Legislative Council,

Tuesday, 5th November, 1929.

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

OBITUARY—MR. C. C. MALEY.

Letter in reply.

The PRESIDENT: In accordance with the resolution passed by this Chamber on the 15th September, I forwarded a copy to the relatives of the late Mr. C. C. Maley, and in reply I have received an expression of their thanks to the members of the Legislative Council for their sympathy, which was much appreciated.

QUESTION—MENTAL DEFICIENCY, LEGISLATION.

Costs, Definitions, Qualifications, etc.

Hon. A. LOVEKIN asked the Honorary Minister: 1, Will he define the words "psychologist" and "psychiatrist," as they appear in the Mental Deficiency Bill? 2, What are the qualifications of the present State psychologist as regards (a) training, (b) examination, and (c) experience? 3, Has such psychologist qualified in anatomy, nervous complaints and disorders, or medicine generally? 4, Are there any specialists in psychiatry available in the State for service under the Mental Deficiency Bill when passed? 5, What is the estimated cost under the Bill of the psychological clinic? 6, What is the estimated expenditure under the Bill during the first three years after proclamation on (a) buildings, (b) maintenance of inmates, (c) examining board, (d) examination of defectives, (e) other costs and charges? 7, Are the Perth and Children's Hospitals in need of sufficient funds to enable them to provide for the sick and injured?

The HONORARY MINISTER replied: 1, The word "psychologist," as appearing in the Mental Deficiency Bill, means a "Clinical psychologist." A clinical psychologist is one versed in the science which treats of the mind and mental operations who, by test, observation and experiment, assesses intellectual status and ascertains the presence of abnormal states of mind, and who is capable of associating these with physical defect where this exists. A psychiatrist is an expert in the treatment of mental disorders. 2, The State Psychologist holds an Honours Bachelor of Arts degree of the Western Australian University, with psychology as a major subject; Master of Arts (M.A.) of Stanford University, California, with psychology as a major subject. She was attached to the Peninsula Hospital, Standford, for one year studying abnormal mental states, and received an accrediting certificate in this class of work. Subsequently, over a period of four years, Miss Stoneman continued the study of psychology in Western Australia, and during this time studied mental states at the Perth Hospital and the Hospital for Insane. She was then admitted to advanced work at the University of London and Bethlem Royal Hospital for 18 months, and received an accrediting certificate from the director of the course. She also had an intensive course of training in Paris with attendance at clinics there, and in other European cities. 3, The State Psychologist during her training had courses in anatomy, physiology and nervous complaints and disorders. 4, Yes. 5, The cost of the Psychological Clinic for the year ended 30th June, 1929, was £1,164 16s. 2d. Under the Bill additional staff would probably become necessary as follows: a cadet assistant psychologist, an extra nurse, extra clerical assistance, involving additional cost of approximately £500 per annum. 6, Buildings: (a) a home for the care of, say, 45 mentally deficient girls, £5,000-£7,000; (b) maintenance and staff, approximately £2,000 per annum; (c) mental deficiency board (no fees are provided for this board); (d) examination of defectives, say, £250 per annum at £1 1s. per case, £262 10s. per annum; (e) travelling of officers and transport of cases cannot be estimated, but not likely to be heavy. 7, This is largely a matter of opinion. Both institutions show a deficit at the present time.

BILL—VERMIN ACT AMENDMENT.

Read a third time and returned to the Assembly with an amendment.

BILL—INDUSTRIES ASSISTANCE.

Third Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [4.40]: When the Bill was before the Committee, Mr. Nicholson drew attention to certain words in Clause 2, namely, "such instalment," and suggested that it might be advisable to recommit the Bill with a view to inserting the words "or part thereof." I submitted the matter to the Crown Solicitor, and in a report to me he says that he has no objection to the words being added, but he does not consider it necessary because the whole includes the part, and that if it be lawful for the Agricultural Bank, or the Industries Assistance Board, to refund the whole of the instalments that may have been paid by a client, it must be equally lawful for them to refund a part of any such instalments. In the circumstances I do not think it necessary to insert the additional words suggested, but if Mr. Nicholson thinks it advisable that we should make sure by including them, I shall not object to the recommittal of the Bill. I move—

That the Bill be now read a third time.

HON. J. NICHOLSON (Metropolitan) [4.42]: The Honorary Minister's statement is quite correct. I drew attention to the advisability of inserting the words he indicated and had I noticed the omission prior to the completion of the consideration of Clause 2, I would have moved an amendment with the object of having them included. The purpose of the Bill is, practically speaking, to do that which is sometimes done by the Associated Banks with their securities. Provision is usually made by the Associated Banks that their securities shall be continuing and will not be affected by reason of any payment made from time to time but will continue as a security up to a fixed amount. Thus, should any person make a payment of an amount in reduction of the original amount advanced, operations can still go on up to the limit originally arranged, and the security is therefore still good. If that provision were not made, then any payment would result in the original securities being reduced by the amount paid in. What the Honorary Minister says may be quite true, still it is not always a fact that the greater includes the lesser. Nor is it alway true in such instances as that under discussion now, where authority may be taken for the re-advancement to settlers of amounts they may pay off. I am inclined to the view that if we specify in the Bill that refunds may be made of instalments as a whole, without any reference to parts thereof, the board may be placed in an invidious position. In the interests of the board, I think it would be wiser to insert the words.

The Honorary Minister: I have no objection to that course.

Recommittal.

Hon. J. NICHOLSON: Then I move an amendment—

That the Bill be recommitted for the further consideration of Clause 2.

Amendment put and passed; Bill recommitted.

In Committee.

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

Clause 2—Power to extend time for payment of instalments and to refund temporarily:

Hon. J. NICHOLSON: I move an amendment—

That after "mortgagor" in line 1 of paragraph (b), the words "the whole or any part of" be inserted.

The HONORARY MINISTER: I have no objection to the insertion of the words, but has Mr. Nicholson considered whether it will be necessary to make further amendments in consequence of his proposal?

Hon. J. Nicholson: Yes.

The HONORARY MINISTER: It seems to me that two or three other amendments will be necessary.

Amendment put and passed.

On motions by Hon. J. Nicholson paragraph (b) further amended by inserting after "instalment" in line 5, the words "or any part thereof so refunded"; and Subclause 2 amended by inserting after "interest" where it occurs for the second time in line 2 the words "or any part thereof"; and by inserting after "instalment" in line 8 the words "or the part thereof."

Clause, as amended, agreed to.

Bill again reported with amendments.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

BILLS (3)—FIRST READING.

1, Agricultural Bank Act Amendment.

2, Electoral Provinces.

3, Licensing Act Amendment.

Received from the Assembly.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th October.

HON. H. STEWART (South-East) [4.58]: I intend to accord general support to the second reading of the Bill. It includes amendments contained in two previous Bills introduced by the Government, but there was a good deal tacked on to the previous measures that local authorities and members of this House did not want, and consequently the Bills did not pass. We were prepared to pass whatever was necessary to remove anomalies or difficulties in the working of the Act, and I am prepared to assist to that end on this occasion. When a similar Bill was last before us, I took exception to the proposal to change the name of "road board" to that of "district council." It is not a matter of moment and one hardly likes to speak about it. To bring forward such legislation is characteristic of the Government.

Hon. E. H. Harris: I thought you were going to say the Bill was characteristic of their legislation.

Hon. H. STEWART: I consider it to be rather paltry. At the instance of the then Minister in charge of local government, the 1926 conference of road boards agreed to the proposal, but at the next conference in 1928 the question was ignored. The glamour of the title "President of a district council," or the title of "councillor" may appeal to them, but why not adopt the title, "Road board councillors" which would be as effective as "district councillors." There are a number of districts and within my knowledge I can quote Albany, Wagin, Narrogin and Northam, where confusion will be likely to arise by the adoption of the altered title because municipal councils exist at those centres. Personally I think there is really no call for the change, nor is there any desire for it on the part of the great majority of the people who give their services to these bodies. I do not approve of the proposal of all the members of the boards contesting elections at the one period. Under such an arrangement there cannot be any continuity of policy. The 1926 conference decided in favour of a proposal of that description—the retirement of all the members of boards at the one time, but apparently after some further thought had been given to the proposal the 1928 conference turned it down. I also object to Clause 40 of the Bill which gives to the Minister greater power than that at present possessed by the local court in connection with appeals against valuations. I should like to see the latter part of the proposed new section deleted, that part which reads—

> Provided further that a local court shall not reduce any valuation made or caused to be made by the Minister of any land in respect of which the valuation of the Commissioner of Taxation is by this Act permitted to be adopted if the Minister's valuation does not exceed that of the Commissioner.

I shall require strong argument in support of that proviso before I can be induced to agree to its retention in the Bill. There are a number of proposals in the Bill that can be agreed to; proposals dealing with the installation of bowsers, the framing of regulations that have been found necessary as the result of difficulties that have occurred in the past. Generally speaking, shorn of its window dressing clauses, I think we can agree to the second reading. There are provisions which will make for the better administration of local government and which will meet with the approval of those who already have done so much in an honorary capacity in the interests of the many country districts. There is, however, one clause that will need to be watched closely when the Bill is going through Committee. As time goes on road board areas are altered and curtailed in many instances and new roads are called into question. There is a proviso in the Bill setting out that all districts not having an annual revenue of £600 shall be merged into an adjoining district. That clause will require careful consideration. It is no use at this stage

to bring in anything that is likely to be of a restrictive nature, anything that may have to be reconsidered, or perhaps undone, at a later stage. Many road boards have been in existence for a number of years and have just been able to carry on and do good work. Their revenue may be restricted, and possibly they may come within the provisions of the clause in question. This applies more particularly to territory in the South-West, where the income of road boards would be limited and in consequence the local bodies concerned would run the risk of being wiped out in spite of the good work they were doing. Mr. Mann indicated that there would be one in his province, and I know of one in the southern part of the province I represent.

Hon. E. H. Harris: Which board would that be?

Hon. H. STEWART: I refer to the Denmark board, which has been in existence for many years and which is isolated. In its area, however, there are now many group settlers, and the settlements are showing to greater advantage than are those in any other part of the State. The board will almost be assured of increased revenue in the not distant future. I shall support the second reading but will keep an open mind in respect of some of the clauses when they are being considered in Committee.

HON. J. NICHOLSON (Metropolitan) [5.9]: When reading the Bill I was rather astonished to note the number of amendments it is proposed to make and also the many new principles it is suggested should be introduced in connection with road board administration. Mr. Stewart has drawn attention to certain new principles, chief amongst them being the suggested alteration of the name of "board" to that of "district council." Whether or not the alteration will be beneficial is a question which no doubt interests those more immediately concerned than it does the representatives of areas controlled by municipalities. I have no objection to boards being called another name. If it will have the effect of raising their status, then by all means let them be called district councils. But as one looks through the Bill and notes the amendments, the first thought that occurs to the mind is the extensive characted of those amendments and why the Government, when submitting the Bill, did not present an entirely new measure embodying all the amendments instead of patching up what is an important Bill so far as road boards are concerned. I am inclined to think that the result of passing such an amending measure will only increase the confusion that already exists amongst many of the road boards in the country. For instance, we know that many of the secretaries of road boards by whom the interpretation of the legislation has to be decided at times, find it difficult to follow up the numerous amendments. Of course all are not as methodical as certain parties might be. Naturally, what they would do would be to get the consolidated Act; but even since the consolidation was passed several amendments have been made, and on referring back to the previous Act of 1911 we find that eight years after, the Government introduced a new measure embodying certain amendments and incoporating in it many of the sections of the old Act. It would have been infinitely better in dealing with a Bill such as this—and it would have been simpler for us in following the Bill—if the same course had been pursued on this occasion as was adopted in 1919, namely to introduce an entirely new Bill incorporating the old sections and showing the amendments. The whole subject could then have been considered in its entirety. Now one has to wade through the original Act and the amendments that have been made since the 1919 Act was printed. I find that the amendments contained in the Bill we are now considering are in some instances of a serious and important character. I intend to draw attention to some of those amendments for the benefit of members who have a number of road boards in their provinces. The first part has been dealt with, the question of change of name. I am not going to raise any particular objection to that, any more than Mr. Stewart has done. I can voice the same views as he did in that regard. But we find that in Clause 8A a very important change is sought to be brought about in the election or life of a local authority. The whole of Division 3 of Part III. of the principal Act is proposed to be repealed, and new clauses are substituted, giving the council a life of only three years. The result will be that the continuity of the work of those various bodies will cease, and an entirely new council will be elected for three years. I think that inimical to the best interests of the road districts. It will not tend to improve their position. At present

one member retires this year, a second next year and a third in the following year. There are always two old members in office when one goes out for election, and so whatever business is being carried on, or whatever important proposals are being considered, will be decided by the deliberation of men who for a long period have been taking part in the previous discussions of the local authority. I feel disposed to vote against that clause and to leave the section as it stands in the Act. In Clause 14 there are some provisions amending Section 136 which provides for committees being appointed. The Act gives leave to appoint committees either of councillors or of persons who may not be councillors. It is proposed by the amendment to limit the appointment of committees to councillors. But a proviso is added that the council may appoint a committee consisting wholly or partly of persons who are not councillors for the purpose of advising the council as to the establishment, management or control of mechanics' institutes, cemeteries, recreation grounds, hospitals, agricultural halls, libraries, reading rooms or any other institution or utility vested in or under the control of the council. The result will be that the council cannot appoint a man from outside on a committee with councillors to advise or report on matters beyond those limited purposes. I think those purposes are altogether too limited, for the works undertaken by road boards are increasing, particularly when there are towns within their jurisdiction. For example, the local authorities have power to issue licenses or grant concessions in regard to electric light. The scope of duties of a growing road board is bound to increase; the responsibility of the local authority must increase with the growth of the district. Take, for example, electric lighting. There is no power here to appoint any person on a committee dealing with the installation of a plant or with works connected with electricity.

Hon. W. J. Mann: Would not that come under the definition of "utility"?

Hon. J. NICHOLSON: I do not think so, for the reason that the clause carefully specifies all the various other purposes for which a person outside the council may be appointed on a committee. Then there may be a question of machinery for some works such as water supply, or it may be necessary to get the advice or help of a committee to report on a certain type of road roller. One can conceive of many other works to be undertaken by a road board as the district develops. It is much better to leave the appointment of these committees to the determination of the council as a body, to say whether they should be elected from the council entirely, or partly from the council and partly from outside persons. In Clause 20 it is proposed to add a proviso that any appeal which under the Act at present is made to the Minister may under this clause, if the Minister so directs, be heard and determined by the Under Secretary for Lands or by the Surveyor General. That might be said to be very beneficial. I quite realise that the Minister has many important ministerial duties to perform, and that it is impossible for him to attend to all the details which, necessarily, arise under the various Acts he is called upon to administer. The question, however, is whether or not this authority should be delegated. I am going to leave it to those members more directly interested to say whether they think it should be the determination of the Minister or of some other delegated authority. I merely call attention to it. In Clause 23 there are some proposed amendments that seem to me to be of a nature probably not fully realised by those who may be affected. The proposal is to amend Section 159 of the Act, which reads—

> Whenever any person sells any rateable land he shall forthwith give to the board notice thereof in writing, with a plan or description of the land and the name and address of the purchaser. Any person who fails to comply with this section shall continue to be liable for such sums accruing by way of rates on such land in the same manner as if he were still the owner thereof, and shall also be guilty of an offence against this Act and liable to a penalty not exceeding £5.

It is proposed to amend that by inserting after "sells" the words "or otherwise disposes of." Suppose I leased a piece of land for a year or longer, what would be the position? The position would be that if I did not give notice of the lease, which is a disposition of the land, within the 21 days provided for here, I should be liable to a penalty of £5 under the existing Act. Under the Bill this is increased to £10. I do not think that is intended. To this I want to call the attention of those members in whose provinces are road boards. I point out

to them the seriousness of this. I admit it is quite right to have the provision as it exists in the Act, so that when a sale takes place the road board is notified of the change in ownership. I have no objection to the Act as it stands, but I have a pronounced objection to being compelled to give notice within 21 days if I "otherwise dispose of" my land.

Hon. H. J. Yelland: The leasing of the land would not change the ownership.

Hon. J. NICHOLSON: I dispose of land if I lease it, and if I fail to give notice within 21 days I am liable to a penalty of £10. People who live within the road districts will not look with much favour on this House if we pass such a clause. The subclause it is proposed to add to Clause 23 provides something altogether new. Before any owner, or the agent of the owner, removes or demolishes, or begins to remove or demolish any house or any other building, he shall give to the Council not less than so many day's notice of his intention to do so. That is a new principle. I am not aware that it exists even in the Act dealing with municipalities.

Hon. E. H. Harris: What is your objection to that?

Hon. J. NICHOLSON: An owner may desire to remove his building with the intention to erect it elsewhere. If he desires to reconstruct it, he must submit his plans to the local authority for approval. On the other hand he may wish to remove it to some other part of the State. That is often done with houses on the goldfields.

Hon. V. Hamersley: In which case the authority would have nothing on which to claim.

Hon. J. NICHOLSON: The object of the clause is to warn road boards of the removal of the house. The rates are charged upon the land, and the registered owner is responsible for their payment. The local authority is amply secured. It is their business to get in their rates from year to year, as they become due. If I desired to remove an outbuilding, I would have to give notice of my intention to do so.

Hon. E. H. Harris: You would not object to a man putting a house on a jinker and taking it away, in which case the road board would have to whistle for their rates?

Hon. J. NICHOLSON: They have the security of the land.

Hon. E. H. Harris: But the land might not be worth two pence.

Hon. J. NICHOLSON: The individual might be worth the debt.

Hon. E. H. Harris: If you can find him.

Hon. J. NICHOLSON: That should not present any difficulty.

Hon. E. H. Harris: You ought to serve on a road board for a while.

Hon. J. NICHOLSON: The clause may provide added security for a road board. If rates are owing, they would object to the house being removed until payment was made.

Hon. E. H. Harris: That is the object of the clause.

Hon. J. NICHOLSON: No doubt, but it is unfair.

Hon. E. H. Gray: What is unfair about it?

Hon. J. NICHOLSON: No one should be called upon to notify the road board of his intention to demolish a building.

Hon. G. W. Miles: A person may still owe his rates.

Hon. J. NICHOLSON: He would be liable as an individual. The removal of the house would not relieve him of his responsibility.

Hon. G. W. Miles: Suppose he had no other assets.

Hon. J. NICHOLSON: Everything could be attached. The local authorities could secure judgment against him and attach his property.

Hon. G. W. Miles: The only property he may have may be the building.

Hon. J. NICHOLSON: That could be attached on judgment being given.

Hon. J. T. Franklin: The building may be removed before the road board know anything about it.

Hon. J. NICHOLSON: If the building were removed the ownership might be changed. The previous owner would certainly suffer a penalty of £10, and the road board would have to find the man who took the building away. They would not be any better off. If road boards are going to look after that sort of thing, they will require an army of inspectors. Another new principle is introduced in Clause 25. It provides that if land is substantially and permanently increased in value by drainage works undertaken by the council on any road or other land vested in the council, the council may require the owner of the land

to contribute towards the cost of the work, and this contribution would be on the basis of an annual amount for such term of years as the council might think fit. I do not know whether members have given much thought to that. This follows somewhat on the lines of the town-planning legislation. which makes some provision that if an improvement is effected by the works that are carried out the parties benefiting shall defray a certain portion of the cost. Local authorities from time to time do carry out drainage work for the sake of the community. When a certain number of people are living within an allotted space, it is necessary for health and other purposes that certain work should be done, and the people concerned are taxed. An improvement tax is a new principle.

The Honorary Minister: Do you suggest it is wrong?

Hon. J. NICHOLSON: It is wrong in the case of drainage works, and unfair. When certain works are carried out by local authorities, they usually borrow the money required.

Hon. W. J. Mann: You think drainage works should be national works?

Hon. J. NICHOLSON: Not necessarily. They could be the work of the local authority. When such an undertaking is carried out on borrowed money, a rate is struck to cover interest and sinking fund. The particular ward or district benefiting can then be rated to meet the outlay. It is too much to ask this House to agree that the owner of the land shall contribute towards the cost of such work an annual sum for such a term of years as the council think fit to impose.

Hon. V. Hamersley: It should work the other way. If a private individual built a road, the local authority should pay for it.

Hon. J. NICHOLSON: If the principle applies to drainage, why not to other works? If it were extended, such a burden would be put upon the owner of land that he would be taxed out of existence. It would be a relief to him to be deprived of his ownership.

The Honorary Minister: This applies only to land that is considerably improved in value.

Hon. J. NICHOLSON: It should be regarded as the duty of the local authority to carry out drainage work.

The Honorary Minister: It may be land that can then be used for cultivation.

Hon. J. NICHOLSON: That is a matter for discussion between the local authority and the person benefiting. Such works should not be carried out unless the owner consents to it. He may not be in a position to pay the charges imposed upon him. Appeals are sure to arise to determine the liability under this clause. In Clause 35 added power is given to rate. This will need serious consideration. Power is given to rate from 4d. up to 9d., the present limit being 3d., though in certain cases 6d. may be imposed. This clause should receive most serious consideration. The betterment tax for drainage may wipe many owners out of existence, and regarding the present clause a note has been handed to me stating—

> If a road board happened to rate one section, as they can do, on the annual value, and another section on the unimproved value, the disparity between the two methods of rating is extraordinary. In the case of the annual value the rate is not to exceed 2s. nor to be less, than 9d., in the pound; but rating on unimproved value may vary from 4d. to 9d. Take two adjoining blocks, one happening to be included within the area on the annual value, and the other, just over the border, on the unimproved value. The blocks are assumed to be of an equal value of £100. Inside what may be called the townsite rating on the annual value, the rate on £100 would be 10s.; but outside, on land immediately adjoining and rated on the unimproved value at the maximum of 9d., it would amount to £3 15s.

The Minister should look into those figures. They are not my own figures. Certainly they seem to call for examination. If such a disparity exists, there is something that requires to be remedied.

> You can multiply these figures up. Take the unimproved vacant land value at £1,000, and the rating inside the townsite, on the annual value, would be only £5 for a £1,000 block; but in the case of an immediately adjoining block outside, the rate would amount to £37 10s.

Paying these rates for a few years, the owner would pay in rates more than the value of the land. If we keep on increasing the power to rate, landowners will be wiped out of existence. I certainly consider that the maximum of 9d. should be reduced. Further, we find that under Clause 38 an entirely new rate is to be imposed, a lighting rate. Where will the landowner be under all these new rates?

Hon. G. W. Miles: But is not that new rate necessary?

Hon. J. NICHOLSON: I leave that to members owning land. I am not affected. The local authority might borrow money for lighting purposes; then the cost of lighting would be met from the general or loan rate. Road districts are not on the same plane as municipalities. They have not the same responsibilities. Undoubtedly town areas require to be lit, but that can be done by simply borrowing the money, or by giving a concession for lighting, as is done in many country districts. If the road board decided upon constructing a lighting plant, they could raise the necessary funds by way of loan. Clause 40, which deals with appeals against rating, also introduces something new. It would be much better to revert to the position which obtained prior to 1919; that is, under the 1911 Act. A right of appeal similar to the one provided in that Act should be adopted here. The Act of 1919 is unfair, because an appellant can only appeal to the local court on the facts as brought out in evidence before the board. When a person makes an appeal to the board or council, he does not go there provided with all his evidence. An application to a road board or municipality for reconsideration of rating is more or less a family gathering. The individual owner is not usually assisted by any solicitor or other person to help him in a legal difficulty. By the 1919 Act the landowner was limited in his appeal from the board to the local court simply on the facts which were known to the court of first instance. A provision is proposed to be inserted to allow other evidence to be heard on an appeal to the local court; but under the alteration proposed, when a valuation has been made by the Minister, the appeal is to be to the local court only. Clause 40 says—

> Provided that no appeal shall be made to the council on the ground mentioned in paragraph one of the last preceding section when the valuation has been made or caused to be made by the Minister, but the appeal in that case shall be made to the local court only, and provided further that a local court shall not reduce any valuation made or caused to be made by the Minister of any land in respect of which the valuation of the Commissioner of Taxation is by this Act permitted to be adopted if the Minister's valuation does not exceed that of the said Commissioner.

It simply means that one is thrust back on the valuation of the land made by the Commissioner of Taxation, because the Minister will ask what valuation was fixed by the Commissioner. He will find out and then naturally there will be no appeal, if the Minister's valuation does not exceed that of the Commissioner. In that event, it would not be possible for an individual to bring forward any facts to show that the valuation made by the Commissioner of Taxation was excessive.

Hon. G. W. Miles: Is there any appeal against the valuation fixed by the Commissioner of Taxation?

Hon. J. NICHOLSON: In certain circumstances, yes.

Hon. C. F. Baxter: But even so it is an appeal from Caesar to Caesar.

Hon. J. NICHOLSON: And such appeals may be prolonged and most costly affairs.

Hon. H. Stewart: Sometimes a hundred times the rate is paid.

Hon. G. W. Miles: That provision requires amendment.

Hon. J. NICHOLSON: Yes. The taxpayer is practically in the hands of the Commissioner of Taxation with regard to land valuations.

Hon. H. J. Yelland: And the Commissioner's decision is final.

Hon. J. NICHOLSON: Yes, and there would be no chance of getting behind it.

Hon. V. Hamersley: The Commissioner overrides the local authorities.

Hon. W. J. Mann: No opportunity is afforded for the rectification of mistakes.

Hon. H. Stewart: How does the Minister come to be a valuer.

Hon. J. NICHOLSON: That is indicated in the Bill. Should the Minister fix a valuation that does not exceed that of the Commissioner of Taxation, the taxpayer is precluded from securing any redress. I suggest to hon. members that they look through the provisions of the 1911 Act and consider whether they should not be incorporated in place of those embodied in the Bill. I think I have already dealt with enough points to emphasise to the Minister my contention that we should have been asked to deal yith a more comprehensive measure. There is one other clause that is vital and important to people in the country. Clause 54 seeks to incorporate a section appearing in the Municipal Corporations Act which deals with claims against road boards or district councils as they are termed in the Bill. In Subclause 1, it will be noted that any person who is injured, or has any claim to make against a district council, must give notice

of the injury within 21 days of the occurrence of the accident.

Hon. J. Cornell: Is that not reasonable?

Hon. J. NICHOLSON: The hon. member represents a province that embraces a vast territory! Some of his electors live in remote parts, and I ask him to consider whether, in the event of one of his constituents meeting with a severe accident in some out-of-the-way place, 21 days would be sufficient within which to forward the necessary notice. That individual would be called upon to give that notice under an Act, the provisions of which he was unacquainted with. Apart from that, the injury sustained might be of such a nature that he might be confined to his bed for a month. I consider that while 21 days could be regarded as a reasonable period within which a man residing in a municipality should be called upon to notify the local authority of his accident, such a period would be manifestly unfair where the outback centres were concerned.

Hon. J. Cornell: If the man comes under the Workers' Compensation Act, what notice is required?

Hon. J. NICHOLSON: Speaking from memory, I think it is six months' notice. Under the Bill, if an unfortunate worker allowed the 21 days to elapse, he would be required, under the concluding provisions of the clause, to show sufficient reason why he was unable to give the necessary notice.

Hon. J. Cornell: That would be easy.

Hon. J. NICHOLSON: I will give the hon. member an opportunity to look over a long string of cases in which some poor fellows had to fight this question of giving notice. In many instances they failed to satisfy the court on the point and their claims failed because they had not given notice within a specified time. Is that fair? I do not think it is. If Mr. Cornell were to look through those cases, he would realise how difficult it was to satisfy the court on such a point.

Hon. J. Cornell: Those men were fighting the insurance companies.

Hon. J. NICHOLSON: That may be so, and for that reason every road board is insured. That being so, every claimant will be in the position of fighting the insurance companies under the Bill. I look at it from the standpoint of justice alone and I do not think it fair that such a condition, which applies to Perth or Fremantle, should be imposed upon the back country area. The Minister could well consider the advisability of inserting, in view of the points I raised, a period of three months instead of 21 days. That is less than the time stipulated under the Workers' Compensation Act.

Hon. H. Stewart: It is six months under that Act.

Hon. J. NICHOLSON: I think so, but I am speaking from memory. There is one other thought that occurred to me when going through the Bill. Seeing that the Government have proposed so many important amendments, I wondered why they had not sought to introduce some provisions regarding the appointment of civic commissioners. In these days we hear a good deal of their activities, and I understand their aid is invoked very largely in America. I do not know if any thought was given to that phase by the Government.

Hon. J. Cornell: Civic commissioners were appointed in Sydney.

Hon. J. NICHOLSON: They were appointed under different circumstances from those which I had in mind.

Hon. H. A. Stephenson: At any rate, they made a great success of the work in Sydney.

Hon. J. NICHOLSON: Their régime will terminate in due course.

Hon. G. W. Miles: You would not expect the Government here to include such a provision.

Hon. H. A. Stephenson: I do not know whether it would be possible to incorporate some such provision in the Bill. It is a matter that requires a good deal of thought.

The Honorary Minister: Where do you think the appointment of such commissioners would be required?

Hon. J. Cornell: Perhaps at Cottesloe.

Hon. J. NICHOLSON: I was not going to mention any place. We know that quarrels between members of local governing authorities have cropped up before now, and the insertion of such a provision in a Bill of this description might be found useful. They might provide a hint to the local authorities. I would have been more happy in my mind regarding the Bill, and given a greater measure of support to it at the second reading stage, if it had been presented to us in another form. I shall leave it to hon. members themselves to decide whether it is in a wise form, or whether it would not be better to let the Bill go by the board with a view to the introduction of a consolidating measure.

On motion by Hon. C. F. Baxter, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—LAND AGENTS.

In Committee.

Resumed from the 29th October. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Postponed Clause 3—"Land Agent" defined:

The HONORARY MINISTER: I have discussed a proposed amendment with Mr. Nicholson and we have arrived at an agreement. The clause includes a paragraph that the term "land agent" also includes any person whose business is the selling, whether as owner or otherwise, of land in allotments. Mr. Nicholson desired that the term "whose business is the selling" should be made more definite. I propose to move amendments to make it read "who carries on the business of selling."

Hon. J. NICHOLSON: Previously I had moved an amendment—

That after "person," in line 1 of Subclause 1, the words "save as hereinafter provided" be inserted.

The amendment is still before the Chair.

The HONORARY MINISTER: That amendment is necessary on account of a further amendment desired later in the clause.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That after "person," in line 1 of the second paragraph, the words "who employs a land salesman and" be inserted.

Hon. G. W. Miles: Does the Minister intend to move his amendment?

The Honorary Minister: Yes; it follows Mr. Nicholson's amendment.

Amendment put and passed.

On motions by the Honorary Minister the second paragraph was further amended by striking out "whose" and inserting "who carries on the"; and by striking out "is the" and inserting "of."

On motion by Hon. J. Nicholson, the following proviso was added to Subclause 2:—

Provided further that nothing herein contained shall extend to or include any person acting as the duly constituted attorney of any other person, and having power to sell or to purchase or acquire land or interest in land on behalf of such other person, nor to any person acting in the discharge of his duties or in exercise of his powers as a trustee, liquidator, receiver, mortgagee, executor or administrator of the estate of a deceased person, or the registered owner of any land not carrying on business as a land agent.

Clause, as amended, agreed to.

New clause:

The HONORARY MINISTER: I move—

That the following new clause be added to the Bill, to stand as Clause 16:—"Subject to rules of court, there shall be an appeal to a judge of the Supreme Court from the refusal of a court of petty sessions to renew a license, and from any order of such court for the cancellation of a license under the provisions of section twenty-eight. On the appeal the judge may make such order or the payment of the costs of the appeal as he may think fit.

There is nothing in the Bill as it was originally printed to provide that a land salesman should have the right of appeal if his registration was cancelled. The object of the new clause is to grant that right. It is only fair that it should be granted.

New clause put and passed.

Schedules 1 to 7, Title—agreed to.

Bill reported with amendments.

BILL—ROYAL AGRICULTURAL SOCIETY ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendment subject to a further amendment.

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading—Defeated.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [7.50]: There are only two points involved in the Bill, the question of hours and the limitation of the employment of foreign labour. With regard to the first, no solid argument has been advanced as to why the amendment should not take effect, and I would say that the suggestion submitted by Mr. Nicholson in the form of an amendment, that we should strike out the hours from the Bill altogether

and leave it to some other tribunal to fix, would be a rather retrograde step.

Hon. J. Nicholson: I thought you always upheld the Arbitration Court.

The HONORARY MINISTER: I always do so. I say what the hon. member proposes would be a retrograde step, because the present Act provides that the hours shall not be more than 48. In view of the custom that has existed for so long in the mining industry——

Hon. J. Cornell: For 25 years.

The HONORARY MINISTER: And also the fact that the occupation is of a very arduous nature, any alteration made in legislation dealing with the industry should be to improve the conditions under which employees work, rather than take the risk of making them worse.

Hon. E. H. Harris: You are taking a risk by altering the hours of the gold mining industry and leaving them at 48 in the coa. mines. You should be consistent.

The HONORARY MINISTER: I am not dealing with the Coal Mines Regulation Act. When the time comes for that Act to be dealt with, in all probability the question of hours will be considered.

Hon. E. H. Harris: If you are consistent you will alter the two.

The HONORARY MINISTER: In view of what has been the custom for a long period of years, and the nature of the industry, we should not do anything to make the conditions worse than they are at the present time. With regard to the question of the limitation of foreign labour, quite a lot was said by different members of this House. I am inclined to think that some of the arguments were advanced in the first place with a view to misrepresenting the actual position, because I can hardly think that members would criticise the Bill without having read it, particularly in view of the fact that it is such a short Bill, comprising only two clauses. Hon. members who did misrepresent the purport of the Bill are members of this House who can usually be relied upon to have a knowledge of what a Bill contains, whether it be a small or a big Bill. Dr. Saw, for instance, by way of interjection suggested that the Bill desired to exclude alien labour altogether. Mr. Lovekin raised a constitutional point and on one or two occasions he also advanced his ideas of the Bill, which, I claim, misrepresented what the Bill contains. For instance, he said that foreign workers having come to this State had a right to live and it was not for us to say that only one in ten of them should be permitted to work. The Bill does not say anything of the kind. The hon. member went on further and declared that we could not say that only one out of ten should work and live. The Bill simply says that on the mines there shall be employed only one alien worker to 10 British workers, not one out of ten alien workers —quite a different thing altogether. Another hon. member tried to read the same thing into the Bill. The object of the Bill is to endeavour to create more work for our own people. While it may be said it is not fair to provide for the limitation while these people are allowed to come into the country, I consider it is quite fair because there is no other country in the world that I know of where more stringent limitations are not in force. Mr. Lovekin raised the question of domicile and suggested that if we allowed these people to enter Western Australia, we had no right to prohibit any of them working, as it was proposed to do under the Bill. I referred his remarks to the Crown Law Department and it is rather interesting to learn what they have to say. Mr. Lovekin also made one or two remarks which inferred that certain action had been taken that showed conclusively we did not have the power constitutionally to do what we were trying to bring about under the Bill. Mr. Lovekin added that when we were discussing the Licensing Act Amendment Bill, he stated then the Governor would not assent to it because we sought to exclude Chinese. "We can no more limit Southern Europeans by the Bill than we can limit the work of the Chinese." That was the argument Mr. Lovekin used and I submitted it to the Crown Law Department. Here is their reply:—

(1) Section 117 of the Commonwealth Constitution Act to which Mr. Lovekin refers, provides that a British subject resident in the State shall not be subject to any disability or discrimination which would not be equally applicable to him if he were a British subject residing in any other State.

(2) By Section 51 power but not exclusive power, is conferred on the Parliament to make laws with respect to aliens. The State, therefore, has concurrent powers to legislate on the

matter subject only to such laws as may be made by the Commonwealth Parliament.

(3) In a note to Section 117, in Quick & Garran, on the Constitution, at page 960, it is stated that "the privileges and immunities contemplated by this section are those which belong to subjects of the Queen in a State. The States are not forbidden to impose disabilities and make discriminations in laws relating to aliens. It is assumed that the resident subjects of the Queen will be the most favoured people, and the special object of the State's consideration and solicitude. Hence the Constitution imposes, and as a matter of national policy seeks to secure, equality of treatment in all the States for subjects of the Queen resident in any State of the Commonwealth."

(4) There is no doubt that it was in the power of Parliament to enact by the Mining Act, 1904, that no Asiatic or African alien should hold a miner's right or acquire a mining lease, and to enact by the Licensing Act that no license for the sale of liquor shall be granted to any person who is not a British subject.

(5) In the Union Colliery Company or British Columbia case (1899 Appeal Cases (Privy Council), page 580), it was said by Lord Watson that the provincial legislature of British Columbia would have had ample jurisdiction to pass the law in question, in that case, namely, the prohibition of the employment of Chinamen in the mines, except for the fact that British North America Act, 1867, vested in the Dominion Parliament the exclusive authority to legislate in respect to aliens. But, as I have stated, the legislative authority of the Commonwealth Parliament on that subject is not exclusive under our Constitution.

(6) I have no doubt that it is within the power of the State Parliament to restrict or prohibit the employment of aliens in the mines.

(7) I may add, with reference to Mr. Lovekin's observations on the Licensing Act, the clause relating to the employment of Asiatics was made the subject of a separate Bill from the Licensing Act Amendment Bill of 1922, so that its reservation might not delay the assent to the main Bill. Under my advice it was reserved and the Royal assent was given, and it became the Act No. 8 of 1922. The clause is now Section 130a in the consolidation in the appendix to the volume of statutes for 1928.

Therefore the position is not quite as put forward by Mr. Lovekin when questioning the power of this Parliament to insert limitations in any of our Acts dealing with alien labour. Quite a number of questions were asked by members who desired that I, when replying, should state what other consideration had been given to the points contained in those questions. Mr. Harris wanted to know the meaning of "ten per cent." Obviously it means, as set out in the Bill, one foreigner to every ten British subjects.

Hon. E. H. Harris: And I wanted to know whether it extended over a whole year.

THE HONORARY MINISTER: I will deal with all the questions. The hon. member wanted to know what was meant by the average number of men employed. It is distinctly set out that the amendment applies to the number of men employed in underground work in any mine. It does not concern itself with any group of mines, but merely lays down the percentage to be employed in any mine. Neither does it concern itself with the number of men to be employed week by week, month by month or year by year. Those are questions for the mine management.

Hon. E. H. Harris: But it would have to be decided whether it was 10 per cent. by the week or by the month or by the year.

THE HONORARY MINISTER: What the legislation lays down is that the manager shall not employ more than one foreigner to every ten British workers.

Hon. E. H. Harris: Now you are sidestepping the issue.

The HONORARY MINISTER: I am doing nothing of the sort. The mine manager can arrange the distribution of his employees as he thinks fit, according to the requirements of the mine; but he must not exceed the proportion laid down in the Bill. The hon. member also wanted to know whether it would apply to any mine in a particular district or to a group of mines under one company; and he wanted to know whether it would apply to those mines as a whole or to them individually. It applies to any mine within a mining district. So if a company has one mine in Norseman and another in Cue, on each mine it will be necessary to observe the percentage. And if one mine is extended over a number of leases, provided those leases are adjoining and the operations underground all converge to one treatment plant and are the property of one company and under one manager, it will be taken as one mine. Then the pertinent question of woodlines was raised. The Bill does not imply that a man cutting wood for a mine is a miner, but there are some cases where a man would be engaged on the mine cutting wood, and so would come within the scope of the Bill. Again, a man wheeling wood to the furnace and working on a mine would be a surface worker. If the timber

obtained for the mine was on the lease it might be argued that the employees were surface workers, but scarcely otherwise. It was put forward that a man working a winch on a mine would be a surface hand. But that would not apply to a man engaged on the manufacturing of winches in the Kalgoorlie foundry. The position of tributers under the Bill requires a lot of consideration, and in some cases probably will have to be decided by the courts. For instance, if an inspector or the department considered that certain mines were exceeding their quota by means of tributers, and if no satisfactory decision could be arrived at, and the department insisted upon its attitude, it would be necessary to take the case to court and allow the court to decide.

Hon. E. H. Harris: Could we not make it clear in the Bill and so avoid the reference to the court?

The HONORARY MINISTER: We might be able to do that. In my opinion a company employing tributers—

Hon. E. H. Harris: The company does not employ tributers. All that would be necessary would be to make each tributer the holder of a separate tribute, and they could carry on to their heart's content.

The HONORARY MINISTER: It would be highly undesirable to allow the employment of tributers to get around the provision in the Bill that there shall be only one alien worker to ten British workers.

Hon. E. H. Harris: That is the point. I suggest that it might be done.

Hon. J. Cornell: It would be necessary to make the tributer responsible.

The HONORARY MINISTER: Just so. I am advised that if a foreigner had a tribute it would be necessary for him to employ the proper quota of Britishers.

Hon. E. H. Harris: But it is possible to be a tributer without employing anybody; and if all the tributers were aliens, it would be defeating the Act.

The HONORARY MINISTER: If the hon. member thinks there is anything in that, we can consider it in Committee.

Hon. E. H. Harris: That is the very point I raised.

The HONORARY MINISTER: I am also informed that if several foreigners have a tribute with which the incidence of the amendment will interfere, it is open to the Governor, on the advice of the Minister, to exempt the mine from such conditions as are imposed by the amendment for such period as he may think fit. That is what the department has advised me. And until the tribute has expired and arrangements can be made to comply with the amendment, such exemption will remain.

Hon. E. H. Harris: That is a beautiful thing to contemplate!

The HONORARY MINISTER: It is one way out of the difficulty regarding the number of foreigners engaged in tributing; it would solve the problem. Mr. Harris also raised the question of the proclamation of the measure. I am advised the Act will be proclaimed as soon as, in my opinion of the Government, it can be brought into force with the least hardship to those mines now employing an excessive number of foreigners. The object in delaying it will be merely to give time to bring about the amended regulation without injury to the industry.

Hon. E. H. Harris: I suggest that a convenient time would be just before the elections.

The HONORARY MINISTER: The hon. member apparently has his ideas on the question, while the Government also have theirs. Mr. Seddon expressed some concern on behalf of the mine owners and desired to know whether the Government had really given consideration to several points which he raised. For instance, he wanted to know what the effect would be on the outback mines. The effect on the outback mines will be just the same as that on the big central mines, the percentage being the same, no matter where the mine may be situated. Then he wanted to know whether the investor had been considered. The investor has been considered, and it is not expected that he will be adversely affected by this legislation. Another question Mr. Seddon raised was as to whether this would tend to increase or reduce gold production. He said he would like me to reply as to whether consideration has been given to this phase of the question. My reply is that every effort is being made to increase gold production by every legitimate means. For instance, the Government have spent a huge sum of money with a view to encouraging gold production. What is more, the Bill will ensure that the money provided by the Government in that direction will at least be used in benefiting our own countrymen, and circulating in our own State.

Hon. H. Seddon: Can you ensure that the outback mines will be able to get skilled miners?

The HONORARY MINISTER: It is believed that British skilled miners will be available when the Bill becomes law.

Hon. H. Seddon: Skilled machine miners?

The HONORARY MINISTER: It is believed so. While preference is being given to foreigners on some mines, as at present, it is hardly to be expected that skilled British machine men will hang about the district waiting for employment when they see preference being given to foreign labour; they are not likely to wait and take what is left over. So with the passing of the Bill the mining companies will be in a better position to secure skilled labour than they are at present. Mr. Seddon also alluded to Section 42 of the Mines Regulation Act, and the enforcement of that provision. So far as the department knows, that section is being enforced. If Mr. Seddon is aware of any breaches and will bring them under notice, the department will be pleased to take action. Dealing with the scarcity of skilled men men and the statement made by the hon. member that somebody whom he described as an organiser of the mining union had stated that there were no skilled miners available, I inquired into the position. I find that the statement made by Mr. Williams is confirmed by an affidavit from the union to the effect that the organiser of the mining section of A.W.U. has not made a statement of that kind. A letter enclosing an affidavit from the secretary of the Kalgoorlie branch of the A.W.U. says that if necessary he is prepared to make the same affidavit again. I am advised there are no organisers engaged in Kalgoorlie other than the secretary of the union and the organiser, and both say they have not made that statement.

Hon. H. Seddon: Are there any other organisers of the A.W.U. elsewhere than in Kalgoorlie?

Hon. C. B. Williams: There is one in Meekatharra.

The HONORARY MINISTER: I can only go by the documents I have here, and the hon. member is at liberty to peruse them.

Hon. H. Seddon: If your statement is the answer to mine, my information must be incorrect.

The HONORARY MINISTER: The hon. member made the definite assertion that there is a shortage of skilled workers on the goldfields.

Hon. H. Seddon: I did say that.

The HONORARY MINISTER: To remedy this his theory is unlimited foreign labour.

Hon. H. Seddon: Would not that follow?

The HONORARY MINISTER: We can only take that as being the solution.

Hon. H. Seddon: That is your interpretation.

The HONORARY MINISTER: If that is so, I suggest when it becomes known in foreign countries that this is the method of meeting the shortage of British skilled labour, we shall soon have more alien workers in Western Australia than we have now.

Hon. E. H. Harris: You are saying that now, and inferring that Mr. Seddon said it.

The HONORARY MINISTER: I am not doing any thing of the kind.

Hon. E. H. Harris: I suggest you are.

The HONORARY MINISTER: I think I am placing a fair interpretation upon the hon. member's remarks. If there was any truth in the position and it became generally known, the money that is now circulating as the result of employment in the industry would be still further depleted. The money would to a great extent be sent out of the country by arrivals from overseas. Most of them do not bring their families here, and are more concerned about sending money to them than they are about anything else. In fact, they send a great proportion of their earnings out of the State when they should be kept here. The Bill was also criticised on the ground that when the foreigner became naturalised he would be treated as a Britisher. That is as it should be. The alien worker who becomes naturalised is regarded as having adopted this country as his own. He either marries and has his family here, or intends to settle down permanently. He therefore comes within the same category as the Britisher and the Australian. I regret that apparently there is no system for the training of miners. That, however, is not a function of the Government. In their own interests companies should, if their workers require to be trained, evolve a system whereby they can be taught to carry out their duties. It should thus be possible to train British or Australian born men rather than rely, as some have recently done, on foreign labour, which is generally unskilled although as much in wages is paid as is the case with our own people.

Hon. E. H. Harris: Do you suggest the mines should have apprentices?

The HONORARY MINISTER: I do not think that is necessary. If foreigners can be engaged underground at skilled occupations, after their arrival in the State perhaps only a short time before, it should not be difficult to train our own men to the same class of work in order that they may do it instead.

Hon. V. Hamersley: It is said they will not take it.

The HONORARY MINISTER: I have never made such a statement. It can hardly be correct. It has been stated that the occupation of mining is unhealthy, and that it would be just as well for the foreigner to be employed in it while the Britisher and Australian were encouraged to take up some other. There may have been something in that argument at one time. To-day, however, the mining conditions have considerably improved, and I do not think that argument should now apply. Even so, I am not going to argue that this should be used as an inducement to import foreign labour into Australia. If the mines are unhealthy to the extent that is claimed, it would be better that the industry should die a natural death.

Hon. J. Cornell: The African mining laws insist that the conditions of the black man shall be the same as those for the white man. That is the least we could insist upon here.

The HONORARY MINISTER: That is so. The working conditions should be the same for all classes of men. As a result of State legislation, the action of the mine owners and the assistance of the Government, the conditions have been vastly improved in recent years.

Hon. A. J. H. Saw: The latest returns of miners' disease have been very disquieting.

The HONORARY MINISTER: They are not so bad as they might have been.

Hon. E. H. Harris: The Government said they were alarming.

Hon. H. Stewart: The Government are alarmed at the result.

The HONORARY MINISTER: Hon. members may be in possession of information that I have not. I know of nothing that shows the mines to be as bad to work in as they were ten years ago. We are suffering to-day from the bad conditions that existed years ago. The state of affairs referred to by Dr. Saw is not the result of a year or two, but the result of many years back.

Hon. A. J. H. Saw: The results I refer to are quoted in another place as showing that at one examination people were free from miners' disease, and at the next examination they were largely affected. Surely the Honorary Minister knows that.

The HONORARY MINISTER: Yes, but a construction can be put upon the figures different from that advanced by Dr. Saw. It would be interesting if the hon. member could quote the ages of the men who are suffering, and the number of years they have been working in the industry.

Hon. J. R. Brown: And when the seeds were sown.

The HONORARY MINISTER: Many miners have sacrified their lives by remaining at their occupations longer than they should have done. After contracting miners' complaint they carried on until they became tubercular. The conditions have improved during recent years, so that the same risk is not now being run by the men.

Hon. J. Cornell: There has been no scientific investigation to conform that view.

The HONORARY MINISTER: The reports of those competent to speak on the matter show that it is so.

Hon. J. Cornell: No technical man has yet spoken on the subject. Mr. Williams knows that.

The HONORARY MINISTER: We should do our utmost to see that the conditions of our mines are improved to the utmost possible extent.

Hon. J. Cornell: We should all do that.

The HONORARY MINISTER: The Government have gone as far as could be expected. A special inspector has been appointed to look after the dust in and ventilation of mines. Mr. Seddon particularly stressed the question of ventilation. I am advised that water sprays are used and that wet drilling has been made compulsory. The dust particles are counted, and when the danger is shown to have increased, instructions have been issued for an improvement to be effected. Proper ventilation appliances are insisted upon. Temperatures must be reduced. Workmen's inspectors have been elected by the men and paid by the Government, to ensure freedom of speech and the observance of regulations governing mines. In every way improvements have been effected and the risk of contracting disease

has been minimised. It is now claimed that the conditions here are as good as, if not better, than in any other part of the world.

Hon. J. Cornell: That is borne out by the same set of men who have been functioning for 15 years.

The HONORARY MINISTER: Other members pointed out that associated with the industry were certain disadvantages of living and a lack of educational facilities, particularly in goldfields towns.

Hon. H. Seddon: Outback.

The HONORARY MINISTER: That is admitted. I suggest, however, that the same lack of facilities applies to outback agricultural centres. It is not limited to the mining centres.

Hon. H. Seddon: A mining centre cannot be compared with an agricultural centre.

The HONORARY MINISTER: Why not?

Hon. H. Seddon: Because an outback mining centre is merely temporary.

The HONORARY MINISTER: Conditions in outback agricultural districts closely resemble conditions on outback goldfields. It is hoped that thousands of men will be employed at Wiluna in the near future, and I suggest that there will be more facilities and conveniences in that mining centre than in many agricultural centres, if expectations as to development are realised. The same remark applies to mining centres which will not last many years. While they do last, a large aggregation of families will make it possible to supply more extensive facilities than can be made available in many agricultural centres. An hon. member suggested that the Britisher will not go outback. I can hardly believe that the hon. member really meant that.

Hon. E. H. Harris: You should live out there a little while.

The HONORARY MINISTER: I have done so, and I appreciate the disabilities.

Hon. E. H. Harris: The time you spent there was so short that you did not get the necessary experience.

The HONORARY MINISTER: Perhaps I got as much as the hon. member. If any member is going to argue that the Britisher or the Australian-born will not go outback, he cannot have much conception of the Britishers or the Australians.

Hon. J. Cornell: That hon. member has never heard of Burke and Wills.

The HONORARY MINISTER: No; nor of numerous other Britishers and Australians of similar type. Since our own people have been game enough to go outback and do the prospecting work—thus rendering possible the employment of many others—it hardly seems fair to say to them now, "We will give preference to men from oversea rather than to our own people." The passing of this measure will give them the opportunity to go back, especially if decent living conditions are provided. I do not think there will be any lack of men prepared to do it. An hon. member—quoting figures by way of substantiating his argument as to the relative numbers of foreigners and Britishers engaged on the mines—argued in a manner that is hardly fair under present conditions. It would be far better to defer such comparisons until the present measure has been in operation for some time.

Hon. H. Seddon: The figures were obtained from the mines.

The HONORARY MINISTER: They were correct at the time, but after a brief operation of this Bill quite different figures will be obtainable, figures far more satisfactory to all concerned. The hon. member paid much attention to the question of ventilation and quoted a letter he had received from some gentleman he regarded as an authority; but I would ask, is it logical to accept the evidence of a man whose name is kept in the background?

Hon. W. J. Mann: On the word of the hon. member, yes.

The HONORARY MINISTER: We have evidence given publicly by practical workers with a practical knowledge of the subject, who have travelled in other countries, and who declare the hon. member's statement to be incorrect. Mines Inspector Phoenix is such a man, and he declares that conditions in the Kalgoorlie mines are, for health, comparable with those obtaining in any gold mines elsewhere. I put that statement forward as the statement of a man known to hon. members, and I think it is as well for us to accept his word rather than the word of one whose name is kept in the background.

Hon. J. Cornell: Would the Minister expect Mr. Phoenix to say anything else?

The HONORARY MINISTER: Yes, if the fact were not so.

Hon. J. Cornell: He is in charge.

The HONORARY MINISTER: I have met the gentleman.

Hon. J. Cornell: So have I.

The HONORARY MINISTER: I should say he would be quite prepared to give an impartial reply to a question of that kind. If there were any improvement he could suggest, I do not think he would be backward in doing it.

Hon. J. Cornell: Could not some suggestions be made that would help him in his work?

The HONORARY MINISTER: I am quite prepared to agree to anything that will produce improved conditions there, even though those conditions are far better now than they were years ago. Mr. Harris raised the question of transference of aliens, suggesting that we were proposing to leave the good occupations to the aliens and reserve the bad occupation of mining for our own people. Another hon. member asked why the Government were not dealing with the timber industry at the same time as with the mining. If an opportunity occurs, the Government may be in a position to do that.

Hon. J. Cornell: Is that a promise or a threat?

The HONORARY MINISTER: At present we are limiting ourselves to the mining industry. Transference of aliens from one industry to others is not likely to prove a solution of the present trouble. Boiled down, we can justify to the hilt the suggestion in the Bill that there should be a limitation of the number of alien workers employed in our mines. That question has been considered by various communities, that of the Golden Mile particularly; and I understand that they have often expressed themselves as sympathetic towards a proposal of this nature. Business people in mining centres are quite in accord with the Bill, because they realise that at present large amounts of money are being sent out of Western Australia instead of being circulated here. Looking at the matter from a personal and also from a national point of view, they are ready to support any measure which will improve the position. One other matter mentioned was the language test. Mr. Seddon criticised the Government as to laxity in imposing that test. However, I am afraid he gave no concrete cases to go on.

Hon. H. Seddon: I quoted from your own remarks on that point.

The HONORARY MINISTER: They were not quoted quite correctly. I have been quoted as saying that there are hundreds of men to-day employed in the mining industry who cannot speak the English language and therefore are not safe to work with. I never said anything of the kind.

Hon. H. Seddon: You said they could not speak the English language.

The HONORARY MINISTER: I said that there had been hundreds of these employed in the mines. I say that at present there are numbers of aliens employed who can no doubt pass, and probably have passed, the test put to them, but cannot speak the English language as I consider they should. Mr. Seddon has an amendment on the Notice Paper dealing with the point, and on it we shall be able to discuss the matter.

Hon. E. H. Harris: All right, as long as you do not take up the same attitude as you did on the Scaffolding Bill.

The PRESIDENT: Order!

The HONORARY MINISTER: I wondered quite a long while why there should be such strong opposition, especially to Clause 2, in view of the fact that most countries are to-day endeavouring to impose restrictions on the influx of foreign labour. That is so even on the Continent. I mentioned the British Government as introducing numerous regulations to prevent the introduction of foreign labour. The British Government are doing that to a much greater extent than we endeavour by this Bill. I have since learned that practically every country has taken steps towards this end. The other day I came across the following cablegram from Brussels—

> A Bill will shortly be introduced to prohibit foreign workmen from entering Belgium unless coming to work at a trade in which a scarcity of labour now exists. At present more than 10 per cent. of the workmen engaged in Belgium are foreigners, chiefly Poles and Italians.

That is the latest example of what is being done. By this Bill we simply desire to limit the number of foreigners employed in the mining industry to one in ten. I consider that the Government are entirely justified in submitting the measure. Reading the newspaper the other day, I saw a report which seemed to have an important bearing on the Bill. I am wondering whether those who are opposed to the Bill are opposed to it because of the people who are responsible for a report which appeared in the "West Australian" on the 5th October and was as follows:—

> Several London financial journals describe the Mines Regulation Bill now before the State Parliament as a measure that is bound, if it becomes law, to put a damper on the in-

vestment of capital in West Australian mining. One ventures the opinion that the Government must be "daft" to press for legislation which might blight the brightened prospects of the industry. Another, the "Mining and Financial World" writes:—"More 'Gilbertian' legislation by the West Australian Government! This time it takes the form of restriction of the number of foreigners employed in the mines. A measure has been introduced by the Minister for Mines to restrict the number of foreigners employed to one for every ten Australians underground and one for every 20 on the surface. Considering that for years past there has been a shortage of skilled men on the goldfields, especially engine drivers and machine men, such a measure, should it become law, will add to the already formidable difficulties of carrying on mining successfully in Western Australia. It is not as if the mining companies could train men to become, for example, engine drivers or machine men; the restrictions are too great. That can only be done provided the learner, or apprentice, is paid the same rate of wage as the skilled man, so that any company which attempted to train them would not only run the risk of damage to valuable machinery by giving an unskilled man control thereof, but would also be paying the rate of wage of the skilled man. This is an impossible undertaking for mining companies working on very small margins of profit or at no profit at all.

I would like to know who is the local correspondent of the London Press, who could cause such statements to be printed.—

"It is difficult to imagine that such a measure will ever become law; but we have to remember that it is Australia, which explains a great deal! Several of the mining companies on the Kalgoorlie field have the intention of embarking on more extensive development work, which fell into arrear during the war years and since that period; but it has always been stated that the difficulty in the way has been the shortage of skilled labour. This proposed measure will add to the difficulties of the Kalgoorlie mines, but its principal effect will be seen in the outback mines, notably Sons of Gwalia and the big new mine at Wiluna. With plenty of work available on the Kalgoorlie field, there is no inducement for men to give up the amenities of life enjoyed in that centre to go to live in the back blocks. It really does appear to be a most extraordinary proceeding that, at the very moment when the Government is constructing a line to Wiluna, and when it is financing Sons of Gwalia mine (which is the only mine left working on any considerable scale, on the line north of Kalgoorlie) that legislation should be proposed which would handicap the operations of those companies.

I wonder if they considered the Government will provide money for these companies to employ foreign labour! The article proceeds—

A good deal more will be heard of this measure before it becomes law.

Hon. E. H. Harris: We are hearing a good deal about it now!

The HONORARY MINISTER: Perhaps so. It proceeds—

The Western Australian Chamber of Mines can be relied upon to take vigorous action and shareholders need not be alarmed that conditions will be any worse in the future than they are at present. The mining companies can always take steps to counter such repressive legislation by stopping operations temporarily.

That is a fine thing to say. They come to the Government and ask us to provide the necessary money to enable them them to carry on, and then they turn round and say, "If you don't allow us to employ whatever foreign labour we desire, and if you do not allow us to give preference to that foreign labour, we can bring you to heel."

Hon. A. J. H. Saw: Have you been reading the opinion of the mining companies, or of the newspaper?

The HONORARY MINISTER: Presumably that is the opinion of the newspaper. The article proceeds—

This is not as if they would be sacrificing profits, as there is at present only one dividend paying mine in Western Australia. There were signs that the deep depression which has enveloped the mining industry in Western Australia so many years had given place to optimistic views for the future. Large sums of capital had been introduced to be expended on the mines. Remarkably satisfactory developments have recently been reported from several of the mines; and, now, this bolt from the blue threatens to spoil everything.

If we are not prepared to allow preference to foreign labour, we spoil everything!

Hon. G. W. Miles: You are misquoting the article.

Hon. H. Stewart: That does not say they ask for preference.

The HONORARY MINISTER: They say that we put restrictions on the employment of foreign labour.

Hon. G. W. Miles: That is not giving preference.

The HONORARY MINISTER: No.

Hon. G. W. Miles: You have misquoted it.

Hon. H. Stewart: What are you quoting from?

The HONORARY MINISTER: The article appeared in the "West Australian," and deals with a report in the London "Mining and Financial World." This report is on a par with others that have appeared in this paper and in British papers for several

months past in connection with the financial position of Australia. Most dastardly reports have been sent from Australia to London.

Hon. G. W. Miles: I hope you will read the opinion published on the note issue that Mr. Scullin proposes.

The HONORARY MINISTER: That has nothing to do with this.

Hon. G. W. Miles: It is practically on a par with it.

Hon. C. B. Williams: No, because the note issue will bring in the cash and cheap money.

The HONORARY MINISTER: The report continues—

> Well, it seems a very short-sighted view, but what is more, it does not say much for Australian labour if such requires so much spoon feeding. Otherwise, why should the restriction on the employment of foreigners be imposed? Is it that the Australian will not give a fair return in work for the money he receives?

Hon. G. W. Miles: Well, that is true, is it not?

Hon. C. B. Williams: It is not.

The HONORARY MINISTER: The report concludes—

> The measure should at least have been accompanied by facilities to train unskilled men, so that there should be sufficient skilled Australian labour to fill the requirements of the mining companies."

In other words, the Government must provide the necessary money and be prepared to allow the mining companies to employ what foreign labour they like, and must take steps to train men for special work as required. If the Government do not comply with those requirements, the companies will close down the mines.

Hon. H. Stewart: At any rate, that writer knows his job.

The HONORARY MINISTER: Perhaps so, from the point of view of the investor in the Old Country. I do not say anything about that phase of it except that if we, as a people, are to be asked to provide large sums of money that the whole of the people will have to pay for, in order that those other people who are interested in the gold-mining industry of the State, whether as investors or otherwise, may be able to carry on, it is surely time for the Government to review the whole question.

Hon. G. W. Miles: It is time you were out of office.

THE PRESIDENT: Order!

THE HONORARY MINISTER: The article I have quoted is illuminating and indicates what is behind the mind of these people who are so strong in their opinion of this legislation. Simply on account of the fact that they are introducing so-called foreign capital into the country, we should, it is suggested, be compelled to allow the companies to employ any foreign labour they may desire,

Hon. A. J. H. Saw: Is the Honorary Minister setting out to kill his own Bill?

THE HONORARY MINISTER: Nothing of the kind.

Hon. A. J. H. Saw: He is doing his best.

THE HONORARY MINISTER: The hon. member may hold that view if he so desires. I am merely pointing out the type of propaganda the Government have had to face. This type of statement would not be published unless there were someone here supplying the information,

Hon. C. F. Baxter: Yes, a newspaper correspondent.

Hon. G. W. Miles: And there is a lot of truth in what he wrote.

THE HONORARY MINISTER: Articles of this description have been circulated throughout England.

Hon. G. W. Miles: You want to hear the truth sometimes,

The HONORARY MINISTER: They are also circulated throughout Australia. Here is a suggestion that the Government must be required to provide large sums of money to enable the companies to improve the industry, and we are to be presented with an ultimatum that, unless we are prepared to agree to the employment of foreign labour without restriction, the companies can take action in the direction indicated. If that is to be the attitude adopted, surely any Government would be justified in revising their ideas of what is necessary to assist such an industry. I hope the Bill will receive acceptance at the hands of hon. members, and if it is taken into Committee we can deal with points such as that raised by Mr. Harris, and see what can be done to improve the measure.

Personal Explanation.

Hon. H. SEDDON: May I make a personal explanation?

The PRESIDENT: Upon what point?

Hon. H. SEDDON: Regarding statements attributed to me by the Honorary Minister,

The PRESIDENT: Very well.

Hon. H. SEDDON: The statement made by a responsible Minister was—

Those who have a knowledge of the gold-mining industry know full well that hundreds of men have been employed in the mines who have not a proper understanding of the English language.

My words were—

The statement made by a responsible Minister was that hundreds of the men engaged in the mines had not a proper understanding of the English language.

Hon. E. H. Harris: That is the same thing.

Hon. H. SEDDON: I would like to refer to the affidavit quoted by the Minister and to say that the information given to me was furnished by a person whose authority I have no reason to question, and I still believe his statement to be correct.

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

Ayes	8
Noes	12
Majority against ..	4

Ayes.

Hon. J. R. Brown	Hon. E. H. Harris
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. C. B. Williams
Hon. E. H. Gray	Hon. H. Seddon
	(Teller.)

Noes.

Hon. C. F. Baxter	Hon. E. Rose
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. G. A. Kempton	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. H. Stewart
Hon. G. W. Miles	Hon. H. J. Yelland
Hon. J. Nicholson	Hon. W. J. Mann
	(Teller.)

Question thus negatived; the Bill defeated.

House adjourned at 8.59 p.m.

Legislative Assembly,

Tuesday, 5th November, 1929.

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

QUESTION—MENTAL RECEPTION HOME, POINT HEATHCOTE.

Mr. SAMPSON asked the Minister for Agriculture: 1, What was the cost of (a) the land, (b) buildings and other work in connection with Mental Reception Home at Point Heathcote? 2, What is the number of patients of either sex it is possible to accommodate there? 3, What is the number of the staff, professional and otherwise? 4, What was the cost of erection of the Enfield Reception Home, South Australia, referred to by Mr. Angwin when the matter was discussed before this Chamber and in connection with which he recommended a similar structure for this State? 5, What number of patients can be accommodated at Enfield?

The MINISTER FOR AGRICULTURE replied: 1, (a) £7,701; (b) £59,025 (built 1928). 2, 36 males and 36 females. In the first place it was decided to erect a home at Heathcote for the accommodation of 36 patients, with provisions for extensions to accommodate a further 36 when required. Just before the building was started, Dr. Bentley urged that accommodation for 72 patients be provided, and the Treasurer approved. 3, 1 medical officer, 1 matron, 2 nurses, 9 attendants, 6 domestic staff. 4. Land—£2,827. Buildings—£33,691 (built 1921-22). 5, 23 males and 20 females.