

Legislative Assembly.*Thursday, 26th November, 1936.*

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

QUESTIONS (2)—BULK WHEAT.*Railways Surcharge.*

Mr. DONEY asked the Minister for Railways: 1, Is it a fact that the Commissioner for Railways has demanded or intends to demand a surcharge, in respect of the 19 miles of Government line from Walkaway to Geraldton, on bulk wheat railed from sidings on the Midland Railway Company's line to Geraldton which already carries a surcharge of 1s. 6d.? 2, If the answer to 1 is in the affirmative, on what basis is the charge made or to be made?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, On a proportional basis which will work out between one penny and twopence per ton.

Land Rent for Private Weighbridges.

Mr. DONEY asked the Minister for Lands: 1, Is it a fact that rent for land on which weighbridges owned by Bulk Handling, Ltd., have been erected on Crown lands adjacent to railway sidings has been increased by 50 per cent.? 2, If so, what reason is given for such increase?

The MINISTER FOR LANDS replied: 1, Yes, from £1. to £1 10s. per annum. 2, The additional security given to the company by the extension of the leases from five to ten years is considered to warrant the small increases in rental.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Introduced by the Minister for Works and read a first time.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.*Third Reading.*

THE MINISTER FOR POLICE (Hon. F. J. S. Wise—Gascoyne) [4.35]: I move—That the Bill be now read a third time.

MR. HUGHES (East Perth) [4.36]: I must apologise to the House for addressing myself again to this subject, but in view of certain statements made by the Minister for Police, I feel that I owe it to the House to answer those statements. The House will be in a particularly fortunate position on this occasion, because there will not be any need for a Royal Commission or a committee of inquiry to clarify the Act to see the truth of what I shall say. For there are certain members in the Chamber who know from their own personal knowledge that what I will say are absolute facts. Fortunately, they are not all on one side of the House. On the Government side there are the members for Middle Swan (Mr. Hegney) and Guildford-Midland (Hon. W. D. Johnson), both of whom will be able to tell the House whether or not what I have to say is true. I am not taking any risks on this occasion. Also we have on the Government side the three Fremantle members, each of whom will be able to support something else I shall say. On the Opposition side we have the members for Toodyay (Mr. Thorn) and Nedlands (Hon. N. Keenan) both of whom will be in a position, from their own knowledge, to verify what I have to say.

Mr. Withers: What a combination!

Mr. HUGHES: It is a jury that no man could get by unless he had a clean skin. One thing I think is a very serious matter in connection with the speech of the Minister for Police. That gentleman made the statement that I had conducted a sweep for the Tea Room Girls' Club, and that they received £30 7s. 4d. When the hon. gentleman made that statement he knew that it was false.

The Minister for Police: I ask that the hon. member withdraw that statement, for it is quite incorrect.

Mr. SPEAKER: The hon. member has been asked to withdraw that statement.

Mr. HUGHES: Certainly. The statement, of course, was previously made and broadcast publicly, and was challenged in the court, and after a lengthy trial, in which

the people who made that statement had every opportunity to bring forward their evidence, and had the services of the president of the National Party, Sir Walter James, to plead their cause, those statements were found to be untrue and so those who had made them had to pay damages. Of course, they did not pay the damages; they took it from somebody else. I propose to deal with the statement at some length in order to show the House the extent to which misrepresentation can go on. I am not perturbed at anybody making that statement outside because, having proved it wrong to a jury on one occasion, at a cost of £700—the cost to the workers—we can always do it again. The statement was made by the Minister for Police. I heard it myself, it appeared in the “West Australian” on the following day and in other papers over the week-end. But now that “Hansard” is printed, we find that the “Hansard” report has been interfered with and the statement does not appear as it was made by the Minister for Police, but this statement appears in its place, “Several deductions were made, and they received a cheque for £30 7s. 4d.”; I say definitely that that is not the statement made by the Minister, and that after the Minister made the statement in the House the “Hansard” records were altered.

The Minister for Police: I object to the words used by the hon. member; they are absolutely false.

Mr. HUGHES: Mr. Speaker, could not you settle this question before I proceed by sending for the “Hansard” proofs that were submitted to the Minister? If I am proved wrong I will not only apologise but I will give £25 to charities. As the position is so serious, Sir, I should be glad if you could send for those proofs.

Mr. SPEAKER: No, I cannot hold up the debate for that. But it is a very serious accusation that a material matter has been altered in “Hansard.” It is distinctly against the rules of the House and, indeed, the Chief Hansard Reporter has a letter over my name to the effect that no material matter must be altered without my authority.

Mr. HUGHES: May I repeat: I allege that the Minister made this statement, “They received a cheque for £30 7s. 4d.” What appears in “Hansard” is “Several deductions were made, and they received a cheque for £30 7s. 4d.” My accusation is a very serious one. I say that those words “sev-

eral deductions were made” have been added. Dealing with this question—and I hope, Sir, you will pardon my going into these matters, because I am doing it in answer to an attack that was made under parliamentary privilege. I am prepared to go outside and make the statement about the falsification of “Hansard” that I have made here.

Mr. SPEAKER: Does the hon. member allege that it was made by the Minister for Police?

Mr. HUGHES: I do not know. The allegation is that the Minister made a certain statement and that the statement in “Hansard” is not the statement that he made, certain words having been added to it. It would be impossible for me to say who made the alteration, but I hope that, for the honour of the House, we shall ascertain, if the Minister did not make it, who did. On another statement the Minister made was—

With the knowledge he (referring to me) has of malpractice in the running of sweeps he knew it would be possible for a great deal of malpractice and misappropriation to occur.

There is only one inference to be drawn from that, namely that in running sweeps I practised misappropriation and malpractice. The hon. gentleman then goes on to say this—

Experiences recorded on the files also show, in the words of an official, that one promoter—Mr. Hughes it was—treated all inquiries regarding returns and balance sheets with profound silence.

The Minister was in a position to verify those statements before he made them, because he has available to him the records of the police and also the records of the Supreme Court. He knows that as the result of having made that same statement Mr. Gray, M.L.C., had to receive a Royal pardon. Members probably are tired of hearing the reasons for that Royal pardon.

Mr. Wilson: We are.

Mr. HUGHES: I am sorry if the hon. member is, but he will have to pardon me on this occasion. It is strange that when a highly defamatory statement is made outside the House, one may go to the court and get a jury to decide it, and when the court holds that it is defamatory, damages and expensive costs are awarded. It is a terrible thing that a Minister of the Crown can come into Parliament and under parliamentary privilege repeat that statement, which he ought to know is false, and so get it into 70,000 copies of the morning newspaper without the slightest redress to

the party concerned. That is not a proper use of parliamentary privilege, but is an absolute abuse of it. And the Minister had available the records of the Supreme Court. He could have gone to the people who had to pay the costs. Dealing with this generally, I propose to refer only to three or four particular cases. There are members present who were concerned in that matter and who can deny or approve of what I have to say. In bygone years certain organisations would get permission from the Commissioner of Police to conduct sweeps for charitable purposes or worthy objects. A worthy object was extended even to the payment of members' electioneering expenses. I never ran a sweep of that nature, nor have I had anything to do with one. I consider that is beyond the pale. I did, however, run sweeps for certain organisations. They were apparently so successful that I was deluged with applications to run sweeps. Every sweep I ran was properly audited by a chartered accountant—he had nothing to do with me—and the balance sheet and profit and loss account were forwarded in each case to the Commissioner of Police. These were made available by the Commissioner to private individuals. I have here a handful of them, if any member would like to look at them. When an organisation came to me, I told the officials that if they got permission, I would run the sweep, on certain conditions. They could either give me £8 a week for 13 weeks, and travelling expenses, or I would take 25 per cent. of the net profit. No one ever put me on wages. Even when I worked for the Fremantle and Perth Trades Halls, notwithstanding the day labour principles, they put me on contract.

Hon. C. G. Latham: They built the Trades Hall by contract.

Mr. HUGHES: Whether the contract worked out better for me, I do not know. No one was prepared to give me wages plus travelling expenses. They all preferred to pay me on the basis of "no profit, no pay." In addition, I had to finance the sweep. I had to find all the money to run it, and pay my own travelling expenses, and was allowed 25 per cent. of the net profit. They were 1s., not half-crown sweeps, and there was no monopoly, as there is at present. Sometimes we had four or five sweeps running together. I ran two myself at the same time, thanks to the member for Guildford-Midland (Hon. W. D. Johnson).

Hon. C. G. Latham: He fixed it up for you, did he?

Mr. HUGHES: He got the necessary permission, and arranged everything, and said, "Spring off your tail, and make it a welter; make all the money you can." So I had to get on with the job. The result surprised us. The Minister said that to receive £94 for one sweep was real racketeering. He reminds me of a cartoon I saw in a New York magazine, of a gentleman who looked back upon life from the age of 70. After living his life to the age of 70, he put on paper his impressions at 17 and those at 70. At 17 the word "life" consisted of a very small "l" and a very small "f," and a large "I"; but at 70, the "L" and the "F" were large, and the "i" was very small. That cartoon describes the Minister to a "T." I am not accusing him of being only 17; I think that mentally he is only about eight.

Mr. Lambert: No bites; go on.

Mr. HUGHES: When he says that to receive £94 for running a sweep is racketeering, what would he say if someone paid me three times as much? What sort of employer would he think such a man was to pay so much; would he be good or bad? It looks as if I would have to make my speech alone.

The Minister for Employment: Bad luck!

Mr. HUGHES: Everyone agreed that I should have 25 per cent. of the net profits, pay my own expenses, and find all the money. I raised over £5,000 in three years for the East Perth Progress Association, and for this they paid me the magnificent sum of £8 a week.

Mr. Thorn: No wonder you got into Parliament.

Mr. HUGHES: I raised a lot of money for the Swan settlers, too, and even showed them how to run a grape show. I was receiving £8 a week. When I took the agency for those sweeps, although I appeared as agent, the 25 per cent. profit went into the coffers of the East Perth Progress Association. I never received one penny out of the lot. The Minister knows that, for it was broadcast in the Supreme Court, and published in the Press. Of the 25 per cent. I did not get one penny, for the whole of it went into the organisation which was paying me £8 a week. The people concerned were apparently so satisfied that it was not long before I had another re-

quest. I do not know what sinister suggestion the member for Toodyay (Mr. Thorn) would make. The people in the Upper Swan Valley were having financial difficulties with something in which they were interested. They enlisted my services to run a sweep. I ran that sweep, and then ran another for them. I also ran a couple of grape shows. I even organised the first grape and dried fruit show, and made a handsome profit for them. I cannot say how much money was handed over, but I think that after two or three years they paid off £600 or £700, representing a debt on the hall. I left them with a first-class second-rate country race-track, and everything clear of debt. There was also a substantial cash balance in the bank, and the people concerned have been free of debt ever since. So satisfied were they that after I had cleaned up all the debt, and they had paid me what the Minister considered was a racketeering amount, they presented me with a gold medal. When the price of gold reached a certain figure, I handed that in to the Mint. When the country was in need of gold, knowing as I did that my reputation on the Swan would live without the necessity of a piece of gold to keep it alive, I disposed of the medal. The member for Irwin-Moore (Hon. P. D. Ferguson) and the member for Toodyay (Mr. Thorn) know that. They know that the people of the Swan were not only satisfied to pay me what is considered to be racketeering wages, but were prepared to record their appreciation in gold. I wish all the people of the Swan Valley that I worked for were in the East Perth electorate. The only thing I am sorry for is that they are not in that electorate. They made their contract. At that time they had not a penny, and could not themselves pay. They were financed and the sweeps were run for them. My contract was carried out, and they got their audited balance sheet. I have copies here for any member who doubts my word to see. I had occasion to run a sweep for the Hamilton Hill people. These are the balance sheets we have been so silent about. I am sorry the member for Middle Swan (Mr. Hegney) and the member for Guildford-Midland (Hon. W. D. Johnson) are not present. The member for Guildford-Midland knew I was going to deal with this question. The 25 per cent. the Upper Swan people paid me did not go into my pocket, but into the coffers

of the East Perth Progress Association. The Minister says I ran a sweep for the Hamilton Hill people, that they got so much, that they asked me for a balance sheet, and that I was silent. I say that is another false statement on the part of the Minister. They got their balance sheet in the ordinary way. They were so pleased with the result that they came to me again. The sweep referred to was the Hamilton Hill Labour Day Handicap Sweep. It was arranged that it should be run in connection with the Fremantle Labour Day sports. The people concerned were so pleased with the result that they came to me again in 1930 to run another sweep. I had to disappoint them because of a certain denouement which occurred in the meantime. The secretary of the Trades Hall (Mr. Burgess) was talking to one of the committee of the Hamilton Hill organisation, and ascertained what I had done for them. Mr. Burgess approached me and said, "Cannot you do for the Fremantle Trades Hall what you did for Hamilton Hill?" The Minister says these people could not get a balance sheet, and yet the Minister in charge of these things authorised the Fremantle Trades Hall to run a sweep on Labour Day in 1930. Here was the extraordinary position. The member for Murchison (Mr. Marshall) talked about vengeance. I will convince him on that point. The Fremantle Trades Hall were happy to engage me. They had plenty of money and could have put me on wages, but they were prepared to pay me on the basis of "no profit, no pay." Here was the extraordinary spectacle of a man, myself, who had been expelled from the Labour movement, or had resigned from it, with an office in the Fremantle Trades Hall, running a sweep by permission of a Labour Minister to augment the funds of the Trades Hall.

Mr. Thorn: They will be happy to do something else with you now.

Mr. HUGHES: Here was the hypocritical part of it. The Fremantle sweep went on in the same way and made about the same profit. Trades Hall received a cheque in the same way. When they published a pamphlet showing that I embezzled thousands of pounds from different people, they left out the sweep for the Fremantle Trades Hall. They put in the tearoom girls and the Upper Swan people,

but were strangely silent in respect to the Fremantle Trades Hall. The result was about the same. The profits on the 1s. sweep ran out at about £500 or £600. In 1930 the Hamilton Hill people came to me. The Minister, by inference, suggests that they were dissatisfied and could not get any balance sheet. When they returned to me, I had entered into a contract for the May sweep for the Fremantle Trades Hall. If the conduct of the sweeps for the Hamilton Hill people had been so unsatisfactory, as the Minister alleges, surely the Fremantle Trades Hall would not have entered into a contract with me for a similar thing. The member for Toodyay or someone else in the Swan district did not have enough discretion to realise that they were on a good thing. Someone talked about the matter at Midland Junction and told the people there of the profits I had made for them out of the shilling sweep. What was the result? I was approached by the then Secretary of the Midland Junction Trades Hall, Mr. Ulrich, who said to me, "The position is this: We have got to the end of our tether. We owe £900 on the building and £126 for arrears of interest, and the mortgagees are pressing us. We have not got a twopenny stamp. Will you come to our assistance and run a sweep?" I said, "You have plenty of people who can run a sweep." He replied, "No. We had the permission of the Government to run a sweep before and they insisted upon its being run by someone from the Perth Trades Hall. When the sweep was over we got the magnificent sum of £25. We are in this position now, so will you run the sweep for us on the same conditions as you ran the others?" I said, "All right." In due course I received an interesting letter from the secretary of the Midland Junction District Council of the A.L.P. The letter shows that while a few heads at the Perth Trades Hall could expel me from the Labour Party, or thought they could, they had not succeeded in destroying the faith in me possessed by their own industrial workers. I am prepared to go before any audience in any industrial centre with either the Minister for Employment (Hon. A. R. G. Hawke) or the Minister for Police (Hon. F. J. S. Wise), and I will get a hearing, no matter what they may say. What do they know about the Labour Party? They came into the movement only when we could give them strawberries and cream. What do they know of the days when you and I, Mr.

Speaker, walked our boots off in going round endeavouring to improve the conditions of the worker?

Mr. SPEAKER: Order! I think the hon. member is getting away from the subject.

Mr. HUGHES: I treasure this letter, because I do not think anyone else in Australia in such circumstances has ever received such a communication. Here was I, expelled from the A.L.P. for about three years, and yet I could get this letter from the secretary of one of the largest branches of the A.L.P. in Western Australia. The letter read:—

Australian Labour Party (A.L.P.),
Midland District Council,
Trades Hall, Midland Junction,
15th August, 1929.

Mr. T. J. Hughes,
347 Hay-street, Perth.

Dear Sir,

At the last meeting of the above A.L.P. Council held on the 13th inst.,—

That was not lucky.

—I was directed to write and ask if you would consent to conduct a sweep for and in aid of the Midland Junction Trades Hall Association (Incorporated).

If you would consider coming to our aid in the manner suggested, would you be good enough to let me know your terms and conditions at your earliest convenience?

Yours faithfully,

(Sgd.) T. Ulrich,
Secretary.

That is a wonderful letter to be received by a man who had been expelled from the Party. Here he got an S.O.S. to come to the Party's assistance. I would not sell that letter for £100.

Hon. W. D. Johnson: You know the circumstances.

Mr. HUGHES: You can have the whole lot.

Hon. W. D. Johnson: Then we will clean it up.

Mr. HUGHES: Yes, we will clean up the whole business. The hon. member will remember that letter. It is marked, "Exhibit I"; it has been before the court. I will admit that the member for Guildford-Midland (Hon. W. D. Johnson) was sick at the time.

Hon. W. D. Johnson: You got well and truly into it.

Mr. SPEAKER: Order!

Mr. HUGHES: From the letter I had read, it would not appear that I forced myself on these people.

Hon. W. D. Johnson: You engineered it.

Mr. HUGHES: I did not engineer it.

Mr. SPEAKER: Order! The hon. member will address the Chair.

Mr. HUGHES: Mr. Ulrich said that the Midland A.L.P. had not a twopenny stamp to go on with. The result was that we started off with the sweep. The first thing we found out was that Mr. Darcy, of the State Insurance Office, went to a meeting of the State Executive of the A.L.P. in Perth and moved that the workers be asked to boycott the sweep that was being run for the Midland Junction Trades Hall. There is an indication of vindictiveness for the member for Murchison (Mr. Marshall)! That motion is on record. They tried to boycott the sweep and Mr. Bolinsky, the President of the Midland A.L.P., had to go to Fremantle and appeal for the co-operation of the industrialists there. Notwithstanding the opposition of the A.L.P. in Perth, the Midland Trades Hall sweep was a success. On the night the sweep was drawn I handed the representatives of the Midland Trades Hall a cheque for £500. I ask the member for Midland-Guildford and the member for Middle Swan (Mr. Hegney) if it is not correct that I stipulated that, as the sweep had been run in order to pay off the debt I have referred to, the money should be used exclusively for that purpose? I am happy to say that it was used accordingly.

Hon. W. D. Johnson: How else could we have used it? We had plenty of money?

Mr. HUGHES: You had not a twopenny stamp.

Hon. W. D. Johnson: We had plenty in the A.L.P. funds.

Mr. SPEAKER: Order!

Mr. HUGHES: We should have had the balance sheet of the Midland A.L.P., if the hon. member intended to raise that question.

Hon. W. D. Johnson: You can have it.

Mr. HUGHES: Then we will get it later on. My judgment was at fault on the night the sweep was drawn. The Midland Trades Hall people were not entitled exactly to £500, and later on they had to refund a percentage. I stipulated that, in order to keep faith with the public, the whole of the money that they made out of the sweep should go towards paying off the debt on the building. That was quite all right, and later on I received another letter from the Midland A.L.P. In the meantime a new secretary had been appointed by the A.L.P. at Midland Junction, and his letter to me was dated

the 12th September, 1929, and read as follows:—

Australian Labour Party (A.L.P.),
Midland District Council,
Trades Hall, Midland Junction,
12th September, 1929.

Mr. T. J. Hughes,
Moana Chambers, Perth.

Dear Sir,

At a meeting of the Trades Hall Association held on the 9th September I was instructed to convey to you and your staff the Association's appreciation for the very creditable sum that has been handed to them as a result of the sweep on Boulder Cup, and also for the very able and capable manner the sweep was conducted.

I have to advise that at the same meeting a resolution was carried thanking the public for their support, the resolution to be put through the Press.

Yours faithfully,
(Sgd) J. Brady,
Secretary.

That is another document I value. Of course, I had run other sweeps. The hon. member knows—he will be able to say if these facts are true or otherwise—that in 1930 the Tea Room Girls' Club was in difficulties, and being pressed with a writ. Miss Shelley came to me and asked if I would run a sweep for her if she could get the permission of the then Minister (Mr. John Scaddan).

Hon. W. D. Johnson: Have you finished with me now?

Mr. HUGHES: No, not yet.

Hon. C. G. Latham: No, you sit in your seat!

Mr. HUGHES: I want to deal with another matter that probably the member for Guildford-Midland and I will both be ashamed of, but we will make the facts public and get it over.

Several members interjected.

Mr. HUGHES: I know that these facts hurt. Hon. members opposite can go to the industrial workers of Midland Junction and see what sympathy they will get if they endeavour to vilify me before them. I was referring to the position in which the Tea Room Girls' Club was situated. Miss Shelley informed me that Mr. Scaddan had told her that if she could get someone to run the sweep, he would give the necessary permission because the club was in financial difficulties. Later on, when I was running that sweep, a member of Parliament, who was then on the opposite side of the House, asked me if I would conduct it in order to get the tea room girls out of their difficulty. I

was told that one condition attached to permission to run the sweep was that the club had to be incorporated before any money was paid over. A second condition was put in by myself. That condition was that if I ran the sweep I was to withhold from the profits a sum of money representing an amount due to Plaistowes for goods that the club had obtained from that firm under a contract of sale entered into with me, and had neglected to pay off. The sum was £50. Mr. Plaistowes had said at the time, "Leave the contract in your name, and we will go on supplying." The goods were supplied and debited against me. Although that account had not been paid, Mr. Plaistowes did not suggest that I should stand the loss, and therefore he allowed the account to run on until it was eventually paid. It was because of that that I made that condition. I stipulated that if I ran the sweep I was to have the right to deduct £50, which was owing to Plaistowes. Finally, that condition was agreed to. One day the member for Guildford-Midland and the member for Middle Swan burst into my office and said, "We want you to run another sweep for the Midland Trades Hall."

Hon. W. D. Johnson: We were out of breath, I suppose?

Mr. HUGHES: Yes. I replied, "It is too late." They wanted the sweep to be run on the Boulder Cup, and I told them we could not do it in 10 weeks. They said, "We are going to Mr. Scaddan to get permission to run it," and away they went. They came back in an hour's time, and the member for Guildford-Midland did all the talking. He said, "We have got permission, so get on with the job. Spring off your tail and go lively."

Member: Sounds Americanised.

Hon. C. G. Latham: That, from a man who does not believe in gambling!

Hon. W. D. Johnson: It looks like it.

Mr. Sampson: I seem to recognise the phrase.

Mr. HUGHES: I said that it could not be done without payment for overtime. The member for Guildford-Midland said, "Get on with the job, because we have only 10 weeks." We were very lucky, because on that occasion we had an absolute monopoly of the field. The only other sweep on the market at the time was the one I contemplated for the tea room girls. What was the result of the sweep? If I do not get

some comment on this from the Minister for Employment, I will think he is turning yellow. The No. 2 Midland Trades Hall sweep ran mad. We could not supply the demand for tickets, because we had a monopoly.

Hon. C. G. Latham: It was your popularity.

Mr. HUGHES: Or that of the member for Middle Swan.

Hon. W. D. Johnson: Not the member for Guildford-Midland this time?

Mr. HUGHES: No.

Mr. Hegney: I said I did not want my name to appear and you said it was one of the best sellers in the country.

Mr. HUGHES: Yes, and that was when the hon. member was not the celebrity he is now. What would we not get with the use of his name now!

Mr. SPEAKER: Order!

Mr. HUGHES: I shall be fair to the hon. member and share the credit with him. The net profit on that sweep was £1,147. Under my contract with them, I received £286. I remarked to the member for Guildford-Midland, "By Jove, that is pretty hot." He said, "I wish you had got three times as much." That was because for every £1 I got, the Midland Trades Hall got £3.

Hon. C. G. Latham: That was other people's money.

Mr. HUGHES: As a result of the sweep, I handed over first a cheque for, I think, £500 and the Trades Hall people agreed to pay off the debt on the building. Thus they were able to pay off the principal and interest owing and the workers of Midland Junction have their industrial home for all time.

Mr. Hegney: We had £860.

Mr. HUGHES: You got that cheque for £500. You did not get the whole of the money at once.

Mr. Hegney interjected.

Mr. HUGHES: You got £500 and from the second cheque you got another £360, and with that money you went and cleared off the mortgage.

Mr. Raphael: You had better run a sweep for the cookies.

Hon. C. G. Latham: Or one for the Dental Institute.

Mr. HUGHES: As I had a contract to run a sweep for the tearoom girls, I had to get on with that and allow the Midland Trades Hall account to stand over. I had £360

as it transpired afterwards in trust for them after giving them the £500. Then this strange thing happened. A creditor came in and proposed to sell the Tea Room Girls' Club under a judgment of the court. I was faced with this terrible position. I was conducting a sweep for the Midland Tea Room Girls' Club and the bailiff was going to put the club up for auction. I went to Miss Shelley and said "Don't let them do this. Look at the position we would be in with the public. I will find the money to pay it." I told her—

Hon. C. G. Latham: You should be a lifelong member.

Mr. HUGHES: I said to her, "I have £360 belonging to the Midland Trades Hall and I will see Mr. Bolinsky, Mr. Johnson and Mr. Hegney and ask them to permit me to lend you the money and stave off this creditor." I have not any doubt they would have lent the money.

Mr. Hegney: Did you approach me?

Mr. HUGHES: No, I never approached you.

Mr. Hegney: You are putting it up as though I agreed.

Mr. HUGHES: No. I went to Miss Shelley. She would not agree. You probably know the reason. I went to a man in the Terrace, a man worth probably £200,000 or £300,000, nearly as rich as the member for Victoria Park. I could have got the money at 10 per cent. for two months, but she would not let me and allowed the property to be sold, and we were in the terrible position of conducting a sweep for an institution that no longer existed. We could not turn back but had to go forward. We did the best we could and the day before the sweep closed a plethora of garnishees came from the Supreme Court and the Local Court. People came in garnisheeing the money from everywhere, and when the sweep was over, by the time we had satisfied the garnishees—and this has been the subject of a judicial inquiry by a judge and jury and we paid the solicitors as we were bound to do because she gave him an order on us—and met the costs, there was a total of £30 7s. 4d. left. Of course they got the whole profit because we had no say. If we received a garnishee order we had to pay. If we received an order from Miss Shelley we had to pay. My 25 per cent. only amounted to £94 because of the obstacles

we were up against. What happened? Miss Shelley then wrote a screed to the "Sunday Times" saying that she had only got £30 7s. 4d. They did not get very far in the Supreme Court with that statement, notwithstanding that they had Sir Walter James, president of the National Party, to put it forward. If, when the proof from which "Hansard" is printed is examined, it is found that the proof has not been altered, and the Minister for Police did not make the statement attributed to him by the "West Australian" newspaper, I will give the "West Australian" newspaper an opportunity of proving their statement in the court. In fairness to the "West Australian" newspaper, I testify as one who was present, that their statement is the correct statement which he made, and that "Hansard" is incorrect. In 13 months I turned into the Midland Trades Hall £1,300. When I say "I," I do not mean that I did it alone, because I had over 70 in the organisation of which I was temporarily the head. Nobody worked harder than the member for Middle Swan, and Mr. Bolinsky and the committee of the Midland Trades Hall. Nobody worked harder than the Fremantle Labour people and the Kalgoorlie Labour people. That was why there was such a handsome result. From September 1929 to September 1930, 13 months, I paid in £1,300, and they paid me £400 for the job, and from owing £900 as principal and £126 in interest with not a penny to meet it, they paid off the debt on the building, and I think they had nearly £400 in the bank. If the member for Northam would like to dispute that—

Hon. W. D. Johnson: You are wrong in your figures.

Mr. HUGHES: You had a substantial sum left over. You owed only £900, and were handed £1,300 in 13 months.

Hon. W. D. Johnson: You had inside knowledge and paid just what we owed.

Mr. HUGHES: No, I did not.

Mr. SPEAKER: Order!

Mr. HUGHES: I got £286 and when the accounts were balanced I was asked to go to the Midland District Council of the A.L.P. and I handed them a cheque for the remaining £360. In the presence of the member for Guildford-Midland at a meeting at which the hon. member for Middle Swan presided I, an expelled member of the

A.L.P., attended the district council meeting of the A.L.P. to receive a resolution of thanks and congratulations for my services!

Hon. W. D. Johnson: Did I stay?

Mr. HUGHES: I cannot say whether the hon. member did or not.

Hon. W. D. Johnson: I did not think the room was large enough for two of us at once and I walked out.

Mr. HUGHES: When the hon. member walked out in the first place there was £1,026 owing and after I had finished there was nothing owing, but there was a substantial credit in the bank. I had hoped the hon. member would get the job in England so that we could go to the Midland people and he could tell the industrial workers of Midland and the member for York could tell them the injury I had done.

Members: The member for York?

Mr. HUGHES: The member for Northam. I am sorry.

Hon. C. G. Latham: It was not I who said you were yellow.

Mr. HUGHES: I have not had to flee from my native land. When I got beaten I stayed, and came back.

The Minister for Employment: No other State would have you.

Mr. HUGHES: When I was in South Australia recently a gentleman with some knowledge of South Australia said they were very pleased that Mr. Hawke had permanently settled in Western Australia. No, I did not think he said "settled." I think the word used—

Mr. SPEAKER: I think the hon. member had better discuss the motion.

Mr. HUGHES: They were pleased to hear he was permanently established. I have been dubbed yellow. I am afraid of the hon. member. Why should I not be? I have cause to be afraid. I fear all tyrants. I fear them for the public. When those gentlemen published a statement concerning this particular sweep they published it in such a way that it could not be answered before the election. It was published in such a way that, in the words of a judge of the Supreme Court, it not only suggested that I had embezzled large sums of money but was intended to suggest that. They were given an opportunity of going to court and proving their allegations and the allegations were disproved to the hilt. The result was that there was £700 to pay in legal expenses and Mr. Gray who was the prime mover in distributing the pamphlet did not pay a penny

of that £700. They took the money from the Perth Trades Hall and the reason they took the money was this: The secretary of the Trades Hall and Mr. Gray who distributed the pamphlets claimed that they had nothing to do with the pamphlet. It had been brought down to them and they acted as the instruments of publication. The Fremantle Trades Hall refused to pay one penny piece towards the costs. Mr. Gray got a Royal pardon.

Mr. SPEAKER: I do not think the hon. member is speaking to the motion now.

Mr. HUGHES: I am only speaking about the pamphlet which—

Mr. SPEAKER: The question of the pamphlet does not come into the third reading of this Bill in any shape or form.

Mr. HUGHES: I will not dispute your ruling, Mr. Speaker. I might disagree with it but I will not dispute it. The Minister for Police had wide scope—

Mr. SPEAKER: I think the hon. member had better be fair. I have given him every opportunity to answer the Minister. He has been given wide latitude.

Mr. HUGHES: You have been very indulgent. I am not complaining. There is no member so anxious to obey the Chair as I am. Turning now to answer the allegations made. I hope that if hon. members are in doubt they will come and see the various audited balance sheets in connection with these ventures. What of those people who are casting stones? Can we see their balance sheets? Can we see their balance sheets at the Police Department? Can we see the balance sheet of the Golden Apple Appeal? And the balance sheets of the various carnivals run throughout the State for worthy objects that nobody ever heard of? Will the Minister do as I have done—produce the balance sheets of the carnivals run in Hannans-street, Kalgoorlie, and at Northam, and of all the other ventures? And will he tell the public of Western Australia where the money has gone? I guarantee he will not. I do not think the balance sheets can be produced, because the money was misappropriated and diverted to causes for which it was not raised. Thousands of pounds were diverted. When the hon. member made the statement he made it with the knowledge he has of the scope for malpractice afforded in the running of sweeps. He knew that there was scope for malpractice and that there had been malpractice,

not by him but by the friends of the gentleman accusing me under Parliamentary privilege. The member for Murchison talks about being vindictive. Let the hon. gentleman support what we asked the Premier in 1928 to do. Let there be appointed a commission to inquire into all the money raised since 1924 by way of sweeps and carnivals and other illegal ventures, to inquire into the purposes for which the money was raised and where the money ultimately rested. For my part I will give three months of my salary towards the cost of the inquiry because I know what the inquiry would produce. Although I am not saying that the present Minister for Police had anything to do with any of those ventures—I do not think he was in the State at the time—he made wild accusations in a clever, carefully-worded statement that had an unmistakable inference. When he makes such a statement, I say, “Be fair.” I produce my balance sheets and can produce more. Let him be fair and have some independent party get the balance sheets of the various ventures, and then members of this House will be in a position to judge whether there has been any embezzlement or not. If the Minister is not prepared to do that, he may still do the fair thing by going out and making the statement in the open that I embezzled funds from sweeps. That would give me an opportunity to disprove it. Let him repeat outside the statement that the tearoom girls got only £30 7s 4d. Surely a man occupying the position of Minister of the Crown does not want to hide behind parliamentary privilege in making statements of that kind. Good God, if that is the attitude of the hon. member, if he wishes to make statements which he knows are false, and which he knows he cannot prove, it is time we altered the parliamentary privilege and deprived members of it. Someone suggested that I should be fair. I want to be fair. I am not asking the House to accept any statement of mine that cannot be verified by other members and by independently audited documents. Let members on the other side of the House do the same thing. Let us have particulars of the Hannans-street carnival and see what happened to the proceeds. Let us have particulars of the Northam carnival and see what happened to the proceeds. I would confidently leave the issue to the judgment of members and of the people of Western Australia. I do not wish to labour the ques-

tion, but I was simply forced to make a speech on the third reading of the Bill, and if any more scandalous statements are made under the cloak of parliamentary privilege, I shall have to wait until another Lotteries Bill is introduced. There are the facts; let the member for Toodyay deny them. He would not do so because he knows that what I have said is true. The member for Irwin-Moore knows that what I have said is true. The member for Nedlands knows because when the president of the National Party was engaged to plead the cause, I got the parliamentary leader of the National Party to plead mine. So they did not score anything there; I proved to be the better judge.

The Minister for Employment: You mean that the Leader of the National Party proved to be the better lawyer.

Mr. HUGHES: The hon. member may say that my judgment was accidental. The Leader of the National Party proved to be the better lawyer, but that is by the way. Both the member for Nedlands and Sir Walter James are eminent counsel and any litigant need have no fear in leaving his case in the hands of either of those gentlemen.

Mr. Lambert: Oh, oh!

Mr. HUGHES: The hon. member's loyalty would not allow him to go to the Leader of the National Party; he went to the Deputy Leader. There are the facts. I do not want to weary the House with a personal matter of which members must be tired. I appreciate the indulgence that you, Mr. Speaker, have granted me, for, in view of the cowardly attack under parliamentary privilege made by the Minister for Police, I was justified in stating the facts for the information of members. I know that members of this House will not listen to any more such misrepresentations. I know that, if they are in doubt, they will be fair enough to view the documents themselves. One statement I wish to make in conclusion. The member for Murchison complained that while he was out I mentioned him. When I mentioned Reedy, I did not know that the place was in his electorate. If he looks up my speech he will not find his name mentioned anywhere. The person who was malicious enough to tell the hon. member that I had attacked him in his absence had very little to do. If I wanted to say anything about the member for Murchison I would not wait until he had left the Chamber; I would say it to his face.

MR. THORN (Toodyay) [5.36]: I had no desire to join in this third reading speech-making.

Mr. Withers: Well, do not join in it.

Mr. THORN: But the member for East Perth mentioned a sweep which he conducted in the Upper Swan district, and I wish to verify or otherwise the statements he has made. When he conducted the first sweep, I was not the member for the district. I was associated with the grape growers and the member for Irwin-Moore was representing the district. The first sweep was promoted to assist the finances of the Upper Swan Soldiers' Memorial Hall. We were in great difficulties and we secured the services of the member for East Perth to conduct sweeps for us to enable us to pay for the hall. It was agreed that he should be paid 25 per cent. commission. That is correct; that is what he was paid.

Mr. Styants: You were on a good wicket.

Mr. THORN: Yes; we were pleased to pay him, just as the member for Guildford-Midland was pleased to pay him £298, because for every £298 paid him, the Midland Junction Trades Hall got about £900.

Mr. Styants: He should be ashamed to say it.

Mr. THORN: If we make a business contract and get the results, we do not mind carrying out our part of the contract. At the time we were financially embarrassed over our hall and showground. We had no finance and the member for East Perth financed the sweep and conducted it. That enabled us to go ahead. After he had conducted two sweeps and had assisted us with the show—I do not give him all the credit for our grape show because he had an able committee to assist him—

Mr. Hughes: That is so.

Mr. THORN: We assisted him and made a success of the show. After conducting two sweeps, the debt on the hall was cleared, as well as on 10 acres of ground that carried a valuation, for vineyard purposes, of £70 an acre. We were perfectly satisfied and we had a surplus of about £300 left in the bank. We desired the hon. member to run another sweep for us, because the money raised was insufficient to pay for the building of a new hall. It helped us to convert an old barn into a hall and also to build a dance floor. Unfortunately, we could not get further permission to conduct sweeps because sweeps at that time were brought

under control. Therefore we did not get our new hall. I am sorry that the gold medal the committee presented to the hon. member had to be pawned, but no doubt there were reasons for it. He said the reason was loyalty to the State; he sold the gold for smelting purposes. I think the hon. member pawned the medal to enable him to carry on the litigation in which he was involved at the time. If I am not right, the hon. member may correct me. I do not wish to take part in any argument. The statements that the member for East Perth made were correct.

HON. W. D. JOHNSON (Guildford-Midland) [5.41]: I do not desire to take up much time on this matter. It is true that the member for East Perth was engaged by the Trades Hall Association of Midland Junction to conduct a sweep. He was a professional agent, and his professional knowledge and ability were purchased for the time being by the Trades Hall to conduct the sweep. The hon. member knows full well that I had nothing to do with it. He knows that I opposed the running of a sweep all the time I had any power or influence there. True, I was incapacitated for quite a long time and it was then that the welter started. The council in their wisdom decided to go on with the sweep and employed the present member for East Perth. I have no knowledge of the first sweep at all. A certain amount of money was returned and the debt on the Trades Hall was reduced proportionately. When the second sweep came on, I had recovered sufficiently to attend council meetings. The council were not following the exact policy I had left. There had been a change in the administration, and to my mind the council had become a little loose in the control of financial affairs. I tried to make them realise that we could do better than we were doing. Ultimately, they decided to have another sweep. At that time the hon. member had a good deal of influence with the council and was able to get proposals passed in defiance of my opposition. He had more friends there at the time; the matter was well engineered and well organised and a decision was made in favour of a second sweep. A motion was carried instructing the member for Middle Swan and me to make the necessary approach to the Government to secure

authority for holding the sweep. That was quite a legitimate instruction. Sweeps were being conducted at the time and members were called upon to use their influence or other method of approach in order to secure the Minister's authority. The member for Middle Swan and I went along. There was not a great deal of time and we ultimately obtained the necessary authority. The hon. member was engaged to run the sweep, and, speaking from memory—I have not seen the balance sheet for years—some £800 was paid into the Trades Hall funds.

Mr. Hughes: The amount was £860.

Hon. W. D. JOHNSON: Well, £860. The Trades Hall at Midland Junction was built by day labour; and the money, apart from a building fund which had been accumulated—

Mr. Hughes: And that Trades Hall was paid for by contract.

Hon. W. D. JOHNSON: No; there was no contract.

Mr. Hughes: Yes. I was on contract rates.

Hon. W. D. JOHNSON: The hon. member may have been a contractor. He knows full well, however, that he would never have been inside the Trades Hall at Midland Junction if I had had my way, and that certainly he would never have been a contractor for the Trades Hall. The Midland Junction Trades Hall was built by day labour. As regards funds, over and above amounts we had collected during some years, totalling about £600 at the time the building was started, the Government Railways Association lent us £1,300. That money was lent to us at a minimum rate of interest. I cannot remember the exact rate now, but I have an idea that we got the money at about 4 or 4½ per cent.

Mr. Hegney: The rate was 4 per cent., and the loan £1,300.

Hon. W. D. JOHNSON: Yes. We went on paying off the loan, and I was of opinion that ultimately we would pay the whole amount owing without resorting to the running of a sweep for that purpose. I did not want the Midland Junction Trades Hall to be associated with sweeps. There was no sweep connected with the institution during my administration.

Hon. C. G. Latham: But you remember "White City," don't you?

Hon. W. D. JOHNSON: The Midland Junction Trades Hall never had, either

directly or indirectly, any relations with "White City." The Midland Junction Trades Hall received nothing whatever from "White City." Neither did the institution, so far as I know, ever take part in anything connected with "White City." The Midland Junction Trades Hall borrowed money from within the movement, and was gradually paying off the loan. The railway union never pressed for the money. It of course expected payment of interest and instalments of capital. I cannot remember exactly, as I was away for some time; but during my term the instalments were paid and the interest was paid. The only other thing I wish to say is that it is true the member for East Perth presented a balance sheet. I was not satisfied with that balance sheet, and the hon. member knows it was not a fair balance sheet. For instance, the figures in it were grouped unnecessarily. Above everything else, however, the balance sheet was never audited. The hon. member presented the balance sheet. He audited it himself, I suppose. We had no means of checking it. We never saw any receipts or anything else of the kind. It is true that there was a society from which we knew he got a certain amount; but as to how the other expenditure was incurred, we never got particulars.

Mr. Hughes: On a point of order. The hon. gentleman says the balance sheet was never audited. Will he have a look at it?

Mr. SPEAKER: That is not a point of order.

Mr. HUGHES: I ask the hon. gentleman to withdraw the statement that the balance sheet was never audited.

Hon. W. D. JOHNSON: As I have already stated, the hon. member no doubt got it audited to his own satisfaction; but we never audited it. We had no check on it.

Opposition members: Oh well!

Hon. W. D. JOHNSON: The position is that a balance sheet was presented to us. All that I asked, as one who was present, was that that balance sheet be audited by us. The member for East Perth was an agent for us. I wanted to see receipts for the expenditure.

Hon. C. G. Latham: You wanted your own auditor?

Hon. W. D. JOHNSON: Yes.

Hon. C. G. Latham: Why didn't you get one?

assume some control over the running of sweeps, because of the Police Department's difficulty in getting particulars as to how the famous tearoom girls' sweep. Why was that sweep run? Because it was considered that the tearoom girls were in such a financial position that they were worthy of having a sweep conducted for their benefit. That was not during my time as Minister for Police; the late Mr. Scaddan was Minister then. Permission was given. The outstanding feature is that the sweep was for the benefit of the tearoom girls. That is why permission was given. The sweep was not to be for the benefit of promoters, or of creditors for that matter, but for the benefit of the girls. I am going to show from official files the cost of running that sweep. I think I may be permitted to contrast that cost with the cost of running the lotteries by the Commission. In the tearoom sweep the total receipts were £1,457, as shown by the statement furnished to the Police Department. Now, what was the cost of running that sweep? Are hon. members satisfied with this cost? Prizes, £700. That is all right. Advertising—just a hint stated—£126 1s. 6d. Postages, £81 13s. 11d. Wages and salaries, £89 5s. 6d. Printing, A stationery and incidentals, £83 11s. 11d. Of the total takings, total of £380 12s. 10d. Of the total takings, these costs represent 26 per cent. That was the cost of running the tearoom sweep, 26 per cent. That sweep was run in the interests of the girls, not in the interests of the promoter. When we come to the profits, which amounted not to about £30 but to £376, there seems to be a disposition not to mention where the money went to. I suppose the reason for not giving the full information may be the guarantee orders about which one has heard so much. I am quoting from the statement furnished to the Police Department. First and foremost, after charging 26 per cent, the promoter or secretary, Mr. Hughes, charges against profits another sum of £94 3s. 6d. Now is the point appreciated? The Lotteries Commission do the whole thing for 16 per cent.; but 26 per cent. was absorbed in expenses in running the tearoom sweep. Then from the profits there was deducted £94. I do not care whether the East Perth Progress Association got it, or who got it. What does that matter? The fact remains that

Hon. W. D. JOHNSON: The position is that the member for East Perth was engaged to run the sweep. Not by me; I made no conditions with him. It was accepted that a balance sheet would be presented in due course. All I want to put on record now is that the Trades Hall Association of Midland Junction had no opportunity of checking up what amount of money was received, or exactly how that money was distributed. It is true that a statement was submitted to us, and that the statement was claimed to have been audited; but as far as we were concerned, we had no opportunity to check it. Everybody knows that I am not a supporter of sweeps. I resisted the sweep movement as long as I could. However, the council decided otherwise, mostly during my absence; and the hon. member was engaged to do the job. But to claim that the whole thing was satisfactory and that all details were disclosed would be quite wrong. The money rolled in, it is true, and there was £300 or £400 more than we needed for the Trades Hall. That money the Trades Hall Association put into general repairs and extensions. The fact remains that the money received by us was more than sufficient to pay off the Trades Hall debt, but that the balance sheet was never satisfactory.

THE MINISTER FOR WORKS (Hon. H. MILLINGTON—Mr. Hawthorn) [5.55]: We have heard a good deal this afternoon about facts. In my opinion it is due to the House now that the outstanding fact in connection with the running of these sweeps should be presented. The outstanding fact is that in those days an organisation had to get permission to run a sweep. It had to be a charitable organisation, or one with a worthy object. During the Labour Government's term of office a regulation was framed limiting the number of sweeps of a State-wide character, and also limiting to one the number that could be run by any individual promoter. And that is where all the argument occurred. I shall not enter into the question of what happened at Midland Junction or what happened at Fremantle; but it is most important to state that the reason why Mr. Hughes's name did not appear as promoter at Fremantle was that the Fremantle Trades Hall was the promoter. It was by a private arrangement, of which the Government had no cognisance, that Mr. Hughes ran the Fremantle sweep. I said the other evening that it became necessary to

that was a charge. That is how things were run then by sweep promoters.

Hon. C. G. Latham: But one sweep was continuous, and the other was spasmodic. One was a shilling sweep, and the other a half-crown sweep.

The MINISTER FOR WORKS: Now I quote from the official file a list of garnishee orders. First there is R. D. Lane, £98 19s. 10d. Then there is R. D. Lane again, £22 12s. 9d. S. Hood, £9 15s. 10d. J. Keaugh-ran, £25 14s. 2d. We have heard about these garnishee orders, and there is no reason why the names should be suppressed. Let the world know.

Hon. N. Keenan: Do you know what a garnishee order is? It is a judgment order.

The MINISTER FOR WORKS: Yes, in the interests of creditors. There is suspicion as to why the names should not be mentioned. Next comes F. Curran, £20.

Member: There are lawyers in this!

The MINISTER FOR WORKS: Yes, the lawyers had a very fair go. Mrs. T. H. Blake, £6 16s. 6d. "Attending to garnishee orders"—a delicate subject—£2 2s.; it is not stated who got that. Next comes a remarkable item, audit fees £10 10s. I should have thought audit fees would be included in the ordinary expenses of running the sweep. But not so. An amount of £10 10s. is taken out of profits to cover audit fees. Then there is the item Plaistowe & Co., Ltd., £55 12s.

Hon. P. D. Ferguson: Did the court order the payment of all those amounts?

The MINISTER FOR WORKS: I cannot say. It is true that the balance of £30 7s. 4d. was handed to the girls in whose interests the sweep was run. It would not have been run otherwise. The position is just the same as with regard to the Middle Swan sweep. These sweeps were not run in the interests of promoters. They were run because the organisations were considered worthy of assistance. For the benefit of anyone who takes great credit to himself for making profits out of a gambling transaction, let me quote the costs incurred by the present lotteries, which produce a profit of from £70,000 to £80,000 a year. Once you give people permission to gamble the attraction is there and the business is patronised. We now have the satisfaction of knowing that the money collected by the Lotteries Commission goes in prizes and is valuable for charitable and worthy purposes, with the ex-

ception of 16 per cent. I agree that even that figure can be cut down, and should be reduced as far as agents' fees are concerned. It seems to me that the interests of those for whom the sweeps to which I have referred were run were a mere bagatelle, just an excuse to run the sweep.

Hon. C. G. Latham: He did not ask the Trades Hall at Midland Junction to run a sweep.

The MINISTER FOR WORKS: I will tell the hon. member what requires to be explained—

Mr. Seward: Were the balance sheets audited?

The MINISTER FOR WORKS: We find this—advertising £126, and postages £81 13s. 11d. What does that mean? Next there is wages and salaries £89 5s. 6d., and on top of the £94, the amount of 25 per cent. out of the profits. That is how things were run in those days. It is just as well that we have got away from all that. I am aware of the difficulties that existed in those days. But it was decided to prevent anyone—I do not care who he was—from getting a monopoly and building up vested interests in this gambling concern. Now, whatever is done, wages only are made out of the transaction: there is no promoter getting 25 per cent. In those days, the Labour Government had the idea that if there had to be gambling no individual was to make an undue profit from it. Of course there had to be wages and promoters' expenses. But it is just as well, now that we are considering the position of the Lotteries Commission, to explain that though we may be dissatisfied with the manner in which the lotteries have been conducted, credit should be given to the late Mr. Scaddan and those with him who had the backbone to alter the system and bring it under public control.

Mr. Patrick: There is still big advertising done by the agents selling the tickets.

The MINISTER FOR WORKS: I suggest that the Minister for Police obtains a complete list of all the agents and the amounts they receive per annum. Members would be surprised, I am sure, to find that very few indeed were making anything worth while. At the same time I agree that the amount paid by way of commission is too much. I am not concerned about all the talk regarding the tea room girls' sweep, and neither am I concerned with the amount the girls received whether it was £370 or

£30. What I am concerned about is that the promoters' charges which were 26 per cent. of the gross in the first place, which amount should have covered everything, and then having deducted that, an additional 25 per cent.—£94 out of the profit. That is how things were in those days. Permission was granted to conduct the tea room girls' sweep because those girls were in urgent need of financial assistance. Members can see who was the profiteer in those days, in whose interests the sweeps were run. That was the need for the change. I have had association with Mr. Hughes during my time. He never would conform to the rules of the game; he wanted to make rules of his own. When we had that regulation that no particular promoter should conduct more than one sweep, it would have taken all the police and private detectives in the country to see that that one promoter did not do so. The hon. member ran the Midland Junction sweep and also a Fremantle sweep under the lap as well as one at Jolimont. When it was discovered he was conducting the Jolimont sweep under the guise, I think, of auditor and adviser, the police went out and commandeered all the material. This drastic action was taken to prevent him conducting the sweep. It is just as well that we did not permit vested interests to be built up. We can understand what it would have been worth if any promoter had had a free hand to run sweeps. Of course he would be more successful than the promoter who may have taken on the work casually, and had the police not stepped in, vested interests perhaps as great as Tattersalls, Tasmania, might have resulted. That is why the Labour Government refused to allow this monopoly to be built up by any given person. And that is the reason too why the applicant was restricted to one sweep. It is this that accounts partly for the vendetta of the member for East Perth against the present Government. I can quite understand that being prevented from conducting a business which, on his own showing, was so profitable, and which could have grown to something much more profitable, he should want to continue the vendetta. These are the facts that I wish to make plain to the House—the charge against the tea room girls' sweep of 26 per cent. of the gross for the running of the sweep plus 25 per cent. of the profits, a double-barrelled gun.

MRS. CARDELL-OLIVER (Subiaco) [6.9]: I had no intention of speaking on the third reading, but my reason for doing so is to repeat my opposition to the conduct of lotteries. I want members to remain comfortable in their seats, because I assure them I have no intention of making anything in the shape of a personal attack. If members will read "Hansard" they will find that since my election I have been most scrupulous to attack and criticise only the policy of the Government, not the private lives or the private activities of members opposite. It is my intention to continue on those lines. Any statement about my investments that may be made by members opposite, I assure them will cut no ice at all. I have received a number of letters in opposition to the lotteries, but I do not propose to read them all. I shall, however, read one which will show members that there is a great body of people in the State who do not believe in the continuance of the lotteries. I have letters from many non-conformist bodies as well as from other organisations.

Mr. Withers: We have been getting those for years.

Mrs. CARDELL-OLIVER: Perhaps the hon. member has taken no notice of them. That is not to say there is not a body outside this House that has not had something to say on the question. Quite a lot has been said in the House, and there has been a lot of vain repetition, but little has been said on behalf of the bodies who are against this form of gambling. I will read a letter I received from the Moderator of the Presbyterian Church:—

The Presbyterian Church in Western Australia, in conjunction with our Church in every State in the Commonwealth, strongly opposes the "lottery" system of raising money for any purpose whatsoever. This attitude is based upon the principle that gambling is immoral and anti-social, and introduces into the body politic a vicious system of chance which unsettles and endangers the race.

And in my opinion the Lotteries Bill debate has brought this Assembly into great disrepute because of the attacks on persons and on an institution like "Hansard."

Mr. Hegney: The National Government introduced the lotteries legislation in the first place.

Mrs. CARDELL-OLIVER: The Moderator's letter goes on to say:—

From the outset we have voiced our strongest protest against the State Lotteries which the Government in Western Australia has specially

legalised. The effect, so far, has been to dry up straight-out giving for charity, as is admitted, but that is not the worst feature of the case—it is promulgating the idea by its advertisements that “gambling is not only legitimate, but desirable for all and sundry to participate in with possible benefit to themselves, but with assured benefits to charity.” What, may we ask, is to be the ultimate result? Is Parliament to be the medium for undermining the morals of the community by making gambling legal? As the custodian of the people’s rights, is it in order to condemn gambling on the one hand and approve of it on the other?

It may be said that “you cannot make people moral by Act of Parliament,” but is it not possible, by Act of Parliament, to make people immoral or non-moral? That appears to us to be what our Parliament in this State, is doing, and if perpetuated will prove disastrous as in England, where, after exhaustive inquiry, it was determined that State lotteries must cease, after they had been tested and tried for many years, the reason being the disastrous effects upon the morals of the country. The recent inquiry by South Australia, who recommended strongly against the system, should be noted by our legislators. If they had found these lotteries good, would they have recommended against their introduction in South Australia? If this system is to be continued, it will be continued against the evidence in every land where they have been introduced.

When recently in Sydney, I observed the mad rush into a building in York-street, and wondered what it was all about. It turned out to be the offices of the lotteries—a mad rush in the hope of winning a prize for which others paid. It is not only undignified and unsavory, but is a menace to youth and a disgrace to a great country which Providence has signally endowed.

On behalf of the Presbyterian Church, I trust the Bill will be defeated in the interests of the State, and particularly in the highest interests of the morals of youth.

I have had letters from the heads of the non-conformist churches, and had I sought the opinions of those people I might have got a great deal more information. Much has been said in this House about the numbers of lottery tickets that have been sold, implying that the purchases were made by a majority of the people in the State. This I deny, and my contention could be proved by a referendum. The Government should give the people an opportunity to decide whether or not the lotteries should continue. In the leading article of Monday’s “West Australian” the reason is given why the sale of lottery tickets has increased: It is because the prizes have been increased.

Sitting suspended from 6.15 to 7.30 p.m.

Mrs. CARDELL-OLIVER: I was pointing out that the leader in the

“West Australian” on Monday gave the reasons for the increased interest in the lotteries. It was because there was greater prize money offered now than before. But the article also pointed out that there was a corresponding decrease in the amount of money given to charitable institutions. It seems that every facility is given for the encouragement of the sale of tickets, not only by advertisement but in every other way. In passing through Central Arcade last Friday I saw a kiosk which was licensed, I suppose, by the Lotteries Commission. It had an advertisement for a sixpenny lottery in a Christmas stocking and there was another lottery, the prize in which was a trip to the East. There was also the usual 2s. 6d. lottery. Around the store were lots of people during the time I was there and 80 per cent. of those who were buying tickets were poor people. Not only were they poor, but the majority of them were women and lots of them had children. I would like members to reflect where the money comes from. It must come out of house-keeping money that should go to provide food and clothes for the people. It has been suggested that I do not know much about lotteries and therefore cannot know what I am talking about. But in some countries where they conduct lotteries I have gone into the lotteries question. I remember one place in South America where they started lotteries on a modest scale—even more modest than we have here to-day. There were rare drawings. To-day it will be found that there are daily drawings, but the people are no better off, and neither is the State. The Government and the Lotteries Commission are conjointly silencing all opposition to the continuance of the Lotteries Bill. The member for Victoria Park said that a year ago he did not vote for the continuance of this Bill, but intended to do so this year because he had secured so many grants and advantages from the lotteries for the people of his constituency. That seems to me to be all wrong. During the depression there was an emergency cut of 1s. per week per head in respect of the children of our orphanages and while nearly all other cuts have been restored, that particular one affecting the children of the State has not been restored. Those institutions are dependent now on the lotteries grants, and the generosity of the Lotteries Commission-

ers and they cannot and dare not protest against the lotteries, or they would not get the grant necessary for them to keep the children in their institutions. That is nothing less than thumb-screw legislation. The Act lays down the class of institutions which should receive grants, but the Lotteries Commission have widened the field and they have done it for one purpose only and that is as a bribe to silence people in their protestation against the continuance of this Bill. The Minister for Police trusted I would not become famous for irresponsible statements. I might say those two words are as old as Adam. Lawyers endeavour to intimidate their witnesses with the words and women for thousands of years have known all about "irresponsible statements." They have heard about them in every matrimonial debate. If the Minister wants to use words that would have some real importance he had better find two others. "Irresponsible statements" are not much use in talking a woman down. I wish to tell the Minister that I do understand the lotteries question and I do understand the social service questions that come before this House. I would not endeavour to tell the House how to grow pineapples. I do not know how to grow them, but I do know how to bring up children, and I feel that I have every right to make the protest I have made. I know the effect of lotteries on the State and on children. In conclusion I would like to assure the Minister that if he will bring down a Bill for the suppression of advertisements of lotteries, notwithstanding what is in "The Groper," I will support it, and I can assure him "The Groper" will not go into liquidation for want of the lottery advertisements. I trust he will bring down a Bill and show his sincerity in this connection.

The Minister for Employment: It will go into liquidation anyhow.

THE MINISTER FOR POLICE (Hon. F. J. S. Wise—Gascoyne—in reply) [7.38]: Before dealing with some of the matters raised during the third reading debate I desire to clarify the position in connection with the remark of the member for East Perth that I falsified "Hansard." As that is a matter which I consider to be my responsibility, which I do not wish to place upon anybody else—either you, Sir, or the Chief Hansard Reporter—I intend to ex-

plain the whole position. The hon. member referred to what appeared in the "West Australian." That was a condensation of the report, as he well knows, and amounted to 3½ lines of matter dealing with this particular point. As the clarification that I gave to "Hansard" in this connection was in the interests of the hon. member I hope that reference will be made to it in the "West Australian" to show exactly what was done and the import of it. I called upon you, Mr. Speaker, and asked could I get a duplicate of the "Hansard" proofs. I found there were several corrections of figures; for example, £1,364, when £1,463 was the correct figure. And I found in spite of my making the statement that there were charges on the appropriation account which indicated that deductions were made, there was a bald statement that the Tea Room Girls' Club received a cheque for £30 7s. 4d. from a profit account of £376 odd. Obviously that could be construed, or misconstrued, to be decidedly unfair. It could have been misconstrued that the hon. gentleman received the balance. But this certainly clarifies it—"Several deductions were made." And if the hon. member had quoted from further down, he would have seen that it was allied to my statement. I subsequently said—

Mr Hughes received £94 3s. 6d. in commission alone, among other charges on appropriation account which I have no doubt the hon. member can explain.

There was nothing in any way malicious, nor any falsification, as far as I was concerned. I merely established the statement, and clarified it. I hope that, if it was not clarified before, it is clarified now. The hon. member doubted my word that there were any references to his profound silence. He said that was a false statement. But every statement I made in specific reference to the conduct of lotteries was actually quoted from the Police Department file. I mentioned also that I quoted from the "Sunday Times," and that I quoted from the account statement of an auditor. The "Sunday Times" of the 26th July, 1931, had quite a long paragraph in connection with this, and very much that was printed therein was, if the hon. member so considered it, libellous. But in spite of that, and in spite of the headlines, and in spite of the alleged false statement that was made, that statement went unchallenged. It is evident the "Sunday Times" printed those words. In regard to the question whether the hon. gentleman did not submit balance sheets when asked to do so, there is ample evi-

dence on that point, and there are several letters on this file which show that in connection with the drawing in May, when the Commissioner of Police in July, asked for a statement to be submitted to him, that statement was not submitted to him, and his secretary wrote in these words:—

I have not received audited statements re Labour Day art union from Mr. T. J. Hughes, the agent. I am again writing to him asking him to finalise same at his earliest. As soon as I receive same shall forward you copy of same.

And I find that a copy of a letter from the agent of the promoters, Mr. Hughes, was dated the 15th July, when he promised that, as soon as the auditor had completed the audit of his accounts and certified the profit and loss account, they would be forwarded to the Commissioner. And there was a subsequent minute showing that those accounts were not received by the Police Department. So no amount of argument can alter the position. As I indicated, I mention it to show how the gross takings of sweeps in those days were eaten up by expenses, amounting to 26 per cent. and more. So it was time that the late Mr. Scaddan and the member for Nedlands and the Leader of the Opposition took some action to restrict the doings of the promoters. We have ample evidence right through these files, showing how essential it was that sweeps be conducted in the interests of the public rather than in the interests of the promoter. A long minute from the Commissioner of Police, dated the 8th July, 1930, read as follows:—

Shortly after the outbreak of war in 1914, the Government of the day agreed to permit sweeps for charitable and other worthy purposes, and a very considerable sum of money was obtained thereby. At that time it was very clearly understood that those assisting in the conduct of the sweeps were voluntary workers, and received no remuneration for their services. Time went on and certain people found it was rather an easy way of adding to their income by organising art unions or assisting in their organisation, and as it was realised that such organisers were devoting a considerable amount of time with this object in view, no objection was taken to a small percentage being deducted for the expenses of the organiser. Later on, certain more enterprising individuals came into the field, and they found an excellent method of obtaining a living, with the result that in more than one instance the so-called "charitable workers" have deducted as much as 25 per cent. of the net proceeds of an art union for their efforts in organising the same. There could be no better example of this than the Hamilton Hill sweep which was conducted 12 months ago.

That was the sweep I referred to in order to show the excess charges made in those days as against the excess percentages of the Commission conducting all lotteries now. Also there are many references to other associations which, perhaps, it is quite unnecessary to mention. But it shows that in one instance the whole of the sum collected was swallowed up in expenses. And it is mentioned that the conditions laid down by the Police Department were ignored by organisers. In one instance, a special instruction was not conformed to by the organiser. This is quoted by the Commissioner of Police. That organiser wrote to the Press saying that, notwithstanding there was a restriction to that effect laid down, he had yet to learn that such restriction was intended to be observed. I understand that the member for East Perth wrote that. So apparently there were restrictions, but the organisers were loth to conform to them. The fact remains that, analyse it as we will, the very basis of the matter under discussion is the relative expenses, charges and prize money in connection with the lotteries then and the lotteries now. As I indicated the other evening, the total expenses of the Lotteries Commission to-day are slightly over 14 per cent., whereas the cheapest-run sweep in those days showed expenses of 24 per cent., and some went up to 47 per cent. So presumably a proper return would show that the prizes were not commensurate with the cost, nor commensurate with the interests of those for the benefit of whom the sweep was conducted.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILL—METROPOLITAN MILK ACT AMENDMENT.

Returned from the Council without amendment.

BILLS (2)—THIRD READING.

1, Dairy Industry Act Amendment.
Transmitted to the Council.

2, Western Australian Bush Nursing
Trust.

Passed.

ANNUAL ESTIMATES, 1936-37.

Report of Committee of Supply adopted.

Committee of Ways and Means.

THE PREMIER (Hon. J. C. Willecock—Geraldton) [7.53]: I move—

That towards making good the supply granted to His Majesty for the service of the year ending the 30th June, 1937, a sum not exceeding £6,152,157 be granted from Consolidated Revenue Fund.

Question put and passed.

Resolution reported.

**ANNUAL ESTIMATES—STATE
TRADING CONCERNS.**

In Committee.

Mr. Sleeman in the Chair.

*Division—State Brickworks, £25,681—*agreed to.

Division—State Hotels, £56,672:

Hon. P. D. FERGUSON: I should like to bring under the notice of the Premier the need for providing additional facilities at the Wongan Hills State Hotel. The hotel was built many years ago when the district was in its infancy, and the progress has been such that the facilities available are totally inadequate to meet the requirements of the travelling public and of the district generally. I believe the Premier has had an opportunity to see the hotel, and certainly other Ministers have seen it. It is a single-storey building with very few rooms, and the public seeking accommodation have to be put in all sorts of places at night because there are not enough rooms. On one side of the building is a long verandah, and on most occasions when I have been there—that has been fairly often—the verandah is chock-a-block with beds. There is not anything like sufficient accommodation. Further, the accommodation in the bar is an absolute disgrace to the Government, as well as to past Governments. There are two bars—the public bar and a private bar adjoining. The width of the private bar is 5ft. 6in., and the length is 9ft. or 10ft.

Mr. Patrick: Have not the Licensing Bench reported on it?

Hon. P. D. FERGUSON: The Licensing Bench do not worry much about governmental activities. If the hotel were owned by a private individual the bench would not have tolerated the existing state of affairs for five minutes.

The Minister for Justice: They would not have authority to compel an alteration if the hotel was built before 1922.

Hon. P. D. FERGUSON: Something should be done. It is the duty of the Government to provide additional facilities or allow someone else to provide them.

Mr. Thorn: Did you notice how the Government are being trimmed up over Cave House?

Hon. P. D. FERGUSON: The people at Wongan Hills do not want an additional hotel, but they want reasonable facilities at the State Hotel. The place is excellently run and I believe has proved a profitable investment to the State. That is a reason why better facilities should be provided. I am given to understand that the walls are strong enough to permit of another storey being erected over a portion of the existing building at any rate. The request is reasonable, and I hope the Premier will see whether something can be done in the near future.

Division put and passed.

*Divisions—State Implement and Engineering Works, £70,681; State Quarries, £19,121; State Shipping Service, £167,520; State Sawmills, £567,900; Wyndham Freezing Works, £292,500—*agreed to.

This concluded the Estimates of the Trading Concerns for the year.

Hon. C. G. Latham: That is the quickest time on record for these Estimates.

Resolutions reported.

**BILL—GERALDTON HEALTH
AUTHORITY LOAN.**

Second Reading.

THE MINISTER FOR HEALTH (Hon. S. W. Munsie—Hannans) [8.0] in moving the second reading said: This is a Bill to relieve a situation that has occurred at Geraldton. Some time ago the Geraldton Municipal Council desired to sewer part of the town, and to instal septic tanks in some places and sewer along Marine-terrace, and also to have an ocean outfall. To complete that work the municipal council as the health authority borrowed £9,000. The money was made available through the Commonwealth Government's grants for assistance to municipalities and country towns in connection with sewerage schemes. Geraldton naturally took advantage of the opportunity offering. With that money and part

of some loan money, the municipal authorities have completed their scheme, and now find themselves with £4,000 odd in hand that, as a health authority, they cannot expend.

Hon. P. D. Ferguson: Not many local authorities are in that position.

The MINISTER FOR HEALTH: Most of the health authorities have ample room for the expenditure of money, but have not the money to spend. In this case the position is reversed. This local authority has the loan money. They have now made application to have the balance of the loan transferred as a municipal loan so that the money may be spent on improvements to the municipality generally. The bank has no objection to the transfer from the health authority to the municipal authority, and to the money being spent for ordinary municipal purposes. The Geraldton Municipal Council, by the way, is also the local health authority.

Hon. C. G. Latham: Was authority obtained to raise the money?

The MINISTER FOR HEALTH: Yes. The loan was advertised. Everything was in order and the money was legally raised. In fact, the matter was hung up for a fortnight until the correct authority had been obtained. The money can only be spent, if it is desired to spend over and above the amount specified in the Municipalities Act, after a vote of the ratepayers has been obtained, just as they would have to obtain that vote if they were going to borrow fresh money for public works. The Bill provides for that, and it is all the Bill deals with.

Hon. C. G. Latham: It relieves the health authority of the payment of interest on the whole amount.

The MINISTER FOR HEALTH: Yes, and permits the municipal council to spend the money on municipal works instead of on health works only, the purpose for which the money was originally borrowed. It is not as though more money was being borrowed. All that the municipal council requires is the right to spend this money in the ordinary way under the Municipalities Act, although it is money that was borrowed for health purposes. I move—

That the Bill be now read a second time.

On motion by Mr. Thorn, debate adjourned.

BILL—FEDERAL AID ROADS AGREEMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [8.5] in moving the second reading said: This Bill proposes to ratify an agreement made between the Prime Minister of the Commonwealth and the Premier of Western Australia. The existing Federal Aid Roads Agreement expires on the 31st December of this year. The amending agreement before the House for ratification has been prepared as for an extension until the 30th June, 1937. This is done so that provision may be made for the complete financial year, and to give time for the consideration of a further agreement. Since this arrangement was made by the States, a conference of Commonwealth and State representatives has been held in Adelaide. The conference decided upon an extension of the existing agreement for a further period of 10 years, but to increase the 2½d. per gallon to 3d. per gallon on imported petrol, and 1½d. to 2d. excise on locally-produced petrol. The agreement, when completed, will be made subject to further ratification, and will become operative from the 1st July of next year. Although I understand the new agreement has been prepared, it is not yet available in this State. It will therefore be necessary to ratify the existing agreement, which provides for the extension of the old agreement until next June. The original agreement, which came into operation on the 1st July, 1926, was for a period of 10 years. It provided for the distribution of £2,000,000 per annum to the States on the basis of three-fifths population and two-fifths area, the amount payable to this State being £384,000. The agreement also provided that the States would expend from their own funds the sum of 15s. for every pound provided by the Commonwealth under the agreement. In 1929 the Commonwealth Government decided to devote an additional £1,000,000 to works for the relief of unemployment, and this was incorporated in an amended agreement operative from 1st July, 1931, by which the original period was extended by six months to cover this amount. The share of this State was £192,000. The conditions of the original agreement operated for five years. At the end of that period the agreement was amended

to provide for the distribution of a fixed sum to be discontinued, and for an amount equivalent to (a) a duty of $2\frac{1}{2}$ d. in respect of petrol imported into Australia and (b) an excise duty of $1\frac{1}{2}$ d. in respect of petrol refined in Australia, per gallon. The proportionate amounts payable to the States remained the same as those under the original agreement, but the provision relating to contribution by the States was cancelled, and approval was given for works of maintenance to be undertaken in addition to works of construction, which, it will be remembered, were provided in the original agreement. It is rather interesting to note the amounts that have been spent in successive years. This State, since the inception of the agreement, including sinking fund payments of £21,148 per annum, received in 1926-31 a total of £1,920,000, in 1931-32 £347,931, in 1932-33 £369,033, in 1933-34 £423,875, in 1934-35 £473,468, in 1935-36 £533,550; the total being £4,067,857. There has been some misunderstanding as to what has actually been paid by the Commonwealth Government to the State under the agreement during those years. I have here a reply to a question which was asked in the Federal House—

Information was elicited in the Senate to-day by Senator Johnson, U.C.P., W.A., that since the inception of the Federal aid roads agreement in 1926-27, petrol duties collected in Western Australia total £3,704,000. The amount paid to Western Australia in this period under the agreement was £4,068,000.

That figure tallies with the amount I have just quoted, £4,067,857. For the current year it is estimated Commonwealth receipts from petrol funds will amount to approximately £560,000. The present impost on petrol consumed is $7\frac{1}{2}$ d. per gallon Customs tariff, including primage, and $5\frac{1}{2}$ d. excise tariff, of which, as I previously stated, $2\frac{1}{2}$ d. of the former and $1\frac{1}{2}$ d. of the latter is returned to the States. The current agreement has undoubtedly been of incalculable help to this State in building up and extending its road system.

Mr. Boyle: But the Commonwealth this year will retain four-sevenths of the petrol tax under the agreement.

The MINISTER FOR WORKS: Yes. We improve our collection by a halfpenny in each case. Thus instead of $2\frac{1}{2}$ d. we shall receive 3d. and instead of $1\frac{1}{2}$ d. we shall receive 2d. More than our petrol tax

will come back again. I hope there will be no confusion as to the position of Western Australia. I hasten to explain that this agreement, for once, suits Western Australia.

Hon. C. G. Latham: The Commonwealth will give us more than we pay.

The MINISTER FOR WORKS: When negotiating the new agreement, which I consider the important work of Western Australia at the last Conference of Premiers, we were successful in retaining Western Australia's present quota. Eastern States showed some generosity in this respect. New South Wales was quite agreeable, Victoria was not quite so generous, South Australia and the other States made no difficulty whatever as regards renewing the agreement on the present basis. It will readily be understood that when $7\frac{1}{2}$ d. is collected and only 3d. is returned, a State like Victoria is placed at a serious disadvantage, though a State like Western Australia finds itself at a great advantage. Thus for once Western Australia has no complaint. There is no disability under the agreement. Actually we shall receive more than we pay, having regard to the variation in the agreement in our favour and the very considerable allowance for area. So actually the agreement is favourable to Western Australia, and is the one that we desire to renew. We are fortunate in securing a slight increase.

Mr. Boyle: In the circumstances.

The MINISTER FOR WORKS: The hon. member cannot tell me of any other agreement made with Western Australia which is as advantageous as this one. Therefore we are anxious to renew this agreement. The assets must be preserved, and to this end it is necessary that the revenue derivable by the State from Federal taxation should continue. Generally speaking, it may be said that the road system of Western Australia at the beginning of 1926 was in a highly primitive condition. I think we all remember that well. The advent of the Federal aid roads agreement was of immeasurable advantage to our country districts more especially.

Hon. C. G. Latham: The city has had its share.

The MINISTER FOR WORKS: The city has not. I will explain that. Of the amount for this year, £560,000, something over 93 per cent. will be spent in the country, and something over six per cent.

will be spent in the city. Those are the respective percentages.

Hon. C. G. Latham: License fees provide for some of these roads.

The MINISTER FOR WORKS: License fees are collected in the country just as they are in the city. The registrations show that they are about equally divided between the metropolitan area and the country districts. Registration fees would be equivalent to about £125,000 in each case. It means that although half the Federal tax will be paid by metropolitan users of cars, it will be spent in the country.

Hon. C. G. Latham: But metropolitan car owners use the country roads.

The MINISTER FOR WORKS: Let us be generous enough to admit that just as Western Australia has a good agreement with the Commonwealth, so the country districts get a good deal from this State. The Commissioner of Main Roads distributes in the country about 93 per cent. of the total amount collected. I know country members like grievances, but this agreement is not one of their grievances. At this stage I will offer the tribute that I hear very few complaints, if any at all, regarding the distribution of this enormous sum of money. Undoubtedly the Commissioner is holding the scales very fairly. Everywhere I have been with him great appreciation has been expressed by the local authorities of the manner in which the money has been expended. It has been wisely expended. Certainly the Commissioner has dealt out even-handed justice, because the various road districts watch each other carefully. I do not say there is jealousy among them, but there is in each case determination to get a fair deal. The Commissioner has proved equal to satisfying them all. Before the system of Federal aid roads, our main arterial routes were little more than unmaintained bush tracks. Low-lying places, rivers, and watercourses had been attended to from time to time, in the order of urgency, the larger jobs as a national matter by the respective Governments, and the smaller jobs by the various local authorities; but the funds available were only sufficient to take care of an almost negligible part of the requirements. It was a difficult matter indeed to travel in winter time in any of the country districts, but since 1926, with the creation of the Main Roads Board and later on the appointment of the Commis-

sioner of Main Roads, the Department have carried on a vigorous programme of improvement with the money received under the Federal Aid Roads Agreement. Satisfactory locations for the main traffic arteries have been established, and construction works carried out in keeping with what road users would expect. Western Australia has three different areas within its territory: Agricultural, Mining, and North-West. Much remains to be done, particularly in connection with roads serving new country, and on roads of a developmental nature feeding railways and main roads. The following is a statement of expenditure on all roads and bridges financed from Federal aid and State funds from the 1st July, 1926, to the 30th June, 1936, a period of ten years:—

Federal Aid funds—		£	s.	d.
Construction and reconstruction:				
Main roads	...	2,847,119	13	5
Developmental roads	...	1,787,304	14	7
Maintenance of Main roads	...	289,574	11	8
		£4,873,998	10	8
State funds—				
Maintenance Federal-aid main roads	...	118,166	19	5
Maintenance metropolitan roads and bridges	...	142,933	1	6
Special license fees (prescribed roads)	...	17,034	5	7
Transport Board fees (prescribed roads)	...	3,360	16	8
22½ per cent. traffic fees:				
Construction of roads and bridges in metropolitan area	...	146,735	5	0
Sales and Government Property Trust Account	...	98,445	0	10
Loan funds	...	1,324,837	4	3
Grand Total	...	£6,721,211	12	11

I think the expenditure of that money has been about the most popular in Western Australia, and probably the most justified. It is interesting to reflect on what the position would have been throughout the State had it not been for the amount of money expended on country roads. The details of the type of work carried out on main and development roads from Federal aid and State funds for the ten-year period from the 1st July, 1926, to the 30th June, 1936, are as follows:—

	Bitumen miles.	Metal miles.	Gravel miles.	Formed miles.	Cleared miles.
Main roads	351	5	940	772	79
State roads	23	1
Developmental roads	53	370	1,028	1,944	2,908
Total miles...	427	376	2,868	2,716	2,987

Total construction on	Main roads	...	2,147 miles.
"	State roads	...	24 "
"	Developmental roads	...	7,203 "
			9,374 miles

That is the work that has been done by the Main Roads Board. The lengths of declared main roads under the Main Roads Act are—

Arterial (3 roads)	...	866 miles
Trunk (19 roads)	...	2,049 "
Total	...	2,915 "

Then there are the bridges, and it is in this respect that we have had a great reformation. The total length of bridges of all types constructed during the ten-year period has represented 27,848 lineal feet. With the long mileage of non-bitumen-surfaced roads, maintenance is a serious problem, and, with the increase in the number and speed of motor vehicles during the last few years, grading and dragging are extensively carried out by permanent maintenance patrol gangs, in an endeavour to minimise road corrugation, which develops considerably during the dry seasons of the year. This position, however, is gradually being overhauled as funds permit. During the current financial year, a further 200 miles of bituminous surfacing work will have been completed, bringing the total mileage of such roads to 627. Expenditure on the maintenance of our main roads has averaged about £50,000 per annum. Even as the mileage of roads surfaced is increased, maintenance expenditure is not likely to decrease. There will be much heavier maintenance required on the unsurfaced roads, due to increasing traffic, shoulder work on the surfaced roads due to the same factor, and on some sections widening of the pavement may be found necessary. Looking back, there come to mind recollections of the time when roads were little better than tracks in parts of the State, where to-day the districts are traversed by a network of serviceable roads. It may now be stated that main road construction has reached the point at which one can travel the length and breadth of the State at any season of the year. It is rather interesting to recall that in their initial operations the Main Roads Board came in for a lot of adverse criticism regarding the road construction policy.

The Premier: There were select committees, and all sorts of things.

Mr. Patrick: They have learnt a lot by experience.

The MINISTER FOR WORKS: To-day, with much work accomplished, local authorities, road users, and even interstate road authorities have expressed their appreciation of the excellent road work carried out

throughout the State during the period under review. That, briefly, is a history of the last ten years of road construction in this State. The Bill under review is merely to extend the agreement for a period of six months. I stated earlier that the new agreement, which will operate from the 1st July next year, has not yet been received here, and in order to ratify the agreement made to cover the six months period, the Bill is necessary. I do not know whether the new agreement will arrive in time for the introduction of a Bill to cover the extended period.

The Premier: Probably it will.

The MINISTER FOR WORKS: But in any case the agreement has been approved, and I assume the money will be paid. Of course that agreement will have to be ratified by Parliament, as the present extension has to be ratified. The new agreement as from the 1st July will also have to be ratified by Parliament at the earliest date. I assume that if it is not in time to pass at this session the agreement will be signed and the amount paid by the Federal Government.

Hon. C. G. Latham: Is this agreement for six months or 12 months?

The MINISTER FOR WORKS: Six months. The current agreement expires on the 31st December this year, and the new agreement is to the 30th June, 1937, an extension of six months. The new and better agreement will not come into operation until the 1st July next year. As I said earlier, great credit is due to the Commissioner for Main Roads for the manner in which this money has been expended, and the improvement in methods. From my experience of travelling in the Eastern States I consider our roads compare very favourably with those in any of the other States. I believe it is recognised by road makers in the Eastern States that our roads are up-to-date, and the methods we now adopt are in keeping with the times. Despite all the criticism levelled at the Commissioner or the board as it then was, in the early stages, I think the local authorities throughout the State are appreciative of the manner in which this work has been done. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 24th November.

HON. N. KEENAN (Nedlands) [8.33]: This is a Bill to amend Section 41 of the Mines Regulation Act of 1906. I do not think I can be justly accused of any want of sympathy with the workers or of having any desire to have any worker suffer humiliation in the carrying out of his employment. But I fail to see that under either of these headings the incident referred to by the Minister for Mines warrants consideration at our hands. What was that incident? It was that a worker waiting for his turn to go underground, and while in the employ of an employer, was asked or ordered to do some work he was competent to do. I fail altogether to see any injustice in such an order or any insult in such an order, and if the only justification for the Bill before the House has some relation to that incident it does not deserve our consideration.

The Minister for Mines: I think you will find that I said the Bill had nothing to do with that case.

Hon. N. KEENAN: I am glad to hear the Minister say so. It should not have been mentioned. After all we are supposed to mention only those matters which relate to the subject under discussion. The Bill proposes simply to amend the existing law under which a worker employed underground goes down in the employer's time and comes up in his own time. The law, if this Bill passes, will require the worker to go down in the employer's time and return also to the surface in the employer's time. The proposal may have considerable merit, but I do not propose for one moment to discuss the question of its merits. There may be considerable merit in the proposal. But what I desire to point out is that it would be wholly improper for this House to constitute itself an arbiter in a purely industrial matter. It will expose us to the gravest of dangers—the danger of having in a very large measure to subordinate our judgment and opinions to necessities that will arise to cultivate the favour of certain electors. I do not know that I could use any words that would point out that danger more forcibly or convincingly than do the words used by Mr. McCallum when member for South Fremantle and a Minister of the Crown in this

House. I propose to read to the House those observations. He said:—

We object fundamentally to the idea of Parliament being created a wage-fixing tribunal. It is wrong in principle. It is objectionable in every way one cares to examine it. You, Mr. Speaker, know as well as I do that in years gone by there was a fairly substantial section of the Labour movement that supported the idea of Parliament fixing wages. I fought that idea inside the movement, and I will fight it whenever I have the opportunity of doing so. The Labour movement never stood for it, although a section tried to have it adopted as our policy. It appears to us in every way unsound and objectionable. Parliament is utterly unfitted to fix wages. We have set up a tribunal for that purpose, and have clothed it with authority to examine and obtain evidence, and to canvass all the circumstances surrounding the subject. How are we equipped to deal with such a matter? What information have we? We are totally unfitted for such a task. To bring such questions into the political arena, especially in industrial areas, would, as I and other members said when sitting opposite, introduce into the politics of this country an element that would be degrading in the extreme.

Mr. Sleeman: Didn't he bring down a Bill to regulate hours?

Hon. N. KEENAN: Not at any time that I was in the House. I wholly associate myself with that view, and I believe the great majority of members do so. Here we have a tribunal especially created for the purpose of fixing all industrial conditions, of which wages are only one element, a tribunal which has the capacity to discharge that duty, which calls all the necessary evidence to enable it to exercise its powers, and which is trained for the purpose of carrying out its work; whereas we are wholly unfitted for the task, and there would always remain the degrading thought that our judgment was influenced by considerations of enabling ourselves to be more amenable to our own electors. Besides that, this very matter has come under the consideration of the Court of Arbitration, this very matter prescribing what are to be the hours of labour in the mining industry under the heading of what is known as from "whistle to whistle." Not only has it been under the consideration of the court, but it is to-day under the consideration of the court. I have here a circular which has been sent by the court to all mining employers. It is dated the 6th November, and it invites employers in every mine operating in Western Australia to return

to the court for its information answers to the following questions:—

1, Whether the "whistle-to-whistle" principle operates in your mine, or mines, and, if so, from what date?

2, If the "whistle-to-whistle" principle is in operation, state whether wholly or partially and, if the latter, to what extent, that is, what particular class of work is affected, and in what circumstances it applies?

3, The number of men working underground at the present time.

4, Where your mine or mines is or are situated.

It is therefore a matter sub judice in the special court we have created to deal with these special matters. I suggest we should leave it to the Arbitration Court to resolve upon this matter according to its conscience and its knowledge and its judgment. It would be a fatal step for this Parliament to usurp the jurisdiction of the Court of Arbitration and determine this matter for itself. There are far too many occasions nowadays when the authority of the Court of Arbitration is flouted, which leads us to the belief that that expensive tribunal could be successfully dispensed with. I say that no act would be so effective in flouting the authority of the Court of Arbitration as would be the passing of this measure before the House. Therefore I hope the Minister will reconsider the matter and leave this to be determined, as it is intended to be determined in the near future, by the Court of Arbitration and will not ask the House to degrade itself by being a party to an act that would very definitely flout the Court of Arbitration.

HON. C. G. LATHAM (York) [8.42]:

The hon. member who has just resumed his seat has set out exactly what the position is. If we wish to defeat the objects of the Arbitration Court this is one of the means of doing it. Consequently I propose to vote against the second reading of the Bill. As I pointed out previously on other legislation that we were discussing, this House is not fitted, is not competent, to do the work that is being done by the Court of Arbitration.

The Minister for Mines: You did not think that when you were over here.

Hon. C. G. LATHAM: I say we did. At no time did we ever usurp the functions of the Arbitration Court. We did ask the court to take into consideration certain wages that were paid, and proposed to set down by legislation the finding of the court. That was at a time when this State did not know

where to turn for the next pound with which to pay its employees.

Mr. Needham: You flouted the Arbitration Court.

Hon. C. G. LATHAM: Not half so much as certain members of this House did recently at Kalgoorlie. I propose to tell the House what took place, as reported by the "West Australian." This is purely an industrial matter and I do not know about the workers themselves, but the secretary of the A.W.U. and the secretary of the Mine Workers' Branch decided that as they could not get exactly their own way by means of the Arbitration Court, they were going to use Parliament to that end. They definitely said that, and I propose to read what was stated at the meeting, as reported in the "West Australian."

Mr. Hegney: Will you guarantee that it is correct?

Hon. C. G. LATHAM: It is as correct as other statements made in this House against members on this side; sometimes "Hansard" is altered in consequence of such statements. This is dealing with a dispute on the Lake View and Star as to whether their men should be brought up from the mine in the employer's time. The present Act provides that the employees shall go down in the employer's time and come up in their own time. Section 41 of the Act of 1906 reads as follows:—

No person shall be employed to work below ground in a mine, except in cases of special emergency, for more than 48 hours in any one week, or for a longer period than eight hours on any day. For the purposes of this section a person shall be deemed to be employed below ground from the time that he commences to descend a mine until he is relieved of his work and commences to return to the surface.

So he goes down the mine in the time of the employer and comes up in his own time. The amending Bill proposes that he shall go down and come up in the time of his employer. It is not long since this case was before the court.

Mr. Needham: This case was never before the court.

Hon. C. G. LATHAM: Well, a case similar to it. It was known as the Ivanhoe case and on the 19th October of this year the "West Australian" reported some of the remarks made at a meeting. Under the heading of "The Contentious Judgment" this paragraph appears:—

In his judgment, the President ruled that there was no obligation on the part of the employer to deliver the worker on the surface at:

the termination of the shift. There was no custom or usage to that effect. The Arbitration Court, he added, had expressly disallowed the request of the union for the application of the whistle-to-whistle principle. So far as overtime was concerned, the employee had no claim, as the work mentioned was done within the ordinary hours of duty. The President answered in the affirmative a question submitted by the company asking whether the custom of requiring men to be ready to start work at the commencement of each shift, and of their being hauled to the surface from 4 pm. (the termination of the day shift) in the same routine order as when lowered, was in conformity with the hours provisions of the goldmining award.

A discussion took place at a meeting at which I understand 600 men were present. It is interesting to read some of the statements made by responsible men. I propose to refer to that made by the secretary of the A.W.U. and also by the secretary of the miners' section, and some of the statements made by members of Parliament. Here is another paragraph from the report of the "West Australian":—

The first speaker at the meeting (Mr. Johnson) said that the President's decision was diametrically opposed to the policy of the union and the Australian Labour Party. The State Government had been elected by the people on an eight-hour-day policy, but they now had the spectacle of a servant of the State having violated that policy. In his efforts to justify his decision, the President had gone back to 1927, when evidence regarding the bank to bank system was given to the Arbitration Court.

Are we really to understand that the trade union secretaries believe that the Arbitration Court exists to give effect to their policy, right or wrong? If we are to have an Arbitration Court simply to give effect to the policy set out by the trade union officials, it will be exceedingly dangerous and arbitration will not last very long under those conditions. Parliament never intended it. The champions of Labour put these Acts on the statute-book because they believe it will be the means of relieving industrial strife, and that it will alleviate the distress that strikes cause. I believe that Labour men in the old days had a great deal more knowledge of industrial matters than have the Labour men of to-day.

The evidence given on that occasion was not applicable to the present case, because to-day most of the men were going down in the companies' time and returning to the surface in their own time.

That is what is provided by the existing law.

In the present dispute, they were concerned with the case of men who started when the

whistle blew and who were not permitted to finish work within eight hours. It was significant that the President had made no reference to the evidence called by the company to rebut the union's evidence. The union would challenge the decision and, in doing so, would use its full weight.

Next I come to a statement by a gentleman named Heenan, who was reported as follows:—

Mr. Heenan said that a big fight must be made for the bank-to-bank principle, but he hoped that nothing would be done to prejudice the Labour Party's chances of obtaining a 40-hour week. "I am pretty certain," he added, "that we can almost guarantee you a 40-hour week before long."

There is no objection to his doing that. It is entirely a matter for the Arbitration Court, and I do not mind how many times they use the court to get it, but it is unwise and improper to ask Parliament to usurp the functions of the Arbitration Court. Next comes a reference to a speech by Mr. Tanner which was reported as follows:—

In a vigorous speech, Mr. Tanner said that he had no quarrel with the principle of arbitration, but he had fault to find with the personnel of the Court. The union had submitted a fool-proof case and had received a biased judgment. The men would have plenty of time in which to strike if the Legislative Council disallowed the regulation.

The newspaper report continued—

A speaker in the body of the hall said that some time ago the local section of the division had agreed to 20 amendments to the Mines Regulation Act and its regulations. These suggestions included provision for the introduction of the whistle-to-whistle system and consequently what was being done to-day was simply a matter of repetition. Something more was required than reliance on Parliament.

"We are hardly in a position to set the whole country alight," declared another speaker, who was referring to industrial trouble in other parts of the State. "If the union officials are capable of achieving the miracle of gingering the Cabinet into action they will deserve the thanks of all members, but I doubt if they will be successful."

Well, they have gingered the Cabinet into action and their labour has brought forth the Bill now before us.

At this stage another speaker caused amusement by detailing a plan to unhorse Mr. President Dwyer, whom he described as "a fly in the ointment." "Having unhorsed the President," he said "the authorities could then appoint an impartial judge."

A Voice: Where are you going to get one?

I do not know what powers are possessed by Mr. President Dwyer, but if he has the

powers of a judge of the Supreme Court, he should have exercised them. I believe that Mr. President Dwyer is as capable as any man I know of for the position, and though I sometimes disagree with his views, I do not express disagreement. If I did so, I should deserve similar treatment to that which I consider should be meted out to the man whose remarks I have quoted.

Mr. Thorn: Who appointed Mr. President Dwyer?

Hon. C. G. LATHAM: Mr. President Dwyer held political views in the old days. We know what his views were, but that need not prevent a man from being fair after he has been placed in a responsible position. I would not say that a man in that position had been unfair in any decision, because I realise that the weight of evidence probably entitled him to reach the decision given.

Mr. Thorn: The Labour Party appointed him.

Hon. C. G. LATHAM: He was appointed under an amending Bill passed by Parliament nine or ten years ago. At that time some people entertained doubt as to whether the appointment of Mr. President Dwyer was a fair one. We have never criticised his appointment and I believe he has done his best in the office.

Mr. Patrick: I think a member stated that he had grown conservative.

Hon. C. G. LATHAM: Another speaker, Mr. Styants, who I understand, is a member of this House, is reported to have said that Mr. President Dwyer's decision was wrong in fact, if not in law. Members tread on dangerous ground in setting themselves up as authorities. Mr. President Dwyer has given a good many years of study to arbitration questions. He was a legal practitioner, a man regarded as being fairly well versed in legal matters, and he has had nine years' experience of Arbitration Court work. Yet we have a youthful member coming forward and saying that he knows a great deal more than does the President of the court.

Mr. Thorn: He certainly spread his plumes.

Hon. C. G. LATHAM: According to the report, Mr. Styants proceeded—

It is unfortunate that Arbitration Court decisions were final and that no appeals could be made.

Let me inform the hon. member that the Labour Party definitely decided that there should be no appeals and I consider that in their own interests the decision was a wise

one. I remember the fights in this House, but I regard the decision on that point as very sound. Mr. Styants continued—

Before he was appointed to his present position, the President had distinct Labour principles, but since then his views had changed considerably and the industrial trouble throughout the State showed that he was not doing his job. It might be possible to move him from his present position to some other in the judiciary. He doubted very much if it would be possible to have the suggested regulations passed by the Legislative Council.

That was a very unwise statement to make, especially for a man who, in the ordinary course of events, might expect to have ahead of him a fairly long public career. There might come a time when he will regret having made that statement. Because Mr. President Dwyer has given a decision with which the hon. member disagrees, the President is to be removed from his office. If we follow that policy, it will prove exceedingly dangerous. If Supreme Court judges give decisions that displease us, are we going to take authority to remove them from their office? I hope we shall not follow that advice, and I hope members will not lead people in the country to believe that that is the right course to adopt. Certainly it is the wrong course. I regret that such statements should have been made. Another gentleman, who should have a little more knowledge of the functions of Parliament, was reported as follows:—

Mr. Lambert said that he was determined to keep the eight-hour principle inviolate.

We do not mind if less than eight hours be fixed. We say it is a matter for the Arbitration Court to decide, after having heard evidence from both sides and after having taken into consideration what conditions the industry can bear. This gentleman believes in the eight-hour principle. I wonder what he will do about the 40-hour week principle.

Mr. Lambert: It should be the 44-hour week.

Hon. C. G. LATHAM: The hon. gentleman is now correcting his statement. I watched the newspaper closely to see whether a correction was published. The report of his speech continued—

He understood that the Government had agreed to most of the suggested amendments to the Act put forward by the union, including one aiming at the introduction of the bank-to-bank system. The party's policy was a 40-hour week, and it would not be surprising if an attempt were made to give effect to that policy.

Mr. Lambert: You know that is so.

Hon. C. G. LATHAM: The report continued—

It would be competent for the Government to do this, so far as the goldmining industry was concerned, by regulation. He did not think it would be impossible to have the regulations for the institution of the bank-to-bank system passed by the Council. The opposition in the Council would seek to have the regulation disallowed on private members' day, but Labour members could defeat the move by stonewalling. If the regulations were disallowed, the Government could again introduce them, and he considered that they could be kept in force for weeks if not months.

I hope that members are not going to take the responsibility of deciding industrial disputes or usurping the functions of the court. Members are not qualified to do it. Recommendations have been made by members of the Arbitration Court from time to time and the responsible Ministers have brought down Bills to give effect to some of them. This is a most inopportune time at which to bring down this measure.

The Minister for Mines: The Upper House has thrown it out on two occasions.

Hon. C. G. LATHAM: The law has been in existence since 1906. The Arbitration Court has power to fix whatever hours it likes. I regret that we have to debate this Bill at a time when I know the Arbitration Court is sitting in Kalgoorlie, discussing this very question. I cannot understand the Minister bringing down this measure, knowing, as he does, that this case is sub judice.

Mr. Seward: He was frightened not to.

Hon. C. G. LATHAM: He knows the court is sitting. He had advice from Kalgoorlie that the Labour representative on the bench was unable to continue his work.

The Minister for Mines: I did not know that until I read it in the paper at tea-time.

Hon. C. G. LATHAM: Someone knew it. I knew that a man was to go up to take Mr. Somerville's place because that gentleman was seriously ill. It is strange that the Minister did not know about it. The Premier should have seen to it that this Bill was not gone on with while the case was sub judice. The principle is wrong. Are we, when it suits us and a case is before the judiciary, to set the law in motion with a view to bringing about the results we want? That is a wrong principle, and one which cannot commend itself to

members who believe in the observance of the law.

Mr. Lambert: Should not the Criminal Code be amended because five or six cases of robbery happen to be before the court?

Hon. C. G. LATHAM: We generally avoid doing those things. We do not allow cases that are before the court to come within the operations of any amending law until such cases have been decided. The hon. member knows that, for he must have seen the decisions of the High Court. It was ruled a little while ago that the law as it stands on the day when a man is arrested is the law that must be given effect to. Here we are going to do something which will probably upset the decisions of the Arbitration Court. I do not know what Mr. President Dwyer will think of Parliament if we carry on with this kind of thing.

Mr. Marshall: Speaking for myself, I am not too much concerned about what he thinks.

Hon. C. G. LATHAM: The hon. member is setting a bad example. When the decision of the court is in favour of the workers, they will accept it; when the conditions are in favour of the employers, the workers will strike. That is the example set by the hon. member. If it is designed to defeat arbitration, that is the best way to do it.

Mr. Patrick: They are not compelled to go to arbitration.

Hon. C. G. LATHAM: We have advocated arbitration, and believe that is the right thing. We would like to extend it further, to the settlement of international disputes, because we believe in it. And yet we have the member for Murchison (Mr. Marshall) saying he does not care what the court thinks. If he has any fault to find with the president of the court, he has a proper method to follow. He can find that fault in this Chamber. The attack made upon the Arbitration Court is a very unfair one. It must have affected the president when he made a certain statement a little while ago. In the "West Australian" of the 20th October last, the following appears:—

Some important observations on the existing state of unrest in certain industries were made by Mr. President Dwyer of the State Arbitration Court yesterday when he delivered his reserved decision in connection with an application by the Industrial Registrar (Mr. F. Walsh)

for cancellation of the registration of the Amalgamated Road Transport Union of Workers, Perth, on grounds connected with the bus strike.

"It seems to me that a new, a dangerous and an unsocial spirit is beginning to permeate industrial unionism," said the President. "We have at Collic the spectacle of a union apparently too proud to carry on work under the eyes of the local board of reference, a board of practical men upon which it has its own representative, in order to permit that board to function and decide a matter in difference between employer and worker. We have in Kalgoorlie a powerful union which after a decision is given as to the meaning of a clause in the award, is sounding the tocsin and beating the drum with the cry 'Our eight-hour-day is in danger.' The fact is that the mining company employing the largest number of workers has been, for the past eight years or so, adopting a certain course of action which, according to a recent decision given by me, is legal under the award. I was asked by the union to hold that the practice conflicted with a usage in the industry notwithstanding that, apart from other considerations, it had lasted so long under the eyes of the union, and that awards and agreements had been made without any notice being taken of it, and that during the period of hours of work had been reduced to 44 per week for all workers. Still we are told the eight-hour principle is endangered.

"What a surprising discovery to make and what utter nonsense it all is. Whence emanates all this discontent, this unwillingness to accept decisions, this desire to force acceptance of doctrines and conditions at the pistol's point? Is there a current in present-day industrialism corrupting the general stream? Is arbitration too slow a method of progress in industrial regulation to meet the desires of the young blood of present-day workers? Is there a definite and settled policy amongst certain unionists to stir up trouble, create discontent and keep the community in a continuous state of turmoil? What is it that causes the molehill of difference to be magnified into the mountain of disaster? Why this lack of sense of proportion? Why this grasping tenaciously at all the benefits conferred by an award whilst rejecting any of the conditions that may be adverse, notwithstanding that the benefits may be a direct result of a consideration of the other conditions? All these and similar questions suggest themselves for answer and solution in looking about us to-day. All I can say is that the Court will continue to administer the law as it finds it, and deliver decisions according to the evidence, undeterred and uninfluenced by either hostile criticism or unmerited abuse from any quarter."

The president of the Arbitration Court gave very good advice. I believe the decisions of our judges are right. If the present party representing the industrialists desire to amend the law, and if they think they can get a better deal by appealing from the decisions of the Arbitration Court, there is

a proper way to set about it. All that was wanted was an application to the court to have a variation made in the award.

Mr. Lambert: You are wrong.

Hon. C. G. LATHAM: It was a question of the interpretation of the award. If they had desired to do anything, they could have made an application for a variation of the award. Some time may have elapsed before it reached the president. After all, we should not be too impatient. I am not going to allow a precedent of this kind to be introduced without recording my vote against it.

Mr. Lambert: It is not a principle.

Hon. C. G. LATHAM: It is a principle. It will not stop at decisions of the Arbitration Court, either. It will turn Parliament into a court of appeal.

Mr. Lambert: Nonsense!

Hon. C. G. LATHAM: It will. I do not know the legal position, but I believe the award under which this industry is operating will stand, whether we amend the law or not. Any awards that are made subsequently would be subject to this law, of course. My reading of the section it is proposed to amend tells me that the court could bring in a 35-hour week if they so desired. There is merely stipulated the maximum number of hours to be worked in any one week. Members of the Government and those behind them introduced into the industrial field a little over a year ago a very unwise thing when on the question of the interpretation or misinterpretation of an award they fixed an 88-hour period over a fortnight. There was a variation of 14 hours between the weeks. The Government, instead of keeping out of the dispute, said, "You ought to have a talk among yourselves." That declaration did not represent a sound principle. The people of the State paid for the Government's intervention. When we, on our part, asked that a certain consideration of the same type be granted to the woolgrowers, the Government said it could not be done. It could be done, however, to upset a decision of the Arbitration Court, which is not a function of Government. If there was any misunderstanding with regard to the award, it could have been referred back to the court for a clearer interpretation. The Government sold the birthright of government when they handed over control to the miners. I believe they even said to the mine-owners,

"If you do not agree to this, your leases, when they fall due, will be cancelled."

The Minister for Mines: This is like a lot more information you give. No such statement was ever made. What is more, I do not believe that you ever heard it made, either.

Hon. C. G. LATHAM: I am sorry I have not the report here, but I read something like it printed in the "West Australian."

The Minister for Mines: No such statement was ever made.

Mr. Styants: It is a figment of the imagination of the Leader of the Opposition.

Hon. C. G. LATHAM: We shall be glad to hear the member for Kalgoorlie (Mr. Styants) say that he will not usurp the functions of the court. I think we had better get the member for East Perth (Mr. Hughes) to deal with the hon. member. The silence can be felt when the member for East Perth is on his feet. The Bill discloses a wrong feature of government. If the law is to be amended, let us take a suitable opportunity to amend it.

The Minister for Mines: There will be no more suitable opportunity than this one.

Hon. C. G. LATHAM: The Arbitration Court must shortly give a decision on that point.

The Minister for Mines: No.

Hon. C. G. LATHAM: The Minister does not know whether he handles the truth or not. The member for Nedlands (Hon. N. Keenan) read a letter sent out by the court.

The Minister for Mines: I am not disputing that the court has the right to consider the point, but it is now considering a hundred and one other things. That particular point is not the only matter the court has to consider.

Hon. C. G. LATHAM: I quote from "Hansard" of the 6th August, 1935, page 36, an extract from a letter addressed by the Chamber of Mines to the Premier, which letter was published in the "West Australian" of the 18th February, 1935—

Referring to the many interviews which have taken place during the dispute between the sub-committee of your Cabinet and the special committee of the Chamber of Mines, I am directed to say following to-day's conference that as you have repeatedly refused to agree to any modification whatever of the meeting of the members of the A.W.U. on terms of settlement passed at the massed Saturday last, and have not taken any action to enforce the provisions of the Industrial

Arbitration Act against the strikers, and have further expressed the determination of your Government to assist by all means in its power the enforcement of the union's resolve to stand for a 44-hour week, it is impossible for the members of the Chamber of Mines to continue negotiations, and have been instructed to advise you that—

- (a) Owing to the attitude of the Government in its support of the A.W.U. mining branch in the present dispute it has become impossible for the Chamber of Mines to adhere to the stand taken by it on the question of the 40-48 hour fortnight and to maintain its rights under the recent award.
- (b) The Chamber therefore is forced to accept the terms embodied in the resolution passed by the mass meeting of the A.W.U. held at Boulder on Saturday, the 9th inst.
- (c) The Chamber's decision is due to the Government having accepted full responsibility for its action in compelling the Chamber to take the course outlined in paragraphs (a) and (b) of this letter.

Subject to your acceptance of the foregoing, the members of the Chamber of Mines propose under protest to re-open the mines on the terms above mentioned and which you assure us have the Government's endorsement.

The Minister for Mines: Did you read that statement about the leases?

Hon. C. G. LATHAM: No, I did not.

The Minister for Mines: Well, where did you get it from?

Hon. C. G. LATHAM: If the Minister wants it, I will have it here when the Bill gets into Committee, or on the third reading.

The Minister for Mines: I do not know where it came from.

Mr. Seward: Then you are about the only man in Western Australia who has not heard it.

The Minister for Mines: This is remarkable. I am more interested in the mining industry and those engaged in it than members opposite are, and I have never heard that statement.

Hon. C. G. LATHAM: After all, the Minister was not here at the time. He was away in England.

The Minister for Mines: There was never a conference held by the Government with the Chamber of Mines at which I was not present.

Hon. C. G. LATHAM: My memory is good. I have no need for the Minister to assist me in that respect.

The Minister for Employment: Why don't you sit down and leave this Bill to some-

body who knows something about the matter?

Hon. C. G. LATHAM: If I butted in with as little knowledge as the Minister has, I would never be sitting down. He was described to-night as the strawberries-and-cream member. It is the like of the Minister that brings the Labour Party into dispute.

Mr. SPEAKER: I ask the Leader of the Opposition to get back to the Bill.

Hon. C. G. LATHAM: The Minister for Employment has never worked hard in this life; then how can he advise the miners? The Minister for Mines does know something of the subject, but the Minister for Employment knows nothing whatever about it. All he has ever done is to work in with his head, never by means of his hands. In replying to the Minister for Employment, I will take whatever latitude you allow me, Mr. Speaker.

The Minister for Employment: Your head has never assisted you.

Hon. C. G. LATHAM: Yours will never give you a headache, anyway.

Mr. SPEAKER: I ask the Leader of the Opposition to get on with the Bill.

Hon. C. G. LATHAM: It is surprising how some members can find their tongues when it suits them to do so. At other times they are dumb. I wish I had the vocabulary of some other member; then probably there would be no interjections while I was speaking. I do not wish to make any rash statement like that made by the member for Kalgoorlie (Mr. Styants) when on the gold-fields recently. I make allowances for that hon. member on account of his immaturity. However, this is a most important matter, and not at all a subject for levity. The Minister for Mines is asking Parliament to do something that should not be the function of Parliament. We have no right to override decisions of the Arbitration Court, or to use Parliament to defeat an award which has been given. There is a proper way open—to apply to the Arbitration Court for a variation. If after the dispute has been settled it should be found necessary to bring down an amending Bill, we on this side shall not object. Still, to use Parliament for the purpose of legislation such as this means the coming of a day when we shall rue our action. It is a sorry thing to have to accept the responsibility for making this House a

court of appeal. That is exactly what the Bill does.

[The Deputy Speaker took the Chair.]

MR. MARSHALL (Murchison) [9.20]: I must say immediately of the two speakers who have preceded me that neither handled the facts relating to the Bill.

The Minister for Employment: They did not know anything about the facts.

Mr. MARSHALL: Their speeches were quite irrelevant and had no bearing on the subject matter of the Bill.

Mr. Hughes: It beats me how Mr. Speaker allowed them to continue.

Mr. MARSHALL: That indicates that they have no knowledge whatever of the subject. For instance, the member for Nedlands (Hon. N. Keenan) expressed very deep sympathy. He reminded me of a cemetery wren advocating cremation.

Mr. Cross: He shed crocodile tears.

Mr. MARSHALL: Yes. After expressing his full sympathy with the workers, he went on to disclose by his attitude that his sympathy was pure hypocrisy. The arguments he advanced had no relationship to the contents of the Bill. For the information of the Leader of the Opposition (Hon. C. G. Latham), I want to point out that Parliament first interfered with the hours of labour underground in the mines many years ago.

Mr. Cross: And they fixed the hours of labour in factories.

Mr. MARSHALL: The men could have gone to the Arbitration Court to secure the regulation of their hours of work, but Parliament stepped in and did the job. If the Minister for Mines had introduced a provision regarding the working week underground, he would have had to accept the responsibility, but he would not have done anything new. The Leader of the Opposition's statement regarding control by Parliament of the working week as usurping a function of the Arbitration Court indicated how far he lags behind regarding industrialism throughout the world. There was a time in history when Western Australia could boast of its industrial advancement, but that time is long since past, and we now lag woefully behind. If there is one section of the workers that should immediately receive favourable consideration with regard to the working week, it is that which embraces men who labour in the

bowels of the earth, producing a commodity for the various nations of the world to take control of and again hide in the bowels of the earth, thus serving no real useful purpose, so to speak. That is the procedure. Let me explain to the Leader of the Opposition what the Bill means, now that he has held forth for a considerable time upon a subject that has no reference whatever to the Bill. It does not seek to regulate the weekly hours of work underground, but merely indicates the principle that should be adopted in order to protect the health of those who earn a livelihood by working underground in our gold mines. The Bill does not interfere with the principle of a 44-hour week, a 40-hour week, a 35-hour or a 25-hour week. It does not touch that phase. The Leader of the Opposition did nothing but speak about the weekly hours of labour, and the Bill does not mention that phase at all.

Mr. Raphael: Do not stress his ignorance.

Mr. MARSHALL: Let me explain the position to the Leader of the Opposition and those who sit behind him who have a little conscience. I will make the explanation and leave their humanitarian sentiments to influence them to act justly and conscientiously.

Hon. C. G. Latham: The Bill provides that a man shall go down and come up in the time of his employer.

Mr. Cross: And that principle has applied at Collie for 32 years.

Mr. MARSHALL: If that is so, why did not the Leader of the Opposition confine his remarks to that instead of dealing with the weekly hours of labour?

Hon. C. G. Latham: I say that it could be done by reducing the hours of labour.

Mr. MARSHALL: What a remarkable argument! The whole of the hon. member's speech was confined to the weekly hours of work.

Mr. Raphael: The same thing has been in force in England for years.

Mr. Hughes: You have never seen gold, apart from a tooth, in your life.

Mr. Raphael: You are wrong there.

Mr. MARSHALL: The Leader of the Opposition and the Leader of the National Party (Hon. N. Keenan) referred to remarks by the President of the Arbitration Court as relating to the principle embodied in the Bill. As the member for Kalgoorlie (Mr. Styants) truthfully said, that incident had no reference whatever to the phase they stressed.

The Minister for Mines: None whatever.

Hon. C. G. Latham: Of course it did.

Mr. MARSHALL: President Dwyer went out of his way in order to build up a case against the man and the principle concerned in that incident.

Hon. C. G. Latham: President Dwyer told the employers that they could employ a man while he was waiting to go below.

Mr. MARSHALL: The hon. member starts to get his facts correctly.

Hon. C. G. Latham: I know it too well.

Mr. MARSHALL: As he proceeds to build up his case, he gets hopelessly bogged.

The Minister for Mines: He gets into muddy country.

Mr. MARSHALL: His feet are not big enough to keep him up on all paths, and he sinks in marshy country occasionally. The incident that caused the trouble on that particular mine was due to the company breaching a long-standing custom. In fact, that custom has obtained ever since the gold mining industry has been alive in Western Australia. Every individual who has laboured in that industry is aware of the fact. No man had ever been asked to do any work on the surface pending his going below to do his job until just recently, and when that did happen it gave rise to the trouble. Not satisfied with the work carried out by the man when underground, and not being prepared to give him his last mouthful of fresh air in comfort before going below, his employers sent that man to do some work on the surface. He was then sent underground to complete his job and the company left him there until long after knock-off time. They kept him underground long after the whistle, and that was what caused the trouble. The incident had nothing whatever to do with the whistle to whistle claim that was presented to the court by the union. When I tell the Leader of the Opposition that countries outside of Australia preceded us by years in the shorter working week, he may be surprised. Italy, France, Canada and many other countries have long since had a 44-hour week in real good, healthy, comfortable avocations. And when the Leader of the Opposition argues that the conditions under which men shall work are not within the jurisdiction of Parliament, he is out of step with the custom adopted in many countries. He is also out of step with judges within this country who have long since said it is the function of Parliament to regulate the weekly hours of labour.

Mr. Lambert: They have said it.

Mr. MARSHALL: They said it years ago and judges in more recent years have declared that it was abominable for them to have to adjudicate on the working week; that it was a matter for Parliament. The Leader of the National Party knew that.

Mr. Hughes: Why doesn't Parliament fix it?

Mr. MARSHALL: I cannot hear the hon. member. He is on my deaf side. If he would speak a little slower and louder I would catch his interjection.

The DEPUTY SPEAKER: Order!

Mr. Hughes: Why don't we fix the hours?

Mr. MARSHALL: The Leader of the National Party went out of his way to quote from a certain "Hansard" a statement made by Mr. McCallum when Minister for Works in one of the previous Labour Government's. Developing his usual cunning—

Mr. North: Whose? Mr. McCallum's?

Mr. MARSHALL: No, the Leader of the National Party's.

Hon. C. G. Latham: As a matter of fact, Mr. McCallum is the cunning one.

Mr. MARSHALL: I think it would be a fairly good competition between the Leader of the National Party and Mr. McCallum.

Mr. Lambert: Who would win?

Hon. C. G. Latham: I think Mr. McCallum would.

The DEPUTY SPEAKER: Order!

Mr. MARSHALL: The Leader of the National Party quoted statements made by the ex-Minister for Works. He quoted that portion of "Hansard" wherein Mr. McCallum dealt with wages, and not conditions, and what Mr. McCallum said about wages being regulated by the Arbitration Court the whole Labour movement stands for and by, but Mr. McCallum never in this Chamber, while Minister for Works or as a private member, said that the regulating of the working week should not be the function of Parliament. On the other hand he distinctly indicated that it was the function of Parliament. In the first amending Bill to the Arbitration Act which gave Mr. Justice Dwyer his very comfortable job, Mr. McCallum embodied a 44-hour working week and in this Chamber substantiated his justification of Parliament regulating the working week. The Leader of the National Party knew that. He was in the Chamber when it took place, but he never quoted that.

Mr. Hughes: He was not here then. It was in 1925.

Mr. MARSHALL: That may be so; I withdraw that. But I suggest that while the Leader of the National Party probably was not a member of this Chamber, he was actively associated with and intensely interested in politics and would be well aware of the facts I have mentioned. Further than that, to prove that Mr. McCallum always believed in the Parliamentary right of governing the conditions of workers in this State, I would point out that when his 44-hour week clause in the Arbitration Bill was defeated in another place, in the very democratic side of our Legislature, Mr. McCallum introduced a special Bill the following year which, of course, proved conclusively that he did think it was the function of Parliament to regulate the hours of labour and took advantage of his presence in Parliament and the supporters around him to attempt to give effect to that principle through Parliament. Therefore, the Leader of the National Party either knowingly or unknowingly in his quotations from Mr. McCallum's speech was misleading.

The Minister for Mines: It had nothing to do with the present Bill either.

Mr. MARSHALL: The Leader of the Opposition becomes very concerned about any interference with the Arbitration Court. You may know, Mr. Deputy Speaker, of many instances in which people, in a very luxurious and comfortable atmosphere, are able to tell the toiler how much harder he should work, and how much longer time he should work. It is wonderful how those who have never done a day's work can tell a fellow exactly how long and under what conditions he should work. I am not too much concerned about the President of the Arbitration Court. All I know is this—and it must be admitted by anyone broad-minded enough—that no matter how conscientious an individual may attempt to be when it comes to a trial or adjudicating upon a case, the environment to which that person has always been accustomed will influence him. I wonder if the Leader of the Opposition would be jubilant over my appointment to the Arbitration Court as President?

Hon. C. G. Latham: It would have some blessings, you know.

Mr. MARSHALL: When we can get a majority of those who have been schooled in our class, who have lived and laboured under our standard of living, to adjudicate upon the other party's right to live at all, we will be satisfied.

Mr. Hughes: Do you think you could stand £35 a week?

Mr. MARSHALL: I do not think there would be much hope of my falling down. It would be for a very deserving case I can assure the hon. member.

Mr. North: Will you repeat some of those remarks?

Mr. MARSHALL: I cannot do it. You, Mr. Deputy Speaker, would not allow me to carry on a tedious repetition. I was pointing out that I do not mind how conscientious an individual is. He can attempt in every way to be just and fair but when adjudicating upon matters he must be influenced by the environment with which he has been associated for a lifetime. So I do not condemn those who do not see eye to eye with me, but I suggest that if some individuals were obliged to give 12 months' service underground in goldmining in Western Australia, they would make far better Arbitration Court judges. Let me explain what the whistle to whistle really means. It is true, as the Leader of the Opposition has said, that it means that those men employed underground will leave the surface only as the whistle to begin work is sounded. It further means that those men will be put back on the surface before the knock-off whistle has blown. I do not doubt that if the member for Collie (Mr. Wilson) were here, he would substantiate this statement that, when the whistle to whistle struggle took place in the coal-mining industry, the arguments advanced to-night by the Leader of the Opposition and others opposed to this Bill were advanced then.

The Minister for Mines: Exactly the same.

Mr. Cross: That was nearly two years ago.

[The Speaker resumed the Chair.]

Mr. MARSHALL: Yes, when you and I were young. The same old babble we get each time we attempt to advance industrially by so much as one yard; the same old swan song that we are interfering with the Arbitration Court, that we are attempting to destroy industry, that we are attempting to drive out capital. What a wonderful state we would be in to-day if it were not for those who at one time were stigmatised as agitators! Where should we be? Never an attempt to take a step forward,

but to sit placidly down and permit the captains of industry to dictate terms to please themselves. It is only by demanding progress that we have forced the captains of industry to adopt modern scientific methods. Bricks at one time were taken up on to a new building by the hod, whereas now they are taken up by hundreds in crates. So it is in all industry, just as in the mining industry, and there are mining companies that will never object to these reforms, because they have adopted modern methods. But to the individual companies whose only appetite for modern ideas lies in the direction of bigger dividends, it will give some difficulty because, rather than adopt modern methods they have stuck to obsolete methods and pocketed the difference. In other words, they desire to remain stagnant at the expense of those employed in the industry. Take Wiluna: every time her cage moves in that shaft, it shifts 40 men. Come back to Meekatharra: on the Constance Mine, every time her cage moves, it shifts four men. Are we to encourage that slothfulness? Why not ask the company to modernise their methods? We should not encourage them to be slothful at the expense of those who give their physique to the industry. Kalgoorlie is a monument to the careless management of the Golden Mile of the past, when young physically fit men were poisoned on account of the indifference and carelessness of the companies operating. The principle underlying the Bill is the desire to remove these men from underground when their shift has been completed. It does not interfere with the working week in any way whatever. If hon. members knew the deplorable circumstances that prevailed in the goldmining industry, I doubt if there is one on the Opposition side who would utter a word of protest against this legislation. The Minister attempted, and with some success, to represent the case. I would point out to hon. members that in goldmining it is always attempted to fire out at the conclusion of a shift. No man, I care not how thoroughly experienced in mining he might be, can take the risk of leaving it late in charging the face or charging the holes and firing out. The process invariably commences at about 3 p.m., again at 11 p.m., and for the third time at 11 a.m.; in other words, about an

hour before knock-off time. Our miner must do that, because of the dangerous nature of the work and the possibilities of trouble. Having charged and fired those holes, he must remain within hearing of the reports in order to hear that every charge goes off. He must give himself plenty of time to make sure that everything is right. Then he walks to the plat. He cannot return to the face on account of the fumes and dust, and, as the Minister pointed out, all he has to do then is to sit down and wait the boss's pleasure to haul him to the surface. He cannot have anything more to do with the face he has just fired. When one comes to a place that has just been fired, one has no knowledge of what exactly has happened to the charges. If the Bill becomes law, the men will meet on the surface, and so the man who has just reached the surface will notify his mate who is going below of what exactly happened at the face and, if necessary, will issue a warning as to some of the holes. Without that advice, the men who next reach that face have to go very warily.

Hon. C. G. Latham: The time taken in lifting the men is the trouble. So much time is taken up.

Mr. MARSHALL: After all, there is not so much time required. Even to-day the Wiluna mine brings its men up immediately, and this measure would not affect that company. Why should not other companies do the same thing?

Hon. C. G. Latham: Probably it would necessitate enlarging the shafts.

Mr. MARSHALL: That is right; put up an excuse for them! Encourage slothful dividend-paying companies and give no credit or reward to companies that treat their men sympathetically and humanely. For the best part of eight hours a day, under the best conditions, the men are swallowing gases and dust. I need hardly mention that there are objectionable parts in almost every mine, particularly in rises. All we ask is to have the men hauled into the environment where nature intended them to be. They were never intended to be underground. Why members who profess to be progressive and to possess even an infinitesimal amount of humanity should object to this proposal is beyond my comprehension. What feeling can those members have for the men working underground?

Mr. North: Can you explain the President's viewpoint?

Mr. MARSHALL: No.

Mr. Styants: Impossible.

Mr. MARSHALL: Let me recall for the edification of the Leader of the National Party a statement quoted by Mr. McCallum when he introduced a Bill for a 44-hour week. I remind the Leader of the National Party that his quotation dealt with wages only, and that he either knowingly or unknowingly misled the House.

Hon. N. Keenan: I am not aware of it.

Mr. MARSHALL: The hon. member implied that the ex-Minister for Works did not believe in Parliament interfering with the working week.

Hon. N. Keenan: Interfering with industrial conditions.

Mr. MARSHALL: The ex-Minister for Works introduced a Bill to provide a working week of 44 hours.

Hon. N. Keenan: In what year?

Mr. MARSHALL: In two years, 1924 and 1925.

Hon. N. Keenan: I quoted the year 1933.

Mr. MARSHALL: Old as is the hon. member, he is a little late.

Hon. C. G. Latham: No, Mr. McCallum had gained a little more sense by 1933 and realised what he could do.

Hon. W. D. Johnson: Wages involve a different point of view from hours.

Mr. MARSHALL: Mr. McCallum introduced Bills on two occasions to regulate the working week. That indicates that he did believe it was the function of Parliament to regulate the hours of work. "Hansard" of 1925, page 1522, records Mr. McCallum as having quoted Mr. Justice Higgins as follows:—

It is of course, very desirable that, with suitable exceptions, and if it can be managed without serious injury to industries, the workers should have a "clean" eight-hours day with a half holiday on Saturday. That is all that is claimed. At present they have to purchase, as they say, the Saturday half-holiday by working more than the eight hours on other days The truth is we have not yet achieved the ideal, so much praised, of an eight-hours day with a Saturday half-holiday. I have waited for many years for the Parliaments to speak, but they have not spoken.

I could quote Mr. Justice Rooth and Mr. Justice Burnside.

The Minister for Mines: And certainly Mr. Justice McMillan.

Mr. MARSHALL: Yes, he referred to it on several occasions.

The Minister for Mines: Urged Parliament to do it.

Mr. MARSHALL: Yes. Let me quote further from the remarks of Mr. Justice Higgins:—

I confess that, before opening this inquiry, I had no idea how widely the movement for reduced hours has spread, or of the number of undertakings in Great Britain, Canada, and the United States in which the employees have secured the maximum of 44 hours.

Mr. Justice Higgins made those remarks long before they were quoted by Mr. McCallum in 1925, or 11 years ago.

In May last, I spoke of the 48-hours week of Australia as long envied by workers in other countries, but there are indications now that Australia will shortly envy rather than be envied, and will lose her pride of place as the leader in industrial betterment.

Australia has long since lost that lead, and we shall always lag behind while men are obliged to work longer hours underground than those enjoying occupations in a more healthy environment. I would not be a party to imposing any unjust obligations upon the goldmining industry. Under our present system the industry is a necessity and is of untold value to the State. Thousands of men, women and children rely for their sustenance upon a breadwinner who is occupied in the goldmining industry. While we continue to live under the present objectionable system that will continue, and so I would not do anything that I thought would be injurious to the industry. Let me quote the report of the Mines Department relating to the year 1935 to show that even if the whistle-to-whistle system did involve a little expense, it would not be too much to ask of the companies. Surely to goodness when an industry is experiencing a period of unprecedented and undreamt of prosperity, the men labouring in it should participate to some small degree in that prosperity! The report of the Mines Department states that the dividends paid by mining companies had amounted to £1,090,456 compared with £876,025 in the preceding year. That was a tremendous increase. In addition, £34,462 had been paid as a bonus and in profit-sharing notes. I cannot quite understand that reference.

The Minister for Mines: It means paying off bonus shares.

Mr. MARSHALL: Then that was another call on the profits, but only one or two companies were concerned.

Mr. Lambert: Two.

Mr. MARSHALL: That is not general, and therefore it cannot be accepted as being of much value.

The Minister for Mines: It meant that capital was provided that could not have otherwise been obtained to make the mine productive, and the people who provided the additional money were repaid.

Hon. C. G. Latham: I suppose they would have received a dividend if the amount had not been paid off.

Mr. MARSHALL: I am excluding that from my point because it does not have general application. All of the mining industry does not participate. The annual report of the Mines Department for 1935 discloses the following:—

To the end of the year 1935 the total amount distributed by gold mining companies in dividends was £31,838,792. To the same date the value of the mineral production totalled £190,059,143, of which the gold production accounted for £175,680,539 based on normal values; but premiums from sales of gold during 1920 to 1924 and 1930-1935, and payments under the Gold Bounty Act, 1930, increased by £13,419,653, the total values of mineral and gold production respectively.

The industry is experiencing a prosperous time, although I want members to understand that all gold mines are not paying dividends. Those that are not paying dividends are small mines, and this Bill will not affect them. It is of only material consequence to the larger mines. I respectfully suggest that the time is long overdue for legislation of this kind to improve conditions for men who have to come out of hot places, perspiring freely, who have to sit in draughts of atmosphere permeated by large quantities of silica which get into their lungs, rendering them liable to chills, colds and pneumonia, leading to fibrosis, silicosis, pneumoconiosis, and any other disease peculiar to the industry. Thousands of young men have gone to an early grave through these things. We should not hesitate to support a measure that will alleviate the position and be of practical help to the men, without being an undue burden upon the industry.

MR. STYANTS (Kalgoorlie) [10.3]: I did not intend to speak on this Bill, because its merits have been advanced so

well by the Minister who introduced it, and it has been so well supported by the member for Murchison (Mr. Marshall). Because of certain inaccuracies and misleading statements on the part of the Leader of the Opposition, I feel, however, I should say something concerning the measure. The Leader of the Opposition is very much concerned because certain Labour organisations, both industrial and political, were likely to override the decision of the president of the Arbitration Court. If that were the case we would be following a precedent established by the Mitchell-Latham Government when they overrode a decision of the Arbitration Court and of the Basic Wage Commission, and reduced the wages of Government employees by 18½ per cent. without any reference either to the court or the Commission. Not only did they follow the example set in other States of the Commonwealth in this respect, but they went even further, and made provision whereby private employers could make application to the court and have the wages of their employees reduced. There was no question of reference to the court or the Commission prior to the Mitchell-Latham Government making this reduction. The Arbitration Court and the Basic Wage Commission were set up to fix an amount which would be sufficient to provide what was necessary to keep a man, his wife and two children in a reasonable degree of comfort. They laid down that particular wage, and yet the Mitchell-Latham Government flouted the decision of the Basic Wage Commission and reduced the wage without any reference to the tribunal concerned. The Leader of the Opposition is perturbed because the Bill contains something which should be decided by the Arbitration Court. He defeated his own argument by reading from the present Act and proving that the manner in which men should descend and return to the surface has been laid down in the Act for years. That is all the Bill sets out to perpetuate, not the particular system which at present provides that a man shall go down in the employer's time and come up in his own time, but that the men to preserve the eight-hour principle may go down in the employer's time and be returned to the surface during eight hours. That provision has been in the Act for many years and no exception was taken to it until this evening. I wish to controvert

the statement that the principle involved in the Ivanhoe dispute is affected by the principles contained in this measure. They are totally different questions. The provisions of the Bill embrace the bank-to-bank system, but the Ivanhoe dispute did not involve that system. The trouble in that dispute was that following established custom the men had been ready to descend at 8 o'clock when the whistle blew. They were prepared to take out their plods, which is an instruction as to where they shall work and what work they should do underground. They were prepared to take out their plods, collect their lamps and carbide, and be ready to descend at 8 o'clock when the whistle blew. The arrangement for a number of years with the mining companies, with the exception of the Lake View and Star Company, has been that these men should not be called upon to do any work on the surface prior to going underground. I will make that clear. The men had no objection to working on the surface before going underground, but they claimed that they should be returned to the surface at the expiration of eight hours if they were called to perform any work on the surface prior to going underground or be paid overtime. There is a vital difference between what caused the dispute in the Ivanhoe shaft and the provisions of the Bill before us. Under the decision given by the Arbitration Court, it is now permissible for a man to get his plod in his own time, to get his lamp and carbide in his own time, but immediately the whistle goes at 8 o'clock, he may be instructed to work on the surface. He may work for 20 minutes, half an hour or three-quarters of an hour on the surface and then be sent underground. By the decision of the president of the court it is permissible to allow this man to remain underground until 5 o'clock or 5.30. There is no obligation on the part of the employer to return him to the surface within the specified time of 8 hours. Will any member say that was not sufficient reason for industrial unrest? It certainly was. The conditions under which these men labour and in which they find themselves after a day's work underground have been indicated by the Minister and the member for Murchison (Mr. Marshall). Sitting down there in the dust and among germs, wet through to the skin with either perspiration or salt water, subject to possible contamination of silicosis, together with

the possibility of pneumonia, that is the man concerning whom the President of the Arbitration Court says there is no obligation to return him to the surface within a specified time. The President of the Arbitration Court says, in his decision, that that man can be kept underground for 9½ hours. What wonder that the men refuse to concur in those conditions? The Leader of the Opposition made certain derogatory references to statements made by me at a meeting of Kalgoorlie miners in connection with the dispute. Had it not been for the fact that members of Parliament attended the meeting and advised the miners to continue work, there probably would have been a serious stoppage. The abbreviated newspaper reports from which the Leader of the Opposition quoted gave, as all newspaper reports do, only a limited portion of what actually was said; but I am prepared to stand up to the statements attributed to me in the "West Australian" report. That report is a fairly accurate indication of what I did say on that occasion. I say now that the decision of the President of the Arbitration Court in that particular case, though it may have been right in law, yet on facts and evidence submitted to the court was distinctly wrong. I have had the opportunity to read the evidence tendered in the case. Probably the Leader of the Opposition has not been sufficiently interested to peruse it. The Lake View and Star Company's principal witness, their supervisor of works, a man who has risen from the position of an ordinary miner to the status of supervisor, gave it in evidence before the President of the Arbitration Court that it was not customary, and had not been customary, so far as he knew, during the whole of the time he worked as a miner, to require any man to work on the surface while waiting to go on underground. Yet we are told that the decision was right in fact, notwithstanding that the chief witness for the companies said it was against usage to ask a man to work while waiting on the surface. I reiterate that the men are prepared to do work on the surface provided they return to the surface within the period of eight hours. To that, however, the companies are not prepared to agree. I yield place to no man in this community as regards obedience to the law, but I make a stipulation. When the law spells justice, I will say "Obey." When the law spells injustice and wrong decisions, there is another course to be taken.

Mr. Marshall: In that case the law will not have public opinion behind it.

Mr. STYANTS: The President of the Arbitration Court from his exalted position made certain references, as he has a right to do, to the constant friction in industry. He said industrialists of to-day were not prepared to abide by decisions of the Arbitration Court. He attributes the industrial unrest and the disturbances in the industrial field to men not being prepared to accept his decisions. If he had closely investigated some of the decisions and some of the awards given by himself as President of the Arbitration Court in recent years, he would have discovered the reasons for the industrial unrest and the constant friction in Western Australia. I stand by my statement that he should be removed from the position of President of the Arbitration Court. An ordinary ganger in charge of a body of men, or a factory manager, coming constantly into friction with the employees and constantly causing unrest, should be removed. Only an obstinate and mulish person would say that such a man should not be removed from his position. He must lack adaptability to manage men successfully.

Mr. Seward: Who is to be the judge of his adaptability?

Mr. STYANTS: But for the presence of Labour members, there would have been a big industrial dispute on the goldfields. The President of the Arbitration Court lays all the blame on the workers, and sees no fault or shortcoming in himself. My opinion is that all this industrial unrest and all this breaking of industrial awards would disappear if decisions and awards of the Arbitration Court were in conformity with the evidence submitted. As a witness before the Arbitration Court I can testify that awards and decisions are not in conformity with the evidence tendered. That applies to the Ivanhoe decision, which almost brought about a stoppage. I have now dealt as fully as I wish to deal with the Ivanhoe dispute in relation to this Bill. The two have nothing in common. Had it not been for the evident confusion in the mind of the Leader of the Opposition, who holds that the conditions which created the Ivanhoe dispute are identical with the principle of the Bill, I would not have risen. There are two special reasons why, in my opinion, the measure should be passed. The first one is that in Australasia to-day there is not another industry which can so well

afford to grant reasonable conditions to its employees as the gold mining industry can. That Yankee company, the Lake View and Star, which has introduced speeding-up methods into Western Australian mining, showed last year a profit of over £500,000, which was paid away in dividends. The South Kalgurli mine on a subscribed capital of £120,000 pays annual dividends of about £80,000. Consequently, there should be no great financial difficulty entailed on those companies in granting reasonable working conditions to their employees. The second reason is that if any class of worker deserves preferential conditions in his employment, it is the unfortunate miner who has to work in the hell-holes known as mines. Statistics show the average miner's life to be 25 years. That is to say, if he starts to work in a mine when he is 20 years of age and continues working in the mining industry, even without contracting miners' complaint, his average duration of life is 45 years. This statement can be borne out by any person who cares to visit the cemetery of a mining town and look at the tombstones. The majority will bear ages ranging from 35 to 45 years.

Mr. Marshall: Mostly graves of young men!

Mr. STYANTS: Mostly young men who have passed out on account of the conditions in the mining industry. The only prospect facing a miner is an impoverished old age, an old age during which he will be in continuous illness brought about by working in the mining industry. I trust the House will take a favourable view of the Bill. This measure is regarded, particularly by the miners, as one of the greatest steps to secure safety in the mines that it is possible to introduce. As indicated by the Minister when he moved the second reading of the Bill, it will afford machine men and others an opportunity, if the bank to bank system is introduced, to converse with each other regarding conditions when one shift is taking over from another. They can discuss any peculiarities or dangerous conditions relating to the ground in which work has been proceeding. That is usually done with regard to positions of responsibility. For instance, in connection with the railways, every time an engine-driver takes over from another, the men are allowed sufficient time to enable them to make an inspection of the engine so as to ascertain that everything is

satisfactory. If it is essential to do that in any industry, it is doubly so in goldmining. I hope members will agree to the Bill, because the step contemplated has been long required for universal application throughout the mines of the State.

MR. SEWARD (Pingelly) [10.21]: I do not intend to vote for the Bill, and it is only reasonable that I should indicate why I will not do so. It is amazing to me that the Minister should so studiously and carefully refrain from referring to the cause of its introduction. When the member for Murchison (Mr. Marshall) was speaking, he inferred that anyone who opposed the Bill had no sympathy whatever regarding the working conditions of men who labour in the mines. I want to disabuse his mind on that score. I have every possible sympathy for the miners, as far as anyone can have sympathy with them without knowing the conditions in which they work. I believe I was down a mine on one occasion many years ago. It does not matter whether a miner or any other worker is concerned, I always hold that he is entitled to the best possible conditions under which to carry out his work. Apart from that, I also hold that it is not the function of Parliament to say what the conditions of employment shall be, either in respect of work generally, hours, or anything else. Let members look at the position. I am asked to cast a vote on this question. I have been down a mine once and have seen the mines only from a pretty long range. What possible weight could attach to any vote I might cast under those conditions? I am not conversant with the mining conditions.

Mr. Fox: Then you should take notice of those who do know.

Mr. SEWARD: And those who are supposed to know have so side-tracked the issue as to the real purpose of the Bill that I cannot take any notice of what they said. The Bill has been introduced simply and solely because the employees could not get what they wanted from the Arbitration Court. That is the real reason. They sent a deputation to Perth and told the Government to introduce a Bill to provide for what they required, and so we have the measure before us now. I shall not cast my vote to override the Arbitration Court. Throughout Australia the Arbitra-

tion Court has been adopted as the body to investigate and deal with industrial conditions. So long as I am a member of this House, my vote will never be used for the purpose of usurping the functions of that court. It is not merely a matter affecting the President of the Arbitration Court. We have heard certain things said about the President, and a certain statement appeared in the Press indicating that because the court would not give a decision in favour of the men, the President Mr. Justice Dwyer should be removed from the Arbitration Court bench. I do not know the President, but I have been told of him by some people who knew him in his earlier days. From what I was informed, it would appear that the President of the Arbitration Court did not always occupy so richly rewarded a position as he does to-day. He had to make his way in the world. He had to earn his living during the day and burn the candle at night to qualify himself for the higher position he holds to-day. All honour to that man! Simply because he holds his present official position does not indicate that, ipso facto, he is not capable of considering sympathetically any request submitted as regards working conditions. The member for Kalgoorlie (Mr. Styants) mentioned the effect of industrial disputes to which, unfortunately, we have become rather accustomed in these days. There have been three recently. There was the dispute at Collie; then there was the bus strike, and now we have this trouble that has come under review by members. The member for Kalgoorlie asserted that these industrial disputes were due to the fact that dissatisfaction had been caused among the workers by the Arbitration Court decisions. I would like to remind members that the employees as well as the employers, have a representative on the court, so that the decision of the court is not entirely dependent upon the views of the President. I do not agree with the member for Kalgoorlie when he ascribed the industrial unrest to the decisions of the Arbitration Court. The industrial unrest we have experienced dates back to the time when the Government usurped the functions of the Arbitration Court in dealing with a dispute on the goldfields over 12 months ago. The Government set the court aside and compelled the owners to agree to conditions that the court would not assent to. Naturally, when one set of workers saw that another section had obtained from the Government conditions

that could not be obtained from the Arbitration Court, they pursued a similar course.

Mr. Lambert: What case are you referring to?

Mr. SEWARD: A goldfields trouble, the details of which the hon. member knows full well.

The Minister for Mines: It would be a good job if you stuck to things of which you know something, rather than deal with a matter regarding which you know nothing.

Mr. SEWARD: I know sufficient to realise that the Government propose to usurp the functions of the Arbitration Court.

The Minister for Mines: Nothing of the kind.

Mr. SEWARD: I say they are. The Minister can have his opinion, and I will have mine; but the weight of evidence throughout the State will be on my side, and will be that the Government are attempting to do so in this instance. The Arbitration Court has been set up to deal with such matters. The court investigates the application, and get to know the conditions. The court is the body to deal with such a matter, not Parliament, and consequently I intend to vote against the Bill, solely for that reason. That is the only purpose of the Bill, namely, to usurp the functions of the Arbitration Court. I do not intend to discuss the issue that has been raised. The bank to bank system may be perfectly fair. I do not say it is not. That point does not enter into the discussion at all. The point is that it is a function of the Arbitration Court to determine such a matter, and Parliament has no right to interfere. For that reason I shall vote against the second reading. I was rather amused to note that the member for Kalgoorlie (Mr. Styants), during the course of his remarks, flatly contradicted the member for Murchison (Mr. Marshall), who said that the principle contained in the Bill would not affect the larger mines so much as the smaller mines.

Mr. Lambert: No, rather the reverse.

Mr. SEWARD: He pointed out that the larger mines had the bigger plant, and could bring the men to the surface more quickly than the smaller mines. Therefore I take it that on the smaller mines the men are likely to be a longer time in reaching the surface than the men on the bigger mines.

Mr. Marshall: No; you do not know much about the subject.

Mr. SEWARD: I admitted that. I pointed out that I am less qualified to make a pronouncement on this subject, and therefore I desire to leave the matter to the Arbitration Court for decision.

The Minister for Mines: Yes, you had better leave it alone.

Mr. Marshall: You are on dangerous ground.

Mr. SEWARD: The member for Murchison pointed out that the larger mines could bring the men to the surface in bigger cages and more quickly than was possible in the smaller mines. Yet the member for Kalgoorlie complained because the Lake View and Star mine, which presumably would have a bigger plant, would possibly leave the men down, I think he suggested 1½ hours, after the time they had finished. Is it sensible for anybody to imagine that any company would not shift those men as quickly as possible? It is folly to bring a measure of this description before Parliament to decide; it is a matter for the Arbitration Court.

MR. LAMBERT (Yilgarn-Coolgardie) [10.31]: It is a pity that a lot of irrelevant matter has been introduced into the discussion, particularly by the Leader of the Opposition. By no stretch of imagination can one suggest that this measure constitutes any interference with the functions of the Arbitration Court. The only desire is to clarify the position as far as the meaning given to the section of the Act dealing with 44 hours underground is concerned. Unfortunately in days gone by on some mines—though I must admit, with the member for Murchison, on very few mines—the habit crept in whereby a miner, when he arrived at the pit's mouth and the company were not ready to take him below, would be asked by the shift boss to move some timber or tools or something else and so, possibly, he would not go below for a quarter of an hour or 20 minutes afterwards. When it came to knocking-off time he ceased work at 4 p.m., and not being able to come up in the cage, possibly on account of the number of men before him, he would not reach the surface until a quarter of an hour or 20 minutes after 4 o'clock. To clarify the position, to give

clear directions to the Arbitration Court as to the exact intention of the legislature in laying down the principle of a 44-hour week, it was necessary to amend the Act. There is no need to throw stones at the President of the Arbitration Court in the decision he has given. Indeed, I would be the last to subscribe to the belief that the President of the Arbitration Court would not exercise, as I believe he always has done, that soundness of principle and jealous regard for his position which have characterised most of the decisions he has been called upon to give in the Arbitration Court. But I think the member for Nedlands (Hon. N. Keenan) will at least readily concede that even judges at times go slightly astray, particularly in the interpretation of the actual intention of Parliament in passing certain legislation. The Leader of the Opposition made much of the *Ivanhoe* dispute. We had no hesitation in going there with a desire to preserve industrial peace and to give an indication to the men that we felt that while probably the Arbitration Court in a sense lacked sympathy the court carried out the actual wording of the Act. The excellent speech by the member for Murchison (Mr. Marshall) and the equally excellent speech by the member for Kalgoorlie (Mr. Styants) should have presented a case to the House needing little addition from any other member from the goldfields. But I would reply to the remarks of the Leader of the Opposition and the good-intentioned contributions to the debate by the member for Pingelly (Mr. Seward) in connection with the broad outline of the hours of labour not being bound up with the functions of the legislature. Such a determination is not the function of the Arbitration Court, and it is for this legislature not to shirk its responsibility. It is for this House to lay down the broad outline and formula, especially in regard to the hours of work. It is becoming more necessary to-day than ever it was in the history of the industrial life of our civilisation for this to be done.

Hon. C. G. Latham: Why can't the Arbitration Court fix the hours?

Mr. LAMBERT: They can.

Hon. C. G. Latham: Of course they can; we only fix the maximum number of hours.

Mr. LAMBERT: The hon. member knows well that the 40-hour week has been set

up by legislatures in other countries—in Canada, America, and England. Apart from the legislatures in democratic countries having set up the 40-hour week it has been done also by dictators in places like Germany and Italy. Consideration to the matter is even being given by the League of Nations—the pivot upon which our civilisation turns to-day and upon which our to-morrow, if there is to be a to-morrow, is dependent. The League of Nations is endeavouring to lay down the broad outline of hours of labour and conditions, and endeavouring to find a formula. The Leader of the Opposition found fault with the reported statement of mine that we stand for a 40-hour week. There can be no mistaken idea of our attitude.

Hon. C. G. Latham: You said 48 hours.

Mr. LAMBERT: Well, it was misreported. You need have no mistaken idea of our ambitions and desires progressively to lessen the hours of labour.

Mr. Marshall: The desire is world-wide.

Hon. C. G. Latham: I have never said I am not in favour of shorter hours.

Mr. LAMBERT: The Leader of the Opposition in quoting the innocent remarks made by the member for Kalgoorlie—

Hon. C. G. Latham: Innocent remarks?

Mr. LAMBERT: The hon. member took him very forcefully to task for the reference he made—

Mr. Styants: He had something to say about you too.

Mr. LAMBERT: I conveniently forgot that. The other day when the Leader of the Opposition's deputy moved an amendment to the Agricultural Bank Act, which he knew meant to a very definite extent the ripping to pieces of the whole legislation affecting that institution in which the people of this country have £14,000,000 invested, what did the Leader of the Opposition do? Did he take the same pious attitude and say, "No, this is a matter for the Agricultural Bank Commissioners, and it would be a shocking thing if we were to forget that," Did he say anything of the sort? No, of course he did not.

Hon. C. G. Latham: You stayed outside the door when the division was taking place.

Mr. LAMBERT: I do not think you should challenge the political integrity of the member for North Perth in pairing with me. There was much in what the Deputy Leader of the Opposition put forward in his desire

to amend the Agricultural Bank Act.

Mr. SPEAKER: We will not discuss that, for the Bill was ruled out of order.

Mr. LAMBERT: I am only drawing an analogy.

Mr. SPEAKER: Well, the hon. member is quite out of order in drawing such an analogy.

Mr. LAMBERT: Very well, I will not pursue that line of argument farther. Nor is it my intention to try to intensify the words used by the member for Murchison (Mr. Marshall) and the member for Kalgoorlie (Mr. Styants) regarding the conditions under which the workers in the gold mines are labouring to-day. It is sufficient for me to say that if there is one industry in Western Australia that can at least afford concessions to the workers engaged in it, it is the goldmining industry. I do not think any member desires to harass or put any undue handicap on that industry. But, as I said, the mine managers in days gone by, when most of our mines were down and out, this Government, the ex-Premier of this country, and the present Minister for Mines, and indeed the House, had no hesitation in giving everything to assist the industry that has done so much for the development and progress of this State. But something should come our way when the industry can afford to pay. The reward should be the capacity to pay. And even if better conditions were given to the miner to-day, his child may cry, "Don't go down the mine, Daddy." With that ringing in the ears of countless thousands of miners to-day who have to get their living underground—why, if one should be well disposed towards any class of worker, it is those men who have to get their living by the mining industry. I know there are other industries and other people engaged in carrying out the useful and essential services of this country, and we must have some regard for our attitude towards them. Many men to-day out in the broad lands of the country deserve a lot of consideration, and it is a great pity that this Parliament, instead of sitting idly by with arms folded, does not go out into the country and see some of the men and the womenfolk there who are trying to get a living for their children. But I would not be like the Leader of the Opposition and say that they should go to the Arbitration Court. Have they ever asked anything of the Arbitration Court?

Hon. C. G. Latham: I should not mind their going there if there were a tribunal for them.

Mr. LAMBERT: I say that every man who is a trier in this country, whether an industrialist or an agriculturist, deserves that this Parliament should be the arbitrator of what is right and what is wrong.

Mr. Thorn: What authority have you for saying that?

Mr. LAMBERT: I say it by an authority that is backed by a considerable amount of knowledge and experience. While it would ill become me to draw a comparison between the relative capacities of people, I say that I will accept responsibility for what I say and do. Now little remains for me to add, other than again to pay tribute to, in the first instance, the ready way in which the Minister for Mines at all times exercises a sense of fairness, not only to the miner but also to the mining interests; and of course I wish to pay a tribute to the two very effective speeches made to-night by the member for Murchison and the member for Kalgoorlie.

HON. W. D. JOHNSON (Guildford-Midland) [10.47]: So far as I can see, the question of the working hours of men underground has been directed by definite legislation passed by Parliament and placed on the statute-book at any time during the last 30 years. I submit, and I think the member for Nedlands (Hon. N. Keenan) will admit, that the Arbitration Court has no power to override definite direction from this House. It is true that there was the dispute on the Ivanhoe mine, but that had nothing to do with the subject matter of the Bill, and it was a violation of the principal Act, so far as one can read. That is the case that was before the court. The court was called upon to decide whether it was not a violation of the Act to work men before they commence to go down, and calculate their time on that basis. But it was definitely under an amendment of the Act that has been in operation for many years, and the court has no power to interfere with definite directions by statute from this Parliament.

Hon. C. G. Latham: You will agree that the time worked was less than 48 hours.

Hon. W. D. JOHNSON: They have altered the hours from 48 to 44, but they cannot take any action as a court that will violate definite directions by legislation. This has been in operation for 30 years now and

when we try to make a slight alteration of it, it is said that we ought to leave it to the Arbitration Court. For 30 years it has not been left to the Arbitration Court.

THE MINISTER FOR MINES (Hon. S. W. Munsie—Hannans—in reply) [10.50]: There is very little that calls for reply. After listening to the speeches of the Leader of the National Party, the Leader of the Opposition and the member for Pingelly one could be excused for marvelling how the Mines Regulation Act ever got on the statute-book. If what they claim is correct, we would never have had a Mines Regulation Act. Parliament passed the Arbitration Act in 1902, so arbitration has been the policy of Parliament since that year. The Mines Regulation Act was passed in 1906—four years later. How on earth did that law get on the statute-book if the arguments used by those members are to carry any weight? They know it could never have been enacted that men should not work more than 48 hours in any one week or eight hours in any one day. They would have said it was entirely a matter for the Arbitration Court to decide.

Hon. C. G. Latham: You know the powers we have handed over to the court in recent years.

The MINISTER FOR MINES: Since the inception, the Arbitration Court has had the power to fix the hours of labour and still fixes them. I am not arguing against that at all, but there are times, and this is one of them, when there needs to be some little stimulus to progress other than what can be obtained from the court. The member for Pingelly said it was no wonder that there had been industrial trouble at Kalgoorlie seeing that the Government some 12 months ago had overridden a decision of the court. I repeat what I told the mining magnates of Great Britain to their face—a meeting of those directly concerned—that the Government had never overridden an Arbitration Court award. The award definitely laid down a 44-hour week to be worked in five shifts of eight hours and one shift of four hours. Then, as an afterthought, the court provided that if the mining companies worked the men 48 hours in one week and 40 hours in the next week, it would be deemed to comply with the award. All that the Government did was to say that the men had as much right as had the companies to decide which of the alternatives they would adopt. Would any member argue that the workers had not

as much right as had the companies to decide?

Hon. C. G. Latham: Why was not the question referred back to the court for interpretation?

The MINISTER FOR MINES: There was nothing to interpret. The matter was plainly set forth in the award. It was a question as to which hours should be worked. Why should an interpretation be sought? The argument was as to which of the two sets of proposals stipulated by the court should be adopted. Never in the history of the mining industry in this State have the men worked underground for 48 hours in any one week. The longest was 47 hours in any one week. For the last 17½ years no man has worked underground for more than 44 hours in any one week. The court gave the decision and specified how the 44 hours should be worked. They gave the companies the right to adopt the 40-48 hours if the men were agreeable. There is not the slightest doubt about that. The Leader of the National Party is smiling. I want him and others to realise that, previous to the award being given, a ballot was taken on various mines on the question of working the 40-48 hours. On some mines the 40-48 hours were adopted; on other mines the men favoured the 44-hour week. In my opinion the President of the court included the alternative so that the companies, if they so desired, could get the opinion of the men and work those hours if the men were agreeable. The men were not agreeable and told the management so. Still the management said that they must work the 40-48 hours or not work at all.

Mr. Marshall: That is right.

Mr. Styants: It was a lock-out.

The MINISTER FOR MINES: The men did not strike. They were prepared to comply with the award, but the companies said, "You will comply with it in our way or not at all." I backed the men. If the same thing happened tomorrow, I would back the men again.

Mr. Styants: Hear, hear!

The MINISTER FOR MINES: I would back the men honestly believing that I would not be infringing any award of the Arbitration Court. I have personally told the workers that they would not get my sympathy if they went on strike against an award of the court. If men want to strike, I will back them if they have a just case,

but I will not allow men or managers to have it both ways. If men believe they have a grievance, agree to settle it by arbitration, go to the court, get a decision and then refuse to accept it, they need not look to me for sympathy because they will not get it. I assure the member for Nedlands that I have not introduced the Bill in order to catch votes. It ill-becomes the hon. member to accuse me of having introduced the Bill for that purpose. The Bill has not been introduced purely because of a request from the A.W.U. section. That is not the only reason. The member for Pingelly read from a Press report that 20 requests had been sent for amendments to mines regulations and to this legislation. Some of the amendments which have been requested to the Mines Regulation Act will be introduced. I am not going to be cowardly enough to wait until Parliament goes into recess, although I have power, as Minister for Mines, to do this, and then make such regulations as I like governing the Mines Regulation Act, get them through Executive Council and have them become law immediately they are gazetted, and put into operation until the House meets again, and perhaps disallows them. That would not be a fair method to adopt if there is time to bring down the amendments while the House is sitting. I intend to introduce amendments whilst this session is in progress. I will do so because I believe they are absolutely essential in the interests of men who are sacrificing their lives in the goldmining industry. I should be lacking in my duty if I failed to do this. I make no apology for doing the correct thing, in the interests both of the men and the industry. No man has gone further in this country than I have to assist goldmining companies as well as the men working for those companies. I make no apology for bringing down this Bill, because I believe it is necessary. Two speakers have said that the Bill was introduced to override a decision of the Arbitration Court in connection with the Ivanhoe dispute. The measure has nothing to do with that question. The dispute was not over the bank to bank system when the last trouble occurred on that mine. The question submitted to the Arbitration Court did not mention the bank to bank system. All that the men applied to the court for was for an interpretation concerning one point. If a man was asked to do work on the surface prior to his going underground and was not

returned to the surface within eight hours, was he entitled to claim overtime for the time worked over and above the eight hours? That was what was referred to the court. The bank to bank system was never mentioned. The criticism the court received for the decision was for allowing evidence that had been given 4½ years previously on the bank to bank system, but which had never been submitted to the court in the Ivanhoe case. It was an interpretation concerning whether a man was entitled to overtime if he worked more than eight hours. The Bill has nothing to do with that. Probably only one mine will be affected if this Bill becomes law, namely the Sons of Gwalia Mine. If the management liked, they could put on double skips to tide them over for a time and thus handle the men more expeditiously. I commend the member for Murchison for the remarks he made. Every time a cage goes up or down at Wiluna it shifts 40 men. The shaft is a big one and would be expensive to duplicate, and it would be expensive for some of the older companies to embark upon. Wiluna is one of several mines that are up to date in respect to plant, and that can change their men speedily. The company have a magnificent ore treatment plant, but if it were possible to amend the Act to compel them to sink a second main shaft in order to give the men two travelling ways, I would bring down such an amendment. A company such as the Wiluna Gold Corporation is dependent absolutely upon one entrance and one getaway to and from the mine. Over 1,000 men are employed underground there, day in and day out. It is not a reasonable proposition for them. No doubt when the mine is joined up with the show to the north, and a shaft is put down and the levels connected, provision can be made for travelling two ways.

Mr. Marshall: But the shafts will be a long way apart.

The MINISTER FOR MINES: Yes. But for that amalgamation, there would be no hope of securing a travel-way in two directions. The Mining Act should be amended in the near future to provide that any mine going down beyond 1,000 feet in depth should have a second outlet. It is a pretty hard job to get ventilation down a shaft, and the exhaust air up the same shaft. From the point of view of venti-

lation and the health of the men it is not fair that there should be only one travelling-way in a mine of any depth, and only one way for the air to be taken down and the exhaust taken away. There is much need for other amendments to the Act besides this particular one.

Mr. Marshall: The companies have been generously treated.

The MINISTER FOR MINES: This Bill only asks for the bank to bank system. There is hardly one instance of a mine where men do not start to fire at least half an hour before knocking off. It is very rare for the firing not to be completed within 20 minutes of the time when the men knock off. Why tell the men they have to stop underground whether they work or not, because they are not going to be drawn to the surface? Some members may think that the management were not pulling the men to the surface because they were doing something else with the cage, pulling ore and so on. That is not so.

Mr. Marshall: The cage is idle.

The MINISTER FOR MINES: That is so. It is doing nothing. At least over 20 minutes before each change of shift it is doing nothing. Why leave it idle and keep the men underground when they can be pulled into the fresh air where they can converse with their mates above ground? The cage could then go down with the new shift. This is a simple amendment. It is one I believe the men will appreciate if they get it. It is not going nearly far enough when we think of some amendments which ought to be introduced, when the time comes, to make the Act a better working measure in the interests of the community who have to work underground.

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—BOAT LICENSING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE
(Hon. F. J. S. Wise—Gascoyne) [11.12]
in moving the second reading said: 'This

Bill was introduced in the Legislative Council. Its objects are to provide for the licensing of river craft and to obviate duplication of licenses such as now occurs. At present all harbour and river launches, steamers, and other vessels are required to be surveyed under the Navigation Act; and under the Boat Licensing Act of 1878 there is also an annual survey. So that in the case of river craft such as the "Zephyr" and many others, an annual survey under the Navigation Act is necessary for the purpose of receiving a license; and since these craft come within the scope of the Boat Licensing Act they are subject to another annual inspection as well. The latter Act has a section reading—

Nothing in this Act contained shall apply to any boat, ship, vessel, or steamer making any coasting voyage within the meaning of the Colonial Passengers Ordinance of 1861.

Thus the duality of licenses does not apply to boats engaged in the coasting trade, but merely to river craft and to vessels plying their trade in the outer harbour. The power of survey contained in the Ordinance of 1861 has been provided for in amendments of subsequent statutes. Therefore the Bill proposes to substitute, in lieu thereof, a section reading—

Nothing in this Act contained shall apply to any boat, ship, vessel, or steamer which is subject to the provisions of the Navigation Act, 1904-1926 (No. 59 of 1904).

Thus boats may be exempted from the provisions of the Boat Licensing Act if they are subject to the other inspection. The innovation will be welcome to all owners of river craft and all owners of vessels trading in the rivers and the outer harbour. This is a very simple measure indeed, and I have pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Sampson, debate adjourned.

House adjourned at 11.14 p.m.

Legislative Council,

Tuesday, 1st December, 1936.

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

BILLS (4)—THIRD READING.

- 1, Forests Act Amendment Continuance.
- 2, Financial Emergency Act Amendment.
- 3, Guildford Cemeteries.

Passed.

- 4, Trade Descriptions and False Advertisements.

Returned to the Assembly with amendments.

BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 25th November.

HON. J. NICHOLSON (Metropolitan) [4.40]: The special feature to which attention has been drawn in relation to this Bill is the departure made from previous Bills of this nature in creating the basic wage as the basis of exemption as against a fixed sum which prevailed in each of the Bills which have preceded this one. Having regard to the remarks which have been made by hon. members in discussing this measure, there is every justification for the House asking that the same method of assessment should be followed as in the past, if we decide to continue this Bill for a further period, and, in place of adopting the idea