rabbits had been poisoned overnight, and it was possible to walk from carcase to carcase over the entire four acres.

Mr. Warner: We had all that in the wheat-belt ten years ago.

Mr. WITHERS: Some consideration should be given to those settlers when they make application for assistance to have the boundaries of their holdings, abutting on forest country, wire-netted.

We know the wonderful improvement that has followed upon grade herd testing. The amount provided on this year's Estimates is only £181, and, if the Federal grant is not continued, the testing of herds in the future will be detrimentally affected. The grade herd testing that has been carried out in the past has been of considerable educational value to the farmer. At the Bunbury Show recently the cup presented for the best herd was again won by Mr. T. Jamieson, of Capel, who had been successful on several former occasions. He is a young farmer who took advantage of the grade herd testing, with the result that he has won the cup year after year. He now possesses a herd that would be a credit to any farmer in Western Australia. The question arises as to whether we cannot extend the system so that other farmers may secure a corresponding advantage, which would tend further to help the industry.

Vote put and passed.

Vote—College of Agriculture, £15,460—agreed to.

Progress reported.

House adjourned at 9.32 p.m.

Legislative Council,

Wednesday, 8th November, 1939.

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

QUESTION—RED CROSS SOCIETY.

Sheds on the Esplanade.

Hon. C. F. BAXTER (for Hon. L. B. Bolton) asked the Chief Secretary: Is the Government aware that, under instructions from the Premier's Department, refusal has been given of the use of portion of the Swan River Shipping Company's sheds on the Esplanade for the receiving and packing of parcels for the Red Cross Society?

The CHIEF SECRETARY replied: No.

QUESTION—TROLLEY BUSES.

Barn on the Esplanade.

Hon. C. F .BAXTER (for Hon. L. B. Bolton) asked the Chief Secretary: Is it the intention of the Government to build a trolley bus barn on the Esplanade site between William and Mill streets, south of Bazaar Terrace, and the water's edge?

The CHIEF SECRETARY replied: The matter is under consideration but no decision has yet been arrived at.

BILL—DEATH DUTIES (TAXING) ACT AMENDMENT.

Read a third time and *passed.*

BILL—ADMINISTRATION ACT AMENDMENT.

Report of Committee adopted.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Returned from the Assembly with an amendment.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. (2).

Second Reading.

HON. W. H. KITSON (West) [4.38] in moving the second reading said: This small Bill, which is urgent, proposes to amend Paragraph (vii) of Subsection (4) of Section 111 of the Municipal Corporations Act. The paragraph deals with the ascertainment of the poll where more than two candidates are required to be selected, and applies to municipal elections where a district is not divided into wards. There are seven such municipal districts in the State.

Hon. J. Cornell: Including Kalgoorlie and Boulder.

The CHIEF SECRETARY: Under Paragraphs (v) and (vi) provision is made for the ascertainment of the poll in the case of the election of one and two candidates respectively. In addition to these provisions, Paragraph (vii) stipulates that where a number of candidates are to be elected, Paragraphs (v) and (vi) shall apply until the first and second candidates have been declared elected, and that thereafter certain additional provisions shall supply. These latter provisions have been found to contain an anomaly, in that the votes for the first elected candidate would be entirely disregarded in any count after the second candidate was elected, and only the second preference votes of the succeeding elected candidates would be distributed among the remainder. The purpose of the amendment set out in the Bill is to enable the whole of the preference votes to be used right down to the count for the last candidate. The amendment follows the procedure adopted in Parliamentary elections where there is more than one candidate to be elected, as in the case of the Senate elections, and has been carefully drafted in collaboration with the Chief Electoral Officer of this State. That officer is satisfied that the proposals set out in the Bill are perfectly clear and explicit. As the municipal elections are due on the 25th day of this month, we desire to expedite the passage of this measure through Parliament in order that the proposed Act may be printed and distributed at the earliest possible moment. I move—

That the Bill be now read a second time.

HON. J. CORNELL (South) [4.41]: It seems inexcusable that this omission should have been made from the amending and consolidating Bill passed last session. At my instigation two amendments were made in the provisions for the new process of election, but I was then under the impression that the machinery provided was a replica of that governing the Senate elections.

The Chief Secretary: We were all of that opinion.

Hon. J. CORNELL: However, the matter has to be put right for the impending municipal elections; otherwise the results of those elections cannot be determined. The Boulder and Kalgoorlie councils have no ward system; each elects four councillors at the one election. I have been informed that at Boulder three different parties are running candidates and that there are about 12 candidates in all. The only workable method where more than one candidate is to be elected is the Senate system, and we should pass the Bill promptly so that the returning officers may have an opportunity to conduct the count as it is conducted for Senate elections.

Hon. C. F. BAXTER: I move—

That the debate be adjourned.

Hon. J. Cornell: There is nothing in the Bill and it ought to be passed expeditiously.

Hon. C. F. BAXTER: Perhaps I should explain that Mr. Nicholson has been called away on urgent business and he asked me to move the adjournment.

Motion (adjournment) put and negatived.

Hon. J. M. Macfarlane: No courtesy in the House these days.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—DRIED FRUITS ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.47] in moving the second reading said: This Bill simply proposes to continue the operation of the Dried

Fruits Act, 1926-37, for a further period of three years. When this legislation was first enacted, the industry was in a chaotic state, and although a few growers were prospering, the great majority were unable to secure a reasonable return for their product. With the introduction of the control provided under the Act, it has been possible to distribute the total value of crops more evenly amongst producers so that every grower gets practically the same price per ton for his crop. The board also requires producers to export a fixed percentage of their output, so that the loss on the lower export prices is shared equally throughout the industry. The following table sets out figures in respect of production for each of the years 1927 to 1939:—

Production of Dried Vine Fruits in Western Australia.

Year.	Currants. tons.	Sultanas. tons.	Lexias. tons.	Total. tons.
1927	1,158	118	300	1,576
1928	1,308	163	605	2,076
1929	1,353	160	355	1,868
1930	1,497	280	396	2,173
1931	1,700	224	308	2,232
1932	1,469	363	439	2,271
1933	1,552	445	227	2,224
1934	1,293	327	251	1,871
1935	2,104	446	186	2,736
1936	2,062	465	282	2,809
1937	1,971	370	284	2,625
1938	2,013	453	230	2,696
1939	3,151	356	401	3,908

A comparison of prices for currants and raisins for the years 1927-28 and 1938-39 is as follows:—

Prices of Currants, etc.

	1927-28.		1938-39.	
	Export (F.O.B.).	Retailers.	Export (F.O.B.).	Retailers.
Currants	5·4d.	8d.	4·2d.	8¾d.
Raisins	5·4d.	8d.	4·4d.	9d.

Having regard to the benefits that have accrued to the industry as a result of the enactment of the principal legislation, it is deemed expedient to continue the operation of the Act for a further term. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—TRANSFER OF LAND ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.53] in moving the second reading said: This short measure proposes to amend Section 293 of the Transfer of Land Act 1893. That section provides that on payment of the prescribed fee, the register books of the Land Titles Office may be searched during certain hours on certain days, namely from 9 a.m. to 3 p.m. on week days, and from 9 a.m. to 12 noon on Saturdays—subject to exceptions on specified holidays. It is now sought to close the Titles Office on Saturday mornings in conformity with the practice which has been followed in other Government Departments since August of last year, but at the same time to extend the closing hour to the public on week days from 3 p.m. to 4 p.m. Little or no inconvenience should be caused to the public by this proposal. Checks made during the eight weeks ended on the 19th August, 1939, disclosed that the average public attendance on Saturday mornings is about 9 persons. Nevertheless, this small amount of business necessitates the attendance of a skeleton staff of 16 officers at the department to deal with the various sections involved.

An amendment of the Supreme Court Rules enabling the Supreme Court to close on Saturday mornings has been approved by their Honours the Judges, and similar action is being taken in connection with the Local Court. General uniformity is desirable throughout the Public Service; and in view of the fact that the proposal set out in the Bill will cause no undue inconvenience, there can be no objection to the amendment. Hon. members are of course aware that Commonwealth Government offices as well as State offices are closed on Saturday. Thus in pursuance of the common policy of Commonwealth and State authorities the Bill is brought forward. I move—

That the Bill be now read a second time.

HON. H. SEDDON (North-East) [4.56]: I offer no objection to the Bill, but there is a point to which one may refer when the

Transfer of Land Act is under discussion—that it would be a good thing if the Government would take in hand the question of consolidating and re-printing the Act. It has not been re-printed for many years, and I suggest that that desirable object might well be considered now, so that the Bill before the House may be included in the next printing.

HON. J. NICHOLSON (Metropolitan) [4.57]: I echo the views expressed by Mr. Seddon as to the necessity for re-printing an Act of such importance as the Transfer of Land Act. Many amendments have been made since the original measure was enacted, and it is confusing for many people to find that there has been no consolidation for a great many years.

The Bill deals primarily with the question of alteration of the existing law which gives facilities for the offices concerned to be open for certain purposes between the hours of 9 and 12 on Saturdays. I rather think it would have been better for the department to continue on the same lines as other business places, thus carrying on the facilities given under the present law, for there are many matters, arising even after Friday evening, which make it highly desirable, if not of great importance, to be able to make those investigations which from time to time are essential. This applies especially when an advice is received from a country district late on a Friday. There is then no opportunity if we pass this Bill of making those searches or inquiries in regard to a title until the following Monday morning.

The Chief Secretary: That would apply if you had the information on Saturday morning.

Hon. J. NICHOLSON: As long as the information comes between 9 and 12 on Saturday morning, one has the opportunity to do something. Facilities to the public are curtailed by closure on Saturday. In my opinion the Government's first duty is to facilitate the transaction of business, and not to do anything that would curtail or limit this. The Bill interferes with the business of the country, and with its development, while at the same time necessarily influencing the revenue. I realise exactly the position outlined by the Honorary Minister in moving the second reading, but I do not agree with the hon. gentleman when he says that the passing of the Bill will not cause any inconvenience. I believe it will cause not only inconvenience but also loss. It is an unwise policy to adopt.

On motion by Hon. A. Thomson, debate adjourned.

BILL—LAND ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.0] in moving the second reading said: This Bill contains a number of amendments which it is considered will materially improve the operations of the Land Act, 1933-1938. I shall take the more important proposals in their order. Section 47, subsection (4) deals with certain conditions prescribed in respect of conditional purchase leases. At present the rent for each of the first five years of such leases is a sum equal to interest at the prescribed rate on the cost of the survey and on the value of improvements if any, with a minimum payment of 10s. per annum. It is now proposed to add a further provision fixing the minimum rental at £1 per annum after a lease has run the first five years of its term. The total amount payable under these leases will not be any greater under the amendment, but the proposal will obviate the trouble of remitting small amounts over long periods. We intend to repeal Section 48 which deals with the acquisition of homestead farms by an applicant for a conditional purchase lease. The repeal of this section will not take away a selector's right to acquire a free homestead farm. This right will still be given under Section 65 of the Act. Conditions governing the acquisition of a homestead farm under Section 48 differ from those applying in the case of homesteads taken up under Division (2) of Part V. The latter require improvements including a house, of not less than 14/- per acre.

Ordinary conditional purchase conditions apply where the farm is granted under Section 48, namely, improvements not including a house equal to the value of the purchase money up to £1 per acre. It has been found that Section 48 causes some difficulty in pricing where a location is partly cultivable and partly grazing. Moreover, when a lease, subject to this section,

is transferred to a person not entitled to a homestead farm, considerable trouble is entailed in effecting the necessary price adjustments. The intention is to amend Section 51 which provides that where several contiguous holdings are held by the same person, it shall suffice if only the external boundaries of the group of holdings are surveyed. The amendment will empower the Minister to require a lessee to pay additional survey fees where a separate Crown grant is required for any particular holding in such a group.

The Bill seeks to insert new provisions in the Act relating to the accelerated completion of conditional purchase, in lieu of the existing provisions set out in Section 53. Before a selector can take advantage of that section he has first to take a lease under conditional purchase terms, since there is no power under the present Act to throw open land for payment over a short period. Where small areas are being sold, it is inconvenient and cumbersome to have to issue a lease for a long period. A new method of accelerated purchase is therefore proposed. This will be more convenient both to the department and the purchaser, and will be along lines similar to those laid down in the legislation operative prior to the enactment of the 1933 legislation.

With regard to the selection of land for vineyards, orchards and gardens, Section 54 provides that selectors shall deposit 10 per cent. of the purchase money with their applications. The Bill now provides that the first half-yearly instalment of the purchase price shall be paid with any such application. A similar provision applies in the case of ordinary conditional purchase land taken up under Section 47.

Section 60 of the Act deals with the issue of new leases in respect of a lease that has been subdivided. Subsection 2 provides that in such cases new leases shall be issued dating from the commencement of the original lease. This provision was originally inserted with a view to preventing lessees from obtaining twice, the two year's exemption from rates allowed in respect of land held under conditional purchase lease. The necessity for this provision no longer exists however, since Section 221 (7) of the Road Districts Act now stipulates that the exemption shall not apply to a conditional purchase lease granted after the surrender or forfeiture of a pre-existing lease of the same land to which such exemption has applied, unless the Under Secretary for Lands certifies that the land is not sufficiently improved and that the exemption should apply. The Bill therefore provides that any new lease issued in lieu of a surrendered lease shall date from the time of surrender.

Section 63A of the Act empowers the Minister to extend a conditional purchase lease for five years up to a maximum term of thirty years, where he has deferred the reserved rent. In many cases however, arrears of rent can only be capitalised by increasing the amount of the annual instalments. To take an extreme example, this would be the case when the term of the lease was already for a period of thirty years. As many of the lessees are not in a position to meet increased rentals, the existing provision does not meet the purpose desired. It is therefore proposed to authorise extensions up to a period of ten years, and to remove the present restriction which limits the total term of a lease to thirty years. This amendment will enable arrears to be capitalised without increasing half-yearly instalments, and will place all lessees on the same footing irrespective of the term of their leases.

Section 63B permits the Minister to grant an extension of the term of an expired conditional purchase lease for a period not exceeding five years. This provision was originally inserted for the purpose of enabling the Agricultural Bank to put its securities in order. Experience of the Bank has shown that this period is not long enough in some cases, and therefore it is sought to extend the period to ten years.

Under Section 101A provision is made for the relief of pastoralists whose flocks or clips have been seriously affected by drought. The desire now is to give the Pastoral Appraisement Board power to deal with applications for the remission of rent where a lessee, after taking up land, has suffered loss through drought, because he has been unable to stock his property. The procedure governing the withdrawal of land from pastoral leases in order to make them available for selection under conditional purchase conditions, is set out in Section 108. Where an individual selector desires to take such land, it is necessary, in the first instance, for the Crown to pay

compensation. This provision is not altogether satisfactory however, as a selector may decide not to maintain his application after the resumption has been carried out. To overcome this difficulty, the Bill now provides for different procedures to be followed where (a) the Government desires to resume land for general selection, and (b) an individual selector applies for land on a pastoral lease. With regard to the latter case, a provision is inserted in the Bill which will render the individual applicant directly liable to the pastoral lessee for compensation. No land will be withdrawn from a pastoral lease until the selector has paid compensation and his application has been approved.

Section 113 prescribes the maximum area to be held under a pastoral lease by any one person, or by joint tenants, or any association of persons. Both the Lands Department and the Crown Law officers have interpreted the existing section to mean that no person could hold more than a million acres, either directly or by way of a beneficial interest. It was recently ruled by a learned Judge in Chambers however that a person can hold a full million acres in his own name, and another million acres by way of beneficial interest. That was never the intention of Parliament, and it is now desired to amend the Section to conform with previous interpretations.

Under Section 114, it was provided that any lessee holding a pastoral lease granted under any previous Act for a term expiring on the 31st December, 1948, might at any time within one year from the commencement of the present Act, apply for the grant of a new lease. Certain lessees did not apply within the stipulated time. An amendment is proposed which will enable those persons to obtain new leases extending to the 31st December, 1982. A proviso makes it clear however, that in obtaining renewals they will not be entitled to the grant of five years free of rent, which is now allowed to persons obtaining new leases.

The Governor is empowered, by virtue of Section 130, to extend the terms of any conditional purchase lease granted under the Agricultural Lands Purchase Act to a period not exceeding 40 years. Because interest is still required to be paid for the whole period of the extended lease, the concession does not greatly reduce the amount of the half-yearly instalments. The position is that where the lessees on these estates have fallen heavily into arrears with their rentals, their existing instalments would be actually increased by capitalising such arrears, even after extending the lease up to the maximum term of 40 years. Because capitalisation would give no relief, the arrears at the 30th June, 1936, were suspended for a period of three years. This term has now expired, and further action has become necessary to deal with the position.

In this connection, I would point out that the Director of the Farmers' Debts Adjustment Board found that he was unable to deal with many applications for debt adjustment received from the Agricultural Lands Purchase Act lessees as the total liability to the Lands Department and the Agricultural Bank was in excess of the value of the security. To overcome this difficulty, approval was given to cancel old leases—thus writing off all arrears—and to issue new leases to the persons concerned for a period of 40 years. This involves the making out and signing of new securities, and the payment of the necessary fees. The Bill now seeks to obviate the necessity for issuing new leases by making provision for the extension of the existing leases for periods up to 40 years. This provision will also enable a number of lessees who did not come under the approvals already given because they were not eligible to have their debts adjusted—they had no unsecured debts—to be put on their feet again. We are providing that before any lease is extended by the Minister under the proposed new section, the case shall be investigated by a board to be appointed by the Governor for that purpose. Each case will be dealt with by the board on its merits, and it may recommend that an extension be given up to a maximum of 40 years, including the unexpired portion of the lease: for instance, under the Bill a 30 years' lease expiring on 31st December, 1949 can be extended to 31st December, 1979. This proposal will enable arrears of rent to be capitalised without increasing the existing instalments, and if considered necessary, to actually reduce the existing instalments. I have endeavoured to give an outline of the more important proposals

of the Bill. It will be recognised that they are important proposals and will seriously affect a large number of those in the community that are engaged in agricultural and pastoral pursuits. I realise that members will desire to have every opportunity of studying the significance of these amendments, but I think they will find on examination that the main object is to provide further assistance for those members of the pastoral and agricultural communities who have been suffering from drought and other adverse conditions for years past. I move—

That the Bill be now read a second time.

HON. H. V. PIESSE (South-East) [5.16]: I was pleased to hear the Chief Secretary introduce the Bill, many clauses of which are most necessary for the well-being of those people who are holding land under Government conditions. We have had experiences with re-purchased estates. The Palingup Estate and various returned soldiers' and other estates, have been written down under the Agricultural Bank Act and the soldiers' purchase scheme and those unable to obtain a writing down of values have been debarred from securing lease extensions. I was pleased to hear the Chief Secretary say that those particular cases would be dealt with under the Bill. That will meet a long-felt want and will be appreciated particularly by returned soldiers who are holding properties. The Bill is really a Committee one and if any questions have to be asked, we can ask them in Committee and have the clauses fully explained. I support the second reading.

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

BILL—DAIRY INDUSTRY ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.17] in moving the second reading said: This is another Bill that will be of interest to those concerned with agricultural pursuits and particularly those engaged in the dairying industry. It proposes to amend the Dairy Industry Act. The proposals in the Bill have been designed with a view to enabling further progress to be made in the improvement of the quality of the State's dairy products, and also to bring about the elimination of redundant elements in production costs. During the last two decades, remarkable progress has been recorded in the expansion of the dairying industry in this State. The extent of this expansion can be gauged from the following table which sets out figures for the years 1919, 1928, and 1938:—

——	1919.	1928.	1938.
Dairy Cows	No. 42,003	No. 69,047	No. 127,791
Permanent Artificially Sown Pastures	acres. 16,672	acres. 243,560	acres 760,000
Production: Milk Yield .... (1,000 gals.)	9,608	18,252	44,000
Butter .... (1,000 lbs.)	1,980	5,051	16,254
Cheese .... (1,000 lbs.)	1	14	949
Condensed and Concentrated Milk (1,000 lbs.)	....	....	4,540

Many factors have been responsible for the rapid growth of the industry in the post-war years, but it can be submitted that the progress made is, in some degree, attributable to statutory and departmental measures taken to foster the industry along sound and orderly lines. When, in 1922, Parliament adopted the Dairy Industry Act of New South Wales as a basis for the regulation and organisation of the industry in this State, dairying conditions in Western Australia left much to be desired. Generally the industry was conducted along unorganised and haphazard lines, and the bulk of the local butter output was farm-produced and of poor quality. Factory production at that time amounted to only about 1,375,000 lbs. Six years later however, factory output had doubled and by 1937/38 it had risen to a level ten times as great as that of 1922. Over the ten-year period ended 30th June, 1938, factory output was as follows:—

Year.	lbs.
1928/29	3,622,000
1929/30	4,723,000
1930/31	7,103,000
1931/32	8,136,000
1932/33	9,115,000
1933/34	9,412,000
1934/35	11,183,000
1935/36	10,968,000
1936/37	10,642,000
1937/38	13,702,000

Side by side with this increase in the volume of output there has been a creditable

improvement in quality. As various members have stated from time to time in this Chamber, the quality of dairy products is a matter of fundamental importance. These are perishable commodities, subject to contamination and deterioration, and therefore special care in treatment is necessary in every stage of production to ensure the production of a first-class product of good storable quality. In the long period, the possibility of further expanding our butter output is wholly dependent on the quality of the product. For example, it has been found that the per capita consumption of dairy products in each State varies directly with the average quality of the product, so it may be inferred that an improvement in the quality of dairy produce in Western Australia will similarly lead to increased consumption. I am given to understand that if the local consumption of butter per head were raised to the average Australian level, then approximately half the quantity of butter now exported to the United Kingdom at considerable loss would be consumed locally. I am told that the average in Western Australia is 4 lbs. per head lower than the Australian average which is rather a big difference.

Hon. J. Nicholson: Has any explanation been given as to why the average is so low?

Hon. J. J. Holmes: What is the Australian average?

The CHIEF SECRETARY: I have not the figures here. I did not think it of sufficient importance to include in the notes. I have the figures and can produce them later. It is a striking statement that if we could increase the consumption of butter to the average of the whole of Australia, half of the butter exported at a loss would be consumed in the State.

Hon. J. Nicholson: That would be a fine campaign for you to engage in, to induce people to eat more butter.

Hon. T. Moore: And less margarine.

The CHIEF SECRETARY: It will be understood what a difference increased consumption would make to the dairy industry of this State.

Hon. W. J. Mann: Wherever the quality is best, there the consumption is greatest.

The CHIEF SECRETARY: With regard to export butter, leaving out the question of abnormal trading conditions, occasioned by hostilities, whenever the quantity to be marketed approaches a point at which sales must be pushed in Great Britain, there is a tendency for butter of higher quality to be sold more easily than lower grades, and at enhanced prices. I am advised that that is a definite tendency. There is no getting away from that when statistics are analysed.

Hon. J. Nicholson: People go for quality.

The CHIEF SECRETARY: Yes, and are prepared to pay a higher price. That is a general tendency which is particularly marked in the Old Country to which we export at present a considerable proportion of our output. Warnings were issued some time ago that increased production in the Commonwealth would probably result in a quota being placed on Australian butter for sale in the United Kingdom. Undoubtedly the policy in enforcing such a quota would be to restrict export of lower grades, which would then have to be sold in Australia at the expense of the consumer and at low prices. This, of course, would tend to reduce consumption, and thereby seriously affect the returns of the dairy farmer. It is therefore a matter of first-class importance to ensure that a product of the highest possible quality is available both for local consumption and export. One of the proposals in the Bill designed to achieve this aim makes provision for the establishment of a Dairy Produce Improvement Fund. This fund will be raised by a levy on production amounting to not more than one penny in the £ on moneys payable to farmers by the factories.

Levies will be collected through the factory managers, and paid into a special trust fund to be administered by the Under Secretary for Agriculture under the supervision of the Minister. Contributions will cease whenever the moneys in the fund, after allowing for outstanding commitments, exceed the sum of £1,000. The fund will be used to finance the employment of additional dairy instructors. The duty of these special officers will be to carry out frequent check gradings and testings at the factories, followed up by interviews with suppliers of inferior cream who will be given assistance and advice to enable them to correct defects. I should emphasise that under the provisions of the Bill it will not be possible for contributions to be applied to purposes other than those set out in proposed new section 24A.

The Government considers that as dairy farmers have received, and are still receiving, great assistance from all consumers by reason of an Australian price which has been fixed at a profitable level with the help of Commonwealth legislation, they will be prepared to share in the cost of this new plan. Moreover, the Government has already made available very considerable sums for a bull subsidy scheme, the grade herd testing of cows, experimental work and the provision of technical advice to farmers—sums, which in the aggregate, are believed to be greater in proportion to the size of the industry than are those provided for any other agricultural activity. Having regard to all these factors, the Government considers it would not be justified in calling on the taxpayer to furnish the whole of the funds required for further assistance to the industry.

If this measure becomes law, four competent officers will be appointed as soon as possible, and it is expected that their activities will result in an almost immediate improvement in the quality of cream generally. Another matter dealt with in the Bill, and inter-related with the question of quality, is the supply and transport of cream to the factory. Some factories have adopted a practice which has aggravated, to a certain extent, the difficulty of effecting improvements in the quality of the cream. To induce suppliers to change over from their competitors, those factories promise to pay on a higher quality basis than is warranted by the product itself. Because a higher price is paid than the article is worth, it must be mixed with a better product. Thus, by penalising the good producer, a butter of edible quality is manufactured which, nevertheless, is inferior to that which would have been manufactured had the inferior article been excluded.

This practice nullifies the effect of the advisory work of the dairy instructors, for, when the farmers supplying second grade cream are normally visited by the departmental inspectors—with a view to improving their conditions of production—dockets are produced showing that the cream has been classified as "choice." Proposals are contained in the Bill (adopted from the Queensland legislation) which will have the effect of preventing the mixing of "choice" and "second grade" cream. The Bill provides that the farmer must give 28 days notice in writing to the manufacturer of his intention to transfer, and also state the name and address of the factory to which he intends to divert his supplies. The purpose of this amendment is to give the advisory officers of the department an opportunity to visit dissatisfied farmers with a view to tendering them assistance and advice.

In Queensland it has been found that by the time 28 days have elapsed, the farmer is usually satisfied that he is not being penalised by the factory, and has corrected his methods of production accordingly. The Minister has been advised that since Queensland placed that provision on the statute book there has been a very considerable improvement in quality of production. Last year, for example, only .27 per cent. of the two million boxes of butter exported were of pastry quality. A fair amount of detail is contained in the Bill, but I do not propose to submit the whole of it to the House at this stage. I have before me a table of figures for purposes of comparison, but they do not show Western Australia in a very good light. Another proposal gives power to cancel the registration of any factory where the Minister is satisfied that the owner has been manufacturing butter or cheese of which more than the prescribed proportion is "non-choicest," when manufactured from cream or milk of the highest grade prescribed.

Power to de-register is also sought where three convictions have been recorded against a manufacturer for the infringement of the regulations relating to the mixing treatment, testing, grading, weighing of, or payment for milk, cream or butter fat. These provisions are essential to ensure that cream, milk and butter fat are paid for according to grade. The Bill proposes two important amendments which are designed to ensure more economic production. As members are aware, the manufacturers are actually intermediaries in the industry. The producer forwards his milk or cream at his own risk to the factory where it is converted into butter or cheese, and is subsequently credited with any amount that is realised, less the cost of production and other incidental

charges. If, therefore, the farmer is to receive the highest possible return all unnecessary costs must be eliminated. The general tendency to-day in Australia and New Zealand is to reduce the number of factories, restrict the erection of new plants, and generally to ensure that costs of manufacture are reduced to a minimum.

In Western Australia, where plants have slack periods during the summer months, it is particularly necessary to prevent redundant factories springing up and increasing the overhead costs to the industry. The Bill, therefore, provides that after the commencement of the proposed Act, no premises shall be erected for use as a dairy produce factory until the consent of the Governor has been obtained. Another matter dealt with in the Bill, having an important bearing on costs, is the transport of milk or cream to the factory. Under the present system the factories pay all transport charges, irrespective of the distance from which supplies are drawn. Because of the serious overlapping of transport routes, the average cost of transporting cream is ¾d. to 1d. per lb. of butterfat produced. That charge, which is of course ultimately deducted from the producer's butterfat price along with the manufacturing costs, represents a heavy burden on the industry. The individual producers, however, have no incentive to nationalise transport, while the matter does not particularly concern the manufacturers, as all costs are eventually borne by the producer. If these costs are to be reduced some form of control is necessary.

The Bill, therefore, provides that specified transport routes for milk and cream in relation to specified factories may be declared by the Minister, and that all produce supplied to those factories shall be carted along the declared route, except in cases of emergency. Provision is made for the arrangement of cartage contracts on approved routes, but farmers will be at liberty to transport their milk or cream to the factory in their own vehicles. In all cases, however, suppliers will be required to pay the cost of transport. That will obviate unnecessary overlapping, and ensure that this particular cost is minimised to the fullest extent possible. When contracts are arranged, an endeavour will be made to ensure that all carters on all routes run with maximum loads. I have endeavoured to give a brief outline of the amendments contained in the Bill. I am advised that the measure is very important to the dairying industry. We have reached the stage when it is necessary to have more control than we have at present, particularly of certain phases of the industry, and according to the advice of departmental experts the provisions of this Bill, if carried out, will mean quite a lot to the industry as a whole, and therefore to individual farmers.

Hon. J. Nicholson: Will the declared route apply only to carriers?

The CHIEF SECRETARY: It will apply to the route to be taken to a particular factory.

Hon. J. Nicholson: By the actual producer or by the carrier?

The CHIEF SECRETARY: It will apply to anyone supplying cream to the factory. I do not pose as an expert, but have been supplied with a great deal of interesting information that I propose to give to members during the Committee stage. I feel sure when the House is fully aware of all the facts little difficulty will be experienced in persuading it to pass the measure as it stands. I move—

That the Bill be now read a second time.

On motion by Hon. W. J. Mann, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 2).

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.40] in moving the second reading said: This Bill contains a number of amendments which are designed to remove certain anomalous provisions from our Factories and Shops Act. Its main proposals relate to minimum wage payments, the definition of "shop," the employment of women in all night cafes, the payment of overtime, and the provision of holidays for workers. It is proposed to amend the definition of "shop." Because hairdressing saloons are not brought within the ambit of the present definition, goods may be legally sold in those premises at hours when they could not be sold in a tobacconist's or other shop. The Bill provides that the premises I have mentioned

shall now be included in the definition of shop.

An important amendment is proposed in respect of Section 39. That Section stipulates that employees in factories shall be allowed a holiday on full pay on Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Anzac Day, Labour Day and the King's Birthday.

Hon. L. B. Bolton: Is this an Arbitration Court?

The HONORARY MINISTER: I am dealing with a Bill to amend the Factories and Shops Act. The operation of this provision has created considerable difficulty in the case of factories carrying on continuous processes. Members will realise that it is not always possible for a process to be interrupted without causing considerable confusion and loss to the proprietors. To overcome this difficulty we are now providing that, where in any factory the process is of such a nature as to render it essential that the work of the factory shall be carried on upon a specified holiday, the occupier shall be entitled to require any employee to work upon such holiday. An employee working on Christmas Day or Good Friday shall be allowed pay at the rate of time and a half. In the case of other holidays, ordinary rates of pay shall prevail. In lieu of the holiday upon which an employee may be required to work, there shall be granted a whole holiday upon full pay upon some week day agreed upon.

Hon. H. S. W. Parker: In other words, two and a half times the pay.

The HONORARY MINISTER: No, full pay upon some week day agreed upon. Similar provisions are proposed in respect to the statutory half holiday allowed to factory workers each week under Section 40 of the Act. The occupiers of continuous process factories will be allowed to work their employees on any half holiday, provided a half holiday is allowed in lieu within seven days.

Under Section 116 all shops, other than those mentioned in the Fourth Schedule, are required to be closed on certain holidays. Most shopkeepers allow their employees the benefit of full pay on those holidays, but there are many assistants who are not so fortunate. The Bill provides that every person employed in a shop shall be entitled to a holiday on full pay when such shop is required to be closed under the provisions of the section. Moreover, it sets out in addition that every shop assistant shall, upon the completion of twelve months' service be entitled to not less than one week's holiday on full pay. Where an assistant's employment is terminated before the completion of twelve months' service, he shall be allowed a paid holiday on a proportionate basis.

Section 28 deals with the hours of work in factories, and provides that a male worker shall not be employed for more than 48 hours in any one week, nor for more than 8¾ hours in any one day. This limitation, however, does not apply to any worker employed in getting up steam for machinery in the factory, or in making preparations for the work in the factory, or to trades referred to in the Third Schedule of the Act, namely, freezing works, fellmongeries and pelt works, bakehouses, continuous process plants, etc. Because the maximum number of hours to be worked in any one week or day, as laid down in Section 28, is higher than the standard operating in industry generally in Australia, we consider it only reasonable that where employees are called upon to work beyond those hours, they should be entitled to receive overtime rates for the excess period worked. The Bill provides that where excess hours are worked, they shall be paid for at the rate of not less than time and a half for the first two hours and double time thereafter.

Hon. H. S. W. Parker: Are not those people covered by an award?

The HONORARY MINISTER: No, they are not. The Bill seeks to prohibit the employment of female shop assistants between the hours of midnight and 6 o'clock in the morning. This prohibition is aimed at the growing practice of proprietors of certain all-night cafes of employing waitresses at all hours of the night and early morning. I have a file and I hope members will peruse it before finally dealing with the Bill. If they go through the papers, I am convinced they will arrive at the same conclusion as have the inspectors and the Government, that early steps should be taken to prevent a continuance of the present practices adopted in certain shops in the city.

Hon. J. J. Holmes: Did not we fix the closing hour at 11 p.m.?

The HONORARY MINISTER: The cafe proprietors have got round that, and some employees have to work till 4 o'clock in the morning.

Hon. J. J. Holmes: They must have got round the Minister.

The HONORARY MINISTER: No. As matters stand at present, women, some of them comparatively young girls, may, and have been, legally employed in establishments of the type I refer to from 6 p.m. on one day to 2.30 and even to 4 o'clock on the following morning. We consider that is a wholly undesirable state of affairs. The Government therefore seeks to prevent a continuance of the practice and is particularly keen on securing the amendment to the Act.

Hon. C. F. Baxter: That is not the point.

The HONORARY MINISTER: Yes, it is.

Hon. C. F. Baxter: Certainly it is not.

The HONORARY MINISTER: That is the point and nothing else.

Hon. C. F. Baxter: I will tell you about it later on.

The HONORARY MINISTER: Section 138, paragraph (g), provides that in order to prevent persons being employed in factories, shops or warehouses without reasonable remuneration in money, no able bodied adult woman, nor adult male shall be paid less than the lowest minimum rates prescribed in any award or industrial agreement for such persons. When that provision was inserted in the Act in 1937, it was believed that the amendment would prevent any adult employed in a factory, shop, or warehouse receiving less than the applicable basic wage. While there are no awards or industrial agreements providing less than the female basic wage for females, two agreements were discovered which laid down the minimum wage for male workers at less than the current basic wage. One of these industrial agreements has been cancelled, but the other agreement, covering vineyard workers, is still legally operative, notwithstanding that the union concerned is defunct.

Hon. H. V. Piesse: The shopkeepers offered to make a new award, but they cannot get it.

The HONORARY MINISTER: This agreement prescribes a minimum wage for adult males of £3 14s. 8d., and because the agreement still has legal force, certain employers have seized the opportunity to pay their men less than the basic wage. The Bill seeks to bring the section into conformity with the original intention of members when the Act was amended in 1937, and we are now providing, emphatically and explicitly, that no adult male or female shall be employed in any factory, shop, or warehouse at less than the appropriate basic wage. Such, briefly, is the purport of the amendments the Government seeks to embody in the Act, and I am sure that if members will consider them impartially, they will agree that they are reasonable. I move—

That the Bill be now read a second time.

HON. C. F. BAXTER (East) [5.51]: I congratulate the Honorary Minister upon the innocent air with which he glossed over the clauses of the Bill. Without doubt, when members examine them, they will appreciate to what extent the Minister did so in conveying the impression that the clauses were sugar-coated. We have had presented to us many far-reaching and important Bills to amend the Factories and Shops Act, but nothing to parallel the one now before the House.

Hon. J. Nicholson: We had an extensive amending Bill in 1937.

Hon. C. F. BAXTER: That was more extensive, but not by any means as vital as the Bill now under discussion.

Hon. J. Cornell: And this House trimmed that measure up.

Hon. C. F. BAXTER: In the past the Government has attempted on a number of occasions to pass legislation, the purpose of which was to ride roughshod over decisions of the Supreme Court and the Arbitration Court, when those decisions were not favourable to the workers. The Bill before the House goes still further. In addition to making another attempt to brush aside a recent decision of the Arbitration Court, relating to the hours that may be worked in certain catering establishments, the Government has embodied a clause in the Bill which, if passed, will have the effect of rendering null and void certain provisions of a current award of the Arbitration Court. The proposal in itself is revolutionary, but worse still is intended. The Bill seeks to lift out of the hands of the court the right to prescribe by any future award the appropriate hours that may be worked in such catering establishments. For sheer audacity, that takes a lot of beating.

Hon. J. Cornell: There is nothing wrong with that.

Hon. C. F. BAXTER: Nothing wrong with it!

Hon. J. J. Holmes: How does that fit in with the cry of "Hands off the Arbitration Court"?

Hon. C. F. BAXTER: The old slogan of the Labour Government, "Hands off the Arbitration Court," has been amended, and its present form is "Hands off the Arbitration Court—so long as the court gives decisions in favour of trade unions." Several clauses in the Bill, including one that lays down the proposal that the hours of work in certain catering establishments shall be prescribed by statute and not by the court—that is why I was surprised to hear Mr. Cornell's interjection——

Hon. J. Cornell: Why?

Hon. C. F. BAXTER: Because such a proposal attacks a basic principle.

Hon. J. Cornell: Ninety per cent. of our laws are passed to rectify decisions of courts.

Hon. C. F. BAXTER: Wages and conditions of employment are now to be regulated by Act of Parliament instead of by the Arbitration Court.

Hon. J. Cornell: We do not require a Factories and Shops Act at all if you are to leave everything to the court.

Hon. C. F. BAXTER: The court was set up for the express purpose of fixing wages and working conditions in industries. Before issuing its award, the court requires the parties to submit evidence relating to the particular case that is being dealt with. In addition, the court has power to make such other inquiries as it thinks just, and to inform its mind on any matter connected with the case under review. By the provisions of the Industrial Arbitration Act, the court is bound to proceed according to equity, good conscience and the substantial merits of the case. It has a duty to the general public, and in promulgating decisions that factor is at all times uppermost in the mind of the court. I submit that that tribunal should be the sole authority to fix wages and working conditions in industry, and that was intended by Parliament when the Act was passed.

The Chief Secretary: What about industries not covered by Arbitration Court awards?

Hon. C. F. BAXTER: I will come to that in due time. I anticipate that the sponsors of the Bill will assert that many workers are employed in industries and follow occupations and vocations not at present governed by industrial awards or agreements and, further, that the measure now before the House is designed only to meet that position.

Hon. G. Fraser: There are many workers in that position.

Hon. C. F. BAXTER: My answer to that contention is that the doors of the Arbitration Court are open to any party, representative of such workers, who is authorised to secure the necessary registration of those he represents as an industrial union and to secure a subsequent award.

Hon. J. Cornell: I object to Greeks working young women till the early hours of the morning.

Hon. C. F. BAXTER: Furthermore, I would reply that in making provision for such workers, it is not necessary to prescribe terms and conditions that are equal to the best, and far superior to most, of awards and agreements already existing. Such a Bill as that before members should provide minima rather than set a standard which, I repeat, is higher than that of many awards of the Arbitration Court.

Hon. G. Fraser: Would you regard as a high standard the working of females in cafes till 3 or 4 a.m.?

Hon. C. F. BAXTER: It is recognised that most of the workers referred to are engaged in industries that are, comparatively speaking, weak. But that does not warrant the Government using steam-roller methods, such as that in evidence in the Bill, for the purpose of short-circuiting the Arbitration Court or, at least, prejudicing its future decisions on matters referred to in the Bill. Such tactics should not be countenanced by this House.

Parts of the Bill are designed to overrule a recent decision of the Arbitration Court in an action taken by the Hotel, Club, Caterers, Tea Room and Restaurant Employees' Union, of which Miss C. Shelley is secretary, against cafe employers. The wages and conditions of employment of the workers in that industry are governed by an industrial award. The court in its wisdom, after hearing argument by the parties in a reference to it by the industrial magistrate, decided a question that involved the method of payment in cases where workers started a shift before midnight in one day, and finished some time the next succeeding day. That is what the Honorary Minister referred

to. As he stressed the point, I will give members an illustration. Take the position of an employee who commences work at 8 p.m. and goes on till midnight. That represents four hours' work. Then he continues from midnight till 4 a.m. the next day, another stretch of four hours, which completes his full eight hours of work. If the Bill be agreed to in its present form, the effect will be that the work till midnight will be paid for at ordinary time rates, but the four hours worked during the next succeeding day will be paid for at overtime rates.

Hon. J. Cornell: The definition of "day" is accepted universally.

Hon. C. F. BAXTER: I do not agree with the hon. member's contention, but I will let it go at that. The court decided the issue as follows:—

(a) The worker's actual finishing time for the day—

These words are quoted from the award—

—is the actual time after midnight at which his shift finishes.

(b) The worker's next "actual starting time" is the time at which he commences his next entirely new shift.

It will be seen at a glance that the definition of "day" in the Bill, if agreed to, will nullify the court's decision, and make it too costly, if not impossible, to employ workers in night cafes.

Hon. J. Nicholson: Is that due to the fact that the defined day begins at midnight?

Hon. C. F. BAXTER: From midnight on would be a new day.

Hon. J. Cornell: That sort of day does not hurt the workers in the mining industry.

The Chief Secretary: Would you justify the employment of females at 3 o'clock or 4 o'clock in the morning?

Hon. C. F. BAXTER: No. The Factories and Shops Act should not, however, be in conflict with an award of the Arbitration Court. The award must stand.

The Chief Secretary: We are now trying to amend the Act.

Hon. C. F. BAXTER: Yes, to suit the unions of the State.

The PRESIDENT: Order! I must ask hon. members to carry on discussions of this kind in Committee.

Hon. C. F. BAXTER: Section 28 of the principal Act excludes the payment of overtime to any male worker employed in getting up steam for machinery in a factory, or in making preparation for work in a factory, or to the trades mentioned in the Third Schedule to the Act. The Bill proposes that overtime shall be paid for work of this nature.

Hon. J. M. Macfarlane: Starting at 1 o'clock in the morning?

Hon. C. F. BAXTER: Yes.

Hon. J. M. Macfarlane: Before the worker starts his day's work?

Hon. C. F. BAXTER: Yes. If he is engaged in making preparations for work in a factory, he is to be paid at overtime rates. Surely, that is a matter which ought to be regulated by the Court of Arbitration, not by statute. In any case, why should time-and-a-half for the first two hours and double time thereafter be stipulated, in view of the fact that Section 33 of the principal Act prescribes time-and-a-quarter for the first two hours and time-and-a-half thereafter for all overtime required to be worked? Why should a worker who gets up steam or who makes preparation in a factory be given preferential treatment in the matter of overtime payment? This will place a further burden on factories. The Minister for Labour tells us that he is anxious to encourage factory production. The effect of such legislation would be to discourage the establishment of factories and to prevent existing factories from expanding. Clause 4 proposes to substitute the words "subject as hereinafter mentioned" for the words "except as hereinafter provided," which are the opening words of Section 39 of the principal Act. Why this alteration? What is behind it? If the existing words are left in, Clause 4, which would be the new Section 39, Subsections (1) and (2), would be identical with the present section.

Subclause 3 of Clause 4 is new and imposes double-time-and-a-half for work done on Christmas Day and Good Friday where the process in the factory is of such a nature as to render it essential for work in the factory to be carried on; where work in a factory is done on any other holiday, double-time rates shall be paid. In both cases, an extra holiday, making up the double time-and-a-half and the double time above referred to, is to be granted to the worker within one month of working on such holiday. This goes beyond the court's standard practice and in any case is ano-

malous, because the proposal to pay such over-time rates conflicts with Subsection 3 of Section 33 of the principal Act, which provides a maximum of time-and-a-half for all work done on holidays. Here again the regulation of overtime payment should not be taken out of the hands of the Court of Arbitration.

Hon. J. Cornell: It is by the present Act.

Hon. C. F. BAXTER: This provision will also place additional burdens on factories and will discourage their growth. Paragraph (d) of Section 6 of the principal Act provides that the amount of window or light area for each workroom shall be determined by an inspector. On the other hand, the Bill proposes that the lighting of a factory, or of any part thereof, shall be as prescribed by regulation. We shall shortly be governed entirely by regulation. Apart from imposing the obligation upon employers to swot up and study further regulations—in other words, government by regulation—the proposal would be found unsatisfactory in practice. Under the Act, inspectors can regulate the lighting to suit each establishment by the use of commonsense. This method has proved to be satisfactory up to date. Regulations would be found to be unworkable, as lighting cannot be regimented.

Another proposal is to prohibit the employment of workers in shops on any day upon which a shop is required to be closed to the public. This also over-rules awards of the Arbitration Court and industrial agreements made between parties. It is sometimes necessary, although a shop may be closed to the public, to bring workers back to take stock. The court allows this to be done by its awards, the worker being recompensed for his work at the appropriate rate laid down in the award. Here we have a direct interference with the powers of the court. The proposal to grant annual leave of one week on full pay is new. This would make it possible for some workers to receive 17 paid holidays per annum. Country shopping districts will be seriously affected by this clause, if it is passed. As I have previously pointed out, it is the function of the Court of Arbitration to regulate wages and working conditions in industries. The court will only make an award covering an industry after full and complete investigation of the position. The court owes a duty to the general public, which includes the employers. What evidence has the Government before it of the ability of employers to stand up to such arbitrary demands as it is now making? To repeat what I have already pointed out, short cuts of this nature cannot be countenanced. If improvements in conditions of employment are desired, they should be sought through the proper channel, namely the Court of Arbitration.

Clause 8 is closely allied to Clause 2. Its object is to set aside a decision of the Court of Arbitration and it is therefore a flagrant attempt to usurp the powers of the court and to set aside conditions of employment prescribed in a current award. It is manifestly unfair of the Government to use its powers to muzzle the Court of Arbitration. If after an award has been made by the court experience shows that it operates harshly against the workers, ample machinery is provided by the Industrial Arbitration Act to enable the union to make application for amendment of the award. If the union can place before the court evidence of such hardship, the award will undoubtedly be amended by the court so as to remove such hardship. The award which this Bill seeks to set aside was delivered on the 7th February, 1933; and since that date no application to the court for amendment has been made by the union.

Hon. J. Cornell: The award is out of date.

Hon. C. F. BAXTER: How can it be out of date? If during the six years and nine months that the award has operated the union fancied undue hardship was being caused to its members by reason of certain conditions contained in the award, the obvious question arises, why has the union made no application to the court for amendments to remove such hardship? The answer to this question is that the Government can be relied upon by its masters, the trades unions, to support the practice of the unions to accept from the court any award or decision which suits their requirements, and to refuse to accept or abide by awards or decisions of the court which are not in their favour. The unions crack the whip and the Government, if it cannot help the unions in any other way, promptly draws up a Bill to meet the requirements of the Trades Hall, thus short-circuiting the Court of Arbitration.

Member: If the unions cannot get what they want from the court, they get it from Parliament.

Hon. C. F. BAXTER: In other words, the unions—under the control of Mr. Hawke, the ringmaster—spin a double-headed penny.

Hon. J. Cornell: It is a two-tailer this time.

Hon. C. F. BAXTER: To summarise: Firstly, the Bill seeks to take out of the hands of the Arbitration Court the power to prescribe by any future award appropriate hours which may be worked in catering establishments; secondly, it attacks a basic principle in this respect by prescribing and regulating hours of labour by statute, instead of by the Industrial Arbitration Act and the court; thirdly, if the Bill passes, it will override a recent decision of the Court of Arbitration in which the court gave its decision against the union; fourthly, the Bill gives special treatment as regards overtime to those workers engaged in getting up steam or other processes necessary for industry purposes. Surely this is a matter to be dealt with by the Arbitration Court, which is more competent in such matters than is Parliament or unions representing a political section.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. F. BAXTER: I was summarising my objections to the Bill and had mentioned four of them. Fifthly, as regards essential work to be done on Christmas Day and Good Friday, the Bill imposes double time and a half, thus going beyond the court's standard practice. As a fact, this is anomalous in that Section 33 of the Act provides overtime rates for holidays. Sixthly, at present the inspector uses his commonsense as regards setting out the window and light area, but the Bill seeks to make this subject to regulation, which will have the effect of adding unnecessary expense and worrying factory controllers. Seventhly, the Bill will over-rule court awards and industrial agreements as regards the employment of workers in shops when closed to the public. This is a direct interference with trade. How can stock-taking be carried on or how can goods be prepared for sale? Eighthly, the Bill provides for annual leave on full pay, under which some workers will get 17 paid holidays a year, thus adding a heavy impost to industry. This would inflict extreme hardship on country stores. Ninthly, the Bill seeks to set aside an award of the court delivered on the 7th February, 1933. The union was not prepared to approach the court for an alteration of the award, and so Parliament is asked for advantages that cannot be procured from the Arbitration Court.

During my speech interjections were made conveying that some members considered that as certain advantages have been granted by Parliament under the Workers' Compensation Act, Parliament should go further and interfere, by amending the Factories and Shops Act, with existing awards of the court. If any member considers the matter thoroughly, I do not think he could subscribe to such a proposal. This is the most extravagant amendment of the Act that has been attempted since I have occupied a seat in Parliament, and it makes me think the Government is prepared to go to any length to satisfy the demands of unions, notwithstanding that legal process is open to them in the Arbitration Court. The court issues awards and the unions should abide by them. To me it is extraordinary that a measure of this kind should be introduced by a Minister who is taking no end of trouble to secure an increase of secondary industries in this State. Yet he is the one who is seeking to burden industry with all these additional imposts. Under such conditions people will be unable to carry on established industries, and certainly nobody will be encouraged to start new industries because of the burden of finance and the handicap of other conditions applying in this State, but not elsewhere. I shall vote against the second reading, and I hope members will support me in my effort to secure the rejection of the Bill at that stage.

On motion by Hon. J. A. Dimmitt, debate adjourned.

BILL—DENTISTS.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [7.35] in moving the second reading said: This Bill which proposes to consolidate and amend the law relating to dentists, is essentially a Committee measure. Its main objects can be explained quite briefly. Members are probably aware that

since 1912, the dental profession has been divided into four categories—registered dentists, dental assistants, apprentices and students. The Bill contains important proposals relating to both apprentices and assistants.

Provision has been made for the discontinuance of the apprenticeship system. If this Bill becomes law, persons apprenticed to dentists will be allowed to complete the term of their indentures and qualify for the profession, but all future entrants will be required to submit themselves to the Dental Board for recognition as students. These students will pass through the Western Australian College of Dental Science, which is affiliated with the University of Western Australia and the Perth Hospital. The Bill endeavours to solve what has become a very vexed question in the dental profession, namely the status of dental assistants. In 1912 the Dental Board prosecuted an unregistered person and obtained a conviction in the Police Court for a breach of Section 15, Subsection (2) of the Dentists Act, 1894. The subsection provides—

> From and after the passing of this Act, no person other than a registered dentist for the time being or a medical practitioner, shall be entitled—
>
> To practise dentistry or dental surgery, or perform any dental operation or service.

The defendant appealed to the Full Court against the magistrate's decision, pleading that he performed the dental operation under the supervision of a registered dentist. The appeal was upheld, with the result that numerous persons set up as dental assistants, either in practice with a supervising registered dentist or as employees. In order to prevent unqualified persons from practising dentistry, the Dental Board drafted a Bill in 1920 to meet the position that had arisen as a result of the Full Court's decision. The Bill also sought to tighten up the Act generally. It provided that all assistants who had been practising dentistry for six years—time spent on active war service to be included in that period—were to be examined for the purposes of registration. Further, no new assistant was to be allowed to enter the profession.

As enacted, however, the amending law of 1920 did little to improve the position as it simply provided for the examination and registration of assistants. No restrictions were placed on the entry of new assistants, and a number of other amendments considered necessary for the protection of the public failed to secure the approval of Parliament. During the intervening period, a considerable number of assistants have taken up dental practice, some conducting their own surgeries under the supervision of a salaried dentist registered with the board and others as employees. This has led to much discontent in the profession generally, and the Government considers that something should be done to place matters on a more satisfactory basis. We are therefore providing for the recognition of assistants by the board with a view to enabling them to qualify eventually for registration as dentists.

Let me summarise the rather involved provisions relating to the qualification of assistants for registration as dentists. They provide that where an assistant can prove that he has been engaged for four years in the general practice of dentistry before the passing of the measure, he shall, when he can prove ten years service, be permitted to sit for a modified examination which will entitle him to registration. If this Bill becomes law, dentists will be prohibited from employing as assistants any persons whose names do not appear in the record of assistants kept by the Registrar, and a similar prohibition will apply in the case of dentists employed as supervisors. These proposals will prevent the entry of new assistants into the profession in future.

We are seeking to change the constitution of the Dental Board. Under the existing Act, the board consists of three dentists and three medical practitioners. The amendment in the Bill provides that the board shall consist of four dentists elected by the practitioners, two dentists to be nominated by the Governor, and one medical practitioner to be nominated by the British Medical Association. The Bill defines "misconduct in an unprofessional respect," and provides that the board when holding an inquiry into any charge against a dentist or assistant shall, if required by the person charged, sit and conduct its inquiry as if it were an open court. Other provisions are purely of a machinery character. Much thought has been given to the drafting of the Bill and the profession considers it to be quite satisfactory.

The measure will certainly have the effect of producing a great improvement in conditions and at the same time will provide adequate protection for the general public. I move—

That the Bill be now read a second time.

HON. J. A. DIMMITT (Metropolitan-Suburban) [7.41]: I have discussed this Bill with registered dentists and dentists' assistants. I have also discussed it with apprentices and students. I have discussed it with dentists in the city and dentists in the suburbs, and they are all of opinion that the measure is one greatly to be desired and one that will help the profession generally and protect the public. I intend to vote for the second reading.

HON. C. F. BAXTER (East) [7.42]: I find myself in the position of being able to support the Honorary Minister on this Bill. The measure is one that has long been needed. We have for years been operating under an unsatisfactory law, and a remarkable feature has been the ease with which people have been able to enter the dental profession. For some years I was dealing with a grocer, and then I missed him for a period, and when I again came across him, he was practising as a dentist in his own right. I do not know what experience he had gained, but this shows the ease with which a person has been able to enter the profession. A dentist operating on a person's mouth is interfering with a condition set up by Nature, and unless he is properly qualified, might be responsible for doing no end of damage. As members are aware, considerable damage has been done by unqualified persons practising as dentists.

The Bill contains protection for present apprentices to the profession, but that system will come to an end and in future, entrants will have to submit themselves to the board for recognition as students. It is time that we insisted upon persons becoming qualified before entering the profession, instead of permitting people to enter a dental establishment and work their way up. There has been some controversy about the right of dental companies to continue after the decease of the head of the firm. The idea was that when the head of a dental company died, the company should go out of business altogether. To insist upon that would be wrong.

Hon. J. J. Holmes interjected.

Hon. C. F. BAXTER: But that idea seems to be in the minds of some members. If members recall the Pharmacy and Poisons Act, they will realise that provision was made to exempt existing companies, though under that law, my recollection is that they are not permitted to carry on. Where a company is operating to-day, I do not think it should be destroyed directly the head of the concern happens to pass away. The provision for the registration of those at present in the profession is only reasonable. The principle has been adopted in the Veterinary Surgeons Act and similar measures. The practice has been to approve of those who have been working in the calling for a period of years continuing at their work. I think the period laid down in other legislation is four years. Therefore I regard the position as well protected. This is not a question of the dental profession, but a question of the general public, and the Bill will prove a safeguard. I have much pleasure in supporting the second reading.

HON. W. J. MANN (South-West) [7.46]: I move—

That the debate be adjourned.

Motion put and negatived.

Hon. W. J. MANN: I regret that the House on this occasion denies me the opportunity to utilise some matter on the Bill which I have prepared but have not with me. Seeing that I am forced to speak, let me say that I do not view the Bill in quite the same light as previous speakers. The measure is being forced on the dental profession by the action of people who have been practising dentistry illegally for a number of years. The fact that they have not been prosecuted is no credit to the authorities of this State. There have been instances where the patients of such dentists have suffered much pain as well as pecuniary loss, and have had their health to an extent undermined by the persons to whom I refer. I know perfectly well it is deemed the practice to introduce measures for the control of professions and various avocations. A starting point has been found necessary so that cognisance might be taken of people who have been engaged, shall I say, illegally, in the profession or avocation. It has been felt, and perhaps rightly, that to deprive them of their livelihood, when in

numerous cases they have done excellent service, would be wrong. I do not say that that is not the case here; but the position has not been quite so smooth and happy as Mr. Dimmitt, for instance, would have us believe. Ethical dentists, and the dentists who at very considerable expense and with much labour have studied the science, have long felt that the position in this State with regard to dentistry has not been bettered but has actually been drifting the other way. We know well that various people have in the past engaged in the dental profession without any qualification whatever other than what they might have got from persons who were foolish enough to put themselves in their hands. I know of cases in the country, and also in the city, where men have opened surgeries and have engaged a derelict dentist merely as a blind.

Hon. E. M. Heenan: The dentist collects his money every week, and very frequently is to be found in any place other than a dental surgery.

Hon. W. J. MANN: While undoubtedly there are some highly worthy men now acting as assistants, and earnestly desirous of improving their status, there are others who will never make dental practitioners. The Honorary Minister smiles, but I think he knows that what I say is true. I know many such assistants. These men have practised in country towns to the detriment of country people. The Honorary Minister said it was proposed to submit these men to a modified examination. The reason I desired the adjournment was that I might submit evidence concerning examinations. We have been told that these men are to submit themselves to a modified examination. True, they must have been associated with the profession for ten years before being examined. But it is also true that they may have been associated with the profession in purely a mechanical capacity. They may not have been surgeons at all, but operatives working in the back of the premises at the mechanical portion. These people are to be allowed to come on the market. I hold no brief for dentists. I have a son who is a dentist, but he is too young to bother about this and has not been in the country very long. However, if we allow men who are purely mechanics to come in by way of a modified examination and then to go out to practise as dental surgeons, we shall be doing a very serious thing. While I propose to support the second reading of the Bill, I do want the House to realise just where we stand. Dentists who already have the necessary qualifications, having taken their degrees, and having a background not only of extracting teeth but a background of anatomy and a background of X-ray and all the essentials of modern qualification, have nothing to fear; and the public are perfectly safe in their hands. But the public will not be safe in the hands of men such as those to whom I have referred.

Hon. E. M. Heenan: The public is in their hands now.

Hon. W. J. MANN: I am sure I speak the truth when I say that a great many people who go to a dentist take him either as a good fellow or as a competent man, and assume that because he has "Dental Surgeon" on his window or on his plate, he possesses all the needful qualifications. That is not the fact, except that men practise the profession with a registered dentist representing merely a nominal factor in the concern. However, when one enters the establishment, one is operated on by a person altogether different from a registered dentist. I have had one experience myself. Some years ago I went to a dentist in the Terrace, expecting to find a man for whom I had a very high regard. I was told that he was away. His assistant assured me of his own ability to do what was necessary. He did what was necessary all right, but he put me in bed for three days. Such things have happened not only to me but to many other people. Therefore we should be careful, in passing a Bill of this kind, to see that we do not permit the continuation of a set of circumstances that in some respects exists at the present time.

Hon. H. V. Piesse: What is your remedy?

Hon. W. J. MANN: To make the examination more than a modified one, and to take cognisance of the capacity in which the person sitting for examination has acted. We might as well bring in a blacksmith and give him a modified examination in dental surgery and let him practise. There is a good deal more in dentistry than the actual operation. There is the knowledge that forms the background which makes a surgeon in every respect.

HON. H. S. W. PARKER (Metropolitan-Suburban) [7.58]: I welcome the Bill, which is long overdue. Far too many people of the kind described by Mr. Mann have been about. The Bill will tighten the matter up for the future, and will prevent all the malpractice that has been going on.

Hon. E. M. Heenan: All?

Hon. H. S. W. PARKER: Nothing will prevent the man who is qualified from still being inefficient, whether it be in the dental profession or in any other. The law is a striking example of that. This Bill proposes to tighten up the position, and to make it the reverse of easy for those people who have been practising dentistry without being qualified. They will now have to attend lectures for 12 months and then pass an examination in various subjects that a qualified dentist should be familiar with. My experience is that a man with practical knowledge is better than a man who has only theoretical knowledge, but I agree that the man with practical knowledge only is a great danger because of his lack of theoretical knowledge. The Dental Board is anxious to have the Bill made law, and I think we may rest assured that the Dental Board will see the lectures are such as the persons attending them will be able to learn from, thus qualifying not only in theory but also in practice. In fact, there will be a practical examination afterwards. Of the Dental Board only one member is a medical man, the remainder being dentists. Now, the dentists will see that their profession is protected; and this Bill gives them power to protect themselves. The Bill is better than the present law. There are too many of the type described by Mr. Mann. I certainly welcome the Bill, and will do what I can to assist its easy passage through this Chamber.

HON. L. B. BOLTON (Metropolitan) [8.0]: I was surprised to hear the remarks of Mr. Mann, as I was under the impression from inquiries I made and information in my possession that this was a very desirable piece of legislation, and, as Mr. Parker said, long overdue. This is one of the measures, too, in regard to which, before it was presented to another place, the Government took the precaution to consult all the parties concerned. After the conference, a measure was presented giving powers that are acceptable to this House as well as to another place. This might be a good time to make a suggestion to the Government that if it were to consult all parties concerned before introducing legislation, many more Bills would have an easier passage than that which they experience. The trouble is that the Government consults only one side, and it certainly should profit by the easy passage that the Bill now before us is going to have in this Chamber. The Government should recognise how desirable a suggestion such as mine would be in the interests of the State. I have been approached by the people mostly concerned on this question, and they are definitely in favour of the measure being passed as it is. Like other members, I am pleased to be able to give it my support.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [8.3]: Like other members, I welcome the tightening up of the dental profession. Looking back over the years, I can recall the days when dentists practised their work in the streets. A guarantee was given to the patient who was going to have an extraction made, and this was carried out on a truck or some other vehicle. Then, so that the cries of the patient should not be heard, there was always a brass band on the spot to drown them during the process of the extraction. So we have passed from one stage to another, and we have now reached the stage when the profession is composed of highly qualified men. I welcome the conditions that have brought about the change, and I do believe that a lot of what might be termed mal-practices in the profession will eventually be wiped out. We are proposing now to give assistants the opportunity to qualify by passing what is called a modified examination. That is all to the good so long as we know that ultimately people are likely to get value for their money. By the time the Bill comes into operation, I hope that the public will have gained something as a result of the legislation. I support the second reading.

HON. J. J. HOLMES (North) [8.5]: I also intend to support the second reading of the Bill, which I consider is long overdue. I would not have spoken except for the fact that I appreciate the point raised by Mr. Mann. The Bill provides that where assistants have been working for ten years

in dentist's premises, and can pass a modified examination, they will secure registration. The point I appreciate is that there are two branches of dentistry, the mechanical being one, the other being operated by a proper registered dentist. To expect a man who has served in the mechanical branch under a qualified dentist, after passing a modified examination to become a first-rate dentist, I think is asking too much. I suggest that when the Bill is in Committee we should amend it in the direction of providing that men engaged on the mechanical side shall not come under the actual definition of "dentists." It is all very well to consider these questions from one aspect. The point raised by Mr. Mann regarding the mechanical side is worthy of consideration. I intend to support the second reading.

HON. J. CORNELL (South) [8.7]: Like various members who have preceded me, I intend to vote for the second reading. I have only to close my eyes and look back into the past. After a period of 20 years I find there are only seven members here now who were in this House then. I can recall that from the seat that the Chief Secretary now occupies the then Chief Secretary, Mr. Colebatch, told us what the dental Bill that he was then introducing would do. We have been told the same thing to-day. The promise was then made that after the passing of that legislation no more of what were then known as "bum dentists" would be allowed to practise. If members will look up the debate of 20 years ago, they will find that what was said in favour of the Bill then is now being said in favour of the measure before us. It was also said at that time that with the admission of people who were then more or less practising surreptitiously that kind of thing would be ended. I would rather be inclined to tighten up the whole position. I understand that if a person wants to qualify as a dentist in London, Sydney, or Adelaide, he must undergo five or six years of study. That is of the utmost importance to the profession, and we as legislators above all things should endeavour to raise the profession to the highest standard, bearing in mind that humans practise on humans in dental surgery. The Bill facilitates the admission of people to practise dentistry and it will remind me of what I once heard said by a dentist practising in Kalgoorlie, "I went to bed an unqualified dentist and I woke up in the morning and was told that I had been qualified by an Act of Parliament." To digress for a moment, it does seem strange that in this very session we should have rejected a Bill that had for its object the raising of the standard of engineering and that now we should be considering another measure to give status by examination to mechanics in the dental profession, a status that will place them on an equality with those who have put in six years at a University. I had the misfortune of being a labourer all my life until I was elected to my present position, but I have always recognised the necessity for improving rather than reducing the standard of professions. When the Bill reaches the Committee stage, I hope members will pay due regard to the question of the admission of people to the profession of dentistry and will make the admission commensurate with the importance of the calling. It is time that the dental profession was put on the same footing as the medical profession. We know that a dentist can do as much harm as probably a surgeon. There is one feature of the Bill which I think weakens it and that is the personnel of the board, which is very different from that controlling the medical profession. One member of the board is to be a member of the medical profession, but his will be as a voice in the wilderness. I intend to support the second reading.

HON. E. M. HEENAN (North-East) [8.15]: I have listened to the previous speeches and also read through the Bill with interest. I agree that we should exercise every care in passing a measure of this kind, because dentists have a vast power for good or evil. Consequently, that properly qualified and decent men alone should practise the profession is only right. I understand that during past years a number of men have taken up dentistry without any academic qualifications, and as the result of practising the profession from year to year have accumulated a good deal of practical experience.

Hon. J. Cornell: They were all washed out by the 1919 legislation. This is a new crop.

Hon. G. Fraser: Like musbrooms, they grow again.

Hon. E. M. HEENAN: In some instances I understand these men have got hold of a qualified man whom they have used as a stopgap. He has been a blind, as it were; and under those conditions they have been practising dentistry. Apparently because of some decision in our courts, they cannot be prosecuted. I understand the Bill will rectify that position. Before these men, referred to as assistants, are recognised, they will have to satisfy the Dental Board that they have had 10 years' experience of the practice of dentistry as dental assistants; then, after attending a course of lectures, they will submit themselves for an examination set and supervised by the Dental Board. That seems to be all right. The members of the board would appear to be the people best able to cope with the situation. They have approved of this measure, and desire to see it passed in its present form. It would appear that the Bill will rectify the present situation. Unless these people can satisfy the board that they have attained a reasonable standard of proficiency, they will not pass the examination, and so will not be inflicted on the public. The measure appears to be long overdue, and I hope it will be passed and do something to raise the standard of the profession in Western Australia.

HON. G. FRASER (West) [8.19]: I can support the measure without personal feeling, because the dentists have done to me all that it is possible for them to do. I understand there has been a practice in this State for many years whereby certain dentists have prostituted their profession by allowing their names to be placed over premises occupied by other men, thus leading people to believe that they would be the dentists performing dental services for the public. The only time they would be on the premises, however, would be once a week or once a fortnight, when they would call to pick up the perquisite or pay due to them for having allowed their names to be so used. I do not know whether the public generally has been aware of that practice, but I should think that if people did know about it they would be extremely careful as to what particular place they went to for dental treatment. If the Bill ends that practice, it will do something beneficial for the public of this State. Though we may not be able to make the position a hundred per cent. perfect, we shall do much to correct the existing anomaly. One portion of the Bill sets out that in future no student or apprentice shall perform any dental operation unless in the presence or under the supervision of a registered dentist or while such dentist is in attendance. If the passing of the measure results in dentists having to be present when apprentices are practising on their patients, the public will be afforded the protection it does not enjoy to-day. At present it is possible for the dentist to be from 25 to 100 miles away when the service is being performed.

Hon. H. S. W. Parker: He is usually across the road.

Hon. G. FRASER: He may be further than across the road. At present it may not be possible, should anything happen during an operation, for the person performing the operation to obtain the services of the dentist whose name is over the door. In the past the public has not had the protection it should have. The Bill will remedy that, and is therefore worthy of consideration. People will know that if they are to have a dental operation, although the dentist may not actually do the job, he will be in attendance should his services be required. That is worth while and for that reason I intend to support the second reading.

HON. E. H. ANGELO (North) [8.23]: I have discussed the Bill with two or three dentists of high repute who are practising in this city, and also with a medical practitioner, and all seem to be of the opinion that it is a good Bill and should become law. I put the same question to these various friends of mine. It was this: "Do you consider that if the Bill becomes law the public health will be protected?" They were all of the opinion that it would be. They added, however, that when the measure becomes law it should be properly policed, and only those qualified under the Bill should be allowed to operate anywhere in the State. Mr. Mann suggested that some clauses might require amendment. He said he regretted he had not certain evidence with him. Perhaps the Minister will be good enough to allow the Committee stage to be adjourned to the next sitting of the House.

Hon. W. J. Mann: He has agreed to do so.

Hon. E. H. ANGELO: That will give us an opportunity of hearing what Mr. Mann has to say, and we shall probably discover that the position could be further improved by amendments to the Bill. I support the second reading.

HON. J. NICHOLSON (Metropolitan) [8.25]: I also have had an opportunity to discuss the Bill with some dentists and the opinion expressed has been entirely favourable to the measure. I appreciate the views of Mr. Cornell in regard to fixing the highest possible standard, but I would point out that in effecting the registration of a body such as this it is essential to have a beginning.

Hon. J. Cornell: There was a beginning in 1904.

Hon. J. NICHOLSON: There was a beginning but the position is that the Act has not been a fully developed Act, which is so essential for bodies of this kind. For many years past it has been recognised that something of a more effective character should be accomplished. The Bill is expected to achieve the desired result. When similar bodies to this have been brought into being, it has always been necessary to make provision for those who had not passed the qualifying examinations for the profession. Qualifications have been necessary for other professional men similar to those set out for dentists, in certain clauses of the Bill. The diplomas of certain well-known institutions have been required together with various other qualifications. While it was not possible originally to make those provisions, and so safeguard the position with respect to dentists, once a start has been made by a Bill such as this, it will be possible to regulate the whole conduct of dentistry in such a way that the public will be benefited. I believe that the passing of this measure will be of the greatest advantage to the public. I referred to other bodies that had to have a beginning. When legal and architectural bodies, and similar associations, were brought into existence in the dim past, it was essential that provision should be made for men who had been engaged in those professions for many years previous to the passing of Acts governing those professions. Qualification had to be given to men who had carried on business for so many years. That was so with the architects. Some provision had to be made whereby men who had been practising the profession for a long period could be admitted. The same position occurred with respect to chartered accountants. This Bill will be a safeguard to the public, and I agree that the profession should be policed. I believe the board will be capable of safeguarding the interests of dentists, and by seeking to raise their standard will secure protection for the public. I support the Bill.

Question put and passed.

Bill read a second time.

BILL—SUPREME COURT ACT AMENDMENT.

Second Reading.

HON. H. S. W. PARKER (Metropolitan-Suburban) [8.32] in moving the second reading said: This Bill is similar to the one I introduced in the last Parliament. Important alterations have been made to it, and this Bill is designed to meet some of the objections that were then raised. The measure before the House would permit of a divorce being granted where the parties to the marriage had lived apart for five years, whatever the ground of that separation might have been.

Hon. J. J. Holmes: You mean living apart by arrangement?

Hon. H. S. W. PARKER: Even in that case. In most of the unfortunate marriages where people are living apart, the separation is by arrangement. In comparatively few cases do they live apart through desertion. Desertion happens where one of the parties leaves another against the other party's wish. I am sorry to say that in the majority of such cases both parties are anxious to live apart. They feel they cannot live together. Many orders have been made by the police court granting a separation on the application of the wife. Some of these arise from what are known as forced marriages, that is marriages that have taken place to give an expected child a name. Such marriages are invariably unsatisfactory, and lead to ultimate separation. There are, of course, exceptions to that. There are also many cases where the parties have entered into a separation agreement because they do not

desire any publicity in the police court. Sometimes there is not even a written agreement, and the people live apart by mutual arrangement. In none of these circumstances can either party to the marriage obtain a divorce under our laws unless adultery is proved, or unless, if the husband has been ordered to pay maintenance, he has failed to pay regularly for three years. In such event the wife may apply for a divorce. A husband has no opportunity to get a divorce from his wife in such circumstances of separation unless he can prove adultery in the case of his wife. There are many instances where the parties would apply for a divorce, but for the fact that they do not desire to wash dirty linen in public. I regret to say there are also many cases of collusive or arranged divorces, which are entirely illegal. If that illegality could be proved, the parties would be liable under the criminal law to a period of 14 years imprisonment for perjury. Again, before a person can lodge a petition, he or she must swear an affidavit that there is no collusion, and that is one of the main principles of our divorce laws. The Bill contains nothing new. Such legislation has been in force in New Zealand for many years, and in South Australia was passed into law last December. I will read the relative section of the South Australian Act, that being as follows:—

> During the five years preceding the commencement of the action the husband and wife have been living separately under and in pursuance to a decree or order, granting a judicial separation or relief from cohabitation, and made whether before or after the enactment of this paragraph by any court, whether superior or inferior, in any part of His Majesty's Dominions.

There is a further provision in that Act which reads as follows:—

> Provided that if the claim for divorce is made by a husband against whom the decree or order for judicial separation or relief from cohabitation has been made, the court may refuse to make the order for divorce until such husband has made such provision for the maintenance of the wife and any children of the marriage as the court thinks proper.

Under the South Australian Act a person cannot get a divorce for mutual separation unless it is under an order of the court. That is rather begging the question. If members will look up the files of the police court they will find that the great majority of the orders made in that court are by consent, in other words by mutual arrangement. Only a proportion of the cases that are listed by the police court is contested by the husband.

As a rule the arrangements are made, and the usual bone of contention is the amount of maintenance to be paid to the wife. When I last introduced a measure of this kind I pointed out the great number of married couples in the metropolitan area who were unfortunately separated. I have no reason to correct the figure I gave then, the total being astounding. I said there must be some 2,000 couples in the metropolitan area who were separated either by deed, agreement or through an order of the court. Members will understand that a great many of these separated people are undoubtedly living in adultery, which is not conducive to the best interests of the community. We can say that in 90 per cent. of those cases the parties will never resume cohabitation. They have reached the stage when the presence of each to the other is repulsive. They cannot possibly live together again. The result is that unfortunately many of the persons concerned are living an unhappy life. They cannot obtain a divorce under our laws unless adultery is committed and is discovered. From time to time we see in the paper that divorces have been granted, undefended, on the ground of adultery. We probably find that the husband has been traced to an hotel where he has registered with someone who has called herself by his name. The parties have registered as husband and wife. The necessary evidence is obtained when the man is seen going with a lady to a particular room, and they leave on the next day. Whether adultery occurs does not much matter, for there is sufficient reason for the court to assume that it has taken place, and that is one of the forms of collusive adultery that is practised. That brands the man in the future as having committed a breach of his marriage vows. If there are children it is decidedly unpleasant. It is unfortunate that people have to stoop to these subterfuges to get relief from their unhappy domestic affairs. Since introducing the Bill last year I have been surprised at the number of people who have interviewed me, telephoned me, and written to me, expressing regret that that measure did not go through. I have been requested recently to re-introduce it. The requests have come from people in all walks of life, comprising all classes of the community. Some extraordinarily depressing cases have arisen.

Hon. J. J. Holmes: Does this mean a secret divorce after five years' separation?

Hon. H. S. W. PARKER: No. Members would be surprised to know the number of people who have come to me with unhappy tales—people of both sexes, not merely the man, but very often the woman too. One objection raised last year was a good one, namely, that the man who is the guilty party may divorce his innocent wife, and when he died she would not be able to claim anything from his estate. One can understand that in such circumstances the man would not leave anything to his wife if he could avoid doing so. Within the last few weeks I brought down the Testators Family Maintenance Bill, which provided that the divorced wife who first obtained an order for maintenance from her husband would be considered as his wife upon his death. If that Bill becomes law, and a guilty husband had divorced his innocent wife, she would have the same right at his death to claim a share of his estate as if she had been his lawful widow. That was one of the objections to last year's Bill. Another serious objection was that the court had no discretion as to the granting of the divorce, and I think those who opposed last year's Bill on that ground were right in doing so. I have altered that provision in the Bill I am now presenting to members, and set out that the "court may decree." On numerous occasions it has been decided that the courts have absolute discretion as to whether a divorce shall be granted. The South Australian Act provides that—

> . . . . . if the claim for divorce is made by a husband against whom the decree or order for judicial separation or the relief for cohabitation has been made the court may refuse to make the order for divorce until such husband has made such provision for the maintenance of the wife and any children of the marriage as the court thinks proper.

The Bill will provide the court with ample power. Furthermore, the court already has authority, even with regard to a guilty wife, to grant permanent maintenance when the decree absolute has been granted. If a man divorces his wife, then, under the provisions of the Bill, whether he be the innocent or the guilty party or whether the wife is innocent or guilty, the court will have power to grant permanent maintenance to the woman. The contention has been raised that if the Bill is agreed to, a man may divorce his wife—one member went so far as to say he could go on divorcing his wives one after the other every three or five years—but while that may be so, the fact remains that the divorced wife has a first claim over whatever the man may possess. At the moment I am acting for a woman who has an order of the court against her husband for permanent maintenance—she divorced him—and as soon as the decree absolute was granted that man remarried. When he appeared before the court, which desired to inquire as to his means, the court said, "Your present wife is entirely ignored. You must make provision for your first wife before you can consider the position of your second wife." That man is now applying to the court to reduce the amount of the maintenance because of obligations respecting his second wife. The court ignores the obligations of the second wife, for the man's first duty is to the wife who divorced him. That will be the position if the guilty husband divorces his wife now, for the latter will receive first consideration under the law as it stands.

Hon. T. Moore: Did not your Testator's Family Maintenance Bill provide for a fifty-fifty basis?

Hon. H. S. W. PARKER: No. That Bill provided that the divorced wife should be considered as the widow, and could apply under its provisions as though she were the widow.

Hon. J. Nicholson: And the requirements of the second wife would be taken into consideration under that measure?

Hon. H. S. W. PARKER: Yes, the whole circumstances would be taken into consideration.

Hon. J. J. Holmes: In the case of the man who was able to marry every five years or so, how many women would he have to provide for?

Hon. J. Cornell: That would depend upon how long he lived.

Hon. H. S. W. PARKER: I do not know what income Mr. Holmes enjoys, but I do not think the average man could provide for more than his first wife to whom the court usually would grant one-third of the joint incomes of the husband and the wife. As in most instances the wife who divorces her husband has no income of her own. That means the husband has to set aside one-third of his total income, plus so much for each child, which usually is fixed at £50. In

those circumstances, if a woman is game enough to marry such a man, both she and her husband know what their income will be. The suggestion has been advanced that the position of the man on the lower rung will be made more difficult if the Bill be agreed to. Experience in separation cases has shown that it is quite common for the man to pay nothing and the woman can usually earn more than the man can afford to pay. Usually the woman prefers to earn her own living rather than depend upon a man for whom she has no regard whatever. The Bill, if agreed to, will not prejudicially affect men in receipt of small incomes, whereas the man enjoying a large income is compelled to provide one-third of his income for the support of his divorced wife. The Bill will not impose any hardship upon individuals, but, if agreed to, may make the lot of many unhappy people a little less unhappy in future. I commend the Bill to members and move—

That the Bill be now read a second time.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—STATE FOREST ACCESS.

Second Reading.

Order of the Day read for the resumption from the 1st November of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st November.

HON. H. V. PIESSE (South-East) [8.55]: It seems rather a pity that members are asked to discuss the Bill before the Traffic Act Amendment Bill has been dealt with, seeing that the latter measure deals with third-party insurance, which constitutes the reason for asking Parliament to extend the functions of the State Government Insurance Office to cover that class of business. If the Traffic Act Amendment Bill is not passed, the measure now before members will probably not become operative. During his remarks on the Bill, Mr. Craig said it was advisable to allow the State office to engage in the forms of insurance proposed in order to make certain that companies generally adopted reasonable rates. During the last few days I have communicated with the managers of several insurance companies who informed me that whatever the rate the committee that is to be set up agreed upon, would be adopted by the companies in Western Australia for compulsory insurance business. In those circumstances there is no real need for extending the scope of the business to be undertaken by the State Insurance Office. The Government not only ask that the State office shall have power to transact third-party risk insurance, but to engage in other forms of insurance applicable to motor cars. When we passed the Bill of last year, the understanding was that if we legalised the State insurance operations in the field of workers' compensation, the activities of the office would be confined to that class of business. Reference to the Auditor General's report shows what losses have resulted from that branch since proper bookkeeping methods were adopted. If the proposal to extend the operations of the State office to third-party risk insurance is agreed to, we must appreciate the fact that all companies will accept that type of insurance at the rates specified by the committee that is to be appointed. I agree that third-party risk insurance is important. Mr. Wittenoom referred to the fact that if insurance companies refused to cover a man because of previous accidents he had sustained, such a man might lose his livelihood. When visiting South Australia, I met an expert from Victoria who had given evidence at an inquiry, upon the result of which the South Australian Act was based. He told me that under that legislation the board had the final say as to whether such a man should be provided with insurance cover. Members will appreciate that insurance does not altogether apply to the license, but to the motor car, which may be damaged. Mr. Baxter drew

attention to that point in the very fine address he delivered to the House on the question of compulsory insurance. If a motor car were taken from a garage and a fatal accident occurred, or damage was caused in one form or another, the responsibility would still attach and the compulsory insurance would be paid by the companies concerned. In those circumstances there is no need to extend the operations of the State Insurance Office to cover that form of business. I shall certainly give further consideration to the measure when it reaches the Committee stage; but I reserve the right to use my discretion when voting on the second reading.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [9.1]: Like the hon. member who has just resumed his seat I would have preferred to deal with the Traffic Bill first. I have not on my conscience the responsibility for having assisted to place the State Government Insurance Office Act on the statute-book. I opposed the original measure and have voted against amendments of it. I did think last year that we had lost sight of this legislation for some time, because we were assured that if we validated the State office and allowed it to undertake workers' compensation insurance, the Government would be satisfied. How can we accept such assurances when to-day we are faced with a further amendment of the Act? Probably next session authority will be sought to encroach still further on general insurance business. I oppose the Bill for the same reasons that I have always opposed State trading. Freedom of action should be allowed in the development of our industries and the State. Remarks were made by some hon. members which led me to believe that insurance companies would not undertake the class of business for which it is now desired that the State office should cater. It was said that this class of business was in some respects similar to insurance against miners' diseases, a risk which it was said the insurance companies refused to accept. I thought at the time that a better arrangement might have been made, if there had been willingness on the part of the then Minister to come to some agreement with the insurance companies; but it was evident he was not willing to do that. A definite statement was made by a witness before the select committee which inquired into insurance that the insurance companies were agreeable, if certain information were supplied. I thought it well to obtain a statement from the underwriters as to whether or not they were prepared to undertake this business. I have no association with any insurance company, except that I insure with one company. I approached that company, and am in receipt of the following letter from it:—

> In reply to your inquiry as to whether insurance companies would accept risks under the proposed legislation, or substantially similar legislation, we are authorised to state that members of the Fire and Accident Underwriters' Association of W.A. (and we have no doubt that other approved insurers would similarly agree) would be prepared to enter into an undertaking with the Minister to accept risks in respect of all classes of motor vehicles or motor-vehicle users at premiums recommended by the statutory committee as fair and reasonable.
>
> Such undertaking would necessarily provide for the rejection or cancellation of individual insurances, as contemplated by the Bill itself, but this right would be sparingly exercised and limited to cases where, in the public interest, an owner's driving record did not entitle him to be on the road.
>
> Appropriate safeguards would be employed by a committee appointed from amongst insurers, to ensure the carrying out of the undertaking.
>
> An undertaking such as that mentioned herein is working most satisfactorily in South Australia.

The letter is signed for and on behalf of the Fire and Accident Underwriters' Association of W.A. by Mr. Curlewis, and another gentleman whose name I cannot decipher. I am glad to inform hon. members of the contents of this letter, which I think definitely settles the point as to whether or not this class of insurance will be undertaken by the companies. I oppose the second reading, and hope members will vote with me.

On motion by Hon. V. Hamersley, debate adjourned.

BILL—NOXIOUS WEEDS ACT AMENDMENT.

In Committee.

Resumed from the 1st November. Hon. J. Nicholson in the Chair; the Honorary Minister in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 2 had been agreed to.

Clauses 3 to 10—agreed to.

New Clause:

The CHAIRMAN: Mr. Tuckey is absent. Is any hon. member desirous of moving this amendment on his behalf?

Hon. J. CORNELL: In Mr. Tuckey's absence, I move—

That a new clause be inserted after Clause 9, to stand as Clause 10, as follows:—"10. Section 29 of the principal Act is amended by deleting the words 'within one mile of cultivated land'."

Hon. E. H. Angelo: Can the hon. member explain the new clause?

Hon. J. CORNELL: I could, but I do not intend to do so. The Minister will say whether or not the new clause is necessary.

The HONORARY MINISTER: I oppose the amendment.

The CHAIRMAN: Will the Minister explain?

The HONORARY MINISTER: I do not know Mr. Tuckey's reasons for the amendment.

Hon. J. CORNELL: The Minister is apparently in the same difficulty in explaining his opposition as I was in when I moved the amendment. In the circumstances, I ask leave to withdraw it.

The HONORARY MINISTER: In my opinion, the amendment is unreasonable.

Hon. C. F. Baxter: It would apply to all noxious weeds throughout the State.

Hon. T. MOORE: I support the amendment. It matters not whether noxious weeds are growing within a mile or one hundred miles of cultivated land. They should be eradicated. Since the introduction of bulk handling of wheat, which has proved to be one of our greatest curses, turnip seed has been carried to and is growing on roads and railway property. If it is not eradicated, we shall be faced with great trouble in the future. People are not awake to what is happening. Bulk wheat is being carried in open trucks and some of it comes from dirty farms. We had some protection when wheat was bagged and the bags were sewn, but now that wheat is carried in unsewn bags, the wild turnip pest is spreading along roads and railway lines.

Hon. G. B. WOOD: I support the amendment. While it might cause the local authorities a lot of trouble, the amendment is certainly desirable.

Hon. C. F. BAXTER: Not the local authorities but the Lands Department and the Railway Department will be in trouble. How could effect be given to the amendment? Any local authority in any part of the State could send notices to the Minister for Lands or the Minister for Railways to clear land in an area where there might be no danger at all. How could we expect the Lands Department to control the noxious weeds on the land under its jurisdiction? Surely the one-mile limit is sufficient. The amendment would make the Act unworkable and no action at all would be taken.

Hon. W. J. Mann: It would apply to the North-West.

Hon. C. F. BAXTER: Yes, to every part of the State.

Hon. E. H. H. HALL: I am surprised at Mr. Baxter's speaking in that strain. Members of local authorities give their services in an honorary capacity.

Hon. C. F. Baxter: What have I said against the road boards?

Hon. E. H. H. HALL: The road boards in the agricultural areas have been continually asking for something to be done by the Government to protect the people they represent from the ravages of noxious weeds. I support the amendment.

The HONORARY MINISTER: If the amendment is approved, we shall be delegating the administration of the Act to the local authorities, and that will make the law ridiculous.

Hon. W. J. MANN: I am afraid the new clause will be impracticable. In the back areas, where a man had cultivated a small plot, and noxious weeds appeared, action could be taken. The Act should remain as it stands.

Hon. G. FRASER: If the amendment is passed, members will need to consider increasing the income tax by 50 per cent. in order that the Act might be administered.

Hon. J. M. Macfarlane: The Government will not take any notice of it.

Hon. G. FRASER: Of course the Government will, and the cost will be prohibitive.

Hon. E. H. H. Hall: The Government could make an attempt to carry out the Act.

Hon. G. FRASER: Far better will it be for us to adopt something reasonable.

Hon. E. H. H. Hall: Relief workers could be employed for the purpose.

Hon. G. FRASER: While I desire to assist the farmers in this direction, I do not want to be a party to enacting a law that will be impossible of enforcement.

Hon. T. MOORE: I am sure that members do not understand the position. A road board will not act stupidly or make an impossible demand. In my district farmers are policing the roads for miles in order to clear them of the wild turnip. They think it worth while to do so because they know the trouble this weed can cause.

Hon. C. F. Baxter: Is there any cultivated land there?

Hon. T. MOORE: In that area the weed is not within a mile of cultivated land, but a mile is no protection against the spread of the wild turnip. Road boards should have the right to suggest that action be taken, and we might well leave it to their good sense to say whether the weeds should be attacked. Years ago we employed men to eradicate poison weeds, and they were not nearly as bad as is the wild turnip. The sooner local authorities take the matter in hand, the sooner will the pest be controlled, if it is not already too late.

Hon. L. B. BOLTON: There is quite a lot of common sense in Mr. Moore's remarks. He speaks from experience.

Hon. T. Moore: Bitter experience.

Hon. L. B. BOLTON: I, too, have had some experience. I approve of the amendment, and cannot see that the cost of giving effect to it will be prohibitive. Local authorities will not report to the Government other than places where action is necessary. In the centre of my farm is a Government reserve, which I keep free from noxious weeds.

Hon. J. J. Holmes: And you use the grass?

Hon. L. B. BOLTON: Of course. If that reserve is covered with noxious weeds, should not the local authority have the right to report the matter to the Minister for action? It may not necessarily be within the mile. The reading of the clause makes the Government's position perfectly safe. Local authorities will not overstep the mark, but will report to the Minister only when action is absolutely needed. What about the farmer who has spent hundreds of pounds in keeping the rabbits down if the Government on an adjoining property takes no action whatever? The Government, without spending thousands upon thousands of pounds, could do its part in helping the farmer who helps himself.

Hon. G. B. WOOD: Suppose the Bathhurst Burr, one of South Australia's worst pests, appeared two or three miles from Yalgoo. Then it would be the local road board's duty to report the matter to the Minister and ask to have the noxious weed eradicated although there are no farming areas in the vicinity. I commend Mr. Tuckey for introducing the clause. No self-respecting road board would report the presence of noxious weeds in a desert.

Hon. J. J. HOLMES: In my opinion it matters little whether the new clause is carried or not. Throughout the country there is no attempt to administer the Act, either by the Government or by road boards. If I began anywhere, I would begin on the goldfields. Going back to the days when wheat-growing started here, prior to the days of fertiliser, it was recognised that the only place in Western Australia where wheat could be grown was the Greenough Flats, because of the richness of the land. A few weeks ago I travelled over those flats and found the whole place infested with turnip as high as the fence—more turnip than wheat. I would not quarrel about the one mile at all. The trouble originates on the goldfields. Somebody should see that the Act is administered.

Hon. J. CORNELL: Mr. Tuckey's new clause may be defeated, but all the logic is on his side so far. The one mile is a fair and reasonable thing. The position is now in the hands of the road boards, who, under the Noxious Weeds Act passed 15 years ago, have power to order the removal of such weeds growing within a mile of cultivable land. But if the weeds are at a distance of a mile and a few yards from such land, road boards are powerless. Noxious weeds are spread by winds over great distances. The weakness of the clause is that it is to apply generally over the State. An owner knows that either he must eradicate the noxious weeds, or the noxious weeds will eradicate him. The Government pays no attention whatever to the keeping-down of the pest. I see no danger whatever in the new clause, which will make the Act more effective than it has been.

The HONORARY MINISTER: I ask the Committee not to accept an amendment that will not be accepted by another place, and

will not be accepted by the Government either. The principle of the new clause is wrong.

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

Ayes	12
Noes	6
Majority for	6

AYES.

Hon. L. B. Bolton	Hon. G. W. Miles
Hon. J. Cornell	Hon. T. Moore
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. E. H. H. Hall	Hon. H. Seddon
Hon. V. Hamersley	Hon. C. B. Williams
Hon. J. M. Macfarlane	Hon. G. B. Wood (*Teller.*)

NOES.

Hon. G. Fraser	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. W. J. Mann
Hon. J. J. Holmes	Hon. E. H. Angelo (*Teller.*)

PAIR.

AYE.	NO.
Hon. C. H. Wittenoom	Hon. E. M. Heenan

New clause thus passed.

Title—agreed to.

Bill reported with an amendment.

BILL—TRAMWAYS PURCHASE ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st November.

HON. L. B. BOLTON (Metropolitan) [10.4]: At the outset I wish to state that it is my intention to vote against the second reading of the Bill. The position was very fully explained by Mr. Nicholson in the course of his speech the other evening, and there is not much to add to what that hon. member told the House. I look upon this payment as one that is in the interests of the ratepayers. If we study the Bill we shall find that when the Tramways Purchase Act was passed in 1912 it was provided that 3 per cent. of the gross earnings should be paid to the Perth City Council until 1939 and thereafter until Parliament should otherwise determine. I express the opinion that the time is not ripe for Parliament to so determine. If there is a body that should be congratulated upon the way it has spent its income in the interests of the people, it is the Perth City Council. Since I have been a resident of the city over a period of years, and an admirer of it also for many years, every penny that the City Council has expended in the direction of beautifying it has been very wisely spent. What might have once been termed a wilderness has been converted into one of the most beautiful cities not only in the Commonwealth but in the world, and it is a great pleasure to hear the comments of visitors who are shown around. For that reason I consider it would be a great hardship if the City Council were deprived of any of this money which, over the years that have passed, has been so wisely spent. The fact that the amount is about £6,000 per annum means that the City Council if it were deprived of this money would be obliged to strike an additional rate to meet its obligations. To my mind that would be simply transferring taxation by forcing the municipality to tax the people additionally for the Government's benefit. Unfortunately the Government is in a very bad way financially. We all know that and it seems to be turning to every possible avenue to raise additional revenue. The proposal contained in the Bill is not the way for the Government to try to raise an additional £6,000 to assist it in the trying times being experienced. To my mind an injustice will be done to the City Council if the Bill is passed. No percentage of the takings of the trolley buses is not being paid to the municipality for the use of the roads by the buses; and if it is right that 3 per cent. should be paid to the City Council for the use of the roads over which the trams run, then in my opinion it is even more necessary that the council should receive an equivalent sum from the trolley buses, because it is known that those buses cover practically every part of the road, whereas the tram cars are confined to the rails. The effect of depriving the City Council of this sum of money will be that an additional rate of at least one penny in the pound will have to be struck so that the municipality may have the same revenue that it is enjoying to-day. If we take that into account and also keep at the back of our minds the wonderful manner in which the council has expended its funds, then, in the interests of that body, we should vote against the second reading of the Bill.

On motion by Hon. H. Seddon, debate adjourned.

House adjourned at 9.55 p.m.