NOES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. A. M. Clydesdale	Hon. J. M. Macfarlane
Hon. J. Cornell	Hon. W. J. Mann
Hon. J. M. Drew	Hon. Sir C. Nathan
Hon. G. Fraser	Hon. J. Nicholson
Hon. E. H. Gray	Hon. H. Seddon
Hon. E. H. Harris	Hon. L. B. Bolton
Hon. J. J. Holmes	(*Teller.*)

Question thus negatived.

House adjourned at 9.52 p.m.

Legislative Assembly,

Wednesday, 16th November, 1932.

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

QUESTION—COLLIE COAL, SUPPLIES TO POWER HOUSE.

Mr. MARSHALL asked the Minister for Mines: 1, Has the East Perth power house an up-to-date coal-testing plant? 2, Is the coal from each mine supplied to the power house tested to ascertain its economic value? 3, If not, why not? 4, What are the separate values of coal, including calorific value, moisture and ash from (a) Stockton; (b) Cardiff; (c) Griffin mine, for the six months ended 30th June, 1932? 5, What was the quantity supplied to the power station from each of these mines for the same period? 6, Why was the supervision of coal to the power house taken out of the hands of the coal inspector at Collie? 7, Since the supervision was removed, have any trucks of coal containing foreign matter been refused at the power house? 8, If so, has any allowance been made, and how much?

The MINISTER FOR RAILWAYS replied: 1, No. 2, It is tested as to calorific value, ash and moisture. 3, Answered by No. 2. 4, Testing is done quarterly. The averages for February and May quarters (1932) were:

	Calorific Values. Net B.T.U.	Moisture. %	Ash. %
Stockton ...	7,372	28·85	8·23
Cardiff ...	7,853	26·56	5·09
Griffin ...	8,066	22·25	5·51

5, Supplies received from Stockton and Cardiff mines are not recorded separately from other coal received from the Amalgamated Collieries. During the six months the Amalgamated Collieries supplied 45,692 tons and the Griffin Company 6,982 tons. 6, Because better inspection was considered possible at the East Perth power house. 7, The supervision has not been removed; it has merely been transferred from Collie to East Perth power station. 8, Answered by No. 7.

QUESTION—MIDLAND RAILWAY, SPUR LINES.

Mr. PATRICK asked the Premier: Have the Midland Railway Company approached the Government for authority to construct spur lines from their railway?

The PREMIER replied: Not recently. A petition has been received from residents of the Moora and Dandaragan districts asking that the Midland Railway Company be granted permission to construct a railway spur line from Moora to Dandaragan. The petition has been submitted to the company for consideration. Parliament could only deal with the request at the instigation of the Midland Railway Company.

QUESTION—DAIRY INDUSTRY ACT, ADMINISTRATION.

Mr. J. H. SMITH asked the Minister for Agriculture: 1, Is it the intention of the Government rigidly to administer the Dairy Industry Act? 2, Does he appreciate the necessity of bringing all manufacturers into

line so that they shall comply with the Act, more particularly in regard to the grading of cream and the moisture contents of butter?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, Yes.

PRIVATE MEMBERS' BUSINESS.

Miss HOLMAN: On a question of privilege, I wish to ask what is to become of private members' business appearing on the Notice Paper. I have moved the second reading of the Timber Workers Bill, and that measure is No. 39 on the Notice Paper. It is some weeks since the Minister for Lands promised private members an opportunity to discuss their Bills and motions. My Bill is important to my electors, and to many sleeper cutters throughout the State. Instead of the Bill getting nearer to the top of the Notice Paper, it is being placed lower down. It is true that the promise was given to us that private members would be given an opportunity to discuss their business, but it will be of little use if that opportunity is afforded us in the last few days of the session only. We are now in the latter half of November, and Bills, in order to pass this Chamber and the Legislative Council—there is always a possibility that they may not be agreed to—will require more than a day or two. Even the formal stages in this Chamber will require more than that period, and in the circumstances, private members are rather uneasy as to the fate in store for their business. I wish to ask the Acting Premier if he can give an assurance that adequate time will be provided private members in order that their business may be dealt with properly before the end of the session. Christmas is approaching and many men are particularly affected by the fate of my Bill, which has been introduced with a view to rectifying the losses from which they are suffering. I protest strongly against private members' business being placed so low down on the Notice Paper, and against the delay that we have experienced.

The MINISTER FOR LANDS: I gave the House an assurance that members would have an opportunity to fully discuss their Bills and motions, and the Premier has agreed to that, too. Hon. members will also remember that during the last few weeks we have devoted practically the whole of our time to the Estimates, which is quite usual at this stage. It is anticipated that they will be disposed of finally to-day. I do not know how long the Loan Estimates will take to be dealt with, but they will be introduced at an early date. Much of the legislation that stands ahead of private members' busines on the Notice Paper will be disposed of within the next day or two. I again give my assurance that Bills that require attention in both Houses will be placed ahead of motions and ample opportunity will be given to both Houses to deal with them.

ANNUAL ESTIMATES—STATE TRADING CONCERNS, 1932-33.

Report of Committee adopted.

BILL—SECESSION REFERENDUM.

Introduced by the Minister for Lands (for the Premier) and read a first time.

BILL—GOVERMENT FERRIES.

Read a third time and *passed*.

BILL—PEARLING ACT AMENDMENT.

Report.

Report of Committee adopted.

Standing Orders Suspension.

On motion by the Minister for Lands, ordered: That so much of the Standing Orders be suspended as is necessary to enable the Bill to pass through its remaining stages in one sitting.

Third Reading.

Bill read a third time and returned to the Council with amendments.

ANNUAL ESTIMATES, 1932-33.

In Committee of Supply.

Resumed from the previous day; Mr. Richardson in the Chair.

Department of the Attorney General (partly considered). (Minister, Hon. T. A. L. Davy).

Item, Arbitration Court, £1,976:

Hon. A. McCALLUM: We were discussing the position of the Arbitration Court owing to the decisions of the Full Court of Western Australia under the Financial Emergency Act. The Attorney General has taken the stand that because it has not been the custom to brief counsel to appear for courts in appeals to superior courts, that custom should be adhered to in regard to the Court of Arbitration respecting laws passed by Parliament during recent times. I hold the view that the decisions of the Court of Arbitration as well as the court itself, are absolutely unique and distinct from those of all other courts. A new position has been established regarding the relationship between courts. Every member of Parliament and people associated with the working of the Arbitration Court will agree that it was intended that the Court of Arbitration should be stripped of all legal technicalities, and that it should be the court's province to function apart from legal restrictions and rules of all descriptions. The law set out that the guiding principle should be equity and good conscience. All the old rules, regulations and restrictions surrounding the established courts should be set aside and should not enter into the atmosphere of Arbitration Court work. Parliament clothed the court with powers that are given to no other court in the country, practically established a court as a system of legislature, and gave it powers to fix rules and regulations to govern industry. As the Arbitration Court operates in the control of industry and affects the life of so many members of the community, no other court exercises such wide power. It is really more of a legislative body than it is a court. To compare the crusty old practice and custom of the ordinary courts with the decisions of the Arbitration Court is altogether wrong. The Arbitration Court brings into being a new operation of the law. The court not only governs industry, but tells an employer how he must control his works, shop or factory. He cannot employ men or pay wages or operate machines unless he does so in accordance with the decisions of the court. The court actually fixes the standard of living for the great majority of the citizens of the State. The decisions affect the homes of the majority of the people. To compare the decisions of such a court with those of another court that deals with matters of petty larceny, divorce and burglary or to contend that the same practice, custom or rule that has applied in dealing with disputes between two persons should apply to the Arbitration Court is entirely wrong. I cannot do better than describe the activities of the Arbitration Court by the well-known phrase applied to it by the late Judge Higgins when he said it was a new province of law and order. The court is entirely a new province of law and order. The Attorney General, in refusing to brief counsel or make provision for the Arbitration Court to have its reasons heard before a superior tribunal, is acting on old customs that should not apply to a court of this kind. No one can uphold what has happened; I defy anyone to justify what has occurred. Millars' Timber and Trading Company employed a baker at Yarloop. Because of the state of the timber industry, they applied to the court for relief and the court granted relief, including a reduction of the wages of the baker at Yarloop. The Full Court has laid down that because one baker at Yarloop has had his wages reduced on account of the conditions prevailing in the timber industry, every baker from Wyndham to Esperance must have his wages reduced similarly. I am positive that no member of this Chamber thought that was to be the law when the measure was passed. As a matter of fact we distinctly said it was not to be the law. The Act states as clearly as it is possible to state it in the English language that every employer must justify his claim. But here we have hundreds of employers and thousands of employees affected by the decision without being heard or without having the right to be heard. Yet that decision is supposed to have emanated from a court whose functions were to be based on equity and good conscience. The position that has arisen undermines the whole foundation upon which the Court of Arbitration has been reared. One bricklayer working for the Perth City Council on the task of putting in manholes has his wages reduced, as the City Council say they want relief in order to pass on the benefit to the ratepayers, and because that one man has his wages reduced, every bricklayer from one end of the

country to the other is to have his wages reduced. Equity and good conscience! I venture to say there is not a member of this Chamber who could justify that decision. I do not think the Attorney General would attempt to do so. No one will argue that Parliament intended such a thing. We have laid down specifically that it shall not be so; every member of this Chamber agreed that the employer should justify his claim for a reduction. When the Bill was under consideration here, I cited the case of the contractor for the new Commonwealth Bank building. He secured his contract when the prices of timber, bricks, cement, stone, ironmongery and in fact all building material were at their height. He based his tender on those high prices, and when the prices came down, the difference was added to the profit allowed for in his tender. Because one bricklayer working for the City Council had his wages reduced, the whole of the bricklayers on that job must have their wages reduced similarly. Where is the justification for that? It means placing more profits in the pockets of a Melbourne contractor. It was the clear intention of Parliament that the employer had to justify his application for a reduction in wages. Because Millars' company were able to justify their application for reduced wages in the timber industry, every baker in the mining industry—and there are mining companies that employ bakers—has had his wages reduced also, notwithstanding that the mining industry is booming and that gold is nearly double the price it was when their wages were fixed. Gold is now £7 an ounce, as against a little over £4 an ounce when the wages of those men were fixed. I could go on indefinitely quoting cases of this description. In spite of the fact that Parliament distinctly provided that every claim for reduction in wages had to be justified, another court stepped in and said, "You need not go to the Arbitration Court at all; we will apply the Act to you; you can bring down your wages; here is your order; cut your wages." That has happened and yet the Attorney General takes the stand that he will refuse the Court of Arbitration the opportunity to appear before the Federal High Court to have that decision argued. The member for Nedlands (Hon. N. Keenan) was briefed on the appeal to the Full Court of this State, but the appeal was not argued, and the Full Court gave its decision. That is the kind of justice that is being meted out by our Supreme Court. The Government refused the Arbitration Court counsel to state its case before the Full Court or the High Court.

The Attorney General: I do not quite understand you. Did you get that information from the file?

Hon. A. McCALLUM: No, but I know it is right. I have been associated with the case right through, as the Attorney General knows.

The Attorney General: I do not know that in the case you are referring to the Government refused counsel to the Arbitration Court. Do you say that is so?

Hon. A. McCALLUM: Yes. That is on the file.

The Attorney General: Here?

Hon. A. McCALLUM: Yes.

The Attorney General: I wish you would show it to me. You are talking about an entirely different case.

Hon. A. McCALLUM: No, I am not. I am dealing with the principle. I cited a number of cases where it applied. When the issue was to be tested before the Full Court or the High Court, you refused counsel to the Arbitration Court.

The Attorney General: Pardon me, I did not.

Hon. A. McCALLUM: The hon. member does not understand the case if he says I am wrong. The issue was whether the decision of the Arbitration Court was to be made a common rule. That was the point to be determined. The Attorney General refused to brief counsel for the Arbitration Court in that case. Not only did the Supreme Court say that the decision was to be a common rule, but they laid it down that the Arbitration Court had not the right to interpret its own decisions under the Financial Emergency Act. There is more than one precedent for the course I suggest. When we were in office, we briefed counsel to appear before the High Court in Melbourne in the timber workers' case. That was an appeal against the decision of the Full Court of this State. The High Court upheld the decision of our Arbitration Court, and the timber industry of the State was thereby saved from being dragged into the turmoil of a strike that would have involved all the States. The president of the Arbitration Court cites on the file a number of

precedents where counsel has been briefed by the Government.

The Attorney General: That is not what I was asked to do by the Arbitration Court. What I was asked to do on behalf of the Arbitration Court was to initiate an appeal which did not exist.

Hon. A. McCALLUM: I say that is playing with words.

The Attorney General: It is not.

Hon. A. McCALLUM: I say it is. In the case I mentioned, we briefed counsel; but of course the appeal was in the name of the union. What is the use of trying to side-track the issue in that way?

The Attorney General: Don't be offensive about it.

Hon. A. McCALLUM: What are you arguing about? You are trying to make out that I do not understand the case.

The Attorney General: I am not doing anything of the sort .

Hon. A. McCALLUM: You are splitting hairs; that is what you are doing. Everyone knows that the Arbitration Court itself would not be the appellant. The union would be the appellant, but counsel would appear to state the case for the Arbitration Court. That was done in the timber workers' case. Whatever was done in that case could be done in the present case. Owing to the decision of the Supreme Court, workers of this State have been deprived of thousands of pounds without a hearing at all. The Arbitration Court did not hear their case, yet their wages were reduced. In effect, the Full Court said to the employers, "We do not want to hear you; you can vary your wages." Parliament had said to the Arbitration Court, "You can vary your order," but the Supreme Court stepped in and said "You cannot vary your order." Parliament also said to the Arbitration Court, "You can cancel your order." All that is left for the Full Court to do now is to say to the Arbitration Court, "You cannot cancel your order." All this has been allowed to happen without the Arbitration Court being given the opportunity of appearing before the tribunal which gave that decision. Why should the responsibility of defending a case of this description be thrown upon the union? This appears to me to be a clear case where the Government should have briefed counsel and allowed the Arbitration Court to be heard. The Attorney General says, and the Crown Law Department support him, that it is not the practice to do these things, but the President of the Arbitration Court cites quite a number of cases where it has been done in the past. For instance, the Commonwealth Government recently briefed their Attorney General and sent him to London to appear before the Privy Council to defend the case in connection with the abolition of the New South Wales Legislative Council. If any question of political bias could arise, it was possible for it to do so in that case, but that did not stop the Commonwealth Government from taking the course it did. Counsel appeared in that case and argued it. It is said now that so long as the Arbitration Court functions within what is termed the ambit of its jurisdiction, it can do as it likes; but the moment it goes outside that jurisdiction, then it is challenged. I venture to say that in 99 per cent. of the cases that are decided by the Arbitration Court, an argument could be hung on that point of whether the decision is within the ambit of the jurisdiction of the court. That would give scope for litigation which would involve all those who have business with the Arbitration Court in needless expense and endless delay in obtaining decisions from the court. I am confident it is the desire of all those who have business with the Arbitration Court that that Court should be stripped of all legal technicalities and be supreme in the industrial arena, and not be subject to interference by other courts. I know it was the intention of the framers of the Act, under instruction from the Government, to make provision that the Arbitration Court should be free from interference by any other court whatsoever; no appeal was to lie from it to any other court. Now it appears that there is an appeal from a decision of the Arbitration Court to the Supreme Court. Unions are not going to the bother and expense of financing appeals against decisions of the Supreme Court. Those appeals are heard in an ex parte way without the other side being stated at all, and decisions are given. The whole structure of arbitration is being undermined. I am disappointed that the Crown Law Department or the Attorney General did not see their way clear to assisting the court in

this connection, and to allow that point to be tested. I do not want to go into the details of the decision that was given, or to refer to the expressions that were made use of by the bench at the time. I do not think anyone who read those expressions could come to any conclusion other than that they were full of political bias. The talk that emanated from the Full Court bench about equality of sacrifice when a baker at Yarloop, employed in the timber industry that was down and out, and a baker employed in the mining industry who had his wages fixed according to the value of gold at £7 an ounce, were obliged to have their wages reduced on exactly an identical basis, was amazing. Their reasoning was truly astonishing, but it stands as the law of the country. This has cost the workers thousands and thousands of pounds. It is impossible to calculate what it has meant to them. It has caused industrial disturbance and the holding up of one or two industries, fortunately not for any lengthy period. Lawyers usually stick to old precedents and rules and practices which have grown mouldy with age. It is hard for them to get out of the old ruts and to accustom themselves to something new that Arbitration brings into the law courts. To try and fit the Arbitration Court in with all the old customs and rules of court procedure is entirely wrong, and will create much difficulty. If this is persisted in it will also lead to a great deal of industrial disturbance. Men are not going to the court if its decisions, which vitally affect the standard of their living and every meal they have in their homes, are to be upset. They are not going to have those decisions challenged by a superior court, without their own side being stated, or the responsibility of defending their case resting upon them. That was never intended and should never have been countenanced. We know the stand the Attorney General has taken. There is nothing on the file to show that the matter came before Cabinet.

The Attorney General: Of course it was dealt with by Cabinet.

Hon. A. McCALLUM: I do not know. One minute on the file says that the file was forwarded to the Premier as requested, but there is nothing to show that it went before Cabinet.

The Attorney General: It was subsequently discussed in Cabinet.

Hon. A. McCALLUM: There is nothing to show it.

The Attorney General: That is true.

Hon. A. McCALLUM: The bald fact is that a situation has been prevailing in this country for the last 12 months or so, that is entirely different from what Parliament intended. Special provision was made in the Act, to guard against it. Every member of the Chamber was of opinion that before an order for a reduction in wages could be given, the claim had to be justified. The Act says that in language that is as plain as it can be.

Hon P. Collier: It could not be more clearly expressed.

Hon. A. McCALLUM: The Full Court now says that a baker employed in the tropics at Broome must have his wages cut down because a baker at Yarloop employed in the timber industry has to suffer a reduction. They want the case to apply to the whole countryside. It is outrageous. The least the Government could have done would have been to have the case tested. The point the Attorney General seems to take is that because the Arbitration Court itself could not appeal, it was impossible for the action to go on. That is not the issue. The matter could be arranged by those who were parties to the case, as has been done in other instances. The Commonwealth Government were not parties to the case before the Privy Council dealing with the New South Wales Legislative Council, but the Attorney General went Home and appeared before the Privy Council. If it was the desire of the Western Australian Government to uphold what this Parliament intended, and no one can deny that it was what Parliament intended, facilities should have been made available to enable the Arbitration Court to have its reasons stated. I regret that this was not done.

Mr. SLEEMAN: I hope something will be done to untie the hands of the Arbitration Court. At present its hands are completely tied. The Government should find a way out so that the court may be allowed to function in the proper manner. Some time ago we had a fairly large industrial dispute. After a hard fight the men were persuaded by their leaders to return to work. They were told that everything would be all right, that the court would be able to deal with their dispute, and

that everything would be well. After the men had returned to work it was found that the court was powerless to do anything. I refer to the oil dispute. Large and wealthy oil companies took advantage of the decision of the Arbitration Court given in the case of other employers who had been before it, and proved to the satisfaction of that tribunal that they were entitled to some relief, and declared that they too were going to take a similar relief unto themselves. No Arbitration Court would have given the relief that the oil companies took. The Government should find a way out of the difficulty. If the Attorney General thinks that the recent move was wrong, he should find some other way to allow the Arbitration Court to function as it should function. There is no doubt from the language used by the President of the Arbitration Court that he thinks very serious harm has been done to that tribunal as a result of the decision that has been given. I shall await anxiously the next move of the Attorney General and the Government to ascertain whether they are going to see that the Arbitration Court is allowed to function properly, and issue such awards as it desires to issue. We do not want wealthy oil companies to have the right to relief that is given to some poorer companies in the community.

Mr. KENNEALLY: I had occasion to refer to this matter before, when the correctness of my statements was queried. The judges of the Supreme Coudt went out of their way to give an intimation as to what their decision would be if anyone appeared before them in connection with this particular legislation. There was a case before the court which had nothing to do with the question. The members of that court seemed to be anxious to go out of their way to inform the employers that if they came along with a certain line of argument, the decision would be in their favour. The position created by that action is a difficult one. When the measure was first brought before Parliament it was claimed that, without some move being made by the employers, those reductions could automatically take place. The present Government, the only one in Australia represented at the Premiers' Conference to do such a thing, advocated that the legislation should be made to apply automatically to reductions in the case of employees outside the Government service. The Attorney General fought hard to get his own way in that respect. He fought for it at the conference and was turned down flatly. Other Governments did not follow him. When he returned to the State he fought for this again, and apparently got his way in Cabinet. Legislation was brought down which made provision not only for an automatic reduction in the case of Government employees, but an automatic reduction in the case of employees outside the Government service. We were told that the Premiers' Plan represented a means by which it was proposed to reduce adjustable Government expenditure. No attempt was made to justify the reduction in the case of employees outside the Government service. The Attorney General was, however, frustrated from having his way. This House agreed to amend the legislation so as to make it necessary for employers outside the Government to apply to the court if they wanted a reduction. In order to be fair to them, the House decided that employers should be called upon to go to the court and prove the necessity for such reduction being made. It is a peculiar coincidence that that for which the Attorney General fought at the Premiers' Conference has come about in another way. The Full Court went out of its way to indicate to employers that there was no necessity for them to put up the case indicated by the legislation because they intended to make the common rule apply, one in all in. This is what the Attorney General wanted in the first place. Whatever decision is given in the case of one individual is to be made to apply automatically to thousands of workers in the country, no matter what the condition of the industry in which they are employed happens to be. As it has panned out, the Attorney General seems to be having his own way all along the line. The Full Court has given its decision, and the Government are not going to take action to protect the Arbitration Court. So it looks as if the Attorney General is still having his own way. I suggest that if the decision had been given against the Attorney General's ideas, the Attorney General would not have refrained from testing the position.

Mr. H. W. Mann: Is that fair?

Mr. KENNEALLY: Yes, I think it is. I have quoted facts to support it. Does the hon. member think it fair that the Attorney General should go to the Premiers' Conference, join forces there with people who want reductions of adjustable Government expenditure, be defeated there and come back here and put his idea into operation? And when Parliament alters it and it gets to the Arbitration Court and the court acts in accordance with legislation passed by this House, and another court steps out of its way to give an interpretation in favour of the Government—is it not fair to bring all this before the House and ask how far we are to have decisions of the courts made to apply to arguments advanced by members of the Government?

The Attorney General: What are you suggesting? That I have got at the Full Court? Is that the suggestion?

Mr. KENNEALLY: No, I do not think you have got at the Full Court.

The Attorney General: Then what are you suggesting?

Mr. KENNEALLY: I suggest that if the Attorney General had known his duty to the country and the House he would have taken the initial step, would have said in effect that the Government were going to protect the Arbitration Court. I do not think I am suggesting too much for the head of the Crown Law Department in that respect. Many of the employees have been reduced, and the unfortunate position is that those employers who are prepared to do the right thing and not take full advantage of the common rule interpretation of the Full Court are being placed at a disadvantage. I am credibly informed that one new firm starting in Perth has decided to take full advantage of the reductions under this legislation, although firms already established here have refused to take such advantage. The result is that new firms coming here to compete with established firms are getting an advantage over those firms, an advantage which but for the decision of the Full Court would not have been available. If people are going to claim a reduction in expenditure on wages, it is only reasonable to say to them, "If you can support your claim before an independent tribunal you may have the reduction you desire but, if not, the existing rates must continue." Suppose the positions were reversed, and the person who has only his labour to sell was to say he wanted a certain price for it, a price other than that which the Arbitration Court had ordered, and suppose he took the law into his own hands, what would we find?

Member: He would be in gaol.

Mr. KENNEALLY: Not only that, but many members opposite would condemn him. While the Arbitration Court fixes wages and to a certain extent prices, we could understand that condemnation, but when a man with only his labour to sell takes up that attitude, it is regarded as an entirely different matter from the employer taking up that attitude. When new firms come here and take full advantage of the position, the natural tendency is that good employers, prepared to pay reasonable wages, have for their own protection to take a course they would not otherwise consider. Yet the Government, represented by the Attorney General, do not propose to take any action at all. They say in effect that no matter what the position of the Arbitration Court may be they will not move to protect the interests of those who have to go to that court, but propose to transfer the operations of the Arbitration Court to the Supreme Court. If because of the acquiescent attitude of the Government we subsequently find trouble in the industrial world, the Government will have themselves to blame. It is of no use the Government on the one hand preaching arbitration to the workers, and on the other hand refusing to protect the workers when the jurisdiction is taken away from the Arbitration Court. Under the decision of the Full Court, though we may have prosperity in one industry and poverty in another, if the poverty-stricken industry applies for a reduction and gets it, that reduction must apply also to the other industry.

The ATTORNEY GENERAL: I do not propose to embark upon a legal discussion of the whole question as to whether or not the Full Court was right, but certainly its view was supported by an application to the High Court for special leave to appeal, which was refused.

Hon. P. Collier: Such an application is often refused without regard to the merits of the decision.

The ATTORNEY GENERAY: Not usually. As a rule the merits are gone into to

a certain extent by the High Court before it refuses or grants special leave. However, I do not desire to embark upon a legal argument as to whether they were right or wrong, but I want to tell the Committee—which is rather an interesting point in view of the denunciation of several members opposite of the interference by the Full Court with the Arbitration Court—that its first interference in this chain of cases was at the instigation of a union. In the first case a writ of prohibition was sought from the Full Court against the Arbitration Court by a union. So, apparently, some of the organisations in which members opposite are particularly interested are prepared to ask the Full Court to interfere when it suits them.

Mr. Kenneally: That application to the court had nothing to do with the common rule interpretation.

The ATTORNEY GENERAL: I did not say it had. What I want to point out is that when a union thinks the Arbitration Court is going outside its ambit it does not hesitate to go to the Full Court and ask its interference. So it would seem likely the other parties to this argument are prepared to do the same thing.

Mr. Kenneally: The court does not invite the unions to go and get from it a decision which it has arranged for them.

The ATTORNEY GENERAL: I do not understand that interjection. Both sides in the industrial sphere have been always perfectly willing to invoke the aid of the Full Court to tell the Arbitration Court when it goes outside the ambit of its jurisdiction. That is undeniable. Members complain that the Arbitration Court was intended to be entirely free. I think it was intended to be entirely free within the limits of the jurisdiction conferred upon it. But you cannot give a limited jurisdiction—which everybody admits was given to the Arbitration Court to deal with industrial matters—you cannot give a limited jurisdiction to a body and at the same time say to that body, "You yourself will determine whether or not you are within that jurisdiction." Because that body might extend that jurisdiction.

Mr. Sleeman: Has not the Arbitration Court pretty wide powers in industrial matters?

The ATTORNEY GENERAL: It has immensely wide powers.

Mr. Sleeman: But not on that occasion.

The ATTORNEY GENERAL: Its powers are immensely wide, and with my approval. But there must be some other body to tell it if it goes outside that sphere. That other body may make mistakes; I am not going to claim infallibility for any court, any more than for any other body of men. As to the request to me, which has given rise to some argument, I have laid the file on the Table, and it is perfectly clear on the file that the appeal which was sought by the Arbitration Court was on an entirely different case. It was a case in which a party asked for an interpretation of an award. The Full Court said, "It is not really an interpretation of an award you are asking for, although you call it that; it is an interpretation of an Act of Parliament." And rightly or wrongly the court said, "You have not the right to exercise this power of interpretation." That is what it said quite clearly. It is that judgment against which the Arbitration Court desired to lodge an appeal. The member for South Fremantle suggests that I am quibbling when I draw distinctions between allowing representation of the court on an appeal initiated by someone else and an appeal initiated by the court itself. That may appear to be so to the hon. member, but I do not think he will find many lawyers to agree with him that it is hair-splitting to say there is a distinction between the court itself initiating an appeal and the court being represented on an appeal being initiated by someone else. The hon. member suggested that the Government should have gone to the union and asked it to appeal and that the Government should pay the expenses.

Hon. A. McCallum: The file shows that the union went to you.

The ATTORNEY GENERAL: On an entirely different matter.

Hon. A. McCallum: To conduct the appeal.

The ATTORNEY GENERAL: Not on this case; that is not on the file.

Hon. A. McCallum: Mr. Kenneally and Mr. Barker went to you.

The ATTORNEY GENERAL: That is an entirely different matter, I think. There was an occasion when a union waited on me—and I think the member for Leederville was with that deputation—and asked whether the Government would lodge an

appeal on behalf of the union; but that was another case. When Mr. Kenneally and Mr. Barker waited on me I made this note which appears on the file—

Interviewed Mr. Kenneally, M.L.A., and Mr. Barker with regard to the result of the decision of the Full Court in the case of the United Furniture Trades Union and Povey Ltd. They feared that the result of that decision was that applications to the Court of Arbitration for interpretation would in future be confined to cases of obvious ambiguity and that the power of the Arbitration Court to interpret awards would be limited. I expressed the view that the meaning of the judgment delivered was not this, but promised to interview the President of the Arbitration Court and discuss the matter with him.

I did that and subsequently communicated the result to Mr. Barker.

Hon. A. McCallum: Representations were made to you on behalf of the trades unions, not one but the lot.

The ATTORNEY GENERAL: No, not on that matter.

Hon. A. McCallum: Yes, dealing with this common rule.

The ATTORNEY GENERAL: But it was not the case in respect of which the President asked the Government to appeal. On that occasion certain hon. members and union members waited on me and asked the Government to appeal. I may be wrong in my opinion, but it is not the function of the Government to finance the appeals of any party. What right have we to take sides? One party alleges one thing and another party alleges another, and the judicial body should decide; but to my mind it is not proper for the Government to finance an appeal by one party against another. I do not wish to pursue the matter any further; I indicated what appeared to me, as a lawyer and a member of the Government, the proper course to pursue.

Vote put and passed.

Resolutions reported.

BILLS (2)—RETURNED.

1, Financial Emergency Tax Assessment.
With an amendment.

2, Financial Emergency Tax.
Without amendment.

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. C. WILLCOCK (Geraldton) [5.53]: This is one of the continuance Bills that we are being asked to deal with during the session and it is little different from the others. The object of it is to keep in force Section 10A of the Act passed in 1930, dealing with licenses of vehicles which otherwise would be prohibited from using certain roads that have been declared main roads. It is rather an important principle because it imposes extra fees on people whose business is that of carriers, and who to some extent are in opposition to the railways of the State. The clause makes it a little more expensive than it otherwise would be for owners of motor vehicles to engage in transport. It is right that those people should pay a considerably higher fee than do those who use the highways only occasionally. The business of motor transport seems to have been considered from the point of view of its effect on the business of the Railway Department, but I cannot understand why the operation of the clause should have been limited to two years after the passing of the Act. I am aware that that amendment was made in another place, but the reason for it I do not know. Everyone will agree that transport by motors generally is in a state of flux and that there will be a considerable alteration in the law affecting that transport within the next two or three years. The Prime Minister considered the matter of such outstanding importance that he invited the Premiers of the various States to confer with the officers in control of transport with a view to adopting uniform legislation. I do not know that the Minister would not be justified, instead of continuing the operation of the section for 12 months, in wiping out the first two lines, which set out that the Act shall operate until the 31st December, 1932. I do not know why the Council limited the operation of that part of the Act to two years because it is undoubtedly necessary to impose the additional license fees on the heavier vehicles that carry goods, and it is logical also that a clause of this description should be in existence. Neither is there any reason why we should come down with continuing legislation year after year. There are some Acts that have been in force since 1915 and

have been renewed each year. I suppose that kind of thing involves a certain amount of expense, though it may not be very much, but we should try to get away from that principle except it be in the case of emergency legislation. The Bill we are discussing now cannot be classed as emergency legislation. No one can expect the taxpayers to construct main roads and allow the people to use them for business purposes without paying some additional fee. This legislation deals with people who transport goods to and from any part of the State for any person who likes to offer those goods. Consequently it is merely equity and justice to the taxpayers that additional fees should be charged those carriers. From the point of equity the difficulty could be got over by the institution of a petrol tax, and then those who use the roads more extensively would have to pay for the privilege, and it is a privilege to use the public roads of the State which have been constructed by the taxpayers generally. It is necessary also from the railway standpoint that Section 10A of the Act of 1930 be continued because we have £24,000,000 tied up in the railway system and when we have unfair competition, unless it is restricted to some extent, it should be made to pay. Otherwise the railways will show a considerably greater deficit than is being shown at the present time, a deficit that will have to be met by the people of the State generally by way of taxation. I recognise that the Bill is necessary, but the interests of those concerned would be better conserved if the two lines to which I have referred, which gave the Act two years to run, were deleted altogether. I have no objection to the re-enactment of the legislation in the circumstances, seeing that it was limited in its application to the 31st December of this year. The Bill should be passed in the interests of the State and of the taxpayers generally.

MR. SAMPSON (Swan) [6.1]: I am sorry that the provisions of Section 10A are not operative during the currency of the Act itself. It would be better if the words "until the 31st December, 1932, subject as hereinafter provided" were struck out.

Hon. J. C. Willcock: But the Legislative Council deliberately inserted those words.

Mr. SAMPSON: It is a pity, because if Parliament desired to amend the Act, we could deal with the matter on its merits without the necessity for those words. If trucks are permitted to operate over the roads, subject to the payment of certain fees as set out in Part II. of the Fifth Schedule, then there should be some security regarding the time they were permitted to continue running. I know at least one person, who already has one or two trucks, who is anxious to purchase another to extend his transport activities. As Parliament has conceded the right to motor traffic to proceed over the roads under the conditions specified in the Act, those conditions should continue indefinitely, and should not be subject to re-enactment from year to year. It is questionable whether it is in the interests of the State to introduce legislation annually to continue the operations of the Act. If the necessity for that course were avoided, owners of trucks would know that their rights would not be interfered with.

Hon. J. C. Willcock: Legislation could be introduced to interfere with those rights at any time.

Mr. SAMPSON: That is so, but under existing conditions, with Bills introduced annually to continue the operations of the Act, there is always the fear that the privileges accorded to the owners of motor trucks will come to an end.

Hon. J. C. Willcock: If the Bills were not introduced annually, the owners of trucks could still operate, but they would have to pay the extra fee.

Mr. SAMPSON: That is quite right.

Hon. J. C. Willcock: That shows that you did not know what the effect of the legislation was, when you started speaking.

Mr. SAMPSON: If the member for Geraldton (Hon. J. C. Willcock) had spoken a little louder, I would have heard what he had to say. In view of present conditions, it is obvious that railway freights must be too high: otherwise it would be impossible for motor trucks to compete successfully with the railways. For some time we have had the spectacle of beer being carted by motor truck from Kalgoorlie to Leonora and Laverton, and from Merredin to Perth, while building material is carted from Perth to Wiluna in the same way. It is claimed that this freight can be carted at less cost by motor truck than if hauled by rail. The charges levied upon the owners of motor trucks are exceedingly high, despite which trucks can compete successfully with the

railways. The motor traffic is increasing, and I do not think the problem has been tackled by the Government in the proper way. The correct method of dealing with the competition is to review railway freights. If that were done, surely it would not cost the railways much more to run with reasonable loads than it does to-day when trucks and coaches are not loaded to anything like capacity. It is a simple matter that can be dealt with in a simple manner. It is certain that unless the railways get back much of the traffic they have lost, there will be no possibility of balancing the railway budget.

Mr. Withers: Freights on wool were decreased 25 per cent., and yet that haulage is still lost to the railways.

Mr. SAMPSON: That suggests that the freights are still too high. Motor trucks still secure a large proportion of that haulage, and they could not continue those operations unless the work were payable. I am told that the owners of motor trucks engaged in that business are doing very well.

Mr. Marshall: I will tell you one thing you have never seen the trucks doing, and that is carting super or wheat or other goods on which low freight charges are levied.

Mr. SAMPSON: That is so, but that is not the point. I want the railways to pay their way. On the other hand, if owners of motor trucks are permitted to compete, they should have some security regarding the period during which they will be allowed to operate. If that is not accorded them, it is quite possible that men will purchase trucks, only to be confronted by ruin through finding out later on that they are not allowed to continue in the trade. A few years ago, hundreds of tons of gravel and ironstone lumps were hauled from Glen Forrest and Mahogany Creek by the railways. To-day that traffic is lost to the railways and is in the hands of the owners of motor trucks. Why should that be, seeing that the most economical method of hauling such material is by rail? I am told that the charge formerly levied of 3s. 10d. per ton was so high that the trucks are now able to compete with the railways and capture the business. This is a serious matter, and I suggest that it should receive more consideration at the hands of those responsible. We should be prepared to allow the trucks, if they are to operate, to continue the privileges at present extended to them indefinitely until the Act itself is amended. It should not be necessary to deal with this re-enacting legislation each year.

Mr. SPEAKER: Before the debate is continued, I would remind hon. members that the object of the Bill is to extend the operations of the Act for one year, and to alter the word "two" to "three." We are not dealing with the major principle involved in the question of railways versus motor trucks. I desire to give members every opportunity to place their views before the House. I ask them not to deal with the broad principle, but to confine their remarks to the subject of the Bill.

MR. BROWN (Pingelly) [6.11]: It was my intention to speak along the lines that you, Mr. Speaker, have now intimated will not be in order. I was surprised to notice last Saturday half a dozen trucks proceeding to Perth laden with wool.

Hon. P. Collier: That wool should not come down that way.

Mr. BROWN: The trouble is that wool buyers go to the country districts and buy the wool on the farm. They place the wool on trucks and convey it straight from the farm to Perth.

Hon. P. Collier: It could come down by rail.

Mr. BROWN: Yes, some, but the greater proportion that is purchased on farms is placed on trucks immediately, and conveyed to Perth direct.

Hon. P. Collier: It should not be.

Mr. BROWN: That is what happens.

Mr. SPEAKER: Order! I remind the hon. member that he cannot debate such matters under the Bill.

Mr. BROWN: I understand that, Mr. Speaker. I was trespassing, as other members have done. This is a matter that the Government should take into consideration.

Hon. P. Collier: Is much wool coming down by road?

Mr. BROWN: The wool is being brought down by motor trucks in competition with the railways.

Hon. P. Collier: But not much of it.

Mr. BROWN: Not so much as formerly.

Hon. A. McCallum: From what districts is wool coming down by truck?

Mr. BROWN: The Bill provides for the re-enactment of the legislation for another 12 months, and I do not think it should be necessary for such Bills to be brought down every year. People who are making their living by conveying goods by motor truck, should be able to continue with some degree of confidence regarding the future.

Mr. Panton: The wool buyers themselves are their principal trouble.

Mr. BROWN: I do not know that that is so; that is not my impression. It is not their own fault that they are not making use of the railways to a greater extent.

Sitting suspended from 6.15 to 7.30 p.m.

MR. MARSHALL (Murchison) [7.30]: I support the Bill, but I regret that the Government have not seen fit to amend Section 10A of the Act in the direction of increasing the fees charged to motor buses. I disagree with the suggestion that a petrol tax would be more equitable to adjust the taxation on buses as against the present power-weight system.

The Minister for Lands: We cannot do it, can we?

Mr. MARSHALL: I am not suggesting that you should.

The Minister for Lands: It was challenged, you know.

Mr. MARSHALL: I thought the suggestion was put forward at the Premiers' Conference.

The Minister for Works: That is so.

Mr. MARSHALL: A tax on petrol in lieu of the existing system would not be fair and equitable to the people who are running motor vehicles on roads far removed from the city. The vehicles running in and around the city would get more miles per gallon of petrol than would a vehicle on an inland run over roads that are not surfaced and have not a satin face. In the event of a change of that kind being made, a point to be considered would be the loss on the transportation of petrol to the remote centres, as against the bowser system in use in the city. Some members argue that motor transport is able to compete against the railways because it carries goods at a cheaper rate. Motors cannot do anything of the kind. They can carry only small quantities of certain kinds of merchandise at a cheaper rate. They pick the eyes out of the traffic and take only small loads to places connected with the city by good roads provided at the taxpayers' expense. That is unfair competition with the railways. The existing system of taxing buses is not fair. Taxpayers have provided large sums of money to build wonderfully good roads in the south-west portion of the State, but similar amounts have not been expended on roads in distant parts of the State. Yet motor vehicles there have to pay the same fees as do those for which expensive roads have been provided. The road on the south side of the river to Fremantle cost, I understand, £17,000 to £18,000 per mile.

The Minister for Works: There are no prescribed routes in the metropolitan area.

Mr. MARSHALL: Out towards Armadale there are macadamised or tar-dressed roads. The actual route does not concern me; I am comparing the prescribed routes with the roads in the north-west part of the State. Nothing like the same amount of money has been spent on roads in the North-West, and yet vehicles there are taxed equally with vehicles that have the best of roads to run on. The Minister must agree that that is not fair. If we provide facilities for the community, the community should pay in proportion to the service rendered them. The existing Act does not meet that need. Fair sums of money have been expended on roads in the North-West, but to run motors on them is not as economical as to run on roads in the south-west part of the State. Consequently there should be some differentiation in the scale of taxation. Certain bus routes in the city serve districts that are not catered for by trams or railways. When private enterprise renders a service and the Government, due to apathy or to lack of funds, fail to provide transport, taxation should not be levied on private enterprise to the same extent as it is levied on people who are competing with the railways and tramways for traffic. I regret that taxation is not being increased on those who are in direct competition with the railways and tramways; I regret that consideration is not being extended to those who are not directly competing with State services; I regret that cognisance is not taken of the difference in running costs on roads in various parts of the State. Altera-

tions along those lines would make the tax more equitable. Good roads have been provided and have to be maintained by the taxpayers, and the people who use them should be required to assist materially in paying for them. But for the huge sums of money spent on road construction and improvement, there would not be much competition with the railways and tramways. Whichever party may be in power next year I hope a Bill will be introduced to ensure a more equitable system of taxation of motor vehicles.

THE MINISTER FOR WORKS (Hon. J. Lindsay—Mt. Marshall—in reply) [7.49]: The reason why the Act is being extended for one year is that I hope another measure will be prepared meanwhile. The Act has been discussed on many occasions and a lot of amendments have been prepared. The Premiers' Conference has discussed the question on several occasions. The Premier of South Australia has submitted an alternative to the Premiers' Conference to reduce the taxation on motor vehicles and charge an extra 2½d. per gallon on petrol.

Mr. Marshall: You know that would not be fair in this State.

The MINISTER FOR WORKS: I do not agree with the proposal. Bus routes do not come under Section 10A; nor is there any prescribed route within the metropolitan area. Only outside the metropolitan area does the heavy traffic fee apply. The Traffic Act has been the most unpopular measure I have had to administer. I have vivid recollections of having been told when I introduced the measure that I was going to drive all the motorists off the road. After the Act has been in operation for three years, I am told that the fees are not high enough. During the first 12 months the Act was in operation, it caused a good deal of dissatisfaction throughout the State, and I seem to have suffered the full effect of it. I am continually receiving letters from the Wheatgrowers' Union and the Primary Producers' Association, and whenever I have addressed meetings in the country, I have had to defend the Act. Although there is still some opposition to it, people seem to have become accustomed to the Act; at least the opposition has died down. I agree that the motor truck is merely picking the eyes out of the traffic. Notwithstanding the fees charged, I am satisfied that the amount derived from that source does not cover the damage being done to the roads. In the two years we have received something over £9,000, and that has not been sufficient to cover the damage. We find trucks coming from Wiluna carrying goods all that distance. They travel night and day and on Sundays; in fact they seem to travel the 24 hours through. I believe they carry a relief driver and that that is one reason for their success.

Mr. Marshall: The only reason.

The MINISTER FOR WORKS: It is a big and serious problem, and it is hard to decide what is fair. I know the point of view of the Commissioner of Railways. He wants to prohibit everything, but I do not think that is right. He wants to take control and so does the Minister for Railways. I do not think that is right. I said previously that I thought the South Australian Act was the best, because an independent board not connected with railways or tramways or any form of transport had been appointed to deal with the problem. I believe we shall have to adopt that course. I would have liked to introduce legislation this session, but sufficient time is not available. I am satisfied that we shall have to go further than we have gone in order to compel the people using the roads for long distance transport to pay more for the damage they are doing and afford some kind of protection to the railways. If we give such protection to the railways, the railways in turn will have to do something to protect themselves. As I have mentioned previously, I have received scores of letters from the Wheatgrowers' Union and the Primary Producers' Association condemning the Act. I have here a letter which was handed to be only a few days ago. It is from the general secretary of the Wheatgrowers' Union to the Minister for Railways, and reads as follows—

> I have been instructed by the Gnowangerup branch of my union to forward the following resolution to you:—"That the Minister for Railways be asked to approach the Minister for Works with a view to imposing further restrictions on the people engaged in carrying produce and merchandise in opposition to the railways; that the Commissioner be urged to reduce freight charges generally, including parcels and machine parts." I trust that you will give this matter your earnest consideration.

As I have said, something will have to be done to deal with the problem of motor transport.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—TENANTS, PURCHASERS, AND MORTGAGORS' RELIEF ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the previous day.

MR. SLEEMAN (Fremantle) [7.48]: I protest against the Minister bringing a Bill down in this form, which simply means that we can only alter it in so far as the date is concerned. We cannot amend or improve the Bill; we have simply to take it or leave it. That certainly puts one in a very awkward position, as it must be admitted that there is a certain amount of good in the Bill. Members therefore cannot vote against it, but I think a number of them desire that it should be amended. Personally, I do not think the Bill grants as much relief as it should. In one or two cases I think the Commissioner has said that he regretted he could not grant further relief. The position is that those who are unfortunate enough not to be able to pay their rent are pushed out by the landlord. They make application to the court for relief. Generally—there are exceptions of course—a tenant convinces the Commissioner that he is entitled to some relief. Usually he gets about six weeks. At the end of that time, if he finds he is still unable to pay the rent, he makes a further application and is then granted another three or four weeks. At the expiration of that time, if he makes further application, he is usually told that nothing further can be done for him, that the landlord's interests have also to be considered. Then the unfortunate tenant has to do the best he can. I contend that, provided a tenant can show in these times of depression through which we are passing that he is likely to suffer more than the landlord by being put out into the cold world, the Commissioner should have power to grant him more relief than he can get at present. I do not infer that all landlords are bad. I know quite a number are treating their tenants very well. I also know that there are some landlords as badly off as their tenants. There are some landlords I know who have had to apply for relief themselves, owing to the fact that the little money they have been able to save has been invested in one, two or three houses, from which they are not deriving any income. At the same time, that is not the general rule: it is the exception. The Commissioner should be granted more power so that he can use his own discretion. His hands should not be tied as they are by the present Act. No member will contend that a man working for sustenance can afford to pay rent. If these people are not able to pay rent and the Government cannot do more for them than they are doing at present, they certainly should not be evicted from their homes. There is another class of people working for sustenance. They are sent into the country and therefore have to keep two homes. I claim that those unfortunate people are just as badly off as the people working here for their sustenance. How can it be expected of them to pay any rent? If the Government cannot see their way clear to alter this measure, they must do more in the way of providing housing accommodation for these people. I take this opportunity of thanking the Government for what they have done in the way of providing small homes for the unemployed, but not enough has been done in that direction. I think only 20 small homes have been provided, but they are a godsend to the ones who have been fortunate enough to get them. At present one of the grievances against this Act is that people are being compelled to contract outside it. I know of cases where people have been in employment and have considered themselves reasonably safe; but when looking for a house were compelled when going into possession, to contract outside the Act. Unfortunately, without very much warning, they have then been thrown out of employment, and very quickly found they could not pay their rent. I have been in court when such people have made an application for relief

under the Act. The landlords have come along and produced the document by which these tenants contracted outside the Act, and the magistrate told them he could not do anything for them. He told them that by their own act they had prevented him from affording them any relief. The Government should have brought the Bill down in a different form, so that provision could be made to prevent contracting outside the Act. Is it too late for the Minister to do something in that direction? Evidently we cannot amend this Bill as it stands. I hope some other means will be found whereby the desired object can be achieved, because there are hundreds of people in the State who for some considerable time will be hard put to it to pay rent at all. We do not want people to be thrown out of their homes. Even from a health point of view, I believe the position is bad at the present time, because five or six families are herded together in one house of not very great dimensions. These people, however, must have a roof over their heads so as to keep out of the weather. I do hope the Minister will see, before this session finishes, that something is done to safeguard the interests of these unfortunate people.

MR. MARSHALL (Murchison) [7.55]: This is one of those measures which, when it was introduced, was stated by the Attorney General to be an experimental measure.

The Attorney General: I did not even introduce it.

Mr. MARSHALL: I thought it was the Attorney General. It may have been one of the other Ministers; but that remark was made by the Minister who introduced the measure. We complained then that the Commissioner's jurisdiction would be limited, and we were told that it was an experimental measure and that it was thought it would give the desired relief. I do not say it was the Attorney General who said that, although he is charged with many things he does not do. During the time the Act has been in operation we have been able to find quite a number of anomalies which have been pointed out by the member for East Perth and also by the member for Fremantle. I need not repeat them, as they are well known. I rose merely to appeal to those on the Government benches to remember that this Bill applies principally to married people with families. The single man can, during the summer months, perhaps sleep on the Esplanade or on the beach, but that is not possible in the case of a married man with a wife and family. They are, as I have said, the people principally affected by this particular measure. Of course, a single man may be keeping his mother and perhaps his brothers and sisters, but in the main the Act applies peculiarly to married people. We find they are being evicted from their homes due to poverty over which they have no control. No one is poor by choice. It is very hard for members to stand by and see these people put out of their homes. It is particularly hard when they have no other home to go to. On more than one occasion I have given instances to the Government where people who have gone in search of homes have not been able to pay the rent demanded by the landlord. They have found it difficult to get possession. They must get someone of repute to recommend them and to say that they are well known and satisfactory people.

Mr. Sleeman: That does not mean a reduction in the rental.

Mr. MARSHALL: I wish to show how strict landlords are, and how impossible it is for an evicted family to get possession of another home. If the Government cannot amend the Act, the obligation is cast upon them immediately to provide some protection for the women and children. Landlords should not be allowed to compel prospective tenants to contract themselves outside the Act. There should be no delay in respect to this matter.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth—in reply) [8.3]: It is a normal thing when legislation is enacted to cover an emergency period for it to be merely continued. I understand that in the House of Commons Acts that are re-enacted for a period are all put together in one continuation Bill.

Mr. Sleeman: That does not make it right.

The ATTORNEY GENERAL: It is a reasonable precedent to follow. Ever since I have been in the House both sides have re-enacted measures without any opportunity being given to members to amend the principal Act.

Hon. W. D. Johnson: The Industries Assistance Act has been continued for about 25 years.

The ATTORNEY GENERAL: Yes, and each year it has been brought down in a form which has rendered it impossible to amend the principal Act.

Mr. Panton: But any number of speeches are made every time in order to show the fallacies of it.

The ATTORNEY GENERAL: Members have tried to show the fallacies of this particular Act during the present debate.

Mr. Sleeman: There has never been much agitation to liberalise the Industries Assistance Act.

The ATTORNEY GENERAL: If it is right to bring down the Continuation Bill in the case of one Act, it is right to do so in the case of another. It is always open to members to bring down a separate Bill to amend the principal Act.

Mr. Marshall: Where would it land us if we did bring one down?

The ATTORNEY GENERAL: It would land the hon. member in the same place as if a similar Bill was brought down by any other member on this side of the House. The House itself would determine whether it should be passed or not.

Mr. Panton: Would the whip crack to the same tune?

The ATTORNEY GENERAL: I do not know that there is much call for whip cracking. There has been one good criticism of the details of the Act, and that was advanced by the member for East Perth (Mr. Kenneally). He referred to the case of the wife who owned the house, of the husband being out of employment, and of relief being refused to the wife because she was not out of employment. If the hon. member will bring down an amendment along those lines I will support it.

Mr. Marshall: Do not commit yourself. It may yet come along.

Mr. Sleeman: And suppose the amending Bill includes a provision to prevent contracting outside the Act?

The ATTORNEY GENERAL: Provided that that point is dealt with in the Bill as a separate clause from the point I have already approved of, I will support the second reading, but will vote in favour of the deletion of any part of the Bill dealing with contracting outside the Act. If members were to prohibit contracting outside the Act, no one would be able to get into a house. The measure was brought down in the first instance to protect people who were already in houses, and upon whom the disaster of unemployment had descended. We have now got beyond that stage. No landlord would admit a new tenant if he knew that such tenant could at once apply to the court for relief from payment of rent. It would be a bad thing to prevent contracting out of this Act. Members opposite have paid a tribute to the decency of landlords generally through this crisis. I have heard them express themselves in private even more strongly in favour of the decency of landlords than they have done in the House. It is remarkable the way landlords have treated their tenants in these times. I am talking of the masses and not of individuals. Of course there are selfish landlords in the community. There is no doubt that both landlords and tenants have played the game remarkably well with each other. We should not have got through the last two or three winters had it not been for the Christian spirit shown by the one towards the other. Had we made the measure more violent as some tenants would have liked, or more conservative as some landlords would have liked, I do not believe we would have got through the last two or three years with the same success as we have done. I am blamed for bringing down the original measure. I did not do so, although I approved of it. I think it was introduced by the Minister for Railways. I daresay it has proved unpopular both with landlords and tenants. We have probably been unpopular with both sides in almost every piece of emergency legislation we have brought down. The landlord did not want us to go so far, and the tenant wanted us to go further; the mortgagees said we were ill-treating them, and the mortgagors said we were not giving them enough. I suggest that the fact that we have met with disapprobation from both sides is proof that we have struck a happy medium. We have steered along the line between the rights and wrongs of both sides. If it should happen that I vacate my seat at the next elections it will probably be because I have displeased

the landlord and the tenant, and the mortgagee and mortgagor. I shall not mind, because we have attempted to do the right thing, and to steer that middle course which could not give all that was desired by either side. At the same time we probably did something approximating justice between the two.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Panton in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 29:

Mr. SLEEMAN: I hope the Committee will see fit to alter the date mentioned in this clause. Six months is quite long enough for this Act to continue. By July next there should be a party in power that is prepared to do more for the tenants than the Attorney General seems willing to do. We might also alter the month, making it next July instead of next December.

The Minister for Lands: That would be a dangerous thing to do.

Mr. SLEEMAN: Parliament will be meeting next July, and the right type of measure can then be brought down. The Attorney General was incorrect when he said that if the method of contracting outside the Act was abolished, people would not get into any house. He knows that already people are prevented from getting into homes. Only those who are working are allowed to rent houses, and the landlord will not take any risk with them either. Some landlords are giving people a good spin, but others are not doing so. It would not do any harm to limit the operations of the Act until July. Tenants should not be allowed to go through next winter under conditions similar to those they went through last winter.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth) [8.17] in moving the second reading said: The object of this measure is to relieve a trustee from personal liability for rates. At present if a man becomes a trustee, either in bankruptcy or otherwise, he becomes personally liable out of his own pocket for rates accrued and to accrue on lands vested in him as such trustee.

The Minister for Lands: Does not the same position arise in road boards?

The ATTORNEY GENERAL: It does, and in the Road Districts Act Amendment Bill there is a clause similar to this, dealing with the subject I do not think I need press the argument farther. It is quite obvious that it is not right that a trustee should become liable out of his own pocket for rates on land vested in him; it is sufficient that he should have a liability in respect of the property vested in him as trustee. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—COLLIE RECREATION AND PARK LANDS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. C. G. Latham—York) [8.20] in moving the second reading said: Last year I introduced a Bill which has since become an Act, to vest in a board certain lands at Collie for the purpose of recreation. The land is in the road board district, but is used principally by the residents of the municipality. The board has found difficulty in raising money for the improvement of the land, especially since the benefit has been bestowed chiefly on the residents of the municipality. The Act has been in operation for a year and, as is the case with most road boards, this board has found itself in financial difficulties. The Bill proposes to give to the local municipal council authority to make either loans or grants to this board, such loans or grants to be subject to the ap-

proval of the Minister and the Governor-in-Council. There is no chance of the Treasury finding any money for them, and the board I refer to has no possibility of borrowing the money itself. So it is thought the local authorities might make available the necessary money.

Hon. W. D. Johnson: How do they propose to borrow it; by a special rate?

The MINISTER FOR LANDS: No, they have their revenue, and they may either make a grant to the board or lend the money. Already a gift of a small sum has been donated by an individual down there. I move—

That the Bill be now read a second time.

On motion by Hon. P. Collier, debate adjourned.

BILL—BRANDS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. P. D. Ferguson — Irwin-Moore) [8.22] in moving the second reading said: The object of the Bill is to modernise the existing Act so as to remove many loopholes for fraud. Since the Act was passed in 1904 there have been very considerable increases in the number of stock in Western Australia and, unfortunately, quite a lot of stealing, particularly of sheep, in the southern areas. It is with the object of getting over this and other difficulties that the Bill is brought down. Not only the stock-breeders, but the Pastoralists' Association, the Royal Agricultural Society and other kindred bodies have on various occasions asked the Government to have most of the amendments in the Bill placed on the statute-book. One amendment provides that the fire brands used for cattle and horses at present, in so far as they apply to stud stock, shall not necessarily be imprinted on the animal, but that a tattoo earmark shall be allowed in lieu. The existing Act provides that the fire brand shall be imprinted on all animals, and naturally breeders of stud stock, particularly stock exhibited at agricultural shows, object to their animals being disfigured by unsightly brands. It has been found that the tattoo marking of the animal's ear is just as satisfactory, and the breed societies of the various animals in Australia are putting their marks on the ears of the animals. It is felt that if that mark be recognised as a brand no hardship will follow. This will apply only to stock that are eligible for registration in the various stud books of the societies concerned. There is also in the Bill a provision for the branding of sheep by the use of the numerals 1 to 9 in addition to the registered earmark. Members interested in the breeding of stud sheep will know the difficulty that has arisen under the existing legislation, which prevents the marking of different families or grades of stock in order that the breeder may readily distinguish one from another. It often happens that a breeder of stud sheep wants to put a distinctive brand on certain ewes that have been mated with certain rams, but under the existing legislation he is not allowed to supply such a mark. It is proposed in the Bill that a breeder or farmer shall be allowed to brand the numerals 1 to 9 on his sheep.

Mr. Coverley: That will apply only to stud stock.

The MINISTER FOR AGRICULTURE: No, it is so provided in the Bill, but notice has been given of an amendment making it apply to all sheep, if breeders of sheep other than stud sheep desire to use it. On a number of occasions applications have been received by the registrar of brands at the Department of Agriculture for permission to register marks for swine and goats, for which no provision is made in the existing Act. While it is not proposed that any compulsion shall be used in the branding of goats and swine, it is felt that if any breeder of those animals wishes to place a mark on them, it should be only a registered brand. It is proposed that if any brand or mark be registered for swine or goats it shall be in the same position as that used for sheep. The parent Act provides that sheep shall be branded with tar or pitch, but it has been found that those materials are deleterious to the wool. Every up-to-date sheep breeder is using branding oil of a type that comes out in the scour, and so no damage is done to the wool. It is proposed to eliminate the word "pitch" and insert "branding oil" instead. The provisions of the parent Act with regard to the size of brands and earmarks have been more accurately defined, limiting over-all measurements to 9 x 3

inches. In the present Act also it is provided that there shall be a publication of the Brands Directory in every year after the 31st December, and also the brand registered and the brands transferred quarterly shall be advertised in the "Government Gazette." It is felt that that is altogether an unnecessary provision and that the publication of the Brands Directory annually is quite sufficient. In the course of years a considerable number of brands are registered and it is intended periodically to communicate with those who have registered brands and ascertain that the brands are still in use, and whether the holders want to retain the registration. If they do not, it is proposed to make the brands available for re-allocation to other applicants for them. Owing to the enormous number of brands that are registered, the most suitable brands are all applied for early, and many applied for to-day are not so acceptable to stock owners as those that were available years ago. If those who registered years ago will not go to the trouble of cancelling the brand a fee of 2s. 6d. is charged for the cancellation —it is proposed to give the registrar power to cancel the brand and re-allocate it to someone who may have made application for it.

Mr. Marshall: How will he know whether the holder has no further use for it?

The MINISTER FOR AGRICULTURE: He will not be allowed to do anything with it unless he gets the consent of the person who registered it. Often a person who has to pay a cancellation fee of 2s. 6d. will not go to the trouble of cancelling the brand and consequently it is held up indefinitely. An important provision of the Bill is that which refers to the provision of penalties for cropping and mutilating sheep's ears, and it is made a punishable offence to be in possession of such sheep. To-day there is a good deal of sheep stealing, and when sheep are stolen the ears are often mutilated to such an extent that the earmarks are indistinguishable. It is a very easy matter to mutilate sheep's ears so that the earmarks will not be recognised and it is not always easy to detect the sheep stealer. It is therefore proposed to make it punishable for any person found in possession of sheep with mutilated ears. Where they are mutilated by accident, or where the ear is taken off for any reasonable reason, no objection will be raised.

Mr. Marshall: Does the Bill provide for that?

The MINISTER FOR AGRICULTURE: No, but it will be administered with common sense, and where there are no suggestions of dishonesty there will not be any prosecutions. In the districts where sheep stealing has been going on there is a great deal of inspection.

Hon. P. Collier: Most of it along the Great Southern, down Pingelly way.

The MINISTER FOR AGRICULTURE: A further provision is made fixing an age limit to which unbranded stock may be held. The provision at present is that stock shall not be branded until they reach the age of 18 months, but it is proposed in the south-west division of the State that in future stock must be branded on reaching the age of four months. This provision has been included in the Bill at the wish of the Agricultural Bank due to the fact that a number of young stock have come from areas where the Agricultural Bank is financially interested, and have been sold in the metropolitan area as clean skins for veal. Wherever the mortgagee of any stock gives notice in writing to the owner of the stock that he shall brand them when they reach the age of four months, that will have to be done. No hardship will be inflicted on owners of stock in the larger areas in the North.

Hon. P. Collier: Does that apply to cattle?

The MINISTER FOR AGRICULTURE: Yes, particularly to cattle.

Hon. P. Collier: I know now why it has been introduced.

The MINISTER FOR AGRICULTURE: The present Act does not make it compulsory for the branding of stock until they reach the age of 18 months, and it is found that young stock can be disposed of prior to that age. There are several other minor alterations that can be explained when the Bill reaches the Committee stage. One is that the maximum size of the earmark on cattle which in the parent Act is not defined shall now be fixed at 1 inch in length and 5/8in. in width. Previously many of the brands that were registered were large enough to completely obliterate the ordinary earmark. I move—

That the Bill be now read a second time.

On motion by Hon. P. Collier, debate adjourned.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

THE MINISTER FOR HEALTH (Hon. C. G. Latham—York) [8.40] in moving the second reading said: It is unnecessary to remind hon. members of the necessity for keeping our health laws in accordance with health practices. On previous occasions, when measures have been submitted for the amendment of health legislation, the need has always been shown for keeping pace with the times. A pleasing feature is that we meet on common ground when it is a question endeavouring to protect the health of the community. So infrequently do we hear of any severe criticism of the Act itself, or of the duties of the health officials, that it may be said with justification that the law is sympathetically administered by those who are charged with the administration. Parliament has vested great powers in the Commissioner of Health and in the inspectors who are under him. Standing foremost of the many people to whom our gratitude is due for the splendid work in the health field of labour is the figure of our friend the hon. member for Hannans (Hon. S. W. Munsie). Having followed him in the Ministerial care of the Health Department I can truthfully say that he brought a new light and forced us into the right perspective of our health obligations to which we commonly subscribe today. Indeed, he lifted the health outlook from the rut of careless thought, and his work in that connection will always receive the recognition due to him. Mainly, the present Bill is a replica of that introduced by the member for Hannans in 1928.

Hon. S. W. Munsie: Excepting for the crowing of the roosters and other noises.

The MINISTER FOR HEALTH: That Bill as some members will recall passed this House but reached another place too late in the session for the attention it deserved, and for that reason was dropped at the end of the session. Except for certain further amendments which have become apparently necessary since 1928 the Bill now before us is similar, apart from some redrafting, to that submitted and previously approved. Many of the provisions are of minor character, but the Bill also contains some important proposals. The latter will receive full consideration when the Bill is being dealt with later on in Committee, and I shall be able to provide members with further information then. Touching on the more important aspects only, it is proposed to alter the definition of "infectious diseases." Under the existing legislation many diseases are included, although they are not regarded in these days as infectious in any other part of the civilised world. The definition that appears in the Bill has been agreed upon by the Central Health Council of Australia, and Governments have been asked to make their health laws uniform throughout the Commonwealth. For that reason the definition appears in the Bill. It is desired to have uniformity so that should there be an outbreak of any infectious disease, more effective control can be exercised and statistics can be kept both as regards the progress or decrease of the disease and the methods adopted for its control. In the latter respect uniformity is most desirable in order that reliable information may be secured with reference to the results of treatment administered and also to the methods of treatment. Hon. members will appreciate the difficulties that were apparent in connection with the outbreak of pneumonic influenza. The same care and attention may not be given to the control of the outbreak in an adjoining State, for instance, as we exercise within our borders. I have already pointed out that certain diseases are covered by the present definition of infectious diseases, and there is provision in the Bill for the inclusion of others that present-day conditions may necessitate. Under the provisions of the principal Act the Governor has power to add other diseases to those embraced within the definition and advantage has been taken of that from time to time, when other diseases have been brought within the scope of the definition. That power will be continued. On the other hand we shall eliminate some of the diseases that at present are embraced within the terms of the existing definition. The Bill also provides that when the boundaries of a road board area are altered, the boundaries of the health district will be automatically extended at the same time. At present that is not so, and it has been

found necessary to alter the boundaries of road board areas from time to time. At times the health board areas have overlapped in consequence. The Bill provides that when the boundaries of a road board area are extended, those of the health board will be extended automatically at the same time. Thus the difficulty will be overcome. A new principle is introduced by the Bill, and in future it is proposed that health boards shall be elective and not nominated bodies as in the past. Under the Municipal Corporations Act, a municipal council becomes the health board, but that is not the position under the Road Districts Act. Of course a road board may become the health authority, but should that not be the position, the existing legislation does not provide any means whereby an election may be held. In those circumstances, health boards have to be nominated. It is now proposed to give the local authorities the same powers that exist under the Municipal Corporations Act. By that means the members of the health board will be elected on the same franchise as the members of the road board.

Mr. Marshall: On the same roll?

The MINISTER FOR HEALTH: Yes, and the election will take place on the same day. Normally a road board automatically becomes the health board, but within the metropolitan area there are certain health boards that are not the road boards. Those health boards were nominated bodies, but now they will be elective.

Hon. S. W. Munsie: The Health Department has power to authorise an election in those circumstances.

The MINISTER FOR HEALTH: I do not think so. I think the hon. member, when Minister, would have been glad to have authorised an election at Osborne Park, but he did not have the power to enforce such a procedure.

Hon. S. W. Munsie: We did so; we forced an election on one occasion.

The MINISTER FOR HEALTH: Is that so? I understood that the department had not that power.

Hon. S. W. Munsie: I do not know whether we acted illegally, but we held an election after sacking the health board twice.

The MINISTER FOR HEALTH: Another innovation is the provision under which sanitary areas can be constituted. This power is intended to apply to small towns where the establishment of a local board of health would not be justified. The sanitary boards will be limited in their powers in specific areas where they are necessary. A matter requiring attention relates to cases where local authorities join together in the appointment of a health officer. To the existing law in that connection it is proposed to add the provision that the appointment made will have the effect of a continuing appointment and that the salary and the proportions to be paid by the respective bodies may be varied from time to time, with the proviso that any appointment made by the Commissioner shall be automatically terminated if the bodies concerned unanimously agree on some other joint appointment, which could be approved by the Commissioner under Section 27.

Mr. Corboy: On a point of order. Is the Minister in order in reading his speech?

Mr. SPEAKER: Under the Standing Orders, no member is allowed to read his speech, but I take it the Minister is reading from notes.

The MINISTER FOR HEALTH: I am sorry I have offended the member for Yilgarn-Coolgardie.

Mr. Corboy: You have not.

The MINISTER FOR HEALTH: I must have done so, otherwise the hon. member would not have gone out of his way to draw attention to the fact that I was reading from my notes. I cannot claim to have a full knowledge of the details, and in order that the House might be supplied with the fullest information, I made extensive notes. As I have offended the hon. member and as the practice is against the Standing Orders, I shall refrain from doing so in future.

Hon. S. W. Munsie: The Bill refers to many technical matters.

The MINISTER FOR HEALTH: Of course it does. Some difficulties have been experienced in the adjustment of the proportion of the salaries of health inspectors in the circumstances to which I was alluding, and it is proposed to overcome that difficulty by the relative clause in the Bill. In some districts there is not sufficient work to justify the appointment of a full-time inspector, and it has been customary for two or three health boards to join together in appointing an inspector to deal with the work in the areas concerned. The proportion of the salary paid to the official has

been allocated to the different boards, but difficulties have arisen in that direction. When the Bill was first submitted to another place, it was intended that, should a local authority neglect to carry out their duties, the members of that body would be liable to prosecution. That was not agreed to by the Legislative Council. I may point out that when the former Bill was introduced in this Chamber provision along those lines was agreed to. It is very important, particularly in critical periods, that members of a road board shall carry out the obligations entrusted to them by the Health Act. If that is not done, serious consequences may result. It is felt that the Government should have greater powers than are possessed to-day to meet this difficulty, and it is proposed to make the members of the boards personally liable for default along those lines.

Mr. Corboy: That power would be used only in a case of emergency.

The MINISTER FOR HEALTH: Yes, and the power would be exercised by the Commissioner with due discretion.

Mr. Corboy: If that were not so, there would be such a shindy that the trouble would be quickly rectified.

The MINISTER FOR HEALTH: Under the existing laws health boards have no power to arrange for overdrafts at the bank. In some instances, some local authorities have already secured overdrafts and it is proposed to ratify such agreements entered into between the financial institutions and the boards. To clear up the point, it is proposed to give the health boards power to obtain overdrafts under the same conditions as road boards now obtain them. Another matter dealt with in the Bill is the provision that will enable local governing authorities to put in sewerage installations, and make advances to enable the work to be undertaken. That power will be exercised in conjunction with the Commissioner of Health and the Public Works Department. The work will not be undertaken merely at the instance of the local governing authority, but it will be done in consultation with the Government authorities I have mentioned. That would provide for a position such as a proposal to instal septic tanks without due regard to the possibility of a deep sewerage system. The Bill provides that a local authority shall be able to construct a sewer in any portion of their district and levy upon the rateable land in such district, such rates as will cover the cost of the undertaking. It is proposed to give power, subject to the approval of the Commissioner of Health, to local authorities to provide sewerage systems where the water supply necessary is available. As I have indicated, in such instances the boards will have power to rate the properties that will be sewered. That will deal with a matter that is exercising the minds of local governing authorities with regard to the actual responsibility for the payment of the rates. To-day the person occupying the house is responsible, and it is proposed that the responsibility in future shall rest with the land owner himself. Power is also provided for attention to be given to sanitary services required at picnic and holiday resorts. That will be of a temporary nature only. All that we can do to-day is to provide that there shall be a sanitary service for a certain number of people. From time to time, however, thousands of persons frequent holiday resorts and picnic grounds where there is no adequate provision for their requirements. The Bill will deal with that phase and overcome the existing difficulty. Another provision is included in the Bill with the object of preventing a local governing authority from depositing nightsoil in another road board area without the approval of the Commissioner. That particular provision will have to be made use of with discretion. If members consider the position of a road board like that of Peppermint Grove, they will see that no provision for the depositing of nightsoil could be made there.

Mr. Corboy: Except by spoiling the river.

The MINISTER FOR HEALTH: That would not be permitted at all. On the other hand, some local authorities have plenty of land suitable for the purpose and yet they deliberately go to a district under the jurisdiction of another health authority.

Mr. Corboy: You are not referring to the Perth City Council, are you?

The MINISTER FOR HEALTH: From that point of view, the Bill will give the Commissioner the authority to determine where the nightsoil shall be deposited. It also provides that the local authorities shall have power, when they make advances to enable premises to be sewered, to levy the resultant charges against the land.

Hon. S. W. Munsie: Under the existing law the charge can be levied only as against the house and if it should be burnt down, there would be no security whatever.

The MINISTER FOR HEALTH: That is the position. Another clause in the Bill will compel everyone to have an adequate water supply attached to the house.

Mr. Panton: Is it necessary that the supply shall comprise clear water?

The MINISTER FOR HEALTH: Some people use water carelessly, while others are careful. All we can say is that there shall be an adequate water supply. There are houses that have not been provided with even a thousand gallon tank and water has to be carted from the very first day the house has been occupied.

Mr. Angelo: What part is suggested?

The MINISTER FOR HEALTH: I think it will apply to prescribed areas. The Bill consists largely of amendments to the Act, and it is most difficult to memorise the whole of the points. Consequently I shall ask members not to object if I miss anything because the Bill is one to be considered more particularly in Committee. There has been some difficulty in carrying out the law regarding the inspection of furniture in boarding-houses and other places where lodgers are accommodated. Greater power is proposed, not only to inspect such places, but also to destroy furniture, bedding and clothing that is found to be verminous. It is proposed to take power to deal with persons in a verminous condition who are found frequenting public places.

Mr. Panton: Are they to be destroyed, too?

The MINISTER FOR HEALTH: We desire to prohibit persons from going around and advising the use of artificial food for infants under six months of age. I presume that most of the letters that have lately appeared in the Press were designed to influence members, but my knowledge of members leads me to believe that they will be very little influenced by such correspondence. In order to sell artificial food to mothers, nurses are employed. Evidently it is considered that they would impress a mother more than would an ordinary salesman. I have no objection to nurses undertaking the sale of artificial foods, so long as they are qualified as infant health nurses. We stipulate that they must have some qualification before they vend infant foods, and we shall have an opportunity to determine whether the foods offered for sale are suitable or not. We propose to deal with the nursing profession by extending the period of training of midwifery nurses. At present candidates for registration must produce evidence of at least 12 months training in midwifery at an approved institution, but where the candidate has had three years training in an approved institution as a nurse, it is necessary for her to have only six months training in midwifery. It is now proposed to alter the existing periods of training to 18 months training in midwifery for an untrained nurse and to nine months for a trained nurse. There are continual complaints that our period of training is altogether too short.

Mr. Corboy: Even as it is, it is a vast improvement on the old Sairey Gamp system.

The MINISTER FOR HEALTH: Yes. We have reason to be proud of the midwifery service in this State. I think I can pay a tribute to a woman whom any State would be proud to have and that is Matron Walsh of the King Edward Memorial Hospital. I do not think there are two of her kind in Australia, and there is no doubt that the nurses who have an opportunity to train under her are very fortunate indeed.

Mr. Corboy: Do not you think that a woman who has had 12 months training under her would be competent without another six months of special training?

The MINISTER FOR HEALTH: She would be all the better for the extra training. At present a large number of nurses are out of employment, and this is a good opportunity to get better trained nurses.

Mr. Corboy: Is that the reason for it?

The MINISTER FOR HEALTH: No, the hon. member cannot catch me like that. A point mentioned by a member just now was that concerning a doctor attending a school and finding it in the interests of a child to order medical or surgical treatment. We propose to compel the parent to have the child treated. Treatment will be made available for parents who are unable to pay for it. There have come under notice instances of people neglecting to have their children treated, and that is not fair to the children.

Mr. Sleeman: Are you going to compel a parent to have his child undergo a surgical operation if he does not desire it.

The MINISTER FOR HEALTH: In the interests of the child, yes.

Mr. Sleeman: You would not compel me to do so if I did not desire it.

The MINISTER FOR HEALTH: I do not think the hon. member would be unreasonable. If he considered that the child required surgical treatment, he would have it attended to. He would not be so unfair to the child as to neglect to have it treated.

Mr. Corboy: There are people who do not believe in surgical operations.

Mr. SPEAKER: Order! Members will have an opportunity later to discuss the Bill.

The MINISTER FOR HEALTH: There are people who have religious objections.

Mr. Corboy: Conscientious objections.

The MINISTER FOR HEALTH: Provided it is not to the disadvantage of the child——

Mr. Corboy: Who is going to judge of that, you or the parent of the child?

The MINISTER FOR HEALTH: If it be found on the second examination that a child has made no progress, we shall be justified in asking the parent to bring the child along for treatment.

Mr. Corboy: You are asking for socialistic control of the whole of the children of the country.

The MINISTER FOR HEALTH: We are not asking for anything of the sort.

Mr. Corboy: You propose to take the children right out of the control of their parents.

The MINISTER FOR HEALTH: We take children out of the control of parents to-day and force them to be educated. We also compel people to observe the laws of the State.

Mr. Sleeman: You do not now compel children to be vaccinated.

The MINISTER FOR HEALTH: I daresay that if there was an outbreak of smallpox we would insist upon vaccination. The member for Leederville (Mr. Panton) was vaccinated not long ago.

Mr. Marshall: He must have been vaccinated with a gramophone needle, judging by the way he behaves here.

The MINISTER FOR HEALTH: I wish I had some torture other than a gramophone needle that I could apply to some of my friends opposite sometimes. If members consider that children should be allowed to continue in an unfortunate condition because the parents refuse to take the opportunity to have them treated, members must take the responsibility for their action.

Mr. Corboy: The Criminal Code already provides a remedy against such a parent.

The MINISTER FOR HEALTH: Surely this is an easier way. Under the Criminal Code a parent or guardian is not permitted to ill-treat a child, but we consider this would be a far easier way to secure treatment for a child needing it.

Mr. Corboy: Has there been so much trouble that it is necessary to amend the Act in that way?

The MINISTER FOR HEALTH: Yes, we have had a lot of trouble. No proceedings will be taken against any parent or guardian until a further examination has been made by the medical officer and a medical practitioner in consultation. We shall not accept the decision of one doctor.

Mr. Corboy: Have you had a lot of trouble in that direction?

The MINISTER FOR HEALTH: Quite a lot. I should not like to tell the hon. member the details of a case I have in mind, but it was a shocking case and it occurred not long ago.

Mr. Corboy: I do not desire to hear the details.

The MINISTER FOR HEALTH: If the hon. member had seen the child, I am sure he would be convinced that something ought to be done. A very simple operation would have effected a cure. As it is, probably the child will suffer through life the consequences of neglect. Children so ill-treated become social derelicts on account of the neglect of their parents. I have no desire to force parents into doing things against their will, but where other lives are concerned, they must be given a reasonable chance. When the Bill reaches Committee, I propose to move a new clause to deal with the difficulty arising from arsenic fumes at Wiluna.

Mr. Marshall: Why pick Wiluna? It is not the only place.

The MINISTER FOR HEALTH: It is quite an important place in this respect.

Mr. Marshall: But why pick it?

The MINISTER FOR HEALTH: I am not picking it. A large quantity of arsenic is being obtained at Wiluna and a

great deal is escaping in fumes. In the interests of the people working there, something must be done.

Mr. Marshall: I have an amendment to move.

The MINISTER FOR HEALTH: I do not propose to enter into details at this stage, but there is need for some control in that area and we believe that it can best be effected under the Health Act. That is one place where there will be a prohibition against the use of rain water tanks.

Mr. Corboy: So long as that is the only prohibition, it will be all right.

The MINISTER FOR HEALTH: I do not know whether it will be the only one. We propose also to enforce the examination of aborigines in the North so that any bush native or half-caste may be brought in for examination. I am satisfied that members who represent the North are aware how difficult it is to combat disease amongst the natives and how difficult it is to get the natives in order to treat them. We propose to take power to compel them to come up for examination and treatment if necessary.

Mr. Marshall: I thought you already had that power.

Mr. Corboy: You will have to catch them and then hold them.

Mr. Marshall: You will have to leg rope them.

The MINISTER FOR HEALTH: It is proposed to extend this power to all medical officers of health under the Health Act, who will be empowered to catch a native for examination and treatment.

Mr. Panton: Will you provide them with running shoes?

Mr. Wansbrough: You might use some emus to run the natives down.

The MINISTER FOR HEALTH: I do not know that the medical officers will have power to arrest the natives, but they will have power to examine and treat them. Older members will recall that the member for Hannans, when Minister for Health, introduced an amendment to the Health Act. This Bill is almost identical with the one he introduced, which was passed by this House. Members are fully alive to the responsibility for protecting the health of the community, and the Bill has been framed to that end. I move—

That the Bill be now read a second time.

On motion by Hon. S. W. Munsie, debate adjourned.

BILL—SPECIAL LICENSE (WAROONA IRRIGATION DISTRICT).

Council's Amendments.

Schedule of two amendments made by the Council now considered.

In Committee.

Mr. Panton in the Chair; the Minister for Works in charge of the Bill.

No. 1.—Clause 2, definition of "Licensee," line 2, delete the words "and reduced."

The MINISTER FOR WORKS: The amendment to Clause 2 of the Bill has been made by another place because of the fact that when the original Act was passed, the name of the company was "Nestle's Milk Co. Ltd. and Reduced." That title was necessary because the reduction in capital had to take place over a certain number of years. That period has now expired, and the company have accordingly asked that the words "and Reduced" be deleted from the Bill. I move—

That the amendment be agreed to.

Question put and passed, the Council's amendment agreed to.

No. 2.—Clause 3, Subclause (1), line 2.—Delete the word "ninety-nine" and insert the word "fifty."

The MINISTER FOR WORKS: Members may recollect that the original license was granted for a period of 99 years, but another place has thought fit to reduce the term to 50 years. The company are quite satisfied to accept the amendment. I move—

That the amendment be agreed to.

Hon. P. COLLIER: When the original Bill was before this House, a somewhat similar amendment was moved. At first it was suggested that the term should be 21 years, and then 50 years, but the House was most emphatic that nothing less than a term of 99 years would suffice. All the usual arguments about encouraging industry by granting security of tenure were advanced in opposition to a shorter term. Another place

has now seen fit to reduce the period from 99 years to 50 years. Personally, in view of the times through which we are passing, I think a term of 21 years would have been long enough. I therefore move an amendment on the Council's amendment—

That "fifty" be struck out and the words "twenty-one" be inserted in lieu.

I am sure that on reflection members will see the wisdom of the amendment. We know that the State has been tied up for 40 years over the agreement to supply electricity to the Perth City Council. That ought to warn us against doing similar things in this instance. Who can peer into the future for two or three years, let alone for 50 years? The water channel may dry up, and the company may have a claim for damages against the Government. It is not right that we should sign up for 50 years.

The MINISTER FOR WORKS: No monopoly has been given to the company. If there is no water we are not called upon to supply any. As a fact there is enough water for a dozen other factories.

Hon. P. Collier: Then what is wrong with the 21 years?

The Minister for Lands: It is too short a time.

The MINISTER FOR WORKS: The company approached the Government for a 99-years' lease and expressed their intention of spending £30,000 in the establishment of a condensed milk factory. They have to pay for the water, and have to return 90 per cent. of it to the drain in good condition. All we say is that the company may take water for 50 years if it is there to take. They have agreed to accept the altered term and I, too, am willing to accept it.

Hon. P. COLLIER: In the first place, a term of 99 years was the minimum that was acceptable, but now the company are prepared to accept a 50 years term. Who is to say that they would not be satisfied with 21 years? They knew that the agreement was subject to the approval of Parliament, and the Government could not guarantee what view Parliament would take. I think the company would accept any term Parliament might decide upon. Whilst I appreciate the fact that this company have established works in Western Australia, I know this was not done for any other reason than that it seemed a sound business proposition. There is nothing to thank the company for, as they have acted entirely in their own interests. I hope the Committee will reject the amendment from another place.

Hon. M. F. TROY: The Minister in agreeing to the amendment of another place has given away his case, because he strenuously fought for a 99 years' lease and now, without demur, he accepts the amendment sent to us from the Council. So apparently the tenure this company is to have is not very important after all. If 21 years gives sufficient security to warrant a pastoral lessee in spending £25,000 on his property, surely a similar term should be satisfactory to this company. Conditions are changing very rapidly. There is no longer a demand for 99-year leases and I do not think the company will object to a 21 years' lease.

Mr. McLARTY: I hope the amendment moved by the Leader of the Opposition will not be agreed to. When this company came to Western Australia it did not expect any difficulty in getting the longer lease, else it would not have spent £30,000 on its factory. Under the lease we are not giving away anything at all, and every possible contingency is provided against. We do not know what Parliament may do 21 years hence.

Hon. P. Collier: Or even 99 years hence.

Mr. McLARTY: The company will be a boon to the State, and we should do all we can to encourage it.

Amendment put and negatived.

Question put and passed; the Council's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Council.

BILL—DAIRY CATTLE IMPROVEMENT ACT AMENDMENT.

Council's Amendments.

Schedule of two amendments made by the Council now considered.

In Committee.

Mr. Panton in the Chair; the Minister for Agriculture in charge of the message.

No. 1.—Clause 5, Insert after "deleting" in lines 26 and 27 the words "all the words in lines one, two and three of":

The MINISTER FOR AGRICULTURE: The Act provides that the registration of a bull shall be refused if the bull is below reasonable standard. When the Bill was before the House the question rose as to whether the proviso in the Act for an appeal to a board by the owner of a bull refused registration would still obtain. I told the House that it would, but I afterwards discovered that it would not, and so I took steps to have the omission amended in another place. This is the amendment, and I move—

That the Council's amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2.—Clause 5, Delete the words "a subsection" in lines 27 and 28 and insert *in lieu thereof* the word "words":

The MINISTER FOR AGRICULTURE: I move—

That the Council's amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message according returned to the Council.

House adjourned at 10 p.m.

Legislative Council,

Thursday, 17th November, 1932.

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

MOTION—SUPERPHOSPHATE BONUS.

HON. H. V. PIESSE (South-East) [4.33]: I move—

That should the proposed Federal Government cash bonus on superphosphate be definitely decided upon, this House is of the opinion that it should be distributed on a cash basis of £1 per ton of superphosphate used by each farmer or grazier during the year 1932-33.

I have in mind the grave disappointment that wheatgrowers have suffered in connection with the proposed Federal legislation. It is a most serious matter. The morale of our primary producers must be maintained. My proposal is that the bonus it is proposed to pay on super should be paid to the farmers on last season's supply. I realise that a large percentage of the farmers were unable last season to pay cash for their super, and purchased it on terms. I feel that if a bonus could be allocated to them in connection with their cropping operations for last year, it would greatly encourage them and also provide them with necessary cash. Take the case of a farmer who used 20 tons of super last year. He would receive a cash bonus from the Federal Government of say, £20. That would be very helpful to him in providing clothing and other necessities for his family, and in meeting minor expenses on the farm. It must not be forgotten that graziers, who have expended money on super for top dressing, would participate in the bonus. The passing of the motion would considerably strengthen the hands of the Government when placing the matter before the Federal authorities. I believe in the 4½d. bonus paid on the whole of the wheat grown in Western Australia, but failing that I think this motion would be a good talking point for the State Government in their endeavour to get assistance for farmers along the lines I have indicated.

HON. J. CORNELL (South) [4.36]: Obscurity seems to surround the payment of the superphosphate bonus. I understand that the Commonwealth Government have practically earmarked 2¼ million pounds to be disbursed in the agricultural industry. One million of that is to be set aside as a superphosphate bonus. Seeing that this applies to next year only, it will be tantamount to saying that in this State, where the farmer has really little difficulty in