

in electrical equipment. People in the outer suburbs deserve this service. Is it any wonder that the city becomes more congested? We want to see life in the outer suburban districts made more attractive, and it could be made more attractive by the provision of electric current. To extend the current to those districts would be a business proposition. If the Minister could only convince the Premier of the need for this extension, I believe he could obtain sufficient money for the purpose. By the time the new generating plant is installed, I am afraid the needs of Perth and its immediate surroundings will have so grown that there will be no current to spare for the outer suburban districts.

The Minister for Railways: There will be enough for the next seven years.

Mr. SAMPSON: We have heard that story for the last nine or ten years. I am going to hope it will be so, but my faith has been shaken so often that I have become very doubtful. A last word now in respect to orderly marketing or organisation of marketing, as it is sometimes called. In June last a big conference of fruitgrowers was held in Sydney. It consisted of members of the Fruitgrowers' Federation of New South Wales, who discussed at great length the need for organisation of marketing. They brought forward a proposed Bill, and having discussed it in committee for many hours, a vote was taken. The conference was composed of picked men of all the fruit-growing districts of New South Wales, and the vote resulted in 60 in favour and 18 against. I hope that when we discuss the matter we shall be successful in securing a majority equal to that.

On motion by Mr. Fox, debate adjourned.

*House adjourned at 8.58 p.m.*

## Legislative Council,

*Tuesday, 13th August, 1935.*

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

### QUESTION—STATE INSURANCE OFFICE.

#### *Premiums and Payments.*

Hon. C. G. ELLIOTT asked the Chief Secretary: 1, What was the amount of premiums collected by the State Insurance Office for the year ended the 30th June, 1935, from the mining industry for insurance against liability to pay compensation for mining diseases under the Third Schedule of the Workers' Compensation Act? 2, What were the total payments made under the Workers' Compensation Act for the year ended the 30th June, 1935, as compensation to sufferers from mining diseases?

The CHIEF SECRETARY replied: 1, £75,555 18s. 0d. 2, Actual payments, £24,622 16s. 2d. In addition there was an amount of £25,000 paid to the Treasury in respect of payments previously made under the Miners' Phthisis Act and which could have been claimed under the Third Schedule of the Workers' Compensation Act. These figures do not show the amount outstanding in regard to claims which have already been admitted. This liability is estimated at about £55,000.

### QUESTION—TAXATION, PAYMENT DRIVE.

Hon. R. G. MOORE asked the Chief Secretary: 1, Is it the intention of the Taxation Department to make a concentrated drive to insure the payment of income tax in all towns in Western Australia, similar to that now taking place on the Goldfields? 2, If not, why not?

The CHIEF SECRETARY replied: 1, It is the Department's intention to see that all persons in all parts of the State equally comply with the laws administered by it. 2, See reply to No. 1.

### **BILL—FACTORIES AND SHOPS ACT AMENDMENT.**

Introduced by the Honorary Minister and read a first time.

### **BILL—REDUCTION OF RENTS ACT CONTINUANCE.**

*As to leave to introduce.*

**THE HONORARY MINISTER** (Hon. W. H. Kitson—West) [4.34]: I move—

That leave be granted to introduce a Bill for an Act to continue the operation of the Reduction of Rents Act, 1931.

**HON. J. CORNELL** (South) [4.35]: This is the proper stage, I submit, to question the introduction of the Bill because if the House indicates that it prefers all these temporary financial measures to come, as heretofore, from another place, it is not too late for the Honorary Minister to refrain from proceeding further with his present motion. There are on the statute-book, five or six measures dealing directly with the financial emergency situation. There is the principal Act, which deals with our salaries and those of others. There is one Act that amends the Constitution Acts. Although we do not know the contents of the Bill that is to amend that particular piece of legislation, we have already agreed to its introduction. Then there is another measure to amend the Constitution Acts relating to the reduction of salaries of judges and Ministers of the Crown. There is the financial emergency tax legislation, which levies a special impost on most of the citizens of the State. Then there are the two Bills, leave to introduce which is to be requested to-day. In another place there is a similar motion affecting the Tenants, Purchasers and Mortgagors' Relief Act. The procedure for at least two sessions past has been for this Chamber to refuse to deal with such measures until the chief taxing measure under this heading has been before us and we have agreed to its provisions. While the Government may be anxious to relieve the congestion that invariably occurs at the end of a session, I submit that this class

of legislation should not be used to achieve that objective. For the sake of argument, we can assume that we will proceed to deal with the two Bills referred to on to-day's Notice Paper. They may have a serious and salutary effect on some of the citizens. If we pass the Bills, we shall be finished with them, and they will go to another place, where they will be dealt with finally. On the other hand, when the main financial emergency taxation measure, which cannot be introduced in this Chamber, is brought forward, it must be considered first in another place. That is the Bill that will affect the salaries of civil servants and members of Parliament. That Bill may be drastically amended and, if that should be so, I submit that the people who will be affected by the two continuance Bills that we are asked to deal with, should also receive a similar measure of consideration, equivalent to that meted out to another section under the tax Bill so amended. I do not intend to commit myself at all but I submit that these Bills should emanate from the Legislative Assembly and not be introduced first here. I warn members of the danger of falling between two stools. Even at this late hour, I suggest to the Honorary Minister the advisability of conferring with his colleagues with a view to following the procedure that has been adopted in the past, whereby the financial emergency Bills have originated in the Legislative Assembly and not in this House. I feel inclined to vote against leave being granted for the introduction of the Bill if the Honorary Minister will not agree to follow the course I have suggested.

**HON. J. J. HOLMES** (North) [4.41]: I desire to add a few words to endorse what Mr. Cornell has said. Last year we held up all the Bills in this category except one, which caused complications later on. It matters not to me whether the Bill under discussion be received from another place or not; I claim that all the Bills under this category should be before the House so as to be considered at the one time. The irony of it is that the rents reduction phase was never part of the Premiers' Plan. That was made clear in this House. It was realised by those who had the compilation of the financial emergency legislation that the matter of rents was one that should right itself. It was recognised that landlords would stultify their own interests if they endeavoured

to extract full rentals from their tenants because the position at that time was such that, in such circumstances, the landlords would not collect any rent at all. Hence it was conceived that the question of rents would automatically adjust itself, and, therefore, it was not regarded as any part of the Premiers' Plan. Last year the Acting Premier, Mr. McCallum, mentioned in another place the unfortunate position of some people in relation to rents. He referred to men who had retired and possessed, perhaps, a couple of cottages, the rents from which supplemented their small incomes. He pointed out that they were placed at a distinct disadvantage because of the financial emergency legislation. Almost with tears in his eyes, he said that he hoped the Government would be able to do something to alleviate that position this year. Mr. McCallum is not now a Minister and therefore is not able to carry out the promise he made.

Hon. C. F. Baxter: But he spoke for the Government.

Hon. J. J. HOLMES: Mr. McCallum has a better job now; I do not mind that, if he starts in the right direction. If the Honorary Minister desires to save time, I urge him not to push on with the measure but to agree to delay its consideration until we have all the measures under this category before us.

**HON. V. HAMERSLEY** (East) [4.45]: I enter a protest against the introduction of this measure at the present stage. Reference was made in the Lieutenant-Governor's Speech to the fact that financial emergency legislation would be introduced, and I presume it will be brought before us towards the end of the session. As we are on the eve of a general election, the assumption is that the reduction of salaries under the Financial Emergency Act will be restored. In the circumstances, we would be anticipating things if we tied our hands at this stage, because landlords would still be subject to the reduction of rents, while their tenants, receiving full returns, would be quite able to pay their rents. Previously it was recognised that in the emergency existing and with the restrictions imposed, they would not be able to pay. I have heard of instances of influential concerns that were not injured by restrictions of in-

come, but took full advantage of the reduction of rents, and they have been occupying premises on those advantageous terms when there was no real necessity for reducing their rents. We should certainly have the financial emergency legislation before us previous to dealing with this and similar measures.

**THE HONORARY MINISTER** (Hon. W. H. Kitson—West—in reply) [4.47]: This is a somewhat remarkable state of affairs.

Hon. J. Cornell: The way you are introducing the business is remarkable.

**THE HONORARY MINISTER**: We have had complaints from time to time about another place not getting on with the business, and delaying it until late in the session so that members of this Chamber were deprived of a fair opportunity to consider the legislation submitted. At the end of last session I think we had ample proof of that.

Hon. J. Cornell: Pick your Bills.

**THE HONORARY MINISTER**: We will pick some more. I am not here to argue the merits or otherwise of the Bills; this is not the time to do it. It is quite unusual for any debate to take place on a motion of this kind.

Hon. J. Cornell: It is quite an unusual procedure on your part.

**THE HONORARY MINISTER**: It is not.

Hon. J. Cornell: It has never been adopted before.

**THE HONORARY MINISTER**: It is not unusual to introduce Bills into this House.

Hon. G. W. Miles: Bills of this kind.

**THE HONORARY MINISTER**: Some Bills cannot be introduced here.

Hon. J. Cornell: We know that; tell us something we do not know.

**THE HONORARY MINISTER**: Other Bills can be introduced here. It is not for this House to indicate to the Government what Bills should be introduced here.

Hon. G. W. Miles: It is not? Do not make any mistake about that.

**THE HONORARY MINISTER**: Before members attempt to debate the merits of a particular Bill, they should at least be in full possession of the contents of the measure.

Hon. J. Cornell: We are not debating the merits of the Bill. I have merely pointed out the procedure adopted on this occasion.

The HONORARY MINISTER: We are adopting a different procedure on account of the reasons advanced by this House last year. In the last week of last session, I had an experience that I hope will not be repeated this session. In order to avoid a repetition of that experience, the Government have decided that as many Bills as possible shall be introduced in this Chamber. The Bills mentioned on the notice paper are some which the Government have decided shall be introduced here.

Hon. J. J. Holmes: This Bill is for one thing—to strike out “five” and insert “six.”

The HONORARY MINISTER: We have decided that these particular measures shall be introduced in the Council with the object of giving this House an opportunity to proceed with the consideration of legislation.

Hon. J. Cornell: This Bill would take only five minutes once the others had been fixed up.

The HONORARY MINISTER: If this House does not care to pass the Bill, it can do the other thing—turn it down. If it does not want to finalise the measure, it has the numbers and can use them. The House used its numbers last session and can use them again this session. As the representative of the Government, I have to introduce these measures, and the House can decide what it will do with them. Members talk about this Chamber being a House of review. One would imagine that judgment had already been passed on this and other measures. Although Mr. Cornell desires to give me certain advice as to what I should do to ensure that these measures are passed, I inform him that the decision of the Government is that I shall introduce them into this Chamber. If this Chamber decides that the measure shall not be introduced, I cannot help it.

Hon. J. Cornell: Why have you divided the measures this time?

The HONORARY MINISTER: It is not a question of division. The Bills have been introduced here in order to keep this Chamber at work. We are not going to give this House an opportunity to say what was said in the dying hours of last session. This is perhaps not the place to debate that point, but the idea of the Government is to expedite the business of Parliament, and this is one of the ways in which it can be done.

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

Ayes	..	..	..	..	15
Noes	..	..	..	..	10

Majority for .. .. 5

#### AYES.

Hon. E. H. Angelo	Hon. W. H. Kitson
Hon. L. B. Bolton	Hon. W. J. Mann
Hon. A. M. Clydesdale	Hon. R. G. Moore
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. C. G. Elliott	Hon. A. Thomson
Hon. J. T. Franklin	Hon. C. H. Wittenoom
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. J. Cornell	Hon. J. Nicholson
Hon. V. Hamersley	Hon. H. S. W. Parker
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. L. Craig
	(Teller.)

Question thus passed.

Bill introduced and read a first time.

### BILL — MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

*As to leave to introduce.*

**THE HONORARY MINISTER** (Hon. W. H. Kitson—West) [4.56]: I move—

That leave be given to introduce a Bill for an Act to continue the operations of the Mortgagees' Rights Restriction Act, 1931.

**HON. J. NICHOLSON** (Metropolitan) [4.57]: This Bill was one that received a good deal of attention last session when various suggestions were made to the Minister in charge who, I believe, was the Honorary Minister. I understood during the course of the discussion that some reasonable prospect, to say the least, was held out that these emergency measures would cease to be presented for continuance. I think there is a great deal to be said against the introduction of the Bill at this stage. It is quite true that the division just taken dealt with a similar measure. This Bill, however, should await the introduction of the main measure, the Financial Emergency Act Amendment Bill. If we are going to be consistent, as we sought to be last year, every one of the subsidiary Bills should be held up until the Financial Emergency Act Amendment Bill has been dealt with. It would be a wrong principle to allow such Bills to make progress until we have the major measure before us. We want to know exactly where

we stand regarding these measures, particularly having regard to the discussion that took place last year. I hope the House will vote against the motion, and that the Honorary Minister will consider the wisdom of allowing the measure to stand over, as was done last year, pending the presentation of the Financial Emergency Act Amendment Bill.

The Honorary Minister: I told the House the reasons a few minutes ago.

Hon. J. NICHOLSON: I regret that I did not hear the Honorary Minister's remarks.

**HON. A. THOMSON** (South-East) [5.0]: One feels grateful to Mr. Cornell for having drawn the attention of the House to the position as it exists, but I do not think we should refuse permission to introduce the Bill without knowing what are the intentions of the Government. We are, however, justified in asking for information. When the financial emergency legislation was introduced we heard a great deal about equality of sacrifice; and I am hoping that in the Bills that are to be submitted to us this session at least some measure of relief will be granted, particularly to those people I have in mind and referred to by Mr. Holmes and also alluded to by Mr. McCallum when Acting Premier of the State. There are quite a number of people—one could not possibly call them capitalists—who have managed to save a certain amount of money to provide a competency for their old age, and it is against those people that this legislation is pressing unduly. I am hopeful that when the Bill we are now discussing is introduced it will contain a provision which will enable those people to whom I have referred to receive a measure of relief. One would like to know from the Minister something of the intentions of the Government so far as other emergency legislation is concerned.

Hon. E. H. ANGELO: Wait and see.

Hon. A. THOMSON: We shall have to wait and see because, until the measure now about to be introduced comes before us, we do not know what it will contain. I intend to support the motion for the introduction of the Bill.

**HON. E. H. ANGELO** (North) [5.3]: I intend to vote for the motion and I may be able to vote for the second reading of the Bill provided I am in accord with what it contains.

Hon. J. Cornell: The hon. member knows now what it contains; it is a continuance Bill.

Hon. E. H. ANGELO: I certainly do not intend to vote for the third reading until we have some information before us about other financial emergency legislation. I consider it would be wrong to refuse to grant leave to introduce this Bill so I intend to vote for the motion.

Question put and passed.

Bill introduced and read a first time.

## **BILL—CONSTITUTION ACTS AMENDMENT ACT, 1899, AMENDMENT.**

### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [5.5] in moving the second reading said: The present Bill should need little explanation in this House, and the necessity for it should require no emphasising. In the course of discussion, during recent sessions, the need for a measure of this description was apparent to members of both Houses of Parliament. The object of this Bill is to amend Section 35 of the Constitution Act, 1899, so as to bring it up to date. In that Act, there are provisions which, legally interpreted, are pitfalls in which every member of Parliament may find himself, no matter how carefully he may tread. These provisions, which relate to contracts by members of Parliament with the Government, date from the time responsible Government was granted to the colony, and at that period the effect of them was not fully contemplated. The term "contract" in the original Act has been interpreted to cover almost every transaction a member of Parliament might have with a Government in the ordinary course of business. The provisions might suit a country where there were no State Railways, State Batteries, and other State trading concerns, but, in order to comply with the statute as it is, a member of Parliament would need to have an expert lawyer constantly at his side. Section 32 of the Constitution Act, 1899, dealing with contracts, reads:—

Any person who shall directly or indirectly himself, or by any person whomsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy in the whole or in part any contract, agreement, or commission made or entered into with, un-

der, or from any person whomsoever, for or on account of the Government of the Colony;

Or shall knowingly furnish or provide in pursuance of any such contract, agreement, or commission any money to be remitted abroad, or any goods whatsoever to be used or employed in the service of the public;

And any member of any company, and any person holding any office or position in any company formed for the construction of any railway or other public work, the payment for which, or the interest on the cost of which has been promised or guaranteed by the Government of the Colony;

shall be disqualified from being a member of the Legislative Council or Legislative Assembly during the time he shall execute, hold, or enjoy any such contract, agreement, or commission, or office or position, or any part or share thereof, or any benefit or emolument arising from the same.

When an amendment of the Constitution Act was under consideration for a specific purpose in 1894 the sweeping nature of this section was referred to in Parliament by two eminent lawyers—the late Mr. Septimus Burt, and the late Mr. George Leake. Mr. Burt pointed out that in Canada, where an enactment similar to ours was in force, some members of Parliament, in the ordinary course of trade, had supplied goods to the Government, that action had been taken against them and that an Act was passed protecting those who had unwittingly offended. Mr. Burt added that the ramifications of the disqualifying sections in our Act were so far reaching that he verily believed three-fourths of the members of the House he was addressing would come within the provisions of the Act as it stood.

Mr. Leake, the Leader of the Opposition at that time, went even further. He said the principal Act, in his opinion, aimed at railway contracts for public works and contracts for annual Government supplies for the different departments of the public service: but he did not think it was ever intended to prevent all dealings, in the ordinary course of business, between a store-keeper, who happened to be a member of the House, and the Government. He added that if the Commissioner of Railways wanted to buy a tin of nails from a retail store-keeper, who happened to be a member of Parliament, it was rather hard that, in such circumstances, the member selling the tin of nails should be disqualified and liable to a penalty. A number of amendments were made to the Act, but it was found difficult to draft a satisfactory clause dealing

with contracts, and, as there was not time to give the matter proper consideration, nothing was done in that respect.

Hon. J. J. Holmes: That was over 40 years ago.

The CHIEF SECRETARY: In 1933, when a Bill to protect Mr. Clydesdale in connection with his acceptance of an office on the Lotteries Commission was under consideration, Mr. Baxter quoted an Act passed by Tasmania to protect members of Parliament in that State against provisions of their Constitution similar to those in ours. Mr. Baxter explained the principles of the measure which are much the same as those contained in this Bill, except that the Tasmanian Act was retrospective. Mr. Baxter made an excellent speech and I should like him to go over much of the ground again in dealing with this measure. The Mitchell Government in 1919 introduced an amendment of the Constitution Act. It dealt with several matters, which excited controversy in this Chamber, among them being the liberalisation of the franchise. It also contained provisions on the same lines as those in this Bill. But the Opposition to the other principles of the measure was so strong that the whole Bill was defeated, the voting on the second reading being a tie—13 to 13—and the measure lapsed because of failure to obtain an absolute majority of the House in support. There have been occurrences since then, and the matter has received much deep thought, and the dangers to members of Parliament have become so apparent that the Government have considered it most important that legislation should be introduced to deal with the question. The present Bill amends Section 35 of the Constitution Act, 1899. Section 35 reads:—

The foregoing provisions (that is, the provisions relating to disqualifications for holding a contract with the Crown) shall not extend to any contract, agreement, or commission made, entered into, or accepted by any incorporated company where such company consists of more than twenty persons, and where such contract, agreement, or commission is made, entered into, or accepted for the general benefit of such company, nor to any contract or agreement in respect of any lease, license, or agreement in respect to the sale or occupation of Crown lands.

The amendment of Sec. 35 as contained in the Bill reads:—

2. Section thirty-five of the principal Act is amended by adding at the end thereof the following words:—“nor to any contract or agreement (not being a contract or agreement for the construction of any public works within the meaning of the Public Works Act, 1902-

1933), made or entered into in the ordinary course of business with—

- (a) the Commissioner of Railways; or
- (b) any person or body charged in a corporate capacity with the administration of any Act; or
- (c) any State trading concern; or
- (d) any person charged with the management and control of State farms, smelters, or batteries; or
- (e) the Crown or any Crown instrumentality under any Act whereby moneys of the Crown, or under the control of the Crown, or of any Crown instrumentality, are authorised to be used or applied for making advances or loans to persons upon the security of a mortgage, bill of sale, lien, or other instrument of security, or of a statutory charge or lien over the property of such persons. For the purpose of this paragraph the term "Crown instrumentality" shall include the Agricultural Bank of Western Australia.

The effect of the amendment will be that a member of Parliament will not involve himself in the risk of losing his seat and paying a heavy penalty if he has a share in a mine and sends his ore to a State battery or State smelter for treatment, or if he obtains advances from the Agricultural Bank in the ordinary course of the Bank's business. While it is desirable that the old law should remain as it is in regard to what is known as contracts for Government supplies, or in respect of tenders for public works, or in other cases of a like kind, it would be purposeless to treat a member of Parliament as an outcast, as he would be treated if he were debarred from availing himself of the advantages of a State undertaking on exactly the same lines as every other person in the community. It was, of course, never intended that it should be so but, owing to the existence here of so many Government activities that are unknown in the Old Country a very wide, and an unnecessarily wide interpretation, can be given to the Act, making it border on the absurd.

Hon. J. Cornell: Under this Bill a man could be manager of the State Saw Mills and a member of Parliament.

**THE CHIEF SECRETARY:** How could he be? It doesn't deal with officers under the Crown at all, it deals with contracts. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

## BILL—BUNBURY RACECOURSE RAILWAY DISCONTINUANCE.

### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [5.19] in moving the second reading said: The purpose of this Bill is to authorise the closure and removal of a short section of 1 mile 43 chains of railway, known as the Bunbury Racecourse Railway. The Bunbury Racecourse Railway Act was passed in 1897. The railway has not been used for ordinary traffic since 1927. In that year it was included in a Railway Discontinuance Bill which was submitted to Parliament, but this particular proposal was rejected by this House, owing to a protest by the Bunbury Race Club. Before its closure in 1927, this section of line was not earning interest, and since that date no money has been expended on it. It will be an advantage to the Railway Department if the removal of the line is now sanctioned. The only parties interested are the Race Club and the Agricultural Society, and they have both intimated their agreement to the removal of the line. The Race Club is applying for portion of the land for the purpose of effecting improvements to the Busselton Road entrance to the racecourse. I move—

That the Bill be now read a second time.

**HON. W. J. MANN** (South-West) [5.22]: A similar Bill was before the House in 1927. I strenuously opposed it, because at that time the people of Bunbury were very keen on having the line retained. In those days it served a useful purpose and they did not desire that it should be torn up. However, since that time a little timber traffic has been hauled over the line by horses, but that has now reached the finish, and the railway people find that even if trains were provided for race-goers the distance is very short and the public is already well served by taxis and motor buses. So the line is no longer of any concern to the racing club. As for the Agricultural Society, I understand an arrangement is to be made with the Railway Department to build a stockyard at South Bunbury in order that stock intended for the Bunbury show can be there unloaded in proximity to the showground, and can travel the remaining short distance along the road. When that stockyard is built the necessity for the railway will entirely dis-

appear, and so, at the request of the people of Bunbury, I am supporting the Bill.

**HON. L. CRAIG** (South-West) [5.23]: I too will support the Bill. The first move for the pulling up of the line came from the racing club of Bunbury. A supporter of the club who was in Bunbury as a youth and has kind remembrances of Bunbury, intimated to the racing club that if they could secure a section of the land now occupied by this obsolete railway he would be prepared to find sufficient money to erect imposing entrance gates to the racecourse. That was the beginning of the movement to have the railway line pulled up. Furthermore, there is a mile and 40 chains of line lying there rusting, together with several expensive sets of points which no doubt could be used elsewhere. So from every point of view it is desirable that this line should be removed. The carting of tuart timber is finished, and the Government have now ceased buying the wood. So there is no desire in any section of the community that the line should be left where it is. I will support the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

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

**BILL—INDUSTRIAL ARBITRATION  
ACT AMENDMENT.**

*As to Leave to Introduce.*

Debate resumed from the 7th August.

**HON. C. B. WILLIAMS** (South) [5.28]: Members of the House, with the exception of Mr. Baxter, are so satisfied with the work of the Government during the past year that they did not speak to the Address-in-reply. Since I missed my opportunity on the Address-in-reply, I shall have to take advantage of the measure now before us to deal with questions of arbitration.

The PRESIDENT: The motion is for leave: the Minister is simply asking for leave to introduce the Bill, and I shall be glad if the hon. member confines his remarks to reasons for or against the granting of that leave.

Hon. C. B. WILLIAMS: I am not too keen on any amendment of the Arbitration

Act which will not do away with that Act and put something simpler in its place. If the Government intend to amend the Arbitration Act, let us make a thorough job of it and amend it in the direction of having a wages board for every industry. I understand that the purpose of one of the amendments in the Bill is to register the A.W.U. as one union. The men I have been associated with in the gold mining industry have had a severe caning at the hands of Mr. Baxter and Mr. Holmes. I wish to dissociate the Australian Workers' Union, mining branch, from the A.W.U. If people would peruse the newspapers, they would see that the miners who constitute the A.W.U. mining branch wish to break away from the A.W.U. for reasons that are obvious to them. The A.W.U. is not militant enough. We wish to break away from the A.W.U. because that body does not suit us; it never did, and never will. Its constitution does not suit us; it is too cast iron. It does not allow of enough money to be collected from the members to provide the necessary defence fund so that the workers may stick up for their rights. Many years ago the mining branch, the miners themselves, unfortunately linked up with the A.W.U. I advocated that myself at the time. We became part of the A.W.U., but on condition that we had local autonomy. We had a strike in 1919 which cost from £15,000 to £20,000, and that nearly broke us financially. We were forced to link up with the A.W.U. instead of having a branch of our own with local autonomy.

Hon. H. J. Yelland: Are you dealing with a clause in the Bill?

Hon. C. B. WILLIAMS: I am leading up to the facts which were referred to by different members who intend to oppose the registration of the A.W.U. One section of the union ceased work. Members may call that a strike if they like. Our men claim that they are just as intelligent as are the employers, and that we can interpret a court award just as well as they can. We claim that the award was not given intelligently, and did not allow of any intelligent interpretation. Its effect was to alter all the working conditions of the industry. In 1932 the Chamber of Mines and the workers agreed upon a rate of wages and a set of conditions. Employers are very greedy when they get the employees working in with them, and concessions are



given that are of value to the employers. They, in conjunction with this House, were the cause of the strike. Only six members of the House are now alive upon whom the blame can fall, but their action led to a strike which cost the best part of a million pounds worth of production. When the agreement was signed, the men gave the employers the right to take a ballot of the workers in any mine. Whatever the majority voted, was to be the number of hours worked. If the majority voted for 44 hours, that was to be the week's work, and so on. Only two mines carried out that principle. Everything went on peacefully, and the men worked those hours. They then found that the employers were taking advantage of concessions that were of value to them (the employers). As a fact, the employers imposed a penalty rate. They certainly paid the men for the actual time worked. Under the 44-hour week system, the men worked eight hours during the week and four hours on Saturday. Under the 40-48 hour fortnight they would lose one shift plus one-eleventh. That was the penalty clause, and the employers maintained that was of value to them. The employers were not satisfied, but went to the Arbitration Court and asked for the 40-48-hour fortnight to be made general. Unfortunately the President of the court fixed those hours without altering the conditions of the previous award. He altered the hours without stating that a ballot should be taken of the men on each mine, as agreed upon between the parties. The award is quite clear. The wages are fixed at so much per day for six days a week. He asked the workers to work five days a week of eight hours a day, and six days in the other week of eight hours a day. Instead of getting an increase in wages, the men are going to lose one day's work a fortnight. The President, with whom I have conversed, says I am wrong and that I have misled the men. He has not convinced me. We waited as a deputation on the Chamber of Mines the Monday after work ceased. We were informed there was no provision in the award for paying only five days in one week and six in the next. Out of their kindness the Chamber of Mines agreed to rectify that anomaly and pay the workers one and one-eleventh for every shift worked. The men were supposed to get an increase of somewhere about 11s. a week. They maintained that if they put in a 40-48-hour

fortnight, each would lose 15s.; hence the strike. For many years the workers have found that the more militant they are, the better they get on. See how militant this House is! Nothing gets past it unless it is satisfied that it suits the majority of members, irrespective of the country.

The PRESIDENT: Order! The hon. member should not say that. It is contrary to the Standing Orders to reflect upon this or another Chamber. I must ask the hon. member to withdraw the remark.

Hon. C. B. WILLIAMS: I will certainly withdraw the remark. I was not attempting to reflect upon the House. I glory in the power we possess. I am putting myself in the same category. I recollect the full force of that power, when Labour members and Conservative members united on one occasion to defeat the Workers' Compensation Act Amendment Bill.

The PRESIDENT: I am sure the hon. member does not mean that this House will do anything irrespective of the interests of the country. That was the remark to which I took exception.

Hon. C. B. WILLIAMS: That will need qualifying. As I do not wish to convey that impression, I will withdraw the remark. In 1929 the question of a 40-44-hour week was before the House. The Government brought down a measure to amend the Mines Regulation Act. The section dealing with hours states that not more than 48 hours shall be worked underground in any one week. The Government attempted to reduce that to 44 hours. The House defeated the amendment by 12 votes to eight. The opinion of the Government was that 48 hours was too long a time for any man to work underground. We pointed out the awful cost to the State and the industry through loss of life and lack of wealth production, and the necessity for maintaining the families of men who had died from miners' diseases. Our opposition was of no avail. The House said they would not interfere with the Arbitration Court, that the court must function without interference. If the workers could secure a reduction of hours from the court, so much for their own welfare. Some 12 or 18 months later we did interfere with the court. This House instructed the court to reduce wages. That is how sincere the House is when it suits it. In 1929 this House refused to allow men to work 44 hours a week underground, but 18 months later allowed

an Act to be altered, and instructed the judge that the wages must come down by 22 per cent.

Hon. H. S. W. Parker: How did he get those instructions?

Hon. C. B. WILLIAMS: By the passing of an Act.

Hon. H. S. W. Parker: Both Houses must have passed it.

Hon. C. B. WILLIAMS: I do not want to argue about the meaning of words. I am not paid to do that. The division on that occasion was 12 votes to eight. If the Government are going to amend the Act, it is time they made provision for trade union secretaries to be put through a course of education. We could start a strike bureau. We could educate them as to the best means of starting a strike, of conducting one, and stopping one. I do not suggest that trade union secretaries or the advocates should be put through a test in reading or writing, but they should be examined to ascertain if they are sane or insane. We should know whether their brains are functioning so that they may do justice to the men who employ them. If not, that should be *prima facie* evidence that they are not fit for the work, and they should then receive invalid pensions. The greatest trouble the worker has to contend with is that of bad union leaders, selfish and conceited men who maintain they are right to-day and they will be right to-morrow, men who can sit at their tables and draw full wages, while the workers are out on strike. I would support an amendment on those lines. I am talking to members of this House. They can talk to me until they are black in the face. I am at present in the throes of a mix-up with a number of people. As soon as one induces the men to agree to a certain thing, the trade union secretary gets on to the long-distance telephone and stabs one in the back in one's absence. It is time something was done to deal with that kind of person. That type can do nothing but sit down, draw comfortable salaries, and tell the men to strike and stick out. Meantime the type goes to Perth for two pleasant months, while the men are on strike. Trade union leaders should be educated as to the merits and demerits of striking, and as to when it is time to end a strike. When men get to the stage of their brains being addled, it is time for them to retire. That is the position to-day. If the Bill is enacted, the

A.W.U. will obtain registration. However, they will not get it from me until I know where our miners stand with the union. We number 5,000 out of a total of 9,000 miners. We have three representatives on the branch executive in Perth. The moment the men in Kalgoorlie kicked over the traces, they were told that the union had not a shilling. They were made to strike. However, the miners know their own business. It is the militant union that gets most.

Hon. J. Cornell: I said the other evening that we are out of tune with the goldfields.

Hon. C. B. WILLIAMS: The goldfields unions are out of step with the unions in Perth. There is always a lot of back-scratching and chasing of politicians for jobs or some improvement in conditions; but there is no militancy.

Hon. J. J. Holmes: You want to abolish the Arbitration Court and establish wages boards?

Hon. C. B. WILLIAMS: Wages boards would do me. What better could we have in this dispute than a board consisting of a representative of the companies, myself as a representative of the workers, whose conditions I am familiar with, and an independent chairman? I have no wish to speak disrespectfully in any way of the members of the Arbitration Court, but they have to be Jacks of a hundred trades and masters of none. I fully understand the mistake that was made in the mining award and the strike that occurred. The reason is that the union representative did not tell the Arbitration Court that they were making a mistake in fixing 44 hours, which meant asking the men to work eight hours underground, a practice which had been abolished in 1902. Since 1902 never have men worked more than seven hours underground in the mines of Western Australia.

Hon. J. Cornell: It was owing to an oversight.

Hon. C. B. WILLIAMS: Yes, an oversight on the part of Judge Moorhead. If the representative of the mining companies in the arbitration had been a man possessing knowledge of mining conditions, the strike would never have occurred. Such a representative would never have inserted 44 hours in the award. To the previous award no exception was taken. A director of the North Kalgurli Mine has borne me out, saying that he did not blame the men but that they were quite right. One under-

ground shift should work till 12 o'clock and then be relieved by fresh men. The change of shifts is nothing. The two-shift method saves the employers from half an hour to three-quarters of an hour. A man underground has to leave his working place at 10 minutes to 12 to go to his crib. It will be 20 minutes to 1 before he gets back to his work. He must leave his working place at 10 minutes to 12 in order to catch the cage to the surface. Most of the men on the other shift would be at their working places by 10 minutes past 12. The last of them would be in their working places at 25 minutes past 12. In saying these things I speak with a knowledge of working conditions in the mines of Western Australia. Anyone who has worked underground knows that the first part of the shift is not noticed, but that when a man sits down to his crib he is in a lather of sweat. The moment one gets up from one's crib, one is tired and weary. One does less work in the second half of the shift than one does in the first half, being fresh then. Those conditions would have been known to a competent mine manager sitting on a wages board. They would also have been known to any ordinary worker. The miners kept away from the Arbitration Court. Mr. Cornell could give this information better than I can, as he was intimately associated with Western Australian mining. The miners kept away from the Arbitration Court for 15 years, simply because the court did not understand mining conditions. The miners preferred to settle conditions at a round-table conference. The union representative should have told the Arbitration Court the conditions straight out when he had the opportunity; he should have told the court that what they proposed would cause a dislocation of the industry. He should have said to the court, "Leave the ballot in the award, and everything will be all right." I want the miners to have the option of going out of the A.W.U., before that union is granted registration. Western Australian miners are in the A.W.U. like Western Australia is in the Federation—unable to get out. A third of the mining industry union is catering for underground and surface men. There is rivalry, there is fighting, there is rioting. At the last convention a motion was moved giving the miners the option of getting out of the A.W.U. Only one Wes-

tern Australian delegate was present; the other was at Kalgoorlie, trying to get the miners back to work. The delegate who was present refused to move the motion for local autonomy. The matter was carried further. A recent meeting of the general management committee attended by delegates from all mining centres in Western Australia carried a resolution for the taking of a ballot on the subject. In the meantime I was engaged in Perth trying to fix up another dispute. Mr. Panton and Mr. Watts went to Boulder, and they were defeated by one vote. I am not egotistical enough to say that had I been there, the majority would have been more than one. Our miners want to get out of the A.W.U. It is the A.W.U.'s attitude towards the miners that will decide my vote when the Bill is before the House, Labour politics or no Labour politics. As matters stand, nothing short of a revolution would enable the miners to get out of the A.W.U. We want to abolish the A.W.U. so far as the mining industry is concerned. The union comprises between 20 and 30 different classes of workers, all of whom are held by industrial agreements. Years ago, when I was Perth branch secretary of the A.W.U., I advised that body to register every section of the union. They can do that to-day, though I admit the process would be cumbersome. There again, trade union officials, with their knowledge and their pay, stand back and do not make the attempt. They ask the Government to assist them to obtain registration. To-day the A.W.U. are catering for thousands of unfortunate men who cannot get full-time work. There is preference to unionists, and applicants for work have to join the A.W.U. I do not object to that, but I do object to the A.W.U. sitting down and allowing the present or any other Government to bring the standard of workers down to thirty bob a week. The A.W.U. were among the first of the unions to reduce wages of officials 22 per cent. when Parliament effected a wage cut to that extent. I do not believe in such a union. Let it go out of existence. In its place let us have something militant and with some decency, something that will fight the Government for the benefit of the workers. Fancy men on 30s. a week, whereas at the Lancefield Mine men receive 16s. 5d. per day, plus the district allowance and plus 1s. per day casual allowance, bringing them

up to nearly £2 for two days' work on the Laneefield Mine. If I am asked to bolster up such a union as the A.W.U., I will not do it. I am a member of the committee of the mining branch of the A.W.U., but I am not prepared to let the union travel along that road any further. If the union officials will not do the work that needs doing, they should get out and give way to some of the younger men who will do good for the miners and give them a return for the money they pay into the union. Every legal avenue has been explored. A request to the effect I have indicated was forwarded to the annual meeting of the A.W.U. held in Perth last week. The answer to that request was to send through the district the secretary and others who were not on all fours with the miners. I give to certain statements the lie direct. Last year the A.W.U. had 700 members in Kalgoorlie. Now they have 900. I am not out to break the union, but I am out to break one branch of the union, which members of this House have criticised. The men affected work in an industry which allows them only a short life. They must make good money while they are at it. The pick of Australia's manhood is now working in the mining industry, the only industry now paying reasonable wages. In ten years' time they will be old men, and Australia will be carrying the burden of those mine workers. I hope some opportunity will be afforded us to amend the Mines Regulation Act so as to restrict underground hours to not more than 44 per week. Then it would be seen that the miners would not strike, except when there was an unjust award. I do not wish to detain the House any longer. My attitude is quite clear. I do not like to go on strike, and that is what it would amount to. On this occasion I am in good company. Mr. Holmes and I are associated in the strike; for that is what it would amount to if we did not allow the Bill to reach the first reading stage. I will join with him on this occasion if it will free the miners from the A.W.U., for that is all I am bothering about.

**THE HONORARY MINISTER** (Hon. W. H. Kitson—West) [6.1]: I do not propose to refer to the A.W.U. question or to the recent strike on the goldfields, but after listening to this paragon of industrial virtue from the goldfields, Mr. Williams, I am inclined to think my remarks that were

intended for Mr. Holmes should also apply to him.

Hon. J. Cornell: He is on the spot, and in touch with the whole of the position.

The HONORARY MINISTER: Yes. For instance, I might suggest to Mr. Williams that he has no ground for assuming this Bill has anything whatever to do with the A.W.U. Apparently he has taken his cue from Mr. Holmes, who cannot refrain from his usual practice of introducing that particular subject whenever he has the opportunity.

Hon. J. J. Holmes: We know the object of the Bill.

The HONORARY MINISTER: I always understood that on a motion of this description the merits of the Bill concerned were not discussed. If that were not so, when moving for leave to introduce a Bill, the practice would probably be to indicate what the measure contained. On the other hand, that course is never pursued.

Hon. J. J. Holmes: On this occasion we have it that the Bill is to amend Sections 6 and 21.

The HONORARY MINISTER: Yes, we have indicated that in the motion.

Hon. J. Cornell: That can be for one purpose only, that of registration.

The HONORARY MINISTER: The hon. member has no right to assume that the question of registration has anything whatever to do with the A.W.U. Mr. Holmes assumed that it referred to the A.W.U., and it gave him the opportunity to make the disparaging remarks he indulged in.

Hon. J. Cornell: I said it referred to the engineering branch.

The HONORARY MINISTER: I have not referred to Mr. Cornell's remarks at all. I will have a further opportunity to deal with the question raised by Mr. Holmes. Mr. Cornell was correct when he referred to technicalities; that is all the Bill proposes to deal with. While I might be tempted to speak at some length regarding the actions of the Government to which Mr. Holmes referred, and to deal with some of the trenchant remarks by Mr. Williams, I feel this is not the proper time. If Mr. Williams is confronted with any domestic trouble with his union, he can ventilate the facts in the proper place.

Hon. C. B. Williams: And this is the place to show how others are tied up in the matter.

The HONORARY MINISTER: I shall content myself by saying that the desire to introduce the Bill in this Chamber was with a view to expediting the business of Parliament. Members of this Chamber will please themselves whether they will give the Government the right to introduce the Bill here. I hope members will again adopt the attitude they did with regard to other measures, leave to introduce which has already been granted.

Question put and passed.

Bill introduced and read a first time.

*House adjourned at 6.6 p.m.*

## Legislative Assembly,

*Tuesday, 13th August, 1935.*

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

### LEAVE OF ABSENCE.

On motions by Mr. Wilson, leave of absence of one month granted to the Minister for Mines (Hon. S. W. Munsie—Hannans), and of two weeks to Mr. Coverley (Kimberley), on the ground of urgent public business.

### CONDOLENCE, LETTER IN REPLY.

Mr. SPEAKER: I have received the following letter:—

To the Hon. the Speaker, Legislative Assembly,  
Parliament House, Perth:

Dear Mr. Speaker,

On behalf of the members of my family I should like to thank you for your kindly thought and message of sympathy. Will you please convey to the members of the House our sincere thanks. Some of the happiest years of my father's life were those spent as a member of the Legislative Assembly, and he valued very much his associations with the members of Parliament. Yours sincerely, Edmund S. R. Piesse.

### BILL—SUPPLY (No. 1) £2,200,000.

Returned from the Council without amendment.

### ADDRESS-IN-REPLY.

*Fifth Day.*

Debate resumed from the 8th August.

MR. FOX (South Fremantle) [4.44]: In common with other members, I desire to extend congratulations to the member for Gascoyne (Hon. F. J. S. Wise) on his election to the Ministry. His election so early in his political career in this State is a high tribute to the esteem in which he is held by members of this party. I feel sure he will carry out his duties to the satisfaction of his party, of the primary producers and of the people generally. When the Deputy Leader of the Opposition was on his feet, he said the results of the two recent by-elections augured well for the success of his side of the House. I do not agree with him. When Mr. McCallum was first elected for South Fremantle he was elected by a very small majority. He held that seat for a number of years. At the general elections in 1933 compulsory voting obtained, for a referendum was being taken on the secession issue. Consequently, the voting was much heavier than it would otherwise have been. Mr. McCallum said at the time that his majority was a record in parliamentary elections in Western Australia. So the figures polled at the election cannot be taken as a criterion of any other election, except of course an election at which compulsory voting was again in operation. The number of votes polled on that occasion was 6,854, and Mr. McCallum's majority was 3,911. At the recent by-election the total number polled was 3,826, or a little more than half the number polled in 1933. My majority was 788. Regarding Mr. McCallum's majority, we have to take into consideration the position he held in the public life of the State. He was a Minister of the Crown with ministerial prestige, he had a lot of personal friends, he was known to nearly every elector in the electorate, and indeed to nearly every elector in Western Australia. At the by-election it was generally conceded by the Labour Party and Nationalists alike that the result was a foregone conclusion. Consequently very little interest was taken in that election. It was generally believed that the Labour candi-