

Legislative Assembly,

Thursday, 21st December, 1933.

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

QUESTIONS (2)—BUTTER FAT PRICES.

Dairy Farmers' Assistance.

Mr. BROCKMAN asked the Minister for Lands: 1, In view of the collapse of butter fat prices and the impossible position in which dairy farmers are placed to meet their obligations, is it the intention of the Government to grant sustenance payments to distressed farmers to enable the industry to carry on? 2, As the collapse of this industry would tend to cause further unemployment, would the Government approach the Federal Government for assistance to these farmers, if it is beyond the means of the State to grant relief?

The MINISTER FOR LANDS replied: 1 and 2, The Government are doing, and will continue to do, all that is financially possible to enable deserving settlers to remain on their holdings.

Distressed Farmers' Relief.

Mr. J. H. SMITH asked the Minister for Lands: 1, On account of the deplorably low prices of butter fat, is he aware that fully seventy per cent. of the group settlers and dairy farmers under Agricultural Bank conditions will be compelled to leave their holdings within the next two months by reason of sheer privations? 2, In view of the above fact, will he immediately give instructions that sustenance payments be made to distressed farmers to maintain them on their holdings and to provide living for the people concerned?

The MINISTER FOR LANDS replied: 1, No. 2, Funds will be provided where

warranted, to augment the incomes of settlers whose holdings have not reached the stage of productivity necessary to maintain the home.

QUESTION—ABORIGINES, ROYAL COMMISSION.

Mr. COVERLEY asked the Premier: 1, In view of the decision of the House, recommending the appointment of a Royal Commission to inquire into the administration of aborigines in general, when will the Government announce the personnel of the Commission? 2, In view of further reports in the Press relating to treatment of natives, will the Government expedite the appointment of the Commission and give it an unrestricted scope of inquiry?

The PREMIER replied: 1 and 2, It is hoped to announce the personnel of the Commission early in the New Year. The scope of the inquiry will be sufficiently wide to cover all aspects of the questions involved.

PERSONAL EXPLANATION.

Mr. Lambert and a Press report.

Mr. LAMBERT: I should like a correction made of certain words in the Press report of a speech I made on Tuesday evening. A word was substituted instead of oil fuel and coal as it referred to the industry on the goldfields, when I was comparing it with the possible effect the use of oil fuel would have on a goldfields industry, the firewood company. I hope it will be possible to have this correction made, because it conveys a wrong impression of my meaning.

MOTION—COLLIE COAL.

Debate resumed from the 19th December on the following motion (as amended) moved by Mr. Wilson—

- (1) That this House recommend that wherever practicable 100 per cent. of native coal be used on all lines of the railway system of this State with the exception of the Marble Bar-Port Hedland railway line, and also that 100 per cent. of native coal be used in other Western Australian Government utilities where coal is required.
- (2) That a competent board of experts be appointed from all interests identified with the production, selling, and

using of Collie coal to determine the basic standard equitable value, from every standpoint, of the native versus the imported coal from the Commonwealth States, and that such standards shall have currency for 10 years.

- (3) That in order to avoid importing coal, and to safeguard the Railway Department from under-supplies, roof-covered store dumps of Collie coal be constructed at various convenient depots throughout the State.
- (4) That the Railway Department adopt a scheme whereby the mixing of the hard and soft coals shall be a financial improvement on the cost of native coal as at present supplied to the department.
- (5) That the covering with tarpaulins of wagons of coal at the pit's mouth be initiated.
- (6) That the cost of the tarpaulins, etc., be refunded from the royalty paid on the local coal;

And on the following amendment moved by Mr. Doney—

Insert after "Wherever practicable," in line 2, the words, "and having due regard to the protection of country districts against risk of fire."

MR. LAMBERT (Yilgarn-Coolgardie) [4.35]: I hope the hon. member will not press his amendment. After all, it is not for us to cast any slur on our native fuel.

Mr. Doney: What is there in the amendment which would constitute a slur?

Mr. LAMBERT: I do not say the hon. member intentionally desires to cast a slur.

Mr. Doney: Nor would the amendment so operate.

Mr. LAMBERT: The precaution which the hon. member is seeking to obtain is now in operation by the department.

Mr. Latham: The whole motion is redundant, because the Commissioner is already doing everything possible.

Mr. LAMBERT: That is totally different from members exercising their right to affirm general principles; it is distinctly different when the hon. member seeks to add this amendment to the motion. Would the hon. member, referring to another local industry, seek to cast an indirect reflection on the quality of our wheat? I hope the hon. member, having ventilated his views, will not press this amendment. It is unnecessary, since all the precautions required by him are now being carried out.

Mr. Doney: We accepted a similar amendment on Tuesday last.

Mr. LAMBERT: Amendment to what?

Mr. Doney: To the same paragraph of the motion.

Mr. LAMBERT: I do not remember any such amendment.

Mr. Doney: The words "wherever practicable" were added.

Mr. LAMBERT: At all events they were certainly not words such as these in the amendment before us; not words having an indirect meaning such as the hon. member's amendment carries. I think we can trust our officials to see that the interests of the farming community are fully safeguarded in the utilisation of coal on the railways, without tacking this amendment to the motion.

MR. MOLONEY (Subiaco) [4.38]: I join with the previous speaker in emphasising the desirability of the amendment being withdrawn. We have already inserted the words "wherever practicable". Arising out of a zeal that, possibly, is allied to apprehension, and possibly also through lack of knowledge of the excellence of this coal, some of us are apt to decry things when we are exercising a merely superficial judgment in regard to them. In view of a wireless message I have received to the effect that the hon. member is not extremely desirous of proceeding with his amendment, I will say no more.

MR. SAMPSON (Swan) [4.40]: No Western Australian coal receives any advantage by the withholding of statements which very properly might be made. I recall that not very long ago there was a number of fires in the Byford district caused, it was said, by the use of Western Australian coal. We are not going to make that coal any the better by hiding the dangers attendant upon its use. We should give protection to those whose fields abut on railway lines. The amendment before us is a perfectly reasonable one. We are not going to throw coal dust or any other dust in the eyes of the people by refusing to do everything possible to protect farms adjacent to railways. I hope the amendment will be agreed to. There is nothing of a preferential nature about it; it is quite fair, and the member for Collie himself will say that even Collie coal has some demerits.

MR. CROSS (Canning) [4.41]: I will oppose the amendment. I do not think Collie coal is causing many more fires pro rata to Newcastle coal.

Mr. Thorn: You are on the Fire Brigades Board, so you ought to know what does cause fires.

Mr. CROSS: Quite a number of fires along the railway line are to be found where Newcastle coal is used. I will give an instance. I have had a trip on the Midland railway, and I understand the Midland Company were using exclusively Newcastle coal.

Mr. Ferguson: When was this?

Mr. CROSS: Eighteen months ago.

Mr. Latham: The middle of the winter is a very awkward time in which to have fires.

Mr. CROSS: It was about this time of the year. On that trip five fires were started by Newcastle coal. One of them occurred just before we came to a siding. The train crew had to carry out some fire protection measures in order to save some railway cottages. That fire was started by Newcastle coal. If adequate fire breaks were laid down in country districts, as used to be done about Wagin and Katanning, there would be no more danger from the use of Collie coal than arises from the use of Newcastle coal. Some people are always ready to decry anything belonging to Western Australia. I hope the hon. member will withdraw his amendment.

THE MINISTER FOR RAILWAYS (Hon. J. C. Willcock—Geraldton) [4.43]: I hope the hon. member will not persist with his amendment, although of course I do not agree with the remarks of the member for Canning. It is useless for us to bury our heads in the sand and declare that our native coal is in all respects as good as Newcastle coal. Certainly Newcastle coal is superior to Collie coal as being less dangerous in the generation of sparks. However, that does not say we should not use Collie coal; rather should we endeavour to overcome the difficulties as far as possible so that we might use the coal produced in our own State. The Railway Department has spent tens of thousands of pounds in endeavouring to make a success of Collie coal, and to a large extent those efforts have been successful. We have spark arresters and other things installed on our locomotives in order to render safe the use of Collie coal. Successive Governments have recognised that Collie coal has some disadvantages, and have recognised also that,

having a coal of our own, it is for us to design locomotives which can burn the coal with good results and without undue risk of causing fires. That is what has been done.

Mr. Patrick: You cannot take the risk on many of the steep grades even now.

The MINISTER FOR RAILWAYS: Successive Government and railway administrations, in cases where it was considered some extra risk lay in burning Collie coal in certain parts of the State for a comparatively limited time have used, and will continue to use, other classes of coal. There is no serious objection to that on the part of anyone. In the Northampton district there is a place where the locomotive stands for half an hour with a dead fire, and on starting up immediately has to negotiate a grade of one in 40 for two or three miles. Any coal will emit sparks under those conditions.

Mr. Sampson: But the department will not admit responsibility.

The MINISTER FOR RAILWAYS: Provided the department take every conceivable precaution, in the way of appliances to prevent risk, it is deemed that they have done all they can do, and are under no liability.

Mr. Sampson: That is rough on the farmers who are adjacent to the railways.

Mr. Latham: Especially if we carry the motion providing for the use of 100 per cent. Collie coal.

The MINISTER FOR RAILWAYS: The motion says that the House recommends that wherever practicable 100 per cent. Collie coal shall be used. That is reasonable, and has always been the policy, and no one has seriously quarrelled with it. The Collie coal people know that where it is considered danger exists at certain times of the year, in the interests of safety, and to conserve the interests of people adjacent to the line, a comparatively small proportion of Newcastle coal has to be used. The policy is that wherever practicable, 100 per cent. of Collie coal is used. The member for Collie (Mr. Wilson) recognises that fact, and states that he merely desires the practice to be re-affirmed. He pointed out that last year, on account of some murmurs of industrial strife, many thousands of tons of Newcastle coal were brought into the State.

Mr. Wilson: Twenty-seven thousand tons.

The MINISTER FOR RAILWAYS: If that had been the accepted policy of the Government, it would have been his duty as the representative of the district concerned to get an affirmation in this House of the principle of using Collie coal. The amendment moved by the Minister for Employment on Tuesday to include the words "wherever practicable" is a reasonable one in the circumstances. It does not seek to direct that certain other contingencies referred to in the motion shall be given effect to. In the circumstances there is no quarrel with the Railway Department over what has been done. We do not want it to be said that Parliament, after careful consideration of the subject, has instructed the Government, in view of the danger of using Collie coal, to do certain things to combat that danger. There is no necessity to make a public statement to that effect. The position is recognised by the department as well as by the coal people. Whenever it is absolutely necessary to alter the principle of using Collie coal, in the circumstances outlined such alteration is made. We do not want to blazon forth a statement that will be detrimental to the local product. Endeavours have been made to use Collie coal for bunkering purposes. It has been said that the coal is subject to spontaneous combustion and other disabilities. To a great extent the coal has lived down that name. If someone is thinking of taking Collie coal for bunkering purposes, and we pass a motion through Parliament placing a stigma upon it, the person who is thinking of using it will assume there is something in the suggestion that it is liable to spontaneous combustion, and irreparable harm may be done to the industry as a whole. We should do nothing to prejudice the interests of an industry which has done such excellent service for the State. We were free from industrial strife both during and after the war. Other railways in the Commonwealth were hung up for coal supplies, but we continued full steam ahead and our transport services were subject to no such restrictions.

Mr. Lambert: Our coalfields have been more free from industrial troubles than any other.

Mr. Latham: Do not forget what it has cost the people of the State.

Mr. Wilson: It has cost them nothing.

Mr. Latham: We will go into that question.

The MINISTER FOR RAILWAYS: Not on this motion. I appeal to the hon. member in the interests of the industry and the State generally not to press his amendment at this stage. The ground he seeks to cover is already covered by the amendment moved by the Minister for Employment. The amendment should be withdrawn. It will not effect any good, but may do serious harm to the coal industry.

MR. LATHAM (York) [4.53]: I hope the member for Williams-Narrogin will not withdraw his amendment. If this motion is carried, it must be an instruction to the railways to give effect to it.

The Minister for Railways: It is a recommendation.

Mr. LATHAM: If we pass a recommendation it becomes an instruction. Of what use would it be to pass a pious resolution? We are a responsible body of men, and we do not pass irresponsible resolutions. The Commissioner of Railways would be bound to take notice of a motion of this sort. The whole thing is ill-advised in any case. We know that Collie coal is used wherever it can be used and whenever it can be used. It may be said the motion has been brought forward because the previous Government imported 27,000 tons of Newcastle coal. The Commissioner is charged with the duty of running the railways and he had to carry out his duty. Whether his fears are due to industrial troubles or to anticipated trouble from the owners of the local mines, he still has to run the railways.

The Minister for Railways: Do not forget the Government also have a responsibility.

Mr. LATHAM: I do not deny that.

The Minister for Railways: The Government have a very serious responsibility in the matter.

Mr. LATHAM: I know they have to find the money. By Act of Parliament we have handed over the control of the railways to the Commissioner and have definitely stated what he has to do. Only members of the salaried staff receiving about £400 a year come under the control of the Minister.

The Minister for Railways: The Government have an important responsibility regarding the railways.

Mr. LATHAM: If coal had not been imported, it would have been a sad day for this State. When we cannot get coal locally it has to come from overseas. I regret the necessity for importing any coal. There were only two companies operating in the State, the Amalgamated Collieries and the Griffin Company. The latter could not supply the requirements of the railways. The member for Collie (Mr. Wilson) told me he was anxious we should endeavour to use as much Collie coal as possible. All Governments have attempted to do that.

Mr. Wilson: No, they have not.

Mr. LATHAM: The previous Government did not import coal from choice.

Mr. Wilson: They were stampeded into it.

Mr. LATHAM: We could not get the coal by aeroplane, and it takes fully three weeks for it to arrive in any case.

Mr. Wilson: There was plenty of coal here.

Mr. LATHAM: The Commissioner consulted with the Government and said it was absolutely necessary to import coal to maintain the running of the system. This occurred at a period when we could not afford to hold up the railways.

The Minister for Railways: The Commissioner consults the Government on many other matters, too.

Mr. LATHAM: This policy of using Collie coal has been handed down from Government to Government. I do not think there have been any changes in that respect for the last 15 years. I believe less coal was imported under the regime of the previous Government than had been imported for many years before. We had not the money to send out of the State. We were also most anxious to keep our own people employed. It is absurd to suggest that we should not protect the people through whose land the railways pass. The member for North-East Fremantle was with me the other day, and we saw what happened on the hill the other side of Greenhills. We also saw the trouble that occurred in the putting out of the fire. On the return journey we saw how large an area of country had been destroyed. It is the individual who suffers, but the railways refuse to accept any responsibility. We must look after the interests of the individual, who may otherwise be ruined. I hope before this motion is carried serious consideration will be given to the subject. If we agree that 100 per cent. of Collie coal

must be used, the railways must be made liable for the damage that will occur to adjoining properties. It is really only an Act of Parliament which protects the Commissioner. If the amendment moved by the member for Williams-Narrogin is not agreed to, I will, next session, endeavour to see that some responsibility is placed upon the Commissioner.

Mr. Withers: That amendment would not help the settlers a scrap.

Mr. LATHAM: It would do something to temper the motion.

Mr. Moloney: There is a qualification attached to it.

Mr. LATHAM: If the hon. member were the Commissioner of Railways, he would have to accept the motion as an instruction. We must be very careful what we do.

The Minister for Railways: The motion says "where practicable".

Mr. LATHAM: What does that mean?

The Minister for Railways: It means what it says.

Mr. LATHAM: We are going to put it in plainer language. Where there is any danger of fire to individuals, as a result of the use of Collie coal, they should not be called upon to suffer.

The Minister for Railways: There is always danger from the use of any coal at certain times of the year.

Mr. LATHAM: I do not know whether there is or not.

The Minister for Railways: I do. I have seen fires from both Newcastle and Collie coal.

Mr. LATHAM: What was the cause of the fires—sparks, or cinders from the fire-box? I have seen pieces of coal dropping along outside the rails and setting fire to the country for two or three chains on either side. I have seen more fires from that cause than from any other.

The Minister for Railways: In that case there would be contributory negligence, because precautions can be taken in that regard.

Mr. LATHAM: But if one attempts to throw that responsibility on the Commissioner, he soon protects himself.

The Minister for Railways: The first thing the Commissioner does is to send out an inspector.

Mr. LATHAM: The first thing the Commissioner does is to find out whether the engine had a spark arrester, and whether

the spark arrester had been tampered with or not. If the report is that there had been no tampering, he disclaims liability. The House has no right to pass such a motion as this if the intention is to force the Government to use Collie coal irrespective of the price paid for it, as the Minister said.

The Minister for Railways: I said nothing of the kind.

Mr. LATHAM: The Minister said it was because the previous Government imported—

The Minister for Railways: No. I said the mover desired the House to affirm the principle of using Collie coal on the railways.

Mr. LATHAM: Did not the Minister mention 27,000 tons of Newcastle coal?

The Minister for Railways: No.

Mr. LATHAM: Then I will link it up with the member for Collie. I know the Minister has practical knowledge of the subject. It is nothing new for him to be Minister for Railways. But if he is going to accept the responsibility of this motion—

The Minister for Railways: The motion means nothing but what is the actual practice.

Mr. LATHAM: Then let us stop discussing it. Why not ask the mover to withdraw the motion? While the motion is before the Chamber, I shall support the amendment of the member for Williams-Narrogin. I will not, if I can help it, allow one individual farmer to carry any unfair risk or responsibility. A man can be ruined by just one train passing his farm.

The Minister for Railways: Do not you know that every reasonable precaution is taken to prevent the ruin of any farmer? Do not gangs go along the railways to make fire breaks?

Mr. LATHAM: The Minister saw the other day how ineffective fire breaks can be. He saw a fire go right across a paddock, and the gang were half a mile away.

Mr. Wansbrough: What coal was being used?

Mr. LATHAM: The hon. member interjecting is aware that I have not stated whether it was Collie or Newcastle coal. I did not inquire. It was a goods train last Friday morning going from Quairading to Greenhills.

Mr. Wansbrough: More fires are caused by Newcastle coal than by Collie coal.

Mr. LATHAM: No. I am taking the Minister's word, the hon. gentleman having been on the fire step. The Minister has practical knowledge. Even along the Great Southern railway, Newcastle coal is used.

Mr. Wansbrough: One does not find many fires along the Great Southern railway.

Mr. Moloney: What does the Leader of the Opposition suggest should be done?

Mr. LATHAM: The House ought to defeat the motion. Let the matter be left to the responsible person. We have confidence that the Minister for Railways will see that the policy of the Government is carried out. The present Government are not altering the policy which they enunciated and carried into effect four years ago, and which was continued by the last Government, except in so far as the last Government had to protect the people of the State against the railways being held up. If the member for Collie can assure the House that the department will get Collie coal at a reasonable price—

Mr. SPEAKER: I think the hon. member had better confine himself to the amendment before the Chair, which asks for the insertion of certain words.

Mr. LATHAM: Newcastle coal protects the State. If we are to use 100 per cent. of Collie coal, some protection must be given to the farmer, and that protection is contained in the amendment moved by the member for Williams-Narrogin. There is, in fact, no need for the motion; but if it is to be carried, then the amendment must be carried. I hope hon. members will accept their responsibility in this matter, and not merely pass a pious resolution which can have no effect. The carrying of a motion of this kind by the Legislative Assembly will be accepted by the Commissioner for Railways as an instruction. If the member for Collie is willing to withdraw the motion, the member for Williams-Narrogin will, no doubt, withdraw his amendment.

Mr. Doney: I should not have much option in the matter then.

MR. WITHERS (Bunbury) [59]: I could quite understand the Leader of the Opposition making the suggestion he has just made, had the previous amendment not been carried. However, seeing that the words "wherever practicable" have been inserted—

Mr. Latham: What do those words mean?

Mr. WITHERS: I am inclined to agree with the Leader of the Opposition that the amendment which has already been carried makes the motion at most a pious resolution. Still, the amendment of the member for Williams-Narrogin will not help one iota. Collie coal has been used on our railways for a period almost historic. During the last 15 years fires have been infrequent as compared with the days gone by. The insertion of the words "wherever practicable" entirely does away with the need for the present amendment. Precautions are already taken by the Railway Department. I have had 25 years' experience of locomotive driving, and during the whole of that period I used Collie coal, and during 13 years of it Newcastle coal as well. I am in a position to state that where Collie coal is burnt, every possible precaution is taken. Wet bags are provided on the locomotive, and every fire started is put out. The member for Williams-Narrogin will not do any good by persevering with his amendment.

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

Ayes	..	..	..	13
Noes	..	..	..	25

Majority against .. 12

AYES.

Mr. Ferguson	Mr. Sampson
Mr. Keenan	Mr. Seward
Mr. Latham	Mr. Stubbs
Mr. McDonald	Mr. Thorn
Mr. Mann	Mr. Warner
Mr. Patrick	Mr. Doney
Mr. Piesse	

(Teller)

NOES.

Mr. Brockman	Mr. Munste
Mr. Clothier	Mr. Needham
Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Steeman
Mr. Cross	Mr. F. O. L. Smith
Mr. Hegney	Mr. Tonkin
Miss Holman	Mr. Troy
Mr. Johnson	Mr. Wansbrough
Mr. Kenneally	Mr. Willcock
Mr. Lambert	Mr. Wise
Mr. McCallum	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Moloney	

(Teller)

Amendment thus negatived.

The MINISTER FOR EMPLOYMENT:
I move an amendment—

That in paragraph (1) after the words "also that," in line 6, there be inserted "wherever practicable."

Amendment put and passed.

Hon. N. KEENAN: Paragraph (2) of the motion contains a proposal that I do not

think either the House, the Government or the Minister should agree to. It sets up a standard that has to be maintained without interference for a period of ten years. Is it the duty of this House to tell the Commissioner of Railways what he shall do? Then in paragraph (3), the Railway Department is to be instructed to establish roof-covered store dumps at various depots throughout the State to protect Collie coal. In my opinion, the whole of the paragraphs from (2) to (6) should be rejected by the House. It seems to me ridiculous to suggest that the Commissioner should be told what he must do.

Mr. Wilson: On a point of order, did I not understand the member for Nedlands to suggest, when the motion was last dealt with, that the paragraphs of the motion should be taken seriatim, and that you, Mr. Speaker, said that course should be adopted.

Mr. SPEAKER: No, I said nothing of the sort. The question before the Chair is that the motion, as amended, be agreed to. The member for Nedlands can deal with the paragraphs separately or he can move to delete inem en bloc.

Hon. N. KEENAN: I move an amendment—

That paragraph 2 be struck out.

I do not think it necessary to advance any further reasons than I have already indicated, particularly in view of the fact that it is proposed that the standards fixed by the suggested board of experts shall have an uninterrupted currency for ten years.

Mr. Wilson: I would agree to striking out that part.

Mr. WISE: I would not like to see such a drastic action taken as the member for Nedlands suggests, in view of the motives that actuate the member for Collie, who is putting up a fight for the product of his constituency. Perhaps he has been a little too all-embracing in each of the paragraphs of his motion, but I think we could agree to it in a modified form. I will move an amendment.

Mr. SPEAKER: I cannot accept any amendment on the amendment seeing that the amendment is to strike out the whole paragraph.

Mr. MOLONEY: I oppose the amendment, although I object to that part of the paragraph that specifies a currency for ten years for the standards to be set up by the

board of experts. It is quite possible that values may alter considerably during that period. While I agree with the principle that animated the member for Nedlands in moving the amendment, I cannot follow him in jettisoning the whole paragraph. I will support the amendment that I know the member for Gascoyne intends to move.

Mr. SPEAKER: I cannot accept any amendment from the member for Gascoyne. If the House rejects the amendment, it will have endorsed the paragraph and it will not be possible for that paragraph to be amended. The only way by which an amendment could be moved would be for the member for Nedlands to withdraw his amendment.

Hon. N. KEENAN: In accordance with your suggestion, Mr. Speaker, I ask leave to withdraw my amendment for the time being.

Amendment by leave withdrawn.

Mr. WISE: I move an amendment—

That after "that" in line 1 of paragraph 2 the words "this House recommends" be inserted.

Mr. F. C. L. SMITH: I would like to know the meaning of the paragraph. If a board of experts is to determine the "basic standard equitable value, from every standpoint, of the native versus imported" coal, I want to know what it means.

Mr. SPEAKER: Order! The hon. member can only discuss the question whether or not this House recommends.

Mr. F. C. L. SMITH: But the question arises as to whether we can recommend.

Hon. W. D. JOHNSON: To whom are we to recommend?

Mr. SPEAKER: I do not know.

Hon. W. D. JOHNSON: Is the recommendation to be sent to the Government or to the Minister?

Mr. Latham: Not to the Minister, who is here to vote on the question.

Hon. W. D. JOHNSON: Is it suggested that the House shall make the recommendation to the Commissioner of Railways? Surely we have had enough interference with Collie coal arrangements to last us for some considerable time. I do not think we should make any further recommendations. I would not mind making a recommendation on a subject concerning which the House is competent to express an opinion. We cannot express an opinion on any question unless we hear both sides. In this instance we will

have one side only. It is suggested that we shall make a recommendation to someone—we do not know who it is we are to make the recommendation to—to do various things. We are to take that action without hearing anyone in rebuttal or explanation. Before we attempt to do anything of that sort, a select committee should investigate the question and devise some means by which those who are charged with the responsibility of operating the railways and making them an economic success, shall be able to exercise sound judgment regarding expenditure on fuel, which is an outstanding part of the railway expenditure.

The Minister for Railways: Involving £250,000 annually.

Hon. W. D. JOHNSON: I suggest it would be wrong to make a recommendation in such circumstances, more particularly as we know perfectly well that we are getting one side of the question only.

Mr. Ferguson: We have just had a Royal Commission to inquire into matters affecting Collie coal.

Hon. W. D. JOHNSON: I do not desire to go into that phase. We have had enough of Collie coal, and I would advise Collie coal interests to leave this matter well alone. Let them take a holiday from agitation, and settle down to work.

The Premier: We are just trying to settle up.

Hon. W. D. JOHNSON: Yes, I suppose the Premier is peculiarly interested in endeavouring to settle up the matter.

Mr. SPEAKER: Order! I hope the hon. member will not wander into a discussion on that subject.

Hon. W. D. JOHNSON: No, Mr. Speaker, but it would be discourteous on my part not to reply to the Premier.

Mr. SPEAKER: But quite out of order.

Hon. W. D. JOHNSON: I suggest to the Collie people that they leave well alone. They have had enough publicity. There is quite enough public opinion formed regarding Collie coal, its management, production, and mine working to take into consideration such phases as to whether the undertakings are up-to-date or are to continue under the old method. If they are wise, they will let things straighten out and allow the Government to deal with those phases that they have been advised require close attention. Parliament would act wisely if it left well alone, and refrained from making any further

recommendations. If he persists in his amendment, the member for Gascoyne should inform the House as to whether the recommendation is to the Minister or to the Commissioner of Railways. If it is to the Minister, he does not require any such recommendation. The Premier has indicated that his Government are already fully occupied in connection with Collie coal matters. If the recommendation is to be made to the Commissioner, then I suggest it is the duty of Parliament to watch the management, and judge it by results. If we start tinkering with the management and tell the Commissioner what he must do, we shall cease to play the part of critics. We must encourage good management and discourage bad management, without interfering with details of the workings at all.

Mr. MOLONEY: It is for the reasons advanced by the member for Guildford-Midland in opposition to the amendment that I intend to support the proposal of the member for Gascoyne. There is no doubt that to a timorous individual like the member for Guildford-Midland, one who is at all times chary about embarking upon any course that may suggest dictation to someone else, the amendment may not appeal, but to those who desire to obtain an opinion regarding the quality of the coal, the suggestion that we shall, rather than be dictatorial, tone down the motion so that it may go forward in the form of a recommendation to a responsible authority, has some appeal. The member for Guildford-Midland argued that we should assess the value of the coal, and the amendment supplies the answer to the request contained in his remarks. The hon. member lauded the Minister. The Minister is fully seized with the position and is able to recognise the value of any suggestion submitted. No harm will be done by the mere fact of the House recommending certain lines of action. It will not be incumbent upon the Minister to do that which we recommend; it will merely rest with the Minister or with the Commissioner of Railways, if he thinks fit, to give effect to the recommendations made by us. But for this amendment, I would have voted for the amendment of the member for Nedlands, recognising the need for what the member for Guildford-Midland fears. The amendment is essential if we desire to ascertain the true economic value of the commodity and whether that value is commensurate

with the price being paid for it. We merely intimate that if the responsible authority considers that an investigation should be made by a competent board of experts, it should be made. For those reasons I support the amendment.

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

Ayes	..	..	..	25
Noes	..	..	..	14
				—
Majority for	..	..	..	11
				—

AYES.

Mr. Clothier	Mr. Needham
Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Sleeman
Mr. Cross	Mr. F. C. L. Smith
Mr. Hegney	Mr. Tonkin
Miss Holman	Mr. Troy
Mr. Johnson	Mr. Wansbrough
Mr. Keenally	Mr. Willcock
Mr. Lambert	Mr. Wilson
Mr. McCallum	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Moloney	Mr. Raphael
Mr. Munster	(Teller.)

NOES.

Mr. Brockman	Mr. Patrick
Mr. Ferguson	Mr. Piessie
Mr. Griffiths	Mr. Sampson
Mr. Keenan	Mr. Seward
Mr. Latham	Mr. Thorn
Mr. McDonald	Mr. Warner
Mr. Mann	Mr. Doney
	(Teller.)

Amendment thus passed.

Mr. WISE: I move an amendment—

That the words at the end of paragraph 2 "and that such standards have a currency for ten years" be struck out.

Hon. W. D. JOHNSON: To give the member for Subiaco another opportunity to make a speech, I wish to offer a few comments. Would the board of experts be a standing committee? Would they be perpetually employed? Coal does not remain constant in quality, even for a week. There are seams and seams.

Mr. Lambert: So it seems.

Mr. SPEAKER: The only question before the Chair is the striking out of certain words.

Hon. W. D. JOHNSON: In the circumstances I cannot help the member for Subiaco.

Mr. LATHAM: If the words are struck out, shall we have an opportunity to negate the whole of paragraph 2?

Mr. SPEAKER: If the words are struck out, the House will have decided that the other words stand.

Hon. N. KEENAN: I understood that I withdrew my amendment to allow of the amendment being moved by the member for Gascoyne and that after it had been dealt with, my amendment would be put to the vote in the ordinary way.

Mr. SPEAKER: It does not work out quite as simply as that. The member for Nedlands withdrew his amendment to enable the House to decide whether it would insert the words proposed by the member for Gascoyne. The House has decided to insert them. The House so far has decided upon the opening words of paragraph 2, "That this House recommends that." Any part of the paragraph subsequent to those words may be dealt with.

The PREMIER: Even if the amendment now before us be carried, it would be quite competent for the House subsequently to vote out the whole of the motion as amended?

Mr. SPEAKER: Yes.

The PREMIER: I think the House would be wise to vote out the whole lot afterwards.

Hon. N. KEENAN: Assuming the amendment is carried, will the discussion be confined within limits, or will the whole paragraph as amended be open for discussion?

Mr. SPEAKER: Yes.

The PREMIER: The motion will be open for discussion but not the paragraph.

Hon. N. KEENAN: I move an amendment—

That all the words of the paragraph after "that" where it occurs for the second time be struck out.

Mr. SPEAKER: The member for Gascoyne has an amendment before the Chair. If the member for Nedlands desires to move his amendment, the member for Gascoyne will first have to withdraw his amendment temporarily. The hon. member withdrew in order to allow the member for Gascoyne to move his amendment.

Mr. WISE: Out of consideration for the member for Nedlands, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. N. KEENAN: I move an amendment—

That in paragraph 2 all the words after "This House recommends that" be struck out.

It is unnecessary for me to cover the ground again.

Mr. WILSON: Perhaps I may understand the position after a few minutes, if given a chance, but at present I cannot understand what the member for Nedlands means by his amendment. If the amendment be passed, nothing will be left.

Mr. Patrick: That is so.

Mr. WILSON: There is no standard equitable value fixed for Collie coal and the sooner it is fixed, the better it will be for all concerned.

Mr. Moloney: Hear, hear!

Mr. WILSON: The first attempt to fix basic values was made in 1905 by Dr. Jack who laid down the proportion of 133 tons of Collie coal to 100 tons of Newcastle coal. Locomotive tests were made on engines belonging to the department. In 1906 the proportion was again laid down at 133 tons of Collie coal to 100 tons of Newcastle coal. In 1907 Messrs. Hume and Evans—the latter, the present Commissioner of Railways—said the proportion was 142 of Collie coal to 100 of Newcastle coal. In 1916-17 the Government appointed a Royal Commission consisting of Professor Woolnough, Mr. G. W. Simpson (formerly Public Service Commissioner), and myself to consider the question of values. We had independent tests made by railway officers, and that is all I am asking to-day. The railway representatives were drivers and firemen and Mr. Appleby, an officer of the department, who was afterwards killed in the war, and Mr. Limb, who is still in the department, was the coal tester. All those gentlemen were employed on the tests and the Commission had the services of Mr. Butcher, who at the time was engineer for the State Shipping Service. The tests were made and all data collected, and it was agreed that the proportions were 133 tons of Collie coal to 100 tons of Newcastle coal. I challenge the House to say that there has been an independent test made since that date—1916-17. If the new year brings forth a lot of trouble, we can remember that the Commissioner in 1906-7 said that the relative figures were 142 tons of Collie coal to 100 tons of Newcastle coal. The same gentleman only two years ago gave the figures as 155 tons to 100 tons, and no test was made on which to base those figures. I appeared as a witness before Dr. Herman and I know that Dr. Herman did not conduct a single test of Collie coal at any period. He relied upon ex-parte statements. I challenge con-

tradiction when I make this assertion. The other day, at the conference held in the Premier's room, the Commissioner of Railways admitted that he had never taken a test, and yet while he gave the figures as 155 tons, Dr. Herman in his report made them 150. Who gave Dr. Herman the right to make this declaration without a test? If the figure according to the Commissioner is 155, then we have been beating the companies and the men all through. The tests should settle once and for all the price issue. The Premier must be tired of it all.

The Premier: I am very tired of it.

Mr. WILSON: The companies have not been acting fairly, and the Commissioner has increased his figures from 142 to 155 tons. I only want a test so that value can be set against value.

Hon. W. D. Johnson: Suppose coal values fluctuate in the next month or two, what will happen then?

Mr. WILSON: There has been no fluctuation in calorific tests for the past 27 years. My friend, when speaking, said that the Collie people should adopt up-to-date methods. The Collie mines have the best machinery in the world and my friend can verify that by referring to the Mines Department records. All I am asking is that a test shall be conducted and that each party shall have at least one man to look after its interests. I believe that the Commissioner has agreed to a test at which the other side can be represented. He will give the Griffin Company the opportunity to be represented, which will be all right.

Hon. W. D. Johnson: If he is going to do that, why give him further directions?

Mr. WILSON: He is doing it for only one company. I am only asking for a fair and independent test and then all will be well as far as I am concerned.

The PREMIER: I am going to support the amendment and afterwards vote against the motion. Whatever may be said in support of a test, I submit that the time is wholly inopportune to bring the question forward now. The Railway Department are engaged at the present time in a serious dispute with the coal companies with regard to their obligations under an agreement in respect of money that is owing by at least one of the companies to the department, and which that company refuses to pay. If the House decides that we are to have an independent test at this juncture, I want mem-

bers to bear in mind that the contract for the supply of coal to the railways expires at the end of February, that is, the contract which was governed by the recent Arbitration Court award, and all portents are that the companies will refuse to tender for future supplies at anything approaching the price of the recent award. Whether that award was a fair one or not, I am not in a position to judge. However, it was the result of an exhaustive inquiry, but of the companies say that they cannot carry on at that price, they will tender at a figure which they consider will be suitable to themselves, and they will rely upon any backing they can get from this Parliament; and when it comes to an argument or discussion upon the submission of new tenders at the end of February, they will use this motion as a basis and declare that they have not received a fair price for their coal in comparison with the value of the coal from New South Wales. They will argue as a justification for a much higher price, a price that they will attempt to dictate, that they have been under-paid in comparison with New South Wales coal. Whatever may be said in favour of independent tests being made, whether desirable or not, I submit that the moment is entirely inopportune for any tests to be made. What the inquiry has done, and what the general understanding has been, is that the Government will take practically the whole of their supplies from Collie, subject to a price that will cover the cost of production and leave a fair margin of profit for the companies. The policy of the State is to take local coal, irrespective of the relative value of New South Wales coal, but, as I have said, at a price that will cover the cost of production and leave a fair margin of profit for the companies, though not the margin of profit that the companies have been drawing in the past. That is the position that has been arrived at between the Railway Department and the companies, and so the test would be of no value. I will vote for the amendment and I hope that at this juncture the House will not, by carrying the motion in any form, buttress the attitude of the companies that are not meeting their signed contracts with the Railway Department at the present time, but which are now shirking their obligations. I hope that the companies in the attitude that they have adopted will not receive any support from the House.

Amendment put and declared carried.

Mr. WILSON: Divide.

Mr. SPEAKER: There was only one "No." The House having decided to strike out all words after "that," the second paragraph is reduced to an absurdity. The custom is for the Speaker to use his own discretion and strike out the words that are left. I shall do that. The question before the Chair now is that the motion, as amended, be agreed to.

The MINISTER FOR EMPLOYMENT: As the member for Nedlands does not propose to move in the direction that he indicated, I will therefore move a further amendment—

That paragraphs 3, 4, 5 and 6 be struck out.

I am concerned with the local-product aspect of the question and I think we can all subscribe to the first paragraph of the motion, which has been amended, and support the proposal that, wherever practicable, 100 per cent. Collie coal should be used.

Mr. Patrick: That is in the Government's hands.

The MINISTER FOR EMPLOYMENT: We have amended the first paragraph to read that wherever practicable 100 per cent. Collie coal shall be used on the railways, and we do not want to register a vote against that. I hope the other clauses will be struck out, after which the House, by supporting Clause 1, can indicate that it agrees with the principle of burning 100 per cent. of Collie coal on our railways wherever practicable.

Amendment put and passed.

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

Ayes	..	..	..	..	24
Noes	..	..	..	..	13
					—
Majority for	..	..	..	..	11
					—

Mr. Brockman
Mr. Clothier
Mr. Collier
Mr. Cross
Mr. Hegney
Miss Holman
Mr. Johnson
Mr. Kenneally
Mr. Lambert
Mr. McCallum
Mr. Millington
Mr. Moloney

AYES.

Mr. Munsie
Mr. Nulsen
Mr. Sleeman
Mr. F. C. L. Smith
Mr. Tonkin
Mr. Troy
Mr. Wansbrough
Mr. Willcock
Mr. Wilson
Mr. Wise
Mr. Withers
Mr. Raphael

(Teller.)

NOES.

Mr. Ferguson
Mr. Griffiths
Mr. Keenan
Mr. Latham
Mr. McDonald
Mr. Mann
Mr. Patrick

Mr. Piesse
Mr. Sampson
Mr. Seward
Mr. Thorn
Mr. Warner
Mr. Doney

(Teller.)

Question, as amended, thus passed.

Sitting suspended from 6.4 to 8.25 p.m.

BILLS (2) RETURNED.

- 1, Loan, £3,946,000.
 - 2, Constitution Acts Amendment Act, 1931, Continuance.
- Without amendment.

BILL—PURCHASERS' PROTECTION.

Council's Amendments.

Returned from the Council with a schedule of 11 amendments which were now considered.

In Committee.

Mr. Withers in the Chair; the Minister for Employment in charge of the Bill.

No. 1. Clause 2—Insert after the word "of" (first occurring) in the first line, the words "Section 11 and."

The MINISTER FOR EMPLOYMENT: The member for Collie secured the insertion of a new clause with retrospective effect, and it became necessary to insert a reference to it in Clause 2. The amendment is really consequential on the insertion of the new clause. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2. Clause 2—In the second line, delete the word "eleven" and substitute the word "twelve."

On motion by the Minister for Employment the foregoing amendment was consequentially agreed to.

No. 3. Clause 3—Before the definition of "Deposit" insert the following:—"Contract" whenever herein used shall mean a contract for the sale and purchase of subdivisinal land."

The MINISTER FOR EMPLOYMENT: "Contract" was considered to be sufficiently

defined in the Bill, but I have no objection to a specific definition in Clause 3. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 4. Clause 3, Subclause (2).—Insert after the word "purchaser," in line 30, the words "within the said period of seven days."

The MINISTER FOR EMPLOYMENT: A contract may be repudiated by a purchaser by notice in writing to the vendor, and the amendment proposes a limitation of seven days. Another place has agreed to a provision to give the purchaser seven days in which to view the land, and then four days more in which to repudiate the contract, and hence the amendment is unnecessary. I am prepared to accept a modification to read "within the last mentioned period" which would refer to the four days after the inspection. I move—

That the amendment be modified by striking out "said period of seven days" and inserting in lieu the words "last-mentioned period."

Mr. SEWARD: It would appear to be against the spirit of the clause if we agreed to the stipulation of a shorter period.

The MINISTER FOR EMPLOYMENT: Seven days are allowed in which to view the land, and four days in which to repudiate, and we cannot now provide that a purchaser may repudiate within seven days.

Mr. Latham: That is right; the purchaser really has 11 days in which to repudiate.

The MINISTER FOR EMPLOYMENT: Yes, if he takes a week in which to view the land. If he viewed the land on the first day after the contract was made, he would have only five days in which to repudiate.

Question put and passed; the Council's amendment, as modified, agreed to.

No. 5. Clause 6, Subclause (1).—Insert after the word "may," in line 7, the words "by notice in writing delivered to the vendor within the said last-mentioned period."

The MINISTER FOR EMPLOYMENT: A purchaser is allowed fourteen days after the execution of the contract in which to examine the title of the vendor. The amendment requires the notice to be in writing and links it up within the period of 14 days. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 6. Clause 6, Subclause (3).—Insert the words "last mentioned" before the word "period," in line 18.

The MINISTER FOR EMPLOYMENT: The object of the amendment is to define the period of 14 days previously referred to. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 7. Clause 6, Subclause (3).—Delete the word "aforesaid" in line 19.

On motion by the Minister for Employment the foregoing amendment was consequentially agreed to.

No. 8. Clause 8.—Delete all the words after the word "sale," in line 10, down to and including "1913," in line 15.

The MINISTER FOR EMPLOYMENT: Clause 8 provides for a purchaser's signature to a contract to be witnessed by certain people. The amendment proposes to strike out all reference to those special witnesses. Some of the trouble experienced has been due to the fact that any person could witness a contract signed for the sale of subdivisional land. A man running a land agency would be available to act as witness for a man running another land agency. We desire that the witnesses be the people prescribed. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 9. Clause 9, Subclause (1).—Delete all the words after the word "agreement," in line 31, down to and including the word "woman," in line 34.

The MINISTER FOR EMPLOYMENT: The effect of the amendment would be that a married woman, whom we propose to protect, would be protected up to the stage of showing inability to continue with the contract. If she has completed the contract, there is no need to give her protection. I move—

That the amendment be agreed to.

Mr. NEEDHAM: Members find it very difficult to follow the amendments. Apparently the Minister is the only one who has a copy of them. If we have to deal with

other amendments from another place in the same manner, we shall have the utmost difficulty to understand them.

THE MINISTER FOR EMPLOYMENT: Some 14 copies of the amendments have been distributed, and I observed a member in front of the member for Perth handling a copy of the amendments to him.

Mr. Needham: Why should not every member have a copy?

THE MINISTER FOR EMPLOYMENT: That shows that some members, apart from the Minister, have copies.

Question put and passed: the Council's amendment agreed to.

No. 10. Clause 11, line 6.—Delete the words "the provisions of the preceding section and."

THE MINISTER FOR EMPLOYMENT: Clause 11 gives to any person, who has entered into a contract before the passing of this measure, the right to take full advantage of Clauses 10 and 12, and therefore the right to apply to the court for relief. The court would have the power to say whether the land should go back to the vendor with a penalty not exceeding 25 per cent. of the purchase price. Both the furniture and the home of the purchaser would be free from proceedings for distraint. The amendment would deny to a person who had entered into a contract before the passing of the measure relief by having the land retrotransferred to the vendor.

Mr. Latham: It does away with the retrospective effect.

THE MINISTER FOR EMPLOYMENT: It gives retrospective effect as regards protection of the house and furniture.

Mr. Latham: I meant as regards returning the land to the vendor.

THE MINISTER FOR EMPLOYMENT: That is so. I prefer to have the Bill with that amendment rather than no Bill at all. The amendment will give some protection, and for that reason I move—

That the amendment be agreed to.

Mr. THORN: While I appreciate the Minister's desire to have the Bill passed, I regret that the real feature of the proposal by the member for Collie has been defeated. That was to give purchasers previous to the passing of the measure the right to go to the court and obtain relief. Undoubtedly many people who have en-

tered into contracts, particularly with the firm of Land and Homes, are suffering. I know of some who are threatened with bankruptcy by the firm. I was hopeful that another place would agree to that provision, though I had my doubts about it.

Question put and passed: the Council's amendment agreed to.

No. 11.—New clause.—After Clause 13 insert a new clause to stand as Clause 14, as follows:—"This Act shall not apply to a sale by auction of subdivisational land, nor to a sale of any lot in any subdivision made by or for or on behalf of a seller who has not himself created the subdivision for the purpose of effecting the sale of the land in subdivisational lots or acquired the land for that purpose after the subdivision thereof. If any person acquires land after subdivision, and sells or causes to be sold two or more lots of such land, the onus shall be upon him in any proceedings to establish that he did not acquire such land for the purpose of selling the same in subdivisational lots."

THE MINISTER FOR EMPLOYMENT: The first part of the new clause is redundant, because provision to that effect has been made in the definition of "Sale." Our object has been to protect people against firms who have been selling subdivisational lots on a large scale. It is not proposed to interfere with a person who sells one block. The latter portion of the amendment will improve the measure. I move—

That the amendment be agreed to.

Question put and passed: the Council's amendment agreed to.

Resolutions reported and the report adopted. A committee consisting of Messrs. Needham, McDonald, and Kenneally drew up reasons for disagreeing to one amendment, and for agreeing to one subject to a modification. Reasons adopted and a message accordingly returned to the Council.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. P. Collier—Boulder) [9.12]: I move—

That the House at its rising adjourn till to-morrow at 2.30 p.m.

Question put and passed.

House adjourned at 9.13 p.m.