

Mr. A. THOMSON: Where are all the economists?

Vote put and passed.

Progress reported.

House adjourned at 12.15 a.m. (Wednesday).

## Legislative Council,

Wednesday, 16th November, 1921.

	Page
Questions: Goldfields forest reserves ...	1691
Goldfields Firewood Railway, leasing ...	1691
Assent to Bills ...	1691
Bills: Wheat Marketing, 3R. ...	1691
Stallions, 3R. ...	1691
Inspection of Machinery, recom. ...	1691
Reciprocal Enforcement of Judgments, returned ...	1697
Evidence Act Amendment, returned ...	1697
Public Works Committee, 2R. ...	1697
Factories and Shops Act Amendment, Com. ...	1706

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

### QUESTION—GOLDFIELDS FOREST RESERVES.

Hon. E. H. HARRIS asked the Minister for Education: 1, Have any rights been granted, or is it intended to grant, any rights to any company to work the forest reserves of Widgiemooltha, Gnarlbin, Gibraltar, or Coolgardie-Burbanks? 2, If so, which of these reserves?

The MINISTER FOR EDUCATION replied: 1, An application has been received for permission to construct a tramway through the western portion of the Coolgardie-Burbanks State Forest, with certain cutting rights thereon. No decision has yet been arrived at in regard to this application. 2, The Widgiemooltha, Gnarlbin and Gibraltar reserves are not affected by this or any other application.

### QUESTION—GOLDFIELDS FIREWOOD RAILWAY, LEASING.

Hon. E. H. HARRIS asked the Minister for Education: 1, Have any arrangements been made, or has any agreement been entered into, with any person or company to lease all or part, or grant running rights on either of the railway lines between Coolgardie and Kalgoorlie? 2, If so, what are the

names of the parties to the agreement, and the terms thereof? 3, What is the mileage of line leased or for which running rights have been granted? 4, What charges are to be made annually for the maintenance and upkeep of the line so leased? 5, Does the agreement confer any right to carry passengers or goods of any description other than firewood?

The MINISTER FOR EDUCATION replied: 1, Yes, under Section 64 of the Government Railways Act, 1904. 2, W.A. Goldfields Firewood Supply, Limited. Lease of southern track between Coolgardie and Kalgoorlie for three years at a rental of £2,000 per annum. 3, Fifteen miles 30 chains. 4, Included in rent. 5, No.

### BILLS (2)—THIRD READING.

1, Wheat Marketing.

2, Stallions.

Passed.

### ASSENT TO BILLS (3).

Message from the Governor received and read notifying assent to the undermentioned Bills:—

1, Administration Act Amendment.

2, Building Societies Act Amendment.

3, Land Tax and Income Tax.

### BILL—INSPECTION OF MACHINERY.

Re-committal.

Bill re-committed for the purpose of further considering Clauses 4, 56, 79 and 82; Hon. J. Ewing in the Chair, the Minister for Education in charge of the Bill.

Clause 4—Non-application of Act:

Hon. H. STEWART: I move an amendment—

That in Subclause 6, line 2, "one" be struck out and "eight" inserted in lieu.

By the regulations framed under the Act practically all classes of machinery are included. Under this Bill it would be possible for the department to collect fees upon every kind and piece of mechanism. We should not permit restrictions to be imposed which will unduly interfere with the development of the country and of industry. The Act gives no power to deal with shearing machinery, for instance, but under this Bill everything can be included in the definition of machinery.

Hon. E. H. HARRIS: Is it not necessary to have that included in order to make the Bill effective?

Hon. H. STEWART: That is all right in connection with large pieces of machinery, but some exemption should be given in the case of small pieces of machinery. It is only

fair and reasonable that we should exempt any machinery which, if included in the Bill, would hamper and interfere with the development of industry, especially if such inclusion is not necessary to safeguard life and limb. It is not right in the scattered mining parts of the State, for instance, to make every piece of machinery subject to notification, payment of fees, etc. My amendment would simply exempt machinery which is driven by a motor of less horse-power than eight.

Hon. C. F. BAXTER: I cannot agree with Mr. Stewart's amendment because it would cover other engines dealt with in Subclause 6, from which danger might arise. I intended to move an amendment the effect of which would be to exempt engines of less than eight-horse power driven by oil or petrol.

Hon. H. STEWART: With the permission of the Committee, I will withdraw my amendment to enable Mr. Baxter to proceed with his proposed amendment.

The CHAIRMAN: If the hon. member withdraws his amendment and Mr. Baxter amends a subsequent portion of the clause, the hon. member will not be able to proceed with his amendment to an earlier portion.

Hon. H. Stewart: Not without recommitting the Bill?

The CHAIRMAN: That is so.

Amendment by leave withdrawn.

Hon. C. F. BAXTER: I move an amendment—

That the following new subclause, to stand as Subclause 7, be inserted:—"Of any engine driven by oil or petrol of which the power is less than eight-horse power"

The amendment is worded so that it will not apply to machinery driven by steam or electricity. The present Act exempts engines of one-horse power from the necessity for being registered and inspected. An inspection of an engine driven by oil or petrol means nothing because the inspection may be made on one day and trouble may occur on the following day. There is no justification for an inspection of machinery driven by oil or petrol. In those circumstances, why should the Government go to all the expense that will be entailed by such inspection. I am confident that the Government will not impose outrageous charges under the regulations which will have to be framed, but if they proposed to impose a charge which would cover those expenses, it would be a prohibitive one.

The MINISTER FOR EDUCATION: I cannot support the amendment. I do not know whether it really expresses the intentions of the hon. member. We are dealing with the application of the measure to boilers and machinery. Mr. Baxter intends his amendment to refer to machinery of less than eight-horse power and not to engines. The proposal is a drastic one, seeing that up to the present we have exempted machinery driven by motors of one-horse power and the exemption is sought to be increased to eight-

horse power. Such machinery requires to be inspected and accidents have arisen from such machinery in the past.

Hon. C. F. BAXTER: My amendment should refer to machinery and not engines.

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

Ayes	..	..	..	13
Noes	..	..	..	8
Majority for ..				5

#### AYES.

Hon. C. F. Baxter	Hon. A. Lovekin
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. Duffell	Hon. A. Sanderson
Hon. J. A. Greig	Hon. H. Stewart
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. J. J. Holmes	Hon. C. McKenzie
Hon. J. W. Kirwan	(Teller.)

#### NOES.

Hon. R. G. Ardagh	Hon. T. Moore
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. E. H. Harris	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. J. Cunningham
	(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Clause 56—Privileges of certificates:

The MINISTER FOR EDUCATION: I intimated that I intended to recommit Clause 56 in order to add a new subclause to stand as Subclause 9. Before doing that, however, it will be necessary to make a small amendment to the addition made to the clause on Wednesday last, when the Committee agreed to the following amendment—

But the holder of an unrestricted certificate granted under any Act in force before the commencement of this Act shall be entitled to drive any engine other than a locomotive or traction engine.

Subclause 1 of Clause 56 reads—

A winding engine-driver's certificate shall entitle the holder thereof to drive and have charge of any winding engine and of any stationary steam engine to which a first-class engine-driver's certificate applies.

It will be necessary to amend last Wednesday's addition by inserting the words "first-class" after "unrestricted" and if that is agreed to, I will move the addition of a new Subclause 9. I move an amendment—

That after "unrestricted" in the addition to Subclause 1 the words "first-class" be inserted.

Amendment put and passed.

The MINISTER FOR EDUCATION: In order to cover the other class, I move an amendment—

That the following subclause, to stand as Subclause 9, be inserted:—"Notwithstanding anything contained in this section to the contrary, the holder of an unre-

stricted first or second class steam engine-driver's certificate granted under any Act in operation at any time before the commencement of this Act, may, by virtue of such certificate, drive and have charge of any engine to which, except for this Act, such certificate would have applied, including an internal combustion engine, other than a locomotive or traction engine.

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

Clause 79—Protection of inspectors from liability:

The MINISTER FOR EDUCATION: I have the strongest objection to asking the Committee to reverse a decision once given, but there are instances in which it is my duty to do so, and this is one of them.

The CHAIRMAN: Clause 79 was struck out.

The MINISTER FOR EDUCATION: I think it is a matter of procedure. I consulted the clerk as to adopting this course. However, if you rule against me, we can further recommit the Bill to consider it as a new clause.

The CHAIRMAN: I see no objection to your moving for its insertion as a new clause.

The MINISTER FOR EDUCATION: I move—

That the following be inserted, to stand as Clause 79: "No matter or thing done by any inspector bona fide in the execution of this Act shall subject such inspector or the Crown to any liability whatsoever in respect thereof."

When this clause was previously under consideration, I pointed out that this was the existing law and that similar provision was included in a great many of our Acts. It is also found in Inspection of Machinery Acts in all the other States. Even if the clause were not re-inserted, I do not think any person could recover damages against the Crown or an inspector if it could be established that he acted bona fide in the execution of his duty. This is not so much an enactment of the law as an expression of it, in order that those concerned may know exactly what the law is. If the clause is not re-inserted, the position in the minds of inspectors and owners of machinery will be confused, but the law will not be altered, as it will still protect the Crown and the inspector who acts bona fide. I have had some inquiries made regarding the cases mentioned by Mr. Lynn. The statements of that hon. member played a large part in inducing the Committee to strike out the clause. I am informed that the inspector on that occasion did not exceed his proper duties, but that he acted bona fide and was entitled to protection. No sledge hammer was used; no hole was punched by him in either boiler. The boilers were always reported by him as being in fairly good order, except a few trifling leaks, and the working pressure on the boilers remained at the orig-

inal working pressure until after the inspector implicated had left the service and the boilers were removed from the vessels—the "Helena" and "Harley." The reports contain a reference to a survey of the hull of the "Harley" owned by the London and Western Australian Investment Company. The inspector by the aid of a test hammer found it very thin. From water line to below bilge, the hull—which was made of steel plate of the usual thickness of such structures—was corroded to the thickness of a kerosene tin and in many places was corroded completely through. If Inspector Tickle had not punched holes through this hull, he would have been guilty of a grave dereliction of duty which would probably have led to serious loss of life.

Hon. R. J. Lynn: Does it say how many holes he punched in the hull?

The MINISTER FOR EDUCATION: I do not care how many holes were punched. Just prior to the survey, this vessel was used to convey excursionists and residents to Applecross though it was in a condition in which it should not have been used. Every precaution is taken by the department to secure properly trained men and they have to submit to a technical examination. Further, applicants must not be less than 30 years of age, thus ensuring a fair, practical engineering experience before being appointed. In every way the interests of the public are protected. Another case instanced was that of the steamer "France." The file states—

As disquieting rumours have reached the Marine Undertakers' Association, particular care should be taken to ascertain that the vessel, which was recently stranded at Fremantle, is in a thoroughly seaworthy condition before her certificate is renewed. Inspector Tickle made the survey. The vessel was found in a much neglected condition, and main decks could easily be pierced with a hammer. Cover patches have been fitted in many cases, but there is still a large area which is absolutely dangerous. The boiler was reported as corroded externally through leakage, and an order was given that, to effect repairs to boiler, bottom, and keelson, floors, frames, etc., it will be necessary to lift the boiler. Another licensed surveyor reported that the vessel had been sadly neglected.

These were the cases quoted by Mr. Lynn and, according to the file, it appears that the inspector did his duty and nothing more, and that serious consequences might have resulted if he had not done his duty. I appeal to the Committee to reconsider their decision, particularly in view of the statement of the Solicitor General that the striking out of the clause would only lead to confusion.

Hon. A. Lovekin: Leave it out.

The MINISTER FOR EDUCATION: Does the hon. member seek confusion? If the law is to be clear so that he who runs may read, the clause should be re-inserted.

Hon. A. LOVEKIN: If, as the Minister says, this is now the law, we should not re-insert the clause unnecessarily. If as he suggests, the law is somewhat confused—

The Minister for Education: I did not suggest that at all; it is perfectly clear.

Hon. A. LOVEKIN: On the Minister's interpretation it is confused. If an inspector acts negligently and stupidly, he is not immune.

The Minister for Education: And this clause will not make him immune.

Hon. A. LOVEKIN: My objection to the clause was that some of the inspectors might act stupidly or carelessly, and that it would be wrong to make the public suffer and give no recourse. It is all very well to put task-masters over us and chains around us here, there and everywhere. While there should be some protection for the department, there should also be protection for the public. If the inspectors appointed are competent, I see no reason why they should be immune from responsibility for carelessness or negligence. Obviously this clause is merely sought in order to protect the department where incompetent officers have been appointed. If we have competent officers, there is no need for the clause.

Hon. R. J. LYNN: I am only anxious that the public shall have some protection against the incompetent inspector. The action of the inspector in the two cases mentioned by the Minister was to some extent justifiable, but I could mention twenty-two instances where the same inspector's actions were not justifiable. Because of incompetency this inspector was sacked. I could quote instances, which I would defy anyone to contradict, relating to the inspector having condemned a job which later on was passed by other inspectors. A steamer running out of Fremantle had cut in her bulk-head within six or eight inches of the deck a hold to give access to the main hold. The ship was allowed to go to sea by every inspector in the department until this man came on the scene and objected, though the hole did not affect her seaworthiness. I could say quite a lot about this inspector, but it would be out of place to do so. I do not think there is one inspector in the department to-day who would do what this inspector did, but it is essential that the public should be protected against similar possibilities in future. If the Minister is of opinion that it is necessary to re-insert the clause, I am only anxious to protect the officer in the execution of his duty while protecting the public. An inspector might go into the country and break some part of a machine bona fide and justifiably, though he might have extended the certificate for three months to permit of a spare part being procured and installed. The question is purely one as to whether the inspector should have a free hand and the public no protection in the case of an inspector exceeding his duty.

The MINISTER FOR EDUCATION: The public have every protection. The clause

merely sets out that it is a defence for the inspector to show that what he did he did bona fide in the execution of his duty under the Act. But it is a defence which he would have to establish in court.

Hon. A. SANDERSON: The Minister is in his very best form this afternoon. I have seldom known him deal with a matter with more skill. But I hope the Committee will not be misled by his specious manner in presenting his case. If there is one clause of the Bill on which I can give an intelligent vote it is this one, because anyone acquainted with the ordinary principles of law and the usual methods of Government departments can give an intelligent vote upon it. The Committee deliberately decided to strike out this clause. Mr. Lynn has said that to him it does not seem to matter whether the clause goes in or not. The Leader of the House very properly fortified himself with the opinion of the law officers of the Crown. I do not suggest for a moment that he did not quote the Crown Solicitor quite accurately, to the effect that this proposal will not alter the law at all. But the Minister misled the Committee.

The Minister for Education: I hope you will tell the Committee where I tried to mislead them.

Hon. A. SANDERSON: The Minister wants this clause in the Bill, and for that purpose he has re-committed the Bill. With great ability the Minister led the Committee in the wrong way. I am under the impression that the insertion of the clause will make a difference, while not altering the law. I think it will protect the department, and frighten the public if it will not injure them. I object to having the one clause on which I consider we have done sound work, put on the stocks again, and probably botched in the doing of it. I hope the Committee will not reverse their decision.

Hon. J. NICHOLSON: On the previous discussion of this clause I was certainly influenced in coming to my decision to vote for the deletion, by what Mr. Lynn stated. Even after hearing him state now that there are many other instances with which he could furnish the Committee, I feel constrained—

Hon. R. J. LYNN: I was the inspector dismissed.

The CHAIRMAN: Order!

Hon. J. NICHOLSON: The other instances referred to by Mr. Lynn might quite possibly be described by the department as representing excess of duty on the part of the officer concerned. The Bill is to protect the two parties concerned, and this particular clause should protect the two parties. I desire to see the inspector protected; but, naturally, the public are jealous of their position, and we as legislators must protect their rights also. The clause would give the opportunity for a certain defence to be raised by the inspector on every occasion, a defence which it would be very difficult for the unfortunate member of the public whose machinery had been damaged to controvert or upset, unless

some such proviso as I previously suggested is added, to show that the inspector must not in an unbecoming manner exercise his powers. Would it be right for the inspector to direct a satisfactory and undamaged plate, for instance, to be replaced, and by way of showing that it should be replaced to drive a hole through it? There should be a proviso laying it down that the inspector must exercise care not to treat other people's property in an improper way.

The Minister for Education: This clause would not protect the inspector in such circumstances.

Hon. J. NICHOLSON: But the clause would require it to be shown that the inspector acted in a manner which was not bona fide. That would be very difficult for the owner of machinery to establish.

The Minister for Education: The tendency of the clause is exactly opposite. The onus of proof is on the inspector.

Hon. J. NICHOLSON: If the inspector says that he acted bona fide in the interests of the public, how is that defence to be controverted?

Hon. A. LOVEKIN: I will not say that the Minister attempted to mislead the public, but I will say that I do not think he has quite appreciated the state of the law. Suppose I sued the Government for damage done to my boiler through the stupidity and carelessness of some inspector, who put a hole through it. Then it would be necessary for the Government, on behalf of the inspector, to set up the defence that, whatever had happened, the inspector had acted bona fide; in effect that he made the hole in the boiler in perfect good faith. Under the proposed clause, so long as he acted bona fide, it would not matter how stupid his action might be, he would be protected. We want something more than that. When an inspector does something which results in damage to other people's property, he should be held responsible for his acts, as would be any other member of the community. Under the proposed clause, if I sue the Government for damage done, all the inspector has to do is to declare he acted in good faith.

The MINISTER FOR EDUCATION: The hon. member is entirely wrong. The clause says, not merely "bona fide," but "bona fide in the execution of this Act." If the inspector acts outside the Act, he will be responsible.

Hon. A. LOVEKIN: The testing of boilers would be the execution of the inspector's duty within the meaning of the Act. If he carelessly makes a hole in a boiler, the owner of the boiler ought to have some redress.

Hon. H. STEWART: The Minister says he wants the clause only to make clear what is already the law. I do not see why the Government should be put into a preferential position against the public. An engineer working for a private firm would not have the proposed protection, yet he is doing equally responsible work. The safeguard is

that he does his work properly. The public are imposed upon in many directions by the Government departments. I will vote against giving special protection to the Government inspector. Equal protection is all that can be fairly asked for. Competent men in the service require no preferential protection.

New clause put and a division taken with the following result:—

Ayes	..	..	..	9
Noes	..	..	..	13

Majority against .. 4

#### AYES.

Hon. R. G. Ardagh	Hon. T. Moore
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cornell	Hon. A. J. H. Saw
Hon. J. Cunningham	Hon. J. Duffell
Hon. J. W. Hickey	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. C. McKenzie
Hon. J. A. Grelg	Hon. G. W. Miles
Hon. V. Hamersley	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. A. Sanderson
Hon. J. W. Kirwan	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	Hon. H. Stewart
Hon. R. J. Lynn	(Teller.)

New clause thus negatived.

Clause 82—Regulations:

Hon. J. DUFFELL: I move an amendment—

That the following proviso be added:—  
"Provided nevertheless that no regulation dealing with fees payable under this Act shall be operative until such regulation has been laid on the Table of both Houses of Parliament for 14 days.

Last week the Minister told us that this proviso, if passed, would represent a complete revolution in the principles on which regulations are framed. The regulations I propose to have laid on the Table have nothing in common with regulations framed under other Acts. I want tabled the regulations framed under this measure. My amendment relates to no other measure. Surely, therefore, there will not be any revolutionising of established principles.

The MINISTER FOR EDUCATION: I fail to see why a different procedure should be adopted in regard to this measure as against any other measure. Regulations made under any Act have to be laid on the Table. For the safety of life and limb, it is necessary that we should have inspection of certain machinery. That inspection must be paid for. Surely the payment should not be left to the general taxpayer! At present the work is done partly at the expense of owners of machinery and partly at the expense of the general community. There is no intention that excessive fees should be charged; nevertheless, the fee must meet the cost to the department.

Hon. A. LOVEKIN: As representatives of those concerned, we require to know what has to be paid. It is only fair that the Government, before imposing taxation under this measure, shall submit the proposed taxation to us.

Hon. A. SANDERSON: Is the object of placing the regulations on the Table so that they may be disallowed if necessary? The whole cost of the inspection should be on the owners of the machinery.

Hon. A. Lovekin: We want to know what the cost is.

Hon. A. SANDERSON: We should be able to find out how many inspectors there are and what the cost of running the office is, and the revenue derived from their inspection of machinery. The Minister says that the taxpayers at the present time are contributing a considerable sum. My colleague says this is a taxation measure, but so far from it being such it seems to me to be a measure which will compel the taxpayer, rather than the owner of machinery, to contribute. I cannot understand the Minister's objection to the regulations being laid on the Table for 14 days. Surely the machinery owners are entitled to know what the position is. The mere laying of the regulations on the Table is a sensible and reasonable procedure.

The MINISTER FOR EDUCATION: The first clause of the Bill provides that when the Act is passed it shall come into operation on a date to be fixed by proclamation. On its proclamation it repeals the existing Act and all the fees imposed under the old Act cease to operate. The effect of the amendment will be that this Act cannot be proclaimed until the next session of Parliament.

Mr. Duffell: What is the hurry?

The MINISTER FOR EDUCATION: It will be impossible to proclaim the Act until the fees have been on the Table for 14 days.

Hon. J. Duffell: That is what I desire.

The MINISTER FOR EDUCATION: I am afraid a serious difficulty will arise.

Hon. A. LOVEKIN: We should not sit here and impose charges on the people blindly. The Minister says that what we propose is an unusual course. It is a good thing sometimes to get out of the rut; we do not want to be conservative. We have got into a bad habit in this country of spending money first and asking Parliament to vote it afterwards. We want to prevent the proclamation of the Act, the putting up of a scale of charges and collecting those charges, until after Parliament commences to sit next session, when the regulations will be placed on the Table and will be subject to disallowance within 14 days.

Hon. Sir EDWARD WITTENOOM: It will be impossible to proclaim this Act until almost about the time when the next session will begin, and once it is proclaimed we wipe out the existing Acts. If we proclaim it between this Parliament and the next, we shall have no fees, because we shall have cancelled

all the existing Acts and it will not be possible to impose any of the fees that are prescribed until the regulations have been on the table for 14 days.

Hon. H. STEWART: We were told that the Bill was brought in as the result of a conference in the Eastern States, with the object of harmonising matters, and we were told there was no immediate hurry for it. If it is not proclaimed until the next Parliament the old Act remains in existence and the authorities can go on collecting the old fees. Under the Act the Government can really collect more because those fees are of a more comprehensive nature. The Bill before us imposes certain limitations and really offers further protection to the industries as a whole. I am very pleased that it has been brought forward.

Hon. J. J. HOLMES: There is a way out of the difficulty; that is, to attach the schedule of charges to the Bill. No one wants to evade his responsibilities. If our industries can be harassed by making a Taxation Department of the Machinery Department this will be unjust to the machinery owner. We are entitled to know what it costs to run the department, and what revenue it is proposed to raise under the Bill. Until we know that we should hold up the proclamation of the Bill. If the Bill is held up it will not affect the position very much, and it is the only way out of the difficulty.

Hon. A. SANDERSON: I hope the Committee will not be called upon to place in the schedule a list of charges. If the amendment has the effect of hanging up the Bill until next session it will be a very sound way of dealing with it, and it will give the department plenty of time to organise and make up careful estimates as to what the expenditure is likely to be. For once at any rate we shall then have turned out a workmanlike affair which will last longer than one session. I accept the assurance of the Leader of the House that if the amendment is accepted the Bill cannot be put into operation until the beginning of the next Parliament.

Hon. A. LOVEKIN: Apparently no great harm would be done if the proclamation of this Bill were held over. The present Act would still continue in force, and it is not costing the country very much. Last year the estimated revenue from this department was £4,400, and the actual revenue received £4,548. Provision is made on the Estimates for an expenditure of £4,804 leaving a small loss on the working of the department of £256.

The Minister for Education: I think the loss is heavier than that.

Hon. A. LOVEKIN: These figures are taken from the Estimates.

The CHAIRMAN: We are not discussing the Estimates.

The Minister for Education: Are you sure that covers the whole cost?

Hon. A. LOVEKIN: If the Government are not trying to hide the machinery costs

somewhere else this does not cover the whole cost.

The Minister for Education: There are some costs which are of a general nature.

Hon. A. LOVEKIN: I expect to find the cost of the inspection of machinery under the heading of inspection of machinery. We have yet to learn that the other States have touched this Bill. There is no urgency about the matter.

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

Ayes	..	..	..	9
Noes	..	..	..	11

Majority against .. 2

#### AYES.

Hon. J. Duffell	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. J. W. Kirwan	Hon. Sir E. H. Wittenoom
Hon. A. Lovekin	Hon. J. A. Greig
Hon. R. J. Lynn	(Teller.)

#### NOES.

Hon. R. G. Ardagh	Hon. T. Moore
Hon. H. P. Colebatch	Hon. J. Nicholson
Hon. J. Cunningham	Hon. A. H. Pantton
Hon. E. H. Harris	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. J. Cornell
Hon. G. W. Miles	(Teller.)

Amendment thus negatived.

Clause, as previously amended, put and passed.

Bill again reported with further amendments.

#### BILLS (2)—RETURNED FROM THE ASSEMBLY.

- 1, Reciprocal Enforcement of Judgments.
- 2, Evidence Act Amendment.

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

#### BILL—PUBLIC WORKS COMMITTEE.

##### Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [7.30]: This Bill, which provides for the establishment of a Parliamentary standing committee on railways, tramways, and other public works, is one of the most important that this House will be called upon to consider during the present session. It is a Bill that touches directly on the question of finance, which has been so frequently discussed in this Chamber, and necessarily so, because it does overshadow almost every other question to be considered at the present time. It is only right that I should remind the House that this Bill comes to us with the approval of every section of the popular Chamber. I make that remark because on two previous occasions a Bill of a similar character has been transmitted to this House and has been laid aside. It is not

for me to suggest to hon. members what the functions of this House are. Members are just as conversant with what they are as I am myself. It is obviously a reasonable thing for the House to delay the course of a Bill coming from another place of which it might be said—I am not particularly referring to this measure—that it was passed in another place by virtue of the Government's majority. It may have happened that the question had not been discussed before the electors during the general election, and that it was an entirely proper thing for this House to hang it up for the time being, the assumption being that after the electors had been consulted they might express an entirely different view. This Bill, however, comes with the unanimous approval of all sections in another place. That, apart from the merits of the Bill itself, will assure that it will have careful consideration at the hands of members of this Chamber. So far as the Government are concerned, I claim that the Bill is entitled to more than that. It is entitled to sympathetic consideration.

Hon. J. J. Holmes: This is not a Bill as introduced by the Government in another place.

The MINISTER FOR EDUCATION: It is. There is an amendment in it, but that amendment cannot possibly affect the merits of the Bill. The Bill is purely a Government Bill, introduced in the Lower House by the Government. I shall make reference to the amendment later on. I cannot conceive of the vote of any thoughtful hon. member being influenced by reason of the amendment inserted in the Bill since the Government prepared it. I can conceive of any hon. member seeking to alter that amendment, but that the mind of any hon. member should be affected, regarding the merits of the Bill, by that amendment, entirely passes my comprehension. It is, perhaps, desirable that I should point out certain differences in this Bill as compared with those Bills dealing with the same matters which have been previously rejected by this Chamber. This is the fourth Bill of this nature introduced by different Governments and passed by the Assembly. The first Bill was introduced by yourself, Sir, when you were a member of the Leake Administration. On that occasion, I do not think the measure reached this Chamber. It was jettisoned at the close of the session. The second Bill was brought forward in 1911. That Bill provided for the appointment of a committee of five members, one of whom should be the Chairman and should be appointed by the Governor in Council. Three members were to be elected in the usual way for electing a select committee by the Legislative Assembly, and one member was to be elected in the way adopted for electing a select committee by this Chamber. That committee would necessarily have in its personnel a majority of Government supporters, because the practice in the House at that time was that on a committee

of three, two should be appointed by the Government majority and one by the minority. There would have been a Chairman nominated by the Government, two members elected by the Government side of the House, making three in all; one member elected by the opposition in another place and another member elected in this Chamber. The Bill of 1912 also provided for five members, but it went rather further, in that the Government would have had an effective majority on the committee, because it provided that the chairman should be a Minister and that three members should be elected by the Legislative Assembly, and one by the Council. The present Bill provides for the election of three members by the Legislative Assembly in the ordinary way of electing a select committee, and two members elected by the Legislative Council in the ordinary way of electing a select committee. Under the present Bill the committee will, therefore, be purely a Parliamentary committee appointed by Parliament. As distinct from the two measures this House has rejected, the Council will have adequate representation, having two members out of five. That representation is adequate in view of the proportion of members of Parliament in this Chamber compared with that proportion sitting in another place. I do not think for one moment that members are likely to be unduly influenced by the fact that measures of a similar character have previously been before the House, and should any hon. member be inclined to reject the Bill partly on that account, I would like him to put this question to himself, figure it out very carefully and answer it honestly. Suppose a measure of this kind had been passed nine or ten years ago, and it had been in operation during the last ten years, would it have been well or ill with Western Australia?

Hon. J. Duffell: There is no doubt whatever about that.

The MINISTER FOR EDUCATION: Personally I say that there can be no doubt that if this practice had been in vogue during that period, a vast amount of money would have been saved to Western Australia.

Hon. Sir Edward Wittenoom: Then that means that Ministers are not fit for their positions.

Hon. C. F. Baxter: That does not necessarily follow.

The MINISTER FOR EDUCATION: I put that proposition before members in an essentially non-party sense. I appeal to members, as there seems to be unanimity of opinion that if this Bill had been in operation for the past ten years—

Hon. G. W. Miles: The position could not have been worse, at any rate.

The MINISTER FOR EDUCATION: We have no reason to consider that the position will be materially different during the next period of ten years from that of the past ten years, and if hon. members are satisfied that it would have been well for Western

Australia if this legislation had been passed ten years ago, they will require sound arguments to suggest to them that it will not be good for the State during the next ten years. It is also of some importance that we should consider the reason why the Legislative Council in 1911 and again in 1912 rejected a similar measure. I think I can satisfy hon. members on that score. On the arguments advanced on that occasion, members who follow that reasoning cannot have any option but to support the present measure.

Hon. J. Cornell: There was no argument on the 1912 Bill.

The MINISTER FOR EDUCATION: It was simply a repetition of the arguments on the 1911 Bill. It was very late in the session when the Bill made its appearance in this Chamber. The argument advanced against the Bill in 1911 was that everything had gone very well under the existing system, and there was no occasion to make a change that would mean additional expenditure. If hon. members turn to "Hansard" for 1911, page 705, they will find that member after member used that as practically the only argument against the Bill. Scarcely any other argument was advanced against it. Mr. Moss, who led the opposition to the Bill, gave the following quotation from the previous year's "Hansard":—

The trading concerns of the State—  
I would remind hon. members that in 1911 we had none of those concerns we call trading concerns now.

Hon. G. W. Miles: If we had none now, there would be no need for the Bill.

The MINISTER FOR EDUCATION: What we had then were what are now regarded as business undertakings, such as railways and so on.

Hon. J. Duffell: And public utilities.

The MINISTER FOR EDUCATION: Yes; matters of that nature. Mr. Moss, however, continuing the quotation, said—

The trading concerns of the State, after paying working expenses left a credit last year of £753,802, and when I point out that the total interest bill on the debts of the State amounts to £759,443, it will be seen that the trading concerns practically balance and pay the whole of the interest of the national debt of Western Australia.

It was a perfectly clear statement that at that time in 1911 the trading concerns or business undertakings—the things to which this Bill applies—had paid the whole of the working expenses and contributed sufficient to pay interest on the whole national debt of Western Australia.

Hon. V. Hamersley: They had done very well.

The MINISTER FOR EDUCATION: Further, Mr. Moss pointed out that there were few parts of Australia that had this excellent record, and that it demonstrated that the method adopted in the past had been an exceedingly good one and should not be altered. That was the only argument on



which the Bill was defeated; these concerns had shown so splendid a record that it was considered unwise to depart from the methods which had achieved that result. Sir Edward Wittenoom spoke briefly in opposition to the measure, and he concluded his remarks with these words—

There is no earthly necessity for it, as Mr. Moss has shown. Work has progressed hitherto satisfactorily under the experts we have at hand without any body of the kind suggested. I see no reason for departing from the existing arrangements, and, in the circumstances, I shall support the amendment moved by Mr. Moss.

The amendment Sir Edward referred to, was that moved by Mr. Moss that the Bill should be read six months hence. Sir Edward, however, took up the same attitude that, in view of the results that had been achieved, a system should not be altered that had proved satisfactory. Mr. Gawler re-echoed that sentiment and asked, "What is wrong with the present system?" He went on to refer to the previous year's profits on the railways of £237,000 after paying all administrative expenses, renewals and interest as well, and quoted it as evidence that the existing system was a good one. Although it is quite unnecessary to read the whole of the speeches, I can assure hon. members they can read them for themselves and they will find that that is the gist of every speech on the Bill.

Hon. J. Cornell: Why is it that that good system has gone to pot?

Hon. J. J. Holmes: Because we have changed statesmen for politicians.

**THE MINISTER FOR EDUCATION:** Mr. Hamersley spoke on the Bill as well, and he said—

We should carefully consider whether at the present juncture we are going to depart from the methods we have adopted in the past when we have such a successful record behind us.

Mr. McLarty said—

If I could see the slightest reason for this committee, I would give the Bill my hearty support. I simply regard the question in the light of whether the expenditure to be incurred is justified at the present time. The method adopted for a great number of years and carried out successfully can, I think, be carried out successfully in the future.

You, Mr. President, supported the Bill and made reference to a Bill for the same purpose which you had piloted through the Assembly some years previously as a member of the Leake administration. Many speakers in opposition to the Bill referred at some length to the good work done by the Advisory Board and you, Mr. President, pointed out that that work could not continue; it would be impossible to retain the Advisory Board under this system. Mr. Moss took some exception to the constitution of the committee. The committee then proposed was to

consist of four members of the Assembly and only one member of the Council with a certain majority for the Government. That defect is remedied in the measure now before the House. Finally, the Bill was rejected by 15 votes to 10. I was rather interested to note that of those 25 members, or 26 including our late President, only five are now in the House. Of the 15 members who voted against the Bill, there are only two with us at the present time.

Hon. Sir Edward Wittenoom: Then we had better look out to-night.

**THE MINISTER FOR EDUCATION:** A year later when the second Bill was introduced, exception was taken to the fact that the Government nominated two members out of the three from the Assembly, and also appointed one of its own members as chairman. Apart from that there was no debate. Mr. Moss said it was unnecessary to repeat the arguments produced in the previous year and the Bill was defeated. It was close to the end of the session, and a motion that the Bill be read a second time "this day six months" was carried by 17 votes to eight. I ask hon. members to put to themselves this question: "Does the reason which induced the Legislative Council in 1911 to reject this Bill hold to-day?" I say the very opposite is the case. At that time the public utilities, after paying all their operating expenses, were paying interest on the whole of the national debt of the State. What is the position to-day? The interest bill, and I am not including sinking fund, is £1,913,628. The surplus revenue from the public utilities, the revenue after paying their working expenses and maintenance, not interest, is £613,515—I am quoting last year's figures, not this year's—showing a shortage of £1,300,000. So the position on those accounts is £1,300,000 worse than it was in 1911, when this House rejected the Bill for the reason that the system of the past was giving excellent results and, therefore, should not be interfered with.

Hon. H. Stewart: That is due to administration. This committee would not improve administration.

**THE MINISTER FOR EDUCATION:** Very little of it is due to administration. I am not speaking of trading concerns. This position has not been affected by the trading concerns; I am speaking of public utilities alone, the railways, water supplies, and so on. Whereas in 1911 they paid working expenses and maintenance and returned to Consolidated Revenue an amount sufficient to pay the interest on the national debt of Western Australia, to-day not only do they fail to do this by £1,300,000, but they fell short last year by £441,000 of paying interest on the money invested in these undertakings. The interest on public utilities—not the sinking fund, which represents £300,000—was £1,055,000. Their surplus over and above working expenses and maintenance was £613,000, leaving a shortage of £441,000 or, if we add their proportion only of the sinking fund, the

shortage was £716,000 for the year. The position has entirely altered, and all the arguments used when the Bill was rejected in 1911 cannot fail to have their converse application to-day. "Leave things alone, because everything is well," was the argument used in 1911. I say we can hardly fail to realise that things are not well now, and that we must have an alteration.

Hon. G. W. Miles: And shift the responsibilities?

Hon. J. J. Holmes: Is not it nearly time some of you resigned?

The MINISTER FOR EDUCATION: I have heard of the hon. member resigning several times after undertaking to put the whole world straight. At the time the Bill was introduced in 1911, only one State in the Commonwealth had adopted this system of a public works committee. That was the State of New South Wales. Now not only has the Federal Parliament adopted it but the South Australian Parliament has adopted it, New South Wales continues it, and Victoria has adopted it. Every one of these States has realised the necessity for some provision of this kind, and in every one of these States and in the Commonwealth, the contention is this, "If we had had this public works committee years before, we should have saved a tremendous amount of money. During the period in which we have had it, we have saved a tremendous amount of money." That is the contention put forward in every case.

Hon. J. J. Holmes: By the members of the committee.

The MINISTER FOR EDUCATION: And the public accept it, too. The committee have put up a very strong case in support of their contention. I have no doubt in my own mind that, if this committee had been in existence in Western Australia and the inquiry insisted on under this Bill had preceded action, this State would have been saved an enormous amount of money.

Hon. J. Duffell: Hear, hear!

The MINISTER FOR EDUCATION: What would have applied in the last 10 years will surely apply in the next 10 years.

Hon. A. H. Panton: More so.

The MINISTER FOR EDUCATION: The Bill provides for a committee of five, three to be elected by the Legislative Assembly and two to be elected by this Chamber. As the Bill was originally introduced, provision was made for the payment of travelling expenses, but no provision was made for the payment of fees, although fees were provided for in each of the previous Bills and in the measures of the Commonwealth and the other States. This Bill provides for fees of 1½ guineas per sitting to the chairman and £1 1s. to each member, with a limit of £300 per annum for the chairman, and a limit of £200 per annum for each of the members. Assuming that the Bill is passed, the committee will be established at the beginning of next year, so that there will be only half a year to run and the limit for that half of the

present financial year will be £150 for the chairman and £100 for each of the members.

Hon. J. J. Holmes: What is the limit as to expenses?

The MINISTER FOR EDUCATION: How do you mean?

Hon. J. J. Holmes: The committee will travel from one end of the State to the other.

The MINISTER FOR EDUCATION: I daresay they will find it necessary to travel. There may be room for a difference of opinion as to whether these fees should be paid or not. I submit that any member who considers that otherwise the Bill is desirable should not vote against it because of the provision for fees. He may feel inclined to endeavour to alter or even strike out the provision for fees. The question can be debated on its merits, but the merits of the Bill cannot depend on the question of whether a few hundred pounds per annum is to be paid in fees to the members of the committee. If the committee is to be of any use at all, the amount of £1,100 per annum, the maximum amount to be paid in fees, would hardly enter into consideration. It cannot affect the principle of the Bill. One strong argument which may be advanced in favour of fees is that the committee will be expected to do a considerable amount of work during the recess. Special provision is made for the committee to do this work, and the bulk of it will doubtless be done during the recess. At the same time, it is hardly fair to say that members should do this work for nothing; that they should have to give up practically all their recess and receive nothing for it.

Hon. A. Lovekin: Where are you going to get men worth their salt for £1 1s. per day?

The MINISTER FOR EDUCATION: We have often heard people advocating that there should be no payment for members of Parliament.

Hon. A. Lovekin: That is a different thing.

The MINISTER FOR EDUCATION: If such a man was willing to work for nothing, there is no reason why he should not be willing to work for £1 1s. per day. In Subclause 3 of Clause 2 it is laid down that Ministers of the Crown, the President of the Council, the Speaker of the Assembly and the Chairmen of Committees in either House are excluded from sitting as members of the committee, and the committee is to be appointed for the period of the Parliament. Power is given to the committee to sit in recess, in which case their proceedings will be reported to the Governor before the following session. The committee have power to summon and compel the attendance of witnesses, to take evidence on oath and, in certain cases where it appears desirable as laid down in Clause 22, the committee may hear evidence in private. Clause 22 reads—

If a witness appearing before the committee so requests, any evidence given by him relating to a professional or trade

secret, or to the profits or financial position of himself or of any person, shall be taken by the committee in private, and shall not be disclosed or published without the consent of the person entitled to the non-disclosure.

The functions of the committee are fully set out in Clause 12. This is the most important clause of the Bill. It states—

The committee shall, subject to the provisions of this Act, consider and report upon every Government railway, tramway or other public work (except any work already authorised by Parliament or which is authorised during the present session) to be executed after the passing of this Act (and whether such work is a continuation, completion, repair, reconstruction, extension, addition, improvement, or new work) in all cases where the estimated cost of completing the work exceeds Twenty thousand pounds.

The committee shall also report upon any matter relating to the management or working of Government railways, tramways, and other public works under the provisions of any statute, or the service rendered thereby, or the proposed discontinuance of any railway or tramway. It will be competent if the committee is established for either House of Parliament to call upon the committee to report in regard to any of these existing undertakings.

Hon. A. Lovekin: Is it compulsory to refer every work to the committee?

The MINISTER FOR EDUCATION: Yes; every work of over £20,000. In all cases where the estimated cost of completing the work exceeds £20,000, it must be referred to the committee.

Hon. J. Nicholson: Suppose the first portion of the work was to cost only £19,000?

The MINISTER FOR EDUCATION: In all cases where the estimated cost of completing the work exceeds £20,000 it must be referred to the committee.

Hon. J. Nicholson: That is, the work submitted.

The MINISTER FOR EDUCATION: No, it would not be competent to say that we were going to carry out a work which would ultimately cost £100,000, but that at present we intend to spend only £15,000 and that this would exempt the work from inquiry by the committee. The estimated cost of completing the work being in excess of £20,000 the work would have to be submitted to the committee for investigation. The committee in considering and reporting on any public work shall have regard to the stated purpose thereof; the necessity or advisability of carrying it out; and, where the work purports to be of a reproductive or revenue-producing character, the amount of revenue which it may reasonably be expected to produce; and the present and prospective public value of the work; and generally the committee shall in all cases take such measures and procure such information as may

enable them to inform or satisfy the Parliament as to the expedience of carrying out the work. The duties of the committee, therefore, are very comprehensive. An argument which was not advanced in this House in 1911 or, if it was, it was not stressed to any great extent, was that this Bill would have the effect of relieving Ministers of their responsibilities. It seems to me that Ministers are not the only people who are responsible. Parliament has responsibility. This measure is brought forward in order that Parliament shall have the best possible opportunity of securing all the knowledge that is necessary to enable it to discharge its responsibility fairly and adequately. I think it is rather beside the mark to suggest that this Bill is intended to relieve Ministers of responsibility. It is intended to enable Parliament to face its responsibility properly. If it does to any extent in these particular matters relieve Ministers of a little responsibility, I do not see that that should be to the disadvantage of the country. I am very well aware of the fact that at present a Minister's time and anxieties and that sort of thing are occupied to a very large extent by things which ought not to occupy him at all.

Hon. J. Duffell: Seeing callers, and answering questions, and receiving deputations.

The MINISTER FOR EDUCATION: Clause 13 is also very important. It sets out in detail the conditions that are precedent to the starting of a public work—

13. (1.) No public work (except such works as have already been authorised by Parliament or which are authorised during the present session) the estimated cost of completing which exceeds Twenty thousand pounds, and whether such work is a continuation, completion, repair, re-construction, extension, addition, improvement, or a new work, shall be commenced unless sanctioned as in this section provided. (2.) Every such proposed work shall in the first place be submitted and explained in the Legislative Assembly by a Minister of the Crown, in this section referred to as "the Minister." (3.) The explanation shall comprise an estimate of the cost of the work when completed, together with such plans and specifications or other descriptions as the Minister deems proper, together with the prescribed reports on the probable cost of construction and maintenance, and estimates of the probable revenue (if any) to be derived therefrom, such estimates, plans, specifications, descriptions, and reports to be authenticated or verified in the prescribed manner. (4.) Upon a resolution carried in the usual manner by the Legislative Assembly the proposed work shall be referred to the Committee for their report thereon.

Hon. A. Lovekin: Then it is not compulsory to refer the works to the committee.

The MINISTER FOR EDUCATION: The clause says that the works shall be referred to the committee.

Hon. A. Lovekin: Upon the carrying of a resolution, though.

The MINISTER FOR EDUCATION: But the work cannot be gone on with in the absence of that reference. Then the clause goes on to provide that the committee shall meet with all convenient despatch, and so forth—

(5.) The Committee shall with all convenient despatch deal with the matter, and shall, as soon as conveniently practicable, report to the Legislative Assembly the result of their inquiries. (6.) After the receipt of the report of the Committee, the Legislative Assembly shall by resolution declare, either that it is expedient to carry out the proposed work, or that it is not expedient to carry it out. Provided that the Legislative Assembly may, instead of declaring affirmatively or negatively as aforesaid, resolve that the report of the Committee shall, for reasons or purposes stated in the resolution, be remitted for their further consideration and report to the Committee; in which case the Committee shall consider the matter of the new reference, and report thereon accordingly.

Then Clause 15 contains an important provision by which works may be referred to the committee by the Governor during recess. The Bill provides that reference to the committee shall be made by Parliament, but it is easy to conceive of matters arising during recess upon which it is desirable the committee shall make investigations, so that everything may be in readiness when Parliament meets. The clause reads—

15. (1) When Parliament is not in session, the Governor may refer to the Committee any matter of inquiry such as mentioned in section twelve. (2) When any matter of inquiry is referred to the Committee under this section, the Committee shall as soon as practicable, having regard to their other duties under this Act, consider such matter, and for that purpose may exercise all the powers by this Act conferred on the Committee: Provided that the Committee shall not report upon any matter of inquiry under paragraph (a) of subsection (1) of section twelve referred to them under this section, until such matter of inquiry shall have been referred to them by one of the Houses of Parliament.

It is in order to preserve the rights of Parliament in this matter that the clause provides that although the committee, upon the reference of a matter to them, shall proceed with the inquiry, they shall not, if it is a matter covered by paragraph (a) of Clause 12, report to the Government, but must keep their report until Parliament meets, and then make their report to Parliament.

Hon. J. Duffell: Does the same thing apply in the other States of the Commonwealth?

The MINISTER FOR EDUCATION: As far as I know, it does.

Hon. J. Duffell: I mean with regard to the Governor's reference of works to the committee.

The MINISTER FOR EDUCATION: Yes. I know the Governor General refers matters to the Federal Public Works Standing Committee when the Federal Parliament is in recess. However, the rights of Parliament in the matter are protected as I have indicated. I have already mentioned that the fact that this heavy work will be cast upon the committee during recess is a justification for making some provision of fees. So far as the cost of the committee is concerned, I think it may well be contended that a good many select committees, which cost a good deal of money, and a good many Royal Commissions, which likewise cost a good deal of money, will be obviated by the existence of this committee. If the total cost of conducting those inquiries which are now conducted independently is deducted from the cost of this committee, the latter expense will be found to be very small indeed.

Hon. J. Cornell: How many select committees have we had on public works?

The MINISTER FOR EDUCATION: The business concerns, which it will be the chief function of the committee to report regarding, last year earned £3,758,000. Their cost to the State last year, including interest and sinking fund, was £4,473,000—showing a loss of £714,000.

Hon. J. Duffell: That is the railways alone?

The MINISTER FOR EDUCATION: No; business concerns—railways, tramways, electricity supply, water supplies, and all those public activities, excluding State trading concerns. I make no reference whatever to the State trading concerns in this connection. To make a comparison with last year: During the first four months of last year taxation yielded £177,000. The expenditure during the same period on account of domestic services and charities, which are a proper charge against that revenue, amounted to £321,000—leaving a shortage last year of £144,000. For the current year the revenue from taxation has been £236,000, and the expenditure for the same services £381,000—showing the same shortage of £144,000. All other revenue, apart from the earnings of public utilities, including land, mining, and other revenue, amounted last year to £476,000; and the administrative expenditure, and the expenditure under special Acts, including all interest and sinking fund apart from those specially allocated to business concerns and trading concerns, amounted to £583,000. There again there was a shortage of £106,000. For the first four months of the current year the comparison is almost the same: the revenue was £544,000 and the expenditure £659,000—leaving a shortage of £114,000. Coming to the public utilities, the revenue last year was £1,048,000, and the expenditure, including the proportion of payments under special Acts in respect of interest and sink-

ing fund, was £1,192,000—showing a shortage of £143,000. For this year the revenue from those public utilities is £1,036,000, and the expenditure £1,289,000—leaving a shortage of £255,000. So in the short space of four months we are £110,000 worse off than at the same point of last financial year. If the whole of the returns presented by the Treasurer in his Budget speech are read carefully, it will be seen that the financial trouble of Western Australia is in regard to the particular matters which this committee will have to consider. It does seem to me that it believes this Parliament in some manner or other to find a way of dealing with those difficulties. This Bill embodies the manner which the Government suggest. It is the method which the Commonwealth Government and the Governments of Victoria, New South Wales, and South Australia have put into practice with good results.

Hon. H. Stewart: But did not the present Government come in to remedy this position?

The MINISTER FOR EDUCATION: I do not exactly follow what the hon. member is driving at.

Hon. H. Stewart: The financial position has been getting much worse. Did not the Government go into office to remedy the financial position?

The MINISTER FOR EDUCATION: The Government say that so far as the ordinary affairs of State, departmental expenditure, and administration, are concerned, all those things can be made to balance accurately. But there is this ever-increasing difficulty arising out of the losses on business undertakings and public utilities.

Hon. Sir Edward Wittenoom: Why not sell them?

The MINISTER FOR EDUCATION: Does the hon. member suggest that we should sell the railways and water supplies?

Hon. Sir Edward Wittenoom: Sell some of them!

The MINISTER FOR EDUCATION: That is an alternative proposal. If the hon. member could get that alternative proposal carried—I am not saying whether I agree with him or do not—the necessity for the Bill will disappear. But at present we have to carry on these public utilities, and undoubtedly we shall constantly have to make additions to them. I repeat that so far as our administrative expenditure and our domestic expenditure are concerned, there is practically no difficulty. The difficulty all lies in the steadily increasing losses on public utilities. And that is not confined to Western Australia. Every State of the Commonwealth, almost every country in the world, is experiencing practically the same troubles. Is it at all unreasonable that the Government should come to Parliament with a request to be given the same chance that the Commonwealth Government and the Governments of New South Wales, Victoria, and South Australia have been given? I think it is an entirely reasonable proposition, and one which hon. members are not entitled to re-

ject unless they are prepared to set up something in its place.

Hon. H. Stewart: This committee will do more important work than Ministers, really.

The MINISTER FOR EDUCATION: The committee will be free from all the administrative work which Ministers have to do. The committee will be called upon to inquire into and report on particular proposals. Ministers cannot call evidence; Ministers cannot examine witnesses on oath. A Minister, if he thinks that there is something not quite satisfactory in, for instance, the Railway Department, has no very extensive power to inquire, especially in view of the powers vested under the Railways Act in the commissioner. How far really do the powers of a Minister go to investigate any particular matter? A very little way indeed. This committee will have power to investigate a specific matter referred to it, and will report on that specific matter. It will have power to conduct inquiries on oath, and to get to the bottom of the matter, and to make a report. All that power is something that a Minister has not got at present.

Hon. J. Ewing: You want to have expert men on the committee.

The MINISTER FOR EDUCATION: That interjection suggests to my mind an objection that some people might raise. If the 50 members elected by the people of Western Australia to represent them in the Legislative Assembly and the 30 members elected by those enfranchised to vote for the Legislative Council, are not competent to select out of their numbers five good men—

Hon. J. Duffell: Then God help us!

The MINISTER FOR EDUCATION: It is not an argument that can be put up against this Bill.

Hon. J. J. Holmes: Members of Parliament are responsible for the present condition of affairs.

The MINISTER FOR EDUCATION: I agree with Mr. Holmes.

The PRESIDENT: Order! I must ask hon. members to cease interjections, which are becoming very trying to the speaker, I think.

The MINISTER FOR EDUCATION: This Bill aims, as I have already stated, at fixing the responsibility of Parliament and giving Parliament a more effective means of discharging those responsibilities than Parliament has at the present time. I venture to think there have been a good many occasions when proposals for the expenditure of considerable sums of money have come before the House, and members have said "This ought to be inquired into. There ought to be a committee of investigation." But even a select committee would not have anything like the powers with which this proposed committee will be invested. The committee will have power to take evidence on oath. If in face of that, Parliament arrives at a wrong conclusion, it will be the fault of Parliament. What was urged against the Bill in 1911-12 cannot be put for-

ward on this occasion. In 1911-12 the argument was, "We are doing excellently. Why interfere with the existing practice?" To-day, at all events in regard to public utilities, we are doing very badly indeed.

Hon. G. W. Miles: Because Ministers do not devote sufficient time to them.

The MINISTER FOR EDUCATION: Ministers devote the whole of their time to their work. Most Ministers have three or four different departments to control. It is absurd to suggest that one Minister, with half a dozen departments to look after, could make the same investigation into a project which the proposed committee could make. The Minister cannot summon witnesses and take evidence on oath. He has not the power to do it, nor has he the time, and I freely admit that in most cases he is not competent for the task. In many cases Ministers are not experts. Surely five members of Parliament, with power to call expert evidence, would have an immense advantage in arriving at the facts of the case, as compared with a Minister who may have no expert knowledge.

Hon. H. Stewart: The committee will have to cover a very wide range of subjects.

The MINISTER FOR EDUCATION: The committee will simply deal with matters specifically referred to it by Parliament. Of course even so, it will have plenty to do. Possibly the hon. member is leading up to the suggestion that the committee ought to be paid more than the remuneration proposed. I can see no reason why the Bill should be rejected, because in regard to the particular things under consideration, we are in serious trouble, and with very little prospect of that trouble lightening in the immediate future. In point of finance, there is practically no difficulty except that of making public utilities pay their way, but the difficulty of making the public utilities pay their way is extreme, and is likely to get worse.

Hon. Sir EDWARD WITTENOOM (North) [8.20]: As a rule, when important Bills are submitted to the House on the second reading I prefer that the debate should be adjourned in order to give time to think the matter over. However, on an occasion like this there is no necessity to think things over, because obviously we can only do one thing or the other. The Leader of the House has moved the second reading with singular skill and has submitted very good reasons, from his point of view, in favour of it. The Bill is a good one. It is well drafted, and its terms and conditions are good. Also, I am in accord with the proposed emoluments, even if I may regard them as perhaps a little small. But I think the Bill is not necessary at all, and I am going to give it my most uncompromising opposition. I have never previously heard such an admission of incompetence from a member of the Government as we listened to this evening. Here we find a Government composed of six Ministers who take charge of different departments and freely

admit they are incapable of managing them. Even if they did not admit it, we have evidence of it, not only annually but monthly in the recurring deficits, which prove that Ministers are not able to control. However, I was sorry to hear the admission the hon. member has put before us, because I have always been under the impression that a Minister, if fit to control his department, is fit to decide a question from evidence put before him by the departmental experts. The appointment of this committee is nothing but an evasion of responsibility; the shifting of responsibility from Ministers to this committee. Why should that be? Take the Railways; take the Mines: Surely there are in the Railways experts to advise the Minister, and in other departments experts who can advise their respective Ministers. If the experts are not fit to properly advise Ministers they are not fit to be in their positions, and if Ministers are not fit to weigh the evidence submitted to them by expert advisers, they also should not be in their positions. The idea is to shift this responsibility on to five members of Parliament. It would be an absolute mistake. Hitherto we have found the Government only too ready to shift their responsibility. During the last year or two we have had more select committees and Royal Commissions than ever before.

Hon. T. Moore: And more necessity for them.

Hon. Sir EDWARD WITTENOOM: If I had wanted further evidence of the incompetence of the Government I should have thanked the hon. member for the interjection. Ministers are continually shifting their responsibilities on to others. I have had a little experience as a Minister of the Crown, and that at a time very different from the present. The years from 1894 to 1897 were the busiest in the history of the State.

Hon. A. H. Panton: There was plenty of money then.

Hon. Sir EDWARD WITTENOOM: For those four years I had control of the Post and Telegraphs, the Education Department and the Mines Department, in addition to occupying the position of Leader of the Legislative Council. During that time there were more calls for schools, for mining development and mining courts and telegraphs and post offices than there ever will be again. We did not then want any select committees. In each case I had an expert who thoroughly understood his business, and who advised me what to do. I remember that in connection with the Post and Telegraphs we wanted certain work done by the Works Department; but that department was so slow that at last I told Sir John Forrest that either the Works Department would take over the Post and Telegraphs or I would take over all construction. We took over the construction, and in consequence we got the

work done more quickly than ever before. In fact we did the smartest piece of work in Australia in running a line from Kalgoorlie to Port Augusta.

Hon. J. Duffell: You would be a good man on this proposed committee.

Hon. Sir EDWARD WITTENOOM: I will not go on it, anyhow. I know what I am talking about when I discuss the ability of Ministers to run departments. This proposal is quite unnecessary; also there are other grave objections to it. The Minister has told the House what my views were some years ago. He said I then opposed the appointment of a committee of this nature on the score that we were having such good results without the committee. To-day I oppose it because we are having such bad results, and also because we cannot afford it. Why indulge in this extra expenditure of £1,100 per annum and travelling expenses, when we cannot afford it? Worse than that, if I dare use words such as bribery and corruption—because that is what it looks like. The Government mean to get five members in their claws, to do what they like with them. Those men will always be friends of the Government, and there will always be two or three awaiting vacancies. It is not right. Of course the Minister will say, "Why have all the other States done it?" I do not know. Of course they know that it is very advantageous to the Government in power. Take the results of the Federal Government: What have they been doing lately? Their Public Works Committee have been going through South Australia up towards Port Darwin to inquire into the construction of a railway, when they know there is not a penny available to be spent on it. There is a case in point. It is very wrong to have committees of this kind. If any particular inquiry be needed, why not appoint a select committee or a Royal Commission? It must not be thought that the appointment of this committee will do away with either select committees or Royal Commissions, for there are many subjects of inquiry which would be better handled by a Royal Commission or a select committee than by the proposed public works committee. Therefore the appointment of this committee would represent a totally unjustifiable expenditure. I think the policy of appointing such a committee is entirely wrong. It is wrong to appoint members to lucrative positions.

Hon. H. Stewart: Very lucrative!

Hon. Sir EDWARD WITTENOOM: Well comparatively lucrative. If it adds £200 or £300 to a salary of £400 it is not to be despised. It is, as a man once said to me, "By no means an unimportant consideration." Of course it will be of great advantage to the Government to secure the good feeling and goodwill of the appointees and those who hope to fill any vacancy which may occur.

The Minister for Education: The Government will not appoint them.

Hon. Sir EDWARD WITTENOOM: We know all about that. The Government will take their share in it. So much in regard to policy. Let us look at the utility of the thing. What can the five men know of expert work? Scarcely any of them will be an expert. They will call evidence. Surely the Minister can get expert information from his officers! These men will have to use the very same means. Where will they get knowledge if they do not call up the expert traffic manager or other officials? They are not going to shopkeepers for their evidence. They must have the same information as is already available to the Minister. All that the Minister has to do to-day is to decide yes or no, according to the funds available to him or the utility of the proposal in the interests of the country. Therefore on the point of utility the proposed committee will be quite unnecessary. Again, it is entirely superfluous, because we have no money with which to do any work. At the time I was speaking of, in 1895 and 1896, when we were building railways and schools everywhere, there might have been some sense in it, but to-day we cannot even pay our way. It is obvious to the meanest intelligence that it is of no use appointing a committee to spend money when we have not any money to spend.

Hon. J. Duffell: They have authorisation to borrow.

Hon. Sir EDWARD WITTENOOM: We already have eight or ten railways authorised, and whenever money is available it will have to be spent in carrying out these works. What is the use of having a committee to control money when there is no money available? We find that Clause 12 says "Any matter relating to the management or working of Government railways, tramways, and other public works." What sort of a man is the Commissioner of Railways if he is to be instructed to permit five men from this Parliament, who have no practical knowledge of the working of the railways, to interfere with him and to criticise his work? If the Commissioner is not able to advise his Minister, or to obtain advice from the professional men who are under him, he is not fit to occupy his position. The Leader of the House told us that there was a tremendous loss in the railways. There are three ways of dealing with the railway system.

Hon. T. Moore: Sack the Commissioner.

Hon. Sir EDWARD WITTENOOM: One way is to raise the freights—

Hon. A. H. Panton: You cannot get them much higher.

Hon. Sir EDWARD WITTENOOM:—and then you will get no traffic. The next is to reduce the wages, and then you will have a strike.

Hon. A. H. Panton: No work, no pay.

Hon. Sir EDWARD WITTENOOM: The third proposal is, as the Minister suggested, to let someone else have the railways.

The Minister for Education: I did not suggest that. It was you who did so.

Hon. Sir EDWARD WITTENOOM: I beg the Minister's pardon. It was suggested in a conversational way. The five members of the proposed committee will not be able to say how the railways are to be made to pay. If you go to the Commissioner to-morrow he will tell you how to make them pay—reduce the cost of working. The freights cannot be further increased, and if that cannot be done the railways are no good. We cannot go on with this ever increasing deficit, and as I have already said, if the matter were not so serious it would be interesting to see how long we could go on in this way. Under the Bill, with each successive Government, we would have five new members of the committee.

The Minister for Education: No.

Hon. Sir EDWARD WITTENOOM: We would have the American system at once—out you go when a new Government comes in.

The Minister for Education: The Bill refers to the life of Parliament, not to the life of the Government.

Hon. Sir EDWARD WITTENOOM: The Bill provides "they shall hold office from the time when the appointment takes effect until the appointment of the committee by the next Parliament takes effect." We have a liberal Government in power to-day, but to-morrow we may have a Labour Government, and with it five new members of the committee. And so it will go on. We have got on very well in the past without such a committee, and although it has been pointed out that we are in great difficulties at the present time, those difficulties have not arisen because of the absence of such a committee.

Hon. J. Cornell: New South Wales is in difficulties, too, and they have a public works committee.

Hon. Sir EDWARD WITTENOOM: The Leader of the House told us that all the States were in difficulties. That is no excuse for our being in a similar position. If the difficulties are capable of being remedied, they can be remedied without the appointment of the committee. With regard to the trading concerns, if they do not pay, why not get rid of them? What would an ordinary business person do if his business did not pay. He would get rid of it. I was twitted by a newspaper the other day with having declared that it would be better to take half a crown for the Wyndham Meat Works than to keep them going. There would be no recurring interest every year.

Hon. J. Ewing: You would still have to pay interest.

Hon. Sir EDWARD WITTENOOM: Yes, but you would have to pay more. There is nothing further that I can say except to reiterate that I shall offer uncompromising opposition to the second reading of the Bill.

On motion by Hon. J. Duffell debate adjourned.

## BILL—FACTORIES AND SHOPS ACT AMENDMENT.

In Committee.

Resumed from 8th November; Hon. J. Ewing in the Chair.

Clauses 2 to 5—agreed to.

Clause 6—Amendment of Section 53:

Hon. A. H. PANTON: When the Bill was going through last session it was definitely decided that no child should be employed in a factory. It is now proposed to alter the section of the Act so as to provide that children shall not be employed in a shop or warehouse. I have no objection to that, but the proviso sets out that nothing shall prevent the employment of such a child in the same factory, shop, or warehouse by the same employer when that child was so employed prior to the commencement of the Act. The matter was discussed thoroughly last session and it was decided that no child should be so employed.

The MINISTER FOR EDUCATION: Last year it was decided that no child should be employed in a factory and the question was raised about those who were then employed. It was found that there were very few. Now it is proposed to make a big extension of the principle and the Bill provides that no child shall be employed in a shop or warehouse as well as a factory. I am in sympathy with the hon. member's idea, but we cannot get everything at once. I think we can safely say that those children who are at present employed shall continue to be employed.

Clause put and passed.

Clauses 7 to 15 agreed to.

Clause 16—Amendment of Section 125:

Hon. J. A. GREIG: I move an amendment—

That Section 125, Subsection 2, be amended by striking out "twelve," in line 3, and inserting "fourteen" in lieu. I believe that in an ordinary boarding-house domestic servants work 44 hours a week, spread over seven days a week.

Hon. T. Moore: If they are lucky.

Hon. J. A. GREIG: That is what they are supposed to work. The servants as well as the masters are breaking the regulations, because it is impossible to run the industry under these conditions. The employees work about 6½ hours a day. They start in the morning by taking tea to the boarders, and attend to the dinner at night, which does not close until 7 o'clock. That constitutes the 12 hours' work. They are only allowed to work within the space of 12 hours, and have so many hours off duty in the afternoon.

Hon. A. H. Panton: To what class of boarding-house are you referring?

Hon. J. A. GREIG: To the ordinary boarding-house in St. George's-terrace. I am not asking for longer hours, but that



these hours may be taken over a greater spread than is now provided.

Hon. J. CORNELL: The proper procedure would be to move that a new clause be inserted. The amendment has no bearing on the clause before us.

The CHAIRMAN: The hon. member might carry out that suggestion.

The MINISTER FOR EDUCATION: We do not want two clauses to amend the one section, and it should be quite possible to move an amendment that would fit the requirements of the hon. member. The necessity for the amendment arises because of the inclusion of an entirely improper definition of boarding-house. That is the cause of the whole trouble. I opposed it strenuously last session, but was defeated though I was able to secure an amendment making it as little harmful as possible. In every other Act of the kind that I know of a boarding-house is defined as a place in which meals are sold or offered for sale to the public. That is the proper definition. If the principle embodied in Mr. Lovekin's suggested amendment is carried out, the need for Mr. Greig's amendment disappears. If we are going to retain the definition of boarding-house that we have here, there must be some special provision made because people cannot carry on under present circumstances. I suggest that Mr. Greig should withdraw his amendment until we see how Mr. Lovekin's proposal fares. If Mr. Lovekin's amendment is defeated, I will support Mr. Greig's but not otherwise.

Hon. J. A. GREIG: I will withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clauses 17 to 20—agreed to.

New clause:

Hon. A. LOVEKIN: I move—

That a new clause to stand as Clause 3 be inserted as follows: "Section 4 of the Factories and Shops Act, 1920, hereinafter referred to as the principal Act is hereby amended by striking out the words in the definition of boarding-house 'any place in which ten or more boarders or lodgers apart from members of the family are in residence.'"

Under the principal Act the definition of boarding-house reads—

Boarding-house means and includes any place in which meals are sold or offered for sale to the public . . . and any place in which ten or more boarders or lodgers apart from members of the family are in residence.

These latter words are those which I propose to strike out. In community life we cannot all work the same number of hours. Those who work at various avocations must be fed, and in order to be fed and housed they must have recourse to a boarding house at which they may obtain meals at hours that suit them. Under the Act it is impos-

sible for people to go to a boarding house and get meals when they want them at a reasonable cost. Unless the Act is amended, boarding house keepers must have two staffs in order to cover such requirements, and must of necessity increase the charge to their boarders. I know of some cases regarding boarding houses in St. George's-terrace where they say they cannot carry on under the Act. If the Act is to be enforced, they must close down, which will mean that many people will be considerably inconvenienced, and will have to undertake their own cooking and washing in apartments. That is not a reasonable position. The alternative is for the boarding house-keeper to get a double staff and increase the charges for board and residence. That again penalises the community. In these circumstances, I submit the amendment.

Hon. A. H. PANTON: I thought we had discussed this matter and buried it for ever long ago. The hon. member, however, apparently wants to keep white slavery going in Western Australia. Last session we discussed this matter at great length and finally we compromised by fixing the hours at 12 per day.

Hon. Sir Edward Wittenoom: They get half a day off each week. I know the position.

Hon. A. H. PANTON: I know more about it than the hon. member.

Hon. Sir Edward Wittenoom: You only know your side.

Hon. A. H. PANTON: The girl is supposed to have half a day off but cannot get away before 3 o'clock after she has cleaned up the dining room and prepared it ready for tea.

Hon. T. Moore: It is a wonder they do not go off their heads.

Hon. Sir Edward Wittenoom: Some of them go off at the end of the week.

Hon. A. H. PANTON: It is a pity more of them do not go off into matrimony. The proposal advanced by Mr. Lovekin presents other difficulties. Under Section 155 of the Act there is provision that where an Arbitration Court award is made a common rule it overrides the Act. I appeal to hon. members to be fair. What difference is there between a boarding house with 30 or 40 people residing there and other places known as coffee palaces, where 30 or 40 people go in for meals? The people who keep coffee palaces use the girls' labour for the purpose of making profits just the same. I cannot see where there is any difference between them. It is not fair that coffee palaces should be obliged to pay high rents and that we should place boarding-houses in a more favourable position. Is the Committee prepared to set up a different condition of affairs as between the two sections of employers?

Hon. A. Lovekin: If the employers do not object, why should you?

Hon. A. H. PANTON: On the contrary, if the employees do not object, why should Mr. Lovekin? Are members going to ask girls to put in 14 hours a day in this indus-

try? I gave hon. members the figures regarding the spread of hours and I have not had time to look up "Hansard" of last year in order to repeat those details. There is no necessity, however, for two shifts as suggested by Mr. Lovekin. Because one or two boardinghouse-keepers are trying to work with a smaller staff than they should be working with, is no justification for the amending legislation. All the hotels, coffee palaces, tearooms and so on have fallen into line, and because one or two boarding-house keepers want to exploit girl labour, instead of putting on another girl at 30s. a week, we are asked to amend the existing legislation. The Act has not been given a fair chance.

**THE MINISTER FOR EDUCATION:** The hon. member has referred to Section 155 regarding an award that has been made a common rule. Has any award been made a common rule applicable to boarding-houses, such as contemplated under the measure?

**Hon. A. H. Panton:** So long as the existing position obtains they come under it.

**THE MINISTER FOR EDUCATION:** Does Mr. Panton suggest that under the Act that position applies?

**Hon. A. H. Panton:** I think it does.

**THE MINISTER FOR EDUCATION:** I do not think that is the position. The legislation does not apply to places that do not make things for the public. If it is desired to bring forward legislation regarding boarding-houses, let hon. members submit a Bill to deal with that position. It is not a proper place for that provision in a Bill dealing with factories and shops. No such provision is included in similar legislation in the other States. The Act has had a trial for 12 months and the effect of it has been that boarding-house keepers cannot properly comply with the provisions of the Act.

**Hon. J. CORNELL:** Several boarding-house keepers have approached me on this point and have indicated that they find it very hard to carry on under the provisions of the Act.

**Hon. A. H. Panton:** Of course they do. Any shop does that under a new award.

**Hon. J. CORNELL:** The solution which I put to them was to put on another employee and so increase the staff. I was told that the boarders would not pay any more. Some individuals who live in boarding-houses seem to think that the persons employed there should work all the hours of the day. These employees should not be exploited as they have been in the past. We might as well delete the whole of the definition of "boarding-house" as amend it in this way. I see no difference between a boarding-house and a hotel. The girls in a hotel enjoy the privilege, while those in a boarding-house do not.

**Hon. T. MOORE:** I am surprised at the tone of the debate. The reasoning of the Leader of the House was unsound. There

is very little difference, if any, between the conditions obtaining in a hotel and in a boarding-house. Yet it is suggested that a girl in a boarding-house should work over a spread of 14 hours. I am not surprised at Mr. Lovekin, because he is a Tory of the worst type. We hear to-day of the difficulty of getting girls when the spread of hours is 12. Are girls likely to take on this employment in boarding-houses if the spread of hours is increased to 14? At present unscrupulous employers are getting a little more than 12 hours out of the girls and, if the new clause is passed, they will succeed in getting a little more than the 14 hours out of them. I hope the Committee will not consent to this retrograde step.

**Hon. J. A. GREIG:** Mr. Panton emphasised that the girls were worked 14 hours a day. They are worked only 44 hours in the seven days, equal to a little over six hours a day. A boarding-house keeper does not want employees to work more than the prescribed hours.

New clause put and a division taken with the following result:—

Ayes .. .. .	11
Noes .. .. .	8
Majority for ..	3

#### AYES.

Hon. H. P. Colebatch	Hon. R. J. Lynn
Hon. J. Duffell	Hon. G. W. Miles
Hon. J. A. Greig	Hon. J. Nicholson
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. J. J. Holmes	Hon. C. F. Baxter
Hon. A. Lovekin	(Teller.)

#### NOES.

Hon. R. G. Ardagh	Hon. A. H. Panton
Hon. J. Cornell	Hon. H. Stewart
Hon. E. H. Harris	Hon. J. Cunningham
Hon. J. W. Hickey	(Teller.)
Hon. T. Moore	

New clause thus passed.

New clause—Amendment of Section 103:

**Hon. A. LOVEKIN:** I move—

That the following be inserted to stand as Clause 11:—"Section 103 of the Factories and Shops Act, 1920, is amended by striking out Subsection 4, and inserting the following in lieu thereof:—"(4) Small shops are those which are annually registered as such in accordance with the regulations and wherein no labour is employed except that of the shopkeeper and one assistant (whether paid or unpaid) who shall be a husband, wife, child, step-child, grandchild, brother, sister, nephew, niece, parent or grandparent, and the shopkeeper whereof and the assistant, if any, is registered."

This amendment will do no harm whatever.

**Hon. J. Cunningham:** Will it do any good, though?

Hon. A. LOVEKIN: Yes, by allowing people to earn their living who are unable to do so under the law as it stands.

Hon. T. Moore: What kind of shop are you referring to?

The CHAIRMAN: Let the hon. member proceed.

Hon. A. LOVEKIN: One of my amendments hinges on the other. If this one is defeated, the other goes, too. A disabled returned soldier requires to keep his shop open later than the larger shops, and the desire to do so has been expressed by soldiers at meetings during the last general election campaign. So long as the returned soldier employs no assistants other than those provided by this new clause, he does no harm.

The MINISTER FOR EDUCATION: I am not going to discuss at this stage the question of hours for returned soldiers, but I would like the hon. member to explain the object of the present amendment. Does he intend subsequently to move the striking out of paragraph 2 of Section 104, which is referred to in Section 103? I can see no reason for the amendment.

New clause put and negatived.

New clause—Closing hours for small shops:

Hon. A. LOVEKIN: I move—

That the following be inserted to stand as Clause 12:—"The closing hours for small shops shall be on one day of the week one o'clock, at the choice of the shopkeeper, on the other five week-days 11 o'clock; and all such shops shall close on these days not later than the hours above-mentioned, which shall be the hours after the hour of noon in each day, and shall continue closed until 7 o'clock in the morning of the week-day next following."

Under the existing law small shops close at 1 p.m. on one day of the week and at 8 p.m. on the other five days. The object of the new clause is to allow small shops to trade when the large shops are closed.

The MINISTER FOR EDUCATION: When last session's measure was passed, it curtailed the hours of large shops and the hours of small shops in just proportion. Large shops then used to keep open until 9 p.m. on Friday. Certain hours were cut off in both cases. It was contended that small shops dealing in groceries and so forth competed unfairly with the big shops. I do not think it would be fair to go back to the old system of letting small shops keep open two hours longer than large shops on every night.

Hon. J. CORNELL: Mr. Lovekin's informant should have primed him up a little better. The amendment as it appears on the Notice Paper provides for two sets of hours for small shops. I ask Mr. Lovekin, why 11 p.m.? Why close the small shops at all?

Hon. Sir Edward Wittenoom: Hear, hear! So long as they do not employ labour.

Hon. J. CORNELL: A fair compromise has been arrived at, under which main shops close at 6 p.m. and minor shops at 8 p.m. Mr. Lovekin puts up a plea for the returned soldier. I meet many returned soldiers, but I have not heard any requests from them for the extension of hours of small shops. That plea can be put aside until some tangible evidence is submitted in support of it. I speak as a member of the executive of the R.S.L. The big shops are satisfied with the existing hours, and the customer who misses the big shop has two additional hours in which to visit the small shop.

Hon. A. H. PANTON: I congratulate Mr. Lovekin on his consistency, but I cannot follow the Leader of the House. When just now I put up a plea for coffee palaces and boarding-houses he voted against me, whereas he now puts up a plea for the small shop as against the big shop. I am afraid Mr. Sanderson is right when he says the Minister is too clever for the House; certainly he is too clever for me. Anyhow, I object to Mr. Lovekin's coming along and trying to win votes on the plea of the returned soldiers. It is not the returned soldier who is making a noise about this. There is a considerable amount of unfair trade going on. In the suburbs will be found men who started shop-keeping without any assistants and who have built up a little business which is now employing perhaps two men. Then another small shop starts alongside. The bigger shop has to close up at 6 o'clock, whereas the small shop is allowed to keep open for another two hours prosecuting unfair trade alongside the man who has two assistants. Now Mr. Lovekin wants to give those shops even more latitude.

Hon. Sir EDWARD WITTENOOM: I scarcely know how to vote. My views are democratic. I believe in freedom. The man with a small shop, who does not employ labour, ought to be allowed to work any hours he likes. Instead of having a Factories Act to lay down the hours during which a shop shall remain open, we ought to have an Act preventing the employment of workers beyond certain hours, but leaving the employer to work as long as he likes. Mr. Panten says the Leader of the House is too clever for him. But then, all geniuses are modest. Mr. Panten was elected to consider the best interests of all sections of the community, notwithstanding which he confines his attention to the interests of one class. If the hon. member would give his imagination a chance he would do a great deal more good, and would rise more quickly to the eminence he is destined for. He has almost convinced me to-night; only my common sense has saved me from his sophistry. Until the bells ring I do not know how I shall vote.

Hon. J. NICHOLSON: We should be careful not to kill individual effort. I am not in favour of excessive hours being

worked by an employee, but I do not want to see the hours cut down too far.

Hon. A. H. Panton: Do you think from 7 a.m. to 8 p.m. too short?

Hon. J. NICHOLSON: I have often worked from 6 a.m. till midnight.

Hon. A. H. Panton: We are all getting better sense now.

Hon. J. NICHOLSON: I have often seen Mr. Panton throw the greatest possible energy into his work late at night, when probably the men he represents are taking their leisure. Seeing that licensed houses remain open until 9 o'clock, I think the small shopkeeper should be permitted to carry on business until the same hour. I suggest to Mr. Lovekin that he makes the hour 9 o'clock, instead of 11 o'clock. This would provide a reasonable period for business after the closing of the bigger shops and would furnish a fair and reasonable basis, which I would support.

Hon. J. CUNNINGHAM: I oppose the new clause. If a large body of people asked for this clause, they would be either the large shopkeepers, the small shopkeepers, or the general public. But we have heard nothing from Mr. Lovekin or Mr. Nicholson as to who these people are. We have the compensating time allowance of two hours for the small shopkeepers to enable them to catch the overflow. Surely those two hours are sufficient.

The MINISTER FOR EDUCATION: The small shopkeepers are well organised and so far as the department are able to judge they do not desire the alteration.

New clause put and negatived.

New clause:

Hon. A. LOVEKIN: I move—

That the following new clause be added to stand as Clause 19:—"Notwithstanding any of the provisions of the principal Act, it shall be lawful for a shopkeeper or his assistant or representative at any time to sell petrol, benzine, or other motor spirit or any part or accessory of a mechanically propelled vehicle to travellers for the purpose of enabling them to continue any journey which they could not otherwise continue."

The principle is taken from the Victorian Act, from which statute our legislation is largely copied. It has happened that a traveller on the road has been refused a tin of petrol. That is carrying things too far.

Hon. J. CORNELL: The new clause does not go far enough. How about a traveller in a sulky who may run short of axle grease, or who may require some accessory? He should be considered as well.

Hon. A. LOVEKIN: There is force in what the hon. member says and before the Bill is read the third time it might be re-

committed so as to give effect to what he suggests.

New clause put and passed.

New clause:

Hon. A. LOVEKIN: I move an amendment—

That the following new clause be added to the Bill:—"Section 107 is amended by adding the following proviso:—"Provided that this section shall not apply to friendly societies registered under the Friendly Societies Act, 1904, which supply medicines to members only." "

It is desired to exempt friendly societies' dispensaries where these societies are selling to their members only.

The MINISTER FOR EDUCATION: I cannot agree to the proposal. The fixing of the hours of chemists' shops was decided in accordance with a referendum taken by the chemists and in which they were practically unanimous. In order that no harm should be done to the public interests, provision was made that in cases of urgent necessity prescriptions should be dispensed and supplied after the hours of closing. The same privilege was extended to friendly societies.

Hon. J. CUNNINGHAM: This matter was discussed last year and the view was then taken that there should be provision to meet urgent cases. The members of friendly societies were put on the same level as the general public.

New clause put and negatived.

Title—agreed to.

Bill reported with amendments.

*House adjourned at 10.15 p.m.*