

should the servant terminate his employment without giving proper notice, with the possibility of imprisonment for the servant. In each instance the proceedings will have to be dealt with in the local court.

Clause put and passed.

Clauses 7, 8—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

ADJOURNMENT—ROYAL SHOW.

THE PREMIER (Hon. Sir James Mitchell—Northam) [10.18]: I move—

That the House at its rising adjourn till 4.30 p.m. on Thursday next.

Question put and passed.

House adjourned at 10.20 p.m.

Legislative Council,

Thursday, 6th October, 1932.

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

PAPERS—ELECTORAL.

East Province Office.

The CHIEF SECRETARY: I have here the papers, relating to the removal from Northam to Merredin of the East Province

electoral office, ordered on motion of Mr. Yelland at the last sitting. I will now lay them on the Table.

QUESTION—RAILWAYS AUTHORISED.

Hon. J. J. HOLMES asked the Chief Secretary: 1, What is the number of railways authorised by Parliament but not constructed? 2, Length of such railways? 3, Amount of money authorised for same? 4, Has the money authorised and raised been used for any other purpose? 5, If so, what?

The CHIEF SECRETARY replied: 1, Five (see page 2 of Commissioner of Railways's annual report). 2, Three hundred and twenty miles, excluding those under construction. 3, No provision has been made on Loan Estimates for any funds for the construction of these railways, but the authorisations are as follows:—Boyup Brook-Cranbrook, £30,000; Brookton-Dale River, £30,000; Manjimup-Mt. Barker, £10,000; Yarramony East, £30,000; Leighton-Robbs Jetty, part of £65,141, which includes Fremantle Road and Railway Bridge. 4, No money has been raised for these works. 5, Answered by No. 4.

BILL—GOVERNMENT FERRIES.

Further Recommendation.

On motion by Hon. A. Thomson, Bill re-committed for the purpose of further considering Clause 15. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 15—Receipts and expenditure:

Hon. A. THOMSON: Owing to a misunderstanding, the amendment I moved on the 4th October, to add a proviso, appears in the Minutes as having been made on Subclause (2), whereas I moved it on Subclause (1). I move an amendment—

That the proviso added to Subclause (2) at the last sitting be transposed from Subclause (2) to Subclause (1).

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

Bill again reported with a further amendment.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Third Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [4.42] in moving the third reading said: When the Bill was before the Committee at the last sitting, an inquiry was made as to the results of the operations of the board during the last financial year. I am now able to furnish the information asked for. The total amount received from settlers on account of principal and interest for the year ended 30th June, 1932, was £126,325, made up as follows:—Ordinary debt, principal, £57,823 4s. 5d., interest £2,844 8s. 6d. Funded debt, principal, £35,614 14s. 9d., interest, £38,390 6s. 5d. Bad debt recoveries, principal, £636 0s. 7d., interest £720 17s. 1d., sundries £295 11s. 7d. The total principal collected during the 12 months was £94,367 11s. 4d., and the total interest £31,957 8s. 8d. I move—

That the Bill be now read a third time.

HON. J. J. HOLMES (North) [4.44]: When the Bill was previously before us I pointed out that we had not received the report of the board, to which we are entitled. The Minister has told us what was collected by the board, but I should like to know whether any further advances have been made.

The Chief Secretary: Yes, £11,000. I told you that before.

Hon. J. J. HOLMES: That is the total of the new advances?

The Chief Secretary: Yes.

Question put and passed.

Bill read a third time, and *passed*.

BILL—CATTLE TRESPASS, FENCING AND IMPOUNDING ACT AMEND- MENT.

In Committee.

Resumed from the 4th October. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Amendment of Section 30 of principal Act (partly considered):

The CHAIRMAN: Progress was reported on recommitted Clause 2, to which an

amendment had been moved. The question is that Clause 2 stand as amended.

The CHIEF SECRETARY: At the last sitting attention was drawn to the use of droppers or binding wire. It is seen that those people who are not very particular about fencing might put the posts at such distance apart as to set up an awkward situation. To overcome that difficulty, I have had an amendment drafted by the Parliamentary Draftsman. I move an amendment—

That in paragraph (b) the words "or droppers or binding wires" in line 7 be struck out.

The CHAIRMAN: When the Bill was last in Committee, the words "or droppers" were inserted. Progress was, however, reported on the clause as amended, without the clause as amended being put and passed. Until the clause as amended is agreed to, the words "or droppers" are not in it. It will therefore be necessary to recommit the Bill in order to adjust the matter.

The CHIEF SECRETARY: That being so, I move—

That in paragraph (b) the words "or binding wires" be struck out.

Amendment put and passed.

The CHIEF SECRETARY: I move a further amendment—

That after the word "other" in line 8, the following be inserted:—"Or, when droppers or binding wires are used and affixed at intervals of not more than six feet, the posts or standards of which are not more than 33 feet from each other."

The CHAIRMAN: If this amendment is carried, the clause, on recommitment, can be adjusted to conform to the amendment desired.

Hon. E. ROSE: It would be ridiculous to apply the provisions of this amendment to the North-West. It says that droppers are to be not less than six feet apart. Pastoralists in the North-West may have dropper fences that are not considered to be sheep-proof because the droppers are more than six feet apart. It would be wise to report progress until next Tuesday.

The Chief Secretary: The Bill will be recommitment.

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

Bill again reported with further amendments.

BILL—PEARLING ACT AMENDMENT.*In Committee.*

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

Clause 1—agreed to.

Clause 2—Amendment of Section 16:

Hon. J. J. HOLMES: I wish to take this opportunity to thank the Government for introducing the Bill. We have done so many things in these strenuous times that we would not do under ordinary conditions, that I have no hesitation in saying that the Bill is one which to-day may be regarded as all-important. It is proposed to prohibit the granting of licenses which would increase the number of ship licenses. This has become necessary because the people interested cannot agree amongst themselves, although the Pearling Committee is behind the Bill, and it has been introduced at their request to carry out what they think, and what I think, will save the industry. Under the Bill, pearling can be made profitable. It is profitable at the present time only because the output is restricted. Pearlery are getting a good price for shell, but they are not satisfied. They are exceeding the output this year with the result that it will have an ill effect on the market. The Bill proposes to limit the area in which the boats shall fish and also limit the output of shell. Pearlery can send out their boats on Monday and they know that when they get sufficient shell they can return to port, unload the shell on one day and get cash for it the next. Members will realise what a fortunate position the pearlery occupy. There is no other industry, apart from gold, which is in that happy position. Take wheat: a farmer fallows in 1932, he seeds in 1933 and harvests in 1934, and then he has not the faintest idea whether the crop will be profitable or not. The town of Broome is one of the most important in the North and is dependent upon the pearling industry. I again congratulate the Government on the introduction of the Bill.

Clause put and passed.

Clauses 3 to 8, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—JUSTICES ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—BRANDS ACT AMENDMENT.*Second Reading.*

Debate resumed from the previous sitting.

HON. E. ROSE (South-West) [5.8]: I have not had time to go through the whole of the Bill and compare it with the principal Act, but from what I have read of it, I agree that it is absolutely necessary that the amendments should be made. In fact, the Bill should have been brought forward some years ago. I am pleased that the Government have submitted the Bill and I hope it will be passed.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 21—agreed to.

Clause 22—New section: Owner of mortgaged stock of the age of four months or more must brand such stock in certain cases:

Hon. J. J. HOLMES: I pointed out on the second reading that this clause will be entirely unworkable in the northern parts of the State.

Hon. A. THOMSON: I should like to know the reason why this new section is being included. It seems to me a rather drastic amendment.

The CHIEF SECRETARY: In reply to Mr. Thomson the Agricultural Bank found that a large number of young stock had been collected in the South-West and sent to auction in Perth. I agree with Mr. Holmes's objection to the clause; I agree that in the North it would be impossible to brand stock four months old. There should be something more definite than what the clause proposes. I shall report progress and get into touch with the department.

Progress reported.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 29th September.

HON. W. H. KITSON (West) [5.15]: This Bill is introduced with the object of extending the period during which women and boys under 16 may be called upon to work overtime, as against the period provided in the Act, which contains a specific limitation. The Act provides for a period of three months for the fruit industry, during which exemptions are granted for women and boys. That is all. Now it is proposed to bring the milk industry into line with the fruit industry and to extend the period from three months to five months. Unfortunately the employees in the milk industry are not governed by any arbitration award, but they are subject to the provisions of the Factories and Shops Act. While it may be necessary to give the new industry the same privilege as is given to the fruit industry, on account of its seasonal nature, I do not think it advisable to permit overtime to be worked for a period of five months.

Hon. J. Nicholson: Is it not better that there should be plenty of work so long as the overtime is properly regulated?

Hon. W. H. KITSON: If there is plenty of work, there should be an opportunity to engage a larger number of employees. That would be preferable to calling on women and boys under 16 to work overtime. The measure does not affect the adult male worker. If there is such a rush as will necessitate the working of overtime to the extent suggested, a larger number of workers should be employed.

Hon. J. Nicholson: Is not there something to prevent that?

Hon. W. H. KITSON: I am not aware of anything. It took many years of effort and agitation to secure the Factories and Shops Act, particularly the conditions relating to women and to boys under 16, and we should not lightly give away those conditions as we are asked to do under this Bill. I understand that one argument used in support of the Bill is that there is a certain season during which the green feed is prolific and huge quantities of milk would be treated by the company, and therefore the employees should be called upon to work overtime. Even if that is so, the period of five months is too long.

Hon. G. Fraser: Five months really amounts to 12 months.

Hon. W. H. KITSON: Yes, because outside the five months I do not suppose there will be any necessity for the employees to work overtime. The quantity of milk being treated will be so small that the necessity for working overtime will not exist. The Act lays down that women and boys under 16 shall not be called upon to work more than two hours overtime in any one day, or more than 52 days in a year, or on two consecutive days in any one week. That provision should be adequate to meet the needs of the company. I do not intend to oppose the second reading, but I direct the attention of the House to a proposal that I consider is hardly fair in the circumstances. The employees in the industry are not subject to any arbitration award, and their only protection is in the Factories and Shops Act. The company should be satisfied with a shorter period than five months. I cannot see why any exemption greater than that given to the fruit industry should be conceded.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 39:

Hon. W. H. KITSON: To test the feeling of members, I move an amendment—

That in paragraph (b) "February" be struck out and the word "January" inserted in lieu.

The milk industry would then have four months in which to work overtime as against three months granted to the fruit industry. One-third of the year in which to work overtime should be sufficient. So far as I know, there is no union whose constitution would include employees in the milk industry.

Hon. J. J. Holmes: There soon will be.

Hon. W. H. KITSON: Perhaps so.

Hon. J. M. MACFARLANE: I could understand Mr. Kitson's objection if dairy-men relied on the natural pastures, but the measure will apply to irrigation areas, and irrigation will extend the season somewhat. The month of February would come within

the flush season. It is in that month that the full benefit of irrigation is felt.

The CHIEF SECRETARY: The whole of the period from September to February is a flush period. If Mr. Kitson could show that February was not a flush month. I would ask the Committee to agree to the amendment.

Hon. J. Nicholson: The paragraph refers to the 1st February, not to the 28th.

The CHIEF SECRETARY: That is so. The Committee would be well advised not to accept the amendment.

Hon. W. H. KITSON: If the establishment of irrigation is an argument in favour of the Bill, one might agree if the measure were to apply to irrigation areas only. That is not so; it will apply to the whole State. If irrigation were successful in extending the period of green feed to eight or nine months, would that justify a request for a further extension of the exemption? Rather than call upon employees to work overtime as proposed, extra hands should be employed. I realise that the industry is a new one, and we all hope it will be successful.

Hon. G. W. Miles: Do not hamper the company.

Hon. W. H. KITSON: I would rather help them, but we should consider the boys under 16 and the women, who are protected only by the Factories and Shops Act.

Hon. J. J. HOLMES: If an injurious occupation were concerned, there might be reason for Mr. Kitson's contention. This is a new industry, and assistance is required. We have strangled most of our industries, and I appeal to members not to strangle this one. Mr. Kitson must realise that if the period of green feed were extended as he suggested, there would be a permanent staff. As the business grew, so would the staff grow. From what I know of the people in the locality, they will be very glad to work the overtime allowed by the Bill.

Hon. J. M. DREW: To my mind it is necessary that those connected with the dairying industry should employ labour, and that the hours of working should be early and late; but there is no need for women and children to be compelled to work early and late. The remedy has been pointed out. If overtime is necessary during five months of the year, then it is possible to increase the staff. Moreover, this provision is to apply permanently to the dairying industry generally.

Hon. Sir EDWARD WITTENOOM: I support the clause, and would like the Bill to go a little further. The Factories and Shops Act is a rotten measure from A to Z. Any man should be allowed to work as long as he likes, provided he does not employ outside labour. The Act prevents men from going ahead in this world as they should do. If a man likes to work even 24 hours a day, let him do it provided he does not have other people working for him. Let legislation limit the hours of employees; but a man himself and the members of his family should be allowed to work as long as they like—and I do not include cousins and aunts in members of the family.

Hon. G. FRASER: From his speech I gather that Sir Edward Wittenoom supports the amendment. This provision deals with employees, and not with members of the family. Mr. Kitson's amendment is perfectly fair. Four months' exemption for the dairying industry means practically exemption for the whole year, because overtime is necessary during those four months only. The amendment gives the industry a perfectly fair deal. Were we concerned with male adults, the position would be different; but this provision applies only to boys under 16 and women.

Hon. E. ROSE: Speaking as an old dairy farmer, and a dairy farmer to-day, I have found and find that from August to February there is a rush of milk and cream, and that during those months more work is necessary. Where is the difference in principle between four months' overtime and five months' overtime in the year? Children are not to work in the factory. Dairy farmers are up at five in the morning, and frequently are not finished until seven at night. Such hours are not proposed to be worked in the factory.

Hon. G. FRASER: If boys under 16 are not to be worked the overtime proposed, why is the provision asked for?

Hon. J. M. MACFARLANE: Dairy farmers work much longer hours than those proposed to be worked in the factory. I think that is Mr. Rose's point. This being an irrigation area the flush period there will extend over more of the 12 months than elsewhere. With the proposed overtime permitted, it will be possible to obtain in the district the employees required for the work. Youths employed must be youths living in the immediate neighbourhood of the factory.

The dairying industry should receive the consideration for which it asks.

THE CHIEF SECRETARY: Here we have an opportunity to assist in making an industry a success without inflicting injury on anybody. Under the Bill women are asked to work 44 hours per week. How many members of this Chamber work, like myself, 72 hours per week? And are we any the worse for it? The Bill refers merely to the flush months. Many employees will find it pecuniarily beneficial to do a little extra work. The main point is to conserve the products of the State, instead of letting them go to waste. Western Australia is now about to enjoy the results of its expenditure on irrigation. The carrying of the amendment will prevent the State from reaping those results.

Hon. W. H. KITSON: The Minister's arguments make me feel inclined to insist strongly on my amendment. Apparently the arguments amount to this—that the greater the progress Western Australia makes, the more must be taken away from workers' conditions obtained as the result of many years' persistent agitation. There is no cogency in the Minister's contentions.

Amendment put and negatived.

Clause put and passed.

Clause 3—agreed to.

Bill reported without amendment, and the report adopted.

BILL—CONSTITUTION ACTS AMENDMENT ACT (1931) CONTINUANCE.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [5.45] in moving the second reading said: In introducing the Bill it is necessary merely to state that it is for the purpose of continuing the legislation enacted last year to reduce the salaries of those persons holding offices as set forth in the Fourth Schedule of the principal Act. At that time it was hoped that the Act would not be required beyond the period specified. Unfortunately, although the financial outlook is a little brighter, there is still a long way to go before we can reach the top of the incline, and it is necessary for the finan-

cial sacrifices to be continued a little longer. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—SPECIAL LICENSE (WAROONA IRRIGATION DISTRICT).

Second Reading.

Debate resumed from the 28th September.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [5.48]: Under the provisions of the Bill, the Government are desirous of power to grant a special license for the supply of water from an irrigation channel to a factory in the Waroona district. As the factory is established in a rural area to deal with primary products, I am satisfied that the proposal will commend itself to members if it is based on a fair and equitable agreement. From the Bill, we find that in Subclause 1 of Clause 3, the Minister proposes to grant the licensee the right to draw water supplies from the irrigation channel for 99 years, and Subclause 3 prescribes the daily quantity and hourly rate at which the water can be drawn off. Subclause 4 determines the fees and charges to be levied. That clause really constitutes the Bill. The measure does not disclose what the licensee undertakes to do for the valuable concession we are asked to approve. We have to examine the Second Schedule to secure that information, and therein we find that they are to pay a price based on a consumption of 100,000 gallons. What the charge is to be has not been indicated to the House. Irrespective of what it may be, the company will receive a credit consideration in respect of water returned to the channel on condition that the water so returned shall not be polluted so as to make it unsuitable for stock or irrigation purposes. It may be thought that the Minister has safeguarded the position in the various clauses that appear in the agreement, but I would ask members if they have considered what a hundred years means in the development of the district. What will that development mean with regard to the demands made upon the available water supplies in the irrigation chan-

nel, not at the flush or winter period but during the dry season of the year? At that time the flow of water will be at a minimum, and the demands on the supply for irrigation purposes will be at a maximum. I feel no concern regarding the position during the next five years, but there may be a very different tale to tell later on. Long before the hundred-year interval has elapsed, I can visualise a wide expanse of developed areas that will require increased supplies. With that development, much larger quantities of milk will be available for the factory, and therefore vastly increased quantities of water will be required from the drain. On top of that there will be the domestic requirements of each farmer, for I am sure that, in the course of years, large supplies will be drawn from the irrigation channels for that purpose. That will mean a very heavy demand on the water supply, and the Minister, if forced to exercise his rights under the agreement, may be compelled to adopt a course of action that will prejudicially affect the factory, which must have an adequate water supply. Therefore the question of pollution becomes a matter of serious moment, and that phase gives me some concern. For the information of hon. members, I have procured a photograph of a condensing, or vacuum, pan, and if they study it, they will notice that a large vapour pipe is provided, which permits the reduction of the milk in bulk by from 40 to 60 per cent. as the result of boiling in the vacuum and passing the water content off in the form of vapour, which is immediately condensed when it comes in contact with the cold water in the condenser. It is that water which the licensee proposes to return to the irrigation channel, plus the cooling water used in the process. Thus it will be seen that the water that will be returned to the irrigation channel is not absolutely in the same condition as when drawn from that source. It is well known that impurities that cause some form of pollution are passed from the evaporating pan in the vapour. When those impurities are conveyed to the water in the irrigation channel, they may play an important part when we consider domestic requirements.

Hon. E. H. Gray: But those impurities would not pollute the water.

Hon. J. M. MACFARLANE: I contend that they will have an effect when the water

is used for domestic purposes, although I freely admit the water will be quite fit for stock. When I refer to the use of water for domestic purposes, I have in mind the demand that may be made in years to come. My argument is against the length of the term of the lease which, I think, should be much shorter.

Hon. J. J. Holmes: Will the pollution you refer to produce algae?

Hon. A. M. Clydesdale: If so, you can take it to the North-West.

Hon. J. M. MACFARLANE: I am prepared to agree that the impurities will not have any serious effect upon the position for some time, but with the growth of the business, increased quantities of water will be required, and then a much larger proportion of evaporated or re-condensed water will be returned to the channel, with an added risk of pollution. I am afraid the Minister has overlooked the call that will be made on the available water supplies for domestic purposes in years to come, and also the added risk from pollution that will follow as the development of the district expands. For that reason I cannot support a lease extending over a period of 99 years. In view of the valuable concession that is to be granted, I think we should provide that the water returned to the channel should be passed through a filter or sandbed before actually entering the channel. If that were done, then the water available would meet all requirements. The operations of the factory can be interfered with seeing that the Minister has power to prevent the drawing-off of supplies from the irrigation channel if the water returned is not in a satisfactory condition. I have already pointed out that an adequate water supply is essential for the factory, and if it were withheld, operations would be practically impossible. Some provision should be included in the Bill to assure that the water returned is satisfactory and free from pollution.

Hon. J. Nicholson: You suggest that the water should go through a sandbed so that it may be purified?

Hon. J. M. MACFARLANE: Yes.

Hon. J. Nicholson: As the agreement stands, the water could be returned to the channel direct from the pump?

Hon. J. M. MACFARLANE: Yes. Unless some steps are taken such as I suggest, the position may be serious from the standpoint of the factory itself.

Hon. J. Nicholson: Will many people draw water from the drain?

Hon. J. M. MACFARLANE: I can speak only of the Harvey district. People are not supposed to take water from the drain for domestic purposes, but if there is a stream passing their doors, people will naturally make use of it.

Hon. J. Nicholson: There is the right mentioned in the Bill that is possessed by people on blocks of five acres.

Hon. J. M. MACFARLANE: Up to the present, people are drawing supplies from the channel, although those supplies are not regarded as for domestic purposes.

Hon. J. J. Holmes: You have in mind not present-day conditions but the future.

Hon. J. M. MACFARLANE: That is so. I am not opposing the Bill, but I seek to secure justice for the future. I am unable to support a 99-year term, and I think those concerned would be well treated if the lease were limited to 21 years. I do not think any hardship would be inflicted if we limited the lease to that period. I cannot see that the company are to offer much in return for a concession that is proposed to operate for 99 years. If members look at Clause 17 of the agreement, they will see that the company, by giving a month's notice, can determine the contract. There does not seem to be any equity in an agreement conferring upon the company a concession for 99 years, but permitting the company at any time to say to the Government, "In a month's time we will terminate that agreement." We are told that straws indicate the current of the stream. To me the clause indicates a way out for other reasons than those contained in the agreement. If members were as familiar with these factories as I am, they would be able to imagine what I have in mind. If an amendment be moved to reduce the period from 99 years to 21 years, I will support it. In addition, I wish to move an amendment to that provision in the agreement prescribing that the pump and piping may be supplied by the licensees. I propose to move in Committee that the word "may" be deleted and "shall" inserted in lieu. It is only fair that the company should supply its own pump and piping.

HON. G. FRASER (West) [6.2]: I welcome the Bill, but like other members I object to the 99 years period as being altogether too long. I have raised the same opposition to similarly long leases under other measures. To my thinking 99 years,

a period of four generations, is a very dangerous provision, more particularly when it has to do with a water supply. Suppose that 99 years ago somebody in the metropolitan area had been given the right for industrial purposes to make use of a certain water supply for that period. In what position would the people of the metropolitan area be to-day? Water supplies have been most jealously guarded, not only in the metropolitan area, but right through the country districts, where any question of water supply is of paramount importance. To-day, of course, there is a plentiful supply at Drakesbrook to keep this industrial concern going, but it is impossible to say what the supply will be like at the end of even a 21 year period, which is as far as we should be prepared to go. Rights for long periods over other commodities not nearly so important as water supplies have imposed great hardships upon the remainder of the community. Members representing the Waroona district have said there is not likely to be any hardship placed on anybody in consequence of this proposed concession, but Mr. Macfarlane has told us there is a possibility that hardship may fall upon those inhabitants of the locality who will be requiring water for domestic purposes. It must be remembered that as soon as the factory is in working order, small areas in that district will be taken up by people supplying the factory, and they will require water, not only for domestic purposes, but also for their stock. I trust that in Committee an amendment will be agreed to reducing the proposed term to 21 years. I will support the second reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East—in reply) [6.6]: In response to the objections raised by Mr. Kitson, I maintain that in no way, whether implied or direct, is a monopoly granted to the Nestle's Milk Company. It will be seen that the agreement contained in the Schedule reserves to the Minister the power to determine the daily and hourly rate at which water may be taken. If any other person or company should desire to establish a factory and require water from the irrigation channels, the only matters to be considered would be:—1. Whether, after meeting our obligations to the irrigationists, there would be sufficient water for a second fac-

tory. 2. If there was sufficient for a second factory, the selection of a site upon which it could be erected would have to be considered. There should not be any doubt about the water being suitable for use by another factory after it had been returned to the channel, because in the schedule to the agreement it is expressly stipulated that the water as returned to the channel must in all respects be suitable for use by stock and for irrigation purposes. It is only reasonable to assume, therefore, that it would be suitable for use by another company or person in connection with a condensed milk factory. It must be remembered also that water will be continuously running through this channel, there being a continuous flow even through the summer months, and the water then returned from the factory will be mingled with the flowing water. I wish to stress the fact that leases for periods of 99 years have been granted previously for special purposes, such as for instance, the Oil Companies at Fremantle, the Mt. Lyell Superphosphate Company, and the land on which the Colonial Sugar Refining Company's railway siding is constructed. In order to encourage the outlay of capital in secondary industries in this State the Government must safeguard, as far as possible, the companies or persons who are willing to undertake such industries. In this case if there is sufficient for only one company, would it not be sound policy to protect that company so that it could make a success of its business instead of two or more making only a partial success?

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Authority to grant a special license:

Hon. W. H. KITSON: I move an amendment—

That in line 2 of Subclause (1) "ninety-nine" be deleted with a view to inserting "twenty-one."

The term of 99 years is altogether too long a period over which to give the company special water rights. If this amendment

were carried, the lease could be renewed at the expiration of 21 years if the Minister or the Government of the day thought it advisable.

Hon. A. THOMSON: I should like to know from the Minister whether the Government promised the company this 99-year lease before the company erected their factory. If so, I do not think we should break that undertaking.

The CHIEF SECRETARY: It was implied and understood, but all conditions in such an agreement are necessarily subject to the will of Parliament.

Hon. G. FRASER: I will support the amendment. The Minister, when replying to the second reading debate, was hard put to it for a retort when he quoted the oil companies and the Colonial Sugar Refining Company, both of whom have 99-year leases. But the oil companies under their agreement are simply allowed to run a pipe-line along the sea-shore, while the sugar company is permitted to run a railway line over a short distance. What a comparison for the Minister to make, between a railway and a pipe-line on one hand, and a water supply on the other!

Hon. J. J. Holmes: But it hit home.

Hon. G. FRASER: No, but it might give a wrong impression, which I must correct.

Hon. G. W. Miles: The Mt. Lyell Company also have a 99 years lease.

Hon. G. FRASER: I do not know anything about that company. Their agreement was entered into long before my time. I trust the amendment will be agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. G. FRASER: I trust that Mr. Holmes will support the amendment, as he took up a similar stand in connection with another matter.

Hon. J. J. HOLMES: This is not a lease or agreement which has been made by the Government, but it is something the Government have submitted to us for approval. The company have asked for more than they wanted in the hope of getting what suits them. I know this Waroona country. If I had been told 25 years ago that it would be possible at this time to establish a butter factory or a condensed milk factory there I should have suggested that my informant did not know what he

was talking about. In the light of this development one has to consider what may happen a hundred years hence. I hope the South-West is as yet in its infancy in regard to drainage and development generally. It behoves us, therefore, to be careful in all that we do in this matter. The term of the lease is the crux of the Bill. The Minister is to be given power to make the agreement, but when he has done that he will have no control over the company unless they fail to fulfil their obligations. Before I vote on this subject I require further information, such as the source of the water, the rights of which are to be given to the company.

The CHIEF SECRETARY: I am surprised at the attitude of some members, who recently supported long leases to the Mt. Lyell Superphosphate Co., the Colonial Sugar Refinery Co., oil companies, and the like. The water in question comes from brooks that run all the year round. There are many brooks in the district.

Hon. J. M. Macfarlane: The supply may not be plentiful 20 years hence.

The CHIEF SECRETARY: If there is a shortage of water the Minister has the right to tell this company that they cannot get water. This enterprise has spent a lot of money in establishing the industry, and should have reasonable consideration. I hope the amendment will not be carried.

Hon. J. NICHOLSON: We all desire to assist in the establishment of industries, but the views which have been expressed serve to show that we should look ahead in this matter. In a hundred years time the conditions in the district will be very different from what they are to-day. The license in question is to be granted in accordance with the Rights in Water and Irrigation Act of 1914. Special reference is made in that Act to the fact that persons who own land abutting on or adjoining a water course, creek or river, shall have certain rights. These rights include water for domestic supply, for stock, and for the irrigation of land up to five acres in extent. These rights must be considered in conjunction with the agreement now before us. The interests of other people must be safeguarded. Would we be right to grant the use of a large volume of water to this company and possibly injure other owners of land?

The Chief Secretary: How could that happen when the company can only get the surplus water after the work of irrigation has been provided for?

Hon. J. NICHOLSON: There is a good deal to be said in favour of limiting the period to one less than 99 years.

Hon. G. FRASER: It would be better to make the period 21 years and guarantee a supply for that term. The longer period, as set out in the Bill, would be entirely wrong; moreover, the 21 years would be easier to review. Water is a commodity desired by everybody and I trust members will seriously consider the suggested alteration. We could sign an agreement for the shorter period in all good faith and the supply of water would be guaranteed.

Hon. J. NICHOLSON: I draw attention to Section 15 of the Rights in Water and Irrigation Act. This provides that an owner of land may at any time within 12 months from the commencement of the Act apply for a special license to continue to divert or take and use the water for a further period of 10 years. My object in referring to that is to show that prior to the passing of the Act in 1914 the position was that a man who did enjoy certain riparian rights in respect of land, and was deprived of them by reason of the passing of the Act, and he took more water than otherwise he would have taken for his stock and domestic purposes, could, under Section 14, apply for a special license for 10 years, not 99 years, as the agreement in the Bill proposed. The question resolves itself into just what is a fair period.

Hon. J. J. HOLMES: The Chief Secretary told us that the Minister could restrict the supply, but except in cases of drought or accident the Minister could not deprive the licensee of the water that it was agreed to give him for 99 years. I would be satisfied to divide the period in half and make it 50 years.

Amendment (to strike out "99") put and passed.

The CHIEF SECRETARY: It seems that a majority of members are not prepared to grant this concession, though they were prepared to give other companies the right to build a railway to destroy valuable land.

The CHAIRMAN: Order!

The CHIEF SECRETARY: I intend to move an amendment.

Hon. J. J. Holmes: Why did you not divide the Committee?

The CHAIRMAN: There is an amendment before the Committee to insert "21."

Hon. W. H. KITSON: That is the amendment I intended to move on the striking out of "99." I move an amendment—

That "21" be inserted in lieu of the figures struck out.

By agreeing to this amendment we shall not be doing anything to prevent the company from obtaining an extension of the period when the 21 years have expired. In the meantime they will have a splendid opportunity to progress, seeing that they are the first company of the kind established there.

The CHIEF SECRETARY: I move an amendment on the amendment—

That "50" be inserted.

Members should be prepared to give this company an adequate lease. Members supported a railway concession for 99 years.

Hon. A. Thomson: Make this 75 years.

Hon. G. W. Miles: I think you would have got a majority for 99 if you had divided the Committee.

Hon. E. ROSE: After hearing the Minister's explanation, I consider that we should encourage the company to the extent of granting the right for 50 years. The company have spent a fair sum of money, will have to pay for the use of the water for cooling purposes, and will be required to return to the channel 90 per cent. of the water so used.

Hon. W. H. KITSON: I understand that the amount invested by the company is only about £20,000. Against that, what have the Government spent on the irrigation scheme? I have been given to understand that the charge for water will be only 10s. per 100,000 gallons. Suppose the company found later that they could provide their own water supply, they could determine the license by giving one month's notice. The agreement is one-sided to that extent.

Hon. L. B. Bolton: There is no onus on the Government to provide water.

Hon. W. H. KITSON: Once the agreement is signed, I take it there will be a definite onus on the Government. It is ques-

tionable whether any other firm could use the water for similar purposes.

Hon. J. J. Holmes: There is nothing to prevent another company from getting a similar license.

Hon. W. H. KITSON: Provided there is sufficient water available. I have raised the point whether the water, once used for cooling purposes, would be suitable for similar use by another company. I question whether there will be much water to spare in summer after the company have had their share.

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

Ayes	..	..	..	..	11
Noes	..	..	..	..	5
					—
Majority for	..	..	..	..	6
					—

		AYES.	
Hon. C. F. Baxter	|	Hon. H. V. Piesse	(Teller.)
Hon. L. B. Bolton		Hon. E. Rose	
Hon. J. M. Drew		Hon. A. Thomson	
Hon. J. Ewing		Hon. H. J. Yelland	
Hon. J. J. Holmes		Hon. G. W. Miles	
Hon. J. Nicholson			

		NOES.	
Hon. A. M. Clydesdale	|	Hon. J. M. Macfarlane	(Teller.)
Hon. G. Fraser		Hon. T. Moore	
Hon. W. H. Kitson			

Amendment, on amendment, thus passed.

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

First Schedule—agreed to.

Second Schedule:

Hon. J. J. HOLMES: There is nothing in the agreement to show how many thousand gallons per hour or per day may be taken, or what price is to be paid for the water. Surely, as custodians of public rights we ought to have information on those points.

The CHIEF SECRETARY: It has not been possible to arrive at a conclusion as to the quantity of water required by the company. When that is agreed upon, the Minister will be careful not to allow the company's operations to encroach upon irrigation purposes, which are the first consideration. The price is only nominal—I understand, about £1 per 100,000 gallons—because practically all the water is returned to the drain. Meter rent will be charged.

Hon. J. NICHOLSON: I suggest that progress be reported at this stage. The form of special license in this schedule does not,

in my opinion, sufficiently protect the rights and interests of other owners of land whose properties abut on the watercourse. Further, the special license does not provide that the water must be filtered before being returned to the stream. I care not what the water may be used for: no one can say that fresh water taken from a stream and applied to some use or other, and then emptied back into the stream, can after such use be in as pure a condition as it was originally. It is bound to be contaminated in some way or another. Bacteriological examination should be provided for.

The CHAIRMAN: Has the hon. member read paragraph (15) of the special license?

Hon. J. NICHOLSON: There is no provision giving the Minister the right to enter and take samples, and, if he thinks fit, to order the installation of filtration beds. We are failing to protect the rights and interests that the Government should protect for themselves, and for the benefit of other settlers in the district, who are entitled to water for domestic use—not merely for stock purposes. If we provided that the water must be passed over a filtration bed—which would not be expensive to construct—we would be safeguarding settlers further down the stream.

The CHAIRMAN: The Bill can always be recommitted.

Hon. J. NICHOLSON: I grant that, but I would like the Leader of the House himself to get the Crown Law authorities to go into the matter. I should be prepared to discuss it with them.

The CHIEF SECRETARY: There might be something in Mr. Nicholson's arguments if the hon. member were seized of the position. The supply of water here in question comes from an irrigation area. The stream is not an ordinary stream; occasionally it is flooded in order to irrigate the area. The water has been conserved, and will be conserved, in quantities far beyond those required for irrigation purposes. If the time comes to deal with the company for pollution of the water, paragraph (15) of the special license provides for that.

Hon. J. Nicholson: It does not go far enough.

The CHIEF SECRETARY: What more is wanted than that paragraph? According to the experts, there will be no pollution of the water.

Hon. J. J. HOLMES: I am perfectly satisfied with paragraph (15) of the special license as it stands. If the company pollute the water, or the Minister thinks they are polluting it, and then the Government Analyst decides that there has been pollution and the company's analyst decides that there has been no pollution, an umpire is to be appointed, and thus the matter can be dealt with.

Hon. T. MOORE: Under the special license, pollution applies to water for irrigation purposes only. We do not know the area to be served by the water which passes the factory. In another 50 years people along the water course may need the water for domestic purposes. Water used for washing up dishes in the factory would not be harmful for irrigation purposes; but if the water is to be used for domestic purposes, as is quite likely, the Minister ought to have the right to intervene. The analyst, however, will consider the pollution question only from the aspect of irrigation. That is clear in Clause 5 of the agreement. If it is possible that the water will be used for domestic purposes, that clause should be amended so that the Minister can take action if the water is polluted at all.

The CHAIRMAN: I cannot allow a general discussion to proceed any further. The Committee have already agreed that the license shall be granted, and the Third Schedule provides the terms of the license.

Hon. J. Nicholson: They can be altered.

The CHAIRMAN: Unless some hon. member is prepared to move an amendment, this discussion will lead us nowhere.

Hon. J. Nicholson: Perhaps the Minister will move an amendment?

The CHAIRMAN: It is not the Minister's business to move an amendment to his Bill.

Hon. J. NICHOLSON: Then I will move to alter "99" to "50" in the clause relating to the term of the lease.

The Chief Secretary: The clause will be consequentially amended following upon the amendment of the clause of the Bill.

Hon. J. NICHOLSON: We do not know.

The CHAIRMAN: You do not know! I did not suggest the obvious. As Clause 3 has been amended, the Schedule must be amended consequently.

Hon. G. W. MILES: If water for domestic purposes is required later on, the dam will be tapped in the usual way, not the irrigation drains. The water in those drains will be polluted as a result of stock depasturing, and that water will not be used for

domestic purposes. We should be delighted that the company has started operations in this State in order to assist the producers. I think the time of the Committee is being wasted with the discussion, and I hope the Schedule will be agreed to as printed.

Hon. E. ROSE: The company are embarking upon a new scheme.

The CHAIRMAN: Order! I do not desire to burke discussion. If there is any particular part of the Schedule that any member desires altered, he should move an amendment.

Hon. E. ROSE: I was pointing out why we should allow the Schedule to remain as it is.

The CHAIRMAN: No one has spoken against the Schedule.

Hon. E. ROSE: When necessity for a water supply for domestic purposes has arisen elsewhere, a special scheme has been provided for that purpose. That is what will happen at Waroona, and I do not see why exception should be taken regarding the water in drains that are used for irrigation purposes.

Hon. W. H. KITSON: A number of people have been located along the banks of the brook for years, and their rights may be infringed.

The CHAIRMAN: Order! This general discussion will get us nowhere, unless some member moves an amendment.

Hon. W. H. KITSON: Trouble was experienced in this district regarding the shortage of water, and I remember inspecting the area because of the complaints of settlers living in the lower part of the district against those residing higher up the brook who used more water than they should.

The Chief Secretary: And you left me to settle the trouble.

Hon. W. H. KITSON: I did not do so, and the agreement will not settle the difficulty. The company have the right to terminate the agreement by a month's notice, and yet they secure definite rights for 99 years. There should be some better safeguard provided because of the money spent by the State on the drain.

Hon. A. Thomson: For the benefit of the company?

Hon. W. H. KITSON: No, but the fact that the company will use the water may affect the interests of those for whom the drainage scheme was carried out.

The CHIEF SECRETARY: If the company cancel the agreement by giving a month's notice, what does that amount to? All that the Bill does is to guarantee a supply of water to the company to enable the factory to operate. All the Government desire is to assist an industry that has been started to help local producers and to prevent the leakage of money to the Eastern States. If the company cancel the agreement it will not cost the State a penny. The scheme was never embarked upon for domestic purposes, but for irrigation purposes.

Hon. J. J. Holmes: And the more polluted the water is, the better it will be for irrigation.

The CHIEF SECRETARY: That is so. Would anyone use water from irrigation drains for domestic purposes? Certainly not. If domestic supplies are required in due course, the dam will be tapped in the usual way.

Schedule put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—REDUCTION OF RENTS ACT CONTINUANCE.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [8.46] in moving the second reading said: The purpose of this Bill is for the continuance of the Reduction of Rents Act, 1931, for a further period. This is another of the financial emergency measures and provides for the reduction of rents in current leases by 22½ per cent. It is necessary that this measure should continue for another year. I move—

That the Bill be now read a second time.

HON. J. J. HOLMES (North) [8.47]: The Minister was very brief in his motion, but I regard this as one of the most wicked pieces of legislation ever introduced in this Parliament. The Bill provides exactly the opposite to that which it was intended to provide. It was brought into another place by the Government in one form, but was there drastically amended and its operations entirely reversed. We were then told, and it is repeated to-night, that this was part of the Premiers' Plan. I say it was not part of the Premiers' Plan.

The Chief Secretary: I did not say it was.

Hon. J. J. HOLMES: The Minister last year told the House it was, when I disputed it. In several of the States this legislation has not been introduced. Wicked things have happened under the Act. What should have happened was that any aggrieved person paying too high a rental should have the right to go to the Commissioner and get a reduction. But with one swoop reductions have been made for anybody and everybody, irrespective of whether they were paying too much or too little rental. I can give an instance: A widow with four children owned an hotel. The lease was about to expire when this legislation was passed. She had an offer to lease at a lower rental with an ingoing, or a higher rental without an ingoing. Wanting to conserve her interests and those of her children, she agreed to accept the higher rental and have no ingoing. It was mutually agreed that the ingoing should be spread over the rental. But no sooner was the contract fixed than this legislation came into force and she had to accept a 22½ per cent. reduction in the rent. And of course the higher the rental the greater the reduction. Then there is another instance: A widow had let her premises for two years at 30s. per week. She was urged to take a certain tenant, a condition being that she put in the sewerage system. She scraped together money enough for that purpose, expecting to get 30s. a week to live upon. Then this legislation was passed and, instead of receiving 30s. per week, that woman received 30s. per week less 22½ per cent. One could quote many instances showing the wickedness of this legislation, which was not part of the Premiers' Plan and for which the present Government are entirely responsible. If they had insisted upon the Bill remaining as they introduced it they would have been on sound lines, and aggrieved persons could have gone to the Commissioner. But it was amended in another place and so we reached the unfortunate position I have referred to on previous occasions: I do not mind the Minister in this House fighting for clauses in the Bill as introduced by his Government, but I do not think he should fight for clauses introduced in another place contrary to the Government's wishes. I hope the Minister will make a note of that for future use.

HON. J. CORNELL (South) [8.52]: I join with Mr. Holmes, not in showing the iniquity of the Act, but in showing how a person can be mean enough to take advantage of the Act. I know a man in a very good position, not many minutes' walk from this House, who took advantage of the Act in a very mean and paltry manner. An old friend of mine who, because of the depression, had to accept a job on the Harvey irrigation works, was paying off his house in the metropolitan area on the instalment plan. Deciding to let it furnished he cut the rent to the bone in order to secure a tenant who could be relied upon both to pay his rent and to keep the house in decent order. The agreement was drawn and my friend agreed to the termination notice being fixed at a month. Immediately the Reduction of Rents Act was passed the tenant, more shame to him, took advantage of the Act and paid 22½ per cent. less rent than he had agreed upon to pay, with the result that my friend had to raise money at considerable expense to maintain his payment of instalments on the house. Instead of our re-enacting this legislation as it stands, I think its 12 months or more of operation ought to show us some of its weaknesses and injustices, in view of which it is our duty to amend it. It was put up to us originally as part of the Premiers' Plan. I am standing four-square behind that plan, notwithstanding which I think this Bill ought to be amended.

HON. G. FRASER (West) [8.55] I will support the Bill. The two previous speakers complained that the Act went too far, but I complain that it does not go far enough. Every Act of the sort must, I suppose, impose hardship on a few, but we ought to consider the benefit to the majority. For every case of hardship under the Act which could be quoted, at least four or five could be recited as showing where relief has been given. Quite a number of people who had leases of their premises on a weekly or fortnightly termination, and were paying outrageous rents, received no benefit under the Act because their leases did not provide for a monthly termination. But even in such cases the Act has been a boomerang on a number of property owners who would not give their tenants a fair deal, because those tenants, seeing how things were going under

other leases, vacated their premises and moved elsewhere. In one instance a property owner was receiving £5 10s. per week and refused his tenant's request to reduce the rental. The tenant left and to-day the property owner is getting only £2 10s. per week.

Hon. G. W. Miles: That position would have arisen in any case.

Hon. G. FRASER: Not necessarily. But if the Act had been sufficiently elastic to embrace all leases, much more benefit would have resulted from it.

Hon. G. W. Miles: You would be in favour of free rents all round.

Hon. G. FRASER: No, I believe in a fair deal for everybody.

Hon. G. W. Miles: Except the thrifty man.

Hon. G. FRASER: I would give everyone a fair deal.

Hon. J. J. Holmes: If tenants are paying too much, they have only to go and get other premises.

Hon. G. FRASER: It is not always practicable. Tenants who were under leases of less than a month did not receive the benefit of the Act, whereas their neighbours on longer tenancies were given full advantage. Had the Act gone as far as we wanted it to go, all tenants would have been placed on the same footing. Of course the Act has proved a hardship to a few, indeed to a good number whose leases were terminable on a week or a fortnight's notice. Eventually the high rents drove them out of business and so proved a boomerang to the landlord.

Hon. J. J. Holmes: How can you terminate a long lease on a fortnight's notice?

Hon. G. FRASER: I could tell the hon. member of quite a number of such leases, particularly in respect of small suburban shops. I should like to see it extended even further than that, but I understand it is not possible to amend emergency legislation.

Hon. J. J. Holmes: You can amend this. This is not part of the Premiers' Plan.

Hon. G. FRASER: It has been styled emergency legislation. I do not know what the attitude of the Government is in connection with the Bills that come down in pursuance of the Premiers' Plan, but I take it that it is not desired they should be amended. Although I do not think this goes far enough, I am prepared to accept half a loaf, and will support the second reading.

HON. W. H. KITSON (West) [9.2]: I was rather surprised at the short speech of the Leader of the House when introducing this measure, but when I looked at the Bill I understood the reason for it. There is practically nothing in the measure except an extension of the period. Apparently it is not possible for us to amend the Bill; we must either agree to the extension of this legislation or put it out. Although there are some features of the existing legislation with which I do not agree, I am prepared to vote for the second reading of this Bill.

HON. J. M. DREW (Central) [9.3]: I am surprised that some members have suggested that this Bill is not in accordance with the Premiers' Plan. I have a distinct recollection of what occurred last year when other legislation, which was certainly not in accordance with the Plan, was received by the House with open arms. I cannot for the moment say whether this Bill is line for line with the Premiers' Plan, but it is in harmony with it. I did anticipate that the Government would have brought down a Bill that would have enabled the House to give consideration to its various provisions, based on the experience of the administration of the measure passed last year. That measure was not by any means a perfect one. As Mr. Cornell has pointed out, there have been a few injustices on the one side, but these will occur occasionally under any form of legislation. It is impossible to have perfect legislation. On the other hand, it seems to me that the Act which came into operation after the close of last session was not by any means all it should have been. It is not doing very much good at present, but is better than nothing. It was the duty of the Government to bring down fresh legislation remedying the defects which have shown themselves through the operations of the other legislation which passed this Chamber last year, and to enable members to give careful consideration to the position with a view to a more satisfactory measure being adopted.

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

House adjourned at 9.5 p.m.