

law, or that what took place was the result of a gross error, in which case the Minister for Justice must take the necessary steps to see that such a thing never occurs again. There is another issue which justifies the matter being brought forward. We all know that the Crown, under British law, can do no wrong. We know that there are petitions of right where a subject can by a circuitous route get to the ears of the Crown and perhaps secure compensation if he is fortunate. Lawyers, however, know that petitions of right do not often succeed, and that they do not often lead to financial adjustments. At any rate, it is very hard for any person under our system of justice, to get any recompense from the Crown if a false charge is laid. That is our system. We give the police unrestricted right to nail home a charge that they may have preferred against anyone, be that a charge of murder, or even writing letters. That is the end of it and costs cannot be asked for. In this case it is terrible to think that this unfortunate woman should have lost her reputation for months and that it should have cost her £100 or more to clear herself. The noble prosecutor in itself is not exactly a clearance because it leaves the implication that the police did not continue the charge for the reason that there was not sufficient evidence. Therefore the fact of there being no charge or conviction is naturally a detriment to Mrs. Dillon.

Mr. Sleeman: Was she brought before the court again after being in the observation ward?

Mr. NORTH: Yes. When she came out of the ward she was taken before the police court, a prima facie case was made out, and she was committed for trial. That was mentioned in the newspapers. It meant that the filthy letters were read out to the court and the unfortunate woman was labelled with them at that time. I do not know whether any member has any knowledge of the letters, but even in the absence of the member for Forrest (Miss Holman), I would not presume to read one word of them to this House. To do so, I think, would shock even the hardened members that I see sitting around me.

Hon. G. Taylor: Do not look at me, anyhow.

Mr. NORTH: It has been a terrible affair and it was worse from the fact that she was

a married woman. Had it been a man that was concerned, it would have been bad enough. I have said sufficient to show that there is something wrong. I do not think anyone will deny that my statement about the mental ward can be proved, and if it is true, an inquiry should be made for the sake of the good name of the State, the safety of its citizens and the order of justice in future.

On motion by the Minister for Police, debate adjourned.

House adjourned at 10.18 p.m.

Legislative Council.

Thursday, 20th December, 1928.

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

QUESTION—ALBANY HARBOUR BOARD ACT.

Hon. W. T. GLASHEEN asked the Chief Secretary: 1, Why has no proclamation been issued bringing into force the Albany Harbour Board Act, which was assented to in December, 1926? 2, When is it proposed to proclaim the Act?

The CHIEF SECRETARY replied: (1) and (2). The position has remained unchanged since the 25th October last, when

the hon. member was informed that the undertaking given to Parliament and to the people of Albany was that the Act would be proclaimed when local conditions justified the inauguration of a board. The matter is still being investigated, and it is expected that a decision will shortly be reached.

MOTION—VERMIN ACT.

To disallow Regulation 93 (d).

Debate resumed from the previous day on the following motion by Hon. V. Hamersley—

That Regulation 93d, made under the Vermin Act, 1918, published in the "Government Gazette" of 30th November, 1928, and laid on the Table of this House on the 13th instant, be and is hereby disallowed.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.32]: In 1925 an amendment of the Vermin Act was introduced with the object of providing funds for the destruction of dingoes, eaglehawks and foxes. This was introduced as a result of strong pressure brought to bear upon the Ministry, the bodies responsible being the Pastoralists' Association, and the Primary Producers' Association of Western Australia. Previous Governments were approached to draft a Bill with that object in view, but nothing was done until the present Ministry assumed the reins of power. This Government on the assurance, as previous Governments were assured, that the industries concerned would submit to taxation to cover the cost of administration, decided to comply with the request, and a Bill was introduced, passed and became law. It was generally regarded as a fair measure. In fact, its first principle was that the Treasury should not benefit in any way by the proposed taxation; the proceeds were to go into a fund that was provided for under the measure, and the fund was to be established in the Department of Agriculture and was not to be used for any other purpose. That undertaking has been carried out by the Government. Section 100 (a) of Subsection 3 of the Vermin Act Amendment Act of 1926 reads—

All rates recovered under this section shall be paid to the credit of an account to be kept at the Treasury, and after payment of the costs of collection and subject to regulation shall be applied under the direction of the Minister in payment of such uniform bonus

for the destruction of wild dogs, eagle hawks and foxes, and such other vermin as may be prescribed.

Moreover, it was provided in the measure that the pastoral and agricultural industries should each have a representative on the board of three, and that the board should practically control the administration of the funds. Notwithstanding these provisions, many persons connected with one of the organisations to which I have referred circulated political propaganda, and in some instances, not a great number, they broadcast throughout the agricultural districts the statement that this was a new form of taxation levied upon the farmers, that it was oppressive and another burden on the industry, and that Consolidated Revenue would benefit by the result. In consequence of the Auditor-General signifying that certain amounts could not be paid except they were brought under a regulation, a regulation was framed to permit of legitimate expenses incidental to the administration by the board being charged against the fund. The success of the Act was dependent upon efficient administration, and as everyone must realise, efficient administration cannot be secured without some expenditure. An effort has been made by Mr. Hamersley to have this regulation disallowed on the ground that it is ultra vires. He states that the Act lays down that money for the administration of the measure shall be provided by Parliament. I referred this point to the Solicitor-General, who has written to me as follows:—

The regulation in question has nothing to do with moneys appropriated by Parliament for the purposes of the Act, and Section 10 does not apply. It relates to rates levied which, subject to regulations, are to be applied in payment of bonuses, etc. Section 100 (a) was inserted in the principal Act by the amending Act No. 29 of 1925. It is therefore a part of the principal Act as reprinted in the Appendix of the volume for 1925. By Section 131 the Governor has power to make all such regulations as are necessary or convenient to give effect to the Act. As Section 100 (a) is a part of the Act power to make regulations extends to that section as well as to all other sections.

The section I have just read gives the Governor power to make regulations prescribing matters which by the Act are required or permitted to be done, or which it may be necessary or convenient to prescribe in order to give effect to the Act. The regulation to which Mr. Hamersley objects says that subject to the regulations for the payment of

bonuses, all rates imposed and recovered shall be charged with the expenses incidental to the administration. It is clear there is nothing in the regulation inconsistent with the Act. What are the expenses incidental to the administration of the measure? They are the cost of bringing scalps to Perth, and travelling expenses of members of the board to Perth where they meet in conference from time to time. I think these can honestly be regarded as incidental to the administration. The Department of Agriculture have supplied me with some information on this point, and I will read it to the House—

Prior to the amendment to the Vermin Act to provide for the collection of a fund for the payment of bonuses on wild dogs, foxes and eagle-hawks, scalps were destroyed by the various Vermin Boards and under this system there was ample evidence to show that bonuses were being paid for far more dogs than were actually destroyed, and there is no doubt that this method cost the State many thousands of pounds. The Vermin Advisory Board being convinced of this, strongly recommended that scalps should be sent to head office for destruction and are of opinion that the expense in connection with sending them down was a reasonable charge to the fund and this action was taken, and the Solicitor General was requested to put up the regulation under discussion. It was also considered reasonable by the Vermin Advisory Board that the expenses of the members of the board should be charged to this fund. The regulation covers transport charges on scalps and the expenses of a member of the board, but not of public officers. It is pointed out that it would only be reasonable to charge the salary of one officer of the Vermin Branch to this fund as practically the whole of his time is taken up with the work entailed through the administration of the fund, but no charge in this connection has been made.

I will read the items which were charged for during the year 1927-28.

Hon. H. Stewart: Prior to the regulation being in operation?

The CHIEF SECRETARY: Before the regulations were in operation. The Auditor General declared it would be necessary to have a regulation so that he could pass the items.

Hon. H. Stewart: Will that be retrospective?

The CHIEF SECRETARY: The regulation can be retrospective.

Hon. H. Stewart: For how long will this be made retrospective?

The CHIEF SECRETARY: For the carriage of scalps the cost was £65 16s. 1d., miscellaneous expenses £1 7s. 8d.; the ex-

penses of a member of the board, allowances £11, fares £17 18s. 10d., total £28 18s. 10d., grand total £96 2s. 6d. The board has considered it advisable—the board represents the pastoral industry, the agricultural industry and the Department of Agriculture—to bring scalps to Perth for inspection. We do not want a repetition of the experience of South Australia. A policeman there made thousands of pounds out of the Government by a clever system of fraud. He kept on hand a supply of scalps, and sent in vouchers from time to time in mythical names, and was able to collect the money himself. He is at present in goal. In many instances in Western Australia there is reason to believe that bogus scalps were made use of under the old system, and that bonuses were collected for them. I know of one instance myself of a man who received a sentence of three years' imprisonment for "manufacturing" scalps. That was many years ago. Despite the fact that a special fund has been created to provide the money required to meet the expenditure involved in exterminating pests that are doing so much damage in the agricultural and pastoral districts, it is now sought, by the motion moved by Mr. Hamersley, to prevent the Government deducting from the fund the costs incidental to the administration of that fund. I do not know why the general taxpayer should have to bear that particular burden. It is not a large amount, but an important principle is involved. It was never intended that the general taxpayer should carry that burden, and the logical sequence to the establishment of a separate fund for the proceeds of the special tax for the destruction of vermin, is that the fund should be debited with the cost incidental to the admission of the fund. On the other hand, had it been stipulated that the proceeds of the tax should go into Consolidated Revenue, then that revenue could justly be called upon to bear all the expenses in connection with the administration of the measure. In such cases where the proceeds go into revenue, the whole cost of administration is regarded as a charge against revenue. In this instance appeals were made to the Government to come to the rescue of those who were suffering because of the depredations of vermin, and an assurance given that the scheme would be financed by those who made the request. In those circumstances it seems to me that if

not the whole of the cost of administration, at any rate the costs incidental to administration, such as those I have referred to, should be borne by the scheme. I am perfectly certain that Mr. Hamersley is not aware of the circumstances, and he is probably under the impression that, for instance, the labour of every clerk who had anything whatever to do with the carrying out of the scheme, was charged up against the proposition. That is not so. If he thinks that, I shall be much surprised. Any attempt to disallow the regulation in view of the facts I have placed before the House, would be nothing less than a repudiation of a contract and I do not think any hon. member, including Mr. Hamersley, would lend himself to that. I do not think it necessary to say any more. In view of what I have said, I am convinced that Mr. Hamersley will withdraw his motion.

HON. H. STEWART (South-East) [4.50]: When the Vermin Act Amendment Act of 1925 was before Parliament, it will be recollected that certain sections of the community sought to have the tax imposed in order to protect themselves, and many people who were not directly affected by the depredations of the vermin were called upon to pay that tax to further the general good of those who were affected. The smaller agriculturists were exempted from the tax, but the agriculturists who held large holdings of land and the pastoralists had to shoulder the impost that was levied. The Crown lands are generally breeding grounds for vermin and nothing is done by the Government to eradicate the pests.

Hon. V. Hamersley. The Government have not done anything in that direction.

Hon. H. STEWART: The 1925 amending Act was passed to assist the pastoralists and agriculturists, particularly those in the outback areas, who were being harassed by wild dogs, eagle hawks and foxes. As the result of their efforts to exterminate those pests, assets of the State, in which the general taxpayer is interested, were protected, and so the State as a whole benefited to a greater extent than is represented by the cost of administration of the fund. Section 100a, which was included in the 1925 amending Act, authorised the striking of a

special rate for the destruction of vermin, and Subsection 3 of that section reads—

All rates recovered under this section shall be paid to the credit of an account to be kept at the Department of Agriculture, and, subject to regulation, shall be applied under the direction of the Minister in payment of such uniform bonus for the destruction of wild dogs, eagle-hawks and foxes, and such other vermin, as may be prescribed.

That is the only reference to be found to the use to which the money shall be applied. Subsection 4 empowers the Minister to appoint an honorary advisory board of three persons to assist in the administration of the fund, one member to be the representative of the pastoralists, one, of the agriculturists, and the third member, the chairman, to be an officer of the Agricultural Department. When that amending Act was before Parliament the clear intention was that the tax should be utilised for the purposes set out in Subsection 3. Now the regulation that has been framed, and which it is sought to disallow, raises a phase that was not considered when the legislation was passed. When we consider the benefit that the extermination of the vermin confers upon the rest of the State, I think the regulation should be disallowed.

HON. J. J. HOLMES (North) [4.55]: I have had something to do with this measure from its inception. In my opinion, the Chief Secretary has correctly stated the case. Requests were received from the pastoralists and agriculturists for the establishment of a special fund out of which bonuses could be paid for the destruction of dogs, eagle-hawks and foxes. Now the Auditor General has refused to pass accounts debited against the fund amounting to approximately £100, and it is sought by the new regulation to permit those legitimate charges being levied against the fund. In view of the amount of the fund, I think the small sum involved is hardly worth quibbling about. The expenditure, running into about £100, has been incurred principally in bringing the scalps to Perth, in order that the members of the honorary board might satisfy themselves that the funds contributed by the pastoralists and agriculturists have been properly distributed. The Minister has told us what happened in South Australia and elsewhere. In

view of the explanation of the Minister, I think it is only fair that the incidental charges he has indicated should be debited against the fund. We must recollect that the fund runs into many thousands of pounds and has been administered with no cost to the agriculturist or pastoralist. The board consists of a Government officer and two honorary members. The latter receive no payment whatever, except travelling expenses. In view of the fact that the pastoralists and agriculturists requested the Government to impose the tax, that the Government collect the tax and administer the funds through the honorary board at no cost to those concerned, it is as well to remember that it was pointed out at the outset that there would be no cost against the State, because the fund would be in a position to meet expenses. In view of that, I do not think we should quibble about the regulation. It is only a fair thing that the incidental charges incurred in order to protect the fund should be paid by the fund, and in those circumstances the regulation should be allowed.

HON. V. HAMERSLEY (East—in reply) [4.58]: I do not know whether this is a special move to relieve the Agricultural Department of the responsibility for debits amounting to £100 or so. I certainly understand that the regulation means that the whole cost of the administration incurred by the department will be included in the debits against the fund. When the special tax was agreed to, as mentioned by Mr. Stewart, it was understood that a uniform rate was to be imposed upon many people who had banded themselves together to form dingo clubs, and so, in many instances, pay bonuses for the destruction of dogs or other vermin. It was necessary, however, that there should be a uniform rate and so bring all into line. The Act specially stipulated that the whole of the funds should be distributed in that particular way. Why now cannot the department do their share? In the Crown colony days, and for many years afterwards, the Government did a fair thing by way of giving bonuses for scalps, but we gradually got to that stage where the Government were being appealed to from all directions because of the increase in the number of vermin. Governments were not too favourably in-

clined. The understanding was that the whole of the money collected was to be distributed and that the Government should bear the cost of administration. That is the least the Government can do. The destruction of vermin is of national benefit in that it renders Crown lands much more useful and must result in improving the national asset. Thus whilst the settlers are bearing the cost of ridding the country of pests, the State should shoulder the expenses of administration. The proposed regulation will relieve the Government of that. To me the regulation appears far-reaching.

The Chief Secretary: Not all the costs of administration.

HON. V. HAMERSLEY: It says—"shall be charged with the expenses of the administration of that section." I feel sure that the expenses will grow and that the fund specially contributed by one section of the community will be filched and will not be returned to carry out the purpose for which it was subscribed. We know how departments grow and I fear that the rate will have to be increased. I hope the House will maintain that the fund shall be distributed in the manner in which Parliament originally intended.

Question put and negatived.

BILL—LAND ACT AMENDMENT.

In Committee.

Resumed from the previous day, the Hon. J. Cornell in the Chair, the Chief Secretary in charge of the Bill.

Clause 1—Short title:

HON. J. J. HOLMES: I would like to thank the Chief Secretary for allowing this matter to stand over from yesterday. Prior to the passing of the 1917 Act, the rate in the Kimberleys was 10s. per 1,000 acres, and if the lessees stocked the country it was reduced to 5s. The 1917 Act cut out the 5s. reduction and the minimum was fixed at 10s. per thousand acres. At that time the beef industry was in a good condition and no one protested against the increase. Subsequently, however, the beef market went to pieces and holders of leases got into difficulties. To get over that the Act was amended in 1926 to provide that where anyone was assessed at 10s. his case should be considered, and a

reassessment of rental was agreed upon, but the amendment did not provide for reassessment when the rental was 10s. or over. The point that was overlooked then should be rectified. A deputation waited upon the Premier, and he promised to give the matter favourable consideration. I know that an amendment cannot be moved in this Bill, but I would like the Minister to make a note of it. The point missed then was this, that where holders were charged more than 10s. per 1,000 acres, the minimum was 10s. and although they were charged more than 10s. because they had slightly better country than those who were paying 10s., they got no relief. I will give an illustration by referring to the country I am interested in, which is partly in the Northern Territory of South Australia, and partly in Western Australian territory. The boundary has never been defined, and whilst we pay 15s. per 1,000 acres in Western Australia, a rate that I do not object to, we pay to the Northern Territory 3s. 3d. per 1,000 acres. Moreover, the Northern Territory authorities will do almost anything for you, even to extending the leases to any date you like, so long as you promise to continue in occupation. I hope that next year an amendment will be made so that those people who are paying 10s. or more per thousand will get some consideration.

The CHIEF SECRETARY: As soon as "Hansard" is published I will take an early opportunity of doing what I have done all along, that is, to send a copy of the hon. member's remarks to the Minister for Lands. In addition to that, when Cabinet gives consideration to a proposal to amend the Act, I will draw the attention of my colleagues to the suggestion of the hon. member.

Clause put and passed.

Clause 2—Pastoral leases:

The CHIEF SECRETARY: I move an amendment—

That in line 5 of Subclause (1) the words "north of the 20th parallel" be struck out and "in the Kimberley Division" be inserted in lieu.

There was an amendment made to this clause in another place and Mr. Lovekin drew attention to its effect. It set out that an application must be made for a new lease not later than three months, or in the case of leases north of the 20th parallel, six months after the commencement of the Act.

The clause now does not say whether it is south latitude or not; there is no reference to latitude at all. I brought the matter under the notice of the Under Secretary for Lands who suggested that "Kimberley Division" should be inserted instead. The amendment therefore would put the matter in order.

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

Clause 3, Title—agreed to.

Bill reported with an amendment and the report adopted.

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

BILL—HOSPITAL FUND.

In Committee.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 2—Interpretation:

The CHAIRMAN: An amendment had been moved to strike out all the words after the figures "1902" in the definition of "income."

Hon. A. LOVEKIN: I am expressing the views of several members when I suggest to the Chief Secretary that this Bill should be placed at the end of the Notice Paper. It will then become a lapsed Bill and can be taken up again next session. The select committee desired to dissociate the collecting authority from the distributing authority, to eliminate the £40,000 a year which, under the Bill, is to be paid to private hospitals, and substitute paying wards in the public hospitals. In view of the evidence given by the Commissioner of Taxation that there are points in the Bill which ought to be elucidated before we proceed with it, I respectfully ask the Chief Secretary to allow the course I have suggested to be taken. Very little time will be lost, because the Minister for Health has already stated that the Bill cannot be proclaimed an Act until March next, when it is expected that Parliament will have re-assembled. If the Bill goes through as it stands it will do this House no credit.

The CHIEF SECRETARY: I regret I cannot accept the suggestion. The Minister in charge has his instructions from the Gov-

ernment, namely, that he should proceed with the measure. A few days ago the hon. member said if he was granted a select committee, he would be able to lick the Bill into shape in a short period. The select committee has met, and has reported. It seems to me the hon. member ought to carry out the work to its logical conclusion.

Hon. A. Lovekin: We dealt with the principles, not the details, of the Bill.

The CHAIRMAN: I have allowed Mr. Lovekin to make a statement, and the Chief Secretary to reply, but the proceedings are out of order.

The Honorary Minister: May I make a statement?

The CHAIRMAN: Yes.

The HONORARY MINISTER: What Mr. Lovekin has said about this becoming a lapsed Bill is not quite correct. The Minister for Health has announced it is not his intention to proclaim the Bill until March next, because of the time it would take to put the necessary machinery into operation.

Hon. C. F. Baxter: Do not split straws; it amounts to the same thing.

The HONORARY MINISTER: The hon. member also said the Bill could be dealt with next session.

Hon. G. W. Miles: So it will be.

The HONORARY MINISTER: The Government have decided that there shall be a special session for one specific purpose only.

Hon. Sir Edward Wittenoom: Then they will get no Hospital Bill.

The HONORARY MINISTER: That rests with hon. members. If the Bill is not dealt with until the next general session, the revenue will be lost for 12 months. I am to-day in receipt of a letter from the Perth Hospital, as a result of a board meeting held this afternoon. It is as follows:—

At a meeting of the board of management held this afternoon the financial position of the hospital was discussed, and I was directed by the meeting to advise you that there are still October accounts amounting to £1,621 unpaid. To this would be added the November trading account, £2,695, unpaid, making a total of £4,316. Even when the January subsidy from the Government is to hand, it will not be possible to pay the accounts.

Hon. A. Lovekin: Why bring down the Bill at this late hour?

The HONORARY MINISTER: This closes a serious state of affairs.

Hon. H. Stewart: Why should this be brought up now?

The HONORARY MINISTER: I want to show the serious position of the hospital in the metropolitan area.

Hon. H. Stewart: If that was a country hospital the local people would make a rally and find the money.

Hon. H. A. Stephenson: Is that any reason why we should pass a Bill if we do not consider it either fair or just?

The HONORARY MINISTER: No. Something must be done for the hospitals in the metropolitan area.

Hon. J. J. Holmes: If you knew that you should have brought down the Bill long ago.

Hon. Sir Edward Wittenoom: Reduce the expenditure.

The HONORARY MINISTER: If the Bill is not dealt with until the next general session, there will be a delay of 12 months.

Hon. G. W. Miles: Why cannot it be dealt with in March?

The HONORARY MINISTER: The select committee was agreed to on a certain understanding, and their report was adopted. The Solicitor General has been consulted upon the proposed amendments. They have also been referred to the Commissioner of Taxation. I am advised that both officers say that the Bill is a perfectly workable measure. Mr. Sayer says it is the result of consultation between him, Mr. Walker, and Dr. Stow. Most of Mr. Lovekin's amendments deal with the drafting of the Bill. Can it be suggested that the draftsmanship is better than that of the Parliamentary Draftsman? Of all his amendments there are two I would be prepared to accept, although one of these amounts to repetition. I would accept them to satisfy the hon. member.

Hon. A. Lovekin: I do not want to be satisfied.

The HONORARY MINISTER: Those two amendments and my amendments are all that are necessary to carry out the recommendations of the select committee.

Hon. A. J. H. Saw: Are the amendments I have on the Notice Paper not of any value?

The HONORARY MINISTER: They can be considered.

Hon. A. J. H. Saw: You said those you referred to are the only ones that will give effect to the recommendations of the select committee.

Hon. A. Lovekin: They do not count.

The HONORARY MINISTER: I have not said that. Members should not try to trip me up when I am making a statement.

Hon. J. J. Holmes: You are making a speech, not a statement.

The HONORARY MINISTER: The amendment on the Notice Paper will receive consideration. I am advised there is no necessity for Dr. Saw's amendments.

The CHAIRMAN: I cannot allow any further discussion along these lines. Both Mr. Lovekin and the Chief Secretary were out of order, but I allowed them to make statements, and now the Honorary Minister has said the Bill must be proceeded with. Members must devote their attention to the measure.

Hon. A. LOVEKIN: In order to test the position, I will not move that the Chairman leave the Chair, but will take the extraordinary course of moving that progress be now reported. I have no desire to take the business out of the hands of the Government. I adopt this course in order to test the feeling of the Committee on the question whether this Bill should be allowed to become a lapsed Bill. I move—

That progress be reported.

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

Ayes	..	..	..	..	15
Noes	..	..	..	..	11
Majority for					4

AYES.

Hon. C. F. Baxter	Hon. Sir W. Lethlain
Hon. J. R. Brown	Hon. A. Lovekin
Hon. J. T. Franklin	Hon. W. J. Mann
Hon. W. T. Glasheen	Hon. G. W. Miles
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. Sir E. Wittenoom
Hon. J. J. Holmes	Hon. E. Rose
Hon. G. A. Kempton	(Teller.)

NOES.

Hon. J. M. Drew	Hon. H. Seddon
Hon. J. Ewing	Hon. H. Stewart
Hon. G. Fraser	Hon. C. B. Williams
Hon. W. H. Kitson	Hon. H. J. Yelland
Hon. J. Nicholson	Hon. E. H. Gray
Hon. A. J. H. Saw	(Teller.)

Motion thus passed.

Progress reported.

BILL—LICENSING ACT AMENDMENT (No. 2.)

Second Reading.

HON. A. LOVEKIN (Metropolitan): [5.36] in moving the second reading said: I have a very few words to say on this Bill, which is a one-clause measure. It seeks to postpone the prohibition referendum for a further period. The question whether prohibition is good or is bad does not arise at the present time. A referendum was taken in 1925, and the people then refused prohibition by practically a two to one majority. That referendum cost the country some £15,000. If there were any indication that a change of opinion had come over the people I would not move the second reading of this Bill, because I consider that the people ought to have a voice on a question of that sort, and I should be loth to interfere with an Act already in force. But it seems to me that public opinion, instead of having veered further towards prohibition, has gone further away from it by reason of the good work done by the Licenses Reduction Board, who have closed a number of licensed premises which were undesirable and which caused numerous persons to vote for prohibition. There is no indication of a demand for another poll, and so it would be utter waste of money to embark another £15,000 in taking a vote of the people, which would probably be more abortive than the last. If we wait for a further period, public opinion may veer round in another direction; the swing of the pendulum may take place, as it does in these matters, and then it will be time to spend the money. We have just had a Hospital Fund Bill in connection with which we were told by the Honorary Minister that the hospitals are languishing for funds and do not know how to carry on, and that a ward has been closed in the Perth Hospital; and it is suggested that we should spend on a referendum another £15,000 which could be much better applied to meeting the needs of the hospitals.

Hon. H. Stewart: Be consistent and withdraw your Bill at this late hour of the session.

Hon. A. LOVEKIN: It is a Bill which hon. members can easily grasp. It is not a complicated measure like the Hospital Fund Bill. It is yes or no whether we shall take

another poll on this question in a year's time and spend £15,000 which is badly needed for hospitals. If there were any chance of success as regards prohibition, I would not be moving the second reading of the Bill; but I am not prepared to waste £15,000 when money is so badly needed for the Perth Hospital and the Children's Hospital. I shall not labour the question further, but move—

That the Bill be now read a second time.

HON. H. SEDDON (North-East) [5.40]: We have heard a great deal in this Chamber about the way in which Bills and other business are delayed until the end of the session. I wish to apply that comment to the present Bill. Here is a measure sprung on the House, a surprise Bill, at the end of the session; and hon. members are suddenly asked to decide whether the people of the State are or are not to be given the opportunity granted to them by the licensing measure of 1922, of expressing their opinion on this most important subject. The mover of the Bill has not advanced a single argument against that right. It is a very serious thing to interfere with such a right. I want to hear arguments why the people should not be allowed to express their opinion on what is, after all, a burning question of the day. Despite the volume of propaganda which has been indulged in persistently and consistently during the past few weeks, I say that to bring in a Bill of this description at this hour represents an attempt to flitch a right from the people. In the circumstances I shall, later, move a six-months amendment. Considering the handicaps of a 30 per cent. vote and a three-fifths majority, the opportunity that exists might well be preserved to the people who are fighting to advance the cause of prohibition, even though they will enter into the contest with their hands tied behind their backs by reason of those conditions. To deprive them of that right seems to me an attempt to interfere with the principle of fairplay which should guide public affairs.

Hon. A. Lovekin: Do you suggest that those people are in a minority?

Hon. H. SEDDON: I do not think that consideration enters into the question at all. It is a question of the right of the

people to decide with regard to prohibition. I hope the House will assist me to discharge the Bill from the Notice Paper, so that the right given in 1925 to the people of deciding the prohibition question when the occasion comes round, may be preserved. I move an amendment—

That the word "now" be struck out, and "this day six months" added to the motion.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [5.43]: I second the amendment, and wish to express my surprise at the action of the hon. member who moved the second reading in endeavouring to prevent something of which he has been the foremost champion in this Chamber, namely the keeping of a promise. There has been placed on the statute book an Act which sets out that a poll shall be taken upon a certain date on the question of prohibition. The hon. member now desires to repudiate that Act, and to dishonour the promise which Parliament has made. What would have been the position if Mr. Seddon, instead of moving that the Bill be read a second time this day six months, had moved the insertion of "1929" in place of "1935"? I am not concerned about the principle of prohibition. Personally I do not think the time is ripe for it yet. I am concerned, however, about a definite promise given to people who have every right to expect it to be carried out, especially seeing that it was made by the Parliament of the country. It is all very well to belittle the efforts of those people, but they represent a large section of the residents of this State. The question of prohibition does not enter into the matter. I regard promises in the same light as does the hon. member who moved the second reading of the Bill, and in this instance a definite promise was given to the people, with the result that they are entitled to retain the Act as it stands at present. One important point has arisen during the controversy, however, and it is refreshing to find that quite a large number of people, both in Parliament and out of it, are at last concerned about the expenditure confronting the Government. It is about the first time I can remember having noticed any particular interest on the part of such people in that important question. I believe that the Act should remain as it is, and I support the amendment.

HON. SIR EDWARD WITTENOOM (North) [5.47]: I intend to support the Bill. I throw myself on the sympathy of both sides of the House, because I find myself in a great difficulty. In the first place, I do not believe in prohibition, and I do not think any State in Australia would carry a vote in its favour.

Hon. Sir William Lathlain: We all think that.

Hon. G. R. Brown: Then why waste money on the referendum?

Hon. Sir EDWARD WITTENOOM: In fact, it is my opinion that if the people of America had the opportunity to express their views on the question to-day, they would not vote in favour of prohibition. As Sir William Lathlain has said, a section was included in the amending Act setting out that the question should be placed before the electors of the State at five-yearly intervals after 1925. However, I do not go so far as Sir William does in his views, because Parliament can do anything. It is true that Parliament embodied that provision in the amending Act. Parliament can include any conditions desired, and can make amendments to any such conditions. If it is regarded as of advantage to the people, Parliament can amend an Act at any time. In this instance, considering all the circumstances, it would be wise to amend the Licensing Act in the direction proposed. I would like to see the promise embodied in the Act given effect to; but to do so would be futile, and would cost a lot of money. It will not help to carry prohibition forward at all, and in the circumstances I support the Bill.

HON. H. STEWART (South-East) [5.49]: I support the amendment. I am astounded that Mr. Lovekin, who has protested strenuously year in, year out, against such actions as he himself has taken this afternoon, should have allowed himself to be placed in such a position. In introducing the Bill at this late stage, the consideration of a measure of much greater importance has been delayed. There is no reason why the Bill, as now presented to the House, should not have been placed before us at a much earlier stage of the session when it could have been properly discussed. It is not that the Bill contains a great number of clauses, but we should remember that in Parliament should be reposed the right of

free discussion. We should be able to secure the opinion of the great body of the electors. The Licensing Act of 1911 went some way towards meeting the views of a large section who favoured liquor reform and local option. The amending Act of 1922 did not please the temperance reformers to the extent they had desired, but they consented to the abolition of the local option sections because they considered they were to get something that suited them better. It is all very well to say that Parliament can alter a measure it has placed on the statute-book. That is quite true, but in this instance there was a moral obligation imposed upon members of the House who participated in the discussions when the amending Act was passed. Mr. Lovekin was one of those who fought to the utmost to place every restriction possible in the way of those who advocated prohibition. However, it is well known that those in favour of liquor reform were sold a pup on that occasion; they considered they were getting much more than they actually did get. On this occasion they are being sold—

Hon. A. J. H. Saw: A litter!

Hon. H. STEWART: That is the position. It is not fair. Such methods will not inspire confidence in Parliament. I know that it is useless for a few of us in this House to protest against anything that comes forward in connection with the liquor trade. Everything in that category that comes before Parliament is backed up with so much lobbying that it has filled me with intense contempt for those associated with the liquor trade. I am astounded that, all-powerful though they seem to be, they still see fit to adopt that attitude in connection with legislation. If similar action had been taken by the Australian Labour Party or in connection with any other political organisation, there would have been an exposure in the public Press.

Hon. A. Lovekin: I do not think that is fair.

Hon. H. STEWART: When the Licensing Bill of 1922 was before this Chamber, I was filled with the utmost disgust at the unseemly lobbying that took place. On this occasion it would be but fair and reasonable for the amendment to be adopted, so that next session a Bill of this description might be considered, and full and free discussion permitted. That would afford the general

public an opportunity to give expression to their views. I do not know that prohibition will be carried during the course of my lifetime, and we can afford to be fair. Merely because the minority is weak, disorganised, unfinancial and without political power, furnishes no reason why those comprising that section of the community should be squeezed and debarred from a reasonable opportunity to express their views.

HON. J. CORNELL (South) [5.55]: I resent the remarks of Mr. Stewart regarding pressure being brought to bear on members and lobbying being carried on by the liquor trade in this House. Those allegations have no foundation in fact.

Members: Hear, hear!

Hon. J. CORNELL: The only communications I have received have been a letter from the liquor trades embodying a set of prohibition figures without any comment whatever, and a very long screed, full of comment and wails, from the prohibition side. That is the full extent to which either side has approached me. Years ago I learnt my lesson of political pressure being brought to bear on me to alter my convictions. I resent the statements made by Mr. Stewart even if I speak for myself alone. One would think that an act of sacrilege was being attempted by introducing such a measure. The measure is simple in its issue and requires but little education on the part of members to appreciate what it means. On former occasions I have said, and I repeat now, that if a Bill were introduced in this Chamber to secure the abolition of the prohibition poll altogether, I would accord it enthusiastic support. It has been said that because the existing legislation provides for a prohibition poll to be taken in 1925 and every fifth year thereafter, we would be guilty of repudiation if we altered the legislation now. What was the result of the last prohibition poll? Out of a total of 118,475 electors, a majority of 35,731 cast their votes against prohibition. On the last occasion the only purpose that the prohibition poll served was to create a lot of trouble and to make many good friends bad friends. The general trend of all liquor polls in Australia has been totally against prohibition. The only place in which prohibition has been tried out was in the Federal territory, under an ordinance; and

at the first opportunity the electors got to vote on the issue, they voted in favour of the Federal territory conforming to the laws obtaining in other parts of the Commonwealth. In New Zealand, where they have prohibition provinces, at a local option poll in 1925, there were 675,000 votes cast, and only 36,000 were against the proposal. At a similar poll this year when 681,936 votes were cast, there was a majority of 132,000 against the proposal. I am going to vote against the amendment. I should welcome to-morrow an opportunity to vote against prohibition. In that I am backed up by some of the highest constitutional authorities in Australia. It is held that if prohibition was attained by poll in any State of Australia, it could not be put into operation, because the Federal Constitution is against it. The prohibition poll is in the form of a referendum. There was a time when I grasped the principle of the referendum in both hands. But I have now come to the conclusion that a referendum is a convenient vehicle in which members of Parliament jettison responsibility and throw it on to people who know nothing about it. We as Parliamentarians should not hide behind the specious plea of a referendum.

HON. A. J. H. SAW (Metropolitan-Suburban) [6.2]: With other members, I strongly depreciate the late hour at which the Bill has been brought down. But that does not move me to vote for the amendment. So far as I know, no pressure whatever has been brought to bear upon this House. Certainly no pressure has been brought to bear on me, either by the publicans or by the prohibitionists. The reason why I intend to vote against the amendment is really the interests of the prohibition people themselves. I consider the taking of a prohibition poll next year or the year after would be a sheer waste of money for the prohibitionists. Whatever money they may have available would be very much better spent in wise temperance propaganda than in a perfectly futile attempt to carry a prohibition poll by means of a referendum. The experience, not only of the last prohibition poll that we had here, but of all prohibition polls that have been taken in Australia and New Zealand, shows there is no trend of thought towards prohibition in Australia. Consequently it

would be futile to hold a referendum on the subject.

HON. J. J. HOLMES (North) [6.5]: I am entirely in favour of the amendment. Since an honourable understanding was arrived at by the House, it should be respected. I am more concerned about the honour and integrity of the House than about either the Bill or the local option poll. There has been an honourable understanding that a referendum should be held in 1930, and I think the House would do well to live up to its promises.

Hon. A. J. H. Saw: Other hon. members are just as jealous of the honour and integrity of the Chamber as is the hon. member.

Hon. J. J. HOLMES: I am not disputing that, but I have as much right as any other hon. member to put my views before the House.

Hon. A. J. H. Saw: But you are reflecting on the honour of the Chamber.

Hon. J. J. HOLMES: Nothing of the kind! If I am, the President will call me to order. I rose to say a few words, and I will sit down as soon as I am allowed to complete my statements. An honourable understanding was arrived at by the House, and I propose to vote to maintain that honourable understanding. By voting for the amendment I shall be living up to that intention.

HON. G. W. MILES (North) [6.6]: I should not have said anything but for the remarks of the last speaker. He cast a reflection on other members when he said he was living up to an honourable understanding. Only this afternoon he supported a measure for an amendment of the Land Act, an Act that was passed in 1917. Certain conditions were laid down in that Act. An amendment was brought in in 1926, and the hon. member who has just sat down and who contended that once an Act of Parliament was passed it should not be amended—

Hon. J. J. Holmes: I contended nothing of the sort.

Hon. G. W. MILES: The hon. member said that was his reason for supporting the amendment. According to him, Parliament has no right to amend any Act of Parlia-

ment. That was the gist of the hon. member's remarks. It is a reflection on other members of the House. I intend to oppose the amendment, and I hope the majority of the House will do the same for the reasons I have given.

HON. C. F. BAXTER (East) [6.7]: I am just as jealous as any other member of the honour of the Chamber, and I think we should live up to what may have been promised. After all we amend but very few Bills. We can take all Acts of Parliament as promises, if we are going to view the matter in that light. Some years ago an amendment of the Licensing Act was placed on the statute-book. Since then we have had a trial of the local option poll. It proved conclusively that the people of the State are not prepared for prohibition. There is nothing whatever to suggest that there will be any increase in the vote for prohibition at the next poll, whenever it might be held. Are we, as representatives of the people, justified in spending an enormous amount of public money and encouraging outside bodies to spend immense sums on another prohibition poll? It is very improper in an hon. member to declare that there has been lobbying in the Chamber. All that I have heard about the Bill is simply the two pamphlets that have been placed before us, one giving a set of figures, and the other a long rambling statement that gets us nowhere. Outside that, I have not heard one word about the Bill. Certainly there has been no lobbying up here. Even in the streets of Perth I have not heard anything about the Bill. Possibly somebody spoke to Mr. Stewart about it, but certainly nobody has spoken to me. When members talk of the honour of the Chamber and of the necessity for fulfilling promises, it must be remembered that some Acts of Parliament have to be amended, and that to be consistent we would have to vote against probably 50 per cent. of the Bills that come before the House.

HON. E. H. HARRIS (North-East) [6.19]: If we look up the records of the period when the Licensing Bill was before Parliament, it will be noted that both parties seem to be in accord on the proposal that a five-year period was a reasonable time to elapse between the taking of two polls.

The position now is, not that the Government have introduced a Bill to stifle or gag the voice of the people before that time has come around, but that a Bill has been introduced by a private member and has been brought down in the interests of those who have introduced it.

Hon. A. Lovekin: You can scarcely say that I am interested.

Hon. E. H. HARRIS: No, I mean the interests of the trade. I do not wish to imply that the hon. member is associated with the trade. But I say that those responsible for the introduction of the Bill are interested parties. That is to say, there is a trade in Western Australia interested in seeing that this referendum is not taken, while there is another section of the community equally anxious that it should be taken. A private Bill has been brought in, having for its object the gagging of the voice of the people before the time for the referendum has arrived. It is not fair, and I will vote for the amendment.

HON. A. LOVEKIN (Metropolitan—in reply) [6.12]: No one has more regard for the honour of the House than have I. I certainly would not do an act tantamount to repudiation of a promise. There is no repudiation about amendments to Acts of Parliament. We make Acts to-day and amend them to-morrow; the promise of to-day is revoked to-morrow. Go back to the Licensing Act, and you learn that the publicans were induced to enter into a business on certain conditions placed in an Act of Parliament. Later on that Act was amended and amended again. Can that be called repudiation? It was necessary. And in the present instance this is necessary. Because everybody knows that practically we are going to throw £15,000 into the gutter for no good purpose whatever. If it would help the prohibitionists, I would not object. Mr. Harris suggested that the Bill had been introduced by people interested in the trade. I have no interest whatever in the liquor traffic. Personally I would like to see the traffic curtailed as much as possible, but I am not a fanatic on the question. Rather am I in line with the two Archbishops, who, in effect, say, "Let us go slowly in this great question, which is the product of centuries,

and reform it step by step. We shall get farther ahead by that process than by any attempt to rush the whole thing." I am with the Archbishops in that. Let us go step by step, if we can, to reform this liquor traffic. I have had no propaganda on the subject of the Bill. I have not even received a circular from the liquor trade, although I have received one from the prohibitionists. And that one is quite misleading; because if the value of the liquor is £1 or 30s., the tax on drinking it is 30s.

The PRESIDENT: Before the motion is put I should like an assurance from Mr. Harris that by his statement that the Bill had been introduced by people interested in the liquor trade he did not imply any reflection on Parliament.

Hon. E. H. HARRIS: I should like to make myself perfectly clear.

The PRESIDENT: I should like an assurance that the hon. member's statement was not intended as a reflection on Parliament or on those who brought down the Bill.

Hon. E. H. HARRIS: I can give that assurance. Also I can assure Mr. Lovekin that I did not mean to suggest that he is interested in the liquor trade in any shape or form, or interested in the Bill any more than to introduce it on behalf of the people who desired that it should be introduced.

Hon. H. STEWART: May I be permitted to make a personal explanation? When I referred to lobbying, I distinctly meant the lobbying in 1922. I have not seen anything at all of it on this occasion. I am very sorry if I did not make that clear.

Hon. A. J. H. Saw: Now what about Mr. Holmes?

Hon. J. J. HOLMES: If I have anything to apologise for, I apologise.

Amendment (six months) put and a division taken with the following result:—

Ayes	..	..	..	..	7
Noes	..	..	..	..	18
					—
Majority against					.. 11
					—

AYES.

Hon. E. H. Harris
Hon. J. J. Holmes
Hon. Sir W. Lathlain
Hon. W. J. Mann

Hon. H. Stewart
Hon. Sir E. Wittenoom
Hon. H. Seddon
(Teller.)

NOMS.

Hon. C. F. Baxter	Hon. V. Hamersley
Hon. J. R. Brown	Hon. G. A. Kempton
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. A. Lovekin
Hon. J. Ewing	Hon. G. W. Miles
Hon. J. T. Franklin	Hon. J. Nicholson
Hon. G. Fraser	Hon. A. J. H. Saw
Hon. W. T. Glasheen	Hon. H. A. Stephenson
Hon. E. H. Gray	Hon. E. Rose

(Teller.)

Amendment thus negatived.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.15 to 7.30 p.m.

In Committee, etc.

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

Read a third time and *passed*.

BILL—POOR PERSONS LEGAL ASSISTANCE.

Assembly's Message—Request for Conference.

Message from the Assembly agreeing to amendments Nos. 1 to 10 and disagreeing to amendment No. 11 made by the Council now considered.

In Committee.

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

No. 11.—Insert a new clause, to stand as Clause 13, as follows: "13. (1) Except as herein provided no public solicitor or practitioner shall solicit, take, or agree to take or seek to obtain any payment, fee, profit, or reward for the conducting of proceedings or any expenses in connection therewith or make or attempt to make any arrangement or agreement to share in the proceeds of any judgment or moneys or property which may be obtained or recovered on behalf of any poor person, and any solicitor or practitioner so doing shall be liable at the suit of Minister to repay or re-deliver the same to the Minister on demand, and also to pay by way of penalty such sum as the Minister may in his sole discretion demand or fix up to double the amount of the payment, fee, profit, or reward, moneys or property received by such solicitor or practitioner, and the name of every such person will be re-

moved from the said list referred to in section four hereof. (2) If any payment, fee, profit, reward, money or property shall be made, given, paid, delivered or promised at right or leave given to any poor person to proceed or to receive legal assistance under this Act shall be cancelled and withdrawn, and such poor person shall not again be entitled to receive legal assistance under this Act in any proceedings which may be brought or instituted by or against him save by leave of the Minister."

The CHAIRMAN: The Assembly's reasons for disagreeing are—

That the act of charging fees, etc., is already prohibited by the Rules of the Supreme Court, Order XVI., Rule 26, dealing with the subject, and also already provided for in Clause 6 in the Bill.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

I regret to have to move the motion. When Mr. Nicholson put his amendment on the Notice Paper I regarded it as a valuable adjunct to the Bill. I sent it to the Crown Law Department and it was approved by three officers of the department, one the draftsman of the Bill and another occupying a high position. The Minister for Justice also had no objection to it. I should not like to see the passage of the measure delayed.

Hon. J. NICHOLSON: I appreciate the remarks of the Chief Secretary. The amendment is of some importance. I would not ask the Committee to insist on it or seek a conference unless I considered the amendment of benefit. Another place must have overlooked the fact that the rules of our Supreme Court differ slightly from those in England. Clause 12 of the Bill contemplates that some fee should be allowed to a practitioner who may be assigned as solicitor to a poor person. Order XVI, Rule 26 states that while a person sues or defends as a pauper, no person—which would include the practitioner—shall take or agree to take or seek to obtain from him any fee, profit or reward for the conduct of his business in the court, and any person who does so shall be guilty of contempt of court. In the English rule a few words have been inserted at the commencement of the rule, "Except as provided by this order," etc. The insertion of those words makes all the difference between the order prevailing

here and that prevailing in England. In the new rules recently introduced for poor persons in England, provision was made for payment. The old rules in England, from which our rules were copied, contain no provision for the payment of a solicitor appointed for a poor person. To get over the difficulty the words mentioned were inserted at the beginning of the clause. Our rules do not contain those words and the result would be that if a solicitor assigned for a case accepted fees, he would be offending against the rules of the court, although coming within the provisions of this measure, and there would be a conflict. I was careful to provide for the position by prefacing the new clause with the words, "Except as herein provided," etc. There is no provision in the rules of our Supreme Court to remove the name of a solicitor from the list to be created under this measure. If a solicitor were guilty of contempt of court, it might be possible to remove his name under the powers relating to contempt, but when we are passing a special measure, we should enact the provisions and safeguard the position as much as possible for the benefit of the poor person. In these circumstances it would be desirable that the matter should receive further consideration. I think we might invite another place to meet us in conference, and under Standing Order 225 I move an amendment—

That a conference with the Legislative Assembly be requested and that at such conference the managers to represent the Council be the Chief Secretary, Hon. Sir William Lathlain and the mover.

Amendment put and passed, and a message accordingly returned to the Assembly.

BILL—LAND ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

BILL—ROAD CLOSURE (No. 3).

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [7.50] in moving the second reading said: The Bill is rendered necessary by the fact that the City Council

is carrying on a subdivision of part of the endowment land. There is a road shown on the plan of this particular land and it interferes with the proposed subdivision. The road is only surveyed, it is not made, and to all appearances is nothing but waste sand. It is desired that the road be closed and that certain deviations as provided in the subdivision be utilised instead of the particular road. The road was excluded from the Crown Grant of this land, and the Council desire that the land in such road shall be held under the same conditions as the endowment land. The Bill is therefore submitted to close the road and include the road within the endowment. There is no departmental objection to the proposal and I understand that the proposed subdivision is on up-to-date town planning lines. The Act will have effect when proclaimed, and will not be proclaimed until the deviation has been declared. I move—

That the Bill be now read a second time.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [7.53]: Many members may be aware that in the original lay-out of not only the endowment lands but also what is known as the lime kilns estate there were several roads. The whole of the endowment lands, together with the lime kilns estate, are being laid out on the latest town planning lines, and it is for that reason that the City Council desire to close this particular road which runs across some of the other roads. That is the only purpose of the Bill, and I have much pleasure in supporting it.

Question put and passed.

Bill read a second time.

In Committee.

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

Read a third time and *passed*.

BILL—COAL MINES REGULATION ACT AMENDMENT.

In Committee.

Resumed from the 18th December. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 5—Classification of inspectors (partly considered):

The CHAIRMAN: Progress was reported on this clause.

Hon. H. STEWART: I move an amendment—

That paragraph (c) be struck out.

On the second reading I said we had Government inspectors appointed to responsible positions to look after the safety of the workers in the mines. Also I said I could see no necessity for the appointment of workmen's inspectors.

The HONORARY MINISTER: I must oppose the amendment. The appointment of workmen's inspectors is one of the principal reasons for the Bill. It is nothing new in this State. For over 28 years in the coal mines they have had workmen's inspectors, although under a different name, that of check inspectors. Also for years past we have had workmen's inspectors in the gold mining industry and also in the timber industry. So it is no new principle. If it will give satisfaction to the miners to have an inspector elected by themselves and appointed subject to the approval of the Minister, we should be prepared to agree to it. I may say also that the proposal meets with the approval of the employers in the industry.

Hon. J. J. HOLMES: I will support the amendment. I can see no necessity for hampering the industry by the appointment of workmen's inspectors. For one thing, it means having two or three men to do one man's work which, in consequence, will not be done at all. The fact that the employers agree to this proposal does not appeal to me, because in this industry the employers can pass on any increased cost.

Hon. C. B. Williams: The Government are going to pay for these inspectors.

Hon. J. J. HOLMES: Who are the Government?

Hon. C. B. Williams: We are.

Hon. J. J. HOLMES: The position is too funny for words. Because those in the industry wish to have these workmen's inspectors, the country is asked to agree to this, and we are told we already have such inspectors in such-and-such an industry, and so why not in the coal mining industry?

Hon. J. EWING: Under the original Act of 1902 check inspectors have been

appointed in the interests of the workers. It is now proposed to substitute one workmen's inspector for three check inspectors. The clause provides for the appointment of workmen's inspectors, but the Government will pay the cost. This system has been in existence for the past 28 years and is embodied in the principal Act. It is merely proposed to substitute workmen's inspectors for check inspectors. Notwithstanding what Mr. Holmes said, these workmen's inspectors will not hamper the industry. They will make inspections, and if they find anything wrong they will notify the departmental inspector. They will have no statutory authority, but will be appointed by the miners to make inspections in the interests of the miners themselves. The fact that the employers have agreed to the proposal is sufficient justification for passing it. The appointment of workmen's inspectors will carry no reflection on the departmental inspector, for all in the industry are satisfied with his work.

Hon. J. J. HOLMES: I should like to put Mr. Williams right. He said, "We are the Government." I find that the Minister in another place, in moving the second reading of the Bill, said the Collie coal miners had held a meeting, carried a resolution and informed the Government that if they did not get their workmen's inspectors they would stop work.

Hon. J. Ewing: Is that right?

Hon. J. J. HOLMES: Yes, it is in "Hansard" as a statement by Mr. Munsie. Under the Standing Orders I am not allowed to quote it.

The CHAIRMAN: I assume the hon. member is quoting from memory.

Hon. J. J. HOLMES: That is so. The miners said that if they did not get this inspector appointed they would stop work within 15 days. In view of that, who is in control of the country—the occupants of the Treasury benches, or the Collie coal miners?

Hon. J. Ewing: Are you sure of that statement?

Hon. J. J. HOLMES: Here it is in "Hansard." Read it for yourself. The Government do not consider this appointment necessary. They were opposed to it, but when the Collie coal miners put the pistol to the head of the Government the proposal was accepted.

Hon. H. STEWART: The Honorary Minister said the purpose of these inspectors was to inspect the mine and see that it was safe for the men working in it. There are six mines at Collie, and I understand the departmental inspector, specially chosen for his qualifications, is already doing that work. Of course there should be inspections of the mines in the interests of safe working. But that is assured by the Government inspectors who, if not sufficient in number, can be increased. Because the Collie miners have been permitted to have their check inspectors, is no reason why we should agree to the appointment of workmen's inspectors. The Collie coal mining industry depends largely on Government activities, and under agreement the price of coal to the Government varies with the cost of production. Therefore the employers are not very much interested in this proposal for the appointment of workmen's inspectors. I do not know of any other State in the Commonwealth where workmen's inspectors are appointed.

Hon. J. Ewing: Yes, everywhere in New South Wales.

Hon. H. STEWART: Check inspectors, not workmen's inspectors.

Hon. J. Ewing: It is the same thing. They are appointed in the same way.

Hon. H. STEWART: Yes, but paid in an entirely different way.

Hon. C. B. WILLIAMS: I could understand the opposition to this clause if there had been any decent argument against it. The Leader of the Opposition in this Chamber, Mr. Holmes, has stated that because a pistol was held at the head of the Government the Bill has been brought down. The principle outlined here has been followed for many years. A workmen's inspector takes all the responsibility off the mine owner and the Government inspector. He is the workers' representative in the mine. If he passes a work as safe, the workers have no argument against anything that may occur. Some Government inspectors are not possessed of the same practical knowledge as workmen's inspectors. The cost of an inspector would not be great, and as the employers have agreed to this, I fail to see why members should oppose it. So far as I can gather, the Government of the country is really in this House. Mr. Holmes sees red in the eyes of other people. It is time he cut himself adrift from his Bolshevik tendencies.

Hon. E. H. HARRIS: The only qualifications required of a workmen's inspector are that he shall be popular and have worked in a mine for five years. In Newcastle the workers elect their own representative and he is responsible to them alone.

Hon. J. Ewing: They will do the same under this Bill.

Hon. E. H. HARRIS: No, the Government are to pay. There is no provision for a workmen's inspector to make an entry in the book. The only person authorised to do that is the inspector.

Hon. J. Ewing: No, the workmen's inspector. You are putting the whole thing incorrectly.

Hon. E. H. HARRIS: An inspector is not an inspector unless he comes under the Public Service Act, unless he is an inspector of mines, or unless he is the State mining engineer. Such a man is the only one who can make an entry in the book. It is now proposed to abolish check inspectors and substitute a workmen's inspector, who is not authorised to make an entry in the book. Mr. Williams, in language more forcible than polite, stated I was not telling the truth when I said the unions interfered with the selection of men appointed on the mine workers' relief fund. Will the Honorary Minister give us an assurance that there will be no such interference by the unions in the selection of their representative if this Bill is passed?

Hon. G. Fraser: Who will appoint the inspector?

Hon. E. H. HARRIS: Nominations will be called by the Government and five or six men may nominate for the position. The union may then call upon them to stand for a pre-selection ballot, and when one has been selected, the others will be called upon to retire. That has been the practice in Kalgoorlie. I want to know whether this will also happen in the coal mining industry.

Hon. C. B. WILLIAMS: Mr. Harris has again made an incorrect statement.

Hon. E. H. Harris: In connection with what?

Hon. C. B. WILLIAMS: In connection with workmen's inspectors in Kalgoorlie.

Hon. E. H. Harris: I spoke of the mine workers' relief fund.

Hon. C. B. WILLIAMS: He said the unions selected workmen's inspectors or check inspectors.

Hon. E. H. Harris: I said nothing of the kind. I said the unions interfered in connection with the representatives on the mine workers' relief fund.

Hon. C. B. WILLIAMS: The hon. member has made an incorrect statement in connection with the mine workers' relief fund. The union would not allow any pre-selection.

Hon. E. H. Harris: Will you give me your word of honour that this did not happen?

Hon. C. B. WILLIAMS: Any member of any union can stand for selection. The contributors to the mine workers' relief fund cover 20 or 30 unions in different parts of the State. Any member can stand, and there has never been any attempt to prevent them. I was secretary of the Kalgoorlie and Boulder A.W.U. mining branch, and I called for nomination for that section. There was no pre-selection whatever. I challenge contradiction on the point.

Hon. E. H. Harris: I accept the challenge.

Hon. C. B. WILLIAMS: On this question I am prepared to forfeit a month's pay to any charity in the State if the hon. member will agree to do the same. The election of check inspectors Mr. Harris says amounts to the election of the most popular man. I daresay that applies also to members of Parliament. However, the election is conducted on the Senate system, and every man in the mining industry has a vote in the election. I ask Mr. Harris to be fair and not let party bias sway him. The election of check inspectors in Kalgoorlie is something altogether apart from the unions. On the last occasion there were 28 candidates, and the candidate who had held the position for 15 years was re-elected. The voting is for double the number of men required, and one over. The workers do not vote for a man because he has a nice smile, but because he is capable of doing the job. Unfortunately, there are factions, but they do not enter into this question.

Hon. E. H. HARRIS: The hon. member definitely stated a moment ago that there is no provision in the union rules or regulations for pre-selection for representatives.

Hon. C. B. WILLIAMS: Not in the union.

Hon. C. B. HARRIS: I wish to quote an extract from the "Worker" of the 18th February, 1927, reporting a meeting of the A.W.U. Mining Branch, K. and B. section,

of which Mr. Williams was secretary until he was elected to adorn this Chamber—

The time of taking the ballot to select the union's nominee for the position of employees' representative on the board of the Mine Workers' Relief Fund was extended to Saturday, 19th February, it being agreed that the two candidates would be nominated with the fund for the position, the loser in the union's pre-selection ballot to subsequently withdraw.

The hon. member definitely said there was no such rule or regulation.

Hon. C. B. WILLIAMS: I repeat it.

Hon. E. H. HARRIS: Let me repeat something from the "Worker" of a week later, the "Worker" of the 4th March, 1927—

A.W.U. Mining Branch, K. and B. Section. The secretary, Mr. Williams, announced that Mr. Daniel Collins had been successful in the ballot to select the union's nominee for the vacancy on the Mine Workers' Relief Fund Board, as employees' representative. Messrs. F. Banham and D. Collins had both nominated with the board for the vacancy, but as a result of the ballot above referred to, Mr. Banham withdrew his nomination. This left Mr. Collins as the only nominee, and he was therefore elected to the board as employees' representative, unopposed.

I give that to the Chamber as a direct contradiction of the hon. member's statement that the union has no power to conduct, and does not conduct, pre-selection ballots. Mr. Williams himself made that announcement.

The CHAIRMAN: Order! I wish the hon. member to connect his remarks with the clause.

Hon. E. H. HARRIS: Will the Honorary Minister guarantee that when the regulations for the appointment of workmens' inspectors are framed the union will not avail itself of pre-selection, which would prevent the whole of the employees, as provided by the Bill, from selecting a representative. When such tactics as those are adopted, there is no free choice. In connection with all measures under which representatives are to be selected, and particularly in this case, there should be some regulation to prevent the adoption of such measures in their selection.

Hon. C. B. WILLIAMS: Despite what the hon. member has read out, I repeat that there is no pre-selection for any position whatever in the union of which I was secretary.

Hon. E. H. Harris: Do you say that what I have read out is untrue?

Hon. C. B. WILLIAMS: I do not for a moment say that it is untrue, but I do say there is no pre-selection.

Hon. E. H. Harris: But here is the proof.

Hon. C. B. WILLIAMS: There is no pre-selection. Any member of the union could have stood for the position when Collins and Banham nominated. I was never secretary of the A.W.U. Mining Branch, but secretary of one section of it; and one section of the union could never hold a pre-selection ballot to the detriment of another section. It has never been done yet. Mr. Harris does not understand the Press cuttings he has read out. He is fishing for something he will not get. If there is to be pre-selection, the union's rules must permit it. Any financial member has the right to stand. Between 20 and 30 unions are concerned in the matter. I repeat my challenge to Mr. Harris regarding pre-selection.

Hon. J. EWING: It seems that Mr. Harris was in error in the statement he made to the House.

Hon. J. J. Holmes: He has blown you out all right!

Hon. J. EWING: Nothing of the sort. I do not wish to prolong the debate. The Bill is a perfectly plain one. Three different classes of inspectors are dealt with.

The CHAIRMAN: The workmen's inspector is the only class dealt with by the amendment.

Hon. J. EWING: The subclause contains nothing new, and I do not know why objection should be taken to continuing what has been a practice in the industry.

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

Ayes	..	..	..	..	8
Noes	..	..	..	..	12
—					
Majority against	..	..	..	..	4
—					

AYES.

Hon. W. T. Glasheen
Hon. V. Hamersley
Hon. E. H. Harris
Hon. Sir W. Lathlain

Hon. H. Seddon
Hon. H. A. Stephenson
Hon. H. Stewart
Hon. J. J. Holmes
(Teller.)

NOES.

Hon. J. R. Brown
Hon. J. M. Drew
Hon. J. Ewing
Hon. J. T. Franklyn
Hon. G. Fraser
Hon. E. H. Gray

Hon. G. A. Kempton
Hon. W. H. Kitson
Hon. J. Nicholson
Hon. B. Rose
Hon. C. B. Williams
Hon. W. J. Mann
(Teller.)

Progress reported, and leave given to sit at a later stage.

BILL—POOR PERSONS LEGAL ASSISTANCE.

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the Council's request for a conference, and had appointed Hon. J. C. Willecock, Hon. G. Taylor and Mr. Davy as managers, the President's room as the place, and the time forthwith.

Sitting suspended from 8.53 to 10.30 p.m.

Conference Managers' Report.

The CHIEF SECRETARY: I have to report that the conference managers met and agreed that the amendment made by the Council be no longer insisted on. I move—

That the report be adopted.

Hon. J. NICHOLSON: In supporting the Chief Secretary's remarks I should like to add that after considering amendment No. 11, it was agreed, in order to enable the Bill to be passed into law, that the provisions contained in the amendment should be referred to the Supreme Court to ascertain whether rules could be devised to comprehend those provisions. If it is possible to get rules sufficiently comprehensive, that arrangement will meet the case. If it is found impossible for rules to be made sufficiently wide, the Minister for Justice has promised that another measure will be introduced next session to meet the deficiency.

Question put and passed, and a message accordingly returned to the Assembly.

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the recommendations of the conference.

BILL—COAL MINES REGULATION ACT AMENDMENT.

In Committee.

Resumed from an earlier stage of the sitting. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 5—Classification of inspectors:

The CHAIRMAN: Progress was reported on this clause.

Hon. H. SEDDON: I move an amendment—

That in paragraph (c) the words "has been engaged in general practical underground mining work as a working miner or at least five years" be struck out, and the following inserted in lieu:—"is possessed of a first or second-class mining engineer's certificate as defined in Section 24 of the principal Act."

Since so much responsibility is to be placed upon a workman's inspector, and his opinion will be quoted, it is desirable that he should be able to stand up alongside other inspectors and mine managers, and that his opinion should have the same weight as those with whom he has to contend.

The HONORARY MINISTER: I am opposed to the amendment. We have no right to direct that the workers shall be limited in their choice of the man who shall be their inspector, and to say that he must be possessed of certain certificates. The men who are engaged in the industry should be left a free hand in the selection of the inspector they want. There are some who are engaged in mining operations who are possessed of the certificate referred to by Mr. Seddon, but there may be cases where such men would not be available. To restrict the choice of the miners in the way proposed would be going too far. After all, the workers themselves are the best judges.

Hon. H. Seddon: Are they?

The HONORARY MINISTER: They are better judges than the hon. member who has never worked in a coal mine.

Hon. J. J. Holmes: Who has to pay?

The HONORARY MINISTER: The Government are paying.

Hon. J. J. Holmes: Then we should have some say in the matter.

Hon. E. H. Harris: You say the Government are going to pay for an unqualified man.

The HONORARY MINISTER: I did not say anything of the kind.

Hon. E. H. Harris: You are suggesting it.

The HONORARY MINISTER: No one will be appointed without the requisite qualification. I cannot allow words to be put into my mouth. The fact that the same conditions as apply to the gold-mining industry are provided for in the Bill should be sufficient for members.

Hon. J. Ewing: On a point of order. Mr. Stewart moved to delete paragraph (c) and

on a division it was decided it should stand. Can Mr. Seddon now move his amendment?

The CHAIRMAN: The amendment is admissible.

Hon. J. Ewing: But the paragraph has already been dealt with.

Hon. C. B. WILLIAMS: Mr. Seddon should withdraw his amendment. The average miner is not a well-educated man. It requires a man of more than average intelligence to gain these certificates. There are many excellent and practical men in the mines in Kalgoorlie who would make particularly good inspectors, but through lack of education they are not in a position to pass the theoretical examinations that would be required of them. It is not fair to restrict the choice of the men. They would not appoint anyone who was not thoroughly qualified. The inspector would have to be a practical man understanding the whole of the equipment, both top and underground.

Hon. Sir EDWARD WITTENOOM: I am impressed by the Honorary Minister's statement that the miners are best qualified to select a suitable man. If there are no qualifications attached to the position, the inspector may be elected for other purposes. He might be a mischievous man, though I do not say he would be. No doubt the workers would be the best judges if we knew the lines on which they were going to judge.

Hon. H. STEWART: The Honorary Minister said that plenty of men working in the mines held either first-class or second-class certificates. But the position is entirely altered by the removal of the check inspectors, who were paid by the men, and the substitution of workmen's inspectors, who will be paid by the Government. The conditions proposed are not out of the way.

Hon. H. SEDDON: The subjects of examination for second-class certificates of competency are—"arithmetic, elementary rules: ventilation, theory and practice of, nature and properties of gases met with in mines; mining of coal, sinking of shafts, various methods of hewing and working coal, use of explosives, tapping water, underground haulage; knowledge of the provisions of the Coal Mines Regulation Act; roadways—making, securing, and maintenance." Those subjects should be well within the scope of any coal miner who has thoroughly studied his business. A knowledge of ventilation and gases is essential. The inspector would have to stand up to the

manager and to fellow-inspectors on vital questions; and the unqualified man with merely five years' practical experience would not be able to do that, especially in law courts. The appointment should be decided not on popularity but on efficiency.

The HONORARY MINISTER: No doubt a qualified man would carry more weight in some quarters than an unqualified man would. There are a number of men employed in the coal mines holding first-class or second-class certificates, but it may be that not one of those men is desirous of occupying the position of inspector. Even if they are desirous, it is not fair to restrict the choice of the miners to the few men holding certificates. We may take it for granted that the workers in the industry know whether applicants for the position are fit and proper persons to hold it, and whether the workers can have confidence in them; and those are the main points. There is a further safeguard: apart from the five years' practical experience, if the Minister is not satisfied with the qualifications of the man selected, he has the right to veto the appointment.

Hon. E. H. HARRIS: In connection with ordinary mining, it is not necessary to have a man possessing the qualifications suggested in order that he may take the position of manager or even of underground manager, but it is quite different in the coal mining industry. The least we can do, if we are to appoint some person as a workmen's inspector in order that he may act as a check upon other inspectors, is to provide that he shall be fully qualified to hold that position.

Hon. J. EWING: The Honorary Minister has pointed out that we will restrict the choice, and in addition I would state that the number of men possessing second-class certificates are few and far between. I do not think the proposal will be workable.

Amendment put and a division called for.

The CHAIRMAN: Before I appoint the tellers, I give my deliberative vote with the noes.

Division taken with the following result—

Ayes	..	..	..	..	11
Noes	..	..	..	..	12

Majority against .. 1

AYES.

Hon. W. T. Glasheen	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. C. H. Wittenoom
Hon. Sir W. Lathlain	Hon. A. Lovekin
Hon. J. Nicholson	(Teller.)

NOES.

Hon. J. R. Brown	Hon. W. J. Eison
Hon. J. Cornell	Hon. W. J. Mann
Hon. J. M. Drew	Hon. E. Rose
Hon. J. T. Franklin	Hon. C. H. Williams
Hon. G. Fraser	Hon. J. Ewing
Hon. E. H. Gray	(Teller.)
Hon. G. A. Kempton	

Amendment thus negatived.

Clause put and passed.

Clause 6—Conditions of appointment:

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

That in line 5 after "no" the words "departmental, special or workmen's" be inserted.

We are to have three classes of inspectors and the definition clause in the parent Act provides only for Government inspectors or the State Mining Engineer. The amendment will cover the additional type of inspector and will place all on the same basis.

The HONORARY MINISTER: I am advised that the amendment is unnecessary because the word "inspector" covers them all.

Hon. J. Ewing: That is right.

The HONORARY MINISTER: I have no objection to the amendment. At any rate, the definition in the parent Act really contains all that is necessary.

Hon. E. H. HARRIS: But the definition in the parent Act merely provided for a Government inspector or the State Mining Engineer. I suggest that that definition will not cover a workmen's inspector or a special inspector.

Hon. J. EWING: Mr. Harris is quite correct in his contention. I have looked up the parent Act.

Hon. H. Stewart: You denied that very statement earlier in the evening!

Hon. J. EWING: I support the amendment.

Amendment put.

The CHAIRMAN: I declare that the "noes" have it, and the amendment passes in the negative.

Hon. E. H. HARRIS: I desire to point out, Mr. Chairman, that you put the amendment wrongly. I made no provision for striking out any word, but for inserting words.

The CHAIRMAN: I put the amendment in the form I understood the hon. member to move it, and declared it negative on the voices.

Hon. E. H. HARRIS: But we did not vote on the amendment as I moved it. I shall have to recommit the Bill in order to rectify the position.

The CHAIRMAN: The hon. member can do that if he so desires.

The HONORARY MINISTER: I have no objection to the amendment, Mr. Chairman.

The CHAIRMAN: The Bill will have to be recommitted.

Clauses 7 and 8—agreed to.

Clause 9—Powers of inspector:

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

That after "any" in line one of Subclause 3 "departmental, special or workmen's inspectors" be inserted.

If the departmental inspector, having inspected a mine, has to enter his report in the book kept for the purpose of the mine, why should not the special inspector or the workmen's inspector do the same?

The CHAIRMAN: The amendment is practically the same as that moved by the hon. member to Clause 6, which was lost a few moments ago. The hon. member has intimated that he will move to recommit the Bill for the purpose of further considering Clause 6, and presumably to amend it in the direction in which he now attempts to amend this clause. I suggest that if he does recommit the Bill and succeeds with his amendment to Clause 6, this amendment will be consequential.

Hon. E. H. HARRIS: No, I do not think so, for we are not altering the definition. The amendment to Clause 6 would have no bearing upon this.

The CHAIRMAN: Very well.

The HONORARY MINISTER: I have no objection to a portion of the amendment. But the special inspector will be appointed for a special purpose, and I suppose that on every occasion it will be technical or

scientific matters that he will have to deal with. In any event it will be his duty to report to the Minister who appointed him to make the inspection. He should not be compelled to record in the book kept on the mine, the result of his special investigation. If the Minister appoints a special inspector for a special purpose, the Minister it is to whom the inspector should report. Then if necessary the Minister will notify the mine owner.

Hon. E. H. HARRIS: I agree with what the Minister said. Therefore I move an amendment on the amendment—

That the word "special" proposed to be inserted be deleted.

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

Clause as amended put and passed.

Clauses 10 to 14—agreed to.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. E. H. Harris, Bill re-committed for the purpose of further considering Clauses 6 and 11. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 6—Conditions of appointment:

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

That in line five "inspector" be struck out and "departmental, special or workmen's inspectors" be inserted in lieu thereof.

The HONORARY MINISTER: As I suggested previously, I have no objection to the intention of the hon. member, but I am advised that it would be as well to have the word "inspector" instead of "inspectors." The hon. member's object would be achieved by inserting the words "departmental, special or workmen's" before "inspector."

Hon. E. H. HARRIS: Very well, I will withdraw my amendment.

Amendment by leave withdrawn.

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

That before "inspector" in line five the words "departmental, special or workmen's" be inserted.

Hon. J. EWING: Section 4 (8) of the principal Act defines inspector as inspector of mines or the State Mining Engineer. Would it not be better to amend the definition?

Hon. H. STEWART: Mr. Ewing has now awakened to the fact that there is a principal Act and that Mr. Harris was right some time ago in suggesting that the definition be amended. If we now begin to amend the Act to give "inspector" the comprehensive meaning suggested, without carefully considering the effect of the amendment, we shall be making a mess of the whole statute.

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

Clause 11—Inspector not to report or divulge information:

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

That in line 1 "an" be struck out with a view to inserting "No departmental or workmen's."

Mr. Ewing suggested amending the definition. The Minister would not agree to that because workmen's inspectors would then come under the Public Service Act.

Amendment (to strike out "an") put and passed.

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

That the words "No departmental or workmen's" be inserted in lieu of the word struck out.

The HONORARY MINISTER: Are we doing the right thing in thus amending the clause? It is stipulated that an inspector shall not make a report, except an official report to his superior officer. Who is the superior officer of a workmen's inspector?

Hon. E. H. HARRIS: The people who pay him.

The HONORARY MINISTER: Would the employees of the mine be his superiors? If not, he could not make a report to the miners. The departmental inspector may be regarded as his superior officer, but I cannot see that there will be any connection between the departmental inspector and the workmen's inspector.

Hon. E. H. HARRIS: I had thought this amendment would be consequential, but I can now see there may be difficulties in the interpretation unless the clause is re-drafted.

Perhaps it would be as well at this late hour to abandon the amendment.

Hon. H. STEWART: The inspector must not report or divulge information. That safeguard is inserted for the security of the mine owners.

Amendment put and passed.

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

That in line 1 the word "not" be struck out.

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

Bill reported with further amendments, and the report adopted.

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

LEAVE OF ABSENCE TO PRESIDENT.

The CHIEF SECRETARY: I ask leave of the House to move a motion without notice.

Leave given.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [11.37]: I move—

That this House, at the request of the President, agrees to grant him six months' leave of absence as from the 1st day of January next on the ground of urgent private business.

Question put and passed.

Sitting suspended from 11.40 p.m. to 12.15 a.m.

BILL—COAL MINES REGULATION ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

CLOSE OF SESSION.

Complimentary Remarks.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [12.16]: We have now finished our labours for this session; there is no further business for me to bring before the House. Before we depart I wish to compliment you, Mr. President, on the

able and efficient manner in which you have presided over the deliberations of the House, and to thank you for the very great kindness you have shown during the session. Your soothing influence enables us to part the best of friends, and moreover in our transgressions such as they were you have gently and unnoticeably led us back to the subject matter. I wish also to acknowledge the efficiency and courtesy of the Chairman of Committees. Mr. Cornell has filled the position with credit, and I feel that I echo the sentiments of the whole House in stating that his quickness and thoroughness have contributed to an early adjournment. I also desire to express the gratitude of the House to the Clerk of Parliaments, the Usher of the Black Rod, the members of "Hansard," and the other officers of the House for the able and willing assistance they have rendered to members. All are experienced officers and they have shown, as usual, marked ability in discharging their duties. We have received all possible help from them and I am sure we feel grateful to each of them for the satisfaction they have given in their various parts. In this leave-taking I thank members for the kindness they have extended to me. They have been very considerate to me in every respect, and I am grateful for all the courtesy shown me. I wish all a merry Christmas and sincerely trust that each one will enjoy prosperity during the coming year.

HON. SIR EDWARD WITTENOOM (North) [12.18]: As the oldest, even if I am not the ablest and most popular member of the House, I endorse the remarks that have fallen from our respected leader. I am quite certain that on behalf of all my colleagues I may say we agree with everything he has stated. We thoroughly appreciate his remarks regarding you, Mr. President, and the way you have carried out your duties. You have shown fair play to all and a singular ability in discriminating between the time to stop a member and the time to let him go on. It is almost like repetition of what we utter every year—and what we trust we shall be able to utter for a good many years—to say that the Leader of the House has given intense and thorough satisfaction. He has always been courtesy itself, most obliging, most thorough, and what is more, very exact. He never says a thing unless he is sure of what he is

talking about. If, after he has said a thing, it is shown that he was mistaken, the reason is found to lie in the fact that the full information was not within his knowledge. I need hardly say we are all extremely pleased at the manner in which he has carried out his duties. Perhaps I may be permitted to refer also to his capable assistant, the Honorary Minister. The Honorary Minister has had a difficult task. We all have a difficult task in our maiden efforts at anything. This has been his first session and he has carried out his duties admirably. He has been very sincere and I am certain he has left no details unsaid. On several occasions he has almost succeeded in convincing me, though not quite. Joking apart, he is to be congratulated on undertaking a difficult task, and I have no hesitation in saying he has carried out his duties with credit to himself and satisfaction to all of us. The staff of the House, as usual, have given highly satisfactory service. Their duties have been carried out promptly and we have always known exactly what work we had in hand. I shall conclude by joining with the Chief Secretary in wishing you, Sir, and all a pleasant Christmas and a happy and prosperous New Year.

HON. V. HAMERSLEY (East) [12.22]: I wish to endorse the remarks that have fallen from the other speakers and to join them in wishing all a happy Christmas and a prosperous New Year. I specially endorse the references made to you, Mr. President. The trust that has been imposed in you has been most ably discharged. You have controlled the business of the House with dignity and ability, and you have been a ready help to members at all times. Let me refer also to the great tact exhibited and kindly feelings engendered by the Leader of the House. Those qualities, I believe, have gained for his Government a much larger number of Bills than he would have succeeded in getting passed under other conditions. The tact displayed by the Leader of the House has been largely responsible for the kindly feelings entertained by members generally for him and for one another, thus making the Council a really happy family. In my remarks I must embrace the Chairman of Committees, who has proved of the greatest assistance to members at all times. I fear I am one of those that cause him a

considerable amount of trouble. We recognise that he has exceedingly arduous duties to perform and that he fills the trying position most creditably. You, Mr. President, I wish God-speed on your trip to the Old Country, as well as a successful issue of your visit, trusting that you will return to us invigorated in health.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [12.25]: I am very glad to have this opportunity to endorse everything that has been said by previous speakers, both in regard to yourself, Mr. President, the Chairman of Committees, the officers of Parliament and the House generally. I thank Sir Edward Wittenoom for his kindly references to myself. I shall never forget his first remarks to me when I entered the Chamber, or the good advice which at various times since then he has given me. I also appreciate the assistance rendered to me by yourself and the Chairman of Committees, as well as by members generally, and the courtesy that has been extended to me at all times. The work of the session has been a pleasure. I wish you all a merry Christmas, and hope we shall all meet again.

HON. J. CORNELL (South) [12.26]: I thank the Leader of the House and other speakers for their kindly references to me in my capacity of Chairman of Committees. I thank all members for the tolerance they have exhibited towards me. I also thank the clerks and the "Hansard" staff and all the officials connected with the House for their valuable assistance, advice and restraining influence. I wish all a happy Christmas and a prosperous New Year, and you, Sir, a pleasant and successful journey to the Old Country.

HON. J. B. BROWN (South-East) [12.27]: I join with other speakers up to a certain point. I do not agree with all that has been said. In the corridors we are all friendly, but when we come here we get to one another's throats. To-night I am speaking from the back bench of the Labour Party. I also appreciate all that the President has done. He has certainly not looked over-blackly upon me this session. He has usually regarded me as the disturbing element of the House, but I am far from being that. Other members can go on with

impunity, whereas I am pulled up and told that I must not violate the Standing Orders. I wish the President a pleasant journey to the Old Country. I hope he will successfully complete his business, and will return full of vigour and without the agonised look I have sometimes noticed him wearing. He has certainly been good to me this session. So far as the Opposition go, I have not one word of praise to offer. They are always dead against us, and always attempt to stop anything we want to get through. It is no good pulling a man's leg or scratching his back. I wish you all a merry Christmas and a happy New Year.

THE PRESIDENT [12.29]: I would re-echo what members have said with regard to the Leader of the House and the Honorary Minister. I feel especially grateful to the Hon. Mr. Drew and his colleagues for the kindness and consideration they have extended to me throughout the session. I also desire to express my gratitude for the assistance rendered to me by the Chairman of Committees. He has been a very great help, as have also the officers of the House who by the careful discharge of their duties have rendered my task the lighter. I also reciprocate what has been said concerning the "Hansard" staff, who have a very arduous duty to perform and do it creditably. I wish specially to thank the various members for what they have said regarding the manner in which I have endeavoured to carry out my duties. Any efforts of mine would be futile were it not for the earnest desire of members to maintain the reputation of the Chamber and to make it worthy of its past. The Legislative Council is the oldest institution in Western Australia. Its history is the history of the Constitutional progress of the State. From the earliest time to the present, members have been keenly jealous of the Chamber's high reputation. In such circumstances my efforts to maintain order have been made easier, and it has been possible to conduct the business of the House with decorum and dignity, in keeping with the great importance of the work of Parliament. I appreciate the consideration shown to me by the Council in acceding to my request for leave of absence to enable me to visit England on urgent private business. I asked for leave in view of the probability of a special session of Parliament

in the new year. I would not go had I not received the assurance that there is no objection from any of the members, and that they are satisfied arrangements can be made so that my absence will not affect the work of the House. While I am away opportunities may arise to enable me to be of assistance to Western Australia. Anything I can do in that respect will be readily and gladly done. I wish all members a merry Christmas and a happy New Year, and sincerely hope that the New Year will be a prosperous one for our State.

ADJOURNMENT.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [12.32]: I move—

That the House at its rising adjourn until Tuesday, the 8th January.

Question put and passed.

House adjourned at 12.33 a.m.

Legislative Assembly.

Thursday, 20th December, 1928.

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

MOTION—FREMANTLE HARBOUR TRUST.

To Disallow Regulations.

Order of the Day read for the resumption of the debate on the following motion moved by Mr. Thomson:—

That the regulation made by the Fremantle Harbour Trust relating to wheat for export, published in the "Government Gazette" on the 14th December and laid on the Table of the House be and is hereby disallowed.

On motion by the Premier, Order discharged.

MOTION—VERMIN ACT.

To Disallow Regulation.

MR. LATHAM (York) [4.36]: I move—

That the regulation made under the Vermin Act, 1918, published in the "Government Gazette" of the 30th November, 1928, and laid on the Table of this House on the 13th December, be and is hereby disallowed.

The new regulation reads—

93d. All rates imposed and recovered under Section 100a, and which under Subsection 3 thereof are, subject to regulation, to be applied in payment of bonuses, shall be charged with the expenses incidental to the administration of that section.

I cannot understand how the department have been able to read into the subsection the power to charge incidental expenses against the rate. Subsection 3 of Section 100a reads—

All rates recovered under this section shall be paid to the credit of an account to be kept at the Department of Agriculture, and, subject to regulation, shall be applied under the direction of the Minister in payment of such uniform bonuses for the destruction of wild dogs, eagle-hawks and foxes, and such other vermin as may be prescribed.

The only way in which the rates can be used is for the purpose specifically set out in the subsection. There is no authority to use any portion of them for administrative or other expenses. Section 10 of the Act provides—

All moneys appropriated by Parliament for the purposes of this Act may be applied to the following purposes, that is to say—(a) for defraying the necessary expenses of the central administration of this Act

It can hardly be claimed that no other revenue is available for the purpose of providing incidental expenses. Appropriations are made under Section 10,