Mr. E. B. JOHNSTON: I move an amendment to the new clause—

That the following be added to the new clause:—"Provided further that nothing in this proviso shall apply to any person of the Jewish race."

The Premier: Are Jews Asiatics or Africans?

Mr. E. B. JOHNSTON: Those words have been included in similar legislation, and I did not think the matter needed arguing.

The Premier: I will accept the amendment.

Mr. LATHAM: I have not been able to get a copy of the principal Act, and I do not know the purport of the section to which these provisoes are being added. Speaking from memory, the principal Act merely provides that licenses must be obtained within a municipality. Broome is not a municipality.

The Premier: This proviso will apply to all coloured people in the State.

Mr. LATHAM: But the Act deals only with licenses within municipalities.

The Premier: The proviso is perfectly clear.

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

New clause:

The PREMIER: I move—

That the following be added to stand as Clause 3:—"No Asiatic or African alien, and no person of Asiatic or African race claiming to be a British subject, shall use or carry a gun within any portion of the State, unless he is the holder of a license under this Act. Penalty, £50."

New clause put and passed.

Title—agreed to.

Bill reported with amendments, and the report adopted.

RESOLUTION—POLICE PENSIONS.

Message from the Council received and read requesting concurrence in the following resolution:—

That in the opinion of this House it will be conducive to the best interests of the State if provision be made for the payment of reasonable pension allowance to members of the Police Force who may be injured, wounded, or maimed in the execution of their duty, and for adequate allowances to their dependants in the case of death."

House adjourned at 10.58 p.m.

Legislative Council,

Wednesday, 16th December, 1925.

The DEPUTY PRESIDENT took the Chair at 11 a.m., and read prayers.

QUESTION—RAILWAY CONSTRUCTION.

Hon. T. MOORE asked the Chief Secretary: Is it the intention of the Government to introduce this session a Bill to authorise the construction of a railway to serve the country lying east of the Wongan Hills-Mullewa railway?

The CHIEF SECRETARY replied: No. A Bill for this purpose will be introduced early next session.

BILL—APPROPRIATION.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [11.5] in moving the second reading said: This Appropriation Bill follows the same lines as in past years and covers the whole of the Government's

expenditure with the exception of that provided for by special Acts, namely:—Expenditure covered by—Revenue Estimates (exclusive of special Acts), £5,328,112; by sale of Government Property Trust Account, £112,868; General Loan Fund, £4,748,795; Land Improvement Loan Fund, £31,498; Advance to Treasurer, £500,000; total requiring appropriation, £10,721,273. Supply Bills already passed represent £3,145,500; so the balance now requiring approval is £7,575,773. In addition, the excesses granted last year are included in this Bill. The schedules clearly set out the position. Schedule "A" shows the total of the amounts dealt with by this and the Supply Bills already passed. Schedules "B," "C," "D," and "E" show the appropriation of the amounts covered by the Revenue Estimates, Sale of Government Property Trust Account, Land Improvement Loan Fund Account, General Loan Fund, and Advance to Treasurer. A slight addition has been made to the wording of Schedule "E." This year it covers the relaying of the tramways and railways, the cost of which is to be spread over five years. Schedules "F," "G," "H" cover the excess expenditure of last year from Advance to Treasurer under Revenue, General Loan Fund, and Trust Funds, respectively. Each item shows clearly the nature of the expenditure involved, and no further detailed explanation is necessary. There was no expenditure out of the ordinary, and in the majority of cases the individual amounts are not large. Last year again showed an improvement on revenue account as compared with the previous year. Collections for the two years were:—1923-24, £7,865,595; 1924-25, £8,381,446; an increase of £515,851. The expenditure was—1923-24, £8,094,753; 1924-25, £8,439,844; an increase of £345,091. The deficiency was —1923-24, £229,158; 1924-25, £58,398; an improvement of £170,760. The actual deficit was £137,677 less than expected, this being due to revenue exceeding the estimate by £217,141, whilst expenditure was £79,464 more than was forecasted. The net result was an improvement of £137,677, as already stated. For this year, the deficit is estimated at £98,079. Both revenue and expenditure are expected to be greater than last year, revenue by £451,285, and expenditure by £490,966. The revenue is estimated at £8,832,731, as compared with £8,381,446 last year, and the expenditure at £8,930,810, as against £8,439,845. The principal increases of revenue are:—Departmental, £90,582; Railways, £165,992; Electricity Supply, £14,133; Metropolitan Water Supply £19,818; Timber, £19,957; Taxation, £98,470. There are many minor increases, but these are offset by decreases under a number of heads. The increase of £490,966 in the estimated expenditure is due principally to:—Special Acts, £249,978; Police, £23,862; Agriculture, £17,717; Education, £9,046; Railways, £158,240; Tramways, £12,638; Electricity Supply, £17,269; to which must be added many minor increases. Generally speaking, there are no departures of any great moment from last year. Additional funds are urgently required for hospitals, and there are to be obtained by a special tax on amusements. The proceeds of this tax are being kept quite separate from other revenue, and are being paid to a special fund in the Treasury. This fund will be operated on for hospitals only. The Government have provided the same amount on the Estimates this year for hospitals as was spent last year. It has been found necessary to provide more money for public utilities, the increase being £207,322. This is the natural result of the expansion of their operations consequent on the growth of the State. Their revenue is also expected to increase. It is satisfactory to note that, after meeting all charges last year, including interest and sinking fund, these concerns showed a surplus of £52,578. In 1920-21 the deficiency was £715,167. There are still, unfortunately, some of the concerns which are not paying their way. At the end of last month the actual collections of general revenue had been £2,761,086, as compared with the five months proportion of the estimate £3,680,000—a shortage of £919,214. It must not be forgotten that many items of revenue come in only at fixed periods, the principal of these being interest recoups, which are collected in December and June. Expenditure for the same period also shows a decrease as compared with the estimate, the figures being:—Five months proportion of estimate, £3,721,170; five months actual expenditure, £3,401,637; or a decrease of £319,533. Interest and sinking fund, although paid half-yearly, are charged up monthly in advance. Although the deficit for the five months is slightly greater than was the case last year, there is yet no reason

to expect that the result for the whole year will not be as forecasted. The amount asked for on General Loan Fund is greater than usual. This is the natural consequence of the land developmental policy. The amount provided on the Loan Estimates this year is £4,748,795, an increase of £649,774 over last year's expenditure of £4,099,021. Land development cannot be curtailed without seriously affecting the State. The amount directly set down for development of agriculture is £2,250,300. This is only a portion of the expenditure on land settlement. For instance, £170,000 is provided for rolling stock, and this is practically all required to meet increasing demands of country traffic. Country water supplies are set down for £230,000, and a very large amount will be spent on country roads. Including Commonwealth grants, the expenditure on country roads this year is expected to be about £370,000. Funds have had to be provided to continue the construction of the reservoirs and mains for the metropolitan water supply. The expenditure will be slightly less than it was last year, and it is expected to decrease year by year until the present proposals are completed. Metropolitan sewerage also has to be provided for. Both these undertakings might have been controlled by a board or trust and so would not have affected these Estimates. A large amount has been provided for harbours, and outer ports are receiving a great deal of attention. The only other increase of importance is that set down for the State Shipping Service. This amount is required for the two ships already contracted for that are now being built. The smaller of these is for the south coast and will be known as the "Kybra," the aboriginal name for a ship. She will cost £55,200 and should be completed about March next. The vessel for the North-West coast is to cost about £186,000, to which any extras must be added. She should be finished about November. Even allowing for these and other items of expenditure which were unavoidable, it can be safely claimed that these Estimates are mainly framed to develop the primary industries. The Treasury has prepared this information at my request so that I would be able to bring members of this Chamber into close touch with the financial position. A lot of the information I have given has not previously been made public. I move—

That the Bill be now read a second time.

HON. J. NICHOLSON (Metropolitan) [11.17]: The Minister has placed before us full details of the Appropriation Bill. Amongst the items, he has mentioned that the General Loan Fund shows an increase of more than £600,000 as compared with last year, and he has itemised certain expenditure to account for the increase. It is rather difficult, however, to follow exactly what is intended by the Appropriation Bill. Schedule "A" sets out various appropriations from Consolidated Revenue Fund, Trust Fund, General Loan Fund, and Public Account Advance to Treasurer showing amounts appropriated "under Act No.," but the number of each Act has been omitted. I presume the Minister will give information as to the particular Acts, so that we may refer to them and see in what way the allocations have been made, in order that we might compare them with the appropriations under this measure. The schedule certainly cannot be passed in its present form, although it has come to us from another place in this incomplete state.

HON. E. H. HARRIS (North-East) [11.19]: The Government propose to expend considerable sums of money and they are increasing loan expenditure greatly over that of their predecessors. At the last general elections the Mitchell Government were vigorously attacked for having contemplated spending three and a half millions in one year, and it was pointed out what that sum would mean in interest charges per head of population. The industrialists were told that they would be required to pay 5s. per week for interest on the additional loan money of three and a half millions. Yet the present Government propose to expend no less than four and three-quarter millions. I admit that increased expenditure is necessary for the general development of the State, but it is worth noting that the present Government and their supporters, who vigorously denounced the loan policy of their predecessors, are not only following in their wake, but have even increased loan expenditure. I wish to direct attention to the precarious position of the gold mining industry. The

extraordinary good service rendered by the industry in days gone by was a powerful factor in the development of the State and was the best immigration agent the State ever had. On the other hand the State has certainly done a fair amount to assist the industry. We are indebted to the Mitchell Government for the assistance they gave the industry, and the present Government have followed their example by assisting to the extent of £45,000 to £50,000 per year for water charges. Still the industry is unable adequately to meet the increased cost of mining operations. The important question raised before the Disabilities Commission was brought prominently under the notice of the Federal Government by representatives of the State, and the disabilities suffered by the gold mining industry have also been stressed by the Chamber of Mines and the Mineowners' Association of Western Australia. Our hopes were buoyed up by the belief that the Commonwealth Government, through the Commission, might accede to the request for the payment of a bonus of £1 per ounce on gold produced in Western Australia. While we were awaiting the findings of the Commission, a statement was made by the Honorary Minister (Hon. J. W. Hickey) who was then acting Minister for Mines, that the gold bonus proposal had the whole-hearted support of the Collier Government, and that the State was under a lasting debt of gratitude to the industry. "Were it not for the financial stringency," he added, "the Government would be prepared to pay a gold bonus." The "Worker" newspaper, on the 13th November last, quoted Mr. Claude de Bernales, representing the gold bonus campaign, who had evidently read in London the report of Mr. Hickey's remarks. Mr. Bernales said he wished to congratulate the Government on the statesmanlike utterance in which their view on the gold bonus had been presented to the Press. London people interested in gold mining were also delighted at the attitude of the State Government. On the 9th November the Honorary Minister (Hon. S. W. Munsie), speaking at Kalgoorlie, said that so far as he was concerned not one penny of the £450,000 from the Commonwealth Government would go to the mining industry. That remark was viewed with great disfavour by goldfields residents, because they thought that the statement of Mr. Hickey represented the considered opinion of the Government. Soon afterwards the Premier, speaking in another place, said that any money derived from the Commonwealth Government could be utilised to relieve taxation. On the 7th December the Minister for Mines, in discussing the matter at Kalgoorlie, said the mining industry would get its fair share of the Commonwealth grant. Judging by the statements of Commonwealth authorities, it would appear that during the investigation by the Commission on the State's disabilities, consideration was given to the gold-mining industry. We may assume from such statements that any assistance they considered should be rendered to the industry was included in the sum to be made available by the Commonwealth authorities immediately the Federal Parliament meets. I understand the meeting day has been fixed for the 13th January. People interested in gold mining in Western Australia are anxious to have a declaration as to the precise attitude of the State Government. I have asked questions in this House and have received evasive answers, the effect of which has been that when the Government receive the money, the matter will be considered. By the time the money is received, Parliament will have adjourned, and it will be open to the Government to utilise the money in any way they desire. If they cared, I suppose they could use it to build another brick kiln or enter into another State enterprise.

Hon. E. H. Gray: It would be a good thing if they built another brick kiln.

Hon. E. H. HARRIS: It would be far better to pay a substantial proportion of the money, say two-thirds, directly to the gold-mining industry, which Ministers, in their statements, have represented would be the best way to assist the State. I presume it will lie with the State Government to decide how the money shall be distributed, but I hope when it is made available a declaration will immediately be given as to how the Government propose to assist the industry. There is another course the Government might adopt—set aside a quarter of a million of the money, subsidise it and direct the technical officers of the Mines Department to determine how best the money might be spent to assist the gold-mining industry. For the year 1924 the mineral production of the State was worth roughly two and a half million pounds, and that of gold was worth £2,000,000. Four-

fifths of the production of minerals for that year was, therefore, confined to gold. I would impress upon the Government the necessity for doing their best to assist the industry. I should like some information with regard to the deportation of individuals from Western Australia. We have heard of attempts that have been made of late in this direction. I see from the accounts an item of expenditure for the deportation from Western Australia of Robert Fletcher, £37, and of J. Antuloo, a Jugo Slav, £25. The Minister's reply to my question indicated that it was not a compulsory deportation. Are we to understand that these men went away voluntarily, but first approached the Government and asked for some money with which to go?

Hon. E. H. Gray: They left Australia for Australia's good.

Hon. E. H. HARRIS: That may be so. Why were they deported?

Hon. J. Cornell: They were not dug in.

Hon. E. H. HARRIS: Were they formerly gaolbirds, or were they good citizens who were assisted by the Government to get away? Where did they go and why did they go, and what prompted the Government to deport them?

HON. T. MOORE (Central) [11.32]: During the past few years we have been led to believe that by the establishment of country branches of the Agricultural Bank we should do away with centralisation, and institute a system that would be more convenient to clients of the bank. While the idea was a good one, it has not worked out well. Under the old method, a client in the country dealt direct with the bank in Perth. He would make an application through the local inspector, who would send it to Perth. The central office would then deal with the matter, send a report back to the local inspector as to what would be done, and the inspector would pass it on to the client. Under this supposed improved method the client first of all applies to the local inspector for a loan. The local inspector sends on the application to the local branch. The local branch remits a recommendation to the Perth office, which has then to go through all the routine of sending the result of the application through the branch office, on to the local inspector, and finally, after a great deal of delay, the client learns exactly what has happened to his request. By this means the settlers are greatly hampered and far more delay occurs than was previously the case. Instead of doing away with centralisation we have introduced a system of circumlocution.

Hon. A. Burvill: The dog is chasing its tail.

Hon. T. MOORE: When a local branch of the Agricultural Bank is established the manager should be given the same standing as the manager of an associated bank. A client should be permitted to place his request for a loan before the local bank manager, who, knowing the individual, has a greater opportunity of doing the correct thing. If the local bank managers were clothed with authority, knowing the property to be developed, and the individual settlers, they would be in a position to say what should be done in the best interests of all concerned. The Perth office does all it can for a client, but cannot have that intimate knowledge of local conditions that the branch bank manager should have. The conditions vary greatly. I believe that certain members of the board are prejudiced against some parts of the State. A man on taking up a certain piece of country may apply for bank assistance. In the more favoured localities settlers can get almost anything they want. In the case of other parts, which are not looked upon favourably, because the officials do not really understand that particular country, the settler may be called upon to put into his block some of his own cash, and thus be hampered for money in the development of his holding. I know of one man who, after doing all he could by correspondence, came to Perth from the Geraldton district, and put his case before the directors of the bank. Only then was he able to get something in the way of satisfaction. As things are, these branch offices are of very little use to the settlers, and are not the use they were intended to be. I hope the Government will consider the question of clothing these local managers with more power, so that they may be in a position to decide quickly whether or not a man should be assisted, so that he may be able to make other arrangements if he fails in his application.

On motion by Chief Secretary, debate adjourned.

BILL—DRIED FRUITS.

Second Reading.

Debate resumed from 10th December.

HON. H. J. YELLAND (East) [11.40]: I wish to draw attention to one or two points in regard to this Bill. A little while ago I met a number of dried fruit growers when the Primary Products Marketing Bill came up for discussion. Those growers suggested that they would be glad to see the Bill defeated, and a dried fruits Bill brought down in its place. They said that theirs was an uphill fight, and that the industry throughout the Commonwealth was in a precarious position. I verified that when I went to the Eastern States. I am convinced that unless this Bill is brought into force there is likely to be a conflict between our growers and those in the other States. Australia exports about three-quarters of its production of dried fruits. The export trade is controlled under the Commonwealth Act, by the Export Control Board, and everything that is exported is subject to conditions laid down by that board. The fruit has to be brought up to a certain standard. It is, therefore, in the interests of the industry—I am not considering the individual—that every grower should export the full quantity of that which he produces. That is practically what the Bill aims at. There is a great difference between the individual and the industry. Individuals make up the industry. If 2 per cent. or 3 per cent. of the growers fail, I should say that would be the fault of the individuals, but when the whole industry reaches a parlous condition, despite the fact that a large number of the growers are successful, it means that it is in need of some protection. That is the position of the industry to-day. Although there are several individual failures, a large number of growers have been successful, but the actual conditions of the industry are bad. Most of the difficulties are caused because the particular trouble is world-wide. The Bill is an attempt to bring this State into line with the Eastern States. The conditions there are better than they are here. It is anticipated that for the coming year the growers in the Eastern States will have an output of 50,000 tons of dried fruit, as against 1,300 tons in this State. It has been said that we have found a market in New South Wales, and that we can undersell the Eastern growers in the matter of currants. That may be so, but it is questionable whether that would be advisable. I have recently received a communication from a Mildura grower. He said it would be possible for Mildura to flood the New South Wales market, and sell at a lower price than that at which Western Australia could export her dried fruits to that State. At the same time, with the money and resources behind them, those growers could also flood the Western Australian market, and in that way the smaller men here could be practically wiped out, the whole field being then left to Eastern growers. If this Bill is passed, Eastern growers will come into line with our growers, and all of them will be on the same level. Arrangements can be made whereby Western Australia will get her proportionate share of the Australian markets, but she will have to take her proportion of the oversea markets.

Hon. J. Nicholson: Are the Mildura growers under an agreement or an Act as regards export?

Hon. H. J. YELLAND: They are under a Victorian Act, and there is a South Australian Act which is similar but for one or two minor details. The Victorian and South Australian growers who, under their State Acts, have State boards to govern the conditions in each State, co-ordinate harmoniously; and they have asked that Western Australian growers should come under the same scheme. In that way it will be possible to regulate the quantity to be exported oversea and the quantity to be distributed within the Commonwealth, the latter being pro rata of the production of the various States. The same principle would operate in the export trade. Unless we are prepared to go hand in hand with the Eastern States, there is a possibility of our dried fruits industry being practically wiped out. That can be done. The Eastern States growers have no desire to do it, but they can do it. They wish to work harmoniously with our growers. Therefore we owe an obligation to our dried fruits industry to establish some sort of control on the same lines as that obtaining in the East. That will be to the benefit if the industry as a whole, and eventually to that of the individual grower. I shall not

enter into the details of the board to be established, or of the machinery that is required. I merely wish to voice the vital principle, because I believe that unless some such method as this is adopted, the industry will suffer severely. As I mentioned on a previous Bill, while in the East I learnt that Australia, with regard to this industry, is in a very different positon from the south of Europe. On the Mediterranean it is possible for growers, with lower wages and totally different conditions of working, to produce fruit at a price much less than is practicable here. In some instances the Mediterranean dried fruits, even sultanas, are hand picked, a thing impossible under Australian conditions. If wages and conditions elsewhere permit of hand picking, Australia is placed at a great disadvantage. I talked the matter over with Mr. Chaffey, of Mildura, and he suggested that the only possible way of keeping Australian dried fruits upon the world's markets was to establish an Australian standard that can be produced by mechanical means—means which will deal with hundreds of tons where hand picking deals with a few cwt. If we can do that and can get the world to accept the Australian standard, Australia will be able to maintain herself on the world's markets as regards dried fruits. The Australian standard, however, when established, would have to be backed up by such a production as would enable the world to recognise the Australian fruits. At present our production of 50,000 tons annually is distributed over the world, though principally disposed of in England. Even in England Australian fruits represent only a small proportion of the requirements. In fact, the proportion is almost insignificant, and therefore the demand for Australian dried fruits is not as great as it should be. If we could establish an Australian standard and then increase our export to such an extent that the standard would be recognised and sought after, our dried fruits industry would be on a safe footing. Until those conditions are established, the industry will have a hard row to hoe, and Australia will not benefit materially by its production of dried fruits. A position has been reached which makes the export of our dried fruits essential. We are using only about 25 per cent. of our production. Therefore, in order to bring every section of Australian growers of dried fruits on the same level and under the same conditions, this Bill has been introduced. I commend the measure to the House, and trust that for the preservation of the industry it will be enacted.

HON. J. M. MACFARLANE (Metropolitan) [11.55]: When the measure for the protection of primary industries was before this Chamber a little while ago and members thought fit to vote against it, a move was made to protect this special industry, because it was one that could be controlled, the product in a preserved condition not being perishable, but being one that could be easily dealt with from the aspect of the world's markets. I fully agree with the last speaker's remarks as to export, but I desire to deal with the position as I know it to be in this State.

Hon. H. J. Yelland: It is on export that the future of our industry depends.

Hon. J. M. MACFARLANE: That is a moot point. However, I shall place the House in possession of the facts as I know them, and then members can make their own decision. The Bill is intended to deal with the local position, and ultimately to benefit Eastern States growers as well as our own by creating a better organisation than exists to-day. I was fully in favour of this measure when it was first mooted by Mr. Baxter, taking his word for it that the industry here required assistance. However, shortly afterwards I learnt that there is a healthy opposition to the measure from the Upper Swan growers, who have placed me in possession of certain facts. They asked me to meet them and have a chat with them. Upper Swan not being in my province, I endeavoured to secure the attendance of members representing that province, and Mr. Hamersley accompanied me to the meeting. That hon. member will be able to confirm my statements or to correct me if I am at fault. The meeting took place at Mr. Boxall's drying sheds. I understand that the A.D.F.A. control what is known as the Swan Settlers' Association of Growers, and that there are two or three sheds run on proprietary lines drying fruit for the growers and finding markets for it. At Mr. Boxall's place Mr. Hamersley and I found 18 or 20 growers assembled, and we discussed the Bill with them. We learnt that quite a number of these growers

had been operating under the A.D.F.A., but became dissatisfied with the conditions, owing to the excessive overhead charges. The result was that after a year or two they conceived the idea of finding a market for themselves, locally or interstate. I am informed that some two or three seasons ago the A.D.F.A. had about 90 per cent. of the growers in the area, but that to-day they have lost quite half of them. About 50 per cent. of the Swan growers, I believe, are now operating outside the A.D.F.A., because they find they can do better through interstate operations. They contend that if they had to sell their fruit through the A.D.F.A., they would be faced with bankruptcy. The growers in question informed us that a market had been found for them in Sydney by the proprietary packers, and that they had netted 4d. per lb. for their currants, a price with which they were, naturally, highly satisfied, since while operating under the A.D.F.A. they got only 2d. per lb., a considerable proportion of their crop being sent oversea, where the oversea parity had to be accepted, minus expenses, which were heavy. Thus a healthy opposition to the Bill has sprung up amongst the growers. I was concerned to prove some of the statements made to me, and I went to the Statistical Department to obtain a synopsis of the trade. I found that from January to October of this year Western Australia imported 6,784lbs. of currants, of the value of £224. We exported during the same period 778,412lbs. of currants, of the value of £17,156. Most of these currants went to the Eastern States, largely to Sydney. In May of this year we exported to the Eastern States 37,520lbs. of currants, in June 85,680lbs., in July 50,960lbs., in August 103,040lbs., in September 65,464lbs., and in October 19,824lbs., making a total of 362,488lbs., representing a value of £6,966. The growers state that this return left them 4d. a lb. as against the 2d. per lb. they would have received if operating under the A.D.F.A. That fact has caused the opposition to this Bill, which will place the growers under the control of the A.D.F.A.

Hon. C. F. Baxter: No.

Hon. J. M. MACFARLANE: That is their view.

Hon. C. F. Baxter: It is quite wrong.

Hon. H. J. Yelland: The difficulty arose on account of the undercutting by growers themselves.

Hon. J. M. MACFARLANE: While I speak in opposition to the Bill, my concern is only for the industry. If it can be shown that my opposition will be against the interests of the growers, I will not pursue it. On the other hand, I have here a petition signed by 44 growers in the Swan district who are opposed to the Bill. The petition reads as follows:—

> We, the undersigned dried fruitgrowers of the Swan district, having learnt that it is very probable a Bill will be introduced into Parliament for the purpose of compelling growers to export a quota of their production overseas, object to any such proposal, deeming it to be to our disadvantage to be tied in such proposed manner under the present circumstances prevailing. We desire to be left to our own devices as to the manner in which we will market our products.

In addition to that, I am told that there are many others who are opposed to the Bill. I am told that the opposition is about fifty-fifty.

Hon. C. F. Baxter: That is not right.

Hon. J. M. MACFARLANE: I am giving the House the information that was furnished to me. If it is not correct, other hon. members will have an opportunity of demonstrating the fact. At the meeting of growers Mr. Boxall said that he had put about 400 tons through his shed and Mr. Howie had put through a large quantity, approximating the same total. Thus hon. members will understand that quite a large quantity is being marketed by growers themselves and they do not desire the Bill.

Hon. A. Burvill: Do you think that is because the larger growers want to squeeze out the small men?

Hon. J. M. MACFARLANE: I will deal with that point later on. These growers claim that they can maintain their position in the markets of the Eastern States, not because of any undercutting, but because the quality of their dried fruits enables them to retain the market. They do not in the least fear competition on the part of the local growers there. If the growers have those feelings, I am bound to support them in their desire to have liberty to market their products untrammelled by any measure such as that now before us. Thus it will be seen that the position regarding currants seems to have

solved itself, in that the growers can retain the market they have secured in the Eastern States, in addition to which we are exporting much more than we import. When it comes to sultanas, however, we find that from January to October last, we imported 334,250lbs., valued at £11,593. On the other hand we exported 1,600lbs. valued at £66. I asked some of the growers why the position regarding sultanas was so unsatisfactory. They told me that they would have no trouble if the wholesalers would take local produce. The experience had been that when the growers asked the wholesalers to buy local sultanas, the latter replied with the query "Do you belong to the A.D.F.A.?" When the growers answered in the negative, the wholesalers stated that they could not buy the produce. That will answer Mr. Burvill's interjection regarding the big growers and the small growers. A large area in the Upper Swan district was planted with sultana vines, but the growers were informed that because of the presence of a disease known as "black spot," they could not expect to compete with the products of the Murray River growers. Since then that disease has been overcome by means of spraying and when the growers endeavoured to place their sultanas on the market, competition was encountered from the growers of the East with the result that prices were reduced to such a point that it was unprofitable to continue operations. The consequence was that the vines were rooted out. The growers do not feel disposed to start again because they realise that the same competition is likely to be encountered.

Hon. H. J. Yelland: But that is the same attitude that they take up regarding the market in Sydney.

Hon. J. M. MACFARLANE: The growers say that they do not fear that competition because of the quality of the Sydney currants.

Hon. C. F. Baxter: It is all very well to say that when they have the protection of legislation in that State.

Hon. J. M. MACFARLANE: We find that 23,321 lbs. of other classes of raisins, valued at £689, were imported from January to October last and we exported raisins of the same description representing 28,266lbs., valued at £434. It will be seen that the position regarding raisins coming under this heading is not very important. Summarised, the position regarding currants is satisfactory and the growers consider they can counter the competition in the East and maintain prices. On the other hand the Eastern States growers dominate the position regarding sultanas. That being so, they have not much to complain about if our currants maintain their position in the Eastern States markets, because the growers there flood our market with their sultanas to such an extent that local growers cannot produce sultanas at a profit. There should be no squealing because our growers place their currants in the East. It is considered by growers that sultanas could be produced profitably if the growers got a fair crack of the whip regarding production and marketing locally. I have heard it said that men in the dried fruits industry have become discontented because of the actions of Jugo-Slavs who once belonged to the A.D.F.A., but pulled out because they were underselling and undercutting. A perusal of the list of names attached to the petition I have referred to does not bear out that suggestion, because the names of those objecting to the Bill appear to be British.

Hon. C. F. Baxter: Have you got details regarding the quantities produced by those growers? It may be found that they are producing only a small quantity.

Hon. J. M. MACFARLANE: I have not those particulars, but I have referred to two growers each of whom put about 400 tons through their sheds.

Hon. C. F. Baxter: Who got up that petition?

Hon. J. M. MACFARLANE: Mr. Doig, the chairman of the road board and a grower. I regret that I am in opposition to the Bill, but that opposition is prompted because of the large number of growers who are not in favour of the suggested legislation. My advice to those engaged in a primary industry is that if they can do without such a Bill, they should not have it. On the other hand, if such a Bill is of value to them and the majority of the growers are in favour of the measure, then it will have my support. I oppose the second reading.

HON. V. HAMERSLEY (East) [12.12]: I was with Mr. Macfarlane and met the Swan settlers. I was surprised to find how many were opposed to any measure of control over their activities. Previously

I had found the same feeling with regard to the Primary Products Marketing Bill that was before this House some time ago. My opposition to that Bill was based upon the fact that it embraced such a wide field and took control over almost every form of primary production within the State. It was then freely stated that it would be impossible to exercise effective control in respect of soft fruits because fruit of that description had to be sold the moment it was ripe. Some fruits take weeks to ripen, while others more subject to the influence of the weather, ripen much more quickly and have to be sold at once. The grower has to decide for himself just when he will sell. Thus it would be impossible for a board to control that class of fruit. It was also suggested then that it would be possible to help the dried fruitgrowers regarding the marketing of their products and I was prepared to agree to a Bill having that object in view. As the dried fruits can be kept from week to week or from month to month, there is no hurry about the sale of that commodity. If the local market cannot absorb the fruit, arrangements can be made to have consignments sent overseas knowing that there would be no deterioration of the fruit, and that any control board could make arrangements to market it in other parts of the world. It was with some surprise that I found opposition from the growers themselves, particularly those in the Swan district. A large number of those growers are in favour of the Bill. They say they must have it to protect them from individual growers who go about cutting prices. I have the same information from some of the wholesale houses in the city, who say the local product is of first class quality and that a good price is obtainable for it, but that many of the growers hawk their fruit at considerably below its true value. The merchants are quite ready to enter into arrangements with the association to purchase their supplies. Without a Bill a great number of growers arrange with the Dried Fruits' Association of the Eastern States and so are able to market their products. If it can be done voluntarily, without the aid of Parliament, it is just as well that they should continue, and persuade those outside the association to come into it.

Hon. J. Nicholson: They found that impossible at Mildura.

Hon. V. HAMERSLEY: Our wheat growers have entered into their voluntary scheme. They do not want any compulsion. They, too, have the objection that many growers outside the association go around selling their product at whatever price they can get.

Hon. H. Stewart: That is not in the interests of the industry.

Hon. V. HAMERSLEY: It may not be, but I do not know that the growers would be in better position if we passed legislation and appointed a board to control the price. It seems to me better to leave the question with the community themselves. Probably we should be only interfering if we passed a Bill establishing control. A large proportion of the growers, 44, are opposed to it.

Hon. J. Cornell: I know 71 in favour of it.

Hon. C. F. Baxter: There are 250 in small centres alone.

Hon. V. HAMERSLEY: Probably there are two to one in favour of it.

Hon. C. F. Baxter: Much more.

Hon. V. HAMERSLEY: However, within a few days of Mr. Baxter's promise to bring in the Bill a petition was signed by 44 opposed to it. Those 44 are producing half the fruit grown in the district.

Hon. C. F. Baxter: How do you know? You know nothing about it.

Hon. V. HAMERSLEY: How do you know I know nothing about it? The growers who signed the petition have marketed over 400 tons in the one instance, and I am told they are responsible for nearly half the production of the district. Even if they are only a minority, we should give them full consideration. They do not want control, yet they are in the midst of a number of others who do want control. I am not going to compel a lot of people to be brought under an Act when they desire to be left free. I shall want a great deal more evidence of the necessity for bringing those people under the Bill before I support the measure. I do not see why, in the closing hours of the session, we should try to rope in those fellows without further inquiry. To delay the Bill until next session will not kill all the vines.

HON. G. POTTER (West) [12.25] : I thought the Bill would have met with the unanimous approval of the House. When the Primary Products Marketing Bill was before us virtually every member who spoke on it said that if it were confined to dried fruits he would support it. Mr. Hamersley asks for time for further consideration; but there is nothing in the Bill that was not fully discussed on the Primary Products Marketing Bill. Mr. Macfarlane has a list of 44 growers opposed to the Bill, but I know nearly double that number who are asking for it.

Hon. J. M. Macfarlane: My 44 is a concrete number.

Hon. G. POTTER: I could refer Mr. Macfarlane to resolutions passed at soldier settlers' conferences. There is nothing fictitious about those resolutions. I am concerned about the prospects of those men, and also about the money the Government invested in putting those men on the land. Without the Bill, not only the men themselves, but the industry also will go to the wall. When Mr. Baxter put that phase of the question before the House he was not exaggerating in any way. I will support the second reading.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [12.27]: I am opposed to the Bill; indeed I am opposed to compulsory Bills of any sort. The definition of "grower" given in the Bill is as follows: "Any person who in any one year produces more than 5 cwt. of any one variety of the dried fruits to which this Act applies." I have in my back yard three vines that produce every year more than half a ton of grapes. I suppose hundreds of others in the metropolitan area are similarly situated. This definition would bring us all within the Act.

Hon. J. Nicholson: No, you must produce over 5 cwt. of dried fruit.

Hon. H. A. STEPHENSON: What about the man who has 10 or 20 vines? This is simply an ordinary commercial enterprise, with the one difference that it has compulsion behind it. These commercial enterprises by pools or Governments, as a rule, end disastrously. Recently the Government of New South Wales rushed into the jute market to assist wheat growers, with the result that within a few weeks they landed the taxpayers in a loss of £12,000. The man who collected the £12,000 was the man who had sold the jute to the Government in the first place; they gave him £12,000 to cancel the contract. Clause 15 proposes to empower the dried fruits board in its absolute discretion to make contracts in respect of dried fruits produced in Australia. Thus the board could operate all over Australia. If its members got a notion that they were clever men and could make a lot of money by securing an agent to buy up all the fruit and thus obtain a monopoly, they might incur a heavy loss, and that loss would be suffered not by the board but by the growers. In ordinary commercial enterprise the merchant buys, the grower gets his price, and the merchant suffers any loss.

Hon. J. Cornell: More farmers than merchants "go broke."

Hon. H. A. STEPHENSON: I do not know of many farmers who have "gone broke" in recent years, and when they have, they have generally been at fault. The farmer to-day gets a very fair deal. I shall oppose the second reading.

HON. J. CORNELL (South) [12.32]: On the second reading the principle to be decided is whether there shall be a compulsory pool for dried fruits. The question of machinery to give effect to that decision can be better considered in Committee. Dried fruits are products that lend themselves to pooling, firstly, because they will keep, and secondly, because we in Western Australia are producing them far in excess of our own requirements. If we over produce, what are we to do with the surplus? We can do one of two things. The first is to enter into competition with the Eastern States. I maintain that we should not do that. We should work in harmony with them and pool, as two of the Eastern States are doing to-day. If we decide on the alternative of exporting our product beyond Australia, it is necessary to have some supervision and control that shall ensure its being at least up to standard.

Hon. E. H. Harris: That is a matter of Federal control.

Hon. J. CORNELL: Yes; we have that already, but we have not the necessary link between the State and the Federal authorities. On the question of compulsion, we have to decide whether the State should act in the interests of the great majority of growers. I

have a lively recollection that a few years ago a body of well-meaning people, largely backed up by merchants, proclaimed what great results would follow the settling of soldiers in the Swan Valley. As regards their earning a living, it would probably have been better for some of the soldiers had they been settled under the land in France. The soldiers settled at Herne Hill know they are confronted with two difficulties. Mr. Yelland, Mr. W. D. Johnson and I recently attended a meeting of 70 soldier settlers of the Swan Valley, and they were unanimous in the opinion that if they were to succeed and prevent the industry getting into the hands of foreigners, as is the tendency to-day, the capital cost must be written down and a proper system of marketing must be enforced, so that unsophisticated men might not suffer. In February last a conference of soldier settlers unanimously resolved in favour of the control of marketing. They were of opinion that the most bankrupt section of the soldiers were those endeavouring to carry on the dried fruit industry in the Swan Valley. The general congress of returned soldiers held in September last unanimously resolved to ask for legislative enactment to control pooling. Some of the soldiers of the Swan Valley agree to an extent with the arguments advanced in this House on the general pooling scheme. They consider it almost impossible to pool fruit that cannot be stored, such as soft fruits, but they hold that two commodities of which there is a surplus—dried fruits and eggs—can and should be pooled. They ask for the necessary legislative authority, and I hope the Bill will be carried. When we have a meeting of almost the whole of the growers and find them unanimous on the two questions of writing down capital cost and control of marketing, we should endeavour to meet their requests.

Hon. J. M. Macfarlane: The second point calls for further information.

Hon. J. CORNELL: If the present Minister for Lands continues in office, I feel sure he will do what is absolutely necessary—write down the capital cost of the Swan Valley properties. There are in the returned soldier movement growers who are well established in the Swan Valley and at Kalamunda, and they say that while they are indifferent as to pooling, they will favour it in the interests of men less fortunately circumstanced. Two or three of those men are known to Mr. Nicholson and Mr. Macfarlane, and I think their attitude is a reasonable one.

HON. J. NICHOLSON (Metropolitan) [12.41]: I find myself in a difficult position. When the Primary Products Marketing Bill was before us I took exception to it, but said that if it had been limited to the dried fruit industry, I would support it. I expressed my willingness to support a measure that would protect an industry which I understood then was clamouring for legislative authority to regulate the marketing of its products.

Hon. W. H. Kitson: So it is.

Hon. J. NICHOLSON: I am surprised to learn from Mr. Macfarlane, Mr. Hamersley and Mr. Stephenson of the dissension existing in the ranks of the dried fruits producers.

Hon. J. Cornell: You will find dissentients on the day of judgment.

Hon. J. NICHOLSON: Yes; but I thought this industry was composed of men who thought alike and desired to act alike. Apparently that is not so. There are 44 and probably more growers in the dried fruit industry who say they are not in favour of this Bill.

Hon. C. F. Baxter: There are not many more. The district has been well scoured.

Hon. J. NICHOLSON: To argue that the growers did not know of the possibility of legislation being introduced is a little wide of the mark. The Primary Products Marketing Bill was thoroughly circulated, and members were interviewed by various producers of dried fruits. In each instance when I was interviewed, I was requested to support a measure to regulate the marketing of dried fruits. Whilst I appreciate all that has been said by Mr. Macfarlane and other members, I must have regard to the earnestness of those who approached me. They obviously knew what they were talking about, and were speaking on behalf of a large body of growers connected with their industry. In view of the appeal that was made to me, I feel I must support this measure. It is more worthy of support than the last one, even assuming that the Primary Products Marketing Bill had been confined to dried fruits. If that had been the case, the latter Bill would not have been as good as this one.

Hon. C. F. Baxter: I agree with you.

Hon. J. NICHOLSON: This Bill will prove more effective, and will be more likely to achieve the object desired. I draw the attention of the House to Clause 15, which deals with the powers given to the board. They are weighty powers. The board is to be given power to make contracts with any person in respect to the purchase or sale of dried fruits produced in Australia. The clause continues—

> The board also shall have power in its absolute discretion from time to time (b) to enter into contracts with Boards appointed under legislation in force in other States with objects similar to those of this Act for concerted action in the marketing of dried fruits produced in Australia and for purposes incidental thereto, and to carry out such contracts; (c) to fix the export quota of each grower.

This clause will give power to the board to do that which is necessary for the purpose of maintaining markets.

Hon. W. H. Kitson: The Primary Products Marketing Bill did that.

Hon. J. NICHOLSON: It did to a certain extent. That Bill was confined to fruits grown in Western Australia. I draw Mr. Stephenson's attention to another clause upon which he relied when discussing the Bill. I think he rather misread it.

Hon. C. F. Baxter: Absolutely.

Hon. J. NICHOLSON: The Primary Products Marketing Bill did not go as far as this one. Speaking on the former Bill I pointed out that there was a big loophole in it. No provision was made to guard against a merchant or other person who might import fruit from the other States and ruin the local market.

Hon. H. A. Stephenson: How can you prevent growers in the Eastern States importing fruit to this State, under the Federal Constitution?

Hon. J. NICHOLSON: They cannot be prevented from importing it. That was the point. There was a clause in the Primary Products Marketing Bill covering the situation under the Commonwealth Constitution. The Bill now before us seeks to regulate the market for the benefit of this particular industry. Clause 21 states—

> (1) Subject to Section 92 of the Commonwealth of Australia Constitution Act and for the purposes of this Act or of any contract made by the Board, the Minister may on behalf of His Majesty purchase by agreement or acquire compulsorily any dried fruits in Western Australia grown and dried in Australia.

Hon. H. A. Stephenson: That is what I strongly object to.

Hon. J. NICHOLSON: The clause continues—

> not being dried fruits which are held for export, etc.

Mr. Stephenson asks what is to hinder the board from entering into the business of buying and selling here, there and everywhere. That cannot be done. Under Clause 21 the board are limited to acquiring compulsorily for the purposes of the Act. The purposes of the Act are to regulate the control of dried fruits. The Title of the Bill shows that it is to make provision for the marketing of dried fruits and other relative purposes. With that object in view certain powers must be given to the board. There was a grave defect in the Primary Products Marketing Bill which was limited to products grown, produced or prepared in this State. The market for the fruit grown in this State could be destroyed by the simple expedient of persons combining together to import fruit from the other States and swamping the local market. The present Bill is intended to overcome that difficulty, and to provide means whereby the board, or the Minister, on behalf of the Government, may make purchases of fruit with which persons may be endeavouring to destroy the local market. I submit the board could not buy in the Eastern States and carry on the general business of a merchant, or anything of that kind. They would not be merchants in the ordinary sense. They are limited to the purposes of the Act. If the board saw that an attempt was being made to flood our market, they could buy up the fruits that had been imported, and do with them just as they thought proper. Because of my promise when the former Bill was before the House to support a dried fruits Bill, and because of the requests made to me by men engaged in the industry, in the interests of that industry I feel I cannot do other than support this Bill.

HON. C. F. BAXTER (East—in reply) [12.55]: I cannot understand the change that has taken place in members, who were strongly in favour of a dried fruits Bill when speaking in opposition to the Primary Products Marketing Bill. The fact that there is a small section in opposition to this Bill Bill should not sway them in a matter of this kind. There always is a section of people that is opposed to legislation, and some per-

sons are quite in ignorance of the effect that a particular measure will have.

Hon. J. M. Macfarlane: Will you not be influenced by numbers?

Hon. C. F. BAXTER: I will come to that point in a moment. Other persons have something to gain by keeping the Bill off the statute-book. Probably no Bill that has ever come before us was so strenuously opposed as that which had to do with the old wheat marketing scheme, and yet no other measure proved such a success for Western Australia, as well as for other wheat-producing States which adopted it.

Hon. V. Hamersley: To what Act are you referring?

Hon. C. F. BAXTER: To the Government wheat acquiring Act.

Hon. V. Hamersley: It was a good thing for the people, but what about the farmers?

Hon. C. F. BAXTER: Had that Act not been brought into force as a war time measure, Heaven help the wheatgrowers of Australia! As Honorary Minister I had control of that Act in this State for four years, and I know what a boon it was to the farmers.

Hon. V. Hamersley: We were selling the cheapest wheat in Australia.

Hon. C. F. BAXTER: The farmers realised from 6s. to 9s. 4d. a bushel. It was that high price which lifted many farmers out of their financial difficulties. Mr. Hamersley suggests that it did a lot of harm to the wheatgrowers. That is not so. Mr. Macfarlane has referred to a petition signed by 44 persons, who are opposing the Bill. The petitioners, if they are producers, should state what quantity of products they are turning out. I have reason to know that some of the signatories produce only a small quantity of dried fruits.

Hon. J. M. Macfarlane: One of them, Mr. Hine, produced 50 tons.

Hon. C. F. BAXTER: I understand he has a number of private customers with whom he trades, and he thinks this Bill will injure him. He has no reason to be afraid of it. If it is not passed, Mr. Hine and other growers will have to come down in their prices. The market will fall. Buyers will not pay 4d. a lb. for currants if they can buy them elsewhere for 2d. Two other persons referred to are said to be handling 400 tons a year. This is a contract shed. I understand these people are also acting as agents. In this case we have the agents stepping in because they are afraid they will lose something. I have been informed that this petition was hawked round for days, but only 44 persons signed it. There are about 90 returned soldiers engaged in this industry.

Hon. H. Stewart: Do you know the significance of the report from Buntine that the farmers discovered their bags were being short-weighed, and asked for an inquiry through the agents?

Hon. C. F. BAXTER: I am dealing with the Dried Fruits Bill. The Swan Settlers' Association, comprising 250 dried fruitgrowers, have informed me that they want this Bill. We have heard a lot about what has been exported to the other States. Why were the exports made?

Hon. J. M. Macfarlane: Because the good quality ensured a better price for the product.

Hon. C. F. BAXTER: Not at all. The quality last year was not as good as it had been in previous years. The market price rose because of the legislation that was passed in Victoria and South Australia, due to the desire to see that the growers received a price that represented a living wage. If this year we continue on the lines of the past, the growers will crash, and there will be dumping throughout the States of the Commonwealth. Growers have told me, "We have been sending fruit in and dumping it. We have taken advantage of the position, but it is wrong. If the position is unaltered, we shall dump this year as long as we can." Mr. Macfarlane argued that the position was all right because Western Australia exported £7,000 worth of currants and imported only £200 worth. That position has existed, but dumping in the East cannot continue. The combination of three producing States will be a great factor towards doing away with dumping. The essence of the Bill is that every grower shall export his quota. Failing such a provision, what is going to be the position of the dried fruits industry in Australia, and particularly in Western Australia? Currants have been dumped here for 2d. per lb. The best information available assures me that if the Bill is not passed, the coming season will bring a price of 2d. per lb. for currants which cost 4d. per lb. to produce. Mr. Stephenson went far afield in saying this Bill was like the New South Wales jute measure. What has that measure to do with this Bill? If one State made a failure in connection with jute purchases, this State did not. Western Australia saved a lot of money for her

wheat growers in connection with the purchase of jute goods. I am much indebted to Mr. Nicholson for the lucid manner in which he explained the effect of Clauses 15 and 21, which represent the essence of the Bill. I trust the Bill will find favour with the majority of members: I believe it will. Members realise the necessity for a measure of this kind, and know that if the Bill is not carried the returned soldiers will walk off, with nothing left of their years of labour. The moneys advanced by the Government to the soldier settlers will then have to be written down much lower than if the soldiers remain. People who have invested money of their own in the dried fruits industry, not only in the Upper Swan district, but throughout the State, will suffer severely. I did not rush into this matter: I took it up only when the Minister for Agriculture told me he could not move. Someone had to move, and the majority of dried fruits growers are in my province, and I have been in touch with them for a number of years. In addition, there is the experience I gained as a Minister, when I learned to fear what would happen if dried fruits were rushed on the market. Up to a few years ago, while the market was good, we had no occasion to trouble about a measure of this nature; but now the price has fallen so low as to render the necessity most urgent. If the Bill is not passed, another of our industries will go by the board—an industry which we should do everything possible to keep alive and to foster. I hope the measure will be placed on the statute book for the benefit of all concerned.

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

Ayes	19
Noes	3
Majority for	16

Ayes.	
Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. J. R. Brown	Hon. T. Moore
Hon. A. Burvill	Hon. J. Nicholson
Hon. J. Cornell	Hon. G. Potter
Hon. J. M. Drew	Hon. E. Rose
Hon. J. Duffell	Hon. H. Seddon
Hon. J. Ewing	Hon. H. Stewart
Hon. W. T. Glasheen	Hon. H. J. Yelland
Hon. E. H. Harris	Hon. E. H. Gray
Hon. J. W. Hickey	*(Teller.)*

Noes.	
Hon. J. M. Macfarlane	Hon. V. Hamersley
Hon. H. A. Stephenson	*(Teller.)*

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. W. Kirwan in the Chair; Hon C. F. Baxter in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Constitution of board:

Hon. H. STEWART: The type of board proposed by this clause is not one that would commend itself to me were I engaged in the dried fruits industry. Certainly there should not be more than one commercial member on the proposed board of five. Indeed, I do not know that there is necessity for any commercial member on a board of five. If necessary, the services of a commercial member can be obtained and paid for. I move an amendment—

That "three" in line two be struck out and "five" inserted in lieu.

Later I shall move the striking out of the words "and two shall be commercial members."

Hon. C. F. BAXTER: I am not very strong on the point of commercial members, though I consider that the constitution proposed by this clause would give the best working board. Commercial members seem to me desirable. Their absence may be seriously felt if growers with commercial training do not happen to be elected.

Hon. H. Stewart: I ask leave to withdraw my amendment, with a view to it submission in another form.

Amendment by leave withdrawn.

Hon. H. STEWART: I move an amendment—

That the words "three of such members, in lines two and three, be struck out, with view to the insertion of other words.

I propose to move the insertion of the words "and who." The words "and two shall be commercial members" should be deleted.

Sitting suspended from 1.15 to 2.30 p.m.

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That the words "and who" be inserted in lieu of those struck out.

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That in lines 3 and 4 the words "and two shall be commercial members" be struck out.

Mr. Baxter has agreed to the proposal that it shall be definitely set out that the growers shall be entitled to appoint to the board anyone they so desire.

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

Clauses 6 to 16—agreed to.

Headline to Clause 17:

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

That in the headline to Clause 17 the words "dealers" be struck out.

At first I intended to include provisions regarding dealers but as it is not vital to the measure and owing to the lateness of the session, I decided not to do so.

Amendment put and passed.

Clauses 17 to 26—agreed to.

Clause 27—Financial provision:

Hon. A. LOVEKIN: As this relates to money matters with which the Council cannot deal, I think the proper procedure will be to strike out the clause and allow it to be inserted when the Bill is under consideration in the Assembly. That is the procedure laid down in May's "Parliamentry Practice."

Hon. H. STEWART: It will be rather peculiar if we do not consider the clause at all. If we strike it out we shall, in a sense, have considered it. I think the safer way would be to ignore the clause altogether.

The CHAIRMAN: Standing Order 197 provides that no question shall be put upon any clause printed in italics.

Hon. A. LOVEKIN: It really does not matter, but I think the procedure laid down by May was as I suggested.

The CHAIRMAN: Even so, May's "Parliamentary Practice" cannot override our Standing Orders.

Hon. A. LOVEKIN: That is so.

The CHAIRMAN: And the Standing Order is so explicit. Perhaps the hon. member had Standing Order 210 in mind.

Hon. A. LOVEKIN: That is the one I was thinking of.

New Clause:

Hon. C. F. BAXTER: As this Bill represents experimental legislation in this State, it may be as well to limit its operations for a couple of years. I move—

That a new clause be added as follows:—"This Act shall remain in force until the 30th day of December, 1927, and no longer."

Hon. J. CORNELL: Assuming that at the end of 1927 Parliament does not re-enact this legislation, what will be the position of the contracts then existing under it?

The CHAIRMAN: I point out to Mr. Baxter that the proposed new clause is in conflict with Clause 2, which provides that this Act shall come into operation on a date to be fixed by a proclamation and shall continue until the 31st day of March, 1927, and no longer. Therefore the new clause is not in order whilst Clause 2 remains in the Bill.

Hon. C. F. Baxter: I had overlooked Clause 2.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. C. F. Baxter, Bill recommitted for the purpose of further considering Clause 2.

Clause 2—Duration of Act:

Hon. C. F. BAXTER: By an oversight the clause provides that the Act shall continue in operation until the 31st March, 1927, and no longer. That covers but one season, which is scarcely enough. I move an amendment—

That in line four "seven" be struck out and "eight" inserted in lieu.

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

Bill again reported with a further amendment and the report adopted.

PERSONAL EXPLANATION—MR. LOVEKIN AND MR. STEWART.

Hon. A. LOVEKIN: Before you, Sir, report the Bill to the House, I wish to make a personal explanation. It has nothing to do with the Bill, but it could very well be taken here. I do not propose to traverse any new ground, but merely to read an extract.

The CHAIRMAN: I suggest that with the indulgence of the House the hon. mem-

ber can make his personal explanation in the House. Under the Standing Orders that can be done, even though the personal explanation refer to a matter that occurred in Committee.

Hon. A. LOVEKIN: I thought that as you, Sir, were in the Chair when the incident occurred, it might be more convenient if I refer to it now. I would prefer that course.

The CHAIRMAN: Very well.

Hon. A. LOVEKIN: Mr. Stewart, the other evening, read an extract from "Hansard" of 1921, page 2311. I asked the hon. member to read on further, but he closed the book. I want now to read an extract reported in "Hansard" on page 2444. In that Mr. Colebatch said—

> On Tuesday I read a typewritten copy of the letter supplied to me by the directors of the company. In the copy was a reference to Section 19. Evidently it was not an exact copy of the original letter, but I do not wish to take note of anything except the document in Mr. Lovekin's own handwriting. How the directors came to supply me with what purported to be a copy which contained words not in the original I do not know.

Later, when Mr. Stewart was speaking, Mr. Kirwan asked why did the directors supply the Minister with an incorrect copy of the letter. Mr. Stewart replied, "I don't know. It did not seem to me to be the proper thing to do." Mr. Stewart thus knew, but he read only part of the extract, and when I interjected, "Read on," he closed the book. Later on Mr. Duffell interjected to Mr. Colebatch, "How do you explain the difference between the two letters?" Mr. Colebatch said, "I know nothing about it." Mr. Basil Murray afterwards explained how it occurred. It occurred in the simplest way imaginable, a way in which blame was attachable to no one. Mr. Colebatch read the letter and suggested that Clause 19 should remain. One of the directors wrote down, "Except Clause 19" on the margin of the paper, and it was copied in by the typist and was not checked with the original. That is how the matter ended. This is the matter on which the hon. member put up the suggestion that I was misleading the House. My only wish has been to continue the quotation so as to put matters right. That is all I want to do. Although the hon. member made a vicious attack on my integrity, I am prepared to forgive him, and I hope I shall be able to forget it.

Hon. H. STEWART: Let me add a personal explanation. In giving those reasons for voting against the amendment, I was not reflecting on Mr. Lovekin's integrity, as he suggests. What I said was that it was a matter of judgment, and that I was not following the hon. member's judgment. I am sorry his feelings were wounded by his putting that construction on it, since we are all liable to err in matters of judgment.

ASSENT TO BILLS.

Message received from the Governor notifying assent to the following Bills:—

1, Land Act Amendment.

2, Newcastle Suburban Lot S 8.

3, Fremantle Municipal Tramways and Electric Lighting Act Amendment.

4, Brookton Recreation Reserve.

5, Industries Assistance Act Continuance.

6, Bush Fires Act Amendment.

7, Racing Restriction Act Amendment.

8, Vermin Act Amendment.

9, Metropolitan Water Supply, Sewerage, and Drainage Act Amendment.

10, General Loan and Inscribed Stock Act Amendment.

11, Parliamentary Allowances Act Amendment.

BILL—ROADS CLOSURE.

Recommittal.

Resumed from the 10th December. Hon. J. W. Kirwan in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: The Chief Secretary had moved—

> That the following new clause be added to stand as Clause 9:—"Power of Governor to close portion of Barker-street, North Fremantle. The Governor may, by proclamation, declare that that portion of Barker-street, in the municipality of North Fremantle, lying between North Fremantle lots 40 and 41 from Bracks-street to Ocean-parade, shall be closed, and thereupon all rights-of-way over same shall cease, and the soil thereof shall by virtue of such proclamation be revested in His Majesty.

Point of Order.

Hon. J. J. Holmes: When the new clause was last before us, I raised a point of order as to whether the Minister was in

order in introducing an amendment of this description at this stage. You did not give a ruling at the time, but the Minister reported progress.

The Chief Secretary: I moved to report progress for two reasons; firstly, on account of the point raised by Mr. Holmes and, secondly, to permit of further investigations being made. On the 12th December I communicated with the Solicitor General asking him for his opinion regarding the query raised by Mr. Holmes. On the same day I received a minute from the Solicitor General stating that he did not think there could be any doubt that in a Roads Closure Bill additional clauses could be moved relating to the closing of portions of other streets; it had been done in the past.

Hon. A. Lovekin: It would be highly improper to include the new clause after the Bill has passed through all its stages in another place and through its second reading stage here without notifying the public that it is proposed to close certain streets. At the eleventh hour, in Committee in this House, it is proposed to insert another street and to give practically no notice to anyone who may be concerned. I have heard that the closing of this street will inconvenience quite a number of people in getting to their residences. I think it is not permissible to insert the new clause. "May" lays down that in connection with schedules of Bills, it is not possible to make amendments unless they are relevant to the question as submitted to the Committee by the House. The House submitted to the Committee this Bill containing a certain schedule, and according to "May" the schedule cannot be amended, because the subject matter of the new clause was not referred to the Committee by the House. If the practice were other than that, it would be wrong, because all sorts of jobs could be worked by means of amendments moved in Committee. The practice of Parliament should conform to common sense, and it is only common sense that a new clause such as this should not be proposed in the Committee stage after the Bill has passed one House fully and half its course through this House.

The Chairman: Will the hon. member give the page of "May" from which he quoted?

Hon. A. Lovekin: Page 370—

> Amendments cannot be moved which are based on schedules or other provisions, the terms of which has not been placed before the Committee.

The terms of the new clause have not been placed before the Committee by the House, and, therefore, I submit it is incompetent for you to put it to the House.

Hon. G. Potter: Mr. Lovekin seems to be in doubt whether the passing of the new clause would inflict hardship on anyone desiring to gain access to his residence. No residence is catered for by this road, which is really a sand track.

The Chairman: The question is not the merits of the amendment but whether the amendment is in order.

Hon. G. Potter: The amendment does not conflict with the title of the Bill, which includes the words "and for other relevant purposes." The new clause is parallel in purpose with that of the other clauses that have met with the approbation of the Committee.

The Chief Secretary: The terms of the new clause have been before the Committee and the country for some days. I could well understand Mr. Holmes's objection if it were intended to close a street in some remote part of the State, and to rush the amendment through before there was time to make ample investigation. The street mentioned in the new clause is within 12 miles of Parliament House, and since I gave notice of my intention to move the new clause, there has been every opportunity for investigation. That opportunity has been availed of. It is not contended by members opposed to the presentation of the new clause that there is anything wrong with it. Their only contention is that it should not be introduced at this stage, after the Bill has passed another place, because of the danger of establishing a precedent. It was impossible to include the new clause at the time the Bill was introduced.

Hon. J. Ewing: This is an ordinary Bill to deal with certain closures and it contains no schedule at all. I think it is quite competent to accept the new clause. The same practice has been adopted for many years.

Hon. J. J. Holmes: The whole Bill is really a schedule. I understand "May" to mean that after the House has submitted

a Bill to the Committee, it is not competent to include a new clause such as this. It is not right that, after the Bill has passed all stages up to the Committee stage in this House, an attempt should be made by the back stairs to introduce a new clause.

Hon. J. Ewing: It is an ordinary Bill.

Hon. J. J. Holmes: It is a Bill for the closing of specified roads. If this road had been included originally there would have been no trouble. Bills for the closing of roads are not like ordinary Bills. I have seen the people concerned and have advised them not to become entangled in any parliamentary procedure, but to bring in a one-clause Bill endorsed by the local authorities. The shorter cut may cause complications and result in the defeat of the measure.

The Chief Secretary: I have consulted the Minister for Lands about introducing another Bill and he states that, in view of the Premier's declaration that no further Bills will be introduced, he is disinclined to approach the Premier with a request for a Bill of this description. If the new clause be not carried the question will have to stand over till next session, and probably great inconvenience will be suffered by the parties interested.

Hon. A. J. H. Saw: I maintain that the new clause is out of order. Standing Order No. 174 says that no clause shall appear that is foreign to the title. The new clause is outside the title, because the Bill is for an Act for the closure of portions of certain roads and ways, and those certain roads and ways are defined in the Bill. Consequently, it would not be in order to include other roads, because they would not be amongst the certain roads specified by the title.

The Chairman: Mr. Lovekin, when speaking to the point of order, said it was not right that a clause of this kind should be inserted in the Bill. As Chairman of Committees, it is not for me to say, so far as its merits are concerned, whether or not the clause should be inserted. I have gone into the question very thoroughly, and wish to point out that the order of leave is very wide, saying "for the closure of certain public roads and ways, and for other relative purposes." That order of leave was given before the Committee had possession of the Bill, and attention is drawn to the words "certain roads" as indicating that the order of leave is not general, applying to all roads, but applying only to the roads to be specified in the Act. I saw the Crown Solicitor and discussed the matter with him, and also discussed it with the Solicitor General. I realise, however, that both these gentlemen view the matter from a legal standpoint; and, with all respect to their knowledge as lawyers, I feel that they may give a legal opinion which may not be quite in accordance with Parliamentary practices or usage. I have gone to the trouble of studying "May" and other authorities carefully on the point, and I arrive at the opposite opinion to that expressed by Mr. Lovekin. If the clause be inserted, there need be no reason to alter the Title of the Bill in any way. The Bill intends to close certain roads. As a matter of fact, the roads are seven in number, and are situated in different parts of the State; and an amendment to give power to close another road is, in my opinion, what "May" describes as an extension that is not beyond the scope of the Bill. Therefore, I give my ruling that this amendment is in order.

Dissent from Chairman's Ruling.

Hon. A. Lovekin: It is a very important question whether we shall have a Roads Closure Bill brought in at the eleventh hour, and therefore it seems to me essential that we should have a definite ruling of the House. Accordingly I move—

That the Committee dissent from the Chairman's ruling.

I do not agree with the interpretation which you, Sir, put upon the word "certain." "Certain," in that connection, means those certain roads that are contained in the schedule.

[*The President resumed the Chair.*]

The Chairman: A new clause was proposed to empower the Government to close portion of Parker-street, North Fremantle. A question was raised as to whether the new clause was in order in the Bill. I ruled that it was in order, and the following objection was taken to my ruling:—

That the Chairman's ruling is erroneous inasmuch as it is contrary to the practice laid down in "May," and further incorrectly interprets the word "certain" in the order of reference.

I referred to the word "certain" in this connection in the course of my ruling, that if the word "certain" were not there the Title would have a general application which

would enable the closing of portions of all the roads and ways in the State.

Hon. A. Lovekin: I moved in order to put this matter before you, Mr. President, it being in my view a matter of great importance. According to the practice, the House on the second reading of the Bill refers the matter of the Bill for consideration to a Committee, and the Committee can only consider the matters which are referred to it by the House. In this case what was referred to the Committee? A Bill for the closure of portions of certain roads and ways. "Certain" in that connection means the roads and ways referred to in the schedule to the Bill. The Bill is only a schedule. No other roads and ways are meant. If it were otherwise, we might have 50,000 roads suddenly put into a Bill of this kind in Committee, without anybody knowing anything about them beforehand. The rights of way of people would be closed up, and there would be great inconvenience. Possibly owners would be cut off from their properties altogether without any notice, if this could be done. Therefore, it seems to me essential that the utmost care should be used and that we should strictly conform to the practice. In the British Parliament they do things in a different way. They refer such a measure as this to the Standing Committee on Private Bills, and when they are dealing with Bills in connection with railways or the closing of roads and streets, all sorts of notices are insisted upon. Bills referred to the Standing Committee cannot be altered in the way proposed here. It is right that we should recognise the practice at Home and know that we are differing from it just on account of our peculiar circumstances here: instead of having a Standing Committee on Private Bills, we bring up the Bill itself. Here is a Bill which is absolutely nothing but a schedule. It is to close certain specified roads, and no others. I submit on the authority of "May," page 276, which I have just read to the Committee—there are quite a number of other quotations I might make—that the schedule to the Bill cannot be amended unless the amendment is in accordance with the order of reference. The order of reference in this case says the closing of certain, particular roads. I submit that under the practice of Parliament the new clause is not admissible.

Hon. A. J. H. Saw: I do not intend to appeal to "May" in this connection, but to the canons of common sense. To my mind, when we give leave to introduce a Bill to close portions of certain roads and those portions of certain roads are specified, it means that we give leave only to introduce a Bill for the closure of portions of those roads, and no others. Consequently, if any other road or portion of a road is put into the Bill, it does not, in my opinion, come within the Title of the Bill.

Hon. J. Nicholson: This matter emphasises the necessity for altering our Standing Orders in connection with measures such as this one. I agree with the Chairman of Committees in his interpretation, but I do so with considerable reluctance. If we had the same practice here as obtains at Home, we would be safeguarded in a matter like this. Unfortunately, we have not the same practice; and we must look at the Bill as it is presented to us. The Title of the Bill clearly states that it is a Bill for an Act for the closure of portions of certain roads and ways. It is quite true that certain roads and ways are set out in various clauses of the Bill. It might well be argued that in effect the Bill itself is a schedule. But it is not in fact a schedule. It is a Bill of various clauses.

Hon. G. W. Miles: What is the difference?

Hon. J. Nicholson: There is a very important difference, which lies in this, that where a Bill is presented to us as a House or as a Committee, we are entitled to move amendments or additions if the Bill is set out in clauses. It is to all intents and purposes an ordinary Bill. It would be wrong in principle for us to receive an amendment such as this.

The President: Are you giving your opinion or are you asking for my ruling?

Hon. J. Nicholson: I am submitting for your consideration that it would be wrong for us to accept an amendment like this, and that it would be competent for the Committee to reject it. I would feel disposed to vote against the amendment, but so far as the ruling of the Chairman is concerned, I am prepared to support it.

Hon. J. Ewing: It matters little what our individual opinions are; we must look to you, Mr. President, for a ruling. My contention is that this was an amendment to the Bill, and that it was not sought to amend the schedule. Therefore I consider that the ruling of the Chairman was quite in accordance with constitutional practice.

Hon. A. Lovekin: Then you could put in a hundred roads.

The President: The question seems to be whether the amendment comes within the scope of the Title of the Bill. The Title reads—"An Act for the closure of portions of certain roads and ways, and for other relevant purposes." I understand that the amendment has in view the closing of an additional road. The Bill at present is made up of a number of clauses to close roads in all parts of the State, not in one particular part of the State. That goes to show that the Title of the Bill is rather universal, general. A great deal depends upon the interpretation of the word "certain." I do not agree with the interpretation put upon it by Mr. Lovekin and other members. It does not follow that "certain" means just these identical roads. Strike out the word "certain" and see what sort of nonsense the Title will read. It would mean then that you could put in a hundred roads as mentioned by Mr. Lovekin. The suggested amendment, so far as I can see, is in accordance with other portions of the Bill. It is usual to insert amendments in Bills. This particular amendment seeks to insert another road, and therefore comes within the scope of the Title which speaks of certain roads and ways. Therefore, the amendment is in order. I give that ruling regretfully. I am not touching on the question of expediency. I do think that in cases like this the roads that it is intended to close should be made the subject of separate Bills. Leave was asked to introduce the Bill, with this wide Title, which enables the Bill to embrace additional amendments such as the one in question. For the reasons I have given, I support the ruling given by the Chairman of Committees.

Hon. J. J. Holmes: I would like to point out that on your own interpretation——

The President: The hon. member may not discuss the question further. I have given my ruling.

Hon. J. J. Holmes: Then I shall disagree with your ruling.

The President: The hon. member is at liberty to do that.

Dissent from President's ruling.

Hon. J. J. Holmes: I move—

That the House dissents from the ruling of the President.

All I wish to point out is that on your own showing, Mr. President, the amendment is not in order because you said that the title without the word "certain" would read nonsense, and that it would be possible to include a hundred roads. Your ruling will admit one road into the schedule. Therefore if you can admit one road, you can admit any number. The elimination of the word "certain" opens the stable door. On your own showing the Bill is not in order.

The President: I shall not argue the question.,

Hon. A. Lovekin: I was going to raise the same point. You, Mr. President, suggested that leaving out the word "certain" would make nonsense of the sentence, and that it would be possible to do what is being attempted—to include one or a hundred roads in the schedule. I am sorry to raise this question, but it is so important and we have no desire that such things should slip through. That is why I am pressing the point.

The President: Do not make any apologies; my ruling is that the amendment comes within the scope of the Bill.

The Chief Secretary: It has been stated that this will open the stable door. The Committee can decide whether it is advisable to accept the amendment. The matter is entirely in their hands. Therefore there is no such thing as opening the stable door. I cannot, by pressing a button, bring about the insertion of the amendment. The whole question rests with the Committee.

Hon. J. W. Kirwan: The interpretation that has been placed by two hon. members upon what you, Mr. President, have said and what I have said concerning the word "certain" is altogether wrong. If the word "certain" were left out, it would imply that the power would remain to close, if necessary, portions of every road and every way in the State. The word "certain" is inserted to clearly indicate that it applies to the roads included, not in the Bill, but in the Act. When leave was granted to introduce the Bill, the Bill was not before the House, and "certain" applies to the particular roads that are included in the Act. It has been clearly placed before me by lawyers that that is the interpretation of "certain," and I would be surprised if Mr. Nicholson did not support that view. Whether it be right or wrong at this stage to introduce the amendment, I plead to the House to decide the question, not on the merits of the action of the Chief Secretary, in introducing the amendment,

but in order to uphold the Standing Orders as they are. If a correct interpretation of the Standing Orders has been given, then that interpretation must be upheld. A law must be upheld whether it be right or wrong, and so it should be with our Standing Orders. If the majority of the House consider that the correct interpretation creates a wrong impression, then it will be a simple matter to alter the Standing Orders. I plead to members not to decide the issue on the question of expediency, but on the interpretation of the Standing Orders.

Hon. V. Hamersley: I, too, hope that we shall not decide the question from the point of view of expediency. When permission was granted for the Bill to be introduced we know that certain roads were mentioned. Plans, specifications, and details were laid on the Table of the House, and we were aware that full inquiry into the roads that were mentioned had taken place. So far as the latest road is concerned, it was sprung upon the Committee and we were asked to include it in the Bill when perhaps no one had heard of its existence even, or whether the matter was vital. If the interpretation as stated by Mr. Kirwan is correct, the best thing we can do is to alter our Standing Orders.

The President: The only reply I can make to the remark as to whether or not the amendment comes within the scope of the Title of the Bill is, as I have said before, that in my opinion it does come within that scope. The Bill is for the closure of portions of certain roads and ways, and for other relevant purposes. If some members choose to interpret the word "certain" in one way, and I interpret it in another, that cannot be helped. Members have asked for my ruling as to whether the amendment comes within the scope of the Bill. I find from the Bill that certain streets, such as Clifton-street, Perth, Ocean-parade, North Fremantle, and others are mentioned. The amendment is merely to add one more street of the same nature as these others. I unhesitatingly rule that this amendment is within the scope of the Bill, and is in order. I have nothing to say on the question whether the amendment is expedient or not. It is within the power of the House to vote against it if desired, and so get rid of the source of the trouble.

Motion (Dissent) put and negatived.

Committee resumed.

Hon. J. J. HOLMES: There is a difference between the proposed new clause now moved by the Chief Secretary and that which appears in the Bill, with regard to the question of proclamation. I have visited this locality. Barker-street, portion of which is is proposed to close, is the street leading from the north end of the North Fremantle railway station to the sea.

Hon. G. Potter: One of the streets.

Hon. J. J. HOLMES: No. Half way between the railway station and the sea is a street running north and south, known as Brack-street, formerly Broome-street. If Barker-street is closed, people who desire to get to the sea will have to go north or south and find some other way. Similarly people who own land near the beach will have to take either Isidore-street to the north or some other street to the south in order to reach the railway station. There seems to be some objection to coming out into the light in this matter. If the local authority and the ratepayers had declared publicly that they agreed to the amendment there would have been no objection to it. Unfortunately it has been brought up the back stairs instead of through the open door. When people try to evade Parliamentary procedure, they have only themselves to blame. Because of the method employed, this House has become suspicious. I hope members will carefully consider the position before agreeing to the closing of this street.

Hon. J. DUFFELL: When the measure dealing with the Persian Oil Company came before us our attention was drawn to the fact that certain roads had been surveyed which had since been proved to be of no use to anyone. It was owing to the nature of the land that the site was granted to the company, on the same conditions as apply in this case. If the road is not closed, the company's works will be divided by it. I support the new clause.

The CHIEF SECRETARY: I do not know what Mr. Holmes means by stating that the measure has been brought in by a back way.

Hon. J. J. Holmes: I did not mean that offensively.

The CHIEF SECRETARY: The necessity for the amendment did not arise until the Bill had already passed the second reading in this Chamber. The Minister for

Lands was away, and I was approached by the Under Secretary for Lands, who said this was a question of urgency. He asked me to have the clause inserted during the Committee stage, but I told him I had an objection to that course, but would do as he asked. When the Bill was originally introduced, the negotiations, which made the amendment necessary, had not been completed. The North Fremantle Council have used their influence to endeavour to secure the passage of this amendment. A deputation from the council last night impressed upon me the necessity for this amendment being passed, in the interests of the district, and in order that certain improvements might not be delayed. Barker-street is not a made road, and if it is closed there will be another road within seven chains of it.

Hon. G. POTTER: There are many roads running parallel to Barker-street at intervals of from 2½ to 3 chains apart. The owners of the property in the locality desire to have the vacant land built upon and the company wishes to be in a position to supply cheaper oil to the farmers.

[*Sitting suspended from 4 to 4.30 p.m.*]

Hon. W. H. KITSON: Mr. Holmes suggested that the street was the only street at the north end of North Fremantle station leading to the beach.

Hon. J. J. Holmes: No, I said it was a street at the north end; not the only street.

Hon. W. H. KITSON: I accept the correction. There is no access from North Fremantle station to this street. To reach Barker-street it is necessary for one leaving the North Fremantle station to travel a long way around and cross the overhead bridge. This would be the last street anyone would use for the purpose of reaching the beach from the North Fremantle station. Moreover, the portion of this street that is to be closed is nothing more nor less than a sand patch. There are no houses adjacent to it. Even on the lower portion of the street, that it is not proposed to close, there are but two houses on the one side of the street, the other side being vacant. That portion also is owned by the same company. Having regard to the nature of the company's business it is essential that this road that has never been made should be closed. Had the company been in possession of that land a week or two earlier than they got it, they would have approached the North Fremantle Municipality with a request that it be included in the Bill. In the circumstances the insertion of the new clause is the only method open to them if they are not to be impeded in their work?

Hon. J. J. HOLMES: To say that the street is a sand patch is entirely beside the issue. The point is that the Bill should have been brought in in a proper way. Even now it is not too late to put the Bill in order, if the local authority will endorse it. The owners of land on Barker-street acquired their properties with access to the sea. The closure of the road will cut them off from the sea. It is true that the road to-day is a sand patch; but we are legislating, not for to-day, but for all time. In 1820 we closed portion of Phillips-street in the same locality to meet the convenience of the same company, so it cannot be said that the company do not know the proper procedure in respect of such a Bill. When I referred to the Bill as coming in by the back door, I did not mean it offensively; what I meant was that the Bill was coming in from the wrong end, that this provision was being put into it here, instead of in the Assembly. The Bill should be brought in in the proper way and endorsed by the local authority. No opportunity has been given to the holders of land on the street to raise any objection to the Bill. In order to let it be known that when a street is to be closed Parliament must be approached in the proper way, we should vote against the proposed new clause. I understand that even now negotiations are going on between the company and the Government for a lease of 10 acres of land in the same locality. However, that is beside the issue. For some unexplained reason the company, although it knows the proper procedure, has neglected to adopt it. If from that standpoint alone we should refuse to take away the rights of the people owning land in Barker-street except in the proper way.

Hon. H. A. STEPHENSON: I cannot vote for the proposed new clause. It is a very serious thing to close up a road without giving notice to the land holders directly concerned. The existence of that road enhances the value of the property in the locality. As for the street being no more than a sand patch, I can remember when

the whole of the seashore from North Fremantle to beyond Cottesloe was all sand hills. I myself have played about on them.

Hon. V. Hamersley: Were you alone?

Hon. H. A. STEPHENSON: That is not fair. Most of the roads in that locality have been made within the last 25 years. It is not to say that because the road is unmade to-day it will not be a good macadam road in the near future. However, the point is that the people most concerned have not been consulted about the closing of the road. We have nothing in writing to show that the North Fremantle municipality endorse the proposed closure. It would be a great mistake to pass the new clause. The company are to blame for not having protected themselves in a proper business way. Instead of buying the property, they should have secured an option over it until they had ascertained whether Parliament would consent to the closing of the street.

Hon. W. H. KITSON: I take exception to the statement that the company are to blame. This application comes from the North Fremantle council, not from the company. A deputation last night pointed out to the Minister the urgency of the matter, and members should accept his statement. They should not impute to the company something that cannot be substantiated.

Hon. H. Seddon: Have the residents been consulted?

Hon. W. H. KITSON: So far as I know.

Hon. V. Hamersley: How far do you know?

Hon. W. H. KITSON: There are no vacant blocks; the whole of the adjacent land is owned by the company.

Hon. V. Hamersley: Who owns the land between Broome-street and the North Fremantle station?

Hon. W. H. KITSON: The company, with the exception of one block on which two houses are situated. One of the houses is occupied by an employee of the company. Anyone with a knowledge of the district is aware that the street is unsuitable as an approach to the sea front. There is no reason why the road should not be closed, particularly as the company wish to proceed with the erection of works. Members can see from the plan just what is proposed.

Hon. V. Hamersley: According to the plan it is the only decent street there.

Hon. W. H. KITSON: Members should not take a superficial view of the plan. Mr. Holmes has been to North Fremantle and is satisfied that there is nothing wrong with the proposal. His only concern was that a special Bill should be introduced to provide for its closure.

The CHIEF SECRETARY: A deputation from the North Fremantle council approached me last night, but there was no necessity for it. Before I put the new clause on the notice paper, I went through the file and ascertained that the North Fremantle council had a full knowledge of the proposal. However, the deputation from the council urged me to do my best to secure the passage of the new clause. I am satisfied that there is not only no objection, but that the council are heartily in accord with the proposal.

Hon. V. HAMERSLEY: The plan shows that this is one of the widest streets. There must have been some reason for making it wider than the others. The street leads from the North Fremantle station to the sea. We should insist upon the owners of property in the vicinity of the North Fremantle station giving their consent in writing before the road is closed. Parliament should not take from them a right for which they have paid. I see no difficulty about holding the matter over till next session. It has not been introduced in a proper manner. If we give way on this occasion, we may be asked to act similarly again. Though one of the cottages is occupied by an employee of the company, the property may belong to someone not connected with the company. Consequently there are at least two people with an investment who may be affected by the closure of the road.

Hon. A. J. H. SAW: My mind goes back to a somewhat similar debate in 1920, also for the closure of a road in North Fremantle at the instance of the British Imperial Oil Co. Precisely similar arguments were used on that occasion. Mr. Baglin gave a most graphic description of the road and told us he knew it well and had been about it a good deal; but on the following day he regretted to say he had been mistaken, and that he had been referring to another road and not the one under consideration. On the question of procedure I was opposed to the introduction of the new clause, but I did not oppose it on the merits. As the debate has developed, it seems to me that we can take it for certain that the North Fre-

mantle Municipal Council is behind the Bill which has the council's approval. Then there is the question of the ownership of the land, and we have Mr. Kitson's assurance that all the land there is held by the British Imperial Oil Co. Reference has been made to the roads that provide access to the sea. From my recollection of them I should say those roads are well adapted for goat tracks, but human beings would probably prefer macadamised roads that would lead to the nearest hotel. I do not attach so much importance as some hon. members do to those roads, which lead over sand hills to the sea. In view of the statements that have been made and the publicity given to the debates in this instance, we can allow the clause to stand.

Hon. J. J. HOLMES: The Minister referred to a deputation that, I understand, came to the House to see me. I was called out to see those people and explained the position to them. I told them there was a right way to bring forward such a measure so that the people concerned would have an opportunity to consider it. I said that if the Bill had been introduced in the correct way there would have been no opposition from me. So far as I am aware, the people seemed to be satisfied with the explanation. However, I find that apparently they had another string to their bow. Regarding the references to my visit to North Fremantle, I did go to that suburb to see the position for myself. I found that there were eleven houses along one road and I came to the conclusion that if that road was to be closed, the matter would have to receive further investigation. When I came back and spoke about it, I was told that it was another road that was to be closed. I went down again and discovered that in that particular road there were two houses. I would refuse to allow a mansion to be cut off from a thoroughfare and I will equally refuse to allow the humblest cottage to be cut off. There is no hurry about this question. Many things have to be fixed up yet, and this portion of the Bill can come before us again when Parliament re-assembles.

Hon. J. M. MACFARLANE: When the question was first introduced, I was in favour of the inclusion of the clause, but as the discussion proceeded, I felt bound to vote against the inclusion of this particular property. I find on looking at the plan that an area of about 300ft. square is surrounded by the company's property and that area will be isolated from the sea if the clause is agreed to. People's rights should be maintained and when we are dealing with questions such as this the proper procedure should be adopted.

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

Ayes	.. .. ..	15
Noes	.. .. ..	10
Majority for	..	5

AYES.

Hon. J. R. Brown	Hon. W. T. Glasheen
Hon. A. Burvill	Hon. J. W. Hickey
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. E. Dodd	Hon. T. Moore
Hon. J. M. Drew	Hon. G. Potter
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. J. Ewing	Hon. E. Rose
Hon. E. H. Gray	(*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. F. E. S. Willmott
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. G. W. Miles
	(*Teller.*)

New clause thus passed.

Bill reported with amendments and the report adopted.

Read a third time and returned to the Assembly with amendments.

BILL—MINERS' PHTHISIS ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. J. W. Hickey—Central) [5.20] in moving the second reading said: This is not an intricate Bill. The Miners' Phthisis Act was passed in 1922. For various reasons it was not proclaimed until this year. In accordance with the proclamation, examinations have been held at the Kalgoorlie laboratory, and are still being held there. Many men have been examined, and it is hoped to complete the examinations by next May. The Act provides that men suffering from tuberculosis shall be prevented from continuing in the mines, and that a register shall be kept of these men. Any person who is ordered out of a mine has to receive payment equivalent to the wage he then received until suitable employment is found for him. Under the Act the obligation is cast upon the Government,

following upon the man being ordered out of the mine, to find suitable employment for him, and in the absence of employment being found to pay him the equivalent of the wages he had received. Suitable employment is defined in the Act as follows:—

> Such work as the principal medical officer or such deputy as he shall appoint or the principal medical officer of the Wooroloo Sanatorium certifies to be suitable employment for the person to whom it is offered, and being either work on, in, or about a mine or part of a mine to which such section applies, etc.

Certain obligations devolve upon the individual. Immediately a man is ordered out of a mine he must obey the order. If he refuses to accept the employment offered, he has no further claim on the Government, who are obliged to find work only once. Irrespective of the state of the health of the man, the obligation on the Government ceases after that. The Government feel that this is manifestly unfair. The Bill makes it obligatory upon the Government to find work when the man is afflicted, or pay him compensation. We think that is as it should be. It is possible that a man may be found employment and that this may appear to suit his state of health at the time, but subsequently it may be found that he is unable to remain in that employment. At present the Government would have no further obligation concerning him. Under the Bill, however, they will be liable for seeing that another opportunity is given to the man so long as he is prepared to follow some other employment, and it has been decided by the medical authorities that he is not fit to follow the first chosen employment. The Bill also provides for the payment of compensation. No such provision is made under the Act for men suffering from tuberculosis, who are able to follow some light occupation. Some men suffer as the result of impaired health while engaged in mining, but are able to follow a light occupation. The Bill covers that point. Most miners would prefer to work rather than remain in idleness. The Bill further provides that if a man cannot work at all he shall be paid compensation, which shall be not less than that which would be payable under the Mine Workers' Relief Fund. That amount is not large. Furthermore, it is only the minimum that can be paid. There is nothing to prevent the amount from being increased as the disabilities affect the man concerned. We have to begin somewhere. In the event of death the widow and dependants of the miner will receive certain benefits, I think 25s. for the widow and 5s. for each dependant child. We must take a broad view of the situation. We start off with this minimum, but it may be increased as may be thought fit. There may be certain objections to this.

Hon. E. H. Harris: Objections to what?

The HONORARY MINISTER: Although no amount of compensation is mentioned, the starting off point is taken as the sum paid under the rules and regulations of the Mine Workers' Relief Fund. I think the Bill will meet the requirements in this direction. Tuberculosis by itself would not justify a claim under the Workers' Compensation Act, but if it supervenes upon any of the diseases brought about by the occupation of mining, it will come under the Act. Many men would probably be debarred from the benefits of the scheme, because they were not actively engaged in mining at the time of their examination. If a man who engaged in the calling of mining happens to be out of work or is following some other calling for the time being, at the period of the commencement of this measure, he will be deemed to be engaged in mining operations. That will be the position if he happens to be so engaged within three months of the commencement of the Act, notwithstanding that he may have been temporarily out of work when the Act was proclaimed. If the finances would justify it we would all like to make the Bill retrospective to the date of the commencement of the parent Act, but we have to view the position as we find it. It is a new departure and I consider that we have met the position fairly well. It has been brought under my notice to-day that certain rumours have been prevalent to the effect that men have been withdrawn from the mines and that they are here in Perth and are receiving treatment. The Bill provides that every man must report himself at the laboratory at Kalgoorlie, there to undergo an examination and whatever treatment may be prescribed. Provision is also being made that medical men in the back country shall make examinations and present reports, and if the cases should be unsatisfactory the persons so examined may be transferred to Kalgoorlie at the expense of the State. If we find that there are men in Perth it will be the Government's obligation to see that those men are sent to Kalgoorlie. Dealing with the clauses of the Bill I may briefly refer to the fact that the first amendment is to

remove a doubt as to whether the obligation of the Government shall cease when suitable employment is found, although the individual may soon afterwards lose that employment. The word "unless" will be substituted for "until" which will make it obligatory on the part of the Government to find employment.

Hon. J. Cornell: The word is ambiguous and will not carry you any further than "until."

The HONORARY MINISTER: In the event of a man being incapable of doing further work, the Government take up the responsibility and say that at least he shall get compensation not less than that payable under the rules of the Mine Workers' Relief Fund. I think I have alluded to the main features of the Bill. We are all in accord with it, and we all realise that there is no greater act one can do to mankind than to be enthusiastic in regard to a measure of this description. I have no fear of opposition to the Bill because nobody better than those connected with the industry realises the sacrifices that have been made by men who have worked in the mining industry. There was an obligation on the part of the industry itself to come to the rescue of those men, but the industry having failed and the Government considering that two wrongs do not make a right, have stepped in and submitted this measure which must prove helpful to the section of the community that has suffered as a result of its association with the industry. I move—

That the Bill be now read a second time.

HON. J. E. DODD (South) [5.40]: Every member representing a mining province will appreciate the action of the Government in bringing in legislation of this nature. Members have been fairly generous in regard to measures such as this and the Government are entitled to credit for introducing the Bill now under review. I shall support the Government in any action they may take for the alleviation of those suffering from diseases contracted in the mining industry. I had intended to move several amendments to the Bill, but I think that we should avoid all possible suggestion of political capital being made out of such a measure, and therefore I shall ask the Minister to consult his colleague, the Minister for Mines, and inquire whether he can see his way clear to embody a couple of amendments that I shall foreshadow. If the Government will adopt them they will do a service to a number of unfortunate men. The parent Act provides that where a man is found suffering from tuberculosis he can be prohibited from working in a mine. Examinations are being conducted in Kalgoorlie to ascertain the state of the health of the men engaged in the industry. Under the parent Act, if a man was found to be suffering from tuberculosis, he was prohibited from further working in a mine and the onus lay on the Government to find employment for that man, work that he could do, and if he could not carry it on he would then be entitled to receive the ruling rate of pay for the district. Under the original Act, once work was found for the sufferer from tuberculosis, that was to be the end of the Government's obligation. I am sure that this Chamber never intended that that was to be the position. Section 9, Subsection 2 of the original Act provides—

Any person whose employment is prohibited as aforesaid, and whose name is registered in the register to be kept by the Mine Workers' Relief Fund, Incorporated, shall have the right to receive from the Department of Mines compensation equal to the ruling rate of pay in the district in which he was employed at the time of such prohibition for the class of work in which he was engaged, until other suitable employment is found for and offered to him by the Department of Mines.

To a layman, that certainly implies that the obligation is on the Government for all time to find employment for any man that may be prohibited from working in a mine by reason of tuberculosis. However, the Government have evidently discovered that is not so and they have introduced this amending Bill. In the Bill there is a subclause that reduces the payment from the ruling rate to the scale allowed under the Mine Workers' Relief Fund. That to my mind is a breach of faith. A number of men have been looking forward to receiving the ruling rate of pay for the district, as provided for in the original Act. Now we find that men unable to work are to be paid compensation not according to the ruling rate of pay, but under the scale of the Mine Workers' Relief Fund, which I believe is about one-third of the ruling rate. I appreciate the action of the Minister in stating that the Mine Workers'

Relief Fund must be carried on at all costs. The number of men under the Mine Workers' Relief Fund now, and their dependants, we are told will be carried on somehow by the Government. We can all appreciate the action of the Government in doing that. But it does seem to me that if there is a breach of faith in the proposed subsection, we are going to take away the right of the man to receive the ruling rate of pay.

Hon. E. H. Harris: It is a direct repudiation.

Hon. J. E. DODD: Another proposal of the Bill is that where a man is found to be suffering from the symptoms of miners' complaint, and tuberculosis may supervene, he shall be told of it. That is a very good idea. Once a man is shown that he is suffering from the complaint, the best thing he can possibly do is to get out of the mines before he contracts tuberculosis. However, in the case I refer to it is the man who has already contracted tuberculosis. The Bill also provides that the dependants of these men shall be paid on the same scale. If the Bill provided that the amount should be on the scale of the Workers' Compensation Act, it would not be so bad. That Act provides much larger benefits than the Mine Workers' Relief Fund does. Surely the least we can ask is that the unfortunate men who are forced out of the mines because they are suffering from miners' phthisis or tuberculosis shall be paid on that scale. There is also the question referred to by Mr. Hickey, regarding men who have been out of employment for three months prior to the passing of the measure. The Government have decided to go back three months. Again I may ask would it not be reasonable that we should go back to the time when the parent Act was assented to? That Act was assented to in February, 1923, but it was not proclaimed until September, 1925. Presumably a number of men had been forced out of the mines in the meantime. Surely it is not unreasonable to ask that the compensation should date back to the time when the principal Act was assented to. It is astounding, but nevertheless true, that no matter how long a man may have been out of the mines, if he has worked in them for any considerable period, sooner or later he is going to fall a victim to the disease. I have in mind two cases specially—two out of hundreds or even thousands that I have seen pass through the books at Kalgoorlie. One of the men has been out of the mines for 14 years, engaged in the most healthful occupation conceivable and living under the best conditions, on the hills. Yet to-day that man has developed the disease. Recently I received a letter from a man who left the mines 18 years ago and took up market gardening on the fields, going later to Spearwood. That man has also developed the disease. I quote these instances to show the terrible nature of miners' complaint. Now, we cannot go back 18 or 19 years, and I would not ask the Government to do so; but I do ask that all the men who have become affected since the Act was assented to should be brought under the provisions of this Bill. I shall not move any amendment. I know that Ministers realise to the full the trouble that arises from miners' complaint. Many of them have personal reasons for doing so. If, however, the Minister could see his way to make some amendments of the nature I have suggested, he would be doing a very great service to many men who are suffering, and the cost would not be very great. I have much pleasure in supporting the Bill.

HON. J. CORNELL (South) [5.51]: I hope that what I shall say will prove helpful, and not in the nature of destructive criticism. The Minister who introduced the Bill is as conversant with the vicissitudes of mining life as Mr. Dodd and myself and other members of this Chamber. The law to-day provides that any man working in or about a mine and found to be affected with tuberculosis must by that very fact be pulled out of the mine, and that until other suitable employment is found for him he shall get the ruling rate of wage in the district. "Suitable employment" is determined by the Principal Medical Officer or such deputy as he may appoint. I have always construed the law to mean that if the Principal Medical Officer or his deputy decrees that a person withdrawn from the mine can follow a certain employment, it is the duty of the Mines Department to provide him with that employment. The law is clear that if the person refuses that suitable employment as determined by the Principal Medical Officer or his deputy, he ceases to be a charge on the State and there is no further liability on the part of the Mines Department. The Bill merely proposes to strike out the word "until" in the phrase "until suitable employment is

found" and substitute "unless," making the phrase read, "unless suitable employment is found." How will that alteration be construed in actual practice? "Until" would imply "until such time as a suitable job has been found." I do not think the word "unless" in that connection could have any other meaning. Subject to this alteration proposed by the Bill, the provision will read as before. If the person refuses "suitable employment," he ceases to have any further claim to draw the ruling rate of wages in the district or to come further under the provisions of the Act. Sympathetic administration of the Act may avail somewhat, but in actual practice the substitution of "unless" for "until" gets us no further forward. Assume for the sake of argument that a conflict of opinion arises between the victim of the disease and the Principal Medical Officer or his deputy as to suitable employment. The Principal Medical Officer or his deputy says to the man, "This is suitable employment for you." The man replies, "It is not suitable." In such circumstances how will the word "unless" get the man any further than the word "until"? And that is going to be the actual position. If the Principal Medical Officer says, "No suitable employment can be found for the man," that is definite. I join issue with Mr. Dodd as to his view that the man would be entitled, so long as the condition persisted, to receive the ruling rate of wages in the district. The amendment will take that away from him. It provides that what he shall receive is compensation not less than that prescribed by the scale of relief obtaining at the commencement of the measure under the rules of the Mine Workers' Relief Fund. Unfortunately, down the years the scale of relief originally agreed upon has become a diminishing quantity, owing to the decline of the mining industry and the consequently lessened number of employees, together with the increasing number of men who fell by the wayside and went on the fund. The fund has been declining all the time, and unless there is a big revival in the mining industry it will eventually disappear. So the miner who can no longer work is bound to find his allotment a disappearing quantity. Again, there is the question of such a miner's dependants should he die. I suggest to the Government that in the case of those dependants, they should at least increase the allowance to the widow by 100 per cent., as is done in South Africa, if they cannot go any further in the direction of increasing the allotment to the miner himself. That in itself would not represent a great charge on the public funds, but it would represent generous recognition to the widow and would fortify her to meet the battle of life. An effective comparison cannot be drawn between our legislation and that of South Africa in the matter of compensation, because most of the South African mines have plenty of money to pay compensation, while here the unfortunate fact is that the Government have to shoulder the responsibility of compensating men pulled out of the mine. There is a provision that a miner who is pulled out of the mines and draws workers' compensation shall not benefit from the Mine Workers' Relief Fund. That amendment represents a delve into the future. The existing law provides that any man found to be suffering from tuberculosis shall leave the mines. Is it intended that when, after medical examination, a man is pulled out from a mine he shall not participate in workers' compensation, but that all who remain in the mine shall become a charge under that Act? Unless that is the intention, this provision can have no effect. The Minister spoke of tuberculosis supervening on silicosis. Under the parent Act there is no differentiation between tuberculosis and tuberculosis supervening on any other diseases. Probably 95 per cent. of the men to be examined will show traces of silicosis, whilst the tubercular patients will be only about 5 per cent. of the whole. I agree with Mr. Dodd that if the Government can see their way clear to make the measure of longer duration they will be doing something to alleviate the conditions of many men who have left the industry as the result of miners' phthisis. The question has been raised as to whether a man ordered, by reason of his tubercular condition, to come out of that part of the mine from which the men to be examined are taken, can be found employment in another part of the mine. When Dr. Pitchford, one of the greatest living authorites on miners' diseases, was here I discussed this question with him. This is the advice he gave me, "Once you pull a man out of a mine because of his tubercular condition, get him right away from the mines altogether and put him where there are unlimited supplies of fresh air and sunlight." On the strength of that advice the

provision in the Act requires amendment. I support whole-heartedly the attempt made by the Government to straighten out the position but, as Mr. Dodd said, the straightening out of the position may amount to repudiation of a contract. Those excluded from the mining industry may, as the result of the Bill, get much less remuneration than was contemplated in the parent Act.

HON. E. H. HARRIS (North-East) [6.5]: Any measure having for its object the rendering of assistance to unfortunate men suffering from miners' diseases has my cordial support. The object of the Bill is to safeguard the position in respect of men coming under Section 9 of the parent Act. It is there provided that the Mines Department shall undertake a certain responsibility until other suitable employment is found for men taken out of the mines. But under the provision in the Act the finding of suitable employment is limited to only once. It is suggested that the word "unless" should be inserted in lieu of "until." I cannot see any very great difference when it comes to the point as to whether the Government are called upon to carry out their responsibilities. The words in the section are "until other suitable employment is found for and offered to him by the Department of Mines." If it read "Unless other suitable employment is found for and offered to him from time to time by the department" it would meet the position. Provision is made in the Bill that men shall receive compensation to the extent of the scale of relief provided for under the Mine Workers' Relief Fund. To me that is repudiation of the contract entered into under Section 9 of the Act, where it is provided that the men shall obtain the ruling rate of wage paid in the district. I can imagine the feelings of the miners when they find that they are not to be paid what was provided for them in the statute of 1922, but are to go back on to the scale provided for in the Mine Workers' Relief Fund, which has been denounced on more than one occasion. I have here an extract from the policy speech made by the Premier at Boulder on the 17th January, 1924. Mr. Collier is reported to have said—

> In Queensland the miners' complaint had been brought under the Workers' Compensation Act. They in Western Australia, which had produced more gold than any other of the States, left their stricken miners to depend on charity.

The Miners' Phthisis Act had not then been put into operation. On the same date the Premier said what was reported as follows:—

> There had been a most blameworthy neglect on the part of the Government in failing to bring the Miner's Phthisis Act into operation, and the excuse that they awaited the establishment of a laboratory by the Federal Government was not justifiable.

Now Mr. Collier's Government are seeking to deprive the miners of certain prescribed monetary compensation. Mr. Cunningham spoke at Kalgoorlie on the 15th May, 1923, when he was reported as follows:—

> He spoke of the operation of the Mine Workers' Relief Fund and of the necessity to provide additional money so as to make adequate payments to those who were entitled to sustenance. He could say that a man who had earned from 90s. to 100s. per week when in health could support himself on 25s. It was time the Government of Western Australia did something in the direction of making more money available for the purpose of providing greater relief out of the fund.

The Government have been in office for a couple of years, yet have made no provision to better those conditions. The Honorary Minister remained silent on the very point on which I expected some pronouncement from him, that is in reference to the men taken out of the mines. Provision is made that if a man be found to be suffering from tuberculosis, the department is to be notified, and the Minister will notify the mine in which the man was employed. It is common talk that a number of men have not received a certificate from the laboratory that will permit them to go back to the mine. Even the local authority is inquiring as to whether men after examination have been found to be suffering from tuberculosis, notwithstanding which the Department of Health has not been notified. From information published in the local Press it seems the Commonwealth medical officers controlling the laboratory say it is their duty to notify the Minister. Most certainly if any men are marked for exclusion from the mines they should be notified. They have a right to know that they are suffering from tuberculosis and will not be allowed to go to work in the mine.

The Honorary Minister: How many have been taken out up to date?

Hon. E. H. HARRIS: We have been unable to find out, but there are a few. Those men should be notified immediately the au-

thorities decide that they shall not go back into the mine.

The Honorary Minister: Why complain that I have been silent upon that point? It is not in the Bill.

Hon. E. H. HARRIS: The Bill provides that those men shall get 25s. per week, whereas the parent Act provides that they shall get the standard rate of wage.. They have to suffer a reduction but, quite apart from that, they should know what is in store for them. Section 9 of the parent Act provides that the men shall receive compensation equal to the ruling rate of wage in the district in which he was employed.

Hon. W. H. Kitson: But the responsibility ceases when the department finds employment for them.

Hon. E. H. HARRIS: Apparently the department has but to find employment for a man once, and should he be discharged on the following day the department's obligation has ceased. I submit that the word "unless" is not the best that might be used.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. H. HARRIS: I hope I have made the position clear to the Minister. While I give the Government credit for safeguarding the interests of a man who can be found employment once and then turned adrift, they are not doing justice to the man who perhaps should be taken from a mine at the same time, who may fall ill immediately, and who when seeking employment two or three weeks later is certified to be unable to do any further work. The Bill also provides that on the death of a person whose name is registered, his dependants, if any, shall be entitled to receive certain benefits. In neither the parent Act nor in this Bill is there any definition of a dependant. Under the Workers' Compensation Act, dependant is clearly defined. I am wondering whether provision is made in the memorial of the Mine Workers' Relief Fund as to what is a dependant. Speaking from memory, I think it is left to the discretion of the board. The last clause of the Bill relates to the application of the Act to persons employed within three months. The clause refers to a person "so engaged or employed within three months before the commencement of the Act, notwithstanding that at such time he may have been temporarily out of employment."

Hon. A. Lovekin: Can you tell us what that means?

Hon. E. H. HARRIS: I was about to ask the Minister what it means. What is meant by being out of employment ? Assume that a man has been from work for three or four months through accident sustained in the industry, would he be deemed to be unemployed or still in the employ of the company but on an accident list? The accident might be such as to preclude his returning to work on the mine. Would he then come within the four corners of the Bill?

Hon. A. J. H. Saw: Surely he would!

Hon. E. H. HARRIS: Still, he would be temporarily out of employment. What does that mean? In the Public Service and in the Railway Department we have heard of temporary service covering many years. The man I wish to safeguard is he who has met with an accident and who may be unable to work on a mine for a year or two. I should like an assurance that such a man will be protected under this measure.

HON. H. SEDDON (North-East) [7.35]: There seems to be considerable difficulty to understand in what way the relationship between the Miners' Phthisis Act, 1922, and the Workers' Compensation Act of last session will be affected by the proposed amendment. There is not the slightest doubt that the two laws will re-act one upon the other. I should like an assurance from the Minister exactly how the Workers' Compensation Act will apply to the Miners' Phthisis Act. Previous speakers have referred to the provisions of the parent Act. When the original measure was introduced, the then Government were subjected to severe criticism because they did not include those men who were affected by dust, but were not suffering from tuberculosis. The original Act provided for compensation for only those men who were suffering from tuberculosis. The men seriously injured by dust alone were advised to get away from the industry and find other employment. The present Bill seeks to minimise even the provisions of the original measure, which was so strongly criticised, because the amendment forecasted undoubtedly limits the provisions of the Act regarding men suffering from tuberculosis. In order that the House may properly understand the position, let me take the case of two men. A man goes to the laboratory,

is examined, and is found to be suffering from tuberculosis. Under the original Act that man is dealt with, and is entitled to receive from the department the wages he was receiving while in employment until such time as he is found other suitable employment. Until employment is found for him, he must receive the wages paid to him when he was working in the mine. The substitution of the word "unless" for "until" does not affect the position of that man in the slightest because, in this case, the two words are practically synonymous. Now take the case of a man provided for under the proposed new Section 4a. The man is examined and is found to be so seriously affected by tuberculosis that it is impossible to find suitable employment for him. Under the orginal Act, he would be entitled to receive the rate of wages he was being paid at the mine until suitable employment was found for him, and as the medical officer had certified that he could not be found work, he would have a claim on the department for is full wages until such time as death ended his sufferings. By the substitution of the word "unless," that man is placed in this position: suitable work cannot be found for him, therefore the proposed new Section 4a would apply, and it provides that such a man will simply be paid the amount of remuneration to which he would be entitled under the Mine Workers' Relief Fund. I can well understand a Government, considering the question from the viewpoint of the charge upon the finances of the State, bringing in such an amendment, but we have to consider the position of the man and see whether such treatment would not be very severe. We have to realise that the man has no prospect of getting work, suitable or otherwise, because the medical officer certifies that suitable work cannot be found for him. Yet that man will be placed on a very much lower rate of wages—25s. per week for himself with certain additions for his children. Members can see how the new provision will operate harshly against such a man. There is also this important consideration: Most of the men suffering from tuberculosis, as their strength fails and the disease progresses, will sooner or later be brought into the position of the man I have mentioned, and they will then come under the operation of the proposed new Section 4a. That is what the amendment means. Members should consider the provision from the standpoint of our duty to the men—our moral obligation and our obligation from a humanitarian standpoint. In my opinion it is a very serious minimising of the provisions of the original Act, and I sincerely hope that these provisions will be deleted before the Bill is passed. Most of the men have been engaged in the mines for a considerable number of years. Dust takes time to affect a man's lungs, and it is usually the man who has spent the greater part of his working life in the mines who is affected by dust, upon which tuberculosis supervenes. So there is a moral obligation on the State to do its duty by those men who have done such splendid work to increase the wealth of the State and build up the mining industry. There is also the humanitarian aspect that we have an obligation to see that such men do not suffer through the limitation introduced by the proposed new sections. I am surprised that such an alteration should be brought in, and I can only conclude that the Government have felt seriously perturbed at what they consider will be a heavy charge upon the State to give effect to the provisions of the measure. The relationship between the Miners' Phthisis Act and the Workers' Compensation Act appears to be this: When the Workers' Compensation Act is proclaimed, the mines will be responsible for any men found to be suffering from tuberculosis. Up to the present the section of the Workers' Compensation Act applying to miners' phthisis has not been proclaimed, and consequently the provisions of the Miners' Phthisis Act apply.

Hon. J. R. Brown: They will be proclaimed simultaneously.

Hon. H. SEDDON: The fact remains that the Workers' Compensation Act does not apply to the mines at present, and I understand the idea is to obtain a complete examination of the men working in the mines before that Act is proclaimed. In conclusion I should like to say that the amendment seems to be a distinct attempt to reduce the provisions of the Miners' Phthisis Act, and I am sorry indeed that such an amendment should be introduced. I hope members will seriously consider the position before they cast a vote in favour of the new provisions.

THE HONORARY MINISTER (Hon. J. W. Hickey—Central—in reply) [7.45]: Regarding Mr. Seddon's remarks I should think that any representative of a goldfields district would embrace an opportunity to improve the condition of those engaged in the mining industry. Naturally they may be surprised and disappointed when a measure does not come quite up to their expectations and they may be expected to endeavour to effect improvements. Mr. Dodd and others have made helpful suggestions which I would like to incorporate in the legislation if possible. The Bill is introduced as a result of a constant agitation on the part of those who desire to see the lot of the men suffering from the results of their work in the mines, improved as far as possible. To be perfectly candid, the financial obligation, as Mr. Seddon suggested, is a heavy one. Some objection has been raised to the Bill because it is claimed it does not go far enough. I admit that no measure could go far enough towards relieving the position of these unfortunate men.

Hon. H. Seddon: I agree with that.

The HONORARY MINISTER: On the other hand, members should appreciate the fact that an honest attempt has been made to afford relief. It must be recognised that the payment on the basis of the Mine Workers' Relief Fund represents only the minimum that may be paid. Extreme cases have been mentioned and Mr. Harris referred to one. He suggested that if two men were taken out of a mine under the provisions of the Bill they might be provided with work at the ruling rate of wages fixed for the job. If, however, one man was not able to pull his full weight, he would be pronounced unfit for further work, in which event he would receive only the amount allowed under the Mine Workers' Relief Fund.

Hon. H. Seddon: Is that not what the Bill means?

The HONORARY MINISTER: I do not think there will be such extreme cases. The mines would not employ a man until he could work no longer. It is hardly likely that a man would be employed in a mine to-day and would be declared to-morrow to be unfit for employment.

Hon. E. H. Harris: But he might fall sick to-morrow.

The HONORARY MINISTER: And he would be entitled to relief the same as anyone else under the fund. I trust members will not put up a barrage against the Bill. I realise its shortcomings but it is an honest attempt to put into operation the provisions of the original Act although it does not go so far as was intended under the Act. The Bill falls short of the ambitions of many interested in the welfare of the early worn-out miners. Next year it may be pointed out that various amendments are necessary and legislation along the lines suggested may be dealt with. In the meantime the Government have done fairly well in presenting the Bill which will go far towards alleviating the position.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. W. Kirwan in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 9:

Hon. H. SEDDON: If we agree to the clause, will it mean that if a man is found to be suffering from tuberculosis to the extent that he is not able to take suitable work, he will be paid a lower rate of compensation than was contemplated in the original Act.

The HONORARY MINISTER: The responsibility of the Government is to assist any man who is not able to continue his work in the mines by finding him suitable work at the ruling rate of wages in the district, but if he is totally unfit for employment in any occupation the Government must provide for him payments that will be not less than the amounts payable under the Mine Workers' Relief Fund. In addition, an officer will be appointed whose duty it will be to assist the men and he will be in a position to gauge the requirements of the men.

Hon. H. SEDDON: If we delete the proposed Subsection 4a, what position will arise? Will it not mean that the men affected will be brought within the provisions of the parent Act?

Hon. T. Moore: What about proposed Subsection 4b? That is an addition to the provisions of the principal Act.

Hon. H. SEDDON: I was not dealing with that subsection. Will not the deletion of Subsection 4a mean that the men will

be paid the rate of wages as provided for in the Act?

The HONORARY MINISTER: That is so, but if a man who was placed in that position could not continue in his job, the Government would have no further responsibility in the matter.

Hon. H. SEDDON: But will not the retention of the word "until" in proposed Section 9 mean that it will be obligatory upon the Government to continue the payment of the higher wages? Possibly it might be desired to report progress at this stage in order to ascertain the exact position. I would not like the Bill to go through if the consequences of our action in this clause may be serious.

The HONORARY MINISTER: Under the Act the responsibility of the Government ceases when the employment is found. The Bill provides for the payment of compensation on a scale that will be not less than that which would be paid under the Mine Workers' Relief Fund.

Hon. H. SEDDON: The Act says that any person whose employment is prohibited shall receive the ruling rate of pay in the district until some other suitable employment is offered to him. I am dealing with the man who cannot undertake any other work. Until he is found work he can claim the ruling rate of wages. The amendment proposed in the Bill will mean that the department can say to a man they will no longer pay the ruling rate of wage, but will pay the rate prescribed under the Mine Workers' Relief Fund.

Hon. T. MOORE: When the Act was framed the idea was to take only tubercular cases out of the mines. More than that will now be done, and this will cast a greater obligation upon the Government. The number of men who will have to be treated will be greatly in excess of that which was first anticipated.

Hon. H. SEDDON: If the Bill is intended to bring under the provisions of the Act men who are suffering from dust troubles of the lungs, well and good. The amendment, however, is to Section 9, which deals only with men suffering from tuberculosis. The Bill is likely to act more harshly upon affected miners than the original Act.

Hon. J. NICHOLSON: Under proposed sub-sections (4c) and (4d) persons may be entitled to compensation but may not receive it, and may therefore fall between two stools. People should not be debarred from receiving the compensation to which they are entitled. I move an amendment—

That in proposed subsection (4c) after the words "entitled to receive" the words "and actually receives" be inserted.

Hon. A. J. H. SAW: The compensation under the Workers' Compensation Act will be actually greater than a man will be entitled to receive under this Bill. If a man is entitled to compensation, he will receive it. If he does not receive it, I can only imagine that the reason would be that he would not be entitled to receive it.

Amendment put and negatived.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

As to Third Reading.

THE HONORARY MINISTER (Hon. J. W. Hickey—Central) [8.12]: I move—

That the Bill be now read a third time.

HON. H. SEDDON (North-East) [8.13]: I shall be glad if the Honorary Minister will postpone the third reading of this Bill in order that I may obtain further advice concerning the operation of Clause 2, before the measure is finally passed.

The Honorary Minister: I will withdraw the motion.

Motion by leave withdrawn.

The HONORARY MINISTER: I move—

That the third reading be made an Order of the Day for the next sitting of the House.

Question put and passed.

BILL—DAY BAKING.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to Nos. 3 and 4 of the amendments made by the Council, but had disagreed to Nos. 1 and 2 for the reasons set forth in the schedule.

BILL—RESERVES.

Petition.

Order of the Day read for the resumption from 8th December of the Committee stage.

HON. A. J. H. SAW (Metropolitan-Suburban) [8.14]: I have been asked to present a petition to the House on behalf of 607 signatories representing ratepayers and residents of the South Perth Road Board district. The petition particularly concerns Clause 7 and is in favour of its retention. I have perused the petition, and so far as I can see it conforms to the Standing Orders.

Hon. J. Duffell: Are these all residents of South Perth?

Hon. A. J. H. SAW: I believe so. I move—

That the petition be received.

Hon. A. LOVEKIN: I would like to know whether the petition was lodged with the clerk for three hours, in accordance with Standing Order No. 66.

The PRESIDENT: It is certified on the petition that that has been done.

Question put and passed.

Petition received and read.

In Committee.

Resumed from the 8th December; Hon. J. W. Kirwan in the Chair, the Chief Secretary in charge of the Bill.

Clause 7—Reserve A5574:

Hon. H. A. STEPHENSON: It is my intention to move later on to strike out the last three words in the clause, "exclusive of gold."

Hon. G. W. MILES: Before the hon. member submits that amendment, I intend to ask the Committee to vote against the whole clause. I am a resident of South Perth and I assure members that the first the ratepayers of that particular ward heard of the proposal was after the second reading of the Bill had been agreed to in the Assembly. A number of people have gone to South Perth to reside because it is a quiet suburb. People have bought land close to this reserve and have built residences on it. The petition that was presented last week was signed by over 200 residents of the ward in which the reserve is situated, asking that the clause be struck out. With regard to the petition presented by Dr. Saw, an analogy might be made by a suggestion to take a slice out of King's Park and then present a petition signed by residents as far away as Mt. Lawley in favour of the proposal. Dr. Saw's petition has been signed by owners as well as ratepayers and many of the signatures were obtained from other wards away down to Como and as far as Canning Bridge. There is no immediate need to hand over this reserve to the board, and I hope the Committee will allow the matter to stand over for a year at any rate. The members of the governing body at South Perth have been fighting like Kilkenny cats with the progress association. The Committee should certainly allow the matter to stand over until next year.

Hon. A. J. H. SAW: I wish to ask the Chief Secretary, with reference to the first paragraph of the clause, whether he can show us on the plan the land to which reference is made. From the schedule I cannot make head or tail of it, and it was also Greek to some members of the South Perth Road Board who were here to interview me this morning.

Hon. C. F. BAXTER: On the litho. there is no guide to indicate where the reserves are.

The CHIEF SECRETARY: I have not analysed the schedule and confess that I do not know what it means. Therefore it would be advisable to report progress.

Progress reported.

BILL—FIRE BRIGADES ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. J. W. Hickey—Central) [8.31] in moving the second reading said: This is a small measure which becomes necessary owing to the fact that the Act of 1916-17 is deficient in regard to the power of recovery should the Fire Brigades Board make default in the redemption of its liabilties. Under the existing legislation, power is given to the Minister to act in case of default by the board; but there is no power in that legislation to compel the Minister to act. The Fire Brigades Board have recently raised a loan of £20,000; but this money could not be raised at six per cent., the percentage to which the existing Act restricts the board. The board secured the money at 6½ per cent. on the undertaking of the Government to introduce the legislation provided in this Bill. The measure is really a reiteration of the powers on appointment of a receiver, which powers are already enacted

in Sections 298 to 303 of the Road Districts Act. Those sections enable a receiver to take all necessary steps to raise the revenues of the board should the board make default. Without the legislative power now sought, the Fire Brigades Board would become denuded of any possibility of obtaining loan funds, and its future functioning would become impossible. The Crown Law authorities and the legal advisers of the board are of the same opinion as to the necessity for this Bill. The board have been successful in raising a loan of £20,000 through the Commonwealth Bank, upon the undertaking of the Government to introduce this legislation. The last loan raised by the board dates back 12 years. The Governor in Council, under the powers granted by the Fire Brigades Act, has approved of the raising of a loan of £50,000 by the board. Of this amount £20,000 has been raised as mentioned, and the balance is to be raised in future as required, and as interest rates become easier. The loan of £20,000 which has been raised has a currency of 15 years. The extensive growth of fire risks in the metropolitan area, and the rapid expansion of the agricultural areas, necessitate the expenditure of loan funds in providing machinery and plant and in erecting new fire stations. In the metropolitan area the land adjacent to the central fire station has been acquired. New stations are to be built at Subiaco, North Perth, Fremantle, Midland Junction and Guildford. In the country districts, additions to existing stations will be made at Albany, Beverley, Busselton, Canning, Collie, Katanning, Kellerberrin, Northam, Merredin and Wagin; and a new station is to be built at Narrogin. Additional machinery and plant is to be provided at the central fire station, at Subiaco and Fremantle, and also at Bunbury, Geraldton, Kalgoorlie and Boulder. This programme of works will absorb more than the loan of £20,000 that has already been raised. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time, and passed.

BILL—TAXATION (MOTOR SPIRIT VENDORS).

Second Reading.

Debate resumed from the previous day.

HON. J. J. HOLMES (North) [8.37]: On the Main Roads Bill I pointed out that a provision similar to one contained in this Bill was an attempt to evade the Federal Constitution. The Minister at that time practically agreed that the clause could not be made effective. Now the same proposal comes up in another form, but backed by the authority of Sir E. F. Mitchell, Sir Robert Garran, and several other shining lights of the legal profession, who declare that the clause is not unconstitutional. We know that leading legal lights have put up a deportation measure to the Federal Parliament, and that that measure, which was adopted by the Federal Parliament, has been unanimously ruled by the Judges of the High Court to be ineffective. I am sorry Mr. Lovekin is not present, because these facts might enable him to understand that counsel's opinions are not always correct. The Chief Secretary stated that the eminent authorities I have named declare this Bill to be not unconstitutional, but he did not tell us that the Bill, if enacted, would prove effective. The difference between this Bill and the clause struck out of the Main Roads Bill is that the latter measure proposed merely to catch the consumer or the man purchasing petrol in the State. The present Bill proposes to catch the man who brings petrol into the State for his own use. Every witness examined by the select committee on the Bill was of opinion that the petrol tax was the fairest tax provided that it could be imposed. As a member of that committee, I cross-examined each of the witnesses from the standpoint of equity. I pointed out to them that it would not be equitable to tax all the people in the North on every gallon of petrol; they did not travel over even one mile of main road, and perhaps would not do so in our time. The witnesses agreed that such taxation would not be equitable. I also pointed out to them that under that Bill the big man who imported petrol on his own account could evade the tax, and that only the small man purchasing petrol within the State would have to pay the tax. The witnesses admitted that that would be inequitable. Clause 7 of the

Bill proposes to get over the difficulty by providing—

In this section "consumer"—

Here we have "consumer"; in the previous Bill we had "vendor"—

means any person who uses any motor spirit which he has purchased or obtained outside the State, for the purpose of propelling any motor vehicle on any street or road within the State.

That may be quite within the Federal Constitution, but I can drive a coach-and-four through it. The Federal Government, I understand, are about to impose a tax on petrol. If I were in the petrol trade I should buy up all the petrol I could and get it into this country before the tax was imposed through the Customs. I should bring it here for the purpose of sale, and having got it into the country I should then alter my business to that of a motor proprietor, so evading the tax. If one brings petrol here for the purpose of propelling motor vehicles, one becomes a consumer; but if one brings petrol here for sale and then, having brought it here, alters one's business from that of vendor to that of consumer, one can evade this clause.

Hon. H. Stewart: Have you a suitable amendment?

Hon. J. J. HOLMES: No. I am merely pointing out that the Bill, although perhaps not contrary to the Federal Constitution, may not prove effective.

Hon. A. J. H. Saw: Do you think that what you suggest would be a good defence in a court of law?

Hon. J. J. HOLMES: I think so.

Hon. A. J. H. Saw: Try it on!

Hon. J. J. HOLMES: I am prepared to let the Bill go through subject to one amendment, which I shall come to presently. Just now I am merely pointing out that litigation is likely to follow the enactment of this Bill. When discussing the Main Roads Bill with the Minister for Works I pointed out to him that it was inequitable to impose upon the people of the North, who never use main roads, a tax of 2s. per case on their petrol. I explained that they had to pay from 6s. to 8s. per case freight from Fremantle. The Minister said if I could show him how he could exempt the North from the payment of the tax, he would do it. I said I thought he could check the consumption through the bills of lading at Fremantle. He said he would look into the matter. Subclause (2) of Clause 15 is the result of the discussion I had with the Minister for Works. Subclause (2) provides that the Act shall not apply to vendors and consumers residing in any part of the State north of the 26th parallel of south latitude if the motor spirit used by them is imported into the State at any port north of that parallel. But the effect of that provision will be to hand the control of all petrol sales in the North to one company, a company that brings down petrol from Borneo and lands it at our northern ports. I am certain the Minister for Works did not understand that position. Subclause (2) of Clause 15 would exclude all vendors of petrol at this end of the State from sending petrol to the North, except in special circumstances. I propose to move an amendment in Committee, and the Leader of the House has told me that he will not oppose it. The amendment has been drawn by one of the best firms of solicitors in Perth. It is so drafted that under it each and every company trading in petrol in Western Australia will have a share of the trade in the North. I propose to delete Subclause (2) of Clause 15 and substitute in lieu thereof the following new clause:—

Notwithstanding anything in this Act contained the Commissioner of Taxation shall, on application by or on behalf of the consumer, grant a rebate of the tax to be levied under this Act to all consumers of motor spirit residing in any part of the State north of the twenty-sixth parallel of south latitude, and provided such motor spirit is used by such consumer in that part of the State.

With the intimation that I propose to move that amendment when in Committee, I will support the second reading although, as I say, whilst the Bill may be constitutional, I do not think it can be made effective.

HON. J. EWING (South-West) [8.50]: We are wasting a great deal of time in discussing the Bill. I agree with Mr. Holmes that, all things being in order, we should support the Bill, for it is necessary to the maintenance of main roads. But already there is considerable doubt as to the validity of the Bill. Moreover, we know that the Prime Minister has intimated to the Premier that he intends to set aside twenty millions for road construction and maintenance throughout the Commonwealth, and that as a means

of finding part of the money he proposes to resort to a petrol tax. What, then, is the use of our wasting time passing a Bill that will be of no value whatever? This question of the imposition by the Federal Government of a petrol tax is to be considered at a conference in the Eastern States, to which the Premier will send a delegate. In the meantime it is useless for us to pass the Bill.

Hon. J. J. Holmes: Have you read Clause 15?

Hon. J. EWING: Yes, and it is entirely unsatisfactory. It states that the Governor-in-Council may do this and may do that. That means that if it be not unconstitutional the Government can double-bank the Federal tax on petrol, while if that be unconstitutional, the Bill will be valueless. In every Bill coming before the House there is some form of taxation. I am becoming weary of fresh taxation imposed upon the primary producers.

Hon. T. Moore: You don't mind if the Federal Government impose it?

Hon. J. EWING: I do not object to this tax on petrol at all. It is a fair tax. What I object to is the wasting of time considering a Bill that will be useless, at all events until the proposed conference has considered the position.

The PRESIDENT: Are you opposed to the second reading?

Hon. J. EWING: Certainly. It is a waste of time and energy discussing the Bill.

Hon. G. W. Miles: Are you opposing the Bill?

Hon. J. EWING: I am not opposing the tax. I say it is a waste of time considering the Bill until the Federal Government have decided whether or not they will impose a similar tax. We are only wasting time discussing the Bill.

Hon. J. J. Holmes: Well, why keep on wasting it?

Hon. J. EWING: I am speaking in the interests of saving time, not of wasting it. The Bill will be of no value. If it should reach the Committee stage I will there move that in Clause 15 "the Governor-in-Council may" be amended to read, "the Governor-in-Council shall." I do not object to the Bill itself, but I say that with the knowledge we have, it is waste of time going on with it. I will vote against the second reading.

HON. H. STEWART (South-East) [8.58]: I have not looked up the Interpretation Act, but I am under the impression that we cannot say, as Mr. Ewing proposes, that the Governor-in-Council shall do this or that. However, I am not too positive about that. Mr. Ewing has agreed that this is the most equitable form of tax. Since consideration has been given to this by the State Government and by the select committee on the Main Roads Bill, it is rather a pity that the Commonwealth Government, having said at the elections that they were going to provide twenty millions for roads, should now say that they propose to get a large portion of that sum by imposing a tax on petrol. From the surplus Customs revenue they could very well pay the whole of the twenty millions, without imposing a tax on petrol. If it became necessary to foster the production in Australia of industrial adcohol—according to the evidence submitted to the select committee on the Main Roads Bill, some is being manufactured in this State—it could have been done by means of a bounty instead of by imposing a duty.

Hon. J. Ewing: That is what they are going to do.

Hon. H. STEWART: We have heard so, but that may not come into operation for another year or more. If in the meantime the Government enforce this measure—and no expensive machinery will be needed to collect the tax from the importers—we might as well get the money for main roads. When the Federal Government impose their duty, it will be time enough for us to consider the position. If the Federal Government did impose a duty, we should obtain more revenue in that way, because they would probably take into consideration not only our population but also the area of the State, and they would not exempt the North-West. A good purpose will be served by passing this Bill. The opinion is almost unanimous that if the revenue derived be used for the construction and maintenance of roads, it is a most equitable form of taxation, because the people responsible for the greatest damage to roads will contribute proportionately.

Hon. J. J. Holmes: Provided everyone can be made to pay.

Hon. H. STEWART: That is so. It is difficult to ensure that any Act of Parliament shall operate absolutely fairly. Is it necessary to adhere to the wording of

Clause 13? It is not in accordance with the Main Roads Bill as amended, although the proviso to Clause 13 may meet the position. Clause 13 reads—

> All money received by the Commissioner of Taxation in payment of tax due under this Act shall, after deducting such percentages thereof as the Treasurer may approve to defray the cost of collection, be paid by the Commissioner of Taxation to the credit of an account at the Treasury to be called the main roads fund . . . . .

As the Main Roads Bill has been passed by both Houses—the amendments are now under consideration in another place—the name of the fund is the main roads trust account. The clause, therefore, should contain the words "main roads trust account." Clause 13 continues—

> and shall be expended in such manner as the Minister charged with the administration of the Road Districts Act, 1919, may determine in the maintenance and repair of such main roads as he may think fit.

Probably that was drafted having in mind the Main Roads Bill as it came to the Council from another place. If, in its amended form, it is acceptable to another place, the words "charged with the administration of the Road Districts Act, 1919," should be deleted, because the Main Roads Bill contains no reference to the Road Districts Act. It would be better to insert "and shall be expended as laid down in the Main Roads Act of 1925," or, alternatively, "and shall be expended in such manner as the Governor, on the recommendation of the main roads board, may determine in the maintenance and repair of such main roads as he may think fit." Such amendments would bring this measure fully into accord with the Main Roads Bill as amended by this House, and would save needless reference to the Road Districts Act. As I remarked, the position is met to some extent by the proviso to Clause 13, but it is unnecessarily cumbersome. Even if it were retained, the words in the proviso "if the Governor so orders" are not satisfactory. It would be better to provide for the payment of the revenue into the main roads trust account, to be expended as the Governor, on the recommendation of the main roads board, may determine. I suggest to Mr. Holmes that it might be quite unnecessary to remove Subclause 2 of Clause 15, which provides that the Act shall not apply to vendors or consumers residing in any part of the State north of the 26th parallel of south latitude if the motor spirit sold or consumed by them is imported into the State. The hon. member's amendment would come better as an addition to exempt petrol which is not imported, but which comes from the southern portion of the State.

The PRESIDENT: Many of the things mentioned by the hon. member should be dealt with in the Committee stage.

Hon. H. STEWART: Was I not acting within the Standing Orders in pointing out what I consider are defects in the Bill and suggesting amendments?

The PRESIDENT: Generally, when a member is in accord with the principle of the Bill, he votes for the second reading and discusses the amendments in Committee.

Hon. H. STEWART: The trouble is there is not time to put the amendments on the notice paper.

HON. A. LOVEKIN (Metropolitan) [9.8]: I think it is quite in order for a member, on the second reading, to indicate any alterations he desires to make in the Bill, because it is necessary for the Minister to have information as to the trend of members' thoughts on the subject. I do not propose to discuss the amendment suggested by Mr. Stewart because it can be dealt with in Committee, but I should like to point out to him that he can hardly insert the words "main roads trust account" and retain the proviso. As regards the principle of the Bill, I as a layman can say——

Hon. J. J. Holmes: This has not cost you 14 guineas?

Hon. A. LOVEKIN: No, I give this to the House free. I can see that this Bill will be challenged on many points in the High Court before any large amount of tax can be collected under it. It is bristling with constitutional points and it is useless for members, lawyers or others, to try to circumvent the Federal constitution by colourable evasions.

Hon. J. M. Macfarlane: Whose opinion is that?

Hon. A. Lovekin: It is my opinion.

Hon. A. J. H. Saw: The opinion of Lovekin, K.C.

Hon. A. LOVEKIN: What will the High Court say when a State Parliament puts up a measure to evade the Federal Constitution by the devices adopted here? The Federal constitution is perfectly clear that all trade intercourse between the States shall

be free. I wish to see good roads, and I am perfectly willing to pay the tax of 3d. per gallon on the petrol I use in order to get a return by way of good roads. Clause 15 has been referred to by Mr. Ewing and Mr. Stewart. Mr. Stewart suggests that the word "may" is the equivalent of "shall." That is not so; he will find by referring to Section 32 of the Interpretation Act that there is quite a distinction between "may" and "shall." We should not run any risk of having this tax double-banked. If the Federal authorities imposed a 3d. tax, it would be quite open for the Government, under this measure, to continue their 3d. tax and the people would then be taxed to the extent of 6d. per gallon. The Bill states that the Governor may, by Order-in-Council, wholly or partially discontinue the collection of the tax. But the Governor may not do that. Therefore we should make the position certain, as well as the point Mr. Holmes has in mind. In Committee I propose to move an amendment to strike out the words "the Governor may by Order-in-Council," and insert words to this effect—

The tax imposed by this Act shall automatically rebate by so much of the tax imposed under any law of the Commonwealth as aforesaid as is in excess of the tax prescribed by this Act.

That means that if the Federal Government impose a 2d. tax, we automatically drop 2d. That would be a safeguard against any double-banking.

Hon. A. J. H. Saw: Why not say the Governor "shall"?

Hon. A. LOVEKIN: It would amount to the same thing.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. W. Kirwan in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. G. W. MILES: Should not "consumer" be defined?

Hon. A. J. H. Saw: He is defined in the body of the Bill.

Clause put and passed.

Clauses 3 to 10—agreed to.

Clause 11—Liability of attorney, agents, and manager for breaches of Act:

Hon. J. J. HOLMES: The clause proposes that if one man commits an offence, someone else is to be penalised for him. That is rather unusual. If a foreign company outside the State commits an offence, we are to penalise the attorney or manager who is resident here. It does not seem fair.

The CHIEF SECRETARY: Under the Companies Act it is necessary for foreign companies to have representatives here. It would be impossible to impose a penalty upon the company itself, and therefore the attorney who chooses to represent any such company must accept the responsibility.

Hon. J. Duffell: One of the conditions of such appointments is that the attorneys are to sue or be sued.

Clause put and passed.

Clause 12—agreed to.

Clause 13—Appropriation of Tax:

Hon. H. STEWART: I suggest that the clause be amended by altering "main roads fund" to "main roads trust account," by deleting the reference to the Minister and including provision that the Governor may, on the recommendation of the main roads board, do what is provided for in the clause and, further, by deleting the proviso.

The CHIEF SECRETARY I move—

That consideration of the clause be postponed.

The Bill was drafted before the Main Roads Bill was dealt with. It was considered that that Bill would be agreed to, and therefore the proviso was included. In the circumstances I will get in touch with the Solicitor General and draw his attention to the drafting of the clause.

Motion put and passed; the clause postponed.

Clause 14—agreed to.

Clause 15—Exemption:

Hon. A. LOVEKIN: I think the clause which refers to the possibility of the Commonwealth imposing a similar tax should be amended. Some reference was made to an alteration by substituting "shall" for "may." It is not usual, however, to use the word "shall" in reference to the Governor or His Majesty. It might be as well to alter the clause by providing that the tax shall automatically rebate pro tanto in respect of the tax imposed under any law of the Commonwealth, at the same time retaining provision for the imposition of portion of the tax representing the difference between

that proposed in the Bill and any lesser amount of tax imposed by the Commonwealth. If the Commonwealth impose a tax of 2d. and our tax under the Bill is 3d., that will enable the Government to levy a tax of 1d.

Hon. A. J. H. SAW: This idea about the use of the word "shall" in connection with the Governor is a myth that crops up every second year or so and is as often exploded. Section 36 of the Interpretation Act provides that "when by any Act it is provided that regulations may or shall be made, and it is provided that such regulations may or shall be made by the Governor, any regulations made under, or by virtue of, such provision shall be made by the Governor," and so on. It would be better to use the word "shall" in the clause. I think it should be made mandatory; otherwise we may have another tax imposed. I move an amendment—

That in line three "may" be struck out, and "shall" inserted in lieu.

Hon. H. STEWART: While I agree with the views expressed by Mr. Lovekin, it is quite possible that the cost of collecting the extra 1d. tax would mean that the tax would be swallowed up in providing for the upkeep of a section of the Taxation Department's staff.

Hon. J. R. Brown: Well, they would be off the labour market.

The Chief Secretary: The extra amount would represent about £30,000.

Hon. H. STEWART: It was anticipated that during the first twelve months the tax of 3d. per gallon would represent £90,000. Statistics drawn up by the wholesalers indicate that the probable annual increase in Western Australia will be about £25,000 a year or more.

Hon. J. J. HOLMES: Knowing the desire of the Federal authorities to impose every penny by way of taxation that is possible, I am afraid that if we were to impose the extra tax as suggested, the Federal Government, when making the distribution as between the States, would be likely to deduct the amount collected by the State as part of our quota, and thus we would suffer in the end. The amendment moved by Mr. Ewing is the better idea. If we find more money is required for main roads, the revenue can be raised.

Hon. T. MOORE: The Federal Government have promised to give this State more than they have proposed to give the other States. I am positive that in the circumstances, when the allocation of money is made, the other States will see that we do not get more than our share. It will be a long time before the Commonwealth Government settle down to business. In the meantime we should collect the tax ourselves, for we must have money with which to improve our roads.

Hon. A. Lovekin: It may be better to leave the clause as Mr. Ewing suggests.

Amendment put and passed.

Hon. J. EWING: I move a further amendment—

That in Subclause (1), lines three and four, the words "wholly or partially, and for such time as he may think fit" be struck out.

The CHIEF SECRETARY: The intention of Mr. Ewing cannot be that if the Federal authorities impose a tax of 1d. the State shall not be permitted to tax to the extent of a further 2d. This money will be required by the main roads board. If we do not pass the Bill it is no use having the Main Roads Bill. This clause is the pith and matter of the Bill.

Hon. J. EWING: This Bill bristles so much with constitutional points that I fear it will never become law. I want to be sure that there is no dual taxation.

The CHIEF SECRETARY: Mr. Ewing has no evidence that the Bill is unconstitutional. I have quoted constitutional authorities to show that it is in order. South Australia has adopted a provision similar to this. The proposal of the Federal Government is merely to hold a conference of Treasurers next February. Perhaps two years will elapse before anything is done in this matter.

Hon. A. LOVEKIN: The clause might be postponed so that another may be framed to-morrow to suit the purpose of members. If the Federal Government imposed a tax of only 1d., it could be provided that the State should collect the difference between 1d. and 3d.

Hon. G. W. MILES: We should be in order in carrying the amendment, and amending the remaining words of the clause to comply with Mr. Lovekin's suggestion.

The CHIEF SECRETARY: If members will draft a suitable amendment I am prepared to report progress. Unless we make more headway than we have done there is very little hope of finishing by Friday.

Progress reported.

BILL—LAND DRAINAGE.

Assembly's Message.

Message from the Assembly received notifying that it had agreed to Nos. 2, 5, 6, and 8 of the amendments made by the Council, but had disagreed to Nos. 1, 3, 4, and 7.

BILL—WEIGHTS AND MEASURES.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [9.45] in moving the second reading said: Members will no doubt know that the Weights and Measures Act, which was passed in 1915, has not yet been proclaimed. The original Act of 1899 remains in force. Although under the Act of 1899 it is a statutory duty imposed on municipal councils, they have either refused to administer the measure or have done so spasmodically until now it may be said that nothing at all is being done in connection with weights and measures. The general public are therefore at the mercy of traders. While the great majority of traders are honest, still there is a small proportion who would be prepared, if there were no risk and no inspection, to exploit the public by short weight. It is necessary, therefore, to have some protection for the public. Although the Act was passed in 1915, delays have taken place in connection with its proclamation, and we are still without effective dealing with this important phase of our domestic life. The necessary standards were purchased some time ago and have been in the State since 1921, but no accommodation has been available in which to house them, and the staff necessary to properly administer the Act. The previous Government did not find accommodation or proclaim the Act, and this Government has been endeavouring to obtain suitable buildings in order to be in a position to deal effectively with the matter. The delay that has occurred since this Government took over the administration has been on account of lack of housing, and it was thought that on the appointment of the new Engineer-in-Chief certain reorganisation would take place in connection with the staff under him which would make available the necessary accommodation. Suitable arrangements have been made within the last few weeks, which will necessitate a certain amount of alteration in building, but it is expected that the Act will be proclaimed early in the new year. Since the passing of the 1915 Act it has become clear that before proclamation the measure needed amendment. Inquiries have been made in the Eastern States and Mr. McAlister, Superintendent of Weights and Measures in Sydney, has been good enough to submit amendments to our Act which have been found necessary during the past 10 years—as our Act was based on the New South Wales Act. The amendments will be such as to make it more efficient and able to cope with situations which have arisen in connection with legal judgments which have been given in various courts in New South Wales. The fees, too, which were based on a low scale, have been amended elsewhere, and as they are part and parcel of our Act, amendment is required here also. It is proposed to incorporate a scale of fees under this Act and give powers by regulation to amend if considered necessary. It is not intended in rendering this service to the public to make any profit, but the fees are arranged so that the actual cost of the Department concerned will be nearly met. As in the Jury Act, where a scale of fees was in the Act, the changing values of money have demonstrated the necessity for amendments. In the Jury Act 10s. a day was set down on a liberal scale 20 years ago but it is absolutely inadequate now; so, too, the fees set down in this Act are inadequate for the cost of the services rendered. Power is taken to prevent the sale of commodities in other than standard measurements when they are sold in packages. It is intended that the Weights and Measures department shall be administered by the Commissioner of Police and an inspector, under the Commissioner, will have the direct responsibility; besides which the police will be charged with carrying out the Act throughout the country.

Hon. J. M. Macfarlane: Will there be control over railway weights?

The CHIEF SECRETARY: It was not so in the previous Bill.

Hon. J. M. Macfarlane: They should be tested because those scales have often caused a lot of trouble.

The CHIEF SECRETARY: I understand that the railways make special arrangements to get their scales tested.

Hon. J. M. Macfarlane: They have been known to be as much as 1cwt. out.

The CHIEF SECRETARY: It is very evident that in some of the country districts the scales are not in good order. I saw a telegram in the paper this morning that producers in a portion of my province were complaining about the weights being out to the extent of 8lbs. per bag. The Bill will also apply to wholesale dealers. The responsibility will be cast on them of seeing that articles which are represented as containing certain weights actually contain those weights, and if manufacturers outside the State are concerned their agents in this State will be liable. These people will be required, when they are wholesalers, to give a guarantee that the package contains the weight printed thereon. Of course with articles which are of a perishable nature or subject to diminution in weight by reason of climatic influences or the passage of time, allowances will be made up to a certain limit in the variations allowed. Provision is made that by regulation, in cases in which absolute hardship would be caused, for articles may be exempted either wholly or in part from the operation of the Act. For instance, if firewood or coal is sold in places where there is no weighbridge, it is not possible to bring them under the Act. In such cases these are specially exempted, but other commodities may also be allowed exemption in justifying circumstances. Under the old Act it was necessary to prove that persons selling underweight did so with intent to defraud. This has been most difficult to prove, as every dealer could say he did not know, but in this Act they are required to know what weights they are selling. The Bill provides for the verification of penny-in-the-slot machines, which are operated for a profit. The value of these machines is negligible unless they are accurate. Where quantities of petrol, etc., are sold from what are known as the Bowser, the Hammond, and the Pickrell, which members will have seen in the streets, these instruments will be brought within the purview of the Act. It is proposed in the Bill to take power to prescribe that certain measures may be inspected at varying times whenever considered necessary. Of course it would only be necessary to verify some weights occasionally, while others should be inspected much more frequently. There is power by regulation to bring new measures under the Act. Provision is made that regulations may be prescribed for the licensing of scale adjusters and no person may call himself a scale adjuster without being licensed. I think with the amendments outlined we will have an up-to-date Act which will give the required amount of protection to the public without unduly harassing people in business. I move—

That the Bill be now read a second time.

HON. H. STEWART (South-East) [9.58]: I do not wish to delay the bringing into operation of the measure. I read the telegram in this morning's paper referred to by the Chief Secretary. It illustrates what a number of producers have had to put up with in recent years. A method of correct weighing is very badly required. Farmers take their produce to a railway siding and put it on the nearest machine not knowing whether the weights are correct or not. Weights should be tested at regular intervals. The Minister in replying might state whether the weighing machines under the control of the Government or the Commissioner of Railways are subject to the Bill. If they are not, the House should see that such an important series of weighing machines as those in the Railway Department shall come under the Bill and be subject to proper tests. It would be better to take these weighing machines away from the control of the Commissioner of Railways and place them under the department administering the Bill. The matter touches the sandalwood getter, the potato grower, the wheat grower, and in fact every primary producer, just as much as it touches the small purchaser. I commend the Government for having brought the Bill forward, and I regret that owing to the number of measures coming down, I have not been able to compare this one with the main Act. That is why I have asked the Minister for an assurance that the Commissioner of Railways will come under the Bill. Had I been in the House when the principal Act was passed, I should know the position. Some of the older Acts do not fully safeguard the producer. One amendment proposed by the Bill leads me to doubt whether the principal Act could not be still further improved. Clause 15 deals with the amendment of Sections 30, 31, and 32 of the principal Act. Section 30 provides that firewood and coal shall be sold only by weight. That is all right. Then there is a proviso

to the effect that if the quantity exceeds 5 cwt. it may, with the written consent of the purchaser, be sold otherwise as agreed. Under the principal Act that is rather a good provision for outback districts, and for cases where the bulk being dealt with is big. However, I cite this as a reason for thinking that the outlying parts of the State may not be sufficiently safeguarded by the Bill. In the Bill there is a proviso to Section 30 reading—

Provided that it shall be lawful to sell coal or firewood by measurement elsewhere than in a municipality, district, townsite or other place where a weighing machine is provided.

There are plenty of municipal districts, townsites and other places in Western Australia where there is no weighing machine unless it be the Railway Department's weighing machine. Unless we can feel that that weighing machine comes under the Bill, we might as well scrap the measure so far as the outlying parts of the State are concerned. Further, there are in Western Australia plenty of surveyed townsites where no town exists. Yet under the parent Act firewood must in such places be sold by weight, notwithstanding the absence of a weighing machine. The provision was taken from the New South Wales Act, and does not fit in with our conditions. Without wishing to delay the measure, I must say that I feel we are on somewhat doubtful ground. If the Government are going to finish the session, as they propose, tomorrow or on Friday, I shall not have time to go through the principal Act.

Hon. J. Ewing: Neither has anyone else the time.

Hon. H. STEWART: The only objection to the Bill is that it comes into our hands at this very late hour of the session. Nevertheless, I compliment the Government on having introduced the measure.

On motion by Hon. J. M. Macfarlane, debate adjourned.

BILL—BILLS OF SALE ACT AMENDMENT.

Returned from the Assembly with amendments.

RESOLUTION—STATE FOREST, REVOCATION.

The Assembly's message requesting the Council's concurrence in the Assembly's resolution "That the proposal for the partial revocation of State Forest No. 4, Collie, laid upon the Table of the House on Thursday, the 10th December, be carried out," now considered.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [10.10]: I move—

That the Assembly's resolution be concurred in.

The best way to proceed will be for me to read to the House a minute addressed to the Minister for Forests by the Conservator of Forests on the 10th December:—

I attach hereto proposal for the partial revocation of State forest No. 4, Collie, which has already received your approval before being submitted to the Governor in Council. Under Section 21 of the Forests Act, 1918, a dedication of Crown land as a State forest may only be revoked in whole or in part in the following manner:—(a) The Governor shall cause to be laid on the Table of each House of Parliament a proposal for such revocation. (b) After such proposal has been laid before Parliament, the Governor, on a resolution being passed by both Houses that such proposal be carried out, shall, by Order in Council, revoke such dedication. (c) On any such revocation the land shall become Crown land within the meaning of the Land Act, 1898. When portion of the coal mining field of Collie was dedicated as a State forest, a small area of Crown land adjoining the Collie-Cardiff townsite, containing about 27 acres, was included. Subsequent to the dedication it was found that a number of houses had been erected by miners on this area without any lawful authority having been obtained. The Lands Department consider that it is better, from the point of view of the local authorities, that these people should have some legal tenure over the land they occupy, and request that this action be taken to exclude the area from the State forest. I see no objection to the proposal as far as it concerns the Forests Department, and, if you concur in action being taken for the excision from the State forest of the 27 acres referred to, it will be necessary that these papers be laid on the Table of both Houses of Parliament as set out above, and, further, that arrangements be made for a resolution to be dealt with by both Houses of Parliament.

Hon. E. H. Harris: Would not that be establishing a precedent for those who squat on leases in other mining centres?

The CHIEF SECRETARY: Possibly; but I must submit this matter to the consideration of the House.

Hon. J. Nicholson: What is proposed to be done with regard to those 27 acres and the houses erected on them?

The CHIEF SECRETARY: I dare say the 27 acres will be disposed of to the men who occupy the land.

Hon. J. Nicholson: The Government will get something for the land?

The CHIEF SECRETARY: The Government certainly will not give the land away.

Hon. J. Nicholson: I was wondering if you could give us any further information.

The CHIEF SECRETARY: I have no further information.

HON. J. EWING (South-West) [10.14]: I second the Chief Secretary's motion. I happen to know the locality pretty well, and also the conditions obtaining there. Twenty years or more ago coal miners established themselves at Cardiff, and, as has been suggested, men squatted here and there in the vicinity of the mine. Within the last eight or 10 years those men have put up good cottages, and it is necessary that they should have titles. I understand that the land has been subdivided and surveyed, and that by the action taken by the Government those people will get their titles in due course. I congratulate the Government on their attitude.

HON. J. NICHOLSON (Metropolitan) [10.16]: I do not intend to oppose the motion, but I want to make it clear that it ought not to stand as a precedent for any subsequent action. We know the care that has to be exercised in respect of reservations under the Forests Act. It is one thing to squat on ordinary Crown lands that might be open for selection, but quite another thing to take possession of portion of a forest reserve.

Hon. E. H. Gray: The men had to go somewhere.

Hon. J. NICHOLSON: But Mr. Gray would not advance the argument that all a person has to do is to take possession of the land, erect a house on it and then go to the Government and request a title? That would not be right. I take it that a fair price will have to be paid to the Government for the land by those who have squatted on it. In the circumstances it is only right that consideration should be given to those men who have built their homes down there, but I repeat that our acquiescence on this occasion should not be taken as denoting a precedent.

HON. E. H. HARRIS (North-East) [10.20]: This appears to be quite a novel procedure.

Hon. E. H. Gray: If you knew the circumstances you would not talk like that.

Hon. E. H. HARRIS: It is because I do not know all the circumstances that I am looking for information. It is certainly novel to provide the means by which those who have squatted on portion of a State forest shall secure a title to the ground. Many years ago I, with others, squatted on some Crown land adjacent to a mining centre. Some enterprising land agent set the machinery in motion and eventually we found ourselves before the court, and were duly fined and lectured. We knew that our action was illegal, and no doubt those people at Collie recognise the illegality of their action. Is it now desired that those men be removed from that ground? Is that why this action is being taken?

Hon. W. H. Kitson: No, it is to legalise the position.

Hon. E. H. HARRIS: I am afrad that if we agree to this without knowledge of the exact features, we shall be establishing a precedent that may have a very far-reaching effect.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [10.23]: These men have done only what has been done in all mining communities throughout Western Australia. They have erected homes on some Crown lands. It was illegal, but the land was not a forest reserve at the time, not for many years afterwards. It is admitted that the men squatted on Crown lands. I do not know why Mr. Harris should seek to magnify their offence. Those men had put substantial improvements on the land before the Conservator of Forests came along and included it in his dedication.

Hon. J. Nicholson: The land had not been surveyed at the time of the dedication?

The CHIEF SECRETARY: No. Of course, those men acted illegally, but at the time the land was not worth a shilling an acre. By their improvements the men have greatly enhanced the value of the land and, of course, they will have to purchase it at its present valuation.

Question put and passed.

BILL—COTTESLOE ELECTRIC LIGHT AND POWER.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [10.24] in moving the second reading said: In a private Act passed in 1899 a syndicate obtained the privilege of supplying electric light within the then road district, now the municipality, of Cottesloe, and the road districts of Peppermint Grove and Buckland Hill, now Cottesloe Beach. The Act conferred on the local authority the option of purchasing the undertaking, and in the exercise of that option some years ago the works were acquired by the municipality of Cottesloe under and subject to the private Act of 1899. In 1923 the road districts of Peppermint Grove and Cottesloe Beach approached the Government Electricity Supply Department with a view to obtaining a direct supply of current. This might have been carried out subject only to a modification of the department's agreement with the Fremantle Municipal Tramways and Electric Lighting Act, 1903, subsequently agreed to, but the department was not disposed to enter into competition with the Cottesloe Municipality in respect of the supply of current to the adjoining municipality. Negotiations then took place with the Cottesloe Municipality with a view to the department's acquiring of this undertaking. Ultimately, an agreement was arrived at with the approval of the Government under the terms set out in the schedule to the Bill. The parties to that agreement are the three local authorities and the Commissioner of Railways, acting with the approval of the Government under the Government Electric Works Act of 1914. The draft agreement was approved at a meeting of the Cottesloe Municipal Council, as announced in the "West Australian" newspaper of the 8th March, 1924, and it was entered into on the 19th September following. The price paid by the Government for the undertaking was £17,000 and was satisfied as follows:—Cash £4,216, Treasury bonds bearing interest at 5½ per cent. £4,200, total £8,416. And on top of that the Commissioner took over the liability of the municipal council under its electric light debentures held by the A.M.P. Society and valued at £10,500 for £8,584, £1,916 standing to the credit of the sinking fund for its redemption. The effect of the agreement is that the districts of the three local authorities have received a more efficient supply of current at a reduced cost to the consumers. As between the Fremantle Municipal Tramways and Electric Lighting Board and the Government Electricity Department, the right of the department to supply current within the districts of the three local authorities was conceded by an indenture dated the 3rd of March, 1924. It is desirable that the sale of the undertaking to the Government should be affirmed by the Bill. The agreement provides inferentially that it should be ratified by Parliament, and each of the local authorities has agreed to the ratification. I move—

That the Bill be now read a second time.

HON. A. LOVEKIN (Metropolitan) [10.30]: Two or three years ago a select committee inquired into the question, and the conditions of agreement are those that were suggested at the time as being necessary for the district and for the Government Electricity Supply. I am sorry that Mr. Duffell, who has taken an interest in the matter, is not in the Chamber at present. I have looked through the schedule that embodies the agreement, and it is exactly what the Council and the Government require. I think the measure will be to the advantage of both the district and the Government Electricity Supply.

Question put and passed.

Bill read a second time.

In Committee, etc.

Clauses 1, 2—agreed to.

Schedule:

The CHIEF SECRETARY: There is a typographical error in line two of paragraph 4 of the preamble. I move an amendment—

That the word "boards" be struck out, and the word "road" inserted in lieu.

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

Title—agreed to.

Bill reported with an amendment and the report adopted.

Read a third time and returned to the Assembly with an amendment.

BILLS (2)—FIRST READING.

1, Group Settlement.

2, Gun License Act Amendment.

Received from the Assembly.

House adjourned at 10.37 p.m.

Legislative Assembly,

Wednesday, 16th December, 1925.

The SPEAKER took the Chair at 3 p.m., and read prayers.

QUESTION—FRUIT ADVISORY BOARD.

Mr. SAMPSON asked the Minister for Agriculture: In view of the defeat of the Primary Products Marketing Bill and the difficulties surrounding the profitable marketing of orchard products, will he renew the provision of funds to permit the Fruit Advisory Board to function?

The MINISTER FOR AGRICULTURE replied: Funds are not available to finance the Fruit Advisory Board, but in any case fruitgrowers' representatives have definitely stated that the existing organisations are quite competent to handle their own business.

QUESTION—KARRAGULLEN, LAND RESUMPTION.

Mr. SAMPSON asked the Minister for Works: 1, Were public tenders called for the purchase and removal of Mr. T. K. White's house from land resumed at Karragullen? 2, If not, why not? 3, If the house was sold, what were the conditions of the sale and the price secured?

The MINISTER FOR WORKS replied: 1, No. 2, It has not been the general practice in the past to call for tenders for the disposal of such small properties. 3, The disposal of this property is not yet finalised.

QUESTION—WATER SUPPLIES, DARLINGTON AND GLEN FORREST.

Mr. SAMPSON asked the Honorary Minister (Hon. J. Cunningham): 1, Is he aware that the arrangement made in connection with the provision of water for Darlington and Glen Forrest whereby water was to be charged for at 2s. 6d. per 1,000 gallons is not being honoured? 2, In view of the guarantees put up by those requiring water and the later action of the department whereby a charge of 5s. 6d. per 1,000 gallons is levied, will he see that the position is inquired into, in order that the guarantors and others concerned may obtain justice?

Hon. J. CUNNINGHAM replied: 1 and 2, I will make further investigations in regard to the position, and as soon as possible will decide what, if any, reduction should be made.

QUESTION—SANDALWOOD CUTTING.

Mr. NORTH asked the Premier: Is there any provision or regulation in force that prevents or purports to prevent the cutting of sandalwood on private lands?

The PREMIER replied: No, with the exception of sandalwood on C.P. leases approved on or after the 15th February, 1924. Any sandalwood on such leases remains the property of the Crown. A condition to this effect is now inserted in such C.P. leases as follows:—

This application is approved subject to the following conditions.

(1) All sandalwood growing on the demised land is reserved to the Crown, and shall not be cut, pulled, or destroyed by the