Legislative Council,

Tuesday, 20th September, 1927.

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

QUESTION—INDUSTRIAL ARBITRATION ACT.

Hon. A. LOVEKIN asked the Chief Secretary: In view of recent happenings in the newspaper industry, (a) is it the intention of the Government to repeal the Industrial Arbitration Act; (b) if not, what action do the Government intend to take to enforce efficiently the provisions of the Act?

The CHIEF SECRETARY: replied: (a) No. (b) The Government have no knowledge that the Act has not been enforced.

QUESTION—MENTAL TREATMENT, COST.

Hon. J. J. HOLMES (for Hon. Sir Edward Wittenoom) asked the Chief Secretary: What is the annual expenditure on lunatic asylums, including payments towards the maintenance and support of all patients suffering from mental diseases.

The CHIEF SECRETARY replied: The gross expenditure for the last financial year in connection with Hospitals for the Insane was £99,736. The revenue collected in respect of maintenance of patients and from minor sources for the same period was £16,478.

BILLS (2)—THIRD READING.

1, Judges' Salaries Act Amendment.

2. Agricultural Lands Purchase Act Amendment.

Passed.

BILL—PERMANENT RESERVE.

Third Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.37]: I move—

That the Bill be now read a third time.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [4.38]: The object of this Bill is to give the Government power to resume land for the erection of buildings for the State Savings Bank. I desire to direct the attention of the Chief Secretary to the fact that neither the Government nor the City Council, during the past 20 years, has erected any buildings in Perth that in my opinion accord with a proper architectural standard. Recently the Government erected a building on the Parliament House block. I do not know whether the desire of the architects was to avoid spoiling the appearance of the old barracks, now used as offices for the Public Works Department, but in my opinion the new building is no ornament to the architecture of the city. It is more like a car barn than anything else, and perhaps would be worthy of the architecture of Coolgardie or some other remote place. In the city of Perth are to be found buildings of architectural design equal to any in the Commonwealth. St. George's House, which is of stone, is one of the finest examples of architecture in Australia. The Western Australian Trustee Executor and Agency Company's building recently erected has been embellished with polished granite and is of excellent design and splendid appearance. The A.M.P. buildings are a model of architecture and an example of the fine work that is possible with local stone. I suggest to the Government that when they consider the design of the building for the State Savings Bank they adopt something worthy of the city, and follow the example set by the citizens of Perth by building for the future. Of the Government buildings in Perth, with the possible exception of Parliament House, there are very few that have any distinctive design or any claim to architectural beauty. I make this suggestion in order that the Government may follow the admirable example set by our citizens. A number of buildings have been erected by the Government and the only features of them are bricks and tuckpoint. I hope that the new building in Barrack Street will consist of stone or granite—we have the material avail-

able—and that the Goverment will set a higher standard of architecture than they have done in the past.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [4.40]: I thank Sir William Lathlain for his suggestion and, in accordance with my custom, I shall send a report of his remarks to the authorities of the Savings Bank. I shall also bring the matter under the notice of the Premier at the first opportunity.

Question put and passed.

Bill read a third time and *passed*.

BILL—BREAD ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th September.

HON. E. H. HARRIS (North-East) [4.41]: If ever there was a measure introduced into Parliament about which Labour representatives should examine their consciences before voting in support of it, I suggest that this is the one. Section 16 of the Bread Act of 1903 was framed obviously to protect the worker—the operative baker—from employers whose desire was that he should work on the Sabbath. Therefore the legislature, in its wisdom, precluded the baking of bread on that day until after 5 p.m. It has been said by many people from time to time that there is a tendency to revert to the days of slavery when a man had to work seven days a week. That is why Parliament legislated against people working on Sunday. I remember when the whole of the mines worked on Sunday, and it was only by legislation that Sunday work in the mines was abolished.

Hon. J. R. Brown: Gold does not go stale as bread does.

Hon. E. H. HARRIS: That does not matter; the point is that Parliament legislated to prevent people from working on Sunday. When the Bread Bill was introduced originally its object was to prevent Sunday work in the baking trade.

Hon W. T. Glasheen: The bakers have their Sunday on Saturday.

Hon. E. H. HARRIS: In various parts of Western Australia there are bakers at given centres where they have trains on alternate days only and they send bread to one district on Monday and somewhere else on Tuesday. By these circumstances they are governed in the baking of their bread. I wish to recall a page or two of history relating to the Bread Act, Section 16 of which we are asked by this Bill to repeal. Let me take members' minds back to 1903 when the Government—not a Labour administration—introduced a Bill to prevent the baking of bread on Sunday. At that time there was only a limited number of Labour representatives in Parliament. The original Bill provided for no baking of bread on Sunday. I should like Mr. Gray to make a mental note of that fact. In the Legislative Assembly of that period it was suggested that bread should be baked at any time after 7 p.m., and an amendment to that effect was moved. According to page 1964 of "Hansard" for 1902, the Colonial Secretary of the day said—

> All difficulties would be met by giving bakers permission to work on part of the Sunday night, starting say at 7 o'clock, thus prohibiting them from working between midnight on Saturday and that hour on Sunday, giving the day for recreation.

A Labour representative of that period, Mr. Johnson—

> opposed the amendment of the clause, which had been inserted in the interests of the employees. What need was there to start baking early on Sundays. He was opposed to Sunday work, and objected to deputations from Perth residents waiting on the Colonial Secretary and claiming to represent the State, whereas they knew nothing of the matter save the requirements of their own shops.

Hon. J. Nicholson: Is that Mr. Johnson the present member?

Hon. J. J. Holmes: Is that the Mr. Johnson behind this Bill?

Hon. E. H. HARRIS: Mr. W. D. Johnson, member for Guildford.

Hon. J. Cornell: But what you have quoted dates back 24 years.

Hon. E. H. HARRIS: It dates back 23 years. The hon. member was putting up a case for the baker to have his day off.

Hon. J. Nicholson: Then Mr. Johnson did not believe in Sunday baking?

Hon. E. H. HARRIS: He did not, and in his opposition to it he was ably supported by Mr. Daglish, Mr. Hastie, Mr. Bath, and Mr. Taylor. In a division on the question they all voted against Sunday baking. I mention this by way of preliminary. Now I wish to carry on from the passing of the

1903 Act. The first indication we have of the present Bill is an Arbitration Court award made in 1919. Apparently neither employers nor employees nor union advocates were aware that the Act of 1903 had been passed. If any of them knew it, they remained perfectly silent on the subject. An Arbitration Court award was made, and that takes us along to 1924, when a three-years agreement was arrived at between employers and employees, everyone again forgetting that bread could not be baked after 5 p.m.

Hon. J. R. Brown: Why remind them?

Hon. E. H. HARRIS: Because the hon. member interjecting, who may support the present Bill, should be made aware of the history of the matter from the Labour standpoint. The three-years agreement provided for starting work at 12.30 p.m. on Sunday. In conversation with a master baker I learnt that the master bakers had not asked that on Sunday the men should work eight hours, but 6½, starting at 12.30 p.m. and ceasing at 6 p.m. The reason was that if a start were made at 12.30 p.m., allowing two hours to get the bread through the oven no Sunday-baked bread would be available for sale on Sunday until after the expiration of the specified time for selling bread. Under the Police Offences Act bread can be sold from 12 noon to 2 p.m. only.

Hon. E. H. Gray: The law needs amending.

Hon. E. H. HARRIS: The hon. member can introduce a Bill for that purpose. However, the object of the master bakers and the employees was to arrive at an agreement suitable to both sides, and to bake bread on Sunday but not at such a time that customers would be able to come to the bakehouse and demand bread, the sale of which on Sunday would be contrary to the Police Offences Act. That agreement was carried out, and as recently as two months ago the Operative Bakers' Union applied to the Arbitration Court for an award in that connection. The master bakers, I understand, declare that they must choose between supplying the people with bread baked on the premises on Sunday and sacrificing their trade. The present position enables the small baker, who does not employ an operative baker, to bake bread and sell and deliver it hot to the people in the neighbourhood on Sunday. An application is now before the Arbitration Court asking for authority to start baking bread at 8 a.m. on Sunday; and that bread will be available for sale some time within the period of Sunday selling, and thus will necessitate the master baker remaining on his premises during the whole of Sunday in order to supply the public demand for fresh bread on that day. The operative baker, I understand, under such an arrangement would work six days a week, but the employer would have to be engaged on his trade seven days per week. The agreement between master bakers and operative bakers still operates, except in the case of special permission granted, I understand, by the inspector. In a communication, dated the 9th September, 1927, from Mr. Neilson, Secretary of the Operative Bakers' Union, to me the following passage occurs:—

> I waited upon the Minister for Health, Mr. Munsie, and placed the position before him, and was successful in obtaining a permit to allow baking to commence at 12.30 mid-day from the Inspector of Public Health until the Government repealed the clause.

Therefore, if we do not repeal the clause or section in question, apparently the inspector's authority to allow the baking of bread as indicated will continue for ever. On the information available I suggest that the permit in question has been in operation now for two years. What in my opinion we should aim at is to amend the Act so as to provide that the inspector can issue a certificate of exemption for a limited period only. The certificate of exemption was inserted in order that under exceptional circumstances the inspector might grant permits of that nature. The public were supplied with bread from 1903 until 1919 without any Sunday baking.

Hon. E. H. Gray: There would be two hours to bake bread in without permission from the inspector.

Hon. J. J. Holmes: We will hear you later.

Hon. E. H. HARRIS: Mr. Gray has already been heard. He said that the master bakers were taking advantage of the Act, and that it was better for the industry to leave Section 16 of the 1903 Act in operation. The hon. member further told us that the master bakers desire the section to remain in operation, and that he and the operative bakers are desirous that the section should be repealed. He said:—"I do not blame the employers for the attitude they are adopting. If I were a master baker, I might think as they do."

Hon. E. H. Gray: I did not say that.

Hon. E. H. HARRIS: I made a note of it when the hon. member said it.

Hon. E. H. Gray: I did not say it.

Hon. E. H. HARRIS: The hon. member can refer to "Hansard," and I cannot. He further stated—

> They want to introduce night baking in small stages. They want these things because they can make more money, and they will sell more bread as the result of its being fresh, and conduct their operations at a greater profit.

The master bakers are not desirous of selling bread baked on Sunday, and therefore would not make that additional profit which the hon. member suggests. I put it to the House that this is a case between the employer and the employee. That case is now before the Arbitration Court, and the statute precludes the court from giving the employees what they desire, but it allows the employers to retain what they desire. Now we find a union advocate before the Arbitration Court practically sugesting, when the court has indicated that it cannot deliver an award along the lines desired by the union, or in accordance with the evidence submitted by the union, "Hold the matter up and I will get the law amended."

Hon. E. H. Gray: The advocate said nothing of the sort.

Hon. E. H. HARRIS: If he did not say anything of the sort, still his actions speak for themselves, and I am telling the House of his actions. A member of Parliament is advocate for an industrial union before the Arbitration Court. He cannot get what the union desire, unless an Act of Parliament is amended. The employers can get what they desire, if the Act remains unaltered. What sort of premium is being placed on members of Parliament appearing as advocates in the Arbitration Court for the future if this Bill passes?

Hon. J. Cornell: Has the hon. member been an advocate in the Arbitration Court?

Hon. E. H. HARRIS: I have, but never at any time did I ask to have an Act of Parliament amended in order that I might defeat the other side.

Hon. J. R. Brown: What were you there for?

Hon. E. H. HARRIS: I was there to speak for myself, and I spoke my piece in my turn. Mr. Gray is asking us to join with him in order to defeat the employers and support the employees. He speaks—sincerely, as I believe—from the standpoint of a Labour man. If all members record their votes on the same basis or on the same line of argument as Mr. Gray, they must ask themselves whether they are representatives of the employers, or of the employees, or of the public.

Hon. E. H. Gray: This is not a party measure at all.

Hon. E. H. HARRIS: The hon. member does not want it to be a party measure, and he puts it up, as was done in another place, with a deal of very nice camouflage. Mr. Gray, speaking again, said:—

> The Bill will give the Arbitration Court an opportunity to make an award in the baking industry in keeping with modern times.

Modern times according to Mr. Gray provide for Sunday baking! Of course the statement indicates day baking. The only Australian State which permits Sunday baking in a capital city is Queensland.

Hon. E. H. Gray: Queensland has day baking.

Hon. E. H. HARRIS: In Queensland bakers start at 8 a.m. on Sunday, and the carters' award prohibits Sunday sales from the bakehouse or from carts.

Hon. A. J. H. Saw: Who gives the permit to over-ride the law now?

Hon. E. H. HARRIS: I do not know whether the Minister does it, or the inspector; I have not the Act before me. However, I may point out to Mr. Gray, who wishes to bring baking conditions into line with modern times, that the only Australian State which permits Sunday baking is Queensland. The baking of bread on Sunday is prohibited in New Zealand.

Hon. E. H. Gray: There is not an Australasian capital city in which bread is not baked on Sunday, and the same applies throughout the world.

Hon. E. H. HARRIS: I am pointing out that the baking and selling of bread are not permitted in some Australian capitals on Sunday.

Hon. J. J. Holmes: Do the bakers get double pay for Sunday work?

Hon. E. H. HARRIS: I do not know what they get. The operative bakers have seen fit to send me certain communications. It seems to me that they change their viewpoint from time to time. In 1919 they asked for Sunday baking in the plaint they placed before the Arbitration Court, and

they obtained it. In a letter written in 1921, they expressed themselves as desirous of dispensing with Sunday baking of bread. The letter, dated 19th December, is signed by Mr. W. D. Johnson and reads—

> Dear Comrades,—At the general meeting held on Saturday, 17th inst., at which on the special business, "Decision regarding the cutting-out of Sunday baking from the beginning of New Year," the meeting declared to give these new hours a trial. Starting from Tuesday, December 27th, the day's work will commence not earlier than 1 a.m. and be a double day. Starting time on Wednesday, Thursday, and Friday will be not earlier than 6.30 a.m., and on Saturday starting not earlier than 6 a.m. finishing before 12 noon. These hours will be repeated on the following week. The next week's work will start not earlier than 1 a.m. on Monday, January 9th, and continue as outlined above until the following Saturday not later than noon. These hours will continue until end of January, when a conference will be held for the purpose of declaring for permanent hours. Please see that these union instructions are loyally obeyed, and wishing all the compliments of the season, I am, yours fraternally (signed) W. D. Johnson.

In 1923 they submitted a schedule which excluded the Sunday baking of bread. It was put up by Mr. Padey, the acting secretary, in the absence of Mr. Johnson—I will read an extract from his letter—

> On the 3rd March, 1923, Mr. W. D. Johnson submitted a schedule of working hours, starting at midnight on Sunday to Saturday a.m. (Sunday work was excluded), and on the 5th March, in the absence of Mr. Johnson, Mr. Padey wrote to the master bakers offering to put the proposals into operation.

That shows how they changed their front from time to time. Then we have the agreement made in 1924, which has since been proved cannot put it into operation. Now we have the application that is before the court at the present time. Mr. Gray in his speech said "the function of the court was restricted because the employers take advantage of Section 16, thus placing a severe handicap on the application of the union." I submit that it is not a handicap at all. Before the court was approached both sides knew that the statute was in existence; the enforcement case, drew attention to it, but they built up the whole of their case on the baking of bread at 8 o'clock on Sunday morning. I submit that the parties had ample opportunity to become aware of the conditions that prevailed before they went to the court. I am not convinced that the case the union has put up is perhaps the right one, but I am judging the matter from the attitude of the operative bakers from the time its citation existed up to the present moment. Mr. Neilson, the secretary of the Operative Bakers' Union, in a further communication said—

> Our agreement has expired and the case for the new award to cover the whole of Western Australia has been dealt with by the court. All the evidence has been completed and in our citation we have asked the court to grant an 8 a.m. start on Sunday.

I direct the attention of members to the amendment we have before us, which is framed to alter the position of things. It reads—

> Provided that this section shall not apply in any district or area for which an industrial award or industrial agreement relating to the baking trade is for the time being in force in which a time for commencing work on Sunday is prescribed.

That would lead one to believe that in certain districts in Western Australia there would be an award or agreement. As a matter of fact, the application now before the court has for its object an award for a portion of the State. If they get it, all they will have to do will be to apply for a common rule for the whole State.

Hon. J. Nicholson: It would imply that there was no award in some instances.

Hon. E. H. HARRIS: Yes, in the way it has been framed. The position is camouflaged by the phraseology in such a way that the whole of Western Australia will be embraced, and it will mean that it will be possible to bake bread on Sunday and the employer will be able to compel an employee to come in and bake bread on Monday morning. That may be desirable in some districts, but I know that in other districts it will not be desirable. Mr. Neilson pointed out that the case had cost the union over £150 up to date, and that the employers had agreed to an increase in wages of 9s. per week to each operative, and that that would mean that the members of the union were losing over £140 per week as the result of the delay. Apparently, the Bill is worth £140 a week to the union, which is the amount we are told is being lost, and we are asked to assist to prevent that loss. Mr. Neilson goes on to say that he earnestly hopes and prays that members will support the amendment, which will give the Arbitration Court power to function, and deliver an award for Sunday work if they

so desire. The court has the power to function. It may not function in the manner desired by the union, but all the same it has the power to function, and I think they are straining words when they suggest that the court has no power to deliver an award. It is a significant fact that, during the debate on the measure in another place, the suggestion was made that the union should say, "Let us repeal the section of the Act." In the other House the division on the measure was on party lines. The whole of the Labour members who supported the measure voted against the repeal of that section, although the proviso was so framed that the section will be as dead as Julius Cæsar. The Bill was introduced originally to protect the worker, and the Labour Party, realising that they would be charged with repealing the section of the Act that prohibited Sunday work, said "We will vote for the proviso and the effect will be the same." In that way the Labour Party will be able to save its face by going to the union and declaring that it was not the section of the Act that was repealed. Thus the purpose in view will be achieved in a roundabout way. Mr. Gray told us in his speech that it was generally recognised on medical and other grounds that day baking was necessary. That being so, I will rely upon Dr. Saw to make a few observations on the Bill and tell us what are the medical grounds on which bread should be baked in the day time. Never before have I known an industrial body to attempt to do something for its men in the manner that it is proposed to do in the Bill now before us. I would like Mr. Gray, or some other member who intends to support the Bill, to advance better reasons than have been given us for the introduction of the Bill. There is one other phase to which I wish to allude and this may carry a little weight with the sponsor of the Bill and the members of his Party who are supporting it. If the proposal is carried into effect, there will be a vigorous fight for existence. We will find bread being disposed of in every direction on Sunday, and if it is possible to find some one with a cart to deliver it—I do not know whether the delivery in carts would be a breach of the carters' award—everyone will be receiving it, or perhaps we may find it being taken about in baskets. In any case a position will be created that will not be at all desirable in the interests either of the bakers or of the general public. I will leave the matter at that, and if some hon. members can convince me in directions other than those on which I have spoken, I may vote for the Bill.

HON. J. CORNELL (South) [5.12]: I desire to offer a few remarks on the Bill. I understand that the position is that under a section of the Bread Act which the Bill proposes to amend, it has been practically ruled by the court that the court has no power to make an award.

Hon. E. H. Gray: In the direction desired.

Hon. J. CORNELL: We are not inferring anything; let us stick to the facts, and the facts are that the court has no jurisdiction to make an award that will permit bread being baked before 5 o'clock on Sunday. We have no wish to go into the intricacies of the baking of bread; we know that 5 o'clock on Sunday was the hour fixed so as to prevent bread being baked on Sunday and to allow for a certain amount of work to be done so that night baking might be carried on. Mr. Harris has gone back some 23 years, and has told us what certain members of Parliament did in those days in regard to their advocacy of no labour on Sunday. I interjected that if he looked up the book of Exodus he would find that the Jews baked bread on Sunday. What we as sensible men have to ask ourselves is whether the position has altered in the last 23 years, and whether there is a universal demand for day baking. Do the men engaged in the baking industry and who, after all, are the individuals most concerned, and are those to whom we should give the most consideration—do they desire that bread should be baked during the day and that Sunday baking should be abolished? The answer that we might expect, I think, would be unanimously in the affirmative. I understand that for some time past the custom generally in the metropolitan area has been to bake by day. The Arbitration Act provides that the court shall have practically untrammelled jurisdiction in the industrial field involving the hours and conditions of labour and the rates of pay of workers. We find that a section of the Bread Act has, so to speak, ham-strung the court in regard to the hours of labour on Sunday. All I have to ask myself is this: if the court cannot function, and is debarred by statute from doing so, is the statute sound, is it to be said definitely that day baking shall not take place on Sunday, or is the court to be

given jurisdiction to say it shall take place on Sunday?

Hon. J. J. Holmes: Do not you think Parliament should say whether or not the men should work on Sunday?

Hon. J. CORNELL: The court should decide on the weight of the evidence before it. If the court has not that power and is so ham-strung as not to be able to come to a decision, probably it will mean that those engaged in the industry will be forced to take direct action. That is a set of circumstances we do not want in these days. We do not want our legislation to be in such a state as to force the working man to the only alternative, that is direct action. I understand there is a concensus of opinion that this particular section of the Act should be repealed, in order to give the court open play. I understand that behind the sponsors of the Bill is a desire that the small man should not be penalised, and that he may still, as heretofore, take advantage of the statute with regard to Sunday labour, so far as the individual is concerned.

Hon. J. M. Macfarlane: That is a change of front since last session.

Hon. J. CORNELL: I have no recollection of the subject matter of this Bill, as it is now before us, being debated in the House on a previous occasion.

Hon. J. M. Macfarlane: Day baking was dealt with last session.

Hon. J. CORNELL: I am always prepared to take things as they are, not as they were, nor as they are likely to be. All I am concerned about is that the court shall be rendered competent to come to a decision on the question of day baking. There should be no two answers to that question. If the court is not competent to do that, it is not competent to give any decision upon other points that are submitted to it. If the Bill is lost, the court cannot function on the question of day baking. I am prepared to give the court the necessary jurisdiction to function in this matter if it should think fit. I have no desire to deal with the merits or demerits of the respective parties, the master bakers and the employees. All I am prepared to vote upon is the simple issue as to whether or not the court shall have power to permit of Sunday baking. If it is logical to say that we should protect men who are engaged in the baking industry from working on Sundays, is it not just as logical to say that we should protect locomotive drivers, tram conductors, motor men, miners and other men who are employed on Sunday? I take it that the baking of bread is a greater necessity than the running of a train. The issue before us is whether the court is fit to function on this question of Sunday work in the day baking industry. I say it is fit to function, but that it cannot do so as the law stands. I will support the second reading of the Bill.

HON. A. J. H. SAW (Metropolitan-Suburban) [5.20]: It seems to me a strange thing that over such a small issue as is contained in the Bill the two parties in the baking trade, the employer and the employee, have not been able to arrive at an agreement. I remember an adage which I think ran something like this, "Pull devil, pull baker." Which is the devil in this instance and which the baker I am by no means sure. I think we are all agreed as to the necessity of the principle of a day of rest at least once during the week. The bakers, for some reason I do not appreciate, prefer to have their Sabbath, as Mr. Gray said during his speech—I do not know whether he will contradict this—on Saturday. I understand that bakers are neither Jews nor Seventh Day Adventists, and I do not see, therefore, why they should prefer not to bake on Saturday There may be other reasons why they prefer not to bake on Saturdays. There may be some influence in connection with the gallops in the afternoon, and perhaps the trots in the evening, so that they prefer to have Saturday as their day off. The law as it stands says that there must be no Sunday baking before 5 o'clock. With that fine regard for the law which characterises so many sections of the community, I understand that the bakers, both the masters and the men, have been working from 12.30 p.m. on the Sunday The union had the misfortune to prosecute one of the master bakers, I understand, because he had the temerity to start his work before 12.30 p.m. on Sunday. The union disregarded the majesty of the law as well as the sanctity of the Sabbath, but could not stand a breach of the agreement they had arrived at with the master bakers. The result was that a master baker was prosecuted for this heinous offence. It then remained for Mr. Davy, barrister-at-law, and incidentally the member for West Perth, to come in. He discovered what I suppose both parties to the

agreement knew, and possibly the Arbitration Court knew, because I believe some common rule had been made in the matter, that the agreement under which the parties were working was ultra vires, that really no work should be performed on the Sabbath, and further that the baker who thought fit to start before 12.30 had not committed any breach of the agreement, because none really existed. Then comes in a Minister of the Crown. He says, "The union, the master bakers, and the Arbitration Court are not above the law, but I am greater than the law. I will give a permit for this action to be carried out for an unlimited period or for a lengthy period in disregard of the law." Outside the "Comedy of Errors" of Shakespeare or one of Gilbert and Sullivan's plays, could one meet with a greater farce than has been disclosed by the short account I have given of the events leading up to this Bill? This union applied to the court, I understand, to be allowed to bake at 8.30 a.m. on Sunday. The court pointed out that it had not even power to allow them to bake at 12.30 on Sunday, and could not give permission for baking to start at 8.30. So it is that this Bill comes before the House. What could appear more reasonable, at first sight, than that the Arbitration Court should be unfettered in its actions as to the hours of labour as well as the rates of pay? As Mr. Cornell has said, why should we object to the court having this power? We have already given it far greater powers than are necessary to decide on this small point. The court has power to ruin all industries, that is to say, it has it in its power if the employers continue to exhibit the same docility in the future as they have in the past, in contrast to the arrogance which certain of the unions have displayed in flouting the decisions of the Arbitration Court when those decisions do not suit their book. Now I would be quite prepared to agree with the contention of Mr. Cornell with regard to giving the Arbitration Court this power, were it not for one fact. When the Day Baking Bill was before us, I made known my opinions on the question of day baking. They are the same to-day, namely, that there should be no labour involved on a Sunday nor at night, other than is necessary for the convenience and well-being of the community. These are my views with reference both to Sunday labour and night labour. I would draw the attention of the House to the Bill which came before us with reference to day baking. This House agreed with the principle of day baking so far as the metropolitan area was concerned, but exempted from the operation of day baking the one-man baker. Mr McCallum, who was in charge of the Bill in another place, and brought it down, did not agree with the view taken by this House. If I remember rightly, he is a man who likes the whole loaf, and I fancy he rather likes the great portion of the butter as well. He did not agree with the amendment put up by this House, and preferred to let the Bill go by the board, wherein he made a great mistake, in my opinion. That was his decision. Personally I prefer half a loaf to having no bread. We now come to the Arbitration Bill, which was before the House two sessions ago. I have not looked up the debates, but I think there was in that Bill an attempt to include the one-man baker. This House objected to the inclusion of the one-man baker. It is because the one-man baker is exempted from the operations of the Arbitration Act that I am not inclined to support the Bill now before us. Apparently this Bill is to give the Arbitration Court power to deal with the hours of work on Sunday. I maintain that so long as the one-man baker exists, the court cannot be unfettered in its action. If the restriction on Sunday baking is abolished, the Arbitration Court would be bound to take into consideration the fact that the one-man baker will be able to bake at any hour of the day or night, or on a Sunday if he pleases. Because of that, and the fact that the one-man baker exists, and that he will be able to enter into unfair competition with the master bakers, I say that the Arbitration Court will not be unfettered in its decisions. But if the law as it stands to-day, which prohibits the baking of bread on Sundays before 5 p.m., is enforced, then the one-man baker, no more than any other baker, will be allowed to bake on those days. If that is so, then I think the Arbitration Court will really be more free, because the Court will be better able to arrive at a just decision as between employers, employees, and the one-man bakers than it will be if the Bill is passed and Sunday baking is allowed. It is for these reasons that, somewhat reluctantly, I have come to the conclusion that I cannot support the Bill.

HON. A. LOVEKIN (Metropolitan) [5.31]: By common consent, the House has agreed to leave to the Arbitration Court the fixing of hours and conditions of employment for workers throughout Western Australia. If that were the point involved in the Bill I would have no hesitation in supporting it so that the court might have an untrammelled hand in dealing with the position. But there is something more than that behind the measure. For the past 300 or 400 years it has been recognised that there should be one day of rest per week, and by common consent the day of rest has been fixed for Sundays.

Hon. E. H. Gray: That does not apply to bakers.

Hon. A. LOVEKIN: There is no reason why bakers should not fall into line with the rest of the community and have Sunday as a day of rest. It would simply mean the baking of bread on a different day. Whether we alter the Bill or not, the baker will work only six days a week. If he has to work six days, then the baker should take his day of rest in conformity with the rest of the community. I do not mind whether the day of rest be fixed for Saturday, Sunday, or any other day, but it is right that the community as a whole should fall into line in these matters as far as possible. There is another point. If we repeal the Act, as far as I have been able to discover, the position will be governed by a very old Act that is still operative. In the early stages of our history we adopted all the laws in force in England prior to 1829. The Sunday Observance Act was pased in 1677.

Hon. A. J. H. Saw: I believe that was in the days of that pious monarch, Charles II.

Hon. A. LOVEKIN: I believe so. When that Act was passed, it was made an offence to do work on Sundays, except such as was absolutely necessary or was charity work. So far as I can ascertain, that Act is still in force, and if that be so and we amend the legislation as we are asked to do under the Bill, some astute lawyer may avail himself of the provisions of the Sunday Observance Act and still urge that a baker cannot bake bread on Sundays. Should he do so, that lawyer will be well supported. I find there is a case bearing upon this point. I think Lord Kenyon was the judge who presided at court when a case was dealt with under the Sunday Observance Act, the pertinent section of which reads—

> No tradesman, artificer, workman, labourer or other person whatsoever shall do or exercise any worldly labour, business or work of their ordinary callings upon the Lord's day or any part thereof (works of necessity and charity only excepted); provided that nothing in this Act contained shall extend to the dressing of meat in any family or the dressing or selling of meats in inns, cookshops, or victualling houses for such as otherwise cannot be provided.

It is the custom in England now, as it was in days gone by, for people, particularly in the slum areas, to take their meat and vegetables on a dish to a bakehouse where their dinner is cooked for them. They pay 2d. for the privilege, and when the meal is cooked they take it home. In the case I refer to before Lord Kenyon, it appeared that a baker had been in the habit of baking meals for the people and of baking bread as well. He was prosecuted for so doing. The case appears in the law reports under the name of Rex v. Cox. The decision of the court was—

> Baking puddings and pies and such things for dinner on Sunday is not an offence within the meaning of the Sunday Observance Act, but baking bread in the ordinary course of business is.

If that Act is still in force and we amend our Bread Act, an astute lawyer may take up this point.

Hon. J. Cornell: Why does that not prevent the issuing of Sunday papers?

Hon. A. LOVEKIN: I suppose that is a work of necessity.

Hon. A. J. H. Saw: Certainly it is not a work of charity.

Hon. A. LOVEKIN: Perhaps it might be stretched even to that point. However, there is the aspect to which I have drawn attention. I think that on the whole it is better to leave things as they are, because the baker who wishes to have one day's rest in the week may desire to take Saturday as his day of rest, so that he may go to the races or the trots.

Hon. J. J. Holmes: You suggest that he desires to pick up the dough at the trots on Saturday and bake it on Sunday.

Hon. A. LOVEKIN: We have heard arguments in the Arbitration Court that it is iniquitous to ask men to work on Sunday, and that if work has to be done on that day, a special rate should be provided.

Hon. E. H. Gray: What is the alternative to this? You know it must be work at night time.

Hon. A. LOVEKIN: It seems to me that baking can be done on six days of the week just as a blacksmith or any other worker can do his work in six days, leaving the seventh day as a day of rest. I cannot see any distinction and I think it could be done in the baking trade if matters were arranged properly.

Hon. E. H. Gray: The alternative to that is Sunday night baking.

Hon. A. LOVEKIN: The baker could start at midnight and then he would be baking on Monday morning. Surely bakers can arrange their business as other tradesmen can arrange theirs. If we are to provide for baking on Sundays, as is suggested, we will have the workers approaching the Arbitration Court for double rates of pay and then up will go the price of bread to the community generally.

Hon. J. Cornell: That argument does not apply to continuous process of mining work.

Hon. A. LOVEKIN: It does not apply to continuous employment, but it cannot be said that baking is continuous employment when the work is done in six days with the seventh day as a day of rest. Unless I hear some better reasons in favour of the Bill than have been advanced so far, I cannot support it.

HON W. T. GLASHEEN (South-East) [5.40]: I have very little to say regarding the Bill and at the outset I will indicate that I intend to vote for it. It will not matter much to the general community whether we vote for or against the Bill. I agree with Dr. Saw when he said that small matters like this could be better settled without coming to Parliament or to the Arbitration Court either. I have a recollection of when the Day Baking Bill was before the House last session. We spent nearly a whole week trying to arrive at definitions to cover baker's roll, sausage roll, and johnny cakes. At the time I could not help thinking that, in view of the big problems confronting the State, we were more or less wasting our time in thrashing out such small matters.

Hon. E. H. Harris: At that time an attempt was made to carry out the Geneva conference decisions.

Hon. W. T. GLASHEEN: At any rate we were trying to find definitions as I have indicated. There is another aspect to which I desire to draw attention. Some time ago we heard a good deal about the necessity for removing the seat of Federal Government from Melbourne to Canberra. It was said that when Parliament was centrally situated in Melbourne, members were subject to the influence of vested interests and to lobbying when various measures were under discussion. I have noticed recently the same tendency in this State. Last week after the House adjourned, we had a small session of Parliament in one of the neighbouring rooms when interests opposed to this Bill discussed the matter with members of Parliament. That is a wrong principle that should not be encouraged. I say that, although I am a new member of Parliament. If any such interested persons are to be allowed to come to Parliament and discuss projected legislation with members, then those holding contrary opinions have an equal moral right to place their views before members.

Hon. Sir William Lathlain: The other side exercised that right in this instance by writing.

Hon. W. T. GLASHEEN: I do not mind that so much but personally I object to lobbying. I will support the Bill, but I hope that in future these small matters will be settled between the employers and the employees without recourse to Parliament or the Arbitration Court.

HON. E. H. GRAY (West—in reply) [5.43]: At the outset I desire to take this opportunity to apologise to Mr. Harris. According to the "Hansard" report, replying to Mr. Harris, I said, "If I were a master baker, I would do the same." I did not correct my proofs, but if I said that, I wish to withdraw the statement. I am rather proud of the fact that at one time, long before the principle of day baking was adopted, I was in business as a master baker in New South Wales. I introduced the experiment of day baking myself. Regarding the debate, I cannot follow the arguments adopted against the Bill. The chief objection has been to Sunday work. We shall have Sunday work, no matter what happens to the Bill. The issue is a simple one. It is between work on Sunday nights, or during the day time on Sundays. The arguments of Mr. Lovekin, Dr. Saw and Mr. Harris do not enter into

the question at all, because whatever happens, bakers will have to work on Sundays. By rejecting the Bill the House will strike a vital blow at the principle of day baking, which has been recognised in this State for the past eight years. Although a lot has been said about Sunday work, the fact remains that in any other city in Australia or indeed anywhere else, Sunday baking is carried on in some form or other.

Hon. E. H. Harris: Where is it done in Adelaide?

Hon. E. H. GRAY: In every baker's shop of any size they must have Sunday work one way or another.

Hon. E. H. Harris: Only in the barracks.

Hon. E. H. GRAY: In the olden days Saturday was the only day the baker had at all. In my time he used to start baking early on Sunday, and had to work at night as well. In the seven days the only time the baker had to himself was when he finished at 11 a.m. on Saturday. Things have altered since then. I say, let us give the Arbitration Court a chance to function. The unfortunate fact is that the employers are nothing more nor less than an undisciplined rabble, unable to control even their own members. Both in Perth and in Fremantle the master bakers are to be found going around delivering bread on Sunday afternoons. The sooner we have an Act of Parliament to prevent those men from doing that, the better for the community and for the master bakers themselves. They have come to the House to ask that the old Act, a dead letter, should be allowed to stay because they cannot control their own members. They are so frightened of one another that they have to ask members of Parliament to insist upon an Act that has been a dead letter for 20 years being kept on the statute book; for they have no discipline, no control over their own members, and the trade is in a state of chaos.

Hon. J. J. Holmes: This amendment will not alter that.

Hon. E. H. GRAY: The House has always insisted upon the workers obeying the Arbitration Court, and the court having free play. If this amending Bill be defeated, we shall be restricting the operations of the Arbitration Court, which has declared for day baking. It is inconceivable that any arbitration court should declare for anything else, for the day baking is a recognised principle. I was surprised at Dr. Saw's attitude on this Bill. I had expected him to get up and make an impassioned speech in favour of day baking and in support of the Bill, but instead of that he has opposed the Bill.

Hon. Sir William Lathlain: Why not bake all your bread on Saturday?

Hon. E. H. GRAY: Because the public will not accept Saturday's bread delivered on Monday morning. No man with any knowledge of the trade would expect the public to do so.

Hon. A. Lovekin: But your bakers' holiday means stale bread.

Hon. E. H. GRAY: Yes, that is bad enough. I want members to say it is not reasonable to ask the bakers' union to forgo day baking. If this Bill be not passed, the Arbitration Court cannot function properly, but will have to give an award including partial night baking; for it will be impossible for the large shops employing labour to turn out their bread between 5 o'clock and midnight in quantities sufficient to supply their customers. To defeat the Bill would be to ask the men in the trade to put up with an impossible proposition. We are faced with two alternatives: either bake on Sundays—the court may stick to the award and make it 12.30 p.m. instead of 5 p.m.——

Hon. E. H. Harris: That is not the award.

Hon. E. H. GRAY: The Minister was compelled to give permission to break the law.

Hon. E. H. Harris: Compelled by the union.

Hon. E. H. GRAY. No, by common sense; because they were left with only two hours in which to do the day's baking, between the 5 o'clock p.m. prescribed by the Act and the 7 p.m. prescribed by the Arbitration Court for finishing work. So the Minister was compelled to grant that permission. The general public like the day baking principle because it has brought about a wonderful improvement in the bread supplied. The quality of the bread made by day baking is incomparably superior to that made under the night baking system. Furthermore I am certain that if the Bill be defeated and the union members thrown on their own resources they will not tolerate any attack upon the day baking principle. Therefore, it may be that the House will force them to take direct action.

Hon. J. J. Holmes: You are frank.

Hon. E. H. GRAY: It is just as well to be so.

Hon. E. H. Harris: Why did you put in that proviso, instead of endeavouring to repeal the section?

Hon. E. H. GRAY: Because the arguments used in this Chamber on a previous occasion were all against interference with the small man. The union does not want to interfere with the small baker, who can carry on under the old Act.

Hon. J. Cornell: The award does not interfere with the small baker.

Hon. E. H. GRAY: No. On the Day Baking Bill the House took a strong stand for the protection of the small man. If the small man wants that provision repealed, he will make representation in the proper quarter. But the small men are not concerned with the Arbitration Court. The Arbitration Court is restricted as to its awards, owing to this obsolete section in the Act. There was very little debate in the House when that section, Section 16, went through, precluding bread being manufactured on the Sunday until after 5 p.m.

Hon. E. H. Harris: But what was said was to the point.

Hon. E. H. GRAY: Very little was said. Night baking was then in operation, but to-day we have day baking. It is imperative that a start should be made on Sunday afternoon to produce Monday's supply.

Hon. A. Lovekin: Do you say that if we do not pass the Bill the men will come out on strike?

Hon. E. H. GRAY: I do not say that, but I say the union may be compelled to take direct action.

Hon. J. J. Holmes: If we pass this, will not the small man be a greater menace to you than ever?

Hon. E. H. GRAY: No. The Bill will not interfere with the small baker.

Hon. J. J. Holmes: It will allow him to bake before 5 p.m.

Hon. E. H. GRAY: No, he cannot do that now. The Bill does not repeal the section.

Hon. J. Nicholson: But it is equivalent to a repeal.

Hon. E. H. GRAY: No, it is not a repeal.

Hon. Sir William Lathlain: Do you not bake at all on Saturday?

Hon. E. H. GRAY: The Saturday is the bakers' Sabbath.

Hon. Sir William Lathlain: Who made it so?

Hon. E. H. GRAY: The bakers and the customers. It is the practice of the trade, and has been so for many years.

Hon. H. Seldon: Suppose they were to bake on Saturday; would not that meet the position?

Hon. E. H. GRAY: No, for they would be asking the public to eat Saturday's bread on the following Monday. It has been suggested that the men should bake on one night per week. But anybody who understands night work knows that to work one night per week means going without sleep, and upsets the routine of the weekly work. The average man asked to work one night in the week will get no sleep at all, and so he has to turn to again while very tired. I ask the House to consider the man who wishes to go to church on Sunday night rather than on Sunday morning. I notice that very few men go to church on Sunday morning, the general habit being to go in the evening.

Hon. J. Cornell: I do not think the church aspect worries the master bakers.

Hon. E. H. GRAY: Perhaps not. Some point was made by Mr. Harris regarding the sponsor for the Bill. He quoted speeches made by Labour members 24 years ago. There have been big changes in those 24 years, and I do not think it reasonable to quote to-day remarks made by Mr. W. D. Johnson when he knew practically nothing of the baking trade. To-day, as an experienced court advocate and union secretary, he has gained a pretty wide theoretical knowledge of the trade.

Hon. E. H. Harris: In those days he was speaking for the worker and the worker alone.

Hon. E. H. GRAY: A special industry requires special treatment. I ask the House to pass the Bill in order to give the Arbitration Court the opportunity to function properly.

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

Ayes	8
Noes	11
Majority against ..	3

AYES.

Hon. J. R. Brown	Hon. W. J. Mann
Hon. J. Cornell	Hon. G. Potter
Hon. J. M. Drew	Hon. E. H. Gray
Hon. W. T. Glasbeen	*(Teller.)*
Hon. W. H. Kitson	

Noes.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. E. H. Harris	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. H. Seddon
Hon. Sir W. F. Lathlain	Hon. Sir E. Wittenoom
Hon. A. Lovekin	Hon. E. Rose
Hon. J. M Macfarlane	(*Teller.*)

Question thus negatived.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

Debate resumed from the 14th September.

HON. A. LOVEKIN (Metropolitan) [6.2]: It has been suggested that this Bill should be held over for a little time in order that the House might have all the financial proposals before it, but I do not think that would be a wise course to adopt. Whatever happens to other measures, some form of taxation must be imposed, and if we postpone the consideration of this Bill, it will hang up the operations of the Taxation Department in collecting the necessary taxation. A further reason is that the Government have done very well with regard to the finances since they have been in office, and I am prepared to trust the Government. Apparently, they have done everything they possibly could to ameliorate the very onerous conditions that existed previously. As the Chief Secretary has told us, the present Government have relaxed taxation to the extent of nearly 50 per cent. When the Government voluntarily do that, they may well be trusted, even though this measure may come within the ambit of other financial proposals to be considered later on.

Hon. J. J. Holmes: The land tax has been doubled, and nothing has been said about it.

Hon A. LOVEKIN: That is not correct. The land tax has been increased slightly, but the aggregate of relief from income taxation has been 48½ per cent. It is only fair to acknowledge the fact. I congratulate the Government on what they have done in that direction. It is one of the peculiarities of politics that we have had Nationalist Governments in office, supported at the polls and kept in office by merchants and others, and though those Governments had the opportunity to relieve the excessive taxation and help to foster industry, they refused to do anything. On the other hand, it has remained for a Labour Government to do what another party ought to have done but refused to do, namely, remove some of the heavy load of taxation imposed upon industry in this State and thus permit of further extension of industries and assist to reduce the cost of living.

Hon. J. J. Holmes: You were one of the managers for this House that insisted on the 15 per cent. super tax being taken off.

Hon. A. LOVEKIN: That is so.

Hon J. J. Holmes: Then it was this House.

Hon. A. LOVEKIN: Quite so. The members of the Government who attended that conference as managers for another place were most reasonable and realised the necessity for reducing the high rates of taxation then prevailing. They asked for a little more by way of land tax, but that boiled down to very little. Most of it is paid in the metropolitan area. In view of the increased prices that land is bringing, due to no effort or exertion on the part of owners but due to public expenditure, they are not paying too much by way of land tax in the metropolitan area, where the bulk of the tax is collected. The super tax has been abolished and the Government have further reduced taxation by 33-1/3 per cent.

Hon. Sir William Lathlain: The Commonwealth Government gave them the money with which to do that.

Hon. A. LOVEKIN: The Commonwealth Government do not give us money. They tax us to the extent of £11 14s. 6d. per head, and yet the hon. member would say that the Commonwealth Government give us money when they merely return to us £200,000 or £300,000 out of a million or more. The Federal Government have certainly given us a disabilities grant of £200,000 or £300,000.

Hon. Sir William Lathlain: No; £450,000.

Hon. A. LOVEKIN: How does the hon. member arrive at that?

Hon. Sir William Lathlain: That was the amount of the first grant.

Hon. A. LOVEKIN: What was the next amount?

Hon. Sir William Lathlain: The next was £300,000.

Hon. A. LOVEKIN: And against that what do the Federal Government collect as a result of the increased population and the additional money brought into the country?

Hon. A. J. H. Saw: It is unwise to look a gift horse in the mouth.

Hon. A. LOVEKIN: When we deal with the other financial measures we shall have

to treat them on their merits, as I propose to treat this Bill. I think it is a reasonable measure of taxation in the circumstances and I support the Bill. I wish to direct attention to the fact that Clauses 5 and 6 ought not to be in the Bill. They were inserted in 1920, and when exception was taken to their inclusion in the taxing Bill, the reply was, "Never mind whether they have any effect or not; their presence will act as an instruction to the Commissioner." Section 46, Subsection 7, of the Constitution Act reads—

> Bills imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

Clauses 5 and 6 of the Bill deal with matters other than the imposition of taxation and therefore have no effect. There is no reason why they should be repeated in this Bill. I think their inclusion is due merely to an oversight. In 1920, under Act No. 32, 15 per cent. super tax was added to the dividend duty, and when it was added it became necessary to include Clause 5, so that income that then paid 1s. 3d. in the pound would pay a 15 per cent. increase, bringing the rate to about 1s. 5¼d., if dividends brought the income under the higher rate. That was quite a fair proposition. Otherwise, a person receiving income from dividends might pay only the 1s. 3d. rate on income, whereas the addition of the dividends to the income might bring him under a higher rate. Consequently, Clause 5 was introduced so that if the income charegable, together with the income received by way of dividends from a company subject to duty under the Dividend Duties Act amounted to such a sum as to make the income liable to taxation exceeding 1s. 3d. in the pound, tax had to be paid on the amount of the aggregate income and credit was allowed for the dividend duties that the company had paid for the taxpayer. The clause should not appear in this Bill. It does not deal with the imposition of a tax. It should find a place in the assessment Act.. Following on that, the assessment Act was amended, and the two clauses I have mentioned were put into the assessment Act. The clauses were merely put into the taxing Bill in order to protect the Commissioner and enable him to collect the money, though any taxpayer could have disregarded them because, under the Constitution Act, they could have no effect. However, they were then inserted in the assessment Act. Section 15 of the assessment Act of 1920 contains this clause word for word, except that the assessment Act refers to a tax rate exceeding 1s. 3d. for every pound sterling, without regard to any super tax imposed under any Act. Curiously enough, the clause in the Bill is worded as it was originally and contains no reference whatever to the super tax. The other day I asked the Chief Secretary whether, by this clause, the Government intended to abolish the super tax on dividends, and his reply was, "Certainly not." If that is so, the clause is identical with the section in the assessment Act and is unnecessary. It is also out of place in this Bill and we may as well get rid of it. Clause 6 provides that Section 55 of the Land and Income Tax Assessment Act shall not apply to the land tax or income tax to be levied and collected for the financial year ending the 30th June, 1928. Section 55 provides for the payment of tax in two moieties. That clause is quite outside the scope of this Bill. If anyone wishes to pay his tax in two moieties, notwithstanding the provision in this Bill, he may do so. This Bill not only deals with the imposition of the tax but seeks to amend the assessment Act, and as I have pointed out, under the Constitution, it can have no effect.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. LOVEKIN: Before tea I was pointing out that Clause 6 of the Bill could have no effect whatever under the Constitution, as it did not relate to the imposition of a tax solely: and any taxpayer, whether this clause is left in the Bill or not, can claim to pay his taxes in two moieties. I prefer to see the corresponding section of the assessment Act repealed altogether, because I fail to observe any reason whatever why people should be allowed to pay their taxes in two moieties as a right. I looked up the report of the Taxation Commissioner for 1926, and found that of 34,423 taxpayers 30,569 paid under £10 each in tax. Now, those 30,560 people may pay in two moieties, and some of them pay only a pound or so. One can conceive the immense amount of work entailed on the Taxation Department by this practice, and, following on that, the increased expense, and the consequent necessity for more taxation. I suggest to the Chief Secretary that at the first opportunity—this session, if he likes—

the Government should move to repeal the section in question, No. 55. In Committee I propose to move a request to the Assembly for the omission of Clause 5 because it is already in the Assessment Act—almost word for word—and also for the omission of Clause 6 with a view to the Assessment Act being amended.

Hon. J. Nicholson: Do those clauses refer to both land tax and income tax?

Hon. A. LOVEKIN: To taxpayers generally, both land tax and income tax payers; 34,000 in one case, 30,000 in the other. I draw attention to the matter not because it makes any practical difference whatever in the course of a year, but because a clause like this coming into a tax Bill may create a precedent that will have far-reaching effects later on. We may get tacks put into tax Bills, as was the case in Victoria during the time of Graham Berry, when payment of members was tacked on to an Appropriation Bill. We may get all sorts of legislation tacked on to tax Bills, and then the Legislative Council will have the onus of defeating the entire tax Bill in order to get rid, perhaps, of a part of it. We do not want that position to arise, and therefore I suggest that we adhere to the Constitution as it stands and keep tax Bills confined to the imposition of taxation only. As on a Bill such as this members can debate pretty well any subject from Dan to Beersheba, I will take advantage of that fact for just a moment in order to refer to the Chief Secretary's remarks, during the time I was away, in reply to what I said on the matter of the financial agreement. I merely desire to correct an error into which the hon. gentleman fell. He said I had quoted from the first brief document which was prepared at the Premiers' conference. That is not so. I quoted from the final revised draft agreement as adopted at the Premiers' conference. I wish to make that clear, because it might be supposed that I referred to a first draft agreement only, whereas the second draft was very different. The second draft is what has been agreed to; and although it may be put into legal language, with whereas's and whereof's and notwithstanding's, the fundamentals in that agreement cannot be altered, nor can the figures which I put up to the House be altered, since we cannot alter the indebtedness as at 30th June last, nor the population, nor the areas. Therefore I wish to put the Chief Secretary right on that point. Just one other matter.

The PRESIDENT: I think the hon. member will agree with me that it is hardly relevant to deal with the financial agreement when debating the second reading of the Land Tax and Income Tax Bill.

Hon. A. LOVEKIN: Pardon me, Sir. This is a tax Bill, and the financial agreement has everything to do with taxation, and I am certainly entitled to refer to it, especially when I am not going beyond making what is really a personal explanation.

The PRESIDENT: To reply to the Chief Secretary in connection with statements made during a debate on another matter altogether is rather a straining of the Standing Orders, I think the hon. member will agree.

Hon. A. LOVEKIN: Pardon me, Sir, but if I had a moment I could show you that on a Bill such as this an hon. member can discuss anything. He can discuss any subject under an appropriation or a tax Bill, even though it be quite foreign to the Bill.

Hon. A. J. H. Saw: We hope you will not do so.

Hon. A. LOVEKIN: If you rule me out of order, Mr. President, I will stop.

The PRESIDENT: If the hon. member wishes to refer to a matter incidentally, so long as he does not go into details—

Hon. A. LOVEKIN: I have only a few minutes, Sir, because I have to catch a train. There is one other matter I desire to mention. The Minister, in the same remarks, referred to a table prepared by the Under Treasurer for the Premier's information, on the rise of population, and the necessary borrowing, in order to put us in the same position as we would have occupied if we had a per capita grant. I would ask the Chief Secretary kindly to lay those figures on the Table of the House, unless he desires that I should move for them. I shall not trouble the House further, except again to congratulate the Government on the manner in which they have managed the finances since they have been in power.

HON W. T. GLASHEEN (South-East) [7.38]: This Bill has a close application to the interests of people who are producing from the land, and because of that circumstance I wish to offer a few remarks on it.

It has been said that rural industry, and particularly wheat-growing, is quite capable of bearing the proposed taxation; and the argument used in support of that contention is that wherever one travels in the wheat areas one sees costly, up to date motor cars. In reply to that argument let me say that all that glitters is not gold. I only wish that hon. members who use the argument in justification of a tax Bill such as this were able to see the overdrafts as easily as they can see the motor cars. Were they just able to see the overdrafts of the people who own the motor cars, they would be disposed to change their views. Motor cars there are, but overdrafts there are. Looking back upon the history of land taxation, we find that in 1924 or 1925—I think the latter year—the tax on the unimproved value of land was 1d., with an exemption of £250. Amending legislation increased the tax from 1d. to 2d., and entirely wiped out the £250 exemption. Thus, of course, the tax was doubled; and after the doubling of the tax the revaluations, for which the Labour Government deny responsibility, have on the average doubled also. So that instead of a multiplication of the tax by two, with the increased valuations we have a multiplication by four. It will be remembered that the Premier, in introducing the measure for the ostensible doubling of the tax, said that an amount equivalent to the increased land tax would be written back to the people generally, and to the primary producers particularly, by way of reduced railway freights. If I remember rightly, the Premier estimated raising £45,000 annually from that section of the people by the increased land tax, and he promised to write back an equivalent by way of reduced railway freights. He kept his word, I consider. He did write back an equivalent, but the point is that the reduction in railway freights did not reach the same people as paid the increased land tax. The amount was written back in reduction of freights on all kinds of commodities, and was spread in such small fractions over so large an area that from the primary producers' standpoint freights remained what they were, while the tax had been multiplied four-fold. Moreover, the road boards accepted the increased valuations arrived at and used them for the purposes of their own rating. Therefore, in addition to paying four times the original land tax, the primary producer finds his road board rates increased correspondingly. Thus there has been practically a multiplication by five of the original tax. Another anomaly, from the aspect of country interests, consists in the fact that the revaluations, so far as they have gone, have risen by 40 per cent. in the city, where the increase in land values, I am sure it will be agreed, is greater than in the country districts. On the other hand, in the country districts the valuations have been increased by 80 per cent. That seems to me a sheer anomaly. The Premier said originally he would write back the full amount of the increased land tax raised in the country by way of reduced railway freights, and I believe the total amount raised so far on that account, instead of being £45,000, is in the vicinity of £120,000. We have heard a lot about the terrible Labour Government in Queensland, but there I believe they have an exemption of £1,250. We here, who claim to be more democratic and more desirous of helping primary production, have actually wiped out the £250 exemption that existed, so that in respect of any comparison that may be made, that comparison is all in favour of Queensland. We have heard a good deal about the over-populated cities of Australia, and it seems strange to me to hear that the population of the Eastern States, because of the manufacturing interests, drifts to the capital cities. If anyone takes the trouble to examine statistics, he will find that in our own metropolitan area our population is proportionately larger than that of either Sydney or Melbourne. I can see some connection between the tax that makes land less attractive, and the tendency on the part of the people to flock to the cities. We should see that the primary producing industries are made more attractive, in which case, instead of the people flocking from the country to the city, they will remain in the country. I hope these anomalies—the revaluations appearing as 80 per cent. in the country and 40 per cent. in the city—will be considered, and seeing that we had a surplus last year we should try to get back to the old basis of taxation, and the people in the country will be grateful for that consideration.

On motion by the Chief Secretary, debate adjourned.

BILL—TRUSTEES ACT AMENDMENT.

Second Reading.

Debate resumed from the 13th September.

HON. J. NICHOLSON (Metropolitan) [7.48] This is a very short Bill, but if it is passed into law it will serve a very useful purpose. The Chief Secretary, when introducing it, gave a very clear explanation of the need for the Bill. The purpose of it is merely to amend one section of the Trustees Act, 1900, namely, Section 45, which reads—

> The Court may, on the application of any trustee, make such orders as it may seem meet in all or any of the following matters:—(i.) The improvement or repair of any part of the trust estate; (ii.) The conduct and management of any business forming part of the trust estate; (iii.) The leasing for any term of any part of the trust estate; (iv.) The sale or exchange or mortgage of any part of the trust estate; (v.) The purchase of any land for the protecton or improvement of the trust estate; (vi.) All questions arising in connection with the administration of the trust, the control or management of the trust estate, and the construction of the instrument creating the trusts, including the rights of all beneficiaries under the trust.

The question which has arisen at various times before the courts here and in other places is whether or not the court would have power, in a case where a man fails to leave a will, and where an administrator is appointed, to exercise those authorities that are given by virtue of that Section 45. It has been found that there are many cases where people die without leaving a will. An application then is made to the court for the appointment of an administrator. There is a definition of "trustee" in the interpretation section of the Act, and it is because of the interpretation that is given there that the difficulties I have referred to have arisen at various times. A question did arise in the court here some few years ago, and whilst an order was made in that particular case, it was made clear by certain remarks of one of the judges that the position of an administrator was wholly different from that of a person who was a trustee, say under a will, or a deed of settlement, or a similar deed. An administrator is deemed to become a trustee only after payment of all debts. In the case of a will, where trusts are set out, there is clearly power to make an application to the court and obtain the benefit of an order for any one or other of the purposes to which I have referred; but where the difficulty arises, and it has often arisen here, is in the event of a man dying and leaving a widow and perhaps some young children. He may have left a farming property, and the widow may find it desirable to continue to carry on the farm. Perhaps, however, the estate has been left in a somewhat embarrassed condition. There may be a mortgage or other general debts, and it has been established that in the case of an adminstration the duty of an administrator is in the first place to pay the debts of the estate and funeral expenses. Then the next duty is to realise that estate, and to divide it amongst the persons entitled to it under the Administration Act—that would be in the instance assumed, the widow and the children. We all know that oftentimes it has been found that a person might be able to carry on a farm until, say, the boys who are growing up, reach an age when they can take the father's place, and perhaps make the property a success. In the meantime a roof is kept over the heads of the widow and younger children, but the difficulty arises as to whether or not the court can authorise, whilst any debts are owing on the property, the exercise of any of the particular powers to which I have referred. It may be, perhaps, that either one of the trustee companies or a private individual—perhaps a friend—may have been appointed as administrator, and if he attempts to carry on that business for an indefinite period for a purpose other than realising he is doing so at his own personal risk. That is hardly a fair thing to ask anyone to do, and the object of the amending Bill is to overcome the difficulty and to confer upon the court a power similar to that which it has in the case of any ordinary trust. That seems a fair and equitable amendment and I do not think any hon. member will seek to raise any objection to the proposal. The words of the amendment will be sufficient to cover what is wanted. I can quite conceive that the court may possibly stipulate in some cases that certain consents should be given before it makes an order in the case of an administration—say the consent of the principal creditors. That could easily be obtained, because it would probably be found not only to the advantage of the creditors, but to the advantage of the

family that whatever order might be asked for would be of benefit generally to the estate. It is not necessary to go into further details, but when the Bill is in Committee, if any further information is desired I shall be glad to give it.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—MENTAL TREATMENT.

Second Reading.

Debate resumed from the 14th September.

HON. A. J. H. SAW (Metropolitan-Suburban) [8.0]: I desire to congratulate the Government upon introducing this Bill. There is no doubt that for a long time past the condition of those who unfortunately have become afflicted with some mental disorder has been a grievous one in Western Australia. The mental hospital at Claremont has for a long time been overcrowded. The mental reception ward at the Perth Hospital has always been inadequate, and, in view of the fact that there has been no accommodation for proper classification of cases in that ward, it has been quite unsuitable for the purpose for which it was intended. The Bill is designed to remedy that state of affairs by the creation of an intermediate hospital and an intermediate class of patient. I think, from the tenor of some of the remarks of members who have spoken during the debate, that the purpose for which this Bill has been introduced has been rather misunderstood. I take it that its object is, firstly, to encourage the early admission for hospital treatment of cases of mental disorder, and secondly, to remove from cases of mental disorder, that may be of only a temporary nature, the stigma of certification as being insane. I believe it is not intended, and I hope it will never be, to use the proposed new hospital at Point Heathcote for the reception of mental deficients or for confirmed cases of insanity. I need only point to the experience that we have had at Wooroloo, which was originally intended as a sanatorium for the treatment of incipient and early cases of phthisis. Very soon after its establishment unfortunately cases of advanced phthisis were admitted, with the result that as a sanatorium Wooroloo became discredited. One had the greatest difficulty in persuading cases of early phthisis by whom the greatest advantage would have been gained had they gone into such an institution, to enter Wooroloo. The same difficulties will arise in connection with Point Heathcote, unless those responsible for its management bear in mind that through that institution should be admitted only those cases of early mental disorder, and particularly those cases in which there is reason to hope that an early cure may be effected by proper treatment. It has been said that a rose by any other name would smell as sweet. Through association of ideas we are used to associating the name of a rose with something beautiful in form and colour, as well as a fragrant perfume. Although it is perfectly true that a rose by any other name would smell as sweet, the converse is also equally true. Take for instance the words "lunatic" and "asylum." Originally the word "lunatic" meant someone whose mind was acutely affected by phases of the moon, and the word "asylum" meant a harbour of refuge to those who required it. Because of the association of ideas, these names "lunatic" and "asylum" acquired a sinister meaning, so much so that to day we find everyone speaking of lunacy declining to mention the word "lunatic," and, instead of referring to asylum, speaking of hospital for the insane. I think it is true that that little insect we call the bug remains equally a bug whether we call it as the scientists do, the heteropterous, hemipterous insect or call it a Norfolk Howard, or whether we speak of it merely as the bug. Unless the points I have alluded to are borne in mind we shall soon find that the word "Heathcote" will acquire the same sinister significance as Claremont. I find it is proposed in the Bill that cases shall be admitted to Heathcote, or the institute that it is proposed to establish, under certain conditions for a period of 12 months, and that they may be, in the discretion of the Inspector General, retained for a further period of 12 months or even longer. I do not for a moment pose as an expert in lunacy. I only possess that small knowledge of matters affecting the insane, which I suppose every medical man acquires during

the course of his practice. I am, however, going to ask the authorities whether they do not consider that this period of 12 months, with the proposed prolongation for another 12 months, or even longer, is not too long, and whether that provision may not defeat the purpose for which this institution is being opened. In the Old Country, where a Royal Commission has recently sat, it is proposed to effect the same objects which this institution is aiming at, by means of what is called the provisional order. I notice that that provisional order is for one to six months. I am not at all sure whether it would not be better, and in the interests of these mentally afflicted persons, if the period were not made first six months, with the right of prolongation of stay in the institution for a further six months, or even longer at the discretion of the Inspector General. It seems to me that if the management start patients out with the idea that they may stay for 12 months, this may very soon lead to the overcrowding of the institution with an unsuitable class of patients, and that there will not then be the accommodation for those cases which will require admission, and which may be more suitable for admission than those already there. If the period were made only six months it would mean that these cases would come under review every six months, and those responsible for the management of the institution would then have to decide whether it was or was not in the best interests of the community that the patients there were certified as insane and drafted on to Claremont, i.e., those who had not sufficiently recovered or had not shown signs of recovery. That is the first point I would urge upon the Government, that they should reconsider this question as to the duration of stay mentioned in the Bill. The establishment of a place into which patients may go voluntarily, or into which patients who need not be certified as insane may be admitted, has for a long time been considered advisable by those who deal in matters of lunacy. I imagine that, provided adequate safeguards are ensured as to the protection of the liberty of the subject, the simpler the mechanism by which patients may get into a hospital of this kind for treatment, the better for them. The Bill provides that once they are in this hospital they come under the control of the board of visitors. I think it is intended that this board shall visit the institution once a month. That provides a safeguard that the patients shall not be detained there unless they are mentally afflicted. As the Chief Secretary mentioned in the second reading speech, a Royal Commission was recently appointed in the Old Country to inquire into matters of lunacy, and that Royal Commission presented a most valuable report. The personnel of the Commission was such as to entitle its conclusions to be received with the greatest consideration and respect by all sections of the community. The Commission included two very eminent medical men, one of whom was Sir Humphrey Rolleston, President of the College of Physicians, and another very eminent medical man. It included also eminent men in the legal profession, and Earl Russell, one of the keenest intellects in the Old Country. Altogether the Commission was a very fine one and presented a valuable report. I wish to invite the attention of the House to a short summary of some of the conclusions arrived at in that report. Firstly, those eminent gentlemen reported that they had not found a single case in which improper detention had been suffered. Secondly they reported that 50 years previously a select committee of the House of Commons had reported the same absence of improper detention. Their third conclusion was that the stigma of certification is acutely felt both by patients and relatives. The fourth conclusion was that certification should be the last resort and not a preliminary to treatment. The fifth conclusion was that the present facilities for treatment without certification need extensive development. It is to meet the last conclusion that the Government have introduced the Bill. I should like to draw the attention of the House to the first of these conclusions that neither the Commission nor the select committee of the House of Commons 50 years before had found in the asylums a single case of improper detention, or that any improper detention had been suffered.

The Chief Secretary: That is so.

Hon. A. J. H. SAW: In view of the sensational statements made many years ago in various novels, notably by Chas. Reade and other writers of fiction, with reference to improper detention in asylums of persons of sound mind, I think the report of the Commission should be very widely circulated. I am sure that in consequence of these works an opinion prevails, not only amongst the unlettered portion of the community, but

those more widely read, that there are cases of gross abuse in our asylums. I do not believe that for a moment. I believe that the law as it is has been sufficient to protect from any improper detention persons really of sound mind. I would like to draw the attention of the House to another phase, and that is that in view of recent happenings both in this State during the last 10 years or so, and particularly recent happenings in the Old Country during the last few years, the medical profession, one of whose duties it had been to certify in cases of lunacy, has become thoroughly alarmed. The position in this State is that many medical men refuse to certify in cases of lunacy. The position in England is somewhat similar. I understand it has gone further there, and to-day deeds of partnership that are drawn up include clauses setting out that neither partner shall certify lunatics. The reason for that arises out of the notorious case of Harnett versus Fisher and Bond. That case was tried in England two or three years ago and I should think it provided one of the greatest scandals on record in the history of the administration of law in the Old Country. The facts were that some 15 years ago a married man named Harnett, in the opinion of his wife and brother, became insane. They called in two medical men to examine Harnett independently and each doctor certified him to be insane. He was placed in an asylum. In fact, he was in several asylums, in all of which he was deemed to be insane and was detained. From one asylum he was released on parole in the custody of his brother, but Harnett escaped from that custody and found his way to the office of one of His Majesty's Commissioners in Lunacy, Dr. Bond. That official found Harnett in a very excited condition, very emotional and making somewhat extravagant statements. When Dr. Bond found that Harnett was a lunatic, and that he had been confined in a lunatic asylum from which he had been released on parole and had broken it by escaping from the custody of his brother, he very wisely, I think, caused Harnett to wait in an adjoining room on some pretext or other and in the meantime Dr. Bond communicated with the asylum. As a result, a messenger was sent from the institution, and, in accordance with the law, arrested Harnett for breaking his parole and escaping from custody. The messenger took Harnett back to the asylum. He was detained for a further period but finally he escaped again and consulted an eminent specialist in mental matters in the Old Country. Harnett was then certified to be sane. The man then proceeded to bring actions against those responsible for his detention, particularly the two original certifying doctors. One of those doctors, fortunately for himself, had died; the other, unfortunately for himself, had not. In addition, Harnett took action against Dr. Bond. The case was dealt with before a judge and jury, and I read the verbatim reports of the case as published in the "British Medical Journal." I do not think I have ever read of a judge making use of such prejudiced and biassed statements from a bench as did the judge concerned in that case. The result was that the jury brought in a verdict for the plaintiff. The two doctors were mulct in heavy damages, amounting to about £30,000. The Government stood behind Dr. Bond, who was one of His Majesty's Commissioners in Lunacy, and the medical profession stood behind the other doctor. There were several appeals and finally the verdict was upset. Huge costs were involved in the proceedings, for the most eminent counsel in England were involved in the litigation. The costs amounted to many thousands of pounds. Were it not for the fact that the costs as between solicitor and client were met on the one hand by His Majesty's Government, and on the other hand by the medical profession, both the doctors, who acted in perfectly good faith, would have been ruined. Since the Harnett episode, there have been quite a crop of cases arising in the Old Country against medical men who have certified lunatics. The Lunacy Act in England provides that if a doctor or anyone connected with a lunatic certifies in good faith and after due care has been exercised, he shall not be liable. That provision, however, has not prevented the crop of litigation to which I have referred. These claims have been based on various allegations against the medical men who have certified patients to be insane. In one case the omission to make a complete physical examination of the patient was made the cause of action. In another case it was the omission to confront the patient with "any persons who may have made statements to the practitioner as to the patient's aberrations of mind or conduct." In a third case it was the omission to delay the certificate pending a

reference to an alienist who, as hon. members are aware, is a specialist in mental diseases. In a fourth case the ground was the omission of the medical practitioner to prosecute an exhaustive inquiry into all statements made by relatives. You can take it from me, Mr. President, that medical practitioners here, as well as in the Old Country, are thoroughly alarmed, and the great majority of them prefer not to undertake the duty of certification, or to have it thrust upon them. The Royal Commission, to which I have referred, recommended an amendment to the Lunacy Act to provide that the onus of proof should be thrown on the plaintiff instead of on the defendant. They also proposed that the certifying doctor should not be liable, "unless such person has acted in bad faith or without reasonable care," and that proceedings "shall upon summary application to a judge of the High Court be stayed upon such terms as to costs and otherwise as the judge may think fit, unless he is satisfied that there is a substantial ground alleging that such act was done in bad faith or without reasonable care." That brings me to a point in the Bill before us. It is true that there is not to be any certification of lunacy or insanity, but there is a certification to be in the form prescribed in the schedule, and that form has to be signed by a medical man. It will be observed that it has to be signed by one medical man instead of by two, as is the law here to-day and in England where such certification is required. The form prescribed reads—

> I,....., of....., a medical practitioner, certify that on the.....day of....., 192 , at....., I examined.....of....., and in my opinion he (or she) is suffering from ....., and it is in the interest of such person that he (or she) should be received into a hospital or reception house for treatment under the Mental Treatment Act, 1927.
>
> Dated the.....day of....., 192 .
>
> (Signature).....

Under that certificate, although it does not provide for certifying insanity, by order of a justice of the peace a person may be taken to an institution and deprived of his liberty for 12 months. So I take it, so far as the medical man is concerned, the consequences of signing a certificate of that description are likely to be just as serious to him as if he were certifying a man to be of unsound mind. I ask the Chief Secretary whether the Bill as it is drafted provides any protection to a doctor who gives such a certificate. It will be noticed that the Bill sets out that it is to be cited as the Mental Treatment Act, and shall be read as one with the Lunacy Act, 1903-1920, referred to in the Bill as the principal Act. It does not set out that the Bill is an amendment of the Lunacy Act, and I am by no means certain that although there is provision in the Lunacy Act for the protection of a doctor certifying a man insane, unless he acts maliciously, that the doctor is granted protection in the Bill before us. The law is stronger here than in the Old Country, but I do not know that the protection in the Lunacy Act will apply under the Bill before us.

The Chief Secretary: Yes, it will.

Hon. A. J. H. SAW: I have consulted four eminent legal practitioners and three tell me it does not, while one says that he is not quite sure, but in any case a clause should be inserted in the Bill making it certain that it does.

The Chief Secretary: I intend to do that.

Hon. A. J. H. SAW: Provided the section in the Lunacy Act is specifically included in the Bill, with other cognate sections having the same object in view, I shall have no objection to the measure from that standpoint.

The Chief Secretary: I have such an amendment already drafted.

Hon. A. J. H. SAW: I am glad of that. I spoke to the Chief Secretary on this point a day or two ago, and I am glad that he has gone into the question and that it is the intention of the Government to amend the Bill. I can assure the Minister that if that protection is not accorded, the medical men of Western Australia will not be disposed to sign the certificates.

Hon. E. H. Gray: That is direct action!

Hon. A. J. H. SAW: No, it is not. It is not compulsory for doctors to take up this class of work any more than it is to perform a major operation. There is no direct action about it and unless medical practitioners are safeguarded, they are within their rights in declining to certify. Another point included in the Bill is that a certificate may be signed by one doctor only, whereas in the parent Act and in England, the signatures of two doctors are required. For the protection of the public and of the medical practitioners themselves, there should be two certifying doctors in cases of

insanity. Men will be deprived of their liberty under the Bill, and it would be wise to include provision for certification by two doctors instead of only one. In Scotland since 1857 the law has provided for certification by two doctors. In that country it has never been found necessary to introduce the services of a justice of the peace. Two medical men certify and the patient is admitted to an asylum and treated there. It is regarded as part of the mental treatment. The Act is working well in Scotland and so far as I know there have been no legal actions, nor any question of abuse. I am not at all sure why the provision for the justice of the peace is included in the Bill. I will quote Clause 4, which deals with the point I have in mind—

(1) If, on an application made by any person, in the prescribed manner, to a justice of the peace, it is proved to the satisfaction of such justice that a person is suffering from mental or nervous disorder, and has not been found, declared or certified to be insane, and that it is in the interest of such person or of the public that he should be received into a hospital or reception house for treatment under this Act, the justice may, by an order in the prescribed form, order that such person may be taken charge of, conveyed to, and received into a hospital or reception house for a period not exceeding one year.

(2) The justice may accept as proof that a person is suffering from mental or nervous disorder and should be received into a hospital or reception house, a certificate, in the form in the Schedule to this Act, signed by a medical practitioner within seven days prior to the date of the order, and may interview such person at any place the justice may think fit; but unless such certificate is produced, the evidence of a medical practitioner shall be essential.

It seems to me that a justice of the peace may make an order merely on a certificate presented to him by a medical man, or may proceed to interview a patient and ascertain for himself whether or not a patient is insane. I do not know whether an ordinary justice of the peace has any qualifications for deciding upon his own examination whether a person is or is not insane. Of course, he may form an opinion and no doubt that opinion may be correct in the more violent or obvious forms of insanity. In difficult cases, however, I do not know that the opinion of a justice of the peace would be of any value at all. If these cases are to be certified in the form I have referred to, by two medical men, it seems to me it would be quite sufficient if the functions of the justice of the peace were confined to seeing that the certificates were in order and revealed clear proof that the person concerned required mental treatment. That, I think, would be a more satisfactory arrangement than that justices should interview people supposed to be of unsound mind. The question of deciding whether a patient is or is not insane is very often a difficult one. Judge McCardie has said—

The question of insanity is a matter which is the most difficult, delicate and indefinite in the whole range of medical practice.

I agree with him. That being so, then surely the proper persons to decide are medical men. And it is preferable that one of those medical men, wherever possible, should be the patient's own medical attendant, while the other certifying doctor should be a specialist in lunacy. One other small point: in Clauses 2 and 3 the words are used "suffering form mental or nervous disorders." No doubt the Bill is intended to be applicable to people suffering from mental disorders, but I do not see why the words "or nervous disorders" should have been included. It is merely a euphemism, another way of camouflaging the issue. What we are really dealing with are cases of mental disorders. Sir Edward Wittenoom the other day remarked that most of us at times had suffered from some nervous disorder or other. I may add that thank goodness most of us have not suffered from any mental disorders. A question has been raised as to the causes of insanity. There is no doubt whatever that most observers seem to think insanity is increasing. When we consider the increase in insanity and also in cancer, it becomes clear that the outlook for those over 40 will be rather bad in the future. Detention must always be an object in dealing with insanity, but prevention and cure are even more important. I hope that under the Bill mental cases will be induced to go into a hospital and get proper treatment early. As to the causes of insanity, most medical men agree that one of the greatest significance is the inheritance of an unstable mental system. Once given that peculiar mental constitution, the question whether sanity or insanity results is frequently a question whether some contributory cause is superadded. Of those accessory causes of insanity I suppose the most potent are syphilis, alcoholism, excessive strain, and worry or anxiety. Then, more widely recognised now than in

earlier years, there is a group of various bodily disorders, of secretion, excretion, metabolism, and toxins and other poisons. Then there are various phases of life in which insanity is prone to occur, especially in women, such as puberty, menopause, childbearing and lactation. I should like an assurance from the Minister that before the Bill was drafted various bodies who might have contributed some assistance were consulted. I am sure that nearly everybody in the community is anxious to see that what can be done for these unfortunae patients is done, particularly on the side of prevention and early treatment. I do not know whether the Government, before they drafted the Bill, took into their conclaves the board of visitors appointed to watch over the interests of the insane at Claremont and other institutions, or whether the Government approached the British Medical Association or the Medical Board.

The Chief Secretary: The Bill was based largely on the British Medical Association's commission.

Hon. A. J. H. SAW: To a certain extent perhaps, but not altogether. It would have been wise had those bodies been consulted before action was taken. The Bill is not entirely based on the report of the commission, because that commission made a point that the provisional order, to which this schedule is an equivalent, shall apply only from one to six months, whereas the Bill provides for a period of 12 months. On points such as that, the period for which these people shall be put under control before being released or certified as insane and removed to another place, is a point for discussion and would benefit by ventilation amongst those qualified to express opinions.

Hon. Sir Edward Wittenoom: Will not the experiment be an expensive one?

Hon. A. J. H. SAW: I do not care how expensive it may be, provided it yields results; and I think it will yield results if properly applied. Unfortunately a great number of people do not get treatment in the early stages, whilst unfortunately others recovering after a few months are nevertheless labelled insane and have to bear that stigma for the rest of their lives. It is for those people the Bill has been introduced. I have pleasure in supporting the second reading, but I hope the Committee stage may be delayed for a short period in order that certain questions may be fully ventilated. I find that a great number of people really interested have not even heard of the Bill. Only to-day I was speaking to a legal gentleman interested in questions of insanity who had to confess that he did not know the Bill was before the House. He assures me that he gets copies of all Bills coming before Parliament, but on making a search to-day he could not find this one amongst the others he had received. There is nothing to be gained by hurrying the Bill through. I am sure the Chief Secretary would be the last who would want to hurry it. My object and that of the British Medical Association is merely that the Bill, when passed, shall prove a good one.

On motion by the Chief Secretary, debate adjourned.

BILL—CLOSER SETTLEMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [8.40] in moving the second reading said: This is the fourth time a Closer Settlement Bill has come from another place to the Legislative Council. On two former occasions it was presented by a previous Administration. So far it has not become law. The need for a Bill to give the Government of the day power to acquire land compulsorily for closer settlement should require no stressing. In my speech, when a similar measure was before this House, I was able to show on the authority of District Surveyor Lefroy that, as a result of his classification in 1918, he had discovered large areas, convenient to railway lines, not utilised for the purpose that nature intended, and, as a result of his own observations, he was in a position to say that a similar condition of things existed in almost every agricultural part of the State. Apart from the district surveyor's report, everyone of us must know that in different portions of Western Australia there are areas suitable for growing wheat, which have been left unimproved for many years. Some of these areas are close to railways, which have been built out of public funds, and in connection with which the general taxpayer, in the early stages, had to find the interest and sinking fund and in some instances bear a portion of the working expenses. And, although these estates have increased in value owing to the provision of railway facilities for the districts in which they are

located, and owing also to the expenditure of public funds in other directions, yet the owners have not done their duty by the State. We are not justified in continuing to borrow more money to open up virgin country while we have considerable areas, close to existing railways, that have not been brought into full production. We should force such land into use. If that were done, we could add hundreds of settlers to those using our railways, and they would provide extra freights and so help those public utilities to become profitable concerns, or reduce freights to those who are genuinely attempting to develop the country. We have been building more railways to provide facilities to settled country and at the same time open up new agricultural territory. The Government have been constructing such railways as far as the finances of the State would allow. But, while we cannot overlook the requirements of existing settlers, why build railways into new country to open up fresh land when we have alongside, or at all events, within a few miles of present railways, a considerable area of land which is practically locked up against settlement and the owners of which have failed to recognise their duty to the country? Some people are shocked, or pretend to be shocked, when it is suggested that the owner of land should be compelled to sell it against his will at its full value when the country requires it for the purpose of closer settlement. They talk about the "rights of property," but they fail to recognise that the rights to property in land carry responsibilities to the general community. Henry George has had a lot to say on the question, but we shall pass him by. There are other authorities. John Stuart Mill, in his work "Principles of Political Economy," puts the position well.

Hon. J. J. Holmes: Your predecessor, Sir Hal Colebatch, said, "The earth is the Lord's and the fullness thereof."

The CHIEF SECRETARY: It is a pity the hon. member did not supply me with that text before I commenced. John Stuart Mill, so far as I have been able to discover, was not a Bolshevik, and he said—

> The claim of the land owners to the land is altogether subordinate to the general policy of the State. The principle of property gives them no right to the land, but only a right to compensation for whatever portion of their interest in the land it may be the policy of the State to deprive them of. To that their claim is indefeasible. It is due to land owners and to owners of any property whatever, recognised as such by the State, that they should not be dispossessed of it without receiving its primary value or an annual income equal to what they derived from it.

Hon. J. Nicholson: It depends upon what you call primary value.

The CHIEF SECRETARY: That is the term he uses. Further on he says—

> In the case of cultivated land, a man, whom, though only one among millions, the law permits to hold thousands of acres as his single share, is not entitled to think that all this is given to him to use and abuse and deal with as if it concerned nobody but himself.

Hon. Sir Edward Wittenoom: Why did the Government take his money for it?

The CHIEF SECRETARY: Mill continues—

> The rents or profits which he can obtain from it are at his sole discretion; but with regard to the land, in everything which he does with it and everything which he abstains from doing, he is morally bound, and should whenever the case admits, be legally compelled to make his interests and pleasure consistent with the public good.

Hon. J. Cornell: What did Karl Marx say about it?

The CHIEF SECRETARY: For the time being I am leaving literary and political authorities alone. There is no need to go to the writings of John Stuart Mill or other great men, who have made political economy their study, and support this Bill with the theories that they propounded. The principle has progressed far beyond the theory stage and taken practical form. In every other State of the Commonwealth and in New Zealand there is on the statute-book a Closer Settlement Act similar in main principles to the one now before the House. In New South Wales, the Secretary for Lands administers the Act. There is a Closer Settlement Advisory Board composed of three members, who advise the Minister on all matters connected with the resumption of land for sub-division and re-sale in cases where the value of the estate, as estimated by the board, exceeds £20,000. If the land is within 10 miles of a railway, the limit is £10,000. In conservative Victoria, the Government may acquire land by the compulsory process,

provided the resumption is recommended by the Closer Settlement Board and that the unimproved value of the land, as estimated by the board, exceeds £2,500. The procedure in Queensland is to resume any land required on payment of compensation agreed to or fixed by the Land Appeal Court. There are no other restrictions. In South Australia the power to resume is confined to estates whose value exceeds £20,000. The Tasmanian Government have authority to resume land, the value of which exceeds £12,000, but the owner has the right to retain an area not exceeding £5,000 in unimproved value. New Zealand has greater powers. The Governor-General may resume land provided the resumption is recommended by the Dominion Land Purchase Board, and the area is not less than the prescribed maximum, namely, 400 acres of first class land, 1,000 acres of second class land, 2,500 acres of third class land. Hence the power of resumption of land for closer settlement is enjoyed by every State in the Commonwealth and by New Zealand, though the procedure varies in the different States. Is there such a demand for land in Western Australia as would justify the introduction of a measure such as this? The fact that, six years ago Sir James Mitchell, after much investigation, deliberately considered legislation of this character necessary, should be a sufficient answer to that question. But I have more tangible proofs of the existence in this State of a demand—a great and insatiable demand—for agricultural land. I have a return furnished me by the Under Secretary for Lands, that affords the best possible evidence of the struggle to obtain agricultural blocks in Western Australia. The return goes back only a year, quite far enough though to demonstrate the soundness of my contention that there is a great demand for land in this State. It states—

Hereunder please find figures required in connection with the department's operation during the past twelve months:—

Enquiries for land recorded	9,500
Applications received	7,546
Approvals issued	2,588
Land Board sittings	61
Days occupied by Land Board sittings	116
Blocks allotted by board	487
Simultaneous applicants	3,430
Mendel Estate blocks	17
Mendel Estate applicants	146

The following figures indicate the demand for some of the blocks allotted by the board:—

Date of Sitting.	Locality of Blocks.	Number of Applicants.
7- 7-26	Victoria loc. 6302 ..	33
19- 7-26	Esperance—5 blocks ..	18
19- 7-26	Boddalin—19 blocks ..	66
3- 8-26	Boddalin—13 blocks ..	31
11- 8-26	Victoria loc. 7447 ..	13
6- 9-26	Ninghan locs. 1893/4 ..	76
6- 9-26	Ninghan, unsurveyed ..	18
14- 9-26	Roe loc. 273	27
21- 9-26	Roe—17 blocks	55
23- 9-26	Roe—17 blocks	55
6-10-26	Victoria locs. 6824 and 7482	20
7-10-26	Ninghan loc. 2025 ..	44
19-10-26	Fitzgerald locs. 413 & 415	34
5-11-26	Esperance loc. 444 ..	26
22-11-26	Boddalin—8 blocks ..	142
22-11-26	Avon locs. 20457 & 20460	83
25-11-26	Yilgarn locs. 974, 976 & 979	24
25-11-26	Fitzgerald locs. 517 & 407	28
25-11-26	Roe locs. 416 & 417 ..	26
23-12-26	Fitzgerald locs. 526 & 528	22
5- 1-27	Yilgarn loc. 242	28
5- 1-27	Roe—4 blocks	60
5- 1-27	Avon loc. 23582	42
25- 1-27	Ninghan—9 blocks ..	28
11- 2-27	Fitzgerald locs. 286 & 307	17
18- 1-27	Avon locs. 18305/6 ..	18
21- 1-27	Ninghan loc. 1297 ..	71
24- 2-27	Fitzgerald locs. 522, 287, and 274	21
9- 3-27	Fitzgerald locs. 1024, 1013, 170 & 171	67
5- 4-27	Esperance loc. 439 and Fitzgerald loc. 524 ..	41
5- 4-27	Esperance loc. 788 and Fitzgerald locs. 1008 & 428	42
10- 4-27	Yilgarn locs. 972, 974 & 989	28
16- 5-27	Roe locs. 1080 to 1086 ..	44
16- 5-27	Esperance locs. 430 & 874	20
16- 5-27	Fitzgerald locs. 269 & 268	56
16- 5-27	Roe loc. 79	34
24- 5-27	Esperance—5 blocks ..	21
15- 6-27	Fitzgerald locs. 643 & 118	22
15- 6-27	Ninghan loc. 1520 ..	26
27- 6-27	Fitzgerald locs. 534, 1004, & 337	64
27- 6-27	Yilgarn loc. 316	39
5- 7-27	Yilgarn loc. 987	46
5- 7-27	Esperance loc. 594 ..	27
3- 8-27	Ninghan locs. 1958, 2443, & 2444	43

Hon. E. H. Harris: Have you the total number of applications and the total number of blocks?

The CHIEF SECRETARY: The number of applications received was 7,546 and the number of blocks allotted by the board was 487.

Hon. A. J. H. Saw: Many of the applications were made by the same persons.

The CHIEF SECRETARY: Yes.

Hon. J. J. Holmes: Why have you not sent some of those land-hungry persons to the group settlements?

Hon. Sir Edward Wittenoom: Is that all new virgin land?

The CHIEF SECRETARY: Some of it is not virgin land; some of the blocks have probably been abandoned.

Hon. J. Cornell: I should say 95 per cent. of the blocks are virgin land.

Hon. J. J. Holmes: There should be room for some of those applicants on the group settlements.

The CHIEF SECRETARY: Various portions of the State are dealt with in that return, and we find that there is a large number of applicants for every block thrown open. We find that in connection with blocks allotted by the Land Board there were 3,430 simultaneous applicants and only 487 able to secure land. In my own district there were 146 applicants for 17 blocks in the Mendel Estate, which was thrown open last year. At Boddalin there were 142 applications for eight blocks. Every hon. member realises that a million acres of first-class land could be disposed of within the next three months if it were available. I will now briefly explain the clauses of the Bill. Clause 2 provides for the appointment of a Land Acquisition Board. It is to consist of an officer of the Department of Lands and Surveys, an officer of the Agricultural Bank, and a practical farmer having local knowledge of the matter under inquiry. Under Clause 3 the board make investigation into the suitability and requirement for closer settlement of unutilised land. And it is deemed unutilised if in the opinion of the Board the land, having regard to its economic value, is not put to reasonable use, and its retention by the owner is a hindrance to closer settlement and cannot be justified. Under Clause 4, in case the land has been unutilised for upwards of two years, the board may report to the Minister and state what in their opinion is the reasonable use to which the land could be put. But before making the report the Board must notify all persons having an interest in the land, and give them an opportunity to appear before the board and be heard. A copy of the report must also be given them. Under Clause 5 the Governor may declare the land subject to the Act. Then, under Clause 6, all persons financially interested in the land must be notified that it is required for closer settlement. After that, the owner has three months to decide whether he will sub-divide and offer the land for sale in sub-divisions. If he decides to do so, he must submit to the board his scheme of sub-division for their approval, and subsequently offer the blocks for sale by auction or private contract at reasonable upset prices, and on such reasonable terms and conditions as the board may approve. Clause 7 gives the board power to bring the land under the Act if the owner fails to notify the board of his intention to subdivide the land for sale. When it is brought under the Act, the interest of every person in it is concerted into a claim for compensation. Part III. of the Public Works Act, 1902, then applies. This relates to the right to the recovery of and the application of compensation or purchase money. But if the parties cannot agree on the question of compensation, the amount to be paid will be determined by arbitration under the Arbitration Act, 1895. Each party appoints an arbitrator, and the two arbitrators then appoint an umpire: and if they fail to agree with regard to the appointment of an umpire, that appointment will be made by a judge of the Supreme Court.

Hon. J. Nicholson: Why not adopt the same principle as is adopted in the Public Works Act?

The CHIEF SECRETARY: It is considered that in a case like this it might be desirable to have men experienced in agriculture and therefore capable of determining the value of agricultural land. Probably the two arbitrators and the umpire would all three be selected because of their agricultural knowledge.

Hon. J. Nicholson: Under the Public Works Act, 1902, there would be a Supreme Court judge and two assessors.

The CHIEF SECRETARY: The arrangement under the Arbitration Act is much better.

Hon. J. Nicholson: It doubles the expense.

The CHIEF SECRETARY: Clause 8 gives to the owner who fails to subdivide his land as set forth in Section 6, the right to appeal to a judge of the Supreme Court, who may confirm the action of the board or direct the withdrawal of the notice of default, or make any other order that he may think fit. Under Clause 10, where the board

take a portion of a holding or adjoining holding, the owner can compel the board to take the whole of it. A mortgagee enjoys a similar right under the Bill. Under Clause 11, which was inserted by another place, the owner has the right to retain a portion of the land to be taken sufficient for the sustenance of himself and his family, and the parties can come to an agreement as to the area necessary for that purpose. The author of that clause, I may point out, is one of the leaders of the men upon the land.

Hon. J. J. Holmes: I suppose he took that because he could not get anything better.

The CHIEF SECRETARY: Clause 12 deals with registration, and Clause 13 enables the land to be disposed of under the Agricultural Lands Purchase Act. Under Clause 14, in cases in which land declared subject to the Act has subsequently become properly utilised, it may be discharged from the operation of the measure. Clause 15 enables the Governor to make regulations. Clause 16 makes it incumbent on the board to keep a record of their proceedings and to report annually to Parliament. Clause 17 gives power to take freehold and leasehold land, except pastoral lease, and also conditional purchase land. The main alterations in this Bill as compared with the previous measure are alterations which have been adopted as the result of amendments made by the Legislative Council. One of them has baffled the keenest intellects elsewhere, and I leave that for Mr. Nicholson to explain: it refers to the economic value of land. The matter has excited a great deal of controversy, and we shall rely upon Mr. Nicholson to elucidate the problem. Now, this is a just Bill. It will take nothing away without giving a full compensating return. If the owner of the land which it has been decided to resume, and the Government resuming it, cannot come to terms, the procedure will be under the Public Works Act, 1902, and the value of the land determined under the Arbitration Act, 1895. That is to say, each party will have the right to appoint an arbitrator, and if they cannot agree as to the identity of an umpire, he will be appointed by the Supreme Court. It will be recognised that, owing to the constitution of the tribunal, no one is likely to be robbed of his property, and that any person whose land has been taken under this Bill will be honestly recompensed in the same manner as he would be if his land had been resumed by the Commonwealth or State Government for public purposes. On the other hand, there is a great probability that he may receive more than the estate is worth. There have been hundreds of cases of ordinary land resumption in this State since it was founded, and I have never heard yet of even one instance in which the owner was victimised, but I have heard of numerous instances in which he was compensated far beyond what he could have anticipated even in his wildest imaginings. And this is a Bill which has public endorsement. It was featured by the present Government during the last general election, and it received the support of every party. Nowhere did it meet with a more enthusiastic reception than from our farming community, many of whom have young sons growing up and who see no prospects, under present conditions, of those sons being able to follow the calling to which they have been trained. The attitude of the daily Press of Perth may be accepted as a reflex of public opinion on this question. Both the "West Australian" and the "Daily News" have something good to say about this legislation. Referring to the present Bill, the "West Australian," in a leading article published in its issue of the 25th August last, writes as follows:—

> The measure as it stands is in no sense confiscatory. The rights of owners who are putting their lands to economic use, or who are giving earnest of their intention to do so, are fully safeguarded. The Bill is directed only against those who are holding in comparative idleness, in their own despite and that of the community, large areas of land which should be supporting a prosperous yeomanry. Our railways now traverse mile upon mile of unproductive lands, the produce of which would, were they utilised to anything like their capacity, provide such additional freight as would enable charges against the genuine producer to be appreciably reduced. Meanwhile disappointed seekers after land are being turned away day after day, and the credit of the country is being strained to push out new railways in a vain attempt to meet the clamant demand. Resumption, under the equitable conditions provided for, would be no hardship, but rather the reverse, to those who hold excessive tracts of country which they cannot, or will not, turn to economic account. In other States, and in other countries, the paramountcy of the interests of the whole community over those of the individual, is recognised by similar legislation; and the Upper House will find it difficult——

No; we will omit that.

Hon. J. J. Holmes: Did not the same paper say it would be a calamity if the Labour Government came back?

The CHIEF SECRETARY: That was during the general election. The "Daily News" of the 24th August wrote as follows:—

The Government deserves to be congratulated upon its action in introducing early in the session a Bill relating to the acquisition and disposal of land for closer settlement, and providing machinery for compulsory purchase of land which is not being worked to the limit of its capacity. . . . . A somewhat similar Bill has been introduced on three previous occasions but has failed to become law largely, we think, because the Upper House was of opinion that the Government had not exhausted the suitable Crown land, and was therefore not justified in laying hands upon private property. In recent years this objection has lost much of its point, and there are now so many inquiries from people within and without the State for areas for settlement that the time has arrived when nobody should be allowed to hold land suitable for cultivation which he does not put to its fullest and best use. Lying close to already constructed railway lines are countless thousands of acres of good land not being put to its best use for which settlers can be found within the next few years if only those lands are subdivided and thrown open for selection. It is economically sound that these lands should be cultivated to their capacity before we go further afield and have to build new and expensive railways.

When the two leading newspapers which are in touch with all that is going on, which are in a position to ascertain whether this measure is necessary or not—when they take up a stand like that, it should be very difficult for anyone to argue convincingly that there is no need for this Bill. As a matter of fact, patent to all, the passing of such a measure is essential to the continued progress of agriculture here, and I trust that if hon. members amend it—as they may see fit to amend it—nothing will be done to mar its efficiency in attaining the objective which two different Administrations had in view when submitting it to the consideration of Parliament. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Edward Wittenoom, debate adjourned.

House adjourned at 9.20 p.m.

Legislative Assembly,

Tuesday, 20th September, 1927.

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

QUESTION—WHEAT PRODUCTION, SOIL ANALYSIS

Mr. STUBBS asked the Minister for Lands: In view of the importance to the State of an increased wheat yield, will he establish and equip at Muresk, or at some other convenient centre, a laboratory for the analysis of soils at which students and farmers can obtain necessary knowledge?

The MINISTER FOR LANDS replied: At the Muresk College there is a well equipped laboratory where the students receive instruction in scientific agriculture, including soil testing. At the Government Analytical Laboratory facilities are provided whereby farmers can have their soils analysed at specially reduced rates. Farmers can also obtain information regarding their problems in connection with increased production by communicating with the Department of Agriculture, and from the agricultural advisers, who visit the different centres and farmers on their holdings.

BILL—ELECTORAL ACT AMENDMENT.

Report of Committee adopted.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

THE PREMIER (Hon. P. Collier—Boulder) [4.35] in moving the second reading said: This is one of the small annual Bills that come down for re-enactment. Under the Forests Act a sum equal to 10 per cent. of the revenue from sandalwood,