

to apply. Reference was made to the cost of grain for poultry feed. That difficulty could be overcome by growing fodder for the poultry. Practical demonstration is required to enable each little homestead to have its poultry run and produce its own fodder for the poultry. Reference was also made to the short supply of grain for pigs. In again comes the Agricultural Department with an absolutely misleading report, which says, or hints, that owing to the high price of grain pig production has fallen away. The cause of the decrease in pig production is the high price growers could obtain for pigs in the market. Enormous prices have ruled; hence the haste to sell pigs. Now on the question of potato growing and potato storage. I feel sure that we do not want a repetition of the low prices which ruled last year. But that can only be avoided by a proper system of storage.

Mr. Lambert: And dehydration.

Mr. PIESSE: And dehydration; but we could save the expense of dehydration if provision were made for the use of second-hand apple cases for storing potatoes. Refrigerators cannot possibly store potatoes in bags; there is too much moisture, and that method of storage would require very large space. Second-hand apple cases would give very satisfactory results. We have tens of thousands of these cases, which have cost the grower from 1s. to 1s. 6d. apiece, but which he is forbidden to use a second time. Those cases are cast into the furnace, or used as firewood, which represents absolute waste. In all sincerity I say there is a great prospect of successful storage of potatoes in those second-hand cases, which would not require very much in the way of repairs. I hope the Minister will see his way clear to authorise the use of the cases for that purpose. I also trust that the Minister will give further consideration to the question of rendering expert assistance in the various branches of agriculture.

Progress reported.

House adjourned at 10.58 p.m.

Legislative Council,

Thursday, 10th November, 1921.

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

QUESTION—TRAMWAYS, PERTH.

Repairs, renewals, and extensions.

Hon. J. DUFFELL asked the Minister for Education:—1, What portion of the amount of £100,000 authorised on the Loan Estimates for the last financial year for Perth electric tramways and extensions has been expended? 2, How much has been expended in general repairs and renewals? 3, Why have no extensions been started during the financial year? 4, Is it the intention of the Government to start any, and, if so, what extensions forthwith, so as to provide work for the unemployed?

The MINISTER FOR EDUCATION replied: 1, The total amount provided on the Loan Estimates for Tramways for the year 1920-21 was £87,000. Of this £33,640 was expended during the financial year. 2, Loan money is not expended in repairs and renewals. 3, Extensions have been deferred pending the appointment of the Public Works Committee contemplated by the Bill now before the Legislative Assembly. 4, See reply to No. 3.

BILL—INSPECTION OF MACHINERY.

In Committee.

Resumed from the previous day; Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 62—Protection of existing certificates:

The MINISTER FOR EDUCATION: This morning I had an opportunity of discussing the matter with the Chief Inspector of Machinery and the Solicitor General. Consideration was given to the amendments proposed by Mr. Harris. It was agreed that an additional subclause to this clause would serve the purpose. In regard particularly to internal combustion engines, any person can drive them at present. That is an undesirable state of affairs. But there are certain persons who drive them now who are not fully certificated, and it is not desired to take that right away from them. I, therefore, move an amendment—

That a subclause be added to stand as Subclause 4 as follows:—'Notwithstanding

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

This will mean that an engine driver holding an unrestricted certificate can, if he gets employment in driving an internal combustion engine, continue to carry on the work. Of course if he comes into competition with those who hold the necessary certificate, he will be at a disadvantage until such time as he gets the certificate for himself. If this amendment is agreed to, my intention is to recommit Clause 56 and insert a similar provision there.

Hon. E. H. HARRIS: In view of this amendment, I will not go on with my amendments to this part of the clause.

Amendment put and passed.

Hon. E. H. HARRIS: Those men who have had certain powers conferred upon them should be exempt from the payment of any fee when securing the transfer of their certificates. They should be enabled to get this transfer on application. I move an amendment—

That in line 1 of Subclause 2, after the word "any" the word "unrestricted" be inserted.

The MINISTER FOR EDUCATION: Will any good purpose be served by depriving the holder of an unrestricted certificate of the opportunity of getting a transfer? The amendment would mean that the holder of such a certificate would have no opportunity of getting a transfer at all. The clause is an enabling clause to permit of the holder of a certain certificate getting a transfer to bring it under this Bill.

Amendment put and negatived.

Hon. E. H. HARRIS: Every person who has had a certificate issued to him by the department and paid the prescribed fee at the time should, if he desires to transfer to the new conditions, have a certificate issued without further charge. I move an amendment—

That in line 4 the words "payment of prescribed fee" be struck out.

The Minister for Education: The intention is that these should be fees to cover the cost of issuing certificates.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 63—agreed to.

Clause 64—Disqualification of holder of certificate:

Hon. E. H. HARRIS: I fail to see why any person who is summoned before the board should hand in his certificate before he has been tried. The certificated engine men in the State take strong exception to being pre-judged prior to an inquiry being held. I move an amendment—

That in line 7 of Subclause 1 the words "return his certificate to the chairman" be struck out.

The MINISTER FOR EDUCATION: The calling in of the man's certificate will amount to suspension, in the event of it appearing to the board that the holder of the certificate has been guilty of an offence or misconduct or negligence. If the man is able to prove that he is not to blame, the certificate is simply handed back to him.

Amendment put and negatived.

Hon. E. H. HARRIS: I move an amendment—

That in line 4 of Subclause 4 after "inquiry" the words "without reasonable excuse" be added.

Circumstances may arise which will prevent a man appearing before the board and the amendment will provide for such a contingency.

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

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

Clauses 65 to 78—agreed to.

Clause 79—Protection of inspectors from liability:

Hon. A. LOVEKIN: This clause goes too far. It provides that no matter or thing done by an inspector bona fide in the execution of the Act, shall subject such inspector or the Crown to any liability whatsoever. New patents are introduced from time to time and an inspector appointed under the Act may desire to see what is inside the machinery or appliances. He may take some complicated part to pieces and be unable to put it together again involving the owner in serious expense. There should be some limitation placed upon such a provision, although I do not quite know what form that limitation could take.

The MINISTER FOR EDUCATION: This is a similar provision to that which appears in half a dozen other Acts. The clause is copied word for word from the existing Act and has been the law for the past 17 years.

Hon. V. HAMERSLEY: I am glad Mr. Lovekin has drawn attention to this matter. The clause should be deleted. If this provision has been in operation for 17 years, the public have had no knowledge of it, or they would have made an earnest attempt to strike it out.

Hon. A. LOVEKIN: It has been suggested that the Act provides that competent inspectors must be appointed, but if

they are not available, the next best type of official shall be chosen. In the event of even the next best not being secured, we are to go without and there will be no inspection at all. Suppose a man of the next best type comes along and injures a boiler, the owner, under the clause, will have no redress whatever.

Hon. J. DUFFELL: I do not take serious exception to the clause, because it must be understood that what whatever action an inspector takes, that action must be bona fide. The inspector must act to the best of his knowledge and ability. If we delete the clause, there are a lot of malicious people in the world who would leave no stone unturned to bring an action against the Crown. As a safeguard, protection should be given to inspectors in the carrying out of their bona fide duties.

Hon. R. J. LYNN: The clause should be deleted. I remember an inspector under the Machinery Act, who was well known 10 years ago who always carried a sledge hammer with him, and if it was possible to put that sledge hammer through anything, he would do it. As a monument to that man's memory, he put his sledge hammer through two of the Melville Park ferry boats on the Coffee Point slip. He had something to do with steamers I was running, and I know that if it were possible for him to do so, he would break anything with his sledge hammer, considering the weight he put behind it. That man's name was Tickell, and I can assure hon. members that he did tickle things up. I protested at the time and wanted to know why, when such a man came on to a job, I should not have some right of appeal against the methods he was adopting. Such a man inevitably destroyed something that would last at any rate for another year or two. In the case of the Melville Park ferry boats, those vessels would probably have run another 12 months or so.

Hon. T. Moore: And in that time, they might have drowned a number of people.

Hon. R. J. LYNN: Quite so. There is moderation in all things as the parson said who prayed for rain and got a flood. It must be remembered that very many things come under the scope of this measure, and if we are to have inspectors of a type similar to the man with the sledge hammer, they will put anything out of commission. If the Government choose to keep such a man as the person I have mentioned in their employ, the Government should be liable for any damages. The Bill will extend to coffee pots almost and give inspectors power to go anywhere in connection with our industries. Some means should be provided whereby an inspector should not be allowed to do anything he likes, merely because he considers his actions bona fide, without any redress being given to the owner. The Crown should be liable for such actions.

The MINISTER FOR EDUCATION: It is not a matter of what the inspector con-

siders bona fide actions. If the inspector destroys property wantonly, action would lie against him, but it would be a reasonable defence if he established that he had acted bona fide in the administration of the Act.

Hon. A. LOVEKIN: What would happen in the case of complicated machinery such as I have mentioned, where the inspector took a new machine to pieces and was unable to put it together again?

The MINISTER FOR EDUCATION: I am not a judge!

Hon. J. W. KIRWAN: I am in accord with the views expressed by Mr. Lynn and other members and favour the deletion of the clause. There are many things embodied in the Statutes regarding which it would have been better, had they never appeared there. The deletion of the clause will have two effects. It will make the Government extremely careful in the appointment of inspectors and make them see that they are thoroughly competent men, and in the second place it will make the inspectors extra careful in seeing that no damage is done. The point mentioned by Mr. Duffell does not cover a great number of cases which might be mentioned. The Government should be in exactly the same position as private individuals, and should not ask for any special exemption. I oppose the clause.

Hon. J. CORNELL: If, by the deletion of this clause, we could automatically expunge similar provisions from existing legislation, I would support Mr. Lovekin. The clause merely confers upon an inspector the powers of a policeman.

Hon. A. LOVEKIN: An inspector might do some damage and there is no redress. If an inspector is a reasonable man, he will not do any damage. If an unreasonable man is appointed by the Government, they should take the responsibility.

Hon. J. E. DODD: While I do not like the unrestricted freedom given to inspectors, we should remember that there is not an industrial Act which could be properly administered unless it contained a provision of this kind. An inspector would not face corporations and other people and do his duty, unless he enjoyed protection of this kind. It would be wrong to limit the clause too much or to strike it out.

Hon. A. LOVEKIN: If the clause were postponed, it might be modified somewhat.

The Minister for Education: It cannot be modified; it is a matter of principle.

Hon. J. NICHOLSON: The difficulty might be overcome by adding a proviso. Mr. Lynn's remarks indicate that one inspector carried out his duties in a very high-handed manner.

The Minister for Education: Not bona fide.

Hon. J. NICHOLSON: He might have pleaded that he carried out his duties in a bona fide manner. To protect owners of machinery from deliberate acts of violence and destruction at the hands of an inspector, I suggest a proviso to this effect, "Provided always that nothing herein shall relieve any

inspector from liability in case of any deliberate act of damage."

The Minister for Education: That would be meaningless, because in that case the inspector would not be protected. He is only protected while acting bona fide.

Hon. J. NICHOLSON: I am aware of that. If an inspector deliberately put a hammer through a thin boiler plate, he would be acting in excess of his duty.

The Minister for Education: Then this clause would not protect him.

Hon. J. NICHOLSON: To obviate that and to make the inspector careful, a proviso such as I have suggested would meet the case.

The MINISTER FOR EDUCATION: I cannot see that the proviso would improve the position at all. If an inspector acts bona fide in the execution of this measure, he should be protected, and the Crown should be protected against liability for what is done. There is no intention of exempting the inspector from liability for damage done while acting in excess of his duty. In the case mentioned by Mr. Lynn, action could have been taken, and on the inspector would have rested the onus of satisfying the court that he had acted bona fide. If he failed to satisfy the court on this point, he would have had to pay the penalty.

Hon. J. NICHOLSON: The Minister overlooks the fact that it might reasonably be contended that the inspector had acted bona fide in the execution of his duty in putting the hammer through a thin plate.

The Minister for Education: Then he should be protected.

Hon. J. NICHOLSON: On the other hand, it might be shown that what he had done was in excess of his duty, notwithstanding that he had acted in a bona fide manner. The position of not only the department but of the inspectors should be safeguarded. The clause should not be deleted; a proviso such as I have indicated would meet the case.

The Minister for Education: You want to qualify the word "bona fide" in some way.

Hon. J. NICHOLSON: I want to ensure that inspectors do not commit acts of violence such as have been instanced.

Hon. R. J. LYNN: What would you call acting "bona fide?"

Hon. J. NICHOLSON: It is very difficult to define "bona fide."

The Minister for Education: It would be a matter for the court to determine.

Hon. J. NICHOLSON: The court might find that the inspector acted in excess of his duty, though he acted bona fide.

The Minister for Education: How would you like a lawyer's liability to his clients to be defined in that way?

Hon. J. NICHOLSON: The position could be met as I have suggested. While we should protect the inspector, we should protect the public from excess zeal on the part of the inspector.

Hon. A. LOVEKIN: And from his stupidity.

Hon. J. NICHOLSON: It would be worth while postponing the clause to consider a proviso, as I have suggested.

Hon. A. J. H. SAW: I have no sympathy with the gentleman with the hammer, but cannot agree with Mr. Nicholson that there is any difficulty in defining "bona fide." I undoubtedly means "in good faith." If the inspector acts in good faith, he should be protected. Mr. Dodd hit the nail on the head when he said that, if an inspector were constantly under a threat of liability to prosecution every time someone considered his action unwarranted, he would not be likely to do his duty or carry out the provisions of the Act. I hope the clause will be retained.

Hon. A. LOVEKIN: I do not think Dr. Saw quite conveyed what "bona fide" is intended to mean in this case. If the hon. member were called in and operated on me carelessly and unskillfully, he might be acting bona fide, but I would have an action against him for performing his work unskillfully. I want to place the inspector in the same position. An inspector not fully qualified might in good faith use a hammer on a plate, but instead of giving a blow of 40lb might give it a knock of 140lb. and go through the plate. There ought to be some remedy to the owner then.

Hon. H. STEWART: I do not favour the clause as it stands. To my mind, under it the Government are protected too much as compared with the public. A comparable thing is the protection extended to our railway department in the matter of goods carried at owner's risk. Similar protection is not extended to the British railway companies. As to this clause, a company would hardly dare to put obstacles in the way of an inspector, and much less would private persons dare to do so.

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

Ayes	..	..	..	8
Noes	..	..	..	10

Majority against .. 2

AYES

Hon. F. A. Baglin	Hon. J. Duffell
Hon. H. P. Colebatch	Hon. E. H. Harris
Hon. J. Cornell	Hon. A. J. H. Saw
Hon. J. E. Dodd	Hon. J. W. Hickey
	(Teller.)

NOES.

Hon. J. A. Greig	Hon. R. J. Lynn
Hon. V. Hamersley	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. A. Sanderson
Hon. J. W. Kirwan	Hon. H. Stewart
Hon. A. Lovekin	Hon. C. F. Baxter
	(Teller.)

Clause thus negatived.

Clauses 80, 81—agreed to.

Clause 82—Regulations:

The MINISTER FOR EDUCATION:
I move an amendment—

That Subclause 5 be struck out, and the following inserted in lieu: "prescribing how and under what circumstances certain engines and boilers may be in charge of uncertificated persons."

The necessity for this alteration arises from the amendment made in Clause 53.

Amendment put and passed.

Hon. J. DUFFELL: I move an amendment—

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

The MINISTER FOR EDUCATION: I cannot accept the amendment, because it represents a complete revolution of the principles under which regulations are framed. Regulations are framed, and they have the force of law. After being framed, they have to be gazetted, and laid upon the Table in both Houses of Parliament; and then either House can disallow them. The amendment would take away from the Government the power to make regulations at all.

Hon. J. DUFFELL: I refrained from making remarks in support of my amendment, because I was waiting for the clerks to make the necessary alterations in the form of the amendment as it appears on the Notice Paper. This Bill provides for the charging of certain fees. The Bill is for that specific purpose.

The Minister for Education: Not so.

Hon. J. DUFFELL: The main purpose of the Bill is to impose fees; and Parliament ought to have an opportunity, before the fees are actually charged, of saying whether they are too high. If the fees are charged immediately upon being gazetted, it will be next door to impossible to obtain refunds in the event of Parliament disallowing the fees as being too high. My object is to prevent the imposition of unfairly heavy fees.

Hon. J. CORNELL: Mr. Duffell's amendment seeks to overturn all existing machinery for the framing of regulations.

Hon. J. Duffell: Nothing of the kind.

Hon. J. CORNELL: Mr. Duffell views the Bill as a measure for imposing fees. That fact indicates that the fees are going to come home somewhere, Mr. Duffell being so anxious to know what they will be before they do arrive home. The present measure has always appeared to me one for the better preservation of life and limb of the workers concerned. The best way for the hon. member to achieve his purpose would be to move to include in the Bill a schedule of charges. If an hon. member be dissatisfied with any of the regulations to be framed, he can move that it be disallowed. Similar powers are conferred in the Factories and Shops Act and in other

existing legislation. Personally I am prepared to trust whatever Government may be in power to frame safeguarding regulations.

Hon. A. LOVEKIN: I will support the amendment. I do not think we should impose taxation by way of regulation. The Bill imposes a tax on industry. We ought not to blindly permit that sort of thing. I agree with Mr. Cornell that we might well have a schedule of fees in the Bill. We ought not to give the Government power to fix fees by regulation, or at least not until we know whether the fees are to be in pence or in pounds.

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

Ayes	..	..	..	8
Noes	..	..	..	10
Majority against				2

AYES.

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

NOES.

Hon. F. A. Baglin	Hon. E. H. Harris
Hon. C. F. Baxter	Hon. J. W. Hickey
Hon. J. Cornell	Hon. A. J. H. Saw
Hon. J. E. Dodd	
	(Teller.)

Amendment thus negatived.

Clause, as previously amended, put and passed.

Postponed Clause 53—Drivers in charge of engines or cranes and hoists:

The CHAIRMAN: Mr. Lynn has moved an amendment to strike out from paragraph (b) the word "three" and insert "six" in lieu.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That after "power" the words "or to any boiler used solely for heating purposes" be added.

The MINISTER FOR EDUCATION: Last evening the hon. member brought this question forward ostensibly in the interests of those who have 8-horse power boilers. I learn on inquiry that all the boilers then referred to by the hon. member are of 4-horse power, with the exception perhaps of his own.

Hon. A. Lovekin: Ours is a 4-horse power, but we propose to put in one of 8-horse power.

The MINISTER FOR EDUCATION: The amendment is not necessary. As it is now, it lies with the chief inspector to say whether a certificated man shall be in charge. We have already exempted boilers up to 6-horse power, and in respect of boilers above that

power there is no need for a certificated man unless the chief inspector considers it necessary. To exclude all boilers used for heating purposes would be to exclude those used in hotels, laundries, confectionery works, jam factories, and many other places, which would be highly dangerous.

Hon. A. LOVEKIN: I will not press the amendment.

Amendment, by leave, withdrawn.

Hon. R. J. LYNN: I move an amendment—

That in line 3 of paragraph (f) "114" be struck out and "200" inserted in lieu.

There is no reason why a certificated man should be in charge of any of these internal combustion engines. Even though we grant exemption up to 200 square inches, it will still be leaving a grave injustice on a large section of the community using internal combustion engines. These engines have been in operation for many years. They were primarily installed, in many instances, because it was not necessary to have certificated men in charge of them, in addition to which there was no danger to fear from their use, while in some respects they were economical.

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

Postponed Clause 55—agreed to.

First schedule—agreed to.

Second schedule:

Hon. A. LOVEKIN: I move an amendment—

That after "machinery," in the first line, the words "except that which is expressly exempted by this Act" be inserted. The addition of these words will make the schedule perfectly clear.

The Minister for Education: I have no objection to the amendment.

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

Schedules 3 to 7—agreed to.

Title—agreed to.

Bill again reported with amendments.

BILL—WHEAT MARKETING.

Assembly's Message.

Message received from the Assembly notifying that it had agreed to make amendments Nos. 2, 3, 5 to 9 inclusive, that it had declined to make No. 4, and had made No. 1 with modifications.

House adjourned at 5.55 p.m.

Legislative Assembly,

Thursday, 10th November, 1921.

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

QUESTION—WHEAT MARKETING SCHEME.

Dividends and final payments.

Mr. WILLCOCK asked the Minister for Agriculture: 1, What dividends is it expected will be paid in respect to the 1916-17, 1917-18, 1918-19, 1919-20, and 1920-21 pools? 2, When will the dividends, if any, be available for payment? 3, Is it intended to make the next dividends the final payments in regard to any of the pools? 4, If so, on which of the pools are final payments being made? 5, If final payments are not being made in connection with any pool previously mentioned, when is it expected that the final payments will be made?

The MINISTER FOR AGRICULTURE replied: 1, 1916-17, 1½d. per bushel; 1917-18, 1d. per bushel; 1918-19, 4d. per bushel; 1919-20, 1s. per bushel; 1920-21, 1s. per bushel, less rail freight. 2, The 1920-21 dividend should be available within a month, and the others within two months. 3 and 4, Yes, with respect to the 1915-16 pool. 5, Possibly the earlier pools will be finalised within six months, and the 1920-21 pool a little later.

QUESTION—MUNICIPAL CORPORATIONS ACT AND RATING.

Mr. J. THOMSON asked the Minister for Works: 1, Is he aware that general dissatisfaction has been caused among ratepayers in suburban municipalities by a statement that he was doubtful whether a Municipal Corporations Bill would be introduced this session? 2, If he is unable to introduce such a Bill this session, will he have a short Bill drafted giving power to municipal councils to rate on the unimproved value of land, in the same manner as is provided in the Road Districts Act?

The MINISTER FOR WORKS replied: 1, No. 2, The question is under consideration.