recognise as being the difficulties of contractors in this instance. Even at the present time there are men who are really contractors in the true sense of the word. There are some men who themselves make bargains with private holders of timber land, and men who get permits, and they get out and hew sleepers themselves, sometimes individually, but more often in small parties. Only this morning I made an effort to ascertain the relative percentages of men who claim to be contrators and those who claim to be pieceworkers.

Hon. J. Cornell: Contractors mainly cut on private land.

Hon. W. J. MANN: Mainly. I was not successful in getting anything more than an estimate, and that estimate was lower than I thought it would be. A man associated with the timber industry assured me that not more than 10 per cent. of them were classed as contractors, while the other 90 per cent. were piece-workers. And a point which the sleeper-hewer is urging in support of the contention that he is a pieceworker is that in 95 per cent. of cases where the men are employed there is no written agreement whatever. They are consulted as to the price, but the figure is stated and the worker can take it or leave it. There are some variations to that, but I am told there are men anxious to get the very last out of the sleeper-cutters and grind them down to a price that is neither fair nor reasonable. However, the better class of employers, while they follow the same course, are more amenable to reason and, although they invariably fix the price, they say to the men, "We have some cutting and we will give you so much." And if it can be shown that there are some disabilities in consequence of which the men request an increased figure, the employers are perfectly reasonable and will meet them if their request be justified. For that reason those employers are to be commended. In my opinion it would be a pity to see the Bill defeated without an earnest attempt being made to improve the existing position. We all recognise that, generally, the functions of the Arbitration Court have made for stabilisation of industry. From time to time I have heard people say we ought to do away with the Arbitration Court, but I am sure, if it came to a showdown in this Chamber, there would not be many of us in favour of it. If we are honest with ourselves, we must agree that the Arbitration Court, in the main, has done valuable work in this State. There is nothing unreasonable about these men presenting their case and urging that they be recognised by the court so that they may approach it with a request for better conditions. I hope the second reading will be passed. If it be passed, and we are unable to secure the amendments that some of us may require, rather than see the Bill entirely lost, I would move in Committee that the one portion of Clause 2 be deleted, while the other portion, that referring to the Masters and Servants' Act, at least be granted to the men.

On motion by Hon. C. B. Williams, debate adjourned.

ADJOURNMENT—SPECIAL.

The CHIEF SECRETARY: I move—

That the House at its rising adjourn until Tuesday, the 6th November.

Question put and passed.

House adjourned at 8.6 p.m.

Legislative Assembly,

Wednesday, 31st October, 1934.

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

MOTION—PUBLIC SERVICE REGULATIONS.

To Disallow.

Order of the day read for the moving by Mr. Needham of the following motion:—

That Regulations Nos. 27, 28, 41, 44, 50, 56, 58, 59, 62, 72, 74, 76, 85, 94, 95, 98, 102, 104,

112, 113, 118, 119, 129, 131, 150, 158, 161, 163, and 167 of the reprint of Public Service Regulations up to the 1st March, 1931, laid upon the Table of the House on 24th April, 1934, be and are hereby disallowed.

MR. NEEDHAM (Perth) [4.32]: I move—

That consideration of the motion be postponed until the 14th November.

It is only fair that I should explain to the House the reasons why I am asking for this postponement. I appreciate the courtesy of members in having granted me previous postponements. Some time ago the Public Service Association took a ballot amongst their members on the question whether or not they should apply for registration under the Arbitration Act. By a 93 per cent. vote it was agreed that the application should be made. Since then the association have waited upon the Premier, asking him for permission to be registered with the Court of Arbitration, and asking that the Government should bring down the necessary legislation. They are still awaiting the decision of Cabinet, and if Cabinet decide to give the requested permission for the association to go to the court, there will be no necessity to discuss this motion, because the subject-matter of all the regulations which it is proposed to disallow will be based on that permission, and would be the basis of a plaint before the court. That is the reason why I am asking for this further postponement.

Motion put and passed.

MOTION—WHEAT, BULK HANDLING.

Departmental Committee's Report.

Order of the day read for the moving by Mr. Sleeman of the following motion:—

That the report of the recent departmental committee appointed to inquire into railway sites for bulk handling be laid upon the Table of the House.

MR. TONKIN (North-East Fremantle) [4.34]: On behalf of the hon. member, I move—

That consideration of the motion be postponed.

HON. C. G. LATHAM (York) [4.35]: I hope we are not going to have motions placed on the Notice Paper in this way and then not consider them, because inevitably it will mean that the Government will have difficulty in proceeding with their own business. Each Wednesday has been set aside as private members' day, and from the Government's point of view it is very awkward when members do not proceed in accordance with notices given.

Motion put and passed.

BILL—FORREST AVENUE CLOSURE.

Read a third time and transmitted to the Council.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 3).

Second Reading.

MR. WARNER (Mt. Marshall) [4.35] in moving the second reading said: There is little need for me to take up much time of the House in explaining the Bill. It is merely a matter of altering the phrase "net revenue" to "ordinary revenue." Subsection 3 of Section 289 of the Act reads as follows—

In the case of any new district, money may with the approval of the Minister be borrowed by the board for the purposes aforesaid at any time during the two years terminating with the balancing of the second year's accounts, to an amount not exceeding the net revenue of the board for the said two years as estimated by the board.

A new board has no net revenue at the end of the year, for it has previously arranged to spend its estimated revenue, and so under the section it would be left without any borrowing powers at all. The meaning of "ordinary revenue" is defined in Section 219 of the Act, but there is no definition of "net revenue" in the Act at all. Therefore the dictionary and the judgments of courts must be invoked. The Crown Solicitor has ruled that "net revenue" means the revenue or surplus left in the hands of a board after it has paid all overhead expenses and all charges for the maintenance of roads, works, etc., under its care, but not the amount spent on works of a capital nature, such as bona fide construction works. This means that net revenue is the amount estimated by the board to be available for construction purposes. If this is the true meaning, then the borrowing powers of the board become almost non-existent. Other eminent counsel have been consulted, and they are

of opinion that the section as it stands is an absurdity. In their opinion the words "net revenue" if used in the true sense of "net" in conjunction with the duties of the board as defined by the Act, mean the surplus left in the hands of the board after all overhead expenses, maintenance of works, roads, etc., and also all construction works, have been paid for. Construction is stated by the Act to be just as much an expense to be paid out of revenue as is maintenance. It cannot be argued that if the amendment goes through, a new road board will be able to borrow as much as it likes, because during the first two years of its life a board can borrow only with the approval of the Minister. Moreover there are already sufficient safeguards to protect lenders from boards, and boards from themselves. If the amendment be carried it will give a new road board the power to borrow, but it must first obtain the consent of the Governor, and the approval of the Minister, and moreover its limit is still restricted to one-fifth of that of older boards of the same revenue. I expect no opposition to the Bill at all, except perhaps from the Minister himself, and I do not think he will offer any serious objection. I move—

That the Bill be now read a second time.

On the motion by the Acting Minister for Works, debate adjourned.

BILL—METROPOLITAN WHOLE MILK ACT AMENDMENT.

Second Reading.

MR. NORTH (Claremont) [4.40] in moving the second reading said: This is a very short amendment, dealing with representation on the board. At present there are on the board two producers and two consumers and the chairman, who is a farmer and also a shareholder in Westralian Farmers. When the original Bill was presented to the House two years ago provision was made in it for representation of the retailers on the board, but the House in its wisdom decided that they should be left off. The Act has now been tested for two years, and I understand the producers are getting a better deal than they had before, and that the consumers have not complained very seriously. So the Act may be said to be functioning satisfactorily. But the position has arisen that the retailers are being, as it were, taxed without representation; that is to say in effect the producers are able to compel the retailers, so I am informed, to pay some of the money they collect from the industry direct to the Primary Producers' Association. It seems the retailers are not merely being taxed as being in the industry, but in addition are being forced without representation to contribute to a fund which may be excessive. I do not wish to raise contentious issues, but on general lines I think that if there should be any question of too much money being collected, surely the House will not object to a Bill which provides that two representatives of the retailers shall have places on the board. That would mean in effect two voices on a board of seven, entitled to object if the costs of administration are too high for the services rendered. The latest figures I have been able to obtain show that during the first three months of operations the board collected fees from the public representing a rate of £8,000 per annum, while the expenditure during the same period was on the basis of £5,000 per annum. I give those figures as an indication that without the representatives of the retailers being able to express their views, perhaps it is possible that the board might decide to collect too much from the people for the carrying out of their functions. After all, £8,000 would buy a lot of milk, would supply the metropolitan area for a whole week with at least a quart or so per house per day. However, that is beside the point. The board is a good one, and I cannot see any reason why the request of the retailers should not be granted by this House and another place.

Mr. McLarty: How many retailers are there?

Mr. NORTH: I could not give that information offhand. On a previous occasion the hon. member said he realised that all sides should be represented on the board. Those are his words, reported in "Hansard." But when I approached him on the matter I was surprised to find that he had somewhat changed his views. Perhaps in the light of the Bill he will consider the position a little differently. I move—

That the Bill be now read a second time.

On motion by Minister for Agriculture, debate adjourned.

BILL—CITY OF PERTH SUPERANNUATION FUND.

In Committee.

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

Clauses 1 to 4—agreed to.

Clause 5—No scheme to be adopted until approved by Council and adopted:

Mr. NEEDHAM: I hope this clause, as amended by the select committee, will not be agreed to. I was not at one with my colleagues on that matter. This is only an enabling Bill to permit the City Council to do a certain thing. Indeed, under the Municipalities Act I daresay the City Council could have gone on with a scheme of its own without reference to Parliament. The proposal of the select committee is as follows:—

> No proposition for a scheme for superannuation as permitted by this Act, or for the establishment of a superannuation fund in connection therewith, shall be adopted by the council unless (a) the scheme for the establishment, control, management and administration of the said superannuation fund has been approved by at least two-thirds of the whole number of members of the council.

This is a most unusual proposal, and there is no need for it. The Municipalities Act provides for no such procedure. A simple majority is all that is required to decide questions of raising loans and so on, and if that is all that is requisite in such cases no more should be required in the case of a superannuation scheme. In my opinion Clause 5 overloads the Bill, and I hope it will not be agreed to.

Mr. McDONALD: The select committee was sympathetic towards a superannuation scheme that was sound financially and practicable. Several important factors, however, had to be taken into consideration. One was that superannuation schemes had been entered into in the past by Government and local authorities, in better times, but that was very different from embarking upon a scheme in depressed times like these. A Bill such as this came before Parliament in 1928. It was then proposed to limit the participants in the scheme to those members of the staff of the City Council who were salaried employees. In that year they numbered 143, and represented about one-fourth of the total number of employees. It was considered by another place that the Bill should provide for a scheme to include all the employees. The select committee that was appointed to inquire into the Bill recommended that no scheme should be launched without the approval of the ratepayers. The present Bill is brought down with the suggestion that it should embrace all employees of the City Council. In 1928 the City Treasurer said—

> If you contemplate bringing in the whole of what may be classed as the permanent wages staff, that would settle the scheme, because the cost to the council would be prohibitive. If wages employees of five years' service and upwards were classed as permanent and brought under the scheme the excessive cost would kill it straight away.

When giving evidence before the select committee, whose report is now before members, Mr. Taylor admitted that if the wages staff were brought under the proposed scheme, it would be practically impossible to finance it. The only practicable possibility is a superannuation scheme confined to the staff. Members of the salaried staff to-day number 185. In 1928, the cost of a scheme to cover the 143 salaried members of the staff for the first 30 years, on the basis recommended, was £80,000 to £90,000. As the number of members of the salaried staff has now increased, and as a superannuation scheme fund would only earn say three per cent. as against the four per cent. which it was estimated to earn in 1928, it was clear to the select committee that the cost of the scheme, although confined to the salaried staff, would not be less than £100,000 for the first 30 years, this being only the City Council's contribution. If all the employees were to be included the cost in the first 30 years to the City Council alone would be between £400,000 and half a million. The select committee felt it would not be wise at present to allow the scheme to be adopted unless certain safeguards were provided, the first being the approval of a two-thirds majority of the members of the City Council. This proposal follows the English Officers Superannuation Act of 1922, which provides for a scheme of superannuation to be adopted by any local governing authority and applied to its members. It cannot be adopted by any local govern-

ing authority unless two-thirds of the councillors of the authority present vote in favour of it. The select committee therefore thought that something more than a bare majority was desirable in connection with this proposal to ensure that the superannuation scheme met with substantial support from the members of the City Council themselves. The select committee also thought there should be a referendum of the ratepayers, if the ratepayers desired it, because if the cost was going to be comparatively substantial, it could only be met by increased rates. It is well known to everyone that to-day many ratepayers who are owners of small properties or are in the course of buying their homes experience considerable difficulty in meeting even the present rates, let alone any increase. Many such ratepayers are themselves either without any employment or are earning a precarious living. To impose additional rates on them for the sake of giving pensions to persons fortunate enough to enjoy secure, or reasonably permanent positions might be more than they would agree to. On the other hand, upon the taking of a referendum, the ratepayers might say, "The scheme is an excellent one, and although it would cost us something, we consider it should be adopted." The opinion of the select committee is that having regard to the substantial cost even of a scheme confined to salaried officers, and the larger cost of a scheme extending to all employees, the ratepayers, who have to find the money, should be allowed to express an opinion if they want to do so. The councillors can budget for expenditure, and therefore for the amount of rates; but that is only an annual charge. If they spend too much, the ratepayers can put in more economical representatives. But when it comes to a loan, that involves a permanent fixed obligation on the local governing body for a great number of years. Therefore the Municipalities Act provides that before such a fixed, inescapable obligation is undertaken, the ratepayers shall, if they want to, have an opportunity of passing their verdict on it. A superannuation scheme will be a fixed, inescapable obligation for an indefinite time, if not in perpetuity, involving an expenditure over the first 30 years of not less than £90,000, at the rate of £3,000 or £4,000 per annum on the average. In keeping with the scheme of the Municipalities Act in relation to the raising of loans, the select committee, Mr. Needham dissenting, considered that the ratepayers, the people who have to find the money, should be given an opportunity of expressing their opinion on this question.

Mr. RAPHAEL: I hope the select committee's amendment will not be adopted. The figures quoted by the member for West Perth, if correct, would damn the proposal to confer the benefit of superannuation. However, the figures quoted by the hon. member are, in my opinion, far from being right. He gave the same erroneous figures here previously. I hope that the Chamber will agree to a simple majority of the councillors deciding the question. Why should a precedent be created in this instance? Usually it is the ambition of legislators to induce bodies like the Perth City Council and road boards to provide for their workers who become old. The Bill represents the first step in insurance. The whole of the City Council's employees—not a few chosen ones only—should be afforded an opportunity to provide for their old age. The select committee's amendment rules out any such opportunity. Under the amendment the old and vicious system of lobbying councillors for the purpose of securing superannuation would continue.

The CHAIRMAN: I shall put the clause as amended by the select committee.

Clause (as amended by the select committee) put, and a division taken with the following result:—

Ayes	20
Noes	15
Majority for	5

AYES.

Mr. Ferguson	Mr. Piesse
Mr. Griffiths	Mr. Rodoreda
Mr. Hawke	Mr. Sampson
Mr. Keenan	Mr. F. C. L. Smith
Mr. McDonald	Mr. J. H. Smith
Mr. McLarty	Mr. Stubbs
Mr. J. I. Mann	Mr. Tonkin
Mr. Moloney	Mr. Troy
Mr. Munsie	Mr. Welsh
Mr. North	Mr. Doney
	(*Teller.*)

NOES.

Mr. Clothier	Mr. Nulsen
Mr. Cross	Mr. Wansbrough
Mr. Johnson	Mr. Warner
Mr. Kenneally	Mr. Willcock
Mr. McCallum	Mr. Wilson
Mr. Marshall	Mr. Withers
Mr. Millington	Mr. Raphael
Mr. Needham	(*Teller.*)

Amendment thus passed; the select committee's clause adopted.

Clause 6—"Within two months after the publication of the second of such notices any twenty owners of rateable land, situated within the City of Perth, may, in writing under their hand delivered to the Town Clerk, demand that the question, whether or not such proposition should be adopted, be submitted to the election of owners of rateable land situated within the City of Perth":

Mr. NEEDHAM: I ask the Committee not to adopt the proposed new clause. It represents another departure from the present practice. The only similar provision in the Municipalities Act refers to the raising of a loan. All other expenditure by the Perth City Council is decided by the councillors themselves. The proposal here in question is not on all fours with a loan. To judge from the remarks of the member for West Perth regarding loans, one would think that the Perth City councillors have no sense of responsibility whatever. However, they are the custodians of the funds of the ratepayers, and they cannot play fast and loose with those funds. If they do, the ratepayers have their remedy in the council itself and also in this Parliament. The adoption of the select committee's clause involves the production of a special roll at considerable cost, and there would be no added protection to the ratepayers.

Mr. SAMPSON: I am glad to say I have faith in many of our city councillors, but I think it would be wrong to reject the suggestion that an important principle involving heavy expenditure should be adopted without the ratepayers having the right to say whether or not they approve of it. The cost of preparing the special rolls in accordance with the select committee's suggestion would be a mere bagatelle compared with the amount involved in the proposal. Actually, the select committee propose something along democratic lines and seek to give those who will have to pay the right to say whether they wish the principle to be introduced. That is quite sound, and I hope the Committee will approve of the proposition.

Clause put and passed.

Clauses 7 to 11—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

MOTION—HORSE-RACING, BETTING CONTROL.

Order of the Day read for the resumption of the debate from the 24th October on the following motion moved by Mr. Marshall:—

That, in the opinion of this House, immediate steps should be taken to introduce legislation for the purpose of legalising and controlling betting on horse-racing, along the lines of the South Australian Act.

On motion by the Minister for Agriculture, debate adjourned.

BILL—BUILDERS' REGISTRATION.

Second Reading.

Debate resumed from the 24th October.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [5.19]: As the member for Subiaco (Mr. Moloney) said, when moving the second reading of the Bill, the measure is rather important. It is one that the Builders and Contractors' Association desired to be introduced, presumably for their own benefit. Incidentally, the member for Subiaco mentioned that the measure would be for the protection of the public, and that that phase was provided for in the Bill. The Government were asked by the association to introduce the legislation, but they decided that, although it was a matter Parliament could deal with, they would not accept the responsibility for sponsoring such a measure. This is not the only request the Government have received for restrictive and regulative legislation to govern the conditions of particular callings. We have received applications from civil engineers, motor mechanics, cinema operators, bakers, tobacconists, and half-a-dozen others.

Hon. C. G. Latham: They want close preserves.

The MINISTER FOR JUSTICE: Yes, that is what their requests amounted to.

Mr. Raphael: It is nearly as bad as the Dental Act.

The MINISTER FOR JUSTICE: We have had some experience regarding legislation affecting dentists, and we have had some insinuations regarding that profes-

sion. There is an Act dealing with architects, but that legislation does not go to the length proposed in the Bill. It merely prevents people from calling themselves architects and exhibiting plates with any such announcement on them. The Act does not prevent anyone who desires to draw up a plan or do something of an architectural description from doing so, but merely directs that they must not designate themselves architects. The Bill under discussion is in a different category. It provides that no person shall engage in building operations for others on jobs that cost over £300. Personally I am not particularly keen on restrictive legislation of this type. As British people, we boast of our freedom to do this or that, and yet from time to time, in every possible direction, legislation, restrictions, restraint and all sorts of regulations are introduced for the purpose of determining lines of conduct for people. Last night, during the discussion on the Dried Fruits Act Continuance Bill, we heard that certain people, notwithstanding that they grow fruit that has to be dried, were not allowed to sell their product in the manner they desired. Sometimes it may be necessary, in matters affecting the general health and welfare of the public, to prohibit people from doing certain things and they are therefore restricted in the interests of the community generally. In his illuminating essay on "Liberty," John Stuart Mill says that people should be allowed to do anything so long as they do not affect the rights and privileges of others. That has been a fundamental with the British race and has dominated their national sentiment for many years. The British nation is the only one that stands out in that sense, regarding what is termed "the liberty of the subject." I think that is a purely British phrase, and observance of it is more pronounced in the British community than elsewhere throughout the world. The policy of restriction and regulation has reached a pinnacle with regard to some nations that are now dominated by dictators, who direct the conduct of their people in every possible shape and form. We know there are black shirts, blue shirts, red shirts and so on.

Mr. Marshall: In this State some of us have no shirts at all.

Hon. C. G. Latham: While others have silk shirts.

The MINISTER FOR JUSTICE: There are the Fascists, the Nazis, the Blue Shirts in Ireland, and others elsewhere, all of whom seek, by means of dictation, to dominate the lives of the people. The tendency even goes to the extent of interference with religious liberty. Everything that can possibly be governed by way of regulation is determined for the people. The very submission of the people concerned to regulation in every possible way, made easy the path for dictators to assume supreme control. Because the people have developed such a frame of mind, they meekly submit to every conceivable form of dictatorial powers without evidencing much protest. In those countries dictation is backed up by force, and, I suppose, there can be no very real protest if the individual runs the risk of losing his head or his tongue.

Mr. Sampson: They have bent to control as a habit.

The MINISTER FOR JUSTICE: Of course, I do not suggest that this legislation goes to such lengths as that.

Hon. C. G. Latham: But it is a start.

The MINISTER FOR JUSTICE: There is a disposition on the part of people who do something for the community to say, "We, and we alone, are able to do this." I would not mind if they did the work in the face of competition, but Parliament is asked to agree to a restrictive legisation, granting a monopoly to a certain section of the community to undertake certain work, at the same time preventing others from embarking upon similar undertakings, all because that particular section of the community consider they are the only people who should be permitted to do so.

Mr. Marshall: The lawyers have their Act of Parliament, and have exclusive rights.

The MINISTER FOR JUSTICE: In certain directions, that is so.

Hon. C. G. Latham: That may be wrong.

The MINISTER FOR JUSTICE: And two wrongs do not make a right.

Mr. Marshall: Then you admit that that represents a wrong?

The MINISTER FOR JUSTICE: At any rate, I did not give the lawyers their Act and I am not sure that if I had to decide the matter now, I would give it to them. When we are asked to pass legislation of a restric-

tive and regulative character, we should walk warily and be extremely careful. We may find ourselves restricted in this and that way, prevented from doing this or that, presumably and ostensibly for the benefit of the community at large. The Bill indicates that certain individuals in a particular calling desire a monopoly in rendering specific services to the people.

Mr. Marshall: You will be in favour of my motion to liberalise betting matters, if you continue along these lines.

The MINISTER FOR JUSTICE: I do not know about that, but I hope we will adhere to British tradition that expresses itself in that well-known phrase—"the liberty of the subject." People ought to be allowed to do what they desire so long as they do not interfere with others. It has been said that a man should be allowed to kill himself. But the law prevents him from doing so because of the injury he may do to his dependants.

The Minister for Mines: Some think that Ghandi should be allowed to starve himself to death.

The MINISTER FOR JUSTICE: It may be—well, I do not want to be drawn into a discussion along those lines.

Hon. C. G. Latham: That is the worst of your Ministerial colleague; he will lead you astray.

The MINISTER FOR JUSTICE: I agree that we are required to do things that are necessary in the interests of public health, and for the welfare of the community in general we are required to impose certain restrictions. I do not know that building operations come into that category. When people are engaged in an industry they should accept the responsibility for what they do, even under the law. In the vernacular, which expresses the position concisely, "there is a mug born every minute." We cannot prevent mugs from doing things that they do or legislate to get them out of their difficulties. Of course, in some respects we must restrict people in their own interests. If a man likes to approach another of no reputation and asks him to build a house for him and, in consequence, has a jerry house built for his requirements, without taking the ordinary precaution of ascertaining the reputation of the prospective builder in the trade, he must expect to be taken down. The Bill will not restrict the operations of the jerry-builder, inasmuch as it will allow him to build a house for himself. The operations of the jerry-builder or spec.-builder—I do not mean that a spec.-builder is necessarily a jerry-builder, although very often it is so—even if the Bill be passed as it stands, will not be curtailed seeing that he can build a house for himself and then sell it with all its faults. The Bill will not affect that position at all. It will not prevent anyone from selling a house. All it does is to prohibit such a man from carrying out jobs costing over £300, for a fixed payment by someone else. The speculative builder—and most of the jerry building will be done by speculative builders—does not do his work under contract terms, which generally provide that the building must be constructed in a thorough, workmanlike manner. If a contract is drawn up, then the man for whom the building is to be erected, can engage a contractor or supervisor to see that the work is carried out in such a manner that he will receive full value for the money he expends. That can be done even now. The hon. member said the passing of this legislation would cost the individual very little, but if the elaborate and far-reaching provisions are passed it must entail expense to the public generally, and I think will have the effect of preventing men from getting out of the rut as wage slaves. I know a fair number of contractors practising as such, and almost all of them have risen from wage earners. They have worked until they gained sufficient experience to take petty contracts, and have developed until they acquired the experience and plant necessary to undertake any job. A man who has worked 15 or 20 years in the building trade could easily reach the stage of efficiency when he could undertake contracting. Yet the board would have to certify that such a man was competent and the board could put their own interpretation upon it, especially if they desired to prevent anyone else from securing registration. A tradesman who rises to the position of a contractor generally attains that status in middle life, and we know how difficult it is for a man to sit for a written examination 20 or 30 years after leaving school.

Hon. C. G. Latham: And he is probably the better builder, too.

The MINISTER FOR JUSTICE: I would not say that he was likely to be better or worse.

Mr. Moloney: The Bill does not ask that.

The MINISTER FOR JUSTICE: The Bill provides that the board of examiners must be satisfied that the applicant is competent and he must pass a prescribed examination.

Mr. Moloney: Would you ask otherwise?

The MINISTER FOR JUSTICE: Yes. We have many builders and contractors in this State, and I have not heard much complaint about jerry-building. Most of the contractors, I believe, give the public a wonderfully good deal. Yet we are asked to provide that in future no one may develop into a contractor unless he is able to satisfy the board of his competency and pass a prescribed examination.

Mr. Tonkin: It would mean increased expenditure by the Education Department.

The MINISTER FOR JUSTICE: If a tradesman, after 15 or 20 years' experience, developed to the stage when he could take petty contracts and later larger contracts, I cannot see why he should be definitely barred, not because of lack of practical experience, but because in strange surroundings he cannot pass an examination prescribed by people who possibly wish to keep him out.

Mr. Moloney: What about engine drivers? Would you subscribe to that idea regarding them?

The MINISTER FOR JUSTICE: The examination of engine drivers is conducted by people who are anxious to see the candidates pass the examination.

Mr. Moloney: You are assuming something now.

Mr. Marshall: The competency of an engine driver is a matter of life and death.

The MINISTER FOR JUSTICE: Yes, and he is examined by sympathetic examiners. We have had experience of boards becoming close preserves, concerned with keeping people out of a profession rather than getting them in.

Mr. Moloney: That is not right.

Hon. C. G. Latham: We know that the Architects Act kept some out.

Mr. Moloney: Rightly, too.

The MINISTER FOR JUSTICE: I do not wish to refer to the Architects' Board. I am not in active opposition to the Bill.

Mr. Moloney: It does not sound like it.

The MINISTER FOR JUSTICE: The hon. member put his views in favour of the Bill, and I am pointing out that there are other aspects that the House should consider before passing what I consider is restrictive legislation. Of the hundreds of contractors who are practising in the State, I do not know of one who has not graduated in the ordinary way, first by taking petty contracts and then gradually expanding his activities until he could construct a building like the Commonwealth Bank or the post office.

Mr. Lambert: A contractor was brought from the Eastern States to build the Commonwealth Bank.

The MINISTER FOR JUSTICE: A man might be an excellent tradesman, but he might not possess much education on other subjects. There are many persons who cannot master subjects such as English and geography. They have not the faculty for acquiring a knowledge of those subjects.

Mr. Lambert: To be a contractor one needs to acquire the vernacular.

The MINISTER FOR JUSTICE: Instead of educating all our people up to a certain standard, we provide technical education for those who have not the capacity to learn languages and similar subjects. Men who take the technical course become good tradesmen and are able to do their work efficiently.

Mr. Wansbrough: Some contractors could not make a door frame.

The MINISTER FOR JUSTICE: By reason of the technical training imparted, many men are able to do just as well in their walk of life as other men do in the professions, but if asked to sit for a prescribed examination, a written examination to test their competency, they would probably fail miserably, notwithstanding their practical experience to carry out building work satisfactorily. I am not anxious to debar such men from developing into contractors and doing the work they are competent to do. The member for Subiaco referred to the big buildings that are being erected and the necessary protection that would be provided. I venture to say that no building of any magnitude would be erected without an architect and supervisor, notwithstanding that the person letting the contract might have the utmost confidence in the builder.

Hon. C. G. Latham: And approval of the plans must be obtained.

The MINISTER FOR JUSTICE: That is so. Under the building by-laws of municipalities and road boards, the plans have to be submitted.

Hon. C. G. Latham: And plans have to be submitted for alterations to buildings.

The MINISTER FOR JUSTICE: Yes. It is almost invariably the reputation of a builder that gets him a job. I have had inquiries made to ascertain whether there is any legislation of this kind in existence elsewhere, not because we desire to follow any other country slavishly or refuse to take the initiative, but if such legislation is urgently necessary it would have been adopted elsewhere. So far as I have been able to ascertain there is no legislation of this kind in any other State or in any other part of the world, though in one or two of the American States I believe there is some form of control. In South Australia and Tasmania no action has been taken in this direction, but in the other States efforts are being made to secure similar legislation. A country of immense building projects like the United States of America, where so much advanced legislation is in force, has not considered it necessary to adopt legislation of this kind.

Hon. C. G. Latham: Not in the larger cities of the world.

The MINISTER FOR JUSTICE: They have not found any necessity for it.

Mr. Marshall: I do not think we should go to America for an example on anything.

Hon. C. G. Latham: I should like you to go there.

The MINISTER FOR JUSTICE: It was urged in support of the Bill that it would protect the public from the incompetent builder, improve the standard of work, and improve the status of builders. I am not concerned about the status of builders. It is an undeniable fact that a contractor usually has a reputation built up over a series of years, and that is what counts. If we have men of the other type in the industry, all the provision for registration will not make them any better. Whether a man is registered or not, he might prove to be unscrupulous.

Mr. Stubbs: The Bill would not make him honest.

The MINISTER FOR JUSTICE: The member for Subiaco said the Bill would result in a much greater observance of industrial laws. I do not know that we should look to the Builders and Contractors' Association to secure a greater observance of industrial laws. We leave that to the industrial unions who, to a large extent, have been successful in protecting the rights of employees, and that work would have to be done whether we had registered contractors or not. Another reason advanced in favour of the Bill was that it would facilitate and improve the placing and training of apprentices. I do not think that would be so. Members will recall that under the Arbitration Act provision was made for the appointment of a board to control apprenticeships in the building trades. The term "building trades" was defined as embracing bricklaying, plastering, and stonemasonry. The board consists of one member representing the employers, one member representing the unions concerned, and a chairman appointed by the Governor, and the system has worked satisfactorily.

Mr. Moloney: It would be satisfactory if we could only place the apprentices.

The MINISTER FOR JUSTICE: The registration of builders would not enable us to place the apprentices. It would not create more work.

Mr. Moloney: It would provide an avenue.

The MINISTER FOR JUSTICE: I cannot see that it would. We have an excellent system for apprenticeships.

Mr. Moloney: That is so.

The MINISTER FOR JUSTICE: Apprentices to the building trades are indentured to the board, not to individual employers, and thus their industrial welfare and progress are the responsibility of the board. I have a report from the chairman of the board who is the employees' representative on the Arbitration Court, Mr. W. Somerville. He says—

> The members of the Building Trades Apprenticeship Board have exercised the powers entrusted to them with energy, and every form of business coming before them has been dealt with promptly. The business we have handled has been both voluminous and varied. Transfers of apprentices from employers having no work to others having work have been effected. Disputes between employers and apprentices have been settled by informal, but none the less effective, procedure. Hundreds of applications have been made to us by employers and workers for advice as to how to act when unforeseen circumstances have arisen. In the big majority of cases this advice has been accepted and acted upon to the avoidance of litigation and the benefit of both employer and appren-

tice. The members of the board have not confided themselves to what came properly before them as a board, but the examination of building trades apprentices would for several years have been impossible had it not been for the individual efforts of the members. We have had to arrive at hundreds of decisions materially affecting the interests of either employer or worker, and so far as I know no serious exception has been taken to any of them. So Section 125 of the Arbitration Act has been used to the full.

I think the House would be sorry to set aside or discard legislation which has proved so eminently satisfactory as in our experience has the Arbitration Act.

Mr. Moloney: No one asked for that.

The MINISTER FOR JUSTICE: If we have what is termed now an Act which is almost perfect in its application, I do not know that we can make it any better. It appears to me that since the passing of the Arbitration Act eight or nine years ago, the provisions dealing with apprenticeship have been so satisfactory that one should hesitate to alter them in any way. I do not see that the Bill, as contended by the member for Subiaco, will provide contractors with any more work. There will be the same amount of work available whether there is provision for registration or not, and I fail to see how the Bill will even make any more money available for building purposes. Moreover, the proposals will make for additional expenditure in various directions.

Mr. Moloney: You will need to put up better arguments.

The MINISTER FOR JUSTICE: The hon. member also said that as far as the observation of industrial laws was concerned, the registration would make a lot of difference. I hope unions will not become bereft of their virility when the Contractors' Association will say, "We will do the job for you; you had better knock off now." Industrial organisations will always protect the interests of their members. They do not want to rely on other bodies to make things better for their members. I am not aware how the registration of a Builders' Association would affect the outlook of contractors, those people employing labour. How would it be possible, just because suddenly there came into being an association, to provide ever so much better industrial conditions than those existing? An association could not possibly make very much difference.

Mr. Moloney: The workers are supporting it in this case.

The MINISTER FOR JUSTICE: I do not know that they are supporting the Bill merely because they think that a contractors' association suddenly springing into existence will improve industrial conditions, or because an individual becomes a registered contractor. It may be possible of course, if everyone were in an association, for a better understanding to take place, but that is the only thing that would result. There could not possibly be any effect on the outlook or the business methods or tactics of those who had been up against unionism and who have never hesitated to exploit the unionists. The registration of builders is an innovation: it is not law in any other Australian State, nor as far as I can ascertain in any other part of the world, although I believe there is some form of control in one or two of the small American States. It is contended also that the effect will be to reduce building costs. I think it will prevent tradesmen from starting out in a small way and eventually becoming contractors. Of course the controlling board would consist of a number of persons whose duty would be to interpret what "competency" really meant. Those people could put as high an interpretation as they desired on the word, and nobody would be able to question it. A man's competency in his business is his reputation, and that reputation becomes his goodwill. It will make people employ him. If they have not confidence in him, they can obtain protection by paying a small fee to a supervisor or an architect. This fee, I think, does not exceed more than three or four per cent. of the cost of the building. I am not actively hostile to the Bill, but what I am concerned about is that we should not put on the statute book restrictive legislation such as this. There are various aspects that we must consider before we agree to legislation of this nature, and the member who introduced the Bill inadvertently omitted to draw attention to them. Perhaps the effect will be to produce other lines of thought which may, or may not, lead us to arrive at a decision that might not be desirable. The hon. member quoted other registrations, but all that the

Architects' Registration Act does is that it prevents a man calling himself an architect and carrying out architectural work. If the House agrees to this legislation, it will be necessary to provide for an appeal against the cancellation of a registration. Provision should be made, in the event of registration being cancelled, to allow the contractor concerned to complete any work he may have in hand at the time, otherwise confusion and loss will result. A board of interested persons should not have the right to say who was to enter into a certain trade, profession or calling, and that board should not have the right to exclude any person. There should be a tribunal to which to appeal so that if the board did act arbitrarily, the individual affected would have some protection. I have nothing more to say, but I hope my remarks will not be taken entirely in an antagonistic spirit.

Mr. Sampson: You have not been over-enthusiastic.

The MINISTER FOR JUSTICE: I agree with the hon. member, but there are many phases with regard to restrictive legislation of this kind which should be carefully considered by members, legislation which might be used directly to the detriment of a worthy class of citizen in the community.

HON. C. G. LATHAM (York) [5.57]: I intend to oppose the Bill, but if I thought that it would provide additional work I would support it. The member who introduced it might say that I am unfair, that I have read into the Bill something that will provide a close preserve for certain building contractors now carrying on operations and that the probability is, carpenters or bricklayers' unions might be able to get a little better deal and probably prevent others from entering those particular branches of trade. I know what restrictive legislation means; we have had experience of it in this House before. Boards that are set up usually insist on unreasonable examinations, and in that way restrict the number of men who otherwise would be engaged in the trade or calling. I remember when it was stipulated that all those engaged in the trade prior to the passing of the Act should be registered, but the board found reasonable excuses to prevent them from registering those applicants. Other men had nearly completed their time, but they were prevented from registering because they did not comply with the conditions of registration. It is very dangerous to use legislation of this nature. The Acting Minister for Works has told the House that in nearly every part of the world to-day there is sufficient protection for builders. Virtually all the local authorities in this State have building by-laws, and the Health Department always look after its side of a building, and so we can be sure that if any building is being constructed of faulty material or is likely to cause damage by fire or otherwise, the department will step in and exercise its authority. The thing to which I most object in the Bill is the examination that is to be set. I am afraid that if we start this class of legislation the next thing will be to require that candidates for Parliament be registered.

Mr. Marshall: That will be the end of you.

Hon. C. G. LATHAM: I am wondering what qualifications would be required of such candidates, and what examinations would be set; whether candidates must have passed the leaving examination of the secondary schools, or perhaps be members of a trade union; or whether each candidate should demonstrate his ability to stand on his feet and, without saying anything, talk for a couple of hours.

Mr. Hawke: Who would be the examiner?

Mr. Marshall: T. J. Hughes.

Hon. C. G. LATHAM: It will be the same here, of course. One thing the Minister did not touch upon was that the Minister for Education was to be asked to release the Director of Technical Education to be the examiner. I suppose that gentleman has a full-time job now, but of course a few more jobs piled on to a good officer—what matter? I presume that for a start there would be a lot of examinations.

The Acting Minister for Works: Anybody who has been operating as a contractor for a couple of years would automatically get registration.

Hon. C. G. LATHAM: I am afraid the board will find some excuse to block even those. Again, why should we restrict it to £300? If any protection is wanted, it is by the man who has but little to spend on a building. If there is any jerry building going on, it is generally to be found in the cheaper classes of wooden houses.

Hon. W. D. Johnson: But they are not down to £300.

Hon. C. G. LATHAM: I saw a 4-roomed weatherboard cottage in which not a single wind-brace had been put. That would not affect the man on that building, because it was a £300 job.

Hon. W. D. Johnson: Move an amendment making it £100.

Hon. C. G. LATHAM: The member who introduced the Bill put up a very good argument why the lower-priced houses should not come under its operation. But if any people require protection, it is those having the cheaper class of building. I remember that house that was built without even a stay at all being put into place. After a time, that building will rock in the wind and ultimately lean over. I pointed it out to the owner, and he said he had not thought of it. I suggested that he should see his builder, who, on being spoken to, instead of cutting the studs diagonally, just let in a single strip. I cannot understand the hon. member introducing this class of legislation.

Mr. Marshall: You were a member of a Government that introduced four similar measures in one session.

Hon. C. G. LATHAM: I think the hon. member did not support them. I will see whether he supports this one.

Mr. Marshall interjected.

Hon. C. G. LATHAM: The hon. member is so careless with his remarks that I suggest if we examined the records of the House we would find that statement to be incorrect. Certainly there was a contract let. That was an exclusive right at that time. It was an amendment of the Architects Act, to remove some of the disabilities that architects and students were suffering under. I introduced a Bill for the purpose of registering men who had almost completed their articles of association when the original Act was passed. But one would have thought that the hon. member, before introducing this legislation, would have asked himself whether it was possible to improve the lot of a wage-earner. Certainly the Bill will not help such a man. We desire to see a man become something more than a hewer of wood and drawer of water: we want to see him start out for himself, and about the only way in which he can do that is to get away from being a mere wage-earner.

Mr. Moloney: There is nothing in the Bill to prevent it.

Hon. C. G. LATHAM: I think the hon. member will find there is. This man, let us say, after his apprenticeship starts off as a carpenter. Then, when he manages to secure a little money, he opens out as a contractor for himself. But now he will have to come before the board, which will be representative of the contractors and the architects. But will they allow him to enter the profession?

Hon. W. D. Johnson: He can get in if he is efficient.

Hon. C. G. LATHAM: But the board will say, "We have enough in now," and so they will prevent this man from getting in.

Hon. W. D. Johnson: If he is competent he will get in.

Hon. C. G. LATHAM: I do not think so.

Mr. Moloney: You have a poor opinion of professional men.

Hon. C. G. LATHAM: I am speaking from experience. At Bruce Rock there was an architect who had his name on various buildings throughout the State, yet when he applied to his board they refused to register him. We had to put through a special Bill to do him justice. The Act provided that applicants should apply within a certain period; six months, I think it was, after the passing of the Act. This man did apply, but the board said the six months had expired. In the end we put through a special Bill admitting him. Then the hon. member says we have a poor idea of the morals of those people. I am not going to support any Bill that will hand over to those engaged in business power to prevent other men who wish to be lifted out of a rut. Such men ought to be encouraged, but the Bill will not encourage them. I dare say in the near future we shall have before us another Bill which will mean restriction. But restriction to-day is of no use to anyone. It makes everything much more costly and also it prevents a worthy man from becoming a master.

Mr. Moloney: You did not say that about the Dried Fruits Bill.

HON. W. D. JOHNSON (Guildford-Midland) [6.11]: The aim of the Bill is to guarantee to the public efficiency in our building operations.

Hon. C. G. Latham: No, it is not.

Hon. W. D. JOHNSON: As the Minister and the Leader of the Opposition pointed out, the position to-day is that anybody can claim to be a builder and can put up a building entirely without knowledge of the trade. It has to be braced against the

wind, otherwise it will fall over. The Bill proposes guaranteeing the public against such work, and aims at giving to the public that which they pay for. No doubt the Bill has been brought forward because of the conditions prevailing to-day in consequence of the depression. The introduction of machinery has caused countless men to lose their employment, and they simply go around and take any job offering. So they attempt to carry out skilled work, irrespective of whether they are qualified to do it. And the public have no protection. The man who wants a building erected employs someone to do it, but he has no guarantee that the building will be up to standard, neither has he any assurance that it will be a lasting work. The man who erects the building cannot give any guarantee that he is competent to carry out that which he undertakes.

Mr. Marshall: We cannot always get a good building, even from an architect.

Hon. W. D. JOHNSON: Yes, the architect is an educated man who devotes thought and study to his work of designing and supervising.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. D. JOHNSON: I was expressing the opinion that the Bill would give to the building public a guarantee of efficiency on the part of those who were responsible for the premises erected. The depression has caused men to canvass for work outside the scope of their liabilities. It has encouraged men to undertake things they would not otherwise have attempted. Men to-day are canvassing for work and undercutting prices tendered or given by competent builders. They are not capable of estimating the cost of the building themselves, but they have gained some knowledge of part of the work although they cannot do it all. In order to get work, they go to some would-be employer or builder and induce him to divulge the price they, as competent and experienced people, would quote. They then undercut that price and get the work. When they get the work, they fall into difficulties. Generally speaking, they find their prices too low. They are unable to build up to the standard they undertook to follow, and resort to all sorts of shady practices, in the hope that the building will pass muster and that they will be paid for it. After a while the shoddiness of the work becomes apparent to the person who has paid for the building, and all sorts of weaknesses are revealed. The maintenance cost of the building becomes high, until ultimately it is proved to be of little value and is a constant penalty upon the person who owns it. This Bill is designed to overcome that situation. Quite recently I had my home painted. I specified the ingredients that should be used and how the paint had to be mixed, as a guarantee that I would get the correct mixtures so that the paint would last, and that the job itself would stand for years. My next-door neighbour asked me to arrange that my painter should give a quote for painting her home. She got a quote, but someone else met her and told her the price was too high. She then told me she could get the work done for about 50 per cent. less than my painter had quoted. I asked her if she knew what those other men were going to use, and whether she knew they were going to use paint or were going to cover up the work with a little colouring, so that it would pass muster. She said she had not gone into that question. She was not capable of protecting herself. Although I urged her not to accept the lower price, she decided to make the experiment. Before 12 months had passed the paint had washed off. She found that a mixture had been prepared for the purpose of getting away with a shoddy job, and that it had lasted just long enough to ensure that the men received payment. It is against this sort of thing the Bill is designed to protect people. The public are not in a position to protect themselves. As a rule the individual only builds once in his lifetime, and that building should be put up with the guarantee that it will stand. It is not a new practice to register efficiency, and to buy a guarantee of competency as a result of that registration. This is done in the professions. It is a common practice to give the public a guarantee that the person registered will fulfil his undertaking. That is one of the purposes of the Bill. It is designed to get away from shoddiness in building, and to endeavour to raise the standard of construction without necessarily increasing the price of the work. Many people think that a cheap and shoddy building is really a cheap building. That is not so. The maintenance

costs are so high that the little extra capitalisation that is put into the building would be small compared with the deterioration due to shoddiness and faulty construction. Having had some knowledge and experience of these matters, I have no hesitation in saying that the Bill is in the public interest. It will guarantee a standard of construction by certified men who are capable of doing the work they undertake. It will also be a guarantee to the public against being robbed, and against the misrepresentation of individuals concerning their qualifications and abilities to undertake a given work in a given time. The Bill is justified and should receive the support of members.

MR. STUBBS (Wagin) [7.35]: I listened with great interest to the speech of the member for Subiaco (Mr. Moloney). If the Bill could guarantee the honesty of competent builders, there might be some justification for its introduction. I have had 40 years' experience as a business man and for many years was closely identified with the building trade. Many of the people who did business with me were honest and competent workmen. Others were competent but dishonest. It is no use the hon. member saying that the Bill will protect the public up to the hilt. It will give them no protection. I know of competent men who agreed to erect a certain building. In one case a man undertook to place the uprights a certain depth in the ground. He came across rock. He then chopped 2 feet off the ends of the posts, and buried those pieces in the bush. One cannot legislate to make honest the best tradesmen in the world. If they are dishonest they will beat the public. Members would not be justified in putting a measure on the statute book when it is not likely to do any good. I had a house built 40 years ago. Two or three honest tradesmen in the city used to come to me for quotations for hardware, ironmongery, and other material. I got to know those men. Not one of them had even served his apprenticeship, but they were all competent tradesmen. They undertook to build my house in Claremont in 14 days. They did the job in the time, and to-day the house is as good as when it was erected. No architect was employed. The specifications were handed to me, and the men undertook to put up this jarrah building in a way that would meet my approval. The work was done by day labour, and they were paid £1 a day, and 2s. 6d. an hour for overtime.

Mr. Hawke: Has any money been spent upon it since?

Mr. STUBBS: It has not been empty from the time it was built. This Bill will do more injury than good. It is absurd to impose a limitation of £300. The sponsor of the Bill might as well wipe out the minimum, and provide that no man should build a house unless he is a qualified person and has a proper knowledge of the trade. I do not intend to support the second reading.

MR. LAMBERT (Yilgarn-Coolgardie) [7.43]: The member for Subiaco is to be commended for bringing down the Bill. One can appreciate the hesitation with which members receive legislation of this kind. We have made architects and dentists by Act of Parliament, and we have regulations setting up boards in almost every possible direction. As stated by the hon. member, engine drivers are responsible for the life and safety of numbers of people, but they come in a different category from builders. The Bill contains many clauses of merit, and some of demerit. The Minister for Justice referred to many of its disadvantages. I do not know whether the hon. member is ambitious enough to hope to get the Bill through this session. It is one of those measures which could better be analysed by a select committee.

Mr. Needham: You have a mania for select committees.

Mr. LAMBERT: I have no mania for slipshod legislation. I have no desire to point to those who may wish to impress the House sufficiently to get some pet legislation of their own passed through.

The Minister for Justice: You are not looking in any particular direction, are you?

Mr. Moloney: I hope you are not referring to this Bill.

Mr. LAMBERT: If the hon. member refers to the submission of legislation of this kind to a select committee, he can call it a mania on my part if he likes. The time is long past when this Parliament should be

occupied with Bills of this nature, measures which could most usefully and most legitimately be sent to select committees for analysis. I know of no legislation passed by this Chamber after being referred to a select committee, that has proved detrimental. If a Bill represents a matter of Government policy, well and good; for the Government either stand or fall by the legislation they introduce. Sometimes, however, there are blindfolded supporters who will vote for any Government Bills whatever that are brought down, irrespective of their merits. That evil can be obviated largely by remitting such Bills as this one to select committees, and there having them analysed in regard to any detrimental features. True it is that this Bill is of a restrictive nature, and probably not on all fours with legislation such as the Act relating to architects and other enactments conferring statutory authority on boards. Probably the member for Subiaco will consider it advisable, in the interests of architects, master builders, and those employed in the building industry, to remit the measure to a select committee, so that the obviously objectionable clauses can be eliminated. Certainly the Bill contains highly objectionable clauses.

Mr. Moloney: Which is the objectionable clause you refer to? Which one is it?

Mr. LAMBERT: If the hon. member desires me to undertake more or less of a reiteration of the objections so forcibly urged by the Minister for Justice, I shall do so; but otherwise I shall not do it, as I wish to limit my time in speaking on the second reading. The hon. member's purpose would be better served if the measure in its crude form—and I do not say that in any offensive sense—or in its skeleton form were referred to a select committee. Then all the provisions which the hon. member desires to have incorporated could reasonably be incorporated, and the restrictive clauses, which would not allow anyone to erect an ordinary structure unless he were registered under the measure, could be removed. I know it is the desire of the master builders, in combination with the architects, to have a measure of this kind placed on the statute-book; but the member for Subiaco must be aware that there is a chance of its having repercussions on the employees in the building trade. As has been pointed out, a bricklayer or a carpenter has as much right to become a master builder as any other member of the community has. We have some highly efficient master builders here; but I do not know that any of them have gone through a course of training either in the technique of building or in regard to building material, or with respect to structural design, stress and strain of materials, and other matters pertaining to the designing of a building, its construction, and the materials to be used in point of the factor of safety. I do not know that any one of our master builders has gone through that training.

Mr. Moloney: Every apprentice going into the trade receives that training.

Mr. LAMBERT: That is true. But to require a carpenter or a bricklayer to have a knowledge of the whole technique of building before allowing him to contract for a structure, means getting to the point of danger. While I am not opposed to the underlying principles of the Bill, yet I suggest to the member for Subiaco that his purpose will be better served by having the measure thoroughly analysed by people who would be interested to do so and who would desire to help him in his effort to advance the interests of the building trade of Western Australia. I have gone carefully through the provisions of the Bill, and have found many of them to be such as the House could properly adopt; but I am rather afraid that, this being a pioneering measure, the hon. member is over-ambitious. We should probably start with certain provisoes as to the bona fides and financial stability of builders, as well as their practical knowledge of building, before we go to the extent to which the hon. member would carry us. I simply throw out the suggestion. I hope the hon. member will realise that Parliament is not prepared to be so venturesome as he is in the matter. I know the hon. member has a wide practical knowledge of building and the building trade, and is at a distinct advantage in speaking to a Bill of this kind. However, having heard the Minister for Justice on the pitfalls that the measure may hold, and upon consulting other members, the hon. member will probably find that he is more likely to gain his end if he is less ambitious, and lets the Bill run the gauntlet of a select committee, which, while eliminating objectionable features, would generally endorse the many virtues which in my opinion the Bill possesses.

THE ACTING PREMIER (Hon. A. McCallum—South Fremantle) [7.55]: Since the present Government have been in office, we have had nine requests from different trades and callings to be licensed. Some of those requests have been quite extraordinary. One, which was submitted to me by a deputation, frankly acknowledged that the desire was merely to register those at present employed in the calling, without any provision whatever for training others to learn the business. Upon my pointing out the untenable nature of the position adopted, the deputation said that if they could not get what they wanted, if they had to make provision for apprentices to learn the business, the proposal was no good to them. It was a frank admission that what was behind the request was a desire to corner the work for their members, to make the trade a monopoly for those now in it. We had nine requests put up to us at the one time. The Government have considered the Bill now before the House. In view of what had occurred, and taking into consideration trades already registered and having a kind of board of control, Cabinet came to the conclusion that it could not subscribe to the general principle of registration. However, there are industries as to which a case may be made for treating them as exceptions. It is generally admitted, I believe, that in more than one case of an industry in which one cannot engage without the permission of a board, that factor has been used to keep the business for those in the industry, and to prevent competition from coming in. The Government cannot assent to that idea at all. The requests are growing in number. A few boards are operating now, and nine other callings want similar boards. If that goes on, it will mean that in a short time a man will not be able to work at anything unless he has a licence. I see a good deal of merit in the argument that before a man undertakes important work for others, especially where large sums of money are involved, he should prove his qualification to do the job. In days gone by, before being admitted to a trade union one had to produce one's articles of apprenticeship. In those days one had to serve an apprenticeship, and had to prove that service before a craft union would admit one to membership at all. Again, when applying to an employer for a position, the production of a union ticket was a guarantee that the applicant had served his apprenticeship and was a competent tradesman. I am sorry to a degree that that has not remained the practice and policy of unions to the present day. The custom has been largely departed from in recent years. I cannot subscribe to the whole of this Bill. At the same time I hold that in many industries there are happenings which must be coped with in some way, so that, for instance, the interests of people who have buildings erected may be protected, and so that the industry itself may be safeguarded. Recently there has been coming into the building industry an element which knows very little indeed about the trade. A large section of the element I refer to consists of foreigners. They take on work, and if they anticipate a loss on the job they do jerry-building, and often they are not there to meet wages payments. They are birds of passage. They are men of straw. One cannot reach them or find them to force them to pay their debts.

Mr. Lambert: Respecting 50 per cent. of those on the books, you cannot find their addresses.

The ACTING PREMIER: I know that. I believe the contention by the member for Subiaco (Mr. Moloney) that the Bill will assist in the employment of apprentices, is quite correct, because the type of builder I have mentioned will not employ apprentices. He could not accept the obligation of a five years' contract, and I am sure the Building Trades Apprenticeship Board would not allow them to take apprentices. They will agree only to apprentices being allotted to established contractors. If all those engaged in the industry were capable and efficient contractors, well stabilised in the industry, the Bill would certainly tend to provide greater scope for the employment of apprentices than exists at the moment. I am informed that a large percentage of the work of erecting cottages in the metropolitan area to-day is in the hands of this type of so-called contractor, and that is bringing the industry down to such a condition that the men engaged in it are being fleeced. They take sub-contracts to do the work of painting, plumbing or bricklaying, but seldom do they receive their full pay. If the foreign element is allowed to continue and the jerry-building section are permitted to carry on as reports show they are doing at the moment, it will mean the undermining of

those who have engaged in the industry for many years, men from whom the public know they will get good work if a job is entrusted to them. I cannot subscribe to the proposal that before a man is allowed to carry on in the industry he must pass an examination prescribed, and adjudicated upon, by men who will be his competitors in the industry.

Hon. C. G. Latham: That is what it amounts to.

The ACTING PREMIER: It would mean that self-preservation would result in obstacles being put in the way of an applicant passing the examination. Human nature being what it is, every effort would be made to eliminate competition to the fullest extent, hence the obstacles that would be placed in the way of an applicant passing the prescribed examination. While it will have to be amended in that regard, that does not indicate that the whole Bill is bad. I do not know whether my reading of the measure is correct, but I do not think it says that even if an applicant should pass the examination and be certified as competent to carry on in the industry, he must become a member of the Master Builders and Contractors' Association.

Mr. Sampson: That is what the Bill says.

The Minister for Employment: A man will not be permitted to build unless he has a certificate issued by the board.

The ACTING PREMIER: But that does not say he must be a member of the association.

Mr. Sampson: That is so.

The ACTING PREMIER: He cannot operate in the industry unless he holds the certificate, and that proposal goes further than the Architects Act. All that that measure decreed was that a man could not hang out his sign or describe himself as an architect unless he were duly authorised. It did not say that a person could not practise as an architect.

Mr. Sampson: But such a man would have no power to sue for fees.

The ACTING PREMIER: Quite so. We all know that there are men who are doing the work of architects, but they cannot set up a sign describing themselves as such. The Bill goes further than that and says that a man cannot carry on in the building industry unless he receives the necessary certificate from the board. That provision will need revision and clarifying. The constitution of the board and the references to the examinations will require to be liberalised materially before I can subscribe to them. The examination should be set and conducted by someone altogether independent of the industry and not likely to be a competitor of the applicant. If that were not the position, we could not, to say the least of it, always rely on justice being meted out. The building industry in the metropolis has been reduced to an unfortunate level. I know thoroughly good tradesmen who find themselves in a difficult situation. Only this week I was speaking to one expert tradesman who told me that he had put in a price for sub-contract work but that it was impossible for him to compete, even on the basic rate, with the foreign element who had brought the conditions in the industry down to such a low level.

Mr. Hegney: But that experience arises not merely from the foreign element.

The ACTING PREMIER: I am aware of that, but the introduction of the foreign element has accelerated price cutting.

Mr. Hegney: It was going on long before the foreigners came into it.

The ACTING PREMIER: There has been that tendency for many years. I remember that, in my early days as secretary of the Trades Hall, one source of constant grievance on the part of representatives of building trades on the Trades and Labour Council came under this particular heading. I know of one section of the building industry in which half the members of the union concerned employed the other half. They were actually sub-contractors. The position to-day is much worse than ever before, with the result that first-class, expert tradesmen cannot make the basic rate of wages or work the recognised hours. That indicates the existence in the industry of a state of affairs that must be regulated if we are to maintain a decent standard, and if that set up by the Arbitration Court is to be honoured and maintained. If the Bill can assist in that way, I am prepared to help, but I cannot go all the way with the proposals embodied in the measure. They will have to be modified in many directions. I cannot subscribe to the principle of licensing, nor can Cabinet as a whole subscribe to it. We regard

it as restrictive and as aimed at serving the interests of those engaged in the industry at the moment. We also consider that it will penalise as good, and in some instances better, men than those in the industry at present.

Mr. Moloney: You are not referring to the Bill in that regard.

The ACTING PREMIER: No, but I am not prepared to allow the decision regarding who is to be admitted to the industry, to be handed over to those with whom the applicant for admission will be in competition. That proposal is altogether wrong. The decision should be in the hands of someone who is competent, but whose personal interests will not be involved. That must be secured before I can bring myself to support such a proposal. On the other hand, I desire to help in assisting to get away from the element that has grown up so much during recent years, an element that is making the position of tradesmen almost unbearable. Those tradesmen are not able to secure the benefits that their years of training and skill should demand. There is a distinct injustice from that standpoint. It may be argued that if those in the industry declared against that element, it would be shut out. For many years efforts in that direction have been without success. I am sure that objective will never be realised except by some means having legal force behind it, whether it be by means of a Bill similar to that under consideration now or in some other manner. I shall vote for the second reading of the Bill. While Cabinet cannot subscribe to the principle, Ministers are left to exercise their own judgment. The Bill is a private members' measure, and the Government, when asked to introduce it, declined to do so. I support the second reading with the object of securing amendments at the Committee stage.

MR. MOLONEY (Subiaco—in reply) [8.13]: I have listened with interest to the criticism of the Bill. Underlying that criticism there is at least, I believe, a desire to achieve that which I have in mind. Even though the Bill in its present form does not appeal to some members in its entirety, it can be dealt with at the Committee stage so that features that seem to some members to be objectionable, can be eliminated or amended. A remarkable feature of the debate was the reference to restrictive legislation, which was emphasised in particular by the Minister for Justice. His remarks struck me as rather anomalous. John Stuart Mill was quoted as advancing the dictum that people should be allowed to do that which they desired. It should be apparent even to the meanest intelligence that from time immemorial people have not been allowed to do as they liked.

Mr. Sampson: Subject to no injury being done to anyone else.

Mr. MOLONEY: That qualification was not attached by the Minister for Justice.

Mr. Sampson: Yes, it was.

Mr. MOLONEY: But I have yet to learn that any injury will be done by the proposals in the Bill. Do members believe that I would introduce anything I thought would be injurious to those amongst whom I have lived and laboured? Not for a moment would I do such a thing. I am like Caesar; I am accused of being unduly ambitious, and those particularly good friends of Caesar, including Brutus, emphasised that Caeser was so ambitious that he had a slayer employed. I appreciate the implied compliment; I am ambitious in my ideal to bring about a better state of affairs than that which prevails in the building trade. The Acting Premier indicated some of the conditions prevailing in the trade. I could have enumerated them at great length, but I spared members and dealt only with those things that I thought necessary to place the general aspect before them. I am not wedded to a board constituted in any particular way. Some members here have had wide experience, and if they feel that the proposed board might not act in the public interest, let them propose a board that will do so. I have a greater respect for the profession, more particularly for the architectural profession and the men in the building trade, men who have pioneered the building trade here, than to entertain any doubt that they would do anything merely for their own petty interests. I have known many of those men for years and their thoughts are not for themselves. Many of them have practically passed the sunset of life.

Members: Passed!

Mr. MOLONEY: And they are looking forward, perhaps ambitiously, to help those who will carry on where they leave off. That is the spirit which should animate us. Still, I shall be content if anyone can show how the measure might be improved. I am not wedded to any particular body. As for trying to make people honest, that is impossible if we accept the dictum of the member for Wagin (Mr. Stubbs). The magnificent mansion portrayed by the hon. member, erected 40 years ago in the stupendous time of 14 days, is still in existence. If the men who erected that building would not come within the category of honest men, what a considerable amount of work must be required of honest men! There have been merchants at whom the finger of scorn could possibly be pointed, and it may be that the member for Wagin has fraternised with some who did not attain the high standard that the hon. member laid down for artisans in the industry. Whatever the walk of life, there will be found men who have transgressed, possibly some even in the legal profession. I was struck with the remark of the Minister for Justice who indicated that all the builder looked for was the mede of praise accorded him for his work. Unfortunately, through intense and unfair competition by people who have transgressed the ethics of honesty in every particular, whether in the erection of buildings or in the treatment of their employees, the genuine builder has gone to the wall. He is unable to compete. Many people have no appreciation whatever for quality of work, so long as a building looks well. In 99 cases out of a hundred, when tenders are called, the lowest tenderer receives the job. The member for Wagin knows that. People who indulge in unfair tactics get the work, and it is to remove the anomalies mentioned by the Acting Premier and by me, anomalies known to those acquainted with the industry, that the Bill has been introduced. When the architects, the builders and the artisans engaged in the industry ask for something, is it not right that we should give credence to their statements? Yet I have been told that I am asking for something that is impracticable. With the men for whose welfare the Leader of the Opposition posed as being so solicitous, saying they would be precluded from joining this charmed circle, I have laboured all these years, and do members think I am going to ask for something that will be to their detriment? Contrasting my services in their interests with those of the Leader of the Opposition, I know whom they would regard as being solicitous for their welfare. I did not introduce the Bill with the idea that it would be accepted holus-bolus. Even the member for West Perth has given an earnest of his desire to help by indicating certain amendments. I am prepared to accept the amendments outlined by him. If other amendments relating to the personnel of the board are tabled by the Acting Premier or other members it will be competent for this House to accept them. I shall not delay the House much longer, but I desired it to be known why I introduced the measure. I realised the necessity for it because it will go a long way towards attaining what we desire to secure for the building industry. I commend it to the favourable consideration of members. If the second reading be passed, the clauses can be amended in Committee, bearing in mind the vital principle. I am not concerned about other petty-fogging licensing Bills that have been introduced from time to time. This is an important measure affecting an important industry. As custodians of the public interest we should ensure that satisfactory conditions govern the building trade, irrespective of what may be happening in other parts of the world.

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

Ayes	30
Noes	7
Majority for	23

Ayes.	
Mr. Clothier	Mr. North
Mr. Cross	Mr. Nulsen
Mr. Griffiths	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. J. H. Smith
Mr. Johnson	Mr. Thorn
Mr. Kenneally	Mr. Tonkin
Mr. Lambert	Mr. Troy
Mr. McCallum	Mr. Wansbrough
Mr. McDonald	Mr. Warner
Mr. McLarty	Mr. Welsh
Mr. Marshall	Mr. Willcock
Mr. Moloney	Mr. Wilson
Mr. Munsie	Mr. Withers
Mr. Needham	Mr. Raphael
	(Teller.)

Noes.	
Mr. Ferguson	Mr. Sampson
Mr. Keenan	Mr. Stubbs
Mr. Mann	Mr. Doney
Mr. Piesse	*(Teller.)*

PAIR.

AYE.		NO.
Mr. Collier		Mr. Latham

Question thus passed.

Bill read a second time.

In Committee.

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

Clauses 1, 2—agreed to.

Clause 3—Prohibition against unregistered builders carrying on business:

Hon. N. KEENAN: No doubt many members will desire to amend this clause. I would not, for one, consent to the passing of subparagraph (b) of paragraph (a). This provides that if a man puts up a building at a cost of £301 he may be debarred from recovering a single penny from the person who has got the work out of him. Other portions of the clause will doubtless also be subject to amendment. I suggest that progress be reported so that members may have an opportunity to draft their amendments.

Progress reported.

BILL—HAIRDRESSERS AND RETAIL TOBACCONISTS' LICENSING.

Second Reading.

MR. NEEDHAM (Perth) [8.37] in moving the second reading said: The intention of the Bill is to eliminate unfair competition in the hairdressing and tobacconist business, and to give to those following that calling protection against the very intense and unfair competition that has been going on for a very considerable time. The agitation to secure this protection has been in evidence for many years. I have heard it discussed in many places throughout the State. People have complained that those engaged in the same class of trade as retail tobacconists and hairdressers have competed in an illicit manner with those who have specialised in this particular business. In the last 14 or 15 years, several attempts have been made to bring about a better state of affairs, but so far without avail. So intense has been the competition that in many instances the volume of business has seriously declined. Firms which used to engage from 15 to 20 hands are either engaging very few or none at all. I know of one firm which ten years ago employed 15 hands, and to-day is employing five. This is not a solitary case. Other instances could be quoted to show that the result of this unfair competition has been a diminution of the staff engaged, and the dismissal of employees. I have examined some of the books and accounts of several firms which have suffered from this unfair competition. They were voluntarily offered to me for inspection, so that I could see exactly how those firms had fared. The figures are incontestable, and show that in these instances the trade has diminished by 50 per cent. in the last 15 years. It may be said by some members that the depression is largely responsible for the falling away in business and the decrease in the turnover. I would point out that this decrease in turnover has been going on consistently for the last 15 years. It must not be thought that the economic depression is the sole cause of the trouble. To an extent it is affecting that particular line of business, just as it is affecting others. The principal trouble in the hairdressing and tobacconist business is the almost unlimited competition under unfair conditions. The decline in income has reached such a pitch now that many firms would go out of business if some protection were not afforded to them. This Bill is brought down in the hope that this protection will be given. Those engaged in the business in the city and suburbs have to pay heavy rentals. They have also to comply with the awards of the Arbitration Court in the matter of wages, hours, and the conditions of labour. They must observe the hours laid down by the law. They do observe them religiously. They close at eight o'clock every night during the week, and at ten o'clock on Saturday nights. Those who are causing the diverting of trade from its legitimate channels are not handicapped by having to observe any of these conditions. They are supposed to observe some conditions, but the instruction is disregarded. The competitors are mostly engaged in a mixed business. Under the provisions of the Factories and Shops Act they are allowed to sell tobacco, cigarettes, etc., up to eight p.m., but the remainder of their business can be carried on till 11 p.m. That is honoured more in the breach than in the observance. If one walks round the streets

at night one can find these mixed businesses open till midnight.

Mr. Sampson: And selling cigarettes.

Mr. NEEDHAM: They sell cigars and cigarettes. The law says that they must partition off the part of their business which involves the sale of tobacco and tobacco sundries, but even if that is done it does not mean that these sales cease. The competitors in the trade have not to comply with all the conditions laid down by the awards. They can work any hours they like and are doing so. These illicit sales are going on all the time. The law circumscribes the hours that the hairdressers can work. On week days they can work from 8 a.m. to 6 p.m., and on Saturdays from 8 a.m. to 1 p.m. The opening hours for tobacconists are not specified, but they must close at 8 p.m. on week days, and 10 p.m. on Saturdays. The hours for mixed businesses are not specified in the way that they are in the case of hairdressers and tobacconists. Those engaged in mixed businesses do not derive a great deal of profit from the sale of tobacco and tobacco sundries. Their weekly turnover may be small. It is more a matter of providing a convenience to their customers who purchase other commodities. In the aggregate, however, the volume of trade that is taken away from legitimate tobacconists and hairdressers involves a great deal of money. The Bill seeks to control the trading hours, and legitimate traders need have no fear of it.

Mr. Wansbrough: Why restrict it to hairdressers? What about newsagents?

Mr. NEEDHAM: If the Bill becomes law any person who sells tobacco or tobacco requisites will have to take out a license.

Mr. Wansbrough: That is the nigger in the woodpile.

Mr. NEEDHAM: He will have to observe the hours laid down. There has been a considerable decrease of employment in the various firms carrying on this class of business, because of the damage that has been done to their trade by those who are illicitly in competition with them. The firm I have referred to is a tobacconist firm solely. Fifteen years ago it had about 20 employees for the sale of tobacco, cigarettes and so forth; to-day it has only five. At present shops carrying on mixed business are under the Factories and Shops Act. With regard to hairdressers and tobacconists that Act has proved a dead letter. The difficulty in tracing offenders against the Act is that the illicit trading takes place during a period when the inspectors under the Act are not on duty. Those men commence duty at 9 o'clock in the morning and finish at five in the evening.

Mr. Thorn: They should work in shifts.

Mr. NEEDHAM: The unfair competition takes place from 6 p.m. until 12 midnight, when there is no one on duty to try to detect those guilty of breaking the law.

Mr. Sampson: And thus desperate criminals get away!

Mr. NEEDHAM: I feel sure the Factories and Shops Department are eager to see that the provisions of the Act are enforced, but I have stated the difficulty. The member for Toodyay (Mr. Thorn) suggests that the inspectors should work shifts.

Mr. Thorn: I say that you should catch people when they are breaking the law. How can you catch them if inspectors are on duty only when people are known to be within the law?

Mr. NEEDHAM: If shifts of inspectors had to be put on, I fear the Acting Treasurer would quickly complain about the cost of the staff required. Another feature to which I may refer is that for six days in the week these businesses are under the Factories and Shops Act and that on Sunday they are under the Police Act; so that the whole of those engaged in the business are falling between two stools as regards any genuine, effective protection by the administration of the law. They are in no man's land. The police do not often prosecute, simply because very few cases are reported to them—in fact, scarcely any. The difficulty in getting a case is that when illicit trading goes on inspectors are not available. I am sure the Factories and Shops Department are well aware of the fact that breaches of the law take place, but they recognise the difficulty of tracing offenders. Hairdressers and tobacconists have experienced considerable difficulty in trying to get the Factories and Shops Act enforced. The result is that bona fide tobacconists who observe the closing hours on week days, as well as shutting up their premises on Sunday, are now feeling the pinch. Mixed shops, which keep open till late at night, are also open on Sunday. It is contended that tobacco, cigarettes and

so forth are sold on Sunday just as they are sold during late hours of the evening, which fact intensifies the unfair competition against those who observe the spirit and letter of the law. I have mentioned the difficulty of enforcing the present law by reason of the fact that at one period the Factories and Shops Act is supposed to be operative, while at another period the Police Act steps in. The Bill provides for three classes of licenses—one for the general hairdresser, one for the ladies' hairdresser, and one for the retail tobacconist. The measure also provides for stricter control of hairdressing shops. As in the case of tobacconists, a license will have to be obtained before anyone can carry on the business of hairdressing; and that will apply to males and females alike. If the business of hairdresser and tobacconist is a joint one, a license must be obtained for each. As regards the ladies' hairdresser, unless the applicant for a license has a standing of three years—that is to say, has been engaged in the business for three years—he must pass a qualifying examination before being granted a license. I stress that point. In the ordinary course each applicant for a license as ladies' hairdresser must pass the prescribed examination; but if that applicant has been conducting a hairdressing business in the State for three years, the examination will not be required. If an applicant has more than one hairdresser's or tobacconist's business, carried on in different shops, he must take out a license for each. The law as it stands compels the closing of tobacconists' shops at 8 o'clock on week nights and at 10 p.m. on Saturday. The new hours of trading proposed by the Bill are 7.30 a.m. to 8 p.m. from Monday until Saturday, and shops will not be allowed to be open on Sunday, Christmas Day or Good Friday. The Bill also stipulates that no employees shall start work in any shop before the hours set out in awards of the Arbitration Court. In a hairdresser's shop no employee will be allowed to start work before 8 a.m. Again, where the holder of a hairdresser's license is not a qualified hairdresser, a qualified hairdresser must be in charge of the business for which the license has been given. If there happens to be a firm carrying on the business of tobacconist and hairdresser, or a registered company doing so, some person can be nominated to apply for a license on their behalf. The Bill further provides that no licensed hairdresser shall be allowed to conduct a hairdressing school either on licensed or on other premises.

Mr. Marshall: What do you mean by a school?

Mr. NEEDHAM: I was just going to explain. For some considerable time it has been the practice of some people engaged in the hairdressing business to enter into an arrangement with a person to teach him the business of hairdressing. They charge a premium, sometimes reaching the amount of £25. Rarely is it below £15. In many instances they guarantee to teach this person everything connected with hairdressing in a period of three months. If at the end of the three months a pupil is not satisfied with the tuition he has received, there is no redress. The money has been paid beforehand. I may add that the premium varies with the ability of the applicant to pay. The intending instructor scrutinises the applicant, and makes some estimate of the applicant's financial standing; and then he applies the screw in the way of fee accordingly. The supposed finished article, that is the pupil, is then let loose on the public. Often he or she is incompetent to carry out the work of a hairdresser on either the male or the female side. These facts have been known in the trade for a long time and the menace is growing almost daily. If the Bill will do nothing but scotch the tendency to turn out so-called hairdressers who are supposed to have found out everything about the business in three months——

Mr. Marshall: You must admit that hair dressing as done to-day is very nice. I do not see much to complain about.

Mr. NEEDHAM: The hon. member, unlike myself, has some hair to be concerned about; and his hair is always done very well indeed. However, I wish to inform him that those nice heads of hair he speaks of are done by properly qualified hairdressers. I can assure him that if he falls into the hands of one of the pupils I have mentioned, his hair will no longer look so well.

Mr. Marshall: I am trying to discover a victim of one of those schools. Have you ever heard of one?

Mr. NEEDHAM: I dare say the hon. member will get an opportunity to discover how these people work. If he takes my advice, though, he will give them a wide berth.

The Minister for Employment: It is not because the hon. member has suffered from them that he is introducing the Bill?

Mr. NEEDHAM: I do not say I have ever been a victim of their operations. Perhaps the Minister for Employment may feel honoured in joining me in that regard. However, I say in all earnestness that these schools have turned out an inferior type of tradesman, who is let loose on the public. That should be stopped. I have outlined the main features of the Bill and I do not desire to delay the House unnecessarily or unduly to elaborate the provisions of the measure. The Bill does not set out to create a monopoly in the hairdressing or tobaconist trade, nor does it seek to limit the sale of tobacco or cigarettes to any particlar class of retailer. The object is merely to mete out even-handed justice to all engaged in those undertakings. No objection is raised to any shop stocking tobacco, provided that the trading hours, as defined in the Bill, are observed.

Mr. Wansbrough: And the dictates of the combine?

Mr. NEEDHAM: I assure the hon. member that if I though the combine had anything to do with it, I would not be introducing the Bill. He knows well enough that I and others in the party to which we have the honour to belong, have always set our faces against combines or monopolies. If I thought the Bill would assist the tobacco monopoly, I would not advocate its passage. The sole object of the measure is to eliminate unfair trading conditions and place every retail tobacconist and hairdresser on the same footing with reference to trading hours. I move—

That the Bill be now read a second time.

On motion by Mr. Griffiths, debate adjourned.

BILL—GOLD MINING PROFITS TAX ASSESSMENT.

In Committee.

Resumed from the previous day; Mr. Sleeman in the Chair, the Acting Premier in charge of the Bill.

Clause 5—Gold mining profits tax (partly considered):

Hon. N. KEENAN: I understood from the Acting Premier's statement that the Bill was intended to raise sufficient money to recoup expenditure incurred under the Miners' Phthisis Act and not to supplement in a general manner the revenue of the State. It is quite sound that the expenditure incurred hitherto under the Miners' Phthisis Act may now very well be placed on the industry, which has returned to an era of prosperity. As the Bill is drafted, the tax might be used for the purpose of collecting from this particular industry, as distinguished from any other industry, a sum not merely adequate to meet the expenditure that can reasonably be debited against it under the Miners' Phthisis Act, but in aid of revenue generally.

The Minister for Employment: That would not be a great crime.

Hon. N. KEENAN: It would be, unless it were applied all round. I move an amendment—

That at the end of the clause the following words be added:—"Provided that no rate shall be imposed which is greater than that required to raise sufficient money to defray all disbursements made under the Miners' Phthisis Act, 1922, during the year preceding the year of the making of such rate."

Naturally it is impossible to state any definite sum to reimburse what is not ascertained expenditure at the moment. The effect of the amendment, if agreed to, will be to impose, very properly, on the industry the whole cost of the administration of the Miners' Phthisis Act, which is what the Government are asking the industry to shoulder.

The ACTING PREMIER: I submit that the amendment is out of order. The Bill under consideration is a machinery measure whereas another Bill, to be considered later, fixes the tax. The amendment would limit that tax.

Hon. N. Keenan: The amendment does not fix the tax; it merely limits it.

The ACTING PREMIER: That is so. If the amendment be agreed to, it would stultify the taxing Bill, seeing that it would limit it to that extent.

The CHAIRMAN: I uphold the objection raised by the Acting Premier. The amendment cannot be accepted on the present Bill.

Hon. N. KEENAN: Before you definitely rule, Mr. Chairman, may I suggest that you

hear me in answer to the Acting Premier's objection?

The CHAIRMAN: I must rule the amendment out of order.

Hon. N. KEENAN: I merely ask if you will be good enough to allow me to offer some reason.

The CHAIRMAN: I cannot agree to accept the amendment.

The Acting Premier: Does the member for Nedlands intend to disagree with the Chairman's ruling?

Hon. N. KEENAN: I would prefer to convert him to a reconsideration of his decision.

The CHAIRMAN: I am afraid you cannot do that.

Hon. N. KEENAN: I am always loth to disagree with rulings. I regard all rulings, even though they be against what I consider to be right, with a large measure of respect. I do not desire to challenge your ruling, Mr. Chairman, especially if the Minister will undertake to allow an amendment of this description to be moved when we are considering the Bill to impose the tax.

The Acting Premier: That is not for me to say; it is for the Chairman of Committees.

Hon. N. KEENAN: If the Minister should raise an objection when we are dealing with the other Bill, I am afraid I would have to support the hon. member. If the Chairman were to raise an objection, I would be placed in a difficult position.

The Acting Premier: I promise that I shall not raise the point.

Hon. C. G. Latham: But the Chairman of Committees might do so.

Hon. N. KEENAN: In that event, it will be conceded that amendments to raise or lower a tax are the only ones that can be moved. No private member could move to increase the rate of tax without a message from the Governor and if the amendment were moved, it might mean that the amount of tax to be derived would not be sufficient.

The Acting Premier: That is not the point at all.

Hon. N. KEENAN: The point is that the amendment would be out of order and it would not be competent for a private member to move an amendment the effect of which would be to increase taxation.

The Acting Premier: The point is that the amendment is beyond the scope of the Bill.

Hon. N. KEENAN: I ask the Chairman of Committees to reconsider his decision. One object of the amendment is to provide that a tax shall not be imposed in excess of certain requirements.

The CHAIRMAN: I have ruled that I cannot accept the amendment.

Hon. W. D. JOHNSON: I disagree with the method of raising revenue proposed in the Bill. It is not right to impose a tax upon a commodity by first allowing a middleman to make a profit from that commodity. If a commodity is worth taxing—and this commodity is—then the proper method of approach is to tax the commodity direct, as is done in other countries. A gold tax should be a tax upon gold, not upon profits from gold. And the idea of limiting it to £80,000 is beyond my comprehension. Why should it be £80,000 any more than £85,000? And why should this special industry be protected by stating the amount the Government are to get from the commodity?

The Minister for Mines: That is not the basis.

Hon. W. D. JOHNSON: But the Bill has been framed on that basis, framed for the purpose of raising £80,000. And in order that there should be no misunderstanding, the Government consulted the mining investors. It is a most extraordinary proceeding for a Labour Premier to admit that he went to the London investors and discussed with them the amount the State should take from its own commodity that has increased in value by 100 per cent.

The Acting Premier: We merely told them what we proposed to take.

Hon. W. D. Johnson: The mining investors have not made that increased price; the increased price has come from, God only knows where. However, the price has increased until to-day it is 100 per cent. above normal. And the Minister for Mines, when introducing the Mines Estimates, said the price should go higher still.

The Minister for Mines: And I believe it will.

Hon. W. D. JOHNSON: Well, what right have we to barter away the people's commodity? It belongs to the people, and when

the mining companies take the gold, the people are so much the poorer.

Mr. F. C. L. Smith: It is the same with wheat.

Hon. W. D. JOHNSON: No, because the wheat can be renewed the following year. That does not apply to mining: the gold is there.

The Minister for Mines: And it takes finding.

Hon. W. D. JOHNSON: Of course it does. One virtue of the Bill is that it recognises the prospector who discovers the gold and who is to be exempt from this proposed tax. But why should not we say to these mining companies, "You shall pay on production"?

The Minister for Mines: Then you would be taxing the prospector.

Hon. W. D. JOHNSON: No, he could still be exempt, just as he is exempt in the Bill. There seems to be no conception of the people's right to take for their use the increased value of the commodity.

The Acting Premier: What has this to do with the clause?

Hon. W. D. JOHNSON: Clause 5 deals directly with the question of how the money shall be raised.

The Acting Premier: No, it does not.

Hon. W. D. JOHNSON: It definitely lays down that the money shall be raised by a tax on profits, not by a tax on production. The clause is wrong in principle. It may be right if you go to the London investor and consult him. Naturally he wants to get interest on his money. And he gets his profit. The great problem of government is to ascertain incomes and profits. Taxation has created an army of persons whose special task it is to so arrange profits that they shall not be disclosed for taxation purposes. The Bill is a distinct invitation for an extension of that class of work; the mining companies are invited to disclose profits only when it is impossible to cover them up. To-day we cannot protect the State revenue from such tactics, but if we were to have a tax on gold production it would be a very simple thing. When we introduce a tax under the financial emergency legislation, we say we will take it at the base so that there shall be no means of evading it. But when it comes to gold, we say we must not go to the base, but must give the companies the right to make a profit before they start to pay to the State that which they have never created: for they have contributed nothing towards the increased value of gold.

The Minister for Mines: If it were not for the increased price of gold, the State would be in an awkward position.

Hon. W. D. JOHNSON: But there is a correct way of imposing the tax. The idea of consulting the investors so as to give them their share! Where do the people come in?

The Minister for Mines: Where did the people come in when they were paying the £80,000 which we are now trying to get by this tax?

Hon. W. D. JOHNSON: Of course, a tax should have been introduced long ago for the purpose of recouping the State the amount put into the industry. The fact that, in the opinion of the Minister for Mines, the price of gold is going to increase should cause the Government to ask whether the speeding-up of gold discovery should be encouraged just now. The people who are getting huge returns from the industry have contributed nothing towards the increased value of the commodity. The Loan Council does not come into this.

The CHAIRMAN: I do not think we can discuss the Loan Council on this clause.

Hon. W. D. JOHNSON: No, but I can refer to it. In many things the Loan Council can direct this House, as, for instance, in the raising or expenditure of funds. The Loan Council has directed this House in regard to the raising of taxation, but when it comes to this class of legislation we are free from outside dictation and influences. So we have the right to exercise our own judgment and take for the State the State's just due in regard to gold which, fortunately, is found inside our own boundaries. There is no justification for a limitation of the tax. We should have a tax on gold production and, whatever that yields, the State should get it. I do not subscribe to the system that we shall tax only gold profits and that the taxation shall be based on an estimated income of £80,000. I trust the Government will re-consider the method of imposing this tax.

Mr. MARSHALL: The argument of the member for Guildford-Midland is worthy of consideration. I object to the principle of singling out a certain industry for special taxation because it is temporarily enjoying some degree of prosperity. If that principle is sound, when the mining industry was ex-

periencing a very lean time and other industries were enjoying prosperity, those other industries should have been taxed. When wheat was bringing 9s. a bushel, it should have been taxed.

The Minister for Mines: I think it would have been sound to tax it.

Mr. MARSHALL: Then why has the mining industry been singled out for special taxation? I agree with the member for Guildford-Midland that to tax profit is wrong. The substance is the right thing to tax. To impose taxation on profit is to offer inducement and encouragement for deception and evasion, and that ultimately will be the experience. A certain mining company has been operating for 30 years, and for the last five or six years has been showing a monthly loss. Yet the mine now forms part of a prospective purchase involving £175,000. For what is ostensibly a losing proposition, the owners are asking the prospective buyers to pay £145,000. That to my mind clearly indicates evasion of taxation, and an attempt to intimidate employees against seeking improved conditions.

Hon. C. G. Latham: Is that for forming a new company?

Mr. MARSHALL: Yes. The companies now showing profits will gradually show smaller profits, and an evasion of legal responsibilities will be their objective.

The Minister for Justice: Do you think their shareholders would stand that?

Mr. MARSHALL: The shareholders would gain by it.

The Minister for Justice: How could they get a profit if it were not shown?

Mr. MARSHALL: I have given one instance of the value placed upon a mine that for several years has been showing a loss. I would be glad to get rid of a losing proposition. The figures I have given show that all is not well with the bookkeeping of the company.

The Minister for Mines: I will wager that the Taxation Department have not missed them.

Mr. MARSHALL: As to that I cannot say. If we tax profits, the tendency will be to keep profits as low as possible in order to reduce or avoid the payment of tax. Under this Bill we could protect the prospector and the syndicate. Let me remind the Minister for Mines that my statement of a few days ago has come true. Mr. Agnew and others in London have been busy trying to convince their shareholders that there need be no anxiety on account of this Bill.

The Minister for Mines: I am glad of that. I do not wish to see a slump in our mining industry.

The CHAIRMAN: We are not discussing Mr. Agnew.

Mr. MARSHALL: I do not wish to discuss Mr. Agnew, but this proposal has caused more consternation in London than the question of withholding mining reserves. Even when this tax is imposed, companies will be much better off than prospectors or syndicates. Is it right that companies should escape more lightly than individuals or syndicates? A few years ago when a gold bonus of £1 per ounce above the standard price was sought, it was said that if the value of gold exceeded £5 per ounce, the Government could have the rest. What a happy position the Government would be in if they were collecting £3 or £3 10s. on every ounce of gold being raised in the State. In spite of that, the companies are to escape with taxation on profits of 1s. 4d. in the pound.

Hon. W. D. Johnson: Raking off their profits first.

Mr. MARSHALL: Yes. The Acting Premier tried to justify the tax on the ground that it would recoup the Government for expenditure on T.B. miners. It ill-becomes the Government to use the unfortunate derelicts of the industry or the pittance paid to them and their dependants to justify the imposition of this tax. That expenditure is declining and will vanish.

The CHAIRMAN: We are not discussing miners or their dependants.

Mr. MARSHALL: If I cannot discuss the system that I think ought to be introduced, I will resume my seat.

The CHAIRMAN: The hon. member certainly cannot discuss the dependants of miners under this clause.

Mr. MARSHALL: I wish to draw a comparison and to show that the Government's proposal is wrong. Can I say what I think should be done?

The CHAIRMAN: Yes.

Mr. MARSHALL: I have never attempted to evade the Standing Orders. I am going to suggest a different form of taxation. It is something that ought to have

been done before. The Treasury should not consider money in lieu of the health of those engaged in the industry. It is bordering upon an injustice to collect a tax in order to pay for the injury that has been done to the employees. What should be done is to prevent that injury. If the Government were sympathetic they would force the gold mining companies to spend a greater percentage of the wealth they win in protecting the health and lives of the miners. They would force them to give shorter hours and provide better sanitation and ventilation. If that were done, we should not be called upon to discuss a Bill like this. I cannot see that we are justified in extracting £80,000 from the industry as compensation for those who have suffered so great an injury. Apparently, those who are to pay this tax have no objection to doing so. They are being let off very lightly. Had a Bill of this nature been brought down years ago, a great deal of suffering would have been avoided, and countless women and children would have been spared the consequences which have followed upon the breaking down of the health of the breadwinners. The men underground have been neglected by the companies. I must vote for the clause because the Treasury is entitled to some consideration. It would, however, have been better had we exercised a greater control over the industry, and thus prevented injury to the employees, than to bring down a tax of this kind.

Mr. J. H. SMITH: I was surprised at the supineness of the Leader of the Opposition and the Leader of the Nationalist Party when dealing with this tax. It is a crying shame that those who are supposed to represent public opinion should allow the measure to go throughout without any protest. This is the only buoyant industry in the State. Three years ago, when the fruitgrowers were enjoying a little prosperity, the Government raised railway freights by 15 per cent.

The CHAIRMAN: The hon. member is not in order in discussing railway freights under this clause.

Mr. J. H. SMITH: And the freight has not been reduced yet, although the industry is in a parlous condition. We know that mining companies evade taxation in every possible way. They are taking our wealth and we are gaining nothing. Gold has gone up in value from £4 an ounce to £8 12s. 6d., and all we are to get out of this industry is a miserable £80,000 a year. Sometime ago the mining companies said if they could only get £5 an ounce, the industry would be placed on a payable basis. They are now receiving £3 12s. 6d. in excess of that. Surely the State should be recouped for what it has spent upon the industry. I regret the Leader of the Opposition had not sufficient courage to oppose the second reading. My idea is a tax based on the production of gold. The State is entitled to get back from the industry everything over the £5 an ounce the companies agreed to accept.

Mr. Wansbrough: You would close up the industry.

Mr. J. H. SMITH: The hon. member knows all about his butter fat in the Denmark area.

The CHAIRMAN: The hon. member cannot discuss butter fat on this clause. I have given him every latitude

Mr. J. H. SMITH: This is the only buoyant industry that we have and it should be taxed on the production of the commodity.

The Minister for Mines: You would like to kill the industry.

Mr. J. H. SMITH: No. What is the State getting out of it, although gold is worth £8 12s. 6d. an ounce?

The Minister for Mines: More than it is getting out of any other industry.

Mr. J. H. SMITH: The State is not being recouped for what it has spent upon it. It is entitled to get more than is proposed by the Bill, and to have returned to it what it has spent on miners' phthisis.

Mr. Tonkin: Do you favour the idea of the State taking over the industry?

Mr. J. H. SMITH: We have had too bitter an experience of State trading concerns. Foreign capital would not come here if there was not something to be gained from its investment in the industry. Something more should be got out of the industry which is providing hundreds of thousands of pounds to people outside the State.

Mr. RODOREDA: In common with other members who have spoken on the clause, I must own to a feeling of disappointment. In my opinion, the right method is to impose a tax on the production of gold. The tax on profits does not appeal to me at all. As has been said, there are too many ways of evading taxation on profits. We hear of companies being summoned for all sorts of evasion of taxes.

The Minister for Mines: Individual evasion is much easier than company evasion.

Mr. Hawke: These companies, being wealthy, would be able to secure the best possible advice—

Mr. RODOREDA: —to evade taxation. Further, they have methods of watering their capital. In their annual reports the mining companies boast of having reduced production costs to such an extent that they could make the mines pay if gold went back to its old price. Yet the Minister says that a small tax per ounce of gold produced would kill the industry.

The Minister for Mines: So it would. Only some of the mines could continue at the old price of gold.

Mr. RODOREDA: South African mining has not been killed by such a tax. The South African industry has become one of the best in the world. The South African Government take an enormous amount from the gold industry—nearly 50 per cent. of the premium.

The Minister for Mines: Now you are talking.

Mr. RODOREDA: We are not getting anything like that figure. The proposed tax means only a tithe of that. The Western Australian people as a whole pay the exchange, and the people as a whole should derive some benefit from the flourishing condition of the industry.

The MINISTER FOR MINES: I am satisfied with the proposed method of imposing the tax. However, I cannot let the statement of the member for Murchison pass, that the Government consider a paltry £80,000 of taxation per year from the mining industry compensation for the impaired health of men who have worked in the industry. The general taxpayer of Western Australia has paid that compensation during the last seven years. If the conditions applying now had applied seven years ago, the general taxpayer would not have paid one penny of that compensation. If ever there was an industry which ought to meet its own obligations, it is the gold mining industry of Western Australia to-day. If it were possible by taxation to do what the member for Murchison suggests, I would tax the industry clean out of existence. However, the hon. member knows just as well as I do that that is impossible. Probably some companies will evade this clause proposing taxation on profits. However, let me assure the hon. member that the company to which he referred, which in its reports and even in its monthly statements for the last three years has shown a loss, has not been working at a loss, but at a huge profit. The explanation is that the whole of the reports and monthly statements issued by the company have been on the basis of £3 10s. 10½d. per standard oz. The company has never said a word about the increased price of gold, but has paid its shareholders huge dividends. Should the Bill become law, the company would not be able to pay its shareholders one penny before paying the tax.

Clause put and passed.

Clauses 6 to 11—agreed to.

Clause 12—Tax to be paid before dividend paid:

Hon. C. G. LATHAM: Some companies in this State pay interim dividends—in some cases quarterly, in others monthly. If the clause passes as printed, they will be unable to pay interim dividends. I suggest to the Minister that he accept an amendment in that connection. I move—

That the words "After receipt of assessment" be inserted at the beginning of the clause.

That will enable the Minister to obtain all he wants, without preventing the payment of interim dividends. If the Acting Premier looks into it, he will find that the clause, with the amendment, will do what he requires without interfering with the payment of interim dividends.

The ACTING PREMIER: My attention had been drawn previously to the wording of the clause, and I realise the provision as it stands may be interpreted in a manner that will prevent companies paying dividends other than annually. I will give an undertaking that I will have the clause examined by the Crown Law authorities in the morning, and, if necessary, should the clause be agreed to now, I will have it recommitted for further consideration. There is no intention to prevent companies paying interim dividends.

Hon. W. D. Johnson: At any rate, you could not agree to the amendment.

The ACTING PREMIER: It is certainly not intended to limit payment to annual dividends.

Hon. C. G. LATHAM: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 13 to 15—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 10.14 p.m.

Legislative Assembly.

Thursday, 1st November, 1934.

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

QUESTION—LAND SALE OR SELECTION.

Collie-Preston Road Area.

Mr. WILSON asked the Minister for Lands: Will he consider the advisability of throwing open for sale or selection at an early date further lots of land adjacent to the land recently sold in the Collie-Preston road area?

The ACTING PREMIER (for the Minister for Lands) replied: The land in question is within a State forest, and as the Conservator of Forests will not agree to its release, it cannot be sold.

AUDITOR GENERAL'S REPORT.

Mr. SPEAKER: I have received a copy of the Auditor General's report which I will lay on the Table.

BILL—GOLD MINING PROFITS TAX ASSESSMENT.

As to Third Reading.

Order of the Day read for the third reading.

THE ACTING PREMIER (Hon. A. McCallum—South Fremantle) [4.35]: I promised the House that I would explain the procedure that will be adopted in connection with the collection of this tax. The clause providing for the collection of the tax has been copied verbatim from the Dividend Duties Act and it will operate under the Gold Mining Tax Act as it has operated under the Dividend Duties Act. When a mining company has declared a dividend it will pay to the Taxation Department 1s. 4d. in the £ on every pound paid as a dividend. The company will deduct the amount from the dividend and pay it to the Taxation Department, and that can be done monthly, quarterly, or half-yearly. Actually the dividend will not be paid until the tax has been deducted and paid to the Taxation Department. I am sure there will be no difficulty, and that the procedure will work as smoothly under this measure as it has worked under the Dividend Duties Act. I move—

That the Bill be now read a third time.

Mr. SPEAKER: As I have not yet received a Message from the Lieutenant-Governor recommending appropriation for the purposes of the Bill, it will be necessary to defer the passing of the third reading to a later stage of the sitting or until the next sitting of the House.

The ACTING PREMIER: Very Well.

BILL—CITY OF PERTH SUPERANNUATION FUND.

Read a third time and transmitted to the Council.