Legislative Council,

Wednesday, 24th October, 1934.

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

QUESTION—MINING, TAILINGS.

Hon. C. G. ELLIOTT asked the Chief Secretary: 1, Has an application by L. C. Atkinson, R. W. Coxon, and R. K. Downey to the Mines Department for a license to treat tailings on Tailings Areas 15, 18, and 19, at Mt. Sir Samuel, been refused? 2, If so, on what grounds was the refusal based?

The CHIEF SECRETARY replied: 1, Yes. 2, (a) The tailings are the property of the Australian Machinery and Investment Co., Ltd; (b) that it has been the custom for many years past in the industry to permit owners to retain tailings dumps on tailings areas; (c) it is considered that the tailings in question are not such as should be subject to a license to treat by any other person.

ROYAL PREROGATIVE OF PARDON SELECT COMMMITTEE.

Extension of Time.

On motion by Hon. H. Seddon, the time for bringing up the report of the select committee was extended to Tuesday, the 6th November.

BILLS (2)—REPORTS OF COMMITTEE.

1, Electoral Act Amendment.

2, Constitution Acts Amendment.

Adopted.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.39] in moving the second reading said: The object of the Bill is to permit of the reversion to the Crown of vacant land on which owners refuse to pay rates. Where road rates are in arrears for a period of five years or more, a road board is empowered to sell the land in order to recover the amount outstanding. In many cases the land is worthless, and consequently, when it is put up for sale, no buyers can be found, and the result is that the board is still saddled with an amount of arrears which it has no possibility of recovering and which it cannot write off its books. The provision in the Bill for reversion to the Crown of such land will not interfere with the reasonable safeguarding of owners, as full publicity will be given of the intention to revest the land. The procedure for the sale of land for unpaid rates as set out in the Road Districts Act, 1919-1933, will still be followed. This procedure is clearly laid down in Sections 278, 279 and 281 of the Act, and in the Third Schedule comprising "Rules concerning orders for possession or sale of land on which rates are in arrear."

Hon. H. J. Yelland: Which sections did you mention?

The CHIEF SECRETARY: Sections 278, 279 and 281.

Hon. J. Nicholson: That must be the consolidation.

The CHIEF SECRETARY: The sections in the consolidation do not agree with those supplied to me.

Hon. J. Nicholson: Sections 278 and 279 of the original Act deal with loans.

The CHIEF SECRETARY: That point needs to be investigated. I discovered the difference only this afternoon. The Bill provides that if vacant land is not sold after it has been put up for sale under the first order of sale, it shall be revested in His Majesty, freed of all encumbrances and discharged of all rates and taxes. This will enable the Lands Department to submit the land for sale under the provisions of the Land Act, 1933. As the land will then be freed of accumulations of rates and taxes, it is considered that in many instances buyers will be found for it, and in the event of resale, the road board will be enabled

to rate the land and obtain a measure of revenue that is was impossible to recover so long as the previous owner held the land and shirked his responsibility for rates. The Bill has been submitted at the request of representatives of responsible road boards in the metropolitan area as well as in country districts. Members are no doubt aware that there are many townships in the country, and several particular localities in the metropolitan area, where the incubus of outstanding rates has made it impossible for blocks to be taken up and improved for the mutual benefit of the buyer and of the particular town or area. This position is largely due to the fact that many of the blocks were trafficked and sold in the Eastern States years ago as residential blocks in close proximity to the capital, and the blocks were in many instances of such small area as to make them unsuitable for residential purposes. Often they were situated in parts of a district suitable only for poultry farms or agricultural purposes. The absentee owners have, throughout the years, refused to pay the rates, the boards have been powerless to deal advantageously with the blocks, and local residents, knowing the location and unsuitable size of the areas, have declined to buy them. The provisions of the Bill will enable the Minister for Lands to deal effectively with such blocks, as he will be able to see that subdivisions are suitably consolidated into blocks of a size suited to the particular locality before offering them for re-sale. Many members have been associated with the work of local governing bodies and will at once recognise the necessity for this legislation. They know that road boards have for years been handicapped by being unable to recover rates on such lands, and I feel sure they will agree that it is time provision was made to enable the boards effectively to deal with such problems. I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

BILL—TIMBER WORKERS.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central [4.48] in moving the second reading said: The purpose of this Bill is to extend the provisions of the Masters and Servants Act, 1892, and the Industrial Arbitration Act, 1912-1925, to persons engaged in manual labour under contracts in connection with the timber industry. Up to the year 1929, the bulk of the timber-hewers were employed by the big timber companies, and their working conditions were governed by a Federal Arbitration Court award, which regulated the working conditions and rates of pay; and their status as workers under the Acts mentioned was never disputed. Eventually the Timber Workers' Union transferred from the jurisdiction of the Commonwealth Arbitration Court to that of the State Arbitration Court, and the State Arbitration Court issued an award that approximated to the then existing rates. The State Arbitration Court instituted a board of reference which dealt with all matters relating to the piece-work and payment-by-result systems which were then in operation.

The hewers' position was not questioned until 1931, when a case cropped up in which two foreigners, one a contractor, the other a hewer, commenced court proceedings and ultimately took the case to the State Full Court. During the progress of the case the point was raised that the timber-hewer was not a worker within the meaning of the Act, and the Full Court upheld the contention, the judges agreeing that no relationship of master and servant existed, that award terms did not apply in what were regarded as contracts *for* service, and that therefore timber-hewers did not come under the definition of "workers" within the meaning of the Industrial Arbitration Act, and the Masters and Servants Act of 1892. Later on when the union approached the Arbitration Court to secure improved conditions for hewers, the same legal point was successfully advanced, with the result that the Court held that they had no power to make provisions governing the working conditions for timber-hewers, who, by the ruling of the Full Court, did not come within the province of the State Arbitration Court. Legislation was introduced by the Mitchell Government in 1923, to extend the benefits of the Workers' Compensation Act to timber-hewers; but the decision of the State Full Court now leaves the hewers unprotected.

The Bill was introduced here by Mr., now Sir Hal Colebatch, the then Minister for

Education, and in the course of his remarks he said—

> It was never intended that a person, merely by letting his work out as piece work, should be able to protect himself against his obligations under the Workers' Compensation Act. It must be agreed that it is desirable, not only in the interests of the worker, but of the general community that all workers should be protected in this way. There is no great hardship on an employer who insures.' I do think it is contrary to public policy that any employer should be able, by letting his own work out on piece work, simply to save himself from possibly a small amount for insurance, to allow a person to become injured and have no redress whatever.

Hon. G. W. Miles: Is Sir Hal Colebatch supposed to be an authority?

The CHIEF SECRETARY: I am pointing out that a previous Government, a non-Labour Government, introduced legislation of this kind, and that the measure was supported by this Chamber. The Bill was submitted, and there was some criticism in the initial stages; but the measure passed the second reading without a division, and, more than that, went through Committee without amendment. Hon. members of that period clearly understood what was intended. Sir Hal Colebatch, as he is now, repeated the same view in different words.

Hon. G. W. Miles: That is not the point.

The CHIEF SECRETARY: Hon. members of this Chamber at that time were perfectly satisfied with the position, and supported the Bill. But there was a defect in the measure, and this was later discovered by the Full Court. The object which the then Government sought to achieve was never realised; that is, after a test was made before the Full Court. A sleeper-hewer is a piecework wage earner, and is in no sense different from a firewood cutter employed by the firewood supply companies on the goldfields, or, in fact, the many hundreds of Government relief workers engaged on forestry clean-up work, or as land clearers, or indeed, as almost any other form of piece-worker.

The position at present is that a sleeper-hewer cannot effectively obtain and enjoy a rate for his labour, owing to the fact that the Arbitration Court or subsidiary board is faced with the technical, but fatal, objection that the hewer is a contractor owing to the precedent established by the Full Court in the Tucak v. Milentis case. He is deprived of industrial rights which he enjoyed under the Federal Court, and his legal claim to workers' compensation has been found to be defective.

Owing to the hewers being unable to obtain an award, their position is pitiable. Hundreds of these men, I am informed, are working anything up to 60 hours a week at this arduous and dangerous occupation for scarcely an equivalent to the basic wage. Some little time ago, the position became so acute that a certain amount of violence and sleeper burning was resorted to, and aventually an understood rate of £2 per load for hewing was recognised. The men had to take direct action, possibly illegal action. The class of bush that cutters are now operating in is much inferior to that of a few years ago, and is daily getting worse, and the regulations governing hewing are becoming more exacting. This, in conjunction with job cutting and labour trafficking, means that hewers find themselves unable to make much more than a bare livelihood.

There is nothing revolutionary in this legislation. It means merely that legally we are placing the hewers in a position which they understood they were in for about 25 years; and during that period no greater difficulty was experienced in dealing with them than with other classes of workers. I trust that the Bill will pass the second reading, and emerge from the Committee stage without any amendment. I move—

> That the Bill be now read a second time.

On motion by Hon. H. V. Piesse, debate adjourned.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE, No. 2.

Received from the Assembly and read a first time.

BILL—WESTERN AUSTRALIAN AGED SAILORS AND SOLDIERS' RELIEF FUND AMENDMENT.

Second Reading.

HON. H. S. W. PARKER (Metropolitan-Suburban) [5.3] in moving the second reading said: There is an Act in existence, No. 39 of 1932, which provides for the establishment of a fund to benefit aged

widows of soldiers and sailors and invalid sailors and soldiers, as well as nurses. This fund has to be built up to 1940 mainly by the proceeds of what is commonly known as Poppy Day Appeal, that is, the selling of poppies in the street on the 11th November of each year. It has come to the knowledge of the Returned Soldiers' League that unauthorized persons have expressed their intention of selling poppies on the 11th November, and to protect the public it has been deemed advisable that some provision be made to prevent their being exploited, and also to prevent any encroachment on what might be called the preserves of the league. The Bill merely provides that it shall be illegal for any person to manufacture or sell poppies on Poppy Day. At the present time unauthorised persons or bodies can come along and foist their poppies on the people in the street and the League would have no redress. Some person might even do this for his own benefit, and it is to prevent that kind of thing that the Bill has been introduced. It is rather important that the Bill should become law before the 9th November next, on which day the appeal will be made. Therefore I ask members not to delay its passage longer than is necessary. I move—

That the Bill be now read a second time.

HON. H. SEDDON (North-East) [5.6]: I do not desire to oppose the Bill, but I think the House might be given a little more information so that we may know exactly how far the league covers all it says it does. I understand there is an organisation called the Ex-Naval Men's Association, and that this body regards itself as being entitled to consideration in any appeal which is made to assist aged sailors and soldiers.

Hon. H. S. W. Parker: The Bill covers invalid sailors, soldiers and nurses.

Hon. H. SEDDON: Do I understand that such an organisation as the Ex-Naval Men's Association will be taken into consideration along with the Returned Soldiers' League in connection with the distribution of any fund raised by means of the annual Poppy Day appeal? It appears to me that the Bill will grant a monopoly to the Returned Soldiers' League, and it might be desirable to remember that there are other organisations of men who have served the Empire and who may be considered to have claims on the appeal. I suggest it might be desirable to postpone the passing of the second reading until we hear a little more on the subject from other sources.

HON. J. CORNELL (South) [5.8]: I have much pleasure in supporting the second reading of the Bill. The position is that the ex-service men's organisation were responsible for Poppy Day, and until recent years throughout the Empire—it is now an Empire-wide movement—that body had an unchallenged field. At the outset the public did not extend that generosity towards Poppy Day appeal that they do to-day, and it is only in recent years, when the Returned Soldiers' League throughout Australia has demonstrated to the public the value of Poppy Day and what poppies really stand for, that a success has been made of the appeal and that other organisations have shown a desire to enter the field and do what they like. That has never been so with the recognised organisation throughout Australia, the Returned Soldiers' League. The first poppies that were sold were made in France, and after a lapse of years the British League secured the exclusive right to manufacture all poppies. Now other States of Australia make their own, and we in Western Australia make our own. The wreaths laid on the War Memorial a few weeks back by Prince Henry were made by the British branch of the Poppy League. As Mr. Parker has said, all that it is desired to do is to give the founders of the movement the exclusive right to organise and conduct the Poppy Day appeal. The League has a specific object in the conduct of the appeal. At one time the Federal executive got part of the proceeds and sub-branches got a part also, but to-day half of the proceeds goes to the sub-branches and the other half to the Aged Sailors and Soldiers' Relief Fund, and in a few years' time it will be possible for those who expect to benefit from this fund to do so without there being any semblance of charity associated with the claim. There are numerous organisations in the State connected with the war. There are the battalion units and the ex-naval units. The membership of the battalion units is confined solely to men who served in particular units. The Ex-Naval Men's Association, I understand, does not confine itself exclusively to

war veterans or others eligible to become members of the Returned Soldiers' League. Any member of the Ex-Naval Men's Association who saw service in the Great War is eligible for membership to the body that is working to assist the relief fund for aged sailors and soldiers. As a matter of fact ex-Lieut. Kaye-Perrin, who was president until recently of the Ex-Naval Men's Association, was by virtue of his war service a member of the South Perth branch of the Returned Soldiers' League. What is aimed at by the Bill is that the public will know that the body responsible for the manufacture and sale of the poppies is the Returned Soldiers' League, Western Australian branch, and that no one else is authorised to place poppies before the public on Armistice Day, which, this year, will be observed on the 9th November as the 11th November will fall on Sunday. There is nothing whatever to prevent ex-naval men deriving benefits from Poppy Day through a sub-branch of the League in Western Australia. There are about 160 sub-branches. If the House gives consideration to the Ex-Naval Association, it must in justice give consideration also to the Old Contemptibles' Association, a body that is composed of men who fought at Mons. Again there has been an endeavour to form an opposition body by some Imperial ex-service men, but it can be said to the credit of the ex-service men generally that 95 per cent. joined up with the Returned Soldiers' League, and many of them hold important positions. Hon. members must be aware that the safest organisation to guard the interests of returned soldiers in this State is the Returned Soldiers' League. That body has its arguments, but they are domestic and are soon settled. We can with safety give them, in respect of Poppy Day, the protection sought. The appeal being made to Parliament is the result of a conference, representative of the 160 branches, and I should like to say that 90 per cent. of the members of the branch at Moorine Rock which I represent consists of ex-Imperial men, and they no doubt will benefit from the fund later on. I hope the Bill will be passed without delay because Poppy Day is not very far off, and we want this protection.

HON. H. S. W. PARKER (Metropolitan-Suburban—in reply) [5.15]: As Mr. Seddon suggested, misunderstandings do arise from time to time. There is the Ex-Naval Men's Association, which I understand men who served in the British Navy are eligible to join. The British Ex-Service Men's Association of Australia is a body which all persons who have served in the British Army are entitled to join. A man is not eligible to join the Returned Soldiers and Sailors' Imperial League of Australia unless he has served in a theatre of war. There is a certain amount of difference of opinion owing to that fact. A man may have since the war joined some Imperial regiment, and retired. He may then come to Australia, and be entitled to join the Imperial Ex-Service Men's Association. In the same way a man may have joined the Navy since the war, and be eligible to join the Ex-Naval Men's Association, although he has never seen active service.

Hon. J. Cornell: The South African veterans do not object to this.

Hon. H. S. W. PARKER: Many of them are entitled to join the League. Practically every man who has served in a war of the Empire is entitled to join the Returned Sailors and Soldiers' League. There are a certain number of people who think they can manage a thing better then other organisations can, and so it is that a municipality of organisations come into being. One hears it suggested that an ex-naval man cannot get assistance from the Returned Soldiers' League, because he is not a member of it. When it comes to amelioration, the League does not care two straws whether an ex-service man, who has served in a theatre of war, is a member of the League or not. They prefer that he should be a member, but that in no way debars him from receiving assistance.

Hon. J. Cornell: I think it is about fifty-fifty either way.

Hon. H. S. W. PARKER: I think about 75 per cent. of the amelioration fund goes to non-members of the League, who thus derive more benefit from it than the members do. Members of the League admit that they have joined it for the purpose of assisting their less fortunate comrades. The Bill has been brought down because of the suggestion that some of these organisations might launch a Poppy Day appeal in opposition to the Returned Soldiers' League. It would be a most unfortunate and disgraceful thing if an ex-naval man and an ex-soldier were found having a row at a street corner on the question of who should sell poppies. It

is to avoid that trouble that the Bill has been brought down. It will also prevent Poppy Day from being brought into disrepute. I give an assurance on behalf of the League that whether members of these other organisations are eligible to join the R.S.L. or not, and whether they have been or are members of it, they will always receive prompt attention from the officials of the League when it comes to a question of amelioration. I understand they will be eligible, for the parent Act sets out that—

Such moneys shall, subject to the regulations, be applied by the Trust in its discretion for the benefit of aged and/or invalid sailors, soldiers and nurses eligible for membership of the League, and for widows of soldiers or sailors who fought in the Great War.

The Act does not say they shall be members, only that they shall be eligible for membership. The House need have no fear on this score. The Bill is required, not for the purpose of giving assistance to members of the organisation, but to help aged and invalided sailors and soldiers and the widows of sailors and soldiers who served in the Great War.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 5.22 p.m.

Legislative Assembly.

Wednesday, 24th October, 1934.

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

QUESTION—LAND SETTLEMENT, ADVANCES.

Hon. C. G. LATHAM asked the Minister for Lands: What are the amounts outstanding for principal and interest in respect of advances made under (a) The Agricultural Bank Act, 1906-1930; (b) The Industries Assistance Act, 1915-1931; (c) The Discharged Soldiers' Settlement Act, 1918, and its amendments; (d) The Finance and Development Board Act, 1930; (e) The Group Settlers' Advances Act, 1925; (f) The Wire and Wire Netting Act, 1926?

The MINISTER FOR LANDS replied:

	Principal. £	Interest. £
(a) Outstanding and not due ...	3,930,696	...
In possession	705,455	282,451
Due and outstanding ...	797,027	828,982
	£5,433,178	£1,111,433
(b) Outstanding and not due ...	714,740	...
In possession	394,389	113,723
Due and outstanding ...	446,651	235,421
	£1,555,780	£349,244
(c) Outstanding and not due ...	3,077,384	...
In possession	547,559	194,101
Due and outstanding ...	689,409	622,393
	£4,314,352	£816,494
(d) Capital raised under Act, merged into Bank capital.		
(e) Outstanding and not due ...	1,986,078	...
In possession	501,698	105,773
Due and outstanding ...	...	358,310
	£2,487,776	£464,083

(f) Principal and interest due and unpaid—£61,055 19s. 1d