portion of line under construction. 6, .74d. 7, The rate now in operation is a special one, and apart from superphosphates and wheat, is the lowest. See page 72 of the Commissioner of Railways' Annual Report.

MOTION—MINES REGULATION ACT.*To Disallow Regulations.*

Debate resumed from the 27th September on the following motion by Hon. J. Nicholson:—

That the additions and amendments to regulations under the Mines Regulation Act, 1906, published in the "Government Gazette" on the 27th May, 1932, and numbered 1529/17 and 1010/30, and laid on the Table of the House on the 16th August, 1932, be and are hereby disallowed.

HON. J. NICHOLSON (Metropolitan—in reply) [4.40]: Since my motion was previously discussed, the Chief Secretary, recognising the need that had been urged for certain of the regulations to specify the particular mine or mines to which these referred, mentioned that should the motion be withdrawn he would give an assurance that new regulations would be framed, which would specify the mine or mines to which they would apply. I moved the adjournment of the debate two days ago because I realised there was obviously need for something further. That particularly referred to the regulation that deals with blasting. No provision was made in the regulation placed on the Table of the House allowing the carrying on of blasting operations after midnight unimpeded and without being subject to the restrictions at present embodied in the regulation. At present it provides that blasting shall be carried out at certain stated hours only—noon, 4 p.m. and 8 p.m. The object was to provide an opportunity to clear the workings, as far as possible, of the fumes that arise from blasting operations. Ordinary work ceases on some mines during the night-time. The only men employed there after midnight are those engaged in blasting solely. Thus the regulation dealing with blasting required amendment. For that reason I moved the adjournment of the debate. Since then the Minister has shown me a new regulation that is to be introduced at once, and that regulation will get over the difficulty by amending the provisions of the existing regulation. In view of that fact and the assurance given by the Minister, who, I feel, has sought to meet the objections I raised, which hon. members will realise were fully justified, I shall ask leave to withdraw the motion. Before form-

ally doing so, I wish to refer to one observation by Mr. Fraser when he discussed this matter. He alluded to the fact that it was left to me, a representative of the Metropolitan Province, to deal with a matter affecting the mining industry, whereas there were in this Chamber representatives of provinces where mining operations are carried out.

Hon. C. B. Williams: It was rather significant.

Hon. J. NICHOLSON: It was neither significant nor is it improper for any member representing any province to submit a motion dealing with any subject he considers necessary. It is the duty of every member to do that which he may be called upon to do for his constituents, if he considers himself justified in doing so.

Hon. G. Fraser: I did not suggest there was anything improper in your action.

Hon. J. NICHOLSON: I am perfectly justified in calling attention to Mr. Fraser's observation, and I assure that hon. member that in future I shall act as my conscience dictates and not merely because I may be a metropolitan member; nor will I ever take exception to an action taken by another member, although that action may relate to something affecting the province I represent.

Mr. PRESIDENT: Order! Had Mr. Fraser implied that there was anything improper in your action, I would at once have called him to order. I am perfectly certain it was not the intention of Mr. Fraser to do so, and I do not think he used the word "improper." I feel sure that the House did not take the remark in the way the hon. member has done.

Hon. J. NICHOLSON: Thank you for that assurance, Mr. President, which is borne out by the interjection made by Mr. Fraser. I did not mean to say that Mr. Fraser imputed anything improper to me; he is too much of a gentleman to do that. The strength of my remark lies in my contention that every member has a right to bring forward any matter affecting any district. If Mr. Williams brought forward any matter relating to the Metropolitan Province, he would be quite within his rights. I now ask leave to withdraw the motion.

Motion, by leave, withdrawn.

BILLS (3)—THIRD READING.

1, State Trading Concerns Act Amendment (No. 2).

Transmitted to the Assembly.

2, Main Roads Act Amendment.

3, Closed Roads Alienation.

Passed.

BILL—GOVERNMENT FERRIES.

Recommittal.

On motion by Hon. A. Thomson, Bill re-committed for the further consideration of Clause 15.

In Committee.

Hon. J. Nicholson in the Chair; the Chief Secretary in charge of the Bill.

Clause 15—Receipts and expenditure:

Hon. A. THOMSON: I move an amendment—

That the following proviso be added to Sub-clause (1):—"Provided that the Commissioner may, at the end of each financial year, deduct from the moneys aforesaid such amount (not exceeding five per centum) as he shall deem it reasonable to deduct for depreciation of the assets and property used for the purposes of this Act, and such amount shall be paid to the Treasurer and used to reduce the liability on capital account of the Commissioner to the State Government in respect of Government Ferries."

As the Commissioner for Railways is taking control of the State Ferries, I desire to prevent a continuation of the anomaly existing in the Railway Department. Assume that the ferry steamer "Perth" were destroyed by fire.

Hon. A. M. Clydesdale: No such luck.

Hon. A. THOMSON: The loss would be a permanent charge against the ferries.

Hon. E. H. Harris: To what fund would the insurance be credited?

Hon. A. THOMSON: My contention may also be illustrated by the fact that last year the Fremantle Harbour Trust made a profit of £121,225, which was paid into Consolidated Revenue, and £65,000 was taken out of loan fund for improvements. I want to see the ferries run on the lines of a private business. If they show a substantial profit, a reasonable amount should be

allowed for depreciation. The amendment represents an endeavour to put the finances on a proper basis.

The CHIEF SECRETARY: The amendment is likely to have a far-reaching effect. I should prefer to see it on the Notice Paper, and therefore will move to report progress.

Progress reported.

BILL—CATTLE TRESPASS, FENCING AND IMPOUNDING ACT AMENDMENT.

Recommittal.

On motion by Hon. A. Thomson, Bill re-committed for the further consideration of Clause 2.

In Committee.

Hon. J. Nicholson in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Amendment of Section 30 of principal Act:

Hon. A. THOMSON: After consultation with one or two other members I was entrusted with the duty of submitting an amendment to Clause 2. I move—

That the following paragraph be added to stand as paragraph (c):—"A fence, consisting of a combination of wire netting and ordinary wire, provided it is of a substantial nature with the top wire at least three feet six inches in height above the ground, with posts or standards not more than twelve feet from each other, with straining posts not more than three hundred yards apart.

It is felt that the inclusion of this paragraph will more clearly indicate the intention of Parliament.

The CHIEF SECRETARY: I have no objection to the amendment, which may clarify the position. Personally I think the Act is quite clear as to what is meant by a substantial fence. However, there will be no harm in including the amendment.

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

Bill again reported with an amendment.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Received from the Assembly and read a first time.

RESOLUTION—STATE FORESTS.*To Revoke Dedication.*

Message from the Assembly received and read, requesting concurrence in the following resolution:—

That the proposal for the partial revocation of State Forests Nos. 4, 7, 14, 15, 17, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 34, 35, 36, 37, 38, and 39 laid upon the Table of the Legislative Assembly by command of His Excellency the Lieut.-Governor and Administrator on the 30th August, 1932, be carried out.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.*Second Reading.*

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [5.12] in moving the second reading said: The object of the Bill is to assist the condensed milk and milk products—other than butter—industry. A factory has recently been established at Waroona and, as at the present time, the industry has no industrial award under the provisions of the Industrial Arbitration Act, it has to work under the provisions of the Factories and Shops Act. Section 37 of the Act sets out the manner and extent to which the ordinary working hours of employees in a factory may be extended, and provides for the payment of penalty rates for all overtime worked. It does not restrict the amount of overtime which may be worked by male workers who are over 16 years of age. The amount of overtime which may be worked by women and by boys under 16 years of age is, however, restricted and is not permissible for more than two hours in any day, or more than two days in any week, or on two consecutive days, or on more than 52 days in any year and not on any holiday or half-holiday. The proposed amendment to Section 39 will permit of women and boys being employed on overtime in excess of the periods just quoted, in condensed milk factories, during the flush period from 1st September to 1st February, but they will not be permitted to work more than two hours overtime on any one day, nor on more than 52 days in a year. This amendment is necessary in view of the fact that the production of condensed milk is a seasonal process. During the period from September to January the production of milk is much heavier than for the remaining seven months of the year. Milk is

a product that is distinctly liable to contamination and deterioration if kept for any length of time, and to allow for the marketing of a product of high quality the utmost care must be taken to see that fresh milk is processed and packed with the least possible delay. For that reason it is claimed that the actual process work of these factories must be carried out on seven days of the week. Work is not carried out on Sundays in the filling and packing departments, where women and girls are mostly employed, but the processed milk that has accumulated during the week end must be dealt with at the earliest possible moment, and it is claimed that in the flush season it is necessary to work additional hours in this department to cope with the quantity of milk to be packed and to allow as short a time as possible to elapse between processing and packing. In order to promote the success of this industry it is considered advisable to grant it the same privileges as are already given to other seasonal industries mentioned in the Third Schedule. In times such as these a young industry must not be needlessly hampered, but must be encouraged in every way, provided the workers in that industry are protected from victimisation or exploitation. I move—

That the Bill be now read a second time.

On motion by Hon. W. H. Kitson, debate adjourned.

BILL—SWAN LAND REVESTING.*Second Reading.*

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [5.17] in moving the second reading said: The purpose of the Bill is to revest in His Majesty the King certain land situate within the Swan road district. The land referred to is shown on the plan which I now lay on the Table of the House. This land is recorded in fee simple in the name of Richard Edwards in the Lands Titles Office, but there are records in the hands of the Crown showing that in 1846 the said Richard Edwards surrendered such land to the Crown. In 1884 an heir-at-law of the said Richard Edwards made application to bring certain portions of Location E1 under the provisions of the Transfer of Land Act then in force, but he did not include the land dealt with in the Bill; thus indicating that it was known to such heir-at-law that at the death of the said Richard Edwards the land

in question did not form part of the estate of the deceased.

Hon. J. Nicholson: Which year was that?

The CHIEF SECRETARY: In 1884. Neither his executors nor his heirs-at-law have subsequently claimed or exercised any proprietary interest in the said land, which for many years has been shown in the records and on the plans of the Lands and Surveys Department as a common. It is unfortunate that at the time the land was declared a common steps were not taken to re-vest it in the Crown. The executors of the said Richard Edwards are, of course, not now available to execute a fresh surrender to the Crown, and consequently the only way in which the land can be re-vested in the Crown so as to perfect the Crown's title is by an Act of Parliament. The only persons who can possibly be affected by such an Act of Parliament would be the heirs-at-law of Richard Edwards, deceased, and inasmuch as they have never claimed to have any proprietary interest in the land, but on the contrary in 1884 implicitly acknowledged that they had no such proprietary interest, it seems reasonably certain that such heirs-at-law, if any still exist, would not be likely to instigate any opposition to the legislation which I now submit. It will be noticed that the Bill provides that the Act shall come into operation on a date to be fixed by proclamation not earlier than three months after the date of assent to the Act. The object of this is that any person claiming an estate in the land shall have sufficient time to establish his or her claim to the satisfaction of the Government, in which case, of course, the Act need not be proclaimed at all. The boundaries of the land dealt with in the Bill have been recently defined by survey, with due regard to the interests of adjoining holders. The object of the Bill is to re-vest this land in the Crown freed and discharged from any claim or demand of any person whomsoever, and thereby to legally complete the surrender to the Crown executed by the said Richard Edwards, deceased, in 1846. I move—

That the Bill be now read a second time.

HON. J. NICHOLSON (Metropolitan) [5.21]: While I have no desire to offer strong opposition to the Bill, in view of the explanation given by the Minister I feel it is necessary that before finally agreeing to the measure we should have before us some

further evidence that the descendants of Richard Edwards have no real claim to the land. The proposal is to vest in the Crown land which apparently was in the right of Richard Edwards many years ago. The Crown say they have certain evidence. But we do not know what that evidence is, and so we are asked to go on the statement that there are records. We have not those records before us.

The Chief Secretary: You cannot doubt the statement.

Hon. J. NICHOLSON: No, of course not, but if we had those records we could judge whether or not we should pass the Bill. Let me put a case that should appeal to members. Suppose the grandfather of any of us here had owned a piece of land many years ago, when some correspondence took place between the governmental authorities and this progenitor of ours. That land was in the possession of the supposititious grandfather many years ago, but his descendants may not have taken the trouble to make searches essential to the tracing of the ownership of the land. For example, these lands were granted originally in 1838. We can assume that it was under the old system and was never brought under the provisions of the Transfer of Land Act. If so, it is also reasonable to assume that the descendants of Richard Edwards may only have made a search in respect of land under the Transfer of Land Act, and may never have made a search on the old system register. If that is so, it might be found that whatever steps the relatives of Richard Edwards took at some time or other to deal with another portion of the land, it might be found that that other portion was under the Transfer of Land Act, not under the old system. So it is incumbent upon us as a Legislature, before we seek to divest from anybody the right of ownership in any property, to see the records and have them laid on the Table. It seems to me an invasion of the rights of the individual for the Government to put forward a measure such as this, arrogating and claiming and granting to the Crown, land which years ago was alienated and vested in an individual. Then nothing has been said as to whether or not Richard Edwards at any time paid the rates on this land, or whether his descendants have done so. Nor has anything been said as to whether the rates and taxes have not been paid. If they have not been paid, there is

a simple remedy under the Municipalities Act or the Road Districts Act—according to where the land may be—the remedy being for the land to be sold by the local authority. Probably if the land was not of much value it could have been bought in by the Government at next to nothing. In any event, if the land had been put up for sale by the road board or municipality an opportunity would have been afforded to give a good title to the purchaser. But no mention is made of the rates and taxes, and I do not think we as a legislative body would be justified in passing the Bill without the fullest investigation. I do not in any way discount the statements made by the Minister, but I wish him and the members of his Government to appreciate that we have a responsibility as individual members to inquire into these things before we pass a Bill that would divest those people of their rights.

Hon. G. Fraser: They would not have much left by the time they paid land tax and all other rates and taxes.

Hon. J. NICHOLSON: If the rates and taxes have accumulated it would be very simple to have the matter dealt with in that way. By the simple expedient of an Act of Parliament, we are asked to revest this land in the Crown without having an opportunity thoroughly to examine the matter. For that reason I would be inclined at this stage to oppose the second reading. I hope the Leader of the House will give us an opportunity to look into the matter and investigate the records, so that we can satisfy ourselves before determining whether the Bill shall pass into law or not.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East—in reply) [5.31]: Apparently Mr. Nicholson has not grasped the full meaning of this Bill. Some 86 years ago Richard Edwards surrendered a parcel of land. The records are now in the possession of the Government.

Hon. J. Nicholson: Let us see them.

The CHIEF SECRETARY: Let not the hon. member be impatient. Ever since that date, the land has been held as a common. Had any claim been forthcoming, it would have been made long ago. Unfortunately through an oversight, the land was not re-vested in the Crown. Some 48 years ago, when Edwards had passed away, no doubt, there was some land adjoining which the

heir at law had brought under the existing Act. Had anyone possessed an interest in the land, it would not have been allowed to lie for all these years. I do not think anything can come of hanging up the Bill.

Hon. J. Nicholson: Allow it to stand over until the next sitting.

The CHIEF SECRETARY: Why let a Bill like this stand over when its meaning is quite plain to everybody? What can be resurrected after 86 years?

Hon. J. Nicholson: We are asked to take the responsibility of passing this Bill.

The CHIEF SECRETARY: If members hang up Bills like this, we shall not make much progress.

Hon. J. Nicholson: Someone ought to move the adjournment of the debate.

The PRESIDENT: The reply of the mover has closed the debate, and the adjournment of the debate cannot now be moved.

Hon. J. NICHOLSON: May I by way of explanation ask the Leader of the House if he will be good enough to let us see the papers between now and the next sitting.

Hon. J. Cornell: They are on the Table of the House.

Question put and passed.

Bill read a second time.

House adjourned at 5.35 p.m.