from the payment of a tax of this kind, because they are earning the basic wage or less, owing to the fact that there has been an increase in the basic wage they should by that means be brought within the scope of the tax. It is, therefore, necessary to have this margin above the basic wage, and to make it as nearly as we can such a margin that it is not likely to be affected by any variation in an upward direction of the basic wage. The Government is not prepared to re-impose the tax unless provision is made for the exemption of the basic wage-earner in the metropolitan and agricultural areas. There has been a lot of discussion in this Chamber on this question. The Bill merely carries out the same policy that has been put into operation and agreed to by both Houses during the last four years. The only difference is the difference in the figure which is brought about as a result of the increase in the basic wage during that period. I move—

That the Bill be now read a second time.

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

*House adjourned at 11.29 p.m.*

# Legislative Assembly.

*Thursday, 9th December, 1937.*



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

## QUESTION—ARSENIC PLANT, WILUNA, INSPECTION.

Mr. MARSHALL asked the Minister for Employment: 1, On what date was the last inspection made by an Inspector of Shops and Factories of the arsenic plant at Wiluna? 2, When is it proposed that a further inspection shall be made?

The MINISTER FOR EMPLOYMENT replied: 1, The last inspection was made on 17th November, 1937. 2, It is anticipated that a further inspection will be made early in the new year.

## QUESTIONS (2)—UNEMPLOYMENT.

*Restriction of Unskilled Work.*

Mr. SAMPSON asked the Minister for Employment: Does he realise that in limiting sustenance men to pick and shovel work, the problem faced by the unskilled worker is thereby greatly increased, such work being already severely restricted?

The MINISTER FOR EMPLOYMENT replied: Relief works are not limited to pick and shovel work. On every job skilled workmen are employed and in a great many instances the men employed are by a large majority receiving over the basic wage.

*Light Work for the Incapacitated.*

Mr. SAMPSON asked the Minister for Employment: Will he endeavour to provide light work for those in distress but who are physically unable to stand up to heavy laborious work; and, if so, what work of this nature is available?

The MINISTER FOR EMPLOYMENT replied: A scheme of forestry work, providing employment for the less physically efficient, has been in operation for some time, and efforts will be made to extend the scheme.

## QUESTION—APPRENTICES, INCREASE AND REGISTRATION.

Mr. SAMPSON asked the Minister for Employment: 1, In view of the importance of enabling the youth of Western Australia to learn a trade will he, in the Bill to amend the Industrial Arbitration Act which he is about to introduce, give consideration to the engagement of a larger number of apprentices than is provided for in the different awards to-day? 2, Will he also take steps to ensure that all employers, unless specifically exempted, provide for the registration of such apprentices as is set out in connection with the various trades?

The MINISTER FOR EMPLOYMENT replied: 1 and 2, The points raised in these questions are the subject matter of inquiry by a Royal Commissioner.

## QUESTION—LICENSING BOARD, CHAIRMAN'S CONDUCT.

Mr. PATRICK asked the Minister for Justice: 1, Has he noted the extraordinary procedure of the Chairman of the Licensing Board at a sitting recently held in Geraldton? 2, Will he consider asking for Mr. Cahill's resignation, and the appointment of a chairman with the necessary judicial temperament? 3, Was Mr. Barker appointed to the Board after resigning from another position on the ground of ill-health? 4, Is it not a fact that Mr. Barker is frequently absent from the sittings of the Board on account of ill-health? 5, In view of the fact that in his absence the chairman controls, and is in effect the Board, will he consider replacing Mr. Barker with a man capable of carrying out efficiently the paid duties of the office?

The MINISTER FOR JUSTICE replied: 1, No. 2, No. 3, Mr. Barker's health was normal when he was appointed to the Licensing Bench. 4, No. 5, No. It is not a fact that in the absence of a member the chairman controls and is, in effect, the Board. The position is governed by Subsection (6) of Section 21 of the Licensing Act.

## QUESTION—DISTRIBUTION OF BILLS.

Mr. SAMPSON (without notice) asked the Premier: In view of the difficulty in dealing with Bills immediately after second reading by the Minister in charge, will he agree to suspend the Standing Orders in regard to the distribution of Bills and make them available to members as soon as the first reading has been passed?

The PREMIER replied: I gather that the hon. member refers to Bills received from the Legislative Council. If he desires to move for the suspension of Standing Orders as indicated, I shall have no objection.

Hon. C. G. Latham: There is always a copy on the file when a Bill is brought down.

Mr. SAMPSON: I am not limiting——

Mr. SPEAKER: The hon. member must not make a speech.

## MOTION—ADDITIONAL SITTING DAY.

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [4.35]: I move—

That unless otherwise ordered the House meet for the dispatch of business on Fridays at 4.30 p.m., in addition to the days already provided.

Viewing the Notice Paper as it stands, with 42 Orders of the Day, it is obvious that we shall have to exercise some expedition in dealing with the business before us if we desire to see the session close prior to Christmas. I had some hope that we would have been able to finish at the end of next week. Somebody might have interjected, "Buckley's"; but there was some hope of our rising earlier. However, we wasted a day on Tuesday, and we did not make much progress with the business yesterday. We shall have to sit on Fridays and then it will take the House most of its time to get the business ready for the Upper Chamber.

Mr. Stubbs: Why not sit earlier?

The PREMIER: We have often tried sitting earlier, but it does not seem to pan out any better. Members seem to think that from the time the House sits until tea-time we can discuss these things leisurely, and

after tea get our heads down seriously to business; but experience of earlier sittings has not been satisfactory from the point of view of expediting Government business. If it appears during next week that, by sitting earlier, we will be helped to attain the desired end of finishing earlier than Christmas Eve, consideration can be given to the matter. I do not think any hon. member desires that on the day before Christmas we should be sitting in this Chamber dealing with business when by sitting a little longer that can be avoided. At the same time it is not desirable that we should have late sittings. The work, however, has to be done. While it may have suited members to have a week off during the Federal election campaign, the time so lost must be made up. There has been a considerable amount of Government business brought forward, and a record amount of private members' business has been introduced this year. The Government does not want to deprive members of the opportunity to bring business before the House if they think it is sufficiently important. But when 20 or 30 private members become imbued with the same idea, a considerable amount of time is required to deal with the Bills so introduced. We have sat until 11 o'clock on private members' day to try to get through their business but have not succeeded. If we meet as is provided in the motion it will help considerably. The question of sitting earlier in the coming week can be taken into consideration later on.

**HON. C. G. LATHAM** (York) [4.42]: I do not intend to oppose the motion, but I am concerned about the amount of work that has to be done. There are no fewer than 62 Bills on our file, and there are four Government measures which have yet to be introduced. This is going to prove a record session for Bills, and it takes a good deal of members' time to deal with such a large volume of business, especially if the session is to be rushed through as the Premier anticipates. I am going to make an appeal to him to have the House meet after Christmas, because it is absolutely impossible to deal with all the proposed legislation—some of which is very important—at the time at our disposal before Christmas. Since the suspension of Standing Orders for setting aside private members' day there have been no new Bills introduced by private members, but there have been a lot of Government Bills. I am wondering how it will be possible to put on the statute-book legislation that will be satisfactory to the public if we are going to rush it through as is anticipated. At this stage I want to make a complaint, if I may, and I think that this might be dealt with by you, Mr. Speaker. The Notice Paper does not reach this House before 12 o'clock noon, and it is impossible before then for members to know what the order of business is. The Premier has been good enough to advise me the evening before each sitting what legislation is to be discussed the next day, but other members have no opportunity of knowing the order of the business. For the remainder of the session special efforts should be made by the Government Printer to see that the notices are here not later than 10 o'clock. Unless they are it is impossible for members to know what is to be done. There are two Bills—the Arbitration Bill and the Public Service Appeal Board Act Amendment Bill—which cannot possibly be dealt with today. They may be simple to those who thoroughly understand them, but it is impossible for others to deal with them to-day, because we have not had an opportunity to look into them as thoroughly as we should. The member for West Perth (Mr. McDonald) can speak for himself, but I know that he is a busy man as well. I do not oppose the motion, because I do not care how often we sit so long as we do not sit all night. Sitting all night is a most unsatisfactory way of dealing with legislation. The public suffer from the passing of legislation in such circumstances, and hon. members suffer in health, and in temper, too, in the early hours of the morning. So far as we possibly can on this side of the House we will assist to get legislation through, but there are some Bills which we reserve the right to oppose, and we are going to oppose them to the bitter end. We are not going to let them get through easily. There will be no difficulty in getting through the ordinary departmental Bills that have been introduced, but I am going to appeal to the Premier not to attempt to put through these 42 Bills, and others that have to be introduced, in the limited time left to us. There is one Bill the Minister for Health proposes to introduce, and I cannot see how we can possibly deal with it before Christmas. I suggest that it be left over until after the Christmas holidays. Let us come back after Christ-

mas and do the work in a proper and businesslike way.

**MR. McDONALD** (West Perth) [4.44]: I endorse the motion, but join with the Leader of the Opposition in saying that I prefer we should come back after Christmas rather than that we should be involved in too great a rush prior to Christmas, a rush it would be impossible to avoid on account of the bulky Notice Paper. I am as anxious as any other member to have the work done by Christmas so that we can feel it has been put behind us. But to-day I had several members of the public coming to see me with regard to different pieces of legislation concerning which they wished me to make certain representations. Like the Leader of the Opposition I have endeavoured to find time to analyse the Industrial Arbitration Act Amendment Bill and the Public Service Appeal Board Act Amendment Bill, and to examine the parent Acts in order that I might satisfy myself as to whether we are going to achieve what is desired or what the effect of the Bills will be. That takes some time to do. The draftsman has spent a good deal of time upon framing the Bills, and anybody who wishes to satisfy himself that he knows the effect of the legislation proposed cannot do it in a hurry. I would prefer to come back after Christmas rather than that we should hasten this business unduly.

**MR. SAMPSON** (Swan) [4.45]: I sincerely applaud and support the suggestion to sit after Christmas. By doing that, private members would have an opportunity to secure consideration of their business, some of which has been on the notice paper for several weeks. I have a Bill on the notice paper, the position of which has varied from No. 5 to No. 30, and it is now order of the day No. 27. Private members would appreciate an opportunity to deal with their business on Wednesday in each week. There is a fair amount of private members' business that has been partly dealt with and the whole of what has been done will be lost if opportunity is not afforded to finalise that business. As an election for another place occurs next year it would mean doing again much of what has been done. As it seems impossible to finish the session before Christmas, and in view of the fact that private members represent electors and that their business is of importance, I hope the Premier will agree to provide opportunities for its consideration.

Mr. SPEAKER: In reply to the Leader of the Opposition I should like to point out that the matter of making copies of the notice paper available earlier in the day has been taken up with the Government Printer. Members must realise, however, that the notice paper to-day consists of 11 pages.

Hon. C. G. Latham: It was all set up before; it had not to be set up again.

Mr. SPEAKER: The hon. member put up three or four pages of amendments.

Hon. C. G. Latham: But they were on the notice paper before. The type is there.

Mr. SPEAKER: Yes. The Government Printing Office does not start work until 8 o'clock in the morning, and the Government Printer says it is impossible to get the notice paper here before mid-day. In addition to our notice paper he has to print the Legislative Council notice paper and also there is the "Hansard" printing. The Clerk Assistant has suggested that, in order to overcome the difficulty of members not knowing the order of business at an earlier hour, a duplicate copy could be made and posted in the Records Office so that members could acquaint themselves with the order of business. I cannot see any chance of getting the printed notice paper from the Government Printing Office any earlier than at present. At any rate, that is the advice I have received.

Question put and passed.

## BILL—PHARMACY AND POISONS ACT AMENDMENT.

Introduced by the Minister for Health and read a first time.

## BILL—LOAN, £1,227,000.

*Council's Requested Amendments.*

Returned from the Council with requested amendments.

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 1).

Received from the Council and read a first time.

## BILL—REDISTRIBUTION OF SEATS.

*Second Reading.*

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [4.50] in moving the second reading said: This is a very small Bill containing only two or three clauses, but there is also a schedule that members have already seen in the report of the Commissioners. Therefore, I hope the measure will not provoke very much discussion. Under Section 10 of the Electoral Districts Act, 1922-28, the Governor is obliged to direct a redistribution when, after a triennial election, it is found that in not fewer than five districts the number of electors is 20 per cent. greater or less than the quota. The quota in respect to districts within areas is, in each case, the quota fixed by the Commission in 1929, and not a quota derived by the application of the formula in the Act to present-day enrolment. On the occasion of the last redistribution, owing to a mistake in the estimate of the number of electors in the proposed areas, we found that at least two districts—Greenough and, I think, Nelson—were well over the quota on the first reprint of the electoral rolls.

Mr. Patrick: And at least one district in the metropolitan area.

Mr. Sampson: There is no anxiety for this measure at the present stage.

The PREMIER: Notwithstanding the provisions of the Electoral Districts Act, it is not desirable to have a redistribution every two or three years, even though it might be found that one or two districts or even the number of districts set out in the Act are 20 per cent. under or over the quota. Particularly is this so in times of depression when electors are unfortunately scattered all through the State in search of employment. I do not think we have had a redistribution in a less interval than eight or ten years, and in this instance it is nine years. After the last election a report was presented giving details of the districts over and under the quota, but it was not worth while to proceed with the redistribution at that time. It was preferable to wait until just previous to an election before setting about altering boundaries, because otherwise circumstances might have arisen to alter the position again.

Mr. Doney: There is no guarantee that that will not be repeated under this Bill. There is still a big movement of population.

The PREMIER: But nine years have passed since there was a redistribution, and it is a duty statutorily imposed upon the Government to bring in a redistribution Bill. Common sense would demand that, say, three years after a redistribution had been made, we should not again alter the boundaries unless there was some grave reason for taking that step. When the last redistribution took place, there were extremely grave reasons for it, because one electorate numbered 300 or 400 electors, while another had 15,000.

Hon. C. G. Latham: One had 17,000, I think.

The PREMIER: Well, 17,000. Since then the districts have not got out of proportion to the same extent.

Mr. Sampson: There is a suggestion abroad that this Bill has been brought down too early.

Hon. C. G. Latham: It is too late in the session, anyhow.

The PREMIER: If there were only four or five seats out of proportion, the House might be inclined to let them rest, but the report of the Commissioners states that about 19 seats are out of proportion in relation to the quota set out in the Electoral Districts Act. Therefore, the Government felt that this statutory duty was cast upon it to introduce a Bill.

Hon. P. D. Ferguson: Is the whole of the Commissioners' report included in the Bill?

The PREMIER: No, members have had copies of the report, but the schedule in the report giving the boundaries is attached to the Bill.

Hon. P. D. Ferguson: The whole of the schedule?

The PREMIER: Yes.

Mr. Doney: Yes, for every district.

Hon. P. D. Ferguson: Including the boundaries of Council provinces?

The PREMIER: No, this Bill does not purport to deal with Legislative Council province boundaries.

Hon. C. G. Latham: We can easily see that.

Hon. P. D. Ferguson: Did not the report deal with seats in both Houses of Parliament?

The PREMIER: Yes, but there is no duty on the Government to bring in a Bill, except in so far as it affects the Legislative Assembly. At this stage of the session we have quite enough to do to deal with our own boundaries. If we are going to have a redistribution before the next general elections, we must pass a Bill this session. If

it were left till next session there would not be time to transfer electors to the rolls of the different districts and have the whole matter adjusted and completed before the general elections. The procedure followed was to give strict attention to the rolls, and a thorough revision was made in the three months terminating in September last, thus bringing the rolls entirely up to date. The report has thus been formulated on the rolls at the latest date when a special effort was made to ensure, as far as possible, that they were thoroughly in order. The return as at the 30th September shows that there are 21 districts where the enrolments vary by more than 20 per cent. of the quota fixed by the Commissioners in 1929. In the metropolitan area there are seven districts more than 20 per cent. in excess of the quota, the highest being Nedlands with 10,280 electors, compared with the quota of 6,531. In the agricultural area there are two districts where the enrolments are more than 20 per cent. below the quota and five where they are more than 20 per cent. above. The quota is 4,074, the highest being Greenough with 5,354 and the lowest York with 2,927. In the mining and pastoral area there are seven districts greater than 20 per cent. above the quota, the highest being Murchison with 4,466 electors, compared with a quota of 2,005. A better perspective of the Bill is obtainable if we consider the position as it was in 1929, when the last redistribution was effected, with the position as it is to-day. This is shown in the following table:—

| | 1929. | 1937. | Increase. |
|---|---|---|---|
| Metropolitan .... | 111,027 | 131,214 | 20,187 |
| Agricultural .... .... | 85,556 | 86,205 | 649 |
| Mining and Pastoral.... | 16,037 | 27,697 | 11,660 |
| Totals .... | 212,620 | 245,116 | 32,496 |

From these figures it will be seen that while the position in the agricultural area has remained almost the same, in the metropolitan area there is an increase of 20,187 and in the mining and pastoral area an increase of 11,660. The figures indicate that there should have been more seats in the metropolitan area and in the mining and pastoral area; but because the population has remained stagnant in the agricultural area, the extra seats are necessary to give the same quota.

Mr. Doney: You recognise that the Bill punishes the agricultural area?

The PREMIER: I recognise that it inflicts some hardship on the agricultural area, just as the 1929 measure inflicted severe hardship on the goldfields.

Hon. C. G. Latham: There is no comparison at all.

The PREMIER: My hope is that if the Bill passes, the experience of the past will be repeated—that those seats which were denied representation proceeded immediately to get up their backs and increase their electoral population, as distinguished from total population, which includes children.

Hon. C. G. Latham: Proportionately it would be the same here. If the voting population increases, the general population increases.

The PREMIER: Notwithstanding the blow delivered at the goldfields by the redistribution of 1929 their prosperity was not affected. As their Parliamentary representation decreased, they increased their electoral population by some 11,000. I do hope that if the Bill passes, the population of the agricultural area will increase in the same rapid ratio as that of the goldfields under similar circumstances.

Hon. C. G. Latham: Give us increases in the prices of wheat and wool!

The PREMIER: In that respect every member on this side of the House, and I am sure every member on the other side, will put his shoulder to the wheel. The outlook indicates that prices of wheat and wool will be ever so much more satisfactory than they have been during the four or five years preceding this year. Taking the figures of the actual enrolment on the 30th September, 1937, the Commissioners found that the position was as follows:—

| Area. | Actual Enrolment as on 30th September, 1937 | Figures for Calculation purposes under Section 4 (a) and (b) of the Act. | Quota arrived at by dividing 229,075 by 46. | No. of Districts to which each Area would be entitled—Section 4 (b). |
|---|---|---|---|---|
| Metropolitan | 131,214 | (a) 87,476 | 4,979 | 17·57 |
| Agricultural | 86,205 | 86,205 | | 17·31 |
| Mining and Pastoral | 27,697 | (b) 55,394 | | 11·12 |
| Totals .... | 245,116 | 229,075 | .... | 46 |

(a) This number is two-thirds of the actual enrolment.
(b) This number is double the actual enrolment.

The Commissioners exercised their discretion as provided in Section 4 of the Act and decided to disregard the fraction of the metropolitan area, and increase it in the

agricultural area, making the total number of districts as follows:—

| | |
|---|---|
| Metropolitan area .. .. .. | 17 |
| Agricultural area .. .. .. | 18 |
| Mining and pastoral area .. .. | 11 |
| Total .. .. .. .. | 46 |

The number of electors in each area was then divided by the number of seats for that area, with the following result:—

| Area. | Quota. | Minimum, *i.e.*, 20 % less than Quota. | Maximum, *i.e.*, 20 % greater than Quota. |
|---|---|---|---|
| Metropolitan .... | 7,718 | 6,175 | 9,261 |
| Agricultural .... | 4,789 | 3,831 | 5,747 |
| Mining and Pastoral .... .... | 2,517 | 2,014 | 3,020 |

Applying these quotas to the actual present enrolments within each district, it was found that in the metropolitan area there are at the present time three districts more than 20 per cent. in excess of the quota, that in the agricultural area there are seven districts more than 20 per cent. below the quota, and that in the mining and pastoral area there are five districts more than 20 per cent. above the quota. The Bill is in accord with the finding of the Commissioners with regard to the electoral representation of the various areas, agricultural, pastoral and mining, and metropolitan; and the measure is introduced because of the statutory obligation imposed on the Government. We think the provisions contained in the Electoral Districts Act are fair and reasonable, and as far as can be judged the Commissioners have done good work. It is not necessary for me to traverse the report of the Commissioners, which was distributed a week ago. Members will have had ample opportunity to scrutinise it and to inform themselves of its contents. In order to assist hon. members in examining the recommendations, maps have been prepared and hung in the Chamber. The maps are in detail and on a large scale, and members can examine them under favourable circumstances instead of having to rely upon the technical terms used by the Commission in defining the boundaries of the various constituencies. The Government is introducing the Bill because of the obligations imposed by the Electoral Districts Act. While it may be thought, upon a casual glance, that the effect of the Bill would be that some slight advantage might rest with the Government, when the boundaries are altered to the great extent set forth in the measure, it is extremely difficult to form a reliable estimate as to the effect on the chances of the several parties making up the political life of the State. While there may be some advantages here and there from my standpoint, there are just as many advantages in the redistributed boundaries to the opposite parties in this Chamber.

Hon. C. G. Latham: Surely it is not fair representation to give Kalgoorlie what it has!

The PREMIER: That is not the fault of the Commission.

Hon. C. G. Latham: I do not blame the Commission. I blame the Government.

The PREMIER: It is within the purview of the Act.

Hon. C. G. Latham: If the Act is unfair, you should amend it.

The PREMIER: I do not say the Act is unfair.

Hon. C. G. Latham: I do.

Mr. SPEAKER: Order!

The PREMIER: The Government's action has been taken to conform to the law within a reasonable time, and not for the purpose of gaining any political advantage. The previous Labour Government introduced in 1929 a Bill to conform with the law, even though the then Premier, Mr. Collier, apparently said at the time that the Government by bringing down the Bill was walking the plank, committing political suicide. The hon. gentleman was a very good prophet, because that was the result of the next general election.

Hon. C. G. Latham: It was the unpopularity of the Government of the day that defeated you, and not the redistribution of seats.

The PREMIER: I will not say anything nasty. In commending the Bill to the consideration of the House I can do no better than reiterate the remarks made by Mr. Collier in 1929. They were as follows:—

> It is, I think, the duty of the House to accept the report of the Commissioners and to carry the Bill. It certainly is the responsibility of this Parliament, and more particularly of this House, to make alterations to the existing boundaries. That being the case, I cannot see any conceivable set of circumstances which would point to our getting a better rearrangement of the boundaries than is contained in the report of the Commissioners and in this Bill.

Those remarks were true in regard to the Bill of 1929, and are equally applicable to this Bill. Therefore, without further comment, I move—

That the Bill be now read a second time.

**MR. SAMPSON** (Swan) [5.10]: I move—

That the House do now divide.

Mr. THORN: I second the motion.

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

| | |
|---|---|
| Ayes .. .. .. .. | 21 |
| Noes .. .. .. .. | 22 |
| Majority against .. .. | 1 |

| Ayes | | Noes | |
|---|---|---|---|
| Mr. Boyle | Mr. Patrick | Mr. Coverley | Mr. Nulsen |
| Mrs. Cardell-Oliver | Mr. Sampson | Mr. Cross | Mr. Raphael |
| Mr. Doust | Mr. Seward | Mr. Fox | Mr. Redoreda |
| Mr. Ferguson | Mr. Shearn | Mr. Hawke | Mr. Sleeman |
| Mr. Hill | Mr. Stubbs | Mr. Hegney | Mr. F. C. L. Smith |
| Mr. Hughes | Mr. Thorn | Miss Holman | Mr. Styants |
| Mr. Latham | Mr. Warner | Mr. Lambert | Mr. Tonkin |
| Mr. Mann | Mr. Watts | Mr. Marshall | Mr. Troy |
| Mr. McDonald | Mr. Welsh | Mr. Millington | Mr. Willcock |
| Mr. McLarty | Mr. Doney | Mr. Munsie | Mr. Withers |
| Mr. North | (*Teller.*) | Mr. Needham | Mr. Wilson |
| | | | (*Teller.*) |

| Pairs | |
|---|---|
| Ayes. | Noes. |
| Mr. Brockman | Mr. Johnson |
| Mr. Keenan | Mr. Collier |

*Motion thus negatived.*

**MR. THORN** (Toodyay) [5.15]: I move an amendment—

That "now" be struck out and the words "this day six months" inserted in lieu.

The Minister for Railways: You cannot do that!

Hon. P. D. Ferguson: I second the amendment.

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

| | |
|---|---|
| Ayes .. .. .. | 20 |
| Noes .. .. .. | 21 |
| Majority against .. | 1 |

| Ayes | | Noes | |
|---|---|---|---|
| Mr. Boyle | Mr. North | Mr. Coverley | Mr. Raphael |
| Mrs. Cardell-Oliver | Mr. Patrick | Mr. Cross | Mr. Redoreda |
| Mr. Doust | Mr. Sampson | Mr. Fox | Mr. Sleeman |
| Mr. Ferguson | Mr. Seward | Mr. Hawke | Mr. F. C. L. Smith |
| Mr. Hill | Mr. Shearn | Mr. Hegney | Mr. Styants |
| Mr. Hughes | Mr. Thorn | Miss Holman | Mr. Tonkin |
| Mr. Latham | Mr. Warner | Mr. Marshall | Mr. Troy |
| Mr. Mann | Mr. Watts | Mr. Millington | Mr. Willcock |
| Mr. McDonald | Mr. Welsh | Mr. Munsie | Mr. Withers |
| Mr. McLarty | Mr. Doney | Mr. Needham | Mr. Wilson |
| | (*Teller.*) | Mr. Nulsen | (*Teller.*) |

| Pairs | |
|---|---|
| Ayes. | Noes. |
| Mr. Brockman | Mr. Johnson |
| Mr. Keenan | Mr. Collier |
| Mr. J. M. Smith | Mr. Lambert |
| Mr. Stubbs | Mr. Wise |

Amendment thus negatived.

On motion by Hon. C. G. Latham, debate adjourned.

## BILL—INCOME TAX ASSESSMENT.

*Council's Message.*

Message from the Council notifying that it insisted on its amendment No. 3, had disagreed to the further amendment of the Assembly to the Council's amendment No. 9, and insisted on its original amendment No. 9, to which the Assembly had disagreed, now considered.

*In Committee.*

Mr. Sleeman in the Chair; the Premier in charge of the Bill.

On motions by the Premier, the Assembly continued to disagree to the amendments made by the Council.

Resolutions reported and the report adopted.

*Assembly's Request for Conference.*

The PREMIER: I move—

That the Council be requested to grant a conference on the insisted-upon amendments, and that the managers for the Assembly be the Hon. H. Millington, Hon. C. G. Latham, and the mover.

Question put and passed, and a message accordingly transmitted to the Council.

## BILL—FINANCIAL EMERGENCY TAX.

*Second Reading.*

Debate resumed from the previous day.

**HON. C. G. LATHAM** (York) [5.26]: It is true, as the Premier pointed out, that the Bill contains but little alteration compared with the measure introduced last year, but it is proposed to evade the decision that was reached between the two Houses as to the starting point for the tax. When the Bill was introduced to assess the tax, the Premier provided that those in receipt of less than the basic wage should be exempt from the tax. After the assessment Bill had been referred to a conference between managers representing the two Houses, this Chamber subsequently adopted the report that showed that the Council had forced its proposals regarding the measure. The Premier seeks to evade that position inasmuch as he suggests increasing the exemption from £195 to £200 for the salaried man and from £3 15s. to £3 17s. for the wages man. While the Premier may say that does not indicate an attempt to evade the decision arrived at by the conference between the two Houses, it is tantamount to that.

The Premier: We arrived at no decision except that the Council would not agree to the basic wage exemption.

Hon. C. G. LATHAM: Then we will probably have a further discussion on that point at a later stage. The alteration I shall allude to appears in the first columns of the two schedules. I draw the attention of the Premier to the proviso in the Bill whereby he proposes to limit the amount of the tax to 17s. 4d. for those whose salaries do not exceed £104 per annum. I do not know whether the Premier is aware of the fact that differentiation has been exercised between those in receipt of salaries and those in receipt of wages, to the disadvantage of the former. The wages man with an income of £104 a year has had to pay only 17s. 4d. per annum, whereas the wages and salaried man in receipt of the same amount has had to pay the full rate of tax. When we deal with the proviso in Committee, I propose to move an amendment so that those two classes will be placed on an equal footing. Apart from that, I must admit that the Bill has been drafted to give effect to the suggestions I made at an earlier stage, when the assessment Bill was before the House. I then suggested to the Premier that he should raise the exemption by 2s. above the basic wage. As usual, words of wisdom, apparently, are heard only from the Government side of the House, and none from the Opposition side. Now the Premier has come along and said, "Well, of course, while I do not know that you are right, I will do as you say." To be consistent, I must support the second reading of the Bill, but, as I have already indicated, I shall move amendments to the schedule. Ever since the Act was amended, when the Labour Government first took office, the exemption has not always been 2s. above the basic wage but it has always been at an amount above that wage. While I think we should honour the arrangement between the two Houses——

The Premier: We did not make any arrangement.

Hon. C. G. LATHAM: ——because I desire to be consistent, I shall raise no objection to the second reading of the Bill but I shall take the action I have indicated when we deal with it in Committee.

**MR. McDONALD** (West Perth) [5.28]: I propose to support the second reading of the Bill. There is one aspect of the incidence of the proposed taxation that I would like to refer to the Premier and it is in relation to life insurance companies. I have been approached by representatives of those companies, who told me that under the altered basis of assessment involved by the Income Tax Assessment Bill, they will be faced with an increase in taxation, if the same rates of financial emergency tax are applied as in the past. Under the Bill, the same rates, as I understand it, are proposed to be applied with regard to the financial emergency tax, but owing to the different method of assessment that will operate under the assessment Bill, the result will be to increase the incidence of taxation imposed on life insurance companies.

The Premier: It will not. I will explain the position later.

Mr. McDONALD: At any rate, I raise that point now. I have not investigated the matter myself but it has been referred to me. The Premier was good enough to receive a representative of the life insurance companies and perhaps he will indicate to the House his views regarding the matters brought under his notice.

**THE PREMIER** (Hon. J. C. Willcock—Geraldton—in reply) [5.30]: Turning to what the Leader of the Opposition has said, I think the second proviso in the clause deals with the income taxpayers in the way that he desires.

Hon. C. G. Latham: I will explain it in Committee.

The PREMIER: Very well. Dealing with the aspect raised by the member for West Perth, the Income Tax Assessment Bill which we have nearly passed, and which I hope will be passed as a result of a conference, does not affect the Financial Emergency Tax Act. But, as I instanced when dealing with the Income Tax Assessment Bill, if we succeed in passing that measure it will be necessary to bring all our other taxation Acts into conformity with that Act, and have a consolidated Financial Emergency Assessment Act. But that will have to be done by this House before it has the effect the member for West Perth suggests it will have. Anything passed in the Income Tax Assessment Bill deals only with income tax, and will not touch the Bill before us. But if, as I have indicated, we bring down another Bill dealing with the financial emergency tax, at that stage the hon. member can raise his point. The consolidated measure that we will put through in regard to the Financial Emergency Tax Assessment Act will be exactly the same as it is now, except for one or two provisions that we have passed in our Income Tax Assessment Act. If we pass that Bill we shall have the whole of the taxation measures, income tax, financial emergency tax and hospital tax, all consolidated, so that anyone who has any business to do with any of those Acts will be able to see exactly where he stands. But the Income Tax Assessment Bill has nothing whatever to do with the Financial Emergency Tax Assessment Act. When we are consolidating that measure the hon. member will have an opportunity to bring up his point.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Withers in the Chair; the Premier in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Rates payable:

Hon. C. G. LATHAM: There are two provisos to Subsection 1, and a third proviso to Subsection 2. The second proviso reads as follows:—

> Provided further that in any case where the income of a taxpayer does not exceed one hundred and four pounds for the said year of income, the tax shall not exceed seventeen shillings and fourpence.

The third proviso prescribes that where the salary or wages are less than £2 per week the amount of tax payable under the provisions of this subsection shall not exceed 4d. per week. In the one place it says that where the income does not exceed £104, and in the other the provision is that where the salary or wages are less than £2 a week the tax shall not exceed 4d. per week. I move an amendment—

> That in line 1 of the proviso to Subsection 2 the words "are less than" be struck out, and the words "does not exceed" be inserted in lieu.

The PREMIER: This means very nearly the same thing, and as we want to preserve uniformity as between the salaried man and the wages man we might as well have the amendment.

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

The Schedule (first part):

Mr. HUGHES: I move an amendment—

> That in column 1, subcolumns (a) and (b), the words "is £200 or more but is less than £260 . . . fourpence." be struck out: and that in column 2, subcolumns (a) and (b), the words "is £78 or more but does not exceed £200 . . . fourpence" also be struck out.

Last year the same motion was moved for the purpose of giving relief to the lower paid men, but the Committee decided that it could not then be done. However, this tax has produced nearly an additional £200,000 since then, so I think the time has arrived when relief can be given to men on or about the basic wage. I would have these columns start at 2d. in the pound instead of 4d. in the pound.

The PREMIER: I do not propose to accept the amendment. I have already said there is no alteration in the tax, and certainly this is not a time at which to reduce taxation. I cannot accept the amendment.

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

| | |
|---|---|
| Ayes .. .. .. .. | 15 |
| Noes .. .. .. .. | 23 |
| Majority against .. .. | 8 |

Ayes.

| | |
|---|---|
| Mr. Boyle | Mr. Sampson |
| Mrs. Cardell-Oliver | Mr. Shearn |
| Mr. Ferguson | Mr. Thorn |
| Mr. Hill | Mr. Warner |
| Mr. Hughes | Mr. Watts |
| Mr. McLarty | Mr. Welsh |
| Mr. North | Mr. Doney |
| Mr. Patrick | (*Teller.*) |

Noes.

| | |
|---|---|
| Mr. Coverley | Mr. Nulsen |
| Mr. Cross | Mr. Raphael |
| Mr. Fox | Mr. Rodoreda |
| Mr. Hawke | Mr. Seward |
| Mr. Hegney | Mr. Sleeman |
| Miss Holman | Mr. F. C. L. Smith |
| Mr. Mann | Mr. Styants |
| Mr. Marshall | Mr. Tonkin |
| Mr. McDonald | Mr. Troy |
| Mr. Millington | Mr. Willcock |
| Mr. Munsie | Mr. Wilson |
| Mr. Needham | (*Teller.*) |

Amendment thus negatived.

Mr. HUGHES: If we cannot have the whole loaf, we will try for half a loaf. I should now like to move that in the first line of the schedule the word "fourpence" be struck out in both places, with a view to inserting the word "twopence."

The CHAIRMAN: The Committee has already decided to retain the word "fourpence."

Mr. HUGHES: Was not the question that all the words "two hundred pounds or more, but not less than two hundred and sixty pounds, etc." be struck out?

The CHAIRMAN: The fourpence was included in the motion.

Mr. HUGHES: Is it not competent to strike out a portion of the wording?

The CHAIRMAN: That matter has already been decided.

Mr. HUGHES: I move an amendment—

That in the second part of the schedule in columns 1 (b) and 2 (b) the word "fourpence" be struck out with a view to inserting "twopence."

Last year a rebate of 2d. in the pound was given to the higher wage earners, and an effort was made to have the same concession given to the lower grade of wage earners, but unsuccessfully. The argument in favour of that is stronger this year, because nearly £200,000 additional money has been collected from the tax compared with the year before. There is no reason why the man at the lower end of the incomes should not receive the advantage of 2d. this year. I am only asking that there should be given to the lower grade of taxpayer what was given to the man on £6 a week last year.

The PREMIER: There are two classes of people, the income earner and the salary or wage earner. We have already passed the principle with regard to the income earners, and we are now asked to alter the incidence of the tax for wage earners receiving the same scale of income. That would be wholly inconsistent and I must oppose the amendment.

Mr. HUGHES: There would be nothing inconsistent about members voting for this last amendment. If the tax is reduced to 2d., there is nothing to prevent the Bill from being recommitted and a similar amendment being embodied in the first part of the schedule.

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

| | |
|---|---|
| Ayes .. .. .. .. | 15 |
| Noes .. .. .. .. | 23 |
| Majority against .. .. | 8 |

Ayes.

| | |
|---|---|
| Mr. Boyle | Mr. North |
| Mrs. Cardell-Oliver | Mr. Sampson |
| Mr. Ferguson | Mr. Shearn |
| Mr. Hill | Mr. Thorn |
| Mr. Hughes | Mr. Warner |
| Mr. Latham | Mr. Watts |
| Mr. Mann | Mr. Doney |
| Mr. McLarty | (*Teller.*) |

Noes.

| | |
|---|---|
| Mr. Coverley | Mr. Nulsen |
| Mr. Cross | Mr. Raphael |
| Mr. Doust | Mr. Rodoreda |
| Mr. Fox | Mr. Seward |
| Mr. Hawke | Mr. Sleeman |
| Mr. Hegney | Mr. F. C. L. Smith |
| Miss Holman | Mr. Styants |
| Mr. Marshall | Mr. Tonkin |
| Mr. McDonald | Mr. Troy |
| Mr. Millington | Mr. Willcock |
| Mr. Munsie | Mr. Wilson |
| Mr. Needham | (*Teller.*) |

Amendment thus negatived.

Schedule put and passed.

Title—agreed to.

Bill reported with an amendment and the report adopted.

*Third Reading.*

Bill read a third time and transmitted to the Council.

## BILL—ELECTRICITY.

*In Committee.*

Mr. Sleeman in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Mr. CROSS: I move an amendment—

That in the definition of "Electric fitting" the following words be added:—"or is used as a means of connection therefor."

The definition is not adequate to cover lamp-holders, cords, adjustments, switches, etc., used in connection with all electric apparatus. It is necessary to include the words I suggest, because everyone knows that a connecting cord, for instance, can be extremely dangerous, and it is as well, therefore, to make the provisional I suggest.

The MINISTER FOR WORKS: I have no objection to the amendment.

Amendment put and passed.

Mr. CROSS: I move an amendment —

That after the definition "Public Authority" the following new definition be added:— "'Radio worker' shall mean a worker engaged on repairing or servicing radio apparatus supplied with electricity of a pressure of not less than 100 volts."

At a later stage I intend to move for the insertion of a clause to cover radio workers, and it is essential therefore that there should be a definition of "radio worker" in the interpretation clause. It is not generally recognised that under certain conditions wireless machines are extremely dangerous. When effecting repairs, radio workers are obliged to stand on rubber mats, and even with that protection there have been cases of severe shocks being received by those workers. My information is that recently a man got a bad shock when he dropped a screw on the mat.

Hon. C. G. Latham: Why did he not switch the current off? You cannot get me to agree to this sort of rubbish.

Mr. CROSS: It is a pity we cannot switch you off.

The MINISTER FOR WORKS: I have made inquiries regarding this amendment. As we all know, the radio industry is comparatively new, but not all those engaged in it would come under the hon. member's definition. There are, however, those who do handle parts of a machine that are associated with current that must be turned on for testing purposes, and where the pressure exceeds 100 volts, it is advisable that radio workers should be included in the definition. Of course there will be many who will not be exposed to any danger at all. As we all know, the industry is extending.

Mr. Stubbs: It will be difficult to police it.

Hon. C. G. Latham: The member for Canning will do that.

The MINISTER FOR WORKS: There will be no difficulty about policing it. These men are classed as skilled workers, and definitely do work that is dangerous.

Hon. C. G. LATHAM: Although the Bill as it has been drafted is far from being perfect, I have not raised any objection to it. There is no difficulty, however, in detecting what is behind the amendment. The fact that it has been moved by the member for Canning is enough to make me suspicious.

Mr. Cross: Do not talk nonsense.

Hon. C. G. LATHAM: The intention is to restrict the number of people who repair radios.

Mr. Cross: Nothing of the sort.

Hon. C. G. LATHAM: The Minister cannot quote one instance of a casualty, minor or otherwise. Any schoolboy can attend to a radio, and everyone knows that the current must be turned off before there is any interference with the instrument. A man does not handle a live wire when he is testing a radio. We know that radios are in every fourth household, and there has never been a casualty. Consequently there is no need for the amendment. If the Minister had thought it was necessary to have such an amendment, why did he not include it in the Bill, instead of permitting the member for Canning to move it? We seem to be introducing imperfect Bills: the Government does not seem to know what is wanted, and we seem to get half way through a Bill before someone on the back bench suggests amendments. It is barely here from the printer before it is found that amendments are necessary. It is about time the Minister gave a little more attention to his legislation. I can see plainly that the object is to restrict the number of men who do this work. If we are going to make industrial legislation of such measures, let us do it properly. I object to this class of legislation being used for industrial purposes. There is no connection between the two at all. I agree that a person who handles live wires should be properly qualified, but that is provided for. I am surprised at the Minister mildly accepting the amendment submitted by a member on the back bench. This is frivolous.

Mr. Cross: You do not know what you are talking about.

Mr. Marshall: This is just how quarrels start.

Mr. Styants: We have been having too many late nights.

Hon. C. G. LATHAM: If the Minister mildly accepts the amendment, I shall oppose the Bill clause by clause. It is all subterfuge. We have had nothing else but subterfuges, and I am just about tired of them.

Mr. CROSS: I am astounded at the remarks of the Leader of the Opposition, who is showing his crass ignorance of matters relating to wireless sets. If he knows anything at all about them, he must be aware that almost everywhere voltages are serviced up to 250. In some wireless sets there are transformers, and in some the current is broken down, while in others it is stepped up to 1,000 volts. If there have not been any casualties, that has been due rather to good luck. My sole object in introducing the amendment is that the servicing of radios shall be done by those who understand the business. The hon. member is burying his head in the ground and pretending that there is no danger. He prefers to see in the amendment some ulterior motive.

*Sitting suspended from 6.15 to 7.30 p.m.*

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clauses 3, 4—agreed to.

Clause 5—Powers of electricity advisory committee:

Mr. NORTH: I move an amendment—

That in line 1 of paragraph (c), after "to," the words "initiate and" be inserted.

This clause sets out the powers of the committee. Paragraph (b) suggests that the Minister starts the proceedings by referring matters to the committee. In paragraph (c) the committee is empowered to devise schemes. I want it to be made clear for future reference that the committee may initiate schemes. As it stands, the paragraph may suggest that the committee devises schemes at the direction of the Minister.

The MINISTER FOR WORKS: If I thought the amendment would make the matter clearer, I would be prepared to accept it, but I am assured by the draftsman that the committee has the power of its own volition to initiate schemes. That is set out in paragraphs (c) and (d). The committee will be an advisory committee and will be expected to take the initiative in respect to the co-ordination of electricity supplies throughout the State. The committee will, in fact, initiate and devise schemes.

Mr. NORTH: I have made my point and if the words are not inserted I shall not mind. A scheme may be devised and stay devised; if the word "initiate" were inserted we would be sure that the scheme would be brought before the Minister, and probably put into operation. Many years ago group settlements were started but through the failure of the authorities of those days to initiate a Collie power scheme, a good deal of money was wasted. Ten million pounds was squandered in growing pumpkins when half the money could have been spent on initiating a big power scheme.

Amendment put and negatived.

Clause put and passed.

Clauses 6, 7—agreed to.

Clause 8—No further generating stations to be erected except under this Act:

Hon. C. G. LATHAM: Subclause (1) provides that no further generating stations shall be established or transmission works extended without the consent of the Minister. I should like the Minister to explain whether this would cover an extension of transmission of current to the same customer in a different part of his property. Some power stations supply current to people for pumping purposes along a creek. A man may want to instal another pump about a mile away from the one he already has. Would this provision apply in such a case? Personally I consider that the clause will cover anything, if only an extension of 100 yards. I presume, however, that commonsense would be exercised, and that formalities would not have to be undergone for a small extension.

The MINISTER FOR WORKS: I promised to clarify the position with regard to the mining industry. I met the full committee and the Crown Solicitor with a view to ascertaining the effect on the mining companies which not only supply current for themselves but also accommodate neighbouring citizens by supplying them with current at cost price. I am informed that the Bill will not affect anything that has already taken place. It will not be retrospective. As to the meaning of Subclause (3) the ruling of the Crown Solicitor is that this subclause

permits any person to generate electricity for his own private use but not for sale. The word "person" in this subclause includes companies and corporations as well as individuals and will, therefore, include a mining company which generates current for its own purposes. I asked what would be the position in regard to an extension of the plant which takes place during the life of a mine. Mr. Taylor and the Crown Solicitor said that that would not in any way be interfered with by this measure, because the mining company would be generating the current and extending the plant for its own use. The mines are governed under the Mines Regulation Act. Mr. Taylor is himself an inspector under the Act in respect of electricity and, where necessary, he grants certificates. Some authority must grant a certificate for installations and he has that power. That is not interfered with. Then comes the question which arises when a company becomes a distributor as well. It was pointed out that the Act applies to the whole State and if we begin exempting it is difficult to know where we shall end. The Collie power scheme, for instance, serves the mines. Incidentally, the Collie power scheme authorities are distributing agents. We would not think of exempting the Collie power scheme because they serve their own mines. Mr. Taylor thinks it would set up too many complications if we tried to exempt the mines which are acting as distributing agents. They could make arrangements with the townspeople to serve them at cost price and all they would have to do would be to observe the ordinary regulations with respect to installations. I assume they do that now. They have to observe several regulations—for instance, the installation has to be undertaken by a certificated man. The committee that would be set up would not harass the mining companies. They are doing a good turn to the neighbouring townspeople, many of whom are their employees. The committee thought it would be inadvisable to exempt anybody but saw no difficulty as far as the companies generating power for themselves were concerned. With regard to extensions, the subclause referred to by the Leader of the Opposition would have reference to major extensions. For instance, where a supply authority proposed to instal a new major unit, it would have to submit plans to the committee as in the case of a new installation.

Hon. C. G. Latham: What about extending the cables half a mile to serve some customer?

The MINISTER FOR WORKS: I do not think that would be interfered with, except that it would be subject to supervision. The extension would have to be in conformity with the regulations. In reply to the member for Katanning, the companies would have the rights under which they are permitted to operate, and only if the area were extended would there be any interference. Such companies would have the advantage of the committee's advice if they contemplated any major extension, but the Bill is not retrospective, and those people would not be interfered with. That will hold good with all who have concessions in this State, whether a local authority or a concessionaire. In future any major extension will be supervised.

Mr. MARSHALL: The Minister should not be so definite in his statement, because the Bill will be retrospective in effect, if not in fact. If there is any interference with the supply of current to goldfields towns on account of this Bill, the Minister will be due for an early interview with me. Any extension made in future will result in the Act being applicable to old plants as well as to new plants. All plants will be roped in immediately any owner makes an extension. Therefore, in a sense, the measure will be retrospective, inasmuch as it will cover all the plants now in existence when any alteration or addition is made. I do not doubt the Minister's statement that a person includes a company or organisation but why is not that interpretation included in the Bill?

The Minister for Works: It is provided in the Interpretation Act.

Mr. MARSHALL: I am satisfied with that. I agree that while the mining companies will be covered, nothing should be done to interfere with their operations. Companies that have been supplying goldfields towns will become supply authorities under the definition in the Bill, and what I fear is that if there is any red tape in the administration of the measure, those companies will say to the local authorities whom they supply, I believe, at actual cost, "The supply is cut off. Get your own supply." Assuming that the Wiluna mine decided to put an electric train at the 1,800-feet level.

The company would have to supply the Minister with the whole of the plans for the installation, because they are supply authorities. To make additions on their own mine they would have to comply with the measure. I am definitely of opinion that such companies would be or could be interfered with, but I accept the assurance of the Minister that nothing will be done to jeopardise the generous treatment of the companies who supply current at a low figure to the towns. I should like to know to what plants the Leader of the Opposition referred. This clause refers only to generating plants.

Hon. C. G. Latham: And to the extension of mains.

Mr. MARSHALL: No, it refers to machinery for the generation of electricity only.

Mr. Sampson: Read paragraph (b).

Mr. MARSHALL: I have read the paragraph, and I say that Clause 8 is definite in mentioning the generation of electricity.

Clause put and passed.

Progress reported.

## BILL—INCOME TAX ASSESSMENT.

*Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council and disagreed to by the Assembly, and had appointed the Hon. W. H. Kitson, Hon. H. Seddon, and Hon. J. Cornell as managers for the Council, the President's room as the place of meeting and the time forthwith.

*Sitting suspended from 7.54 to 8.30 p.m.*

## BILL—INCOME TAX ASSESSMENT.

*Conference Managers' Report.*

The PREMIER: I desire to report that the managers have met, and have agreed to delete amendment No. 3, and have agreed to amendment No. 9.

Report adopted and a message accordingly returned to the Council.

## BILL—ELECTRICITY.

*In Committee.*

Resumed from an earlier stage of the sitting; Mr. Sleeman in the Chair, the Minister for Works in charge of the Bill.

Clauses 9, 10—agreed to.

Clause 11—Advisory committee to report:

Mr. WATTS: The committee is told to take into consideration paragraphs (a) and (b) of Subclause 2; but the items there set out do not include a reasonable margin of profit to the supplier of current, nor anything in the nature of depreciation or interest on capital. The clause should be more definite in those respects. I ask the Minister to explain the intention of the clause more fully, so that I may be able to decide whether an amendment is necessary or not.

The MINISTER FOR WORKS: When the Bill was being drafted, I pointed out to the committee that this was an ambitious clause. However, I was assured that a similar clause operates where commissions are in charge. I believe that the formula enables the committee definitely to determine the full cost of production. It may be urged that the committee's power to determine the price to be paid for electricity purchased in bulk is rather a wide power; but it has to be borne in mind that power is given to the committee not to oblige one supplier or one authority to supply at a fixed price, but to supply at a charge to be fixed if the scheme is approved. Therefore the supplier or authority taking on the contract would know that this formula would be applied. It is not intended to wait until everything is in operation, but to state beforehand the price to be fixed. The prospective supplier can then determine, knowing the full cost of production, whether the price allowed is fair. I thought this would require to be settled not only by an engineer, but also by an accountant and a costing clerk. Still, I am assured that this is quite the usual formula. It has to be remembered that the cost of producing electricity is now down to a fine margin, so that there is not much speculation or guessing involved. The items included in the calculation are—management, administration, the cost of fuel, which would be definitely known; wages, stores, and other necessaries, the cost of which would also be known; maintenance of plant, transmission, and capital charges. If the supplier could show that he was unable to supply at the price fixed, the matter would be reviewed. I am aware that the clause places a heavy responsibility on the committee, but the committee is quite prepared to accept it. It is hoped that by this process one local authority or concessionaire will be able to supply others, thus avoiding a multiplicity of plants. Moreover, the system would ensure a certain

degree of uniformity. Power is also taken to extend the operation of a plant into the territory of another authority. Queensland's system of electricity control includes a standard concession agreement, under which the Government acts. The Queensland Electricity Board, as it is designated, in effect is a price-fixing board. There is a similar body in New South Wales, and in the Old Country boards operate in different zones.

Hon. C. G. LATHAM: The matter affects only a supplier who is supplying another authority. It does not affect a retailer. The formula should include interest, depreciation, and a reasonable rate of profit. I do not know whether "capital charges" covers interest, to which the supplier is entitled as well as to a reasonable profit on his investment. The legislation is experimental, and if hardship is created amendments can be made next session. "Capital charges," I believe, do not usually cover either interest or profit.

Mr. WATTS: While perfectly satisfied that the committee, taking into consideration the items set out, could arrive at the cost of production, I feel that there are cases where an amount something above the cost of production must be taken into consideration. The words "supplying authority" include not only local authorities, but also concessionaires, who naturally have gone into the business either at the request or with the consent of the local authority concerned for the purpose of making a living out of it. The clause as worded appears to limit the committee, in some degree at all events, to the consideration of the items set out in the clause. If that is so, we would be well advised to make provision for the committee to take into consideration a reasonable margin of profit for the concessionaire or supplying authority. The first committee, having been consulted in regard to the Bill, would probably view the matter in a reasonable light; but the successors of the committee might consider themselves bound by the letter only, and not by the spirit, of the measure. Therefore I move an amendment—

That in Subclause 2, paragraph (a), after the words "capital charges" there be inserted "which shall include interest, depreciation on plant and machinery, and a reasonable margin of profit."

The MINISTER FOR WORKS: A point which might easily be missed is that the formula is invoked to determine the items set out in paragraph (a) of Subclause 2. That is where the experts come in. They determine what is the cost per kilowatt. On the formula they will determine what it costs to generate a given number of units per hour, and on that they decide what is a fair price for the concessionaire or supplying authority to charge. I do not know that the amendment would make any difference, but perhaps we had better not "monkey" with the subject. The Bill was drafted by the committee which devised its own formula, and we would be well advised to leave it as it is, and place the responsibility on the committee.

Mr. WATTS: The advisory committee is directed to take into consideration things that are obviously involved in the cost of production, but not to take into consideration anything that will give the supplier a margin of profit. But there is to be considered the point of view of the people who earn their living in the industry, and who would be interested to know that the committee was instructed to take a reasonable margin of profit into consideration. The insertion of the words would not do any harm, and the time may come when their inclusion might be worth something to the suppliers, who are the persons responsible for the employment of other people, and the payment of rates and taxes, and who therefore should be given some attention.

Mr. MARSHALL: The amendment is dangerous. The hon. member should take cognisance of the commencement of the clause. This has not reference to a scheme for generating electricity to distribute amongst customers, but it is a case of transmitting electricity, the cost of generating which has already been allowed for. It would not be wise to agree to the amendment because the undertaker or distributor to whom the current was supplied would not be under any obligation for interest. That is in the original generating scheme. This is a matter of transmitting power to an undertaker for distribution purposes and the cost is debited against the original generator of the power and not the undertaker or concessionaire or whoever it may happen to be.

Mr. WATTS: Let me give an instance to illustrate what I am driving at. There is a company at Katanning which supplies electricity to the town. It was suggested that it should supply current in bulk to the local authority, which would supply to the consumers. The

interests of the original supply authority require that they should get some margin of profit. That is reasonable; and I see no danger in the amendment.

The MINISTER FOR WORKS: There is provision in the clause for maintenance of plant.

Mr. Watts: That is not depreciation.

The MINISTER FOR WORKS: Compare the position with the Railway Department. The latter has to keep its plant up to date, and is continually renewing it. With a set piece of machinery, depreciation would be written down. In this clause, maintenance of plant is provided for. Then what construction can be put on "capital charges"? That would include more than the capital cost, I should say. I think we shall be double-banking if the amendment is agreed to.

Mr. Watts: Better to be sure than sorry.

The MINISTER FOR WORKS: I prefer the original formula as drafted by the committee. If we insert something that is not taken into account by electrical engineers when fixing the cost of producing a unit, the committee might say we have upset the balance.

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

| | |
|---|---|
| Ayes .. .. .. | 15 |
| Noes .. .. .. | 21 |
| Majority against | 6 |

AYES.

| | |
|---|---|
| Mr. Boyle | Mr. Patrick |
| Mrs. Cardell-Oliver | Mr. Seward |
| Mr. Ferguson | Mr. Thorn |
| Mr. Hill | Mr. Warner |
| Mr. Hughes | Mr. Watts |
| Mr. Latham | Mr. Welsh |
| Mr. Mann | Mr. Doney |
| Mr. McDonald | *(Teller.)* |

NOES.

| | |
|---|---|
| Mr. Coverley | Mr. Nulsen |
| Mr. Cross | Mr. Raphael |
| Mr. Doust | Mr. Rodoreda |
| Mr. Fox | Mr. F. C. L. Smith |
| Mr. Hawke | Mr. Styants |
| Mr. Heeney | Mr. Tonkin |
| Miss Holman | Mr. Troy |
| Mr. Lambert | Mr. Willcock |
| Mr. Marshall | Mr. Withers |
| Mr. Millington | Mr. Wilson |
| Mr. Munsie | *(Teller.)* |

Amendment thus negatived.

Clause put and passed.

Clauses 12, 13, 14—agreed to.

Clause 15—General powers:

Mr. McDONALD: On behalf of the member for Claremont I move an amendment—

That in line 7 of paragraph (b) after "shore" the words "or bed" be inserted.

The amendment proposes to give power to carry out and instal transmission and distribution works "under, over, along or across any street, bridge, shore or bed of the sea, or a stream," as the case may be.

The MINISTER FOR WORKS: I discussed this with the Crown Solicitor, who pointed out that power is already given for the supply authority to go under the surface of the water. The clause seems to provide for everything. If a main can be taken under a stream, there is no doubt it could be taken along the bed.

Amendment put and negatived.

Mr. HILL: I move an amendment—

That in paragraph (b) the words "or of any water commonly used for navigation" be struck out.

It is not desirable to fix any height, because each case would have to be dealt with to suit local conditions. The height of mains across the Thames is something in excess of 200 feet to enable ships to pass beneath. I do not know whether anything of the kind is likely to be required on the Swan River. A supply authority could erect wires across the Narrows, and a height of 20 feet would not be sufficient to enable yachts and other vessels to pass. At Albany we have telephone and telegraph wires passing over the navigable channel at Emu Point at a height of 40 feet or 50 feet. If the clause were amended as suggested it would be in the interests of such navigation as may be necessary.

The MINISTER FOR WORKS: The Crown Solicitor says the Bill provides distinctly that a line carried over water must be at least 20 feet from the surface. A further condition must be complied with, namely, that the free use of the water is not to be obstructed more than is necessary for the purposes of the measure.

Hon. C. G. Latham: You could require lines to be put at a height of 100 feet.

The MINISTER FOR WORKS: The Crown Solicitor says that if a line is laid over a navigable river where ships are constantly passing, it of necessity would have to be more than 20 feet above the surface, whereas the amendment might lead to a line being placed at some absurd height, or even less than 20 feet, which would be undesirable.

Mr. Marshall: Paragraph (c) also contains safeguards.

The MINISTER FOR WORKS: Yes. I agree that 20 feet might not be sufficient.

Hon. C. G. Latham: That is the minimum.

The MINISTER FOR WORKS: Yes. There is no doubt that such a line must not obstruct traffic.

Amendment put and negatived.

Mr. HILL: In view of the Minister's explanation I shall not move the other amendment of which I have given notice.

Clause put and passed.

Clauses 16 to 21—agreed to.

Clause 22—Officers may enter premises:

Mr. McDONALD: An officer appointed by a supply authority may at all reasonable times enter a place supplied with current, but must produce his written appointment to the occupier. On behalf of the member for Claremont I move an amendment—

That after "premises" in line 6 of Subclause 1 the words "and invite the latter to verify his bona fides by telephone" be inserted.

Mr. Cross: That is too silly for words.

Mr. McDONALD: People sometimes produce forged authorities and gain access to homes, and afterwards articles are missed from those homes. The member for Claremont considers it would be a precaution if the inspector produced his authority and invited the occupier to verify his bona fides.

The MINISTER FOR WORKS: Obviously the amendment is not too popular. At present there is no authority to enter premises to inspect electrical appliances. This power is now taken, but every precaution is provided against anyone fraudulently entering premises.

Amendment put and negatived.

Clause put and passed.

Clauses 23 and 24—agreed to.

Clause 25—Regulations:

Hon. C. G. LATHAM: When the regulations are introduced will they have retrospective effect? Very wide powers are proposed to be given. For instance, the Governor may make regulations for the following purposes:—

(a) The limit within which and the conditions under which a supply of electricity by a supply authority is to be compulsory or permissive.

(d) The limitation of the prices to be charged by supply authorities in respect of the supply of electricity and the rent and sale of service apparatus and electric fittings.

Paragraph (a) contains extensive power, especially if works are already operating. Regarding paragraph (d) agreements have been entered into. Will those agreements be broken? The Minister should give an assurance that there will be no retrospective effect to interfere with existing contracts.

The MINISTER FOR WORKS: I questioned the committee, and it is not intended that regulations should have retrospective effect.

Hon. C. G. Latham: They would have to be retrospective as regards paragraph (a), for instance, securing the safety of the public from injury and property from damage by fire or otherwise.

The MINISTER FOR WORKS: Yes. As regards paragraph (d) a formula has been determined.

Hon. C. G. Latham: That is for new works.

The MINISTER FOR WORKS: The regulations would have to be in conformity with the measure. Under the existing law drastic powers are taken by regulation, and although the Act has not been amended for years, regulations are in operation. This clause is not more drastic than usual.

Hon. C. G. Latham: But 21-year contracts have been entered into.

The MINISTER FOR WORKS: This measure will take the place of the old Act, and I cannot conceive of regulations being promulgated to upset existing contracts. I have asked the question, and the reply has been "No."

Mr. CROSS: I move an amendment—

That after "operators" in line 4 of paragraph (f) the words "and radio workers" be inserted.

The Leader of the Opposition should have no objection to the amendment.

Hon. C. G. Latham: I have an objection.

Mr. CROSS: There can be no objection to licensing radio workers so that when people call for assistance for the servicing of their sets, they may be sure of getting an expert qualified to do the job.

The MINISTER FOR WORKS: Since we did not get a definition of "radio workers," I think it would not be advisable to insert "radio workers" in the clause.

Amendment put and negatived.

Clause put and passed.

Clause 26—agreed to.

Clause 27—Inspectors:

Hon. C. G. LATHAM: I am much concerned about this. We ought to be able to get a man qualified as an inspector of machinery to do both these jobs, the machinery job and the electricity job. At present all these plants about the country are inspected under the Inspection of Machinery Act. Surely it should be easy to get the one man to do both.

The MINISTER FOR WORKS: If that could be done it would be done. It is provided in Clause 28 that no inspector shall be entitled to inspect generating stations, transmission works or distribution works unless he has the prescribed qualifications. We must be careful about that. My advice is that a qualified man might be found in each of the various districts, so there will be no need for a lot of travelling expenses.

Hon. C. G. LATHAM: Will it be the intention of the advisory commitee to appoint to inspect a power house an electrician who happens to be in the district? I am afraid that would make a very unhappy combination. I am not so much concerned about the big works, such as at Kalgoorlie and Collie and Geraldton, but my concern is for the smaller works. The thing to do would be to get a qualified electrician to become also an inspector of machinery. That would get over the difficulty. There is a very large number of those plants, all of which will have to be inspected from time to time. I do not wish to see an army of inspectors appointed, because that would mean added cost to the consumer.

Mr. CROSS: In a lot of country towns where there are generating plants the average electrician that might be familiar with wiring or even constructional work would require much higher qualifications for the task of inspecting.

Clause put and passed.

Clauses 28 to 39—agreed to.

Clause 40—Uniform charges and zoning:

Mr. WATTS: It is here provided that it shall be unlawful for any supply authority to make a charge against any person for the supply of electricity exceeding the standard charge made by the supply authority to all other persons in the same zone for electricity supplies for the particular use or purpose for which the first mentioned person requires to obtain a supply of electricity. Does that mean that they will be permitted to make charges which are below the standard charge? If so, they can discriminate between consumers. I understand there are systems under which current is supplied to one person at a rate different from that charged to another. I hope the Minister will explain this.

The MINISTER FOR WORKS: As in the case of the Water Supply Department, the charges must be the same. It will be a standard charge and it is very necessary that no charges shall be above the standard rate, but of course there would not be any restriction in the making of concessions for the consumption of a large quantity of current.

Clause put and passed.

Clause 41—Obligation to supply:

Mr. SAMPSON: I move an amendment—

That the following words be added at the end of the clause:—"Unless it can be shown that no loss would thereby be entailed."

The clause provides that there shall be no obligation on the part of the authority to supply electricity where the supply would necessitate an extension of the existing distribution system of the supply authority. But if it can be shown that no loss would thereby be entailed, then in the interests of the district that extension should be provided. There is ample consideration for the supply authority, because if he can show that the extension would result in a loss, he need not make that extension.

The MINISTER FOR WORKS: This is the usual clause to protect the supply authority. We are repeatedly asked to extend water mains. That is done where a satisfactory guarantee can be obtained. But here we have just provided for standard charges. So if it means a lengthy expensive extension, no additional charge could be made for the current. Having made this provision for standard charges, I do not see why we should agree to the amendment. It is still the business of the supply authority. We say there shall be no obligation on the part of that authority to supply electricity where that would necessitate an extension of the existing distribution system of the supply authority. In the case of people a mile away from a given centre, who may demand an extension to their area, the local authority should be protected. The amendment would spoil the clause.

Mr. SAMPSON: The supply authority may not require to enlarge its business.

There would be no possibility of loss on the part of that authority, because an extension would not be made unless it could be shown that no loss would be entailed in making it. A district would suffer greatly if the proprietor of a generating station did not desire to enlarge the business under his control.

The Minister for Works: Are you referring to a local authority or a concessionaire?

Mr. SAMPSON: It might be either.

The Minister for Works: If it be the local authority, the ratepayers will have redress, and if it be a concessionaire the local authority will see that he gives the ratepayers a fair deal.

Mr. SAMPSON: Under the clause as it stands there will be no redress. The amendment would protect the person who desired an extension, and who could prove that this could be made without loss.

Mr. CROSS: I oppose the amendment. The hon. member knows it is impracticable. I have been trying to get an electricity supply for Mt. Pleasant. It is not possible to prove how much current would be used there if the main were extended. The amendment is, therefore, ridiculous.

Mr. SAMPSON: The hon. member's brain may have been overcome by the weight of his stomach. The provision of a guarantee is nothing new in electricity supplies.

Mr. Cross: This has nothing to do with guarantees.

Mr. SAMPSON: The Deputy Minister does not understand the position.

Mr. Hegney: You have made it as clear as mud.

Mr. SAMPSON: Another master of English takes a hand! Guarantees are frequently given to generating authorities. If an extension were only for five chains, the supply authority could refuse to make it. He could sit back and reflect the self-satisfaction of the member for Canning.

Amendment put and negatived.

Clause put and passed.

Clauses 42 to 48—agreed to.

Clause 49—Artificial means for interference, evidence of fraud, etc.:

Mr. MARSHALL: I do not like this very drastic clause. Any person could interfere with some electrical contrivance belonging to somebody else or under the control of someone else, and if an inspector discovered that interference, he could have the owner, the innocent party, convicted. This clause verges on the same principle as the onus of proof being placed on a defendant. It would be a simple thing, under this clause, for a person to cause great trouble for a neighbour by interfering with some electrical equipment on the neighbour's property. The clause lends itself to vindictiveness on the part of those who may desire to be vindictive. The Minister would be wise if he dropped it. I shall vote against it.

The MINISTER FOR WORKS: This is a very necessary clause. There is great difficulty in detecting fraud in cases where some electrical contrivance has been interfered with, and this has had a consequent effect upon the meter readings, etc.

The Premier: That is called "tickling Peter."

The MINISTER FOR WORKS: The meter is in the custody or control of the consumer, and someone has to be held responsible. These things are difficult to detect.

Mr. Marshall: People can be prosecuted under legislation other than this.

The MINISTER FOR WORKS: If a person deliberately altered a meter belonging to someone else, or interfered with the electrical equipment in such a way as to cause an alteration to the meter, it would be a simple matter to prove.

[*Mr. Hegney took the Chair.*]

Mr. SLEEMAN: The Committee should not pass this clause. The other night I was taken to task because I had allowed a clause similar to this to go through in another case, but in actual fact I did oppose it. This is a very dangerous provision. We had the spectacle on the goldfields a few weeks ago where a man was asked to explain how a certain quantity of ore came into his possession. The ore was deliberately put into his camp, and he had to prove his innocence. The same thing can be done here. A wire can be attached to a meter, and that is prima facie evidence that the owner of the meter is guilty. It rests with him then to prove his innocence, and it may cost him a good deal to do so. While I occupy a seat in this Chamber I am not going to let anything of this kind pass, and I do not wish it to be said at any time in the future that I was ever a party to allowing a clause like this to go through.

Mr. HUGHES: I support the two members who have spoken against the clause. It may happen that an unfortunate man who knew nothing whatever about a charge that might be made against him will be convicted. There is a strong tendency to allow Government departments to be released from the obligation of proving a charge, and many people are put to the expense of establishing their innocence. I shall vote against the clause.

Mr. SAMPSON: There is no doubt that in certain cases there could very easily be a conspiracy which might have the effect of seriously injuring a person's reputation. Such a clause might easily open the door to a conspiracy or a frame-up, the effect of which would be disastrous. I oppose the clause.

Clause put and negatived.

Clauses 50 to 42, Schedule—agreed to.

Bill reported with amendments, and the report adopted.

## BILL—INCOME TAX ASSESSMENT.

*Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the conference managers' report.

## BILL—HAWKERS AND PEDLARS ACT (1892) AMENDMENT.

*Second Reading.*

**MR. MARSHALL** (Murchison) [9.50] in moving the second reading said: The Bill I am submitting to the Chamber amends the law relating to hawking and peddling throughout the State. It was first introduced and became law in 1892. I have no recollection of the reasons for its introduction at that period, and but one amendment only has been made to it since that time. The amendment was of a minor character; it merely extended the definition of "hawking." I wish to be fair and frank and say that the object of submitting the Bill is to give effect to the Road Districts Act which was passed in 1925. In that Act power was given to local authorities to make by-laws to control hawkers and pedlars within the boundaries of a road district, and it was assumed by Parliament at that time that the Hawkers and Pedlars Act would in no way interfere with the actual by-laws framed by local authorities. Unfortunately we find that that is not the case, and that while the Act remains as it is no by-law can become effective. With the advent of the motor car there are people who can, by some means or other, load up their cars with cheap commodities and take them to the country districts for disposal. The good roads that are made in various parts of the State enable those people to get over the territory speedily, and it is found that they are doing considerable harm to genuine traders who have established themselves in business in the various towns at probably a pretty high cost. Not only do the hawkers in their motor cars interfere with established businesses but they break the law, inasmuch as they never become registered, and do not pay any tax under the Transport Act. Some of those people are particularly good salesmen, and they dispose of inferior articles at the maximum price of a similar article of high grade. In this way they actually take down the purchaser, and at the same time do considerable harm to the commercial life of a country town. A businessman has perhaps laid out a considerable sum of money in order to trade as fairly and economically as possible in his centre, and he finds that the competition of the pedlar is harmful.

The Premier: Who are these people; Afghans or Indians?

Mr. MARSHALL: In the main, I should say they were Britishers, although I admit that there is a percentage of foreign element amongst them, mostly Jews. Another feature is that the pedlars demand and receive cash payments, and of course, by the time the inferior quality of the article is revealed, they are well away in some other part of the State. Incidentally, also, many of the people who buy from them usually ask the established business men in the town for credit, until the next pay arrives. Thus the competition in every way is very unfair. However, I am not taking that aspect of it as being the most serious. The point is, are we prepared to trust our local authorities to control these pedlars?

Hon. C. G. Latham: Have you had legal advice on this?

Mr. MARSHALL: There have been several cases tried, but it has been found impossible to secure a conviction. I do not mind whether hawking is going on or not, but if we were serious and sincere when we said in 1925 that we should allow local auth-

orities to control pedlars, there is no reason why that section of the community should not be properly controlled. I have to confess that road boards, as far as I know, have been particularly generous. They have not any desire to interfere with any person who wishes to hawk goods, so long as he complies with the by-laws which, it is contended, are suitable to the district controlled by those local bodies. The trouble is that when it is discovered that a person is committing a breach of a by-law, that person is taken to court and the decision is given against the road board. The defendant claims that the by-laws do not apply to him, for the reason that he comes under the Hawkers and Pedlars Act, and therefore the by-laws of the local authorities can have no effect. Subsection 4 of Section 6 of the Hawkers and Pedlars Act permits people to hawk goods of their own manufacture, and the local authority cannot prove anything to the contrary. When charged, these people merely have to say, "I am carrying goods of my own manufacture; I am in business with Mr. Latham and Mr. Patrick in Perth, and these goods are of our manufacture. I am acting as their agent and am representing them. Therefore I am hawking goods of my own manufacture." In such circumstances it is impossible to have a successful prosecution under the Act as it stands. It is remarkable how quick some people are to take advantage of any loophole in a statute. There is a certain element always attempting to discover legal means by which they can evade obligations. The position is becoming intolerable because the local authorities cannot control the situation. The by-law that the Cue Road Board had gazetted was very fair and just, but it has proved ineffective. One or two prosecutions taken under that regulation failed.

Hon. C. G. Latham: Were those cases dealt with by local justices?

Mr. MARSHALL: No, but the local magistrate. The by-law reads as follows:—

> No person shall hawk in any part of this district within a radius of five miles of the post office without his having obtained a special permit from the board, such permit to be granted at a meeting of the board.

It will be seen that the board did not interfere with anything that was done outside a radius of five miles of the post office. The trouble is that these hawkers visit the towns in the country areas and compete unfairly with the local business people. The by-law I have quoted was drafted with the object of controlling the situation, but it was ineffective. The road board secured a ruling on the matter, but I am sorry to say that, in supplying me with the information, the board did not state the name of the legal firm from which the ruling was obtained. After dealing with the points referred to the firm for an opinion, the legal gentleman summed up the position by saying—

> All that a defendant in any prosecution under the by-law will therefore need to say is that he was not hawking, and was not hawking goods within the meaning of the Act, and that the by-law therefore had no reference whatever to him.

That is all the man has to say, and he can continue his hawking. Subsection 4 of Section 6 of the Hawkers and Pedlars Act may have been valuable in 1902, but from my knowledge of what goes on in the country areas I can say that not one half per cent. of the goods hawked and sold in these days is of the hawker's own manufacture. Nevertheless, all he has to do is to say that the goods are of his own manufacture and no one can disprove his statement. I do not think the Bill will do anyone any harm whatever, and its effect will really be to make effective what we attempted to do in the Road Districts Act of 1925, namely, to allow each road board to have the right to control hawking in its own territory under conditions that seem to it just and fair. On the other hand the Bill will do much good. It will enable good citizens in country towns to be safeguarded against unfair competition by those who are not citizens of any town but merely nomadic persons who live on the community at large, who are able to spin a good tale and to sell inferior articles at maximum prices. Then those persons vanish and leave their clients lamenting.

The Minister for Justice: What about the position regarding Sections 2 and 3 of the Act?

Mr. MARSHALL: That is all right.

The Minister for Justice: Some municipalities control the hawking of vegetables and fruit.

Mr. MARSHALL: But they grant licenses for that purpose.

The Premier: Under their own by-laws.

Mr. MARSHALL: That is so. The point is that in 1902 there were no road boards, and the Road Districts Act was passed since those days in order to meet the situation that arose with the advent of road boards. Had it not been for the advent of

the motor car and the motor truck in all probability we would not have anything to worry about regarding hawking. Some years back no one was concerned when an individual drove into a country town with a few lines for sale. To-day, however, hawking is conducted en masse, and is facilitated by the use of motor vehicles. So much so, that the local business people have experienced much unfair competition. I remind members that the Bill has been on the notice paper for a considerable time, and on several occasions we have got close to it without being able to discuss it. It is not my fault that it is to be considered so late in the session. I assure members that the passing of the Bill is urgently needed in the interests of the country shopkeepers. I hope that the Bill will pass through all its stages this evening, and if members on considering it further think that amendments may be necessary, I suggest that they have them dealt with in the Legislative Council. I move—

That the Bill be now read a second time.

**MR. SAMPSON** (Swan) [10.9]: The subject dealt with by the member for Murchison (Mr. Marshall) has received the attention of road board representatives at successive conferences, and those local authorities have found that to conduct successful prosecutions against the travelling hawkers has been very difficult. Subsection 4 of Section 6 of the Act opens the door and makes it extremely difficult to deal with hawkers, because of the impossibility of proving that the goods sold by the hawkers are not of their own manufacture. Regulations that may be promulgated are ineffective because of that subsection. Apart from that the Act is practically watertight and can be administered to the satisfaction of the local authorities concerned. However, as the Act stands at present the business people of country towns are deprived of much business that should be theirs by right. As the member for Murchison pointed out, motor trucks are used by hawkers who take loads of goods to country towns with the result that local business people suffer great injury. I hope the request of the hon. member will be acceded to and that the Bill will be passed this evening. It is very simple; Subsection 4 of Section 6 undoubtedly should be deleted. There is provision regarding the sale of perishable goods and no one will object to that. If the Bill is passed it will meet with general approval.

**HON. C. G. LATHAM** (York) [10.11]: The parent Act was designed to repeal the earlier legislation relating to hawkers and dealers and imposed an absolute prohibition on hawking with four exceptions that are set out in Section 6 as follows:—

(1) Commercial travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, or selling or seeking orders for books or newspapers.

(2) Sellers of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, or any victuals.

(3) Persons selling or exposing for sale goods, wares, or merchandise in any public market or fair legally established, or upon any racecourse, agricultural showground, or public recreation ground.

(4) Sellers of goods of their own manufacture.

The rest are prohibited. Under the Road Districts Act a board may make by-laws, and it looks to me as if those local authorities have all the powers they require to regulate, control, or refuse to permit hawking. If the Bill be agreed to it will prohibit sellers of goods of their own manufacture from hawking throughout the State. That cannot possibly be done.

The Minister for Justice: Whether the municipalities would permit them to do so or not?

The Premier: No. They can pass by-laws to permit them to do so.

Hon. C. G. LATHAM: But then the prohibition would immediately apply. That prohibition applies generally with the exception of the four classes to which I have referred.

Mr. Patrick: Licenses cannot be issued for them.

Hon. C. G. LATHAM: No. Under Section 204 of the Road Districts Act a board may "for the order and good government of its district make by-laws" for the purposes set out, which include the hawking of fruit, fish, meat, poultry, game or vegetables or any article of merchandise, and requiring licenses to be obtained by hawkers, and enforcing the obligation of hawkers and traders to carry scales." They can also make by-laws prescribing the fees to be paid for limiting the number of licenses to be granted, for the wearing of badges by hawkers and even for prohibiting hawking. The various matters relating to hawking are set out in

Subsection 41 of Section 204. So it will be seen that road boards already have the power to prohibit hawking in their districts. From what I understand, the Cue people wish to use this measure for the purpose of prohibiting such men from hawking in the district. The Cue people depend on the Act No. 30 of 1892. They have no power, because there is no prohibition. They could regulate by the issue of licenses, or prohibit under the Road Districts Act, but not under the Hawkers and Pedlars Act, because that limits them to certain articles which are not particularly set out. As regards those that are particularly set out, licenses can be issued. I do not know whether it is the intention of road boards to prohibit. If so, that is the easiest way to achieve their object. Nowhere in this State can a license be issued, whether in a municipality or in a road district.

The Premier: Do they exercise their right to make by-laws?

Hon. C. G. LATHAM: I do not think they have done so under the Road Districts Act. They could have controlled the matter by putting up by-laws. They can prohibit hawking in any prescribed road or other part of the district. There is all the power that is needed under the Road Districts Act. I do not know whether the mover of the Bill will get what he wants. I put up a plea for which I ask his consideration. In the city there are numerous men making a living by the manufacture of wire goods. They make all sorts of things—egg beaters, little baskets for ferns and flowers, and other useful or ornamental articles. These they hawk from door to door, finding ready sale for them.

The Premier: They are a nuisance.

Hon. C. G. LATHAM: Everybody who comes to the door is a nuisance, but these men give far better value than other pedlars. Nothing annoys me more than to see someone come along with a basketful of cakes that has been lugged around the streets. Moreover, they have been mauled all over by the people in the houses; and goodness knows whether those people wash their hands. Would such hawking be prohibited under the Bill?

The Premier: Yes. Or it might be.

Hon. C. G. LATHAM: Probably it would be prohibited definitely—"sellers of goods of their own manufacture." I do not know whether the mover intends to go so far as that.

Mr. Marshall: I do not know that anyone would be so unscrupulous as to take action against those people. They do no harm.

Hon. C. G. LATHAM: I contend that our Road Districts Act gives power to do what is required, by regulation. That is under Section 204. Otherwise, the simplest method would be to amend Section 7 of the Hawkers and Pedlars Act by inserting "road boards" after "municipalities." I have no objection to the Bill going through, but I do not want to do injustice to anyone. I do wish to enable the hon. member to give effect to the wishes of the people in his district.

Mr. Marshall: The Bill applies all over the State.

Hon. C. G. LATHAM: It is a question of the interpretation of the law. In Bruce Rock recently a man was fined £10 for hawking certain goods without a license—that is, a license under the Road Districts Act. The police magistrate in the hon. member's district evidently holds that there is no power.

Mr. Marshall: If the man who was fined had said the goods were of his own manufacture, he could not have been fined.

Hon. C. G. LATHAM: If they were goods of his own manufacture he would be excluded, but he would be definitely prohibited unless the articles he hawked were outside those specified. I do not know whether the hon. member has had a talk with the Crown Law officers regarding the matter, but I think those officers would agree with the interpretation I have placed on it.

**MR. WATTS** (Katanning) [10.21]: The Leader of the Opposition is on the right track in regard to the measure. Unless the member for Murchison wishes to prevent altogether persons who sell their own goods from going from place to place selling them and carrying on that business, the Bill will not effect his intention. And unless that is the intention, there can be no use in passing the Bill. The Act of 1892 definitely provides, by Section 5, that there shall be no hawking except by those people who are referred to in Section 6; and among the persons exempted from the provisions of Section 6 are the people whom the hon. member now wishes to strike out. In those circumstances the hawking of goods of one's own manufacture will become illegal and

prohibited by Section 5, which says that no person shall trade or act as a hawker unless he comes within the exemption. As the passing of the Bill means that he will not come within the exemption, his hawking will be illegal. So the question arises whether any local authority, or at all events any road board, can give him a license. In the present state of the law it cannot be done. At this short notice I cannot say whether the suggestion of the Leader of the Opposition that the Act should be amended by inserting "road board" after "municipality" would meet the case.

Mr. Marshall: It would not.

Mr. WATTS: There has been another amendment of the Act in 1897, but I do not think that makes any difference. It apparently alters the definition of "hawker" by saying that after the word "houses" in the definition there shall be inserted "there soliciting orders for goods." That does not help us at all. The member for Murchison in moving the Bill is simply going to prevent sellers of goods of their own manufacture from getting a license from the local authority. Thus their trade will be rendered absolutely illegal. That is going a little too far. Were I satisfied that with the passage of the Bill local authorities would be enabled to license those people or not license them, as the local authorities thought fit, then I would be prepared wholeheartedly to support the Bill. But at this short notice it appears to me that the passage of the Bill will only make it unlawful for these people to go on with their business, while at the same time not permitting the local authorities to license them so as to enable them to trade in certain districts. As I do not know that there are numerous districts where it is necessary, except with the wish of the local authority, to prohibit these people from carrying on their business, I personally do not feel inclined to support the Bill. I do not say that the difficulty in the hon. member's district is not one that requires rectification; but this Bill is going to apply to the whole of the State. I am of opinion that the legislation which should have been brought down is that which would definitely confer upon the local authority in the individual district—as circumstances in one district are different from those in another district—the right to deal with the matter, and not make their powers more doubtful than at present, in that people who are sellers of goods of their own manufacture will no longer be exempted from the prohibition against hawking which is contained in the Act of 1892.

Mr. Marshall: The onus of proof will be on the defendant.

On motion by the Minister for Justice, debate adjourned.

## BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 8th December.

**MR. McDONALD** (West Perth) [10.27]: This Bill is complementary to the Bill to amend the Industrial Arbitration Act, which follows immediately after it on the notice paper. Hon. members will recollect that in 1935 Bills were introduced to amend the Public Service Appeal Board Act and the Industrial Arbitration Act in order to meet the wish of the State civil service that its members should have access to the Industrial Arbitration Court with reference to the determination of the classes in the civil service, and the salary range of those classes. In accordance with the wish of the Public Service Association legislation was introduced in 1935, and those two Acts were amended. At the time of the introduction of the 1935 Bills the Minister for Water Supplies, who was then in charge of them, described them as experimental legislation. The Minister was correct in that expression, because time has revealed that there are two weaknesses in the amending legislation of 1935. Shortly, the idea was that the Arbitration Court should make an award by which it should determine the various classes into which the Public Service should be divided, and the minimum and maximum salaries of each class. Then it would be left to the Public Service Commissioner to determine in which class the individual civil servant would be placed. From the decision of the Public Service Commissioner as to the class in which the individual civil servant would be placed, that civil servant would have an appeal to the Public Service Appeal Board, which has operated since 1920. It was realised at the time that all the Arbitration Court could be asked to do was to set out the different classes and the maximum and minimum salary of each class, because there were some 2,000 civil servants and it would

be beyond the power and the time of the Arbitration Court to deal with the case of each civil servant. The court having determined the classes and the salary range of each class, the next step was with the Public Service Commissioner, who allotted each public servant to his correct class, or what he considered his correct class. If the public servant was aggrieved at the class in which he was placed, he had the right of appeal, or it was thought he had the right of appeal, to the Public Service Appeal Board. I might add that the Arbitration Court's jurisdiction was limited to public servants whose salary did not exceed £699 a year. As to civil servants whose salary was above £700, they were left to be classified in the ordinary way by the Public Service Commissioner. It has since turned out that all public servants who have been placed in any class under £700 a year have no right of appeal to the Public Service Appeal Board as to the class in which they have been placed. It was thought that they had that right but it appears that the amending legislation took away the right of appeal to the board from all civil servants placed by the Public Service Commissioner in classes under £700 a year. The Bill before the House is to give to the public servants who are placed in classes with a salary range less than £700 a year the right of appeal to the board which in 1935 it was thought had been secured to them. I have not had time to examine the Bill in detail with a view to studying the draftsmanship, but the Bill represents the wishes of the Civil Service Association and the Government is prepared to give approval to those wishes by this legislation. I therefore support the second reading of the Bill.

Question put and passed.

Bill read a second time.

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

*Second Reading.*

Debate resumed from the previous day.

**MR. McDONALD** (West Perth) [10.34]: This is a complementary Bill to the Public Service Appeal Board Act Amendment Bill. I said just now that the legislation of 1935 had two weaknesses. The first was the fact that appeal to the Public Service Appeal Board was inadvertently taken away from public servants whose salaries were less than £700 a year. The second weakness is the one it is sought to correct by this amendment of the Industrial Arbitration Act. By the 1935 amendment of the Industrial Arbitration Act, the Arbitration Court was empowered, in the case of public servants whose salaries were less than £700 a year, to declare the classes and the maximum and minimum salaries of those classes. But the Bill of 1935 failed to direct the Arbitration Court or the Public Service Commissioner as to the principle or basis upon which those classes should be determined. The result was that when the Civil Service Association approached the Arbitration Court, the court said, "All we can do is merely to set out the classes and the maximum and minimum salary of each class, but that is not much good because we have no instructions to guide us as to the principle on which we should act in determining those classes." Accordingly, the only award obtained under the amending Act has been a comparatively unimportant award dealing with the salary range of the so-called automatic class, and as regards the rest of the Public Service, it has been found necessary to arrange an industrial agreement which has been filed at the Arbitration Court and which was arrived at after consultation between the Public Service Commissioner and the Civil Service Association. This industrial agreement sets out the classes and the maximum and minimum salary of each class but, again, although this agreement has been made and is worked on to-day as regards the vast majority of the civil servants, and is filed under the Arbitration Act, by virtue of the 1935 Bill the agreement is defective because there is no legislative sanction as to the principle to be applied in determining whether a civil servant shall be in this class or the other class mentioned in the agreement. The consequence is that if a civil servant goes to the Appeal Board, and says "I have been placed in a certain class," say Class VI., "and I find I should be in another class" say Class IV., the Appeal Board has no legislative direction as to the principles which should be applied in determining in which class the civil servant should be correctly placed by the Commissioner. The effect of the Bill is to direct that in all future awards and industrial agreements of the Arbitration Court in relation to public servants, there shall be stated in the award or agreement the fundamental

basis or principle upon which the classes have been determined. When that has been done in future the position will be made comparatively easy. One defect, however, is that at the present time there is this industrial agreement filed under the Arbitration Act which sets out the various classes of the Public Service, but there is no principle or basis laid down as to the way in which public servants are to be placed by the Commissioner in those different classes. While the Bill says that in future every award or industrial agreement shall set out the principle upon which each class is determined, it has to go further and make some provision for the existing situation under the agreement filed at the Arbitration Court, which is now operating and which will operate for another four or five years until its period expires. By Section 12 it is laid down that in placing the public servants in classes the Commissioner shall have regard to the nature and responsibility of the duties of the office as the fundamental basis or principle, and the Bill goes on to say that in determining what is the nature and responsibility of the duties of an office, the Public Service Commissioner shall be guided by certain specified things. One is the degree of skill and training and initiative required; another is the financial and administrative importance of the position. I propose to support the Bill. It seems to fill a gap which has been found in existing legislation, and which it is necessary to fill to ensure the carrying out of the intention of Parliament expressed in the 1935 Act. In the Committee stage I propose to move two amendments which I will explain at that time.

**HON. C. G. LATHAM** (York) [10.40]: I intend to support the Bill, the object of which, as the Minister pointed out, is to rectify a mistake that occurred in the passing of the 1935 Act. In this connection I point out how difficult it is at times to accept the advice tendered by the Solicitor-General. On the occasion when the Bill complementary to this one was before the House, we raised the point as to whether civil servants would have the right to appeal to the board, and we were told that they would have that right. It was because it was accepted at that time that they would have the right of appeal that the measure was agreed to. In agreeing to the second reading of the previous Bill we have merely attempted to do what we thought we had done in 1935. I have looked at both Bills and I must confess it appears to take a great deal of the English language to convey to the civil servants and the courts what is exactly meant. I suggest we could put all that is contained in the Bills into 10 or 12 lines, but it appears that this verbiage of the legal mind has to be brought into operation. It only clouds the issue, however. I hope nevertheless that the officers of the Civil Service will now be able to get what we thought we gave them in 1935. We must honour the obligation we thought we entered into at that time. I accepted the word of the Minister on that occasion, that they would be given the rights referred to. I remember his telling us exactly what the Solicitor General had advised. But the Solicitor General's advice was wrong, as it very often is. It is a question of getting a commonsense interpretation of these matters. I hope that now, once and for all, it will be possible to give satisfaction to the officers who work for us in the Civil Service.

**MR. RODOREDA** (Roebourne) [10.43]: I do not think there is any doubt about our supporting these measures. I am in favour of them but I am worried, like the Leader of the Opposition, about the drafting of the Bills. I defy any ordinary layman to make head or tail out of the wording of these two Bills. I have followed them closely and I endeavoured to follow the Minister's explanation last night, but I think the Minister was depending more on his faith in the Solicitor General than on his understanding of the measures. It is getting beyond a fair thing when we are asked to try to decipher the meaning of Bills drafted in the style of these two. From the mass of verbiage, the sections and subsections and provisos, and the cross-reference of one Bill with another, I do not know how we are going to decide whether the Bills mean what we are told they mean. I should like to refer to the debate in 1935 to show what the Solicitor General said about the measures then. The Minister, in the course of his speech, said:—

> The Public Service Appeal Board will operate as in the past, except that there will be no appeal against rates of pay or conditions fixed by the court . . . But the court having given an award, it will become the duty of the Public Service Commissioner to place the men and inquire into grievances. Appeals against his decision will, as at present, be referred to the

Appeal Board . . . . Under this provision it will be possible for the court to do its work, and from then on the Public Service Commissioner will do his part, and there will be access to the Appeal Board in cases of dispute and grievances.

We know now that that was not a fact at all. Further, the Minister said:—

The Crown Law authorities have done more than spend a few minutes in scanning the Bill. They have devoted a great deal of time to it.

They were quite certain that the Bill expressed the intention of the Government and of Parliament. In spite of the fact that the Leader of the National Party directed the Government's attention to the proviso that took away the right of appeal, and in spite of the fact that the Government consulted the Solicitor-General again after that, he assured the House that the right of appeal was reserved to the civil servants. Eighteen months or more elapsed, and the same Solicitor General, who I presume was responsible for the drafting of the Bills in 1935, or had them drafted under his authority, appeared in the court on behalf of the Public Service Commissioner and disputed the meaning of his own drafting. It is time Parliament took exception to that sort of drafting.

Mr. Sleeman: We shall have to change our solicitor.

Mr. RODOREDA: If this is the best drafting we can get from the leading legal talent in this State, it is time a change was made. I do not know what the legal fraternity in this House think of the drafting of this Bill. The member for West Perth (Mr. McDonald) said he had not had time to go fully into the matter. Neither has any of us. I should like the Minister to agree to an adjournment of the debate over the week-end, so that we may get some definite expression of opinion other than that of the Solicitor General, to ensure that the intention of the Government and of Parliament will be given effect to by the provisions of these two Bills. Undoubtedly the Government is endeavouring to fulfill its promise to the Civil Service, and I think we all support that. I hope the Minister will agree to adjourn the debate over the week-end.

**THE MINISTER FOR EMPLOYMENT** (Hon. A. R. G. Hawke—Northam—in reply) [10.48]: A great deal of consideration has been given to this Bill, and to the Bill associated with it, by the Solicitor General, and he has taken particular care to ensure that the right of appeal of Public Service officers to the Appeal Board shall be re-established under this legislation. In addition, these two Bills have received careful investigation by the solicitor who represents the Civil Service Association. As a result of the consideration given to the Bills by the Solicitor General and the association's own solicitor, we have an assurance by each of them that this legislation will, without doubt, achieve the objective sought to be achieved.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clauses 1 to 6—agreed to.

Clause 7—Provisions relating to agreements already existing and deposited with the Registrar:

Mr. NEEDHAM: I move an amendment—

That in line 3 of paragraph (e) "may" be struck out and the word "shall" inserted in lieu.

In every clause and subclause of the Bill the word "shall" appears at least once, and in many instances more often. In the preceding paragraph it appears at least five times. That paragraph provides for certain conditions to be observed in relation to the establishment of classes as a basis for agreement. The word "shall" appears in the mandatory sense all along the line. Paragraph (e) reads—

(e) when the placing of an office in a defined class is to be determined in accordance with paragraph (d) hereof on the basis of the nature and responsibility of the duties of the office, then in the course of such determination consideration may be given inter alia to the following matters, namely:—

Then follow sub-paragraphs enumerating those matters. The amendment would make that paragraph mandatory.

The MINISTER FOR EMPLOYMENT: I have no objection to the amendment.

Amendment put and passed.

Mr. McDONALD: In placing civil servants in their classes under the agreement that will operate in the next five years, certain considerations must be observed by the Public Service Commissioner. Under subparagraph (i) of paragraph (e), he shall

take into consideration the degree of skill, training and initiative required for the work, and under subparagraph (ii) the financial or administrative importance of decisions to be made. I move an amendment—

That the following be inserted to stand as subparagraph (i):—"(i) a comparison between the present classification of an office and that of similar offices in the Public Services of the Commonwealth and of the other States of the Commonwealth."

If the amendment is accepted, it will mean that when the Public Service Commissioner makes up his mind to put a man in the £300-£400 class, or £400-£500 class, he will have regard to his duties and what is paid by other Public Services for work of a similar character. I am informed that when the award under the 1935 Act was delivered by the Arbitration Court—an award that applies only to those officers on the clerical automatic range, who are a comparatively small proportion of the total number of officers—the President stated:—

The claim of the Association that in the automatic range of salaries paid to clerical officers in Western Australia should bear as close as possible an approximation to salaries obtaining in the other States is just and reasonable, and the court is making its award accordingly.

Thus the court considered it right to take into account the salaries paid for similar work in other Public Services. It is submitted by the Civil Service Association that when the Public Service Commissioner is deciding in what class a public servant shall be placed, he should bear that criterion in mind also. If the amendment is accepted, should there be an appeal to the Public Service Appeal Board, the Appeal Board, in determining the appeal, would also take into account the pay for similar work in other Public Services.

The MINISTER FOR EMPLOYMENT: Already consideration has been given to the amendment moved by the member for West Perth, and as a result of that consideration it was decided that the inclusion in the Bill of the proposal could not be approved. It is felt that the placing of an office in a definite class can easily and fairly be handled on the basis set out in paragraph (e) of this clause. The degree of skill, training and initiative required for the work will be taken into consideration, the importance of the decisions to be made and of actions to be taken and the books to be kept, would all be taken into consideration together with the effect of the work of the office upon revenue and the financial or administrative effect of mistakes which may be made by the officer in the performance of the duties of the office, will also have to be taken into consideration. It is felt that that there is sufficient in these proposals to enable those responsible for the placing of officers in different offices to arrive at a decision that will give a fair deal to all concerned. To include the amendment would in the opinion of the Government be more than is necessary, in addition to which the acceptance of the amendment might easily be responsible for setting up from time to time a situation that would be more or less difficult to meet.

Mr. NEEDHAM: I regret that the Minister has not accepted the amendment. I understand that in the original plan of the Bill this provision was included. I do not altogether agree with the reasons given by the Minister for excluding it from the Bill. I do not see where the Government is likely to be put into a false position by allowing the amendment to be inserted in the Bill. One might well think that the Public Service itself is taking a risk in asking that this amendment be included, because it might easily occur that the Industrial Court in any of the Eastern States might determine an issue in a manner not as good as the Public Service of this State would provide. However, the Public Service of this State is prepared to take that risk. The Minister appears to be afraid that if the amendment were agreed to a situation might arise which would not be comfortable for the Government. However, I think if there is anyone with anything to lose it is the public servant himself. I ask the Minister to reconsider the position and accept the amendment.

The MINISTER FOR EMPLOYMENT: I would emphasise that the Government has introduced this legislation for one special purpose, namely, to restore the right of appeal to the Public Service Appeal Board in certain circumstances. This amendment is entirely foreign to the objective of the Bill, and is something in addition to what the legislation means to re-establish for the public servant. I also emphasise again that the Government had given careful consideration to this proposal before the Bill was finally agreed upon and as a result of that con-

sideration decided that this proposal was not to be included in the Bill.

Amendment put and negatived.

Clause put and passed.

Clause 8, Title—agreed to.

Bill reported with an amendment, and the report adopted.

## BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

*In Committee.*

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

## BILL—HIRE PURCHASE AGREEMENTS ACT AMENDMENT.

*Council's Amendment.*

Amendment made by the Council now considered.

*In Committee.*

Mr. Sleeman in the Chair; the Minister for Justice in charge of the Bill.

The CHAIRMAN: The amendment by the Council is as follows:—

Clause 2:—Delete paragraph (a) and substitute the following:—

(a) by repealing Subsection (1) and substituting the following:—

(1.) Whenever the vendor (except by the request or at the instance of the purchaser) shall take possession of any chattel the subject of a hire purchase agreement the vendor shall within twenty-one days thereafter prepare and serve on the purchaser an account under this section as between the vendor and the purchaser.

The MINISTER FOR JUSTICE: I move—

That the amendment be agreed to.

Previously we thought to establish the right of the purchaser to an account, but it was held that 21 days would be too long. However, the amendment proposes that the vendor shall give to the purchaser within 21 days an account as between the vendor and the purchaser.

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

Resolution reported, the report adopted, and a message accordingly returned to the Council.

*House adjourned at 11.16 p.m.*

# Legislative Council,

*Friday, 10th December, 1937.*



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

## QUESTION—PUBLIC SERVICE, PENSIONS.

Hon. C. F. BAXTER asked the Chief Secretary: 1, How many pensions of £600 and over are being paid by the Government to retired public servants? 2, What is the highest rate of pension being paid and the number of persons in receipt of such?

The CHIEF SECRETARY replied: 1, Fifteen. 2, £950 per annum; one person.

## BILL—SUPERANNUATION ACT AMENDMENT.

Introduced by Hon. J. Cornell and read a first time.

## BILL—BUSH FIRES.

*Third Reading.*

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [4.36]: I move—

That the Bill be now read a third time.

**HON. W. J. MANN** (South-West) [4.37]: In giving further consideration to the Bill during the last 24 hours, a phase of the problem has occurred to me that calls for some explanation. I have in mind the position at timber mills where fires have to be kept going continuously to burn up the waste. Nothing is contained in the Bill dealing with that point in any way. I would like to ask what the position will be regarding timber mills and whether those mills, having to keep fires burning continu-