

immune from the jaws of the gaol that they can do these things while we cannot?" Is not that what the people will say? I warn my friends opposite that if they are innocent of all these charges which are laid against them by their own people—not by me—they should at once establish their innocence. Let them at once remove that stigma which has rested upon them for the last three or four years. I have given overwhelming testimony to show why it is necessary for the Government to appoint some honourable man or men to inquire into these nefarious political actions and see whether they can be justified or otherwise.

Question put and passed; the Address-in-reply adopted.

BILLS (11)—FIRST READING.

- 1, Abattoirs Act Amendment.
- 2, Fertilisers.
- 3, Dried Fruits Act Amendment.
- 4, Feeding Stuffs.
- 5, Police Offences (Drugs).
- 6, Workers' Homes Act Amendment.
- 7, Electric Light and Power Agreement Amendment.
- 8, Electoral Act Amendment.
- 9, Traffic Act Amendment.
- 10, City of Perth Superannuation Fund (introduced by Mr. Mann).
- 11, Dog Act Amendment (introduced by Mr. Lindsay).

House adjourned at 9.58 p.m.

Legislative Council,

Tuesday, 28th August, 1928.

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

BILL—EDUCATION.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35] in moving the second reading said: The consolidation of the Education Act and its amendments is long overdue. The principal Act was passed in 1871, and since then there have been ten amendments. As a result it has been a matter of great difficulty for anyone outside the Department itself to know exactly what our law is in regard to education. To gain this knowledge it would be necessary to examine the whole of the amending Acts passed since 1871 and find out not only what effect they had on the principal Act, but on the others that preceded them. Some time ago the Solicitor General was asked to prepare a consolidation of these measures, and the Bill is the result. In the first place, I wish to point out that it is not entirely a consolidation. Advantage has been taken in the preparation of the measure to include a few amendments of the existing law that the department considers will be helpful in the administration of the Act. These amendments I will briefly explain. Clauses 1 to 10 are all formal, and Clauses 7 to 10 give the Minister definite statutory authority to do what he has always done. In Clause 18, sub-clause 3, we propose to increase the penalty for the particular infringement of the Act referred to. Under existing legislation, a person who takes into his employment, or causes to be employed, any child under the age of fourteen years, who is not exempt from school attendance, is liable to a fine not exceeding £2. The smallness of the maximum penalty would indicate that the Department views such an offence as of a very minor nature, which is not so. There are some employers who are prepared to take risks in this direction, and the result is that the temptation is ever present to some parents to send their children to work instead of to school. This temptation would be removed if the employer were made to realise that the offence was not regarded lightly by the Legislature. It is proposed to increase the maximum penalty from £2 to £5. The Court will still have discretionary power to make the fine as low as the circumstances may warrant. Hitherto no punishment was provided for a parent who gave false information to an

employer regarding the age of his child, with a view to getting the child employment, but it is recognised that the employer ought to be protected as far as possible in this respect, and so under Clause 18, sub-clause 5, a maximum penalty of £5 is provided for what is a breach of the law under this Bill. Under the existing law the Minister may, at his discretion, give special exemption from attendance at school for children between the ages of twelve and fourteen years when the poverty or sickness of the parents warrants such exemption. It is proposed under Clause 18, subclause 4, to raise the age for such special exemption from 12 to 13. A child of 12 should not be put to work, and is of very little help in the home, and in the past, very few exemptions have been granted where the child has been under 13. There is an amendment in Clause 19, sub-clause 4. It deals with instances in which the Children's Court, under the Child Welfare Act, 1907-27, sends a child to an institution for being constantly and habitually absent from school. In such circumstances, the parent, if able, must contribute to the maintenance and training of the child. The charge was fixed in the original Act at 10s. a week but we are making it 12s. a week to tally with the Child Welfare Act.

Hon. A. Lovekin: Under the Child Welfare Act, the charge is now £1.

The CHIEF SECRETARY: That is the information given to me. The alteration is to be made in order that the charge under the Education Act may correspond to the charge under the Child Welfare Act.

Hon. A. Lovekin: The charge used to be 12s. 6d. under the Child Welfare Act, but it is now £1.

The CHIEF SECRETARY: Subclause 5 of Clause 19 has been inserted in order to give specific power to deal with a child whose attendance at school would, owing to immorality or gross misconduct, be harmful to other children. Such a child would possibly corrupt a whole school, and, although few such instances occur, we should have the machinery for dealing with them in an effective way. This amendment will enable proceedings to be taken in the Children's Court under the Child Welfare Act, 1907-1927, with a view to sending the child to an institution under the Act. Clause 22 has reference to Parents and Citizens' Associations. At present these associations

and school boards are distinct bodies. If the amendment be carried, the officers of the Parents and Citizens' Associations will form the school boards, except where one of the officers is a teacher. In that case some other member of the association must be elected to fill the remaining position on the school board. There is a further amendment which makes provision for a properly audited balance sheet to be placed before the annual meeting of the association. In Section 18 of the amending Act of 1893, a portion of each day may be set apart in every Government school when the children of any religious persuasion may be instructed by clergymen, or other religious teachers of such persuasion. The Department advise that this be amended to conform with the existing practice. In accordance with the wishes of the clergyman concerned, one day a week is set apart for the purpose of religious teaching. If they came to the schools every day of the week—which they have never done—the ordinary school work would become disorganised. In the amendment which is embodied in Clause 29, the words "a portion of each week" are substituted for "a portion of each day," which appear in the amending Act of 1893.

Hon. J. Cornell: You could take out the whole lot.

The CHIEF SECRETARY: This alteration will fit in with what has been the custom in the past, and which has suited all parties concerned. A sub-section of the old Act has been omitted. It reads thus —

Where two or more clergymen or other religious teachers of different persuasions desire to give religious instruction at any Government school, the children of each such different persuasion shall be so instructed on different days.

The Director of Education informs me that there is no reason why they should not attend at the same time, instead of in sections, and it is much better from the point of view of the organisation of the school. The old subsection has never been observed, and all clergymen come together, giving instruction in different classrooms where possible. Anyhow, no trouble has arisen.

Hon. V. Hamersley: What about the schools that have not different classrooms?

The CHIEF SECRETARY: The clergymen get on quite well together; there has never been a quarrel amongst them. In Subclause 1 of Clause 29 provision is made that religious teachers who are not clergymen shall be accredited by the denomi-

national authority. That is insisted upon now, although there is no statutory direction that we shall do so. Machinery is provided under the amending Act of 1889 for declaring private schools "efficient" for the purposes of the Act. The subjects required for an "efficient" school under that Act are defined as reading, writing, arithmetic, spelling and geography. We propose now to substitute English, arithmetic, history, geography and drawing. Of course spelling and writing are included in the term "English." That will serve to improve the status of those schools. Section 5, paragraph (a), of the amending Act of 1889 gave power to the Minister to determine a scale of fees for children who attend school after they have attained the age of 14 years. I have not included that provision in the Bill. We do not want to penalise a parent who wishes to keep his children at school after they have reached the age of 14 years. Rather, we wish to encourage him to do so; hence the removal of the authority to impose fees in such cases. I move—

That the Bill be now read a second time.

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

BILL—PEARLING ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [4.47] in moving the second reading said: I submit the amending Bill with a view to overcoming a weakness which apparently occurs in the provisions of the Pearling Act, 1912-24, for the issue of ships' licenses to qualified persons. In Subsection 9 of Section 33 of the principal Act the words "unqualified person" appear. The subsection reads—

The expression "unqualified person" means any person who is not qualified to hold a ship license under this Act.

A heavy penalty is provided should any unqualified person acquire or hold an interest in a ship. To understand the defect in the principal Act, which this amendment seeks to remove, it is necessary to point out that by Section 16 of the Act the grant, transfer and renewal of licenses is discretionary and subject to Ministerial control. It is also provided in Subsection 2, that every licensing officer shall obey and observe such directions as the Minister may give him regarding the granting, renewal or transfer

of licenses, or of any particular license. Under Section 16 directions have been issued to licensing officers which render it necessary (a) that all applications for ship licenses from persons of Asiatic race, even though they may have held a license or licenses under the Pearl Shell Fishery Act, 1886, be referred for Ministerial approval, and (b) that no ship license be granted by the licensing officer to a person of Asiatic race who did not hold a license under the Pearl Shell Fishery Act of 1886. The proposed amendments are put forward because of an adverse decision in a recent case at Broome against an Asiatic named Bramsa Maidin, a British subject who, in 1927, was granted one ship license. At the time the Pearling Act of 1912 came into operation, that man held one license in accordance with the Act of 1886, and during each subsequent year he has been granted one license and no more. It was subsequently learned that Maidin had entered into an agreement with a person entitled to hold a license whereby Maidin was to share in the proceeds of the pearling operations of the second ship. In other words, it seemed to be a clear case of so-called dummying. Legal proceedings were taken, but the Bench dismissed the complaint, holding that the defendant, being the holder of a ship license was therefore a qualified person. The Act, however, was intended to provide specially against anything of the kind. If this Bill becomes law, the possibility of any person, who has been refused a license, successfully endeavouring to defeat the refusal by contracting with and financing some qualified person to dummy for him should be removed. From the evidence given in the Court, which I have read very carefully, it seemed to be particularly clear case of dummying. In view of the circumstances and the opinion of the Solicitor-General, it was considered inadvisable to appeal against the decision, owing to the weakness in the Act to which I have referred.

Hon. J. Nicholson: Which is the clause seeking to remedy that particular weakness?

THE HONORARY MINISTER: The amendment will be found in Clause 2. Subsection 1 of Section 22 of the Act reads—

Notwithstanding anything hereinbefore contained, a ship license may be granted, transferred or renewed to or in favour of any alien who, at the commencement of this Act, is the holder of a license under the Pearl Shell Fishery Act, 1886, and any holder of a license under this section may lawfully acquire and have the profits of pearling operations carried on by

virtue thereof; but the grant, renewal or transfer of licenses hereunder shall be subject to the following condition:—That the number of ships in respect of which such alien is licensed shall at no time exceed the number in respect of which he was licensed at the commencement of this Act.

That is to say, anyone who held a license under the Act of 1886 was also entitled under the Act of 1912 to be possessed of one license and one only. There are certain provisions in the Act that were supposed to prevent a man entitled to only one license taking part, by subterfuge, in the proceeds of another license.

Hon. J. Nicholson: Under an agreement. The HONORARY MINISTER: Or by any other means. The amendment desired is that the following words be added to Sub-section 1:—

And he shall be deemed a disqualified person in respect of any vessel or interest in any vessel in excess of that number that he may acquire.

It is a small amendment, but a most important one. It is only right that we should take all steps possible to prevent dummying as we have known it in the past. The case to which I have referred shows pretty conclusively that the amendment is absolutely necessary. I move—

That the Bill be now read a second time.

HON. H. STEWART (South-East) [4.56]: I shall listen with great interest to the remarks to be offered by those members conversant with the pearling industry. Only recently I had a very interesting conversation with an ex-resident of Broome who is familiar with the practical aspect of pearling, and from what I could gather, the one instance of dummying given by the Minister was thought to constitute a clear case in which the charge could be sheeted home. I have been given to understand that dummying at Broome is rife; there is any amount of it. We know what goes on in connection with other enterprises, and I do not think it will be possible to introduce legislation to prevent it. That is what I have been told. Further, the effect of legislating for the pearling industry has been almost to empty Broome of luggers and men engaged in the industry. They are leaving Western Australia in order to engage in pearling in the Northern Territory. Having had this information imparted to me only recently, and not knowing to what extent it is to be

credited, I shall listen with great interest to those who are more intimately associated with and have a greater knowledge of the industry than I have.

HON. J. J. HOLMES (North) [4.58]: I think the hon. member has lived long enough to know that it is impossible to try to make people honest or honourable by Act of Parliament. The best we can do is to pass legislation in the hope of trying to prevent what is known to exist, namely, dummying in the pearling industry, and if we find that the legislation we pass is not stringent enough, then from time to time we can make it more stringent. I understand that that is what the amendment aims at, but I do not know that it goes far enough. I have fought in season and out of season against any alien having a license for pearling. The divers are brought into the State to undertake the diving part of the work only. If we wish to maintain the industry, diving by coloured men is the only successful means, notwithstanding all that may be said to the contrary, but if we allow the coloured men to become pearlers, we shall be in difficulties. I understand that by some means or other an alien had secured a license for a boat and that it has been discovered he was interested in another boat. If an alien had the right to a boat under the Act and then it was found that he was interested in another boat, which was contrary to the Act, he should forfeit the license he was entitled to hold. So far as I understand, however, the alien is disqualified solely from holding an additional license; he is permitted to remain in possession of the license granted to him under the Act.

The Honorary Minister: Not necessarily so.

Hon. J. J. HOLMES: This matter has cropped up on other occasions. There have been one or two hard cases of coloured people who have been born in the country. If the Bill will strengthen the hands of those who are endeavouring to prevent dummying, and I believe it will have that effect, I shall support it. If the proposed legislation does not have the desired effect, the Government can come along with another amendment, and I am sure it will receive the support of every member, including that of Mr. Stewart.

Question put and passed.

Bill read a second time.

In Committee.

Clause 1—agreed to.

Clause 2—Amendment of Section 22:

Hon. H. STEWART: I should like an expression of opinion from Mr. Holmes as to the effect of the last Act that we passed. Is it correct that the pearling industry now is of considerably reduced dimensions, that its importance is not as great as it was before the passing of that legislation?

Hon. J. J. HOLMES: The industry did not languish by reason of the legislation that was passed. During the war, pearls were regarded as luxury, and the industry was hit very hard. For many years pearling has had a very bad time, and the result of the depression was that many people went out of the business; they were unable to carry on. At the present time, the number of boats is limited, and those engaged in the industry are doing very well. It is entirely a question of supply and demand; the pearlery are getting a payable price for their product, better than it has been for some years. Some time back the Commonwealth arranged a pool and the pearlery were asked to elect their representatives on that pool. Evidently that brought the buyers of the shell to their bearings, and they came along and offered a price that was regarded as satisfactory. That is how the matter stands now. The industry is certainly on a better footing than it has been for a long time past. In fact, one of those interested in pearling told me only a few days ago his last balance sheet was the best he had had for some years.

Clause put and passed.

Clause 3, Title — agreed to.

Bill reported without amendment, and the report adopted.

**BILL—MUNICIPAL COUNCIL OF
COLLIE VALIDATION.**

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.7] in moving the second reading said: For a long period the Municipal Council of Collie has been striking rates and performing other official functions in other than its strictly correct name. Under Section 10 of the Municipal

Corporations Act, 1906, every municipal district is constituted a corporate body under such name as the Governor may determine. In keeping with that law, the corporate names of all municipal districts were determined by the Governor-in-Council and gazetted some years ago. The name given to the Collie municipality was "Municipal Council of Collie." Evidently the "Municipal Council of Collie" has not been aware of its correct corporate name as fixed by the Governor, for it has been transacting its business under the name of "The Mayor and Councillors of Collie"; "The Collie Municipal Council," etc. This Bill will set right the irregularity, and legalise anything done under a title which did not correctly express the true official designation. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.12]: I move—

That the House at its rising adjourn until Tuesday, 4th September.

Question put and passed.

House adjourned at 5.12 p.m.