Legislative Assembly.

Wednesday, 2nd December, 1936.

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

QUESTIONS (2)—WATER SUPPLIES.

Great Southern Districts.

Mr. WATTS asked the Minister for Water Supplies: 1, When will the promised investigation into the Great Southern water supplies commence? 2, What form is it proposed that such investigation shall take? 3, Will it include inquiry into possible sources of supply in reasonable proximity to the Great Southern railway as well as long distance proposals? 4, Will local authorities be given the opportunity to supply information and tender evidence on such investigation?

The MINISTER FOR WATER SUPPLIES replied: 1 and 2, The contemplated hydraulic survey of coastal water resources, and of the possibilities of their co-ordination with existing undertakings, having for its object the provision of adequate agricultural and town water supplies for the whole of the wheat belt area of the State, will be commenced immediately funds are available. 3, Yes. 4, The local authorities likely to be affected will be consulted.

Penalties at Claremont.

Mr. NORTH asked the Minister for Health: 1, Does he endorse the views recently expressed by Lord Horder (President of the Royal Medical Society)—"Surely we live long enough—Is not the problem, to live more happily?" 2, Is he aware that, although much water is impounded in the hills, it is found necessary to cut off supplies to householders when rates are long overdue? 3, Is he aware, too, that in pursuance of this policy, water has been withheld for over four months from the house of a married woman with three children who resides in Langsford Street, Claremont? 4, Does he approve of the action, particularly as this is a sewered area? 5, If not, will he insist that water be made available, whatever other means are pursued to enforce payment of rates?

The MINISTER FOR HEALTH replied: 1, Yes. 2, Yes. 3, Water service disconnected 21/10/36. These premises are not sewered. 4, Yes; but this case will receive further consideration. 5, Answered by 4.

QUESTION—HOSPITAL STANDARDISATION.

Mr. SAMPSON asked the Minister for Health: 1, Has the principle of hospital standardisation been adopted in Western Australia, and, if so, what hospitals are organised on this basis? 2, Does hospital standardisation make for efficiency, and what expense does its application involve?

The MINISTER FOR HEALTH replied: 1, Hospital standardisation is a term used to cover a multitude of matters, mainly dealing with the treatment of patients rather than with the economic management of hospitals. "Standardisation" includes the preliminary investigations regarding the medical history of intending patients, the provision and application of all kinds of specialist treatments and investigations, as well as "follow-up" methods to ascertain what are referred to as the "end-results" of professional care. Standardisation also includes investigation regarding the social and economic conditions of individual patients in relation to their effect on these "end-results." There is probably only one hospital in the State where "standardisation" could possibly be adopted. To do so would cost more money. At the present time that hospital does all that it can for its patients with the personnel and the money available. 2, Answered by No. 1.

QUESTIONS (2)—STIRLING INSTITUTE.

Consultation before leasing.

Hon. N. KEENAN asked the Premier: 1, Was he consulted before the building know as Stirling Institute was leased to the Australian Broadcasting Commission for a period of years? 2, Has he any reason to

believe that the A.B.C. has abandoned its intention of erecting permanent studios for the State headquarters in Mill Street?

The PREMIER replied: 1, Yes. 2, The Australian Broadcasting Commission finds the present studios impossible. They are considering better and permanent quarters elsewhere, but are seeking to improve upon the Mill Street site. Meanwhile, they have made the temporary arrangement mentioned in No. 1.

Approval by Executive Council.

Mrs. CARDELL-OLIVER asked the Premier: 1, Is the building known as Stirling Institute recently leased by the Australian Broadcasting Commission for three years with the right of renewal for a further two years situated on a Class A reserve? 2, If so, how long has the lease to run before the land reverts to the people? 3, Was the aforesaid lease approved by Executive Council?

The PREMIER replied: 1, Yes. 2, No question of reversion is involved, as the arrangement is temporary and the original purpose stands. Although the primary purpose of the reserve is gardens, the building as a studio will serve the widest public and national interest no less than it has done as a Soldiers' Institute during the past 20 years. 3, Being temporary, this was hardly necessary.

QUESTION—AGENT GENERAL'S OFFICE.

Mr. DONEY asked the Premier: 1, How many persons are on the staff of the office of the West Australian Agent General in London? 2, Exclusive of the Agent General himself, how many, if any, members of the staff have knowledge—acquired in Western Australia—such as might be expected to enable them to answer questions about this State?

The PREMIER replied: 1, 12. 2, The exact extent of this knowledge cannot be accurately gauged, but this is receiving attention in common with other problems of the Agent General's office.

BILL—GERALDTON HEALTH AUTHORITY LOAN.

Third Reading.

Read a third time and transmitted to the Council.

BILL—LOAN, £3,212,000.

Third Reading.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [4.36]: I move—

That the Bill be now read a third time.

MR. SLEEMAN (Fremantle) [4.39]: While I was not very much concerned with the Bill when it was introduced, I am certainly a little concerned about it now. I should like to know from the Premier whether the amount mentioned in the present Bill will have to be increased, considering what has happened in the meantime. We know that in another place there are members supposed to represent pastoral and farming constituencies. Perhaps it would be better said that they misrepresent those constituencies.

Hon. C. G. Latham: The hon. member must not reflect upon another place.

Mr. SLEEMAN: Those members in another place have taken certain action and I feel that that action is going to affect the finances of the State. I am just as much prepared as is any other member of the House to see that the farmer and the pastoralist are properly provided for, but I am not prepared to allow the action of certain members of another place to interfere with my own people who also require to be provided for. If the Premier thinks that the amount stated in the Bill will be sufficient to see him through, all the better, but I am not prepared to see the industrial workers of this State made to go short through the action of members of another place. If those members are prepared to see the farmers and pastoralists go short, that is their own funeral. I am wondering whether the £3,212,000 proposed in the Bill will be enough, considering what has happened. For I am not prepared to see the people I represent getting one penny less than they are getting at present; they are short enough now and should be receiving more. The action of another place will vitally affect the finances of the country. I know that you, Sir, would not permit me to discuss the financial Bill that was thrown out by another place, but just the same we are all aware that that action will prejudicially affect the finances of the State. If those members of another place are prepared to see their own people go short, the responsibility rests with them.

THE PREMIER (Hon. J. C. Willcock—Geraldton—in reply) [4.40]: If the amount to be raised by the Loan Bill is raised, and if other matters comprised in the financial policy of the Government are given effect to, we shall I think, have sufficient money to be able to carry on; that is, so far as we can see at present.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Mr. Sleeman in the Chair; the Minister for Employment in charge of the Bill.

Clause 7—Repeal of Section 83 of the principal Act and insertion of new section:

Hon. N. KEENAN: I see that the Minister has certain amendments on the Notice Paper. Do I speak before the Minister or after him? I propose to speak against the clause, so I should like to know whether I am to precede or follow the Minister.

The CHAIRMAN: It does not make any difference. The hon. member can oppose the Minister's amendment and the clause also.

Hon. N. KEENAN: I only ask because I do not wish to do anything that is at all out of order. If I do not speak until after the Minister can I still discuss the whole clause?

The MINISTER FOR EMPLOYMENT: I move an amendment—

That in line 3 of proposed new Section 83 the words "except as to those workers specifically excluded by such award" be struck out.

If that amendment be carried I propose to move the insertion of other words standing on the Notice Paper in my name.

Amendment put and passed.

The MINISTER FOR EMPLOYMENT: I move an amendment—

That after "shall" in line 3 of proposed new Section 83, the following words be inserted in lieu of those struck out:—"Subject to any exceptions, limitations or exemptions contained therein."

The object of the amendment will be obvious to all. The words struck out had a very limiting effect, whereas the words proposed to be inserted will allow more freedom in regard to the exceptions, limitations and exemptions that might from time to time be included in any award.

Hon. C. G. LATHAM: What does the Minister mean by this? This clause, I understand, is to make an award of the court a common rule. If there be an award, the award will have to be observed, and no doubt the court will stipulate the conditions. I do not understand the idea of including the words "subject to any exceptions, limitations or exemptions contained therein." If the award contains those limitations they will have to be given effect to. Surely it is unnecessary to put these words in the Act.

The MINISTER FOR EMPLOYMENT: I am assured that those words are very necessary. Without disclosing any confidence, I can say that they have been suggested by an independent expert.

Hon. N. KEENAN: I do not think the Leader of the Opposition fully grasps the meaning of this section for really it does not matter about the conditions being a common rule. The point about it is that it entirely changes our hitherto recognised system of industrial arbitration. Until now the Arbitration Court has proceeded to make an award for each industry and only for an industry. It has been industrial arbitration. Now it is to be a vocational award. The worker is to be given certain vocational pay because he is a lorry driver, and not because he is a lorry driver employed, say, in a brewery. The clause will revolutionise the whole system of arbitration. Up to now the court has dealt with evidence bearing on a specific industry, and has concerned itself only, at the time, with that industry. It has not taken into account any other industry. A vocational award would require the court to take into account all industries and all classes of employers. That would be impossible. If it were possible it would be disastrous to the worker. One of the main features the court takes into account when framing an award is the capacity of the industry to carry the burden imposed on it by the award. If vocational awards are given, the court will be obliged to give the minimum. All awards now in existence have been made to cover particular industries. They will all go by the board if vocational

awards are set up. The Act says that an award shall whilst in force be a common rule in any industry to which it applies, and shall, subject as provided, become binding upon all employers and workers engaged at any time during its currency in that industry within the State. That has been the law ever since we established industrial arbitration. It is now proposed to bring in an experiment that must lead to disastrous results.

Amendment put and passed.

Mr. WATTS: This is an extraordinary provision. In the past some regard has been paid in assessing the wages of the workers to the state of the industry in which they were engaged. Every industry has been taken on its merits. If in the future, wages are to be assessed upon evidence which strictly concerns the most profitable industry in which particular workers are engaged, the struggling sections of that industry will be disregarded, and the wages will be those that are paid by the most profitable section. The wages of a brewery carter may be so much a week owing to the profitable nature of that industry. Every other industry, however, which employed a carter would be called upon to pay the same wages with the result that a number of deserving industries would be unable to carry on. I oppose the clause even as amended.

The MINISTER FOR EMPLOYMENT: The modern tendency is for industries and trades to split up. A union may obtain an award governing a certain industry. That award gives the members protection as to wages, conditions and hours, whilst they are employed in that industry. When they move outside the industry, where no award may operate, no protection is afforded to them, and they may be forced to accept any wage or any conditions the employer likes to impose. That tendency is growing rapidly. Employers are not refusing to grant the award conditions through lack of ability to afford them, but out of a desire to engage the worker at a lower rate and under less favourable conditions than are prescribed in the award. Tradesmen are thus being deprived of the rate of wages and conditions which should govern their employment. This amendment of the Act is an endeavour to put an end to that type of exploitation. The basis of awards will continue to be the basis of industry, but the protection the workers receive under awards will follow them despite the fact that for a time they may be working outside the particular industry governed by the award. If we do not alter the present conditions industrialism in the metropolitan area will be undermined, and employers will take the opportunity to employ tradesmen at less than a reasonable rate of wage.

Hon. N. KEENAN: According to the Minister the Arbitration Court will have to take into account, when fixing the wage of a lorry driver in the brewery industry, that he may be employed by some person who is moving furniture. The wages that the court will have to fix for the lorry driver will then not be the wages the brewery industry can afford to pay but the wages that any employer can afford who wishes to use the services of that man.

Mr. Rodoreda: That is an extreme view to take.

Hon. N. KEENAN: What else can happen? The court at present deals with one industry at a time and comes to certain conclusions concerning those engaged in it. If vocational awards are to be instituted there will be no more industrial awards. The court can only give a vocational award after an inquiry of a colossal nature into all industries and into all individuals who are working outside awards. It would be impossible for the court to do that, so that the system that is proposed will be to the disadvantage of the worker. The court will be compelled to take all the circumstances into account and reduce the wages of the carter below what would ordinarily be allowed in, say, the brewing industry. Moreover it will scrap every single award that exists to-day because each such award is an industrial award relating to one industry only, and is framed because of the circumstances existing in that one industry. All such industrial awards will go by the board and the Arbitration Court will have to start again with an impossible task ahead, one that is bound to fail.

Clause, as amended, put and a division taken with the following result:—

Ayes	22
Noes	18
Majority for	4

AYES.

Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Doust	Mr. Raphael
Mr. Fox	Mr. Rodoreda
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Munsie	Mr. Wilson
	(*Teller.*)

NOES.

Mr. Brockman	Mr. North
Mrs. Cardell-Oliver	Mr. Patrick
Mr. Ferguson	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Keenan	Mr. Shearn
Mr. Latham	Mr. Thorn
Mr. Maun	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Doney
	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Cross	Mr. Welsh
Mr. Johnson	Mr. Stubbs
Mr. Troy	Mr. J. M. Smith

Clause, as amended, thus passed.

Clause 8—agreed to.

Clause 9—Amendment of Section 90 of the principal Act:

Hon. N. KEENAN: I move an amendment—

That paragraph (b) be struck out.

When introducing the Bill, the Minister stressed the point that it was necessary that awards should have a considerable term of life after delivery during which they would remain in force. Every member agreed with that view because an award always purports to be a determination of the issue between two parties, and it would be useless if it were to be called into question once more within a short time of the determination. An award must necessarily be maintained intact, no matter what objection may be taken to it, for that period of time, which, the Minister suggested, was 12 months. That period appears to be reasonable. On the other hand, the court is empowered in the proviso, either of its own volition or at the request of one of the parties, to reserve liberty to apply to amend an award. The effect would be that whichever party considered itself aggrieved—one party to any award is always aggrieved—would be given liberty to apply, which is a well-known legal term with a distinct meaning, and the court under pressure would, in many instances, grant liberty to apply, although it might not be at all desirable. I agree that there should be a period of at least 12 months during which an award should continue in force before either party was entitled to have it amended. Paragraph (b) can be defended on the ground that the court may refuse to make any such order, but pressure will be brought to bear on the Arbitration Court just as pressure is brought to bear on civil courts to allow liberty to apply, and in many cases, probably against their better judgment, the courts give way. Why should we place the Arbitration Court in that position? The decision of the court is given after full consideration, and the award is issued. Now we are to give the parties full liberty to apply any time, if they can persuade the court to approve at any period less than 12 months. That will put the court in an invidious position because it is most difficult to refuse such applications.

The MINISTER FOR EMPLOYMENT: My understanding of paragraph (b) is that it gives the court power not actually to make any amendment to an award before the period of 12 months has elapsed, but to grant, either to a union or to an employer associated with the award, liberty to apply for any amendment or variation before that period of 12 months has elapsed. On the other hand, the court will not consider or give any decision respecting any such amendment or variation that may be sought until the period of 12 months has completely elapsed.

Hon. N. Keenan: No.

The MINISTER FOR EMPLOYMENT: All I can say is that that is the purpose of paragraph (b). If the member for Nedlands will read the paragraph carefully, he will probably agree that no power is given to the court to make any amendment to an award before the period of 12 months has elapsed, but merely to grant liberty to apply before that period has terminated. I oppose the amendment.

Hon. N. KEENAN: If there were the slightest chance of the Minister's view being correct, I would not move the amendment. In paragraph (a), with the proviso, it is set out that any party to an award may make an application to alter or rescind any of the provisions of an award after the expiration of 12 months from the date of its delivery. That is their right. So there is no necessity to make provision for liberty to apply for a revision after 12 months has elapsed. But paragraph (b) deals with action that may be taken regarding an award before the period of 12 months has

elapsed. The application in the order referred to in paragraph (b) would be an application to vary an award, not for liberty to move for the variation of the award. It would be meaningless otherwise, because under paragraph (a) the right is already given to move for a variation after 12 months has elapsed. The Minister's view, I assure him, is quite erroneous.

The Minister for Justice: I do not think you are right.

Hon. N. KEENAN: If that view is not erroneous, what is the object of including paragraph (b)?

The MINISTER FOR EMPLOYMENT: The member for Nedlands admits that, unless some special consideration is given, a union or an employer would have the right to apply after the period of 12 months, so we included the provision he objects to in order to enable the court to grant liberty to apply before the period of 12 months has elapsed. The settlement of issues in connection with any proposed amendments and a number of other preliminaries have to be decided, and in many instances these preliminary matters cover quite a long period, sometimes more than three months. Paragraph (b) will provide the opportunity for those preliminaries to be attended to so that the application for the amendment of an award may be dealt with immediately after the period of 12 months has elapsed, if the court is able to hear the application straight away. Unless the opportunity were given for liberty to apply before the period of 12 months had elapsed, an application for an amendment could not be considered by the court until perhaps 15 or 16 months had passed by. Paragraph (b) will enable matters to be attended to more promptly, and permit the court to adjudicate upon the points at issue.

Hon. N. KEENAN: The Minister's view would be met by inserting at the end of the paragraph the words "provided that variation of the award shall be ordered at any time before the expiration of 12 months from the date of the making of such award."

The MINISTER FOR EMPLOYMENT: I do not propose to accept the addition of those words. It seems that the member for Nedlands wants to say further down what is already said in an earlier part of the clause, and that is entirely unnecessary.

Mr. WATTS: As the Minister has refused to accept the additional words at the end of the paragraph, it is surely apparent to the Committee that the intention of paragraph (b) is not exactly as stated by the Minister. If it were, his intention would be carried out very definitely by the addition of the words suggested by the member for Nedlands. While I had not at first any strong objections to the clause, in view of the Minister's objections to the words suggested, it appears to me that there is a nigger in the woodpile, and my attitude is entirely changed. If the paragraph does not mean what the member for Nedlands says it does, what does it mean? So far as I can see, it means nothing else. It is an intention to stop the continuity of awards and make pettifogging arguments between employer and employee, which are far better left alone. There is much in this Bill that could well go on the statute-book, and I regret that the Minister takes the attitude to the amendment that he does. I cannot understand what he wants, unless it is what I have said, and I am certain that members in another place will not be able to.

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

Ayes	19
Noes	22
Majority against	3

Ayes	
Mr. Boyle	Mr. North
Mr. Brockman	Mr. Patrick
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Hill	Mr. Shearn
Mr. Keenan	Mr. Thorn
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Doney
Mr. McLarty	*(Teller.)*

Noes	
Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Doust	Mr. Raphael
Mr. Fox	Mr. Rodoreda
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Munsie	Mr. Wilson
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Welsh	Mr. Cross
Mr. Stubbs	Mr. Johnson
Mr. J. M. Smith	Mr. Troy

Amendment thus negatived.

Hon. N. KEENAN: I move an amendment—

That paragraph (c) be struck out.

There never was an award made with which one party was not dissatisfied. As a result of this paragraph the dissatisfied party would use every possible influence to make the other party agree to a variation, and industrial unrest and trouble would result. If both parties submit to the jurisdiction of the court, let them be bound for some interval of time by the award made. This paragraph gives every right for an award to be abrogated.

The MINISTER FOR EMPLOYMENT: I am surprised that the member for Nedlands should move to strike out this paragraph. The object of the paragraph is obviously to provide that when, after an award has been in operation for a period and both parties are agreeble to an alteration to one or more of its provisions, they shall have the right to approach the court, and, provided the court gives them its express sanction to the alteration voluntarily arrived at, that alteration shall become binding. Surely that is a desirable provision. Surely both parties should have the right to arrive at an agreement for an alteration.

Amendment put and negatived.

Clause put and passed.

Clause 10—Amendment of Section 96 of the principal Act:

Hon. N. KEENAN: According to the marginal note Clause 10 purports to amend Section 96; but if members refer to the principal Act, they will find that Section 96 deals only with the duty of the court to fix the maximum penalty for breach of an award. Section 97, Subsection (3), provides that the court can deal with cases brought before it for the purpose of enforcing the award and may hear such applications and may impose such penalties for a breach of the award as it deems just. This clause proposes to amend that. Although the marginal note is wrong, the effect of passing this clause would be that it would amend the power given by Section 97 to the court to impose whatever it considers a just penalty for breach of an award which has been established. The court can apportion the penalty exactly to the character of the breach. If the breach is purely technical, it can impose a nominal penalty, but for some reason the Minister desires that the court must inflict a penalty of not less than £1, which is anything but a nominal penalty. He seeks to take away the discretion the court now enjoys. Before we pass such a provision, distinct evidence should be given that the industrial courts are not carrying out the law properly. No one has heard a complaint from any quarter that the industrial magistrates have not invariably inflicted penalties commensurate with the offences. Such discretion is given to every court in the country, criminal or civil. Yet the smallest breach is to involve a penalty of £1. I oppose the clause.

The MINISTER FOR EMPLOYMENT: If Section 96 is amended as proposed, it might also be necessary to amend one of the subsections of Section 97. I will make inquiries, and, if necessary, an amendment will be made later. When a magistrate records a conviction for a breach of an award, a minimum penalty of £1 is not severe. When cases are trivial and cannot be substantiated, they are dismissed. Occasionally industrial magistrates dismiss cases because the prosecutions are trivial. Wherever a breach is definitely proved, there can be no objection to a minimum penalty of £1.

Mr. McDONALD: I oppose the clause. An industrial magistrate has not power to dismiss a prosecution on the ground of its being trivial. If an offence is proved, even under the most extenuating circumstances, he is compelled to record a conviction.

The Minister for Employment: If an offence is proved, it is not trivial.

Mr. McDONALD: It might well be trivial. Offences have been committed through a misconstruction of an award. In one case a junior worker understated her age by one year and a reputable employer was convicted for employing a girl at less than the wage prescribed. Obviously in such a case a nominal penalty should be imposed.

Clause put and passed.

Clauses 11, 12—agreed to.

Clause 13—Repeal of Section 101 and insertion of new section:

The MINISTER FOR EMPLOYMENT: I move an amendment—

That all the words after "Court" in line 2 of the proposed new section be struck out and the following inserted in lieu:—"under the last four preceding sections or in relation to any application under the provisions of subsection (2) of section one hundred and seventy-three of this Act may be exercised by any industrial magistrate appointed by the Governor for the purpose of this Act. (2) Any order, conviction, or other decision of such magistrate shall be enforceable as if made by the Court. (3) Provided, however, that if in any proceeding before

the industrial magistrate a question of the interpretation of an award or industrial agreement shall arise it shall be referred to the Court."

This section defines the jurisdiction of an industrial magistrate and we propose to widen it slightly. Subsection 2 of Section 173 provides that the full bench of the Arbitration Court may order the payment of membership fees due to a union and any fines or penalties payable by members of unions in respect of breaches of rules of unions or any other matter. Those matters are not of great importance and the full bench have not time to worry about them. The object of the amendment is to give the power to industrial magistrates.

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

Clause 14—Repeal of Section 106 and insertion of a new section.

Hon. N. KEENAN: We are asked to re-enact a declaration that no award of a court shall be liable to be challenged, appealed against, reviewed or called into question by any court of judicature on any account whatsoever. It is farcical to ask us to place that provision once more on the statute-book when we are aware that a very prominent leader of Labour has repudiated the idea that proceedings in the Arbitration Court should be beyond appeal and has alleged that it is the only judgment or order in the legal or social world that is not the subject of appeal. That learned gentleman is on the bench at present and no doubt carries his conviction there. It is ridiculous to ask us to assert that an award of the Arbitration Court shall be sacred, if in fact it is flouted by one of the sections to which it applies. What is the use of our legislating if that state of affairs is to prevail without challenge? I shall oppose the clause unless an assurance be given that the provisions will be enforced, and will not be a painting on the wall for worship by those who feel inclined to worship a mere phrase. It has a meaning if only the meaning were given to it. If awards of the court were to be the subject of appeal, there would be no end to appeals. The first object of arbitration is to get a determination. I am in favour of there being no appeal, but it is absurd to legislate and shut our eyes to what is happening. I ask members to strike out the appeal portion of the proposed new section providing for appeal only to the full bench on any ground of error or mistake of law or of fact in respect of which a penalty of imprisonment is not inflicted. The penalty might be a fine of £500, and the only appeal to be allowed to the individual on a question of law is to the laymen on the Arbitration Court bench. The individual is to have no right to approach the judiciary to obtain a decision on a point of law. Such a proposal is ridiculous. I move an amendment—

That all the words after "whatsoever" in line 7 of the proposed new section be struck out.

That would enable a party to appeal to the Court of Criminal Appeal.

The MINISTER FOR EMPLOYMENT: The member for Nedlands will not achieve what he seeks to achieve by his amendment. The clause repeals Section 106 of the principal Act.

Hon. N. Keenan: Yes; you are correct. That part can be re-inserted.

The MINISTER FOR EMPLOYMENT: The clause provides a right of appeal in respect of sentences of imprisonment. The hon. member's amendment will take away even that right of appeal, leaving persons sentenced to imprisonment without the option of a fine with no right of appeal whatever. Therefore the amendment is much more severe than the provision in the Bill. What the hon. member seeks is to give to any person convicted and fined by the Arbitration Court or an industrial magistrate the right to appeal to the Court of Criminal Appeal. In support of his objection to the clause under discussion, he points out that a person might be fined £500 for some industrial offence, and that such person would have no right of appeal from that decision. Any member of the community, or any organisation in the community, fined £500 for an industrial offence would not deserve much consideration in respect of any appeal. The offence committed would be extremely grave, and there would be no doubt about the guilt of the person or the organisation.

Hon. C. G. Latham: But there have been miscarriages of justice before to-day.

The MINISTER FOR EMPLOYMENT: I am quite positive that no mistakes have been made in regard to heavy fines imposed by the Arbitration Court. One of the guiding—I may say, sacred—principles of the

Arbitration Act is to keep proceedings under the Act as far away as possible from the legal atmosphere. The clause will advance and safeguard that principle. A person sentenced to imprisonment will have the same right of appeal as formerly. As regards fines, no matter how heavy, there will be no right of appeal under the clause. That is a reasonable and safe provision.

Mr. WATTS: I agree with the Minister that the amendment of the member for Nedlands will not achieve what its mover desires, in view of the repeal of Section 106, which the clause contemplates. Nevertheless I agree with the member for Nedlands regarding what he wishes to do. Time and again industrial magistrates have imposed a fine of £20 purposely so that their decisions might be appealed from, because in giving their decisions they were in some doubt as to the points raised. To give those magistrates only the alternative of making an order for imprisonment or else depriving the defendant of any right of appeal would be entirely wrong. Convictions by a magistrate may be improper on a substantial point of law, and the right of appeal should not be taken away from defendants. Later I propose to move a further amendment on that aspect.

Hon. N. KEENAN: After having moved to strike out certain words of the clause, I proposed to ask the Committee to insert the words which are to be found in the proviso to Section 106 of the Act as it stands today. That would meet the position. We must remove the words we object to before moving to insert other words which we desire.

The Minister for Employment: The Committee might refuse to insert those other words.

Hon. N. KEENAN: The Minister is not nearly as simple as he looks. I am told there never has been in the whole history of the Arbitration Act a sentence of imprisonment for a breach of an award. It is farcical, therefore, to say that in such cases there shall be a right of appeal to the Court of Criminal Appeal. It never has happened.

Mr. Fox: That is hardly correct. There has been a fine with the alternative of imprisonment in many cases.

Hon. N. KEENAN: But this is for imprisonment without the option of a fine. The Minister has carefully kept away from the fact that the appeal which has been provided deals with mistakes of law; and two laymen are not qualified in the slightest sense to deal with questions of mistake of law. Yet they, and they alone, are to be entitled to deal with it. Therefore every reason exists for carrying the amendment.

The MINISTER FOR EMPLOYMENT: The member for Nedlands is taking a risk in persisting with his amendment.

Hon. N. Keenan: I will take it.

The MINISTER FOR EMPLOYMENT: I am sure his suggestion that he has some other proposal to bring forward is merely an afterthought. If his amendment is carried, there is not the slightest guarantee that the Committee will accept the other words which he proposes, later, to move to insert.

Hon. N. Keenan: That is always the case when words are struck out.

The MINISTER FOR EMPLOYMENT: It is, but I give the hon. member that friendly warning in this special case.

Hon. N. Keenan: Much thanks!

The MINISTER FOR EMPLOYMENT: As regards the contention of the member for Katanning, there will be nothing to prevent an industrial magistrate, if this becomes law, from imposing a term of imprisonment without the option of a fine if he is anxious to have some special point cleared up. In any event, the amendment provides an appeal from every decision of an industrial magistrate to the full bench of the Arbitration Court. The member for Nedlands suggests that such an appeal will be an appeal to two laymen. That is not the position at all. There will be an appeal to the full Arbitration Court bench, which includes the President, who, I believe, established a considerable reputation as a lawyer in this State. I imagine that in appeals of this description the advice of the President would carry very great weight, and probably in nine cases out of ten, if not in ten out of ten, would be the deciding factor. I hope the clause will pass as printed.

Mr. WATTS: The Minister would have us believe that a magistrate could order imprisonment so that some point in regard to an offence as to which he was in doubt might be settled. However, the Minister entirely loses sight of the fact that if the point was settled against the defendant, that defendant would have to go to gaol. I do not think even the Minister desires people to be imprisoned for doubt-

ful offences against the arbitration laws. Up to the present nothing I have heard convinces me that the existing provisions of the law are not fair and reasonable, or that there is any desire or need for change.

The CHAIRMAN: Before putting the amendment, I mention that it will not be competent to move an amendment after line 6 of the clause.

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

Ayes	20
Noes	21
Majority against ..	1

AYES.

Mr. Boyle	Mr. McDonald
Mr. Brockman	Mr. McLarty
Mrs. Cardell-Oliver	Mr. North
Mr. Doust	Mr. Patrick
Mr. Ferguson	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Hughes	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Latham	Mr. Watts
Mr. Mann	Mr. Doney (*Teller.*)

NOES.

Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Panton
Mr. Fox	Mr. Rodoreda
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Munsie	Mr. Wilson
Mr. Needham	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Welsh	Mr. Cross
Mr. Shearn	Mr. Johnson
Mr. Stubbs	Mr. Raphael
Mr. J. M. Smith	Mr. Troy

Amendment thus negatived.

Clause put and passed.

Clause 15—Amendment of Section 126 of the principal Act:

Hon. N. KEENAN: I should like the Minister to explain why it is proposed to repeal Subsection (2) of Section 126. This subsection reads "No premium shall be paid to or accepted by an employer for taking an apprentice."

Clause put and passed.

Clause 16—agreed to.

Clause 17—New sections:

Hon. N. KEENAN: I move an amendment—

That paragraph (a) of proposed new section 174 A be struck out.

In the existing Act Section 104 provides that every inspector appointed under the Factories Act, 1904, shall be an industrial inspector under the Arbitration Act and shall be charged with the duty of seeing that the provisions of any agreement or award or order of the court are duly observed. It also provides that every inspector of mines shall be an industrial inspector and shall be charged with a similar duty. It further provides that an industrial inspector may require any employer or worker to produce any wages books, overtime books, and other books that he may deem it necessary to examine, and may put any questions to any employer or worker, and exercise all such powers as are conferred on him. That gives complete power to a properly qualified officer to enter any premises at any time to call for any books that may be necessary to obtain information, as a result of the examination of which he may take any action he may think necessary. That is sufficient to enforce the statute. Now it is proposed to give similar power to any officer of an industrial union authorised, not by a magistrate or a Minister, but simply by the secretary of a union to enter upon any premises. He may interview any members of the union in the employment of the person who owns those premises, with only one limitation, which is that he is not to interview them except during lunch hour or in a non-working period. What is a non-working period? But the point is that a proper official fully authorised by the statute can now enter upon premises at any time and call for the production of whatever books he requires and ask any questions he deems proper and take action for the purpose of enforcing the provisions of the statute. That seems to me to be proper and necessary. The amendment in the Bill seems to be improper and unnecessary.

The MINISTER FOR EMPLOYMENT: It is true, as stated by the member for Nedlands, that there are special officers appointed by the Government who are given power to police the awards of the Arbitration Court. Unfortunately the number of such officers is few. The Government would like to appoint a considerable number of additional officers, but that is not possible at the present time. What is intended in proposed Section 174A actually exists in practice to-day in the majority of industries and establishments. Instead of this practice having the effect the member for Nedlands seems to think it might have, it

has the opposite effect. Instead of it leading to industrial friction, or even industrial trouble, it has the effect of smoothing out industrial friction and avoiding industrial trouble. The minority of industrial establishments give no such privilege or right to representatives of industrial organisations; they refuse the right because they are opposed to industrial unionism of any and every kind. They are opposed to the system of arbitration; they are opposed to the regulation of wages and conditions, and wherever possible they breach awards and agreements in every way. Industrial organisations sometimes refuse to abide by an award or agreement. It may or may not be known that quite a considerable number of employers surreptitiously breach awards and agreements almost every day. So the proposed Section 174A will give power that is very necessary. The great majority of employers will not offer any opposition to the proposal because in practice it operates with them to-day, and it is essential that the practice be made complete in respect of industries and all places of employment. I hope the amendment will not be accepted.

Amendment put and negatived.

The MINISTER FOR EMPLOYMENT: I move an amendment—

That after "vocation" at the end of paragraph (b) the following words be added:—"but in contravention of the provisions of this Act or of any award or industrial agreement."

This paragraph gives the right to an authorised person to enter and examine any such place or premises at all reasonable hours if he has reason to believe that any work is being carried on there in contravention of the Act, or of the award under which the workers employed are working.

Amendment put and passed.

Hon. N. KEENAN: Proposed new Section 174C provides that no person shall ask, demand or receive or pay or provide any premium, payment or reward, for or in respect of the employment or engagement of any worker. This proposed section will make it illegal for any private employment agency to continue operations. The second part of the proposed section provides that, notwithstanding the penalty provided, any payment made in contravention of the section by or on behalf of any person in respect of the employment or engagement of any worker may be recovered back by action at the suit of any industrial inspector, or at the suit of the person by whom such payment was made. It is perfectly plain that if we pass these proposed sections we shall be legislating to the effect that no private labour agency shall carry on operations in the future. If that is desired, this is not the way to bring it about. If it is desired to apply the law to the private employment agencies, let it be done in a proper manner. I ask the Committee to refuse to assent to a proposal which, on the face of it, is meant to entirely change the law.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR EMPLOYMENT: The member for Nedlands on the second reading raised the same point on this clause as he raised just before the tea adjournment. I remember making some inquiries at the time and, if I recall it aright, I was assured that it would require an extreme interpretation of this clause to prevent a private labour bureau from accepting money for services rendered to employers requiring workers. However, I will undertake to make further inquiries, and if I find that the fears of the member for Nedlands are justified, I will give consideration to having the Bill recommitted for the purpose of making some alteration.

Clause put and passed.

Clause 18—agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—POLICE.

Second Reading.

Debate resumed from the 5th November.

HON. C. G. LATHAM (York) [7.33]: This Bill, as the Minister pointed out, proposes to consolidate certain measures and bring them more up-to-date. So far as I can see, there is no high policy in this piece of legislation. It is a law that has been on the statute-book and has been operating for a good many years. But I submit that even to-day the legislation is not as up-to-date as it ought to be. Even the legal terms in it are old-fashioned. If we are going to consolidate the law, let us make it as up-to-date as possible. It is one of those that probably will not be touched again for four or five decades, and I know that very little has

been done to it for quite a number of years. Except as a layman, I have very little knowledge of this law, and I presume the legal members of the House know a great deal more about it than does any layman. There are in the Bill one or two things I cannot understand and I propose, when in Committee, to ask the Minister to explain them. Under the Act as constituted to-day there is power to make regulations and bylaws, but, extraordinarily, the Interpretation Act has never been complied with in this regard. Regulations and bylaws have been made under the Police Act, but have never been gazetted and never been laid on the Table of the House. There is always a danger that regulations made in that way may be questioned. It is true that the Act does not affect outside people so much as it affects the police force, and presumably the Commissioner has sufficient power over his officers to prevent them from questioning his authority to make necessary regulations. But I propose, when in Committee, to ask the Committee to agree to those regulations being made to comply with the Interpretation Act. I am sorry the Bill was introduced so late, for I think it might be one of those measures that should go to a select committee in order that we might get the legislation quite up-to-date. There has been a good deal of discussion on the gambling laws of the State. Of course that matter is sub judice, and so I do not propose to delve into it, but it would have been a wiser plan for us to have known what the difficulties are in the administration of the gambling laws. When that Bill was before the House, I said that I considered the police were not doing all they could under the existing law. This is an opportunity to tighten up the law, but we know so little about the working of the Act that we are not qualified to make the amendments that may be necessary. That, of course, would be for the lawyers and budding lawyers in the House, and the probability is that we may yet get something from those members who may be able to deal with this more effectively than could laymen. I do not propose to offer any objection to the second reading, but I think we ought to go closely into the measure when in Committee. I regret to say that any Bill introduced to-day seems to be accepted absolutely by members on the Government side of the House, and it looks as if only the Minister introducing it has any say at all in respect to this legislation. Of course every member of the House has his responsibilities, and so he ought to know something about every measure that is passed. This is one of the laws that affect so many people. We often say that we hand over great responsibilities to the police, and I suppose the duties they have to carry out are more frequently carried out under this law, and under the Criminal Code, than under any other Act. So we ought to be careful about any such legislation that we pass. As I say, I do not propose to oppose the second reading, but even at this late hour I should like the Minister to give consideration to referring the Bill to a select committee with a view to having the measure gone into very fully. It is a Bill comprising 146 clauses and three or four schedules, and no doubt it will take some time to get through. I hope that members of the House who probably have had a lot more to do with this legislation than I have will be able to tell us something about it. We ought to make this law as up-to-date as possible, particularly as it is improbable that the House will have it again for quite a long time.

MR. McLARTY (Murray-Wellington) [7.39]: In reading the annual report of the Commissioner of Police I was struck by his remarks about drunken motor drivers. He says that these drunken motorists are more prevalent than people are aware of, and goes on to emphasise the difficulty the police have in securing convictions against drunken motorists. I think the public generally realise that the drunken motorist is becoming a very great menace. The Commissioner's trouble is to secure medical evidence. Sometimes the police have to wait for hours before they can obtain a doctor, and by that time the arrested person has become sufficiently sober to pass the test. That is not a desirable state of affairs. I recently had an experience on the road. I was as far over on the correct side as I could get.

Mr. Marshall: They all say that.

Mr. McLARTY: Well, I will tell my story and then the hon. member can tell his. A motorist hit the car I was in, and when he got out of his car he was so intoxicated that he could not stand. Very little damage was done, and he went on his way and I went on mine. That was a case in which I was directly concerned. But I have seen other men driving motors when drunk. It is a

distinct menace to the public, a very serious thing, particularly at the week-ends.

Mr. Rodoreda: Some of them do not need to be drunk.

Mr. McLARTY: That is so. I intend to ask the Minister if he proposes to do anything to help the Commissioner of Police to get over the difficulty. The Commissioner advocates third party risk insurance and says that no motorist ought to be allowed on the road unless he has that third party risk insurance. Of course it does not obviate an accident, but if a man who is more or less smashed up could get a sum of money with which to re-imburse his accident expenses, it would be something. I remember that during last session the member for North Perth (Mr. J. McCallum Smith) gave notice of his intention to introduce a Bill to provide for third party risk insurance. Unfortunately the hon. member did not go on with it. I only rose to bring this matter under the notice of the Minister in the hope that he would tell us that something is to be done to assist the Commissioner of Police in securing convictions. I learn from the report that out of 250 applications for entry into the police force the Commissioner had difficulty in securing 30 satisfactory candidates. I am glad to know that the Commissioner is exercising such precautions in selecting his men, as is shown by those figures.

MR. SLEEMAN (Fremantle) [7.43]: Whilst I am not going to oppose the second reading, I am certainly not enamoured of the Bill. It seems to me that the old law has been brought down and consolidated with no consideration given to necessary amendments to the Act. It is pleasing to note, however, that one objection to the old Act has been eliminated, namely the rogue and vagabond business for persons signing certain documents. The Leader of the Opposition spoke of lawyers and budding lawyers in the House; I should like to ask such members whether the kite-flying referred to in the Bill is something like the practice that members opposite occasionally indulge in. When I learn that, I shall be the better able to make up my mind as to whether I am in favour of that portion of the Bill. The onus of proof of innocence will, according to the Bill, be cast upon the accused person. Ever since I have been in this House I have been opposed to that sort of thing. It strikes at the root of British justice. Every person should be allowed to enjoy that justice. I was taught from my boyhood that every person was deemed to be innocent until he was proved guilty of the charge made against him. According to this Bill, the onus of proof of innocence will be on the defendant. No matter where that principle may be embodied, I will never lend my voice to seeing it placed on the statute-book. That particular part of the Bill will certainly require drastic amendment. We talk about British justice. Let us practise it, and refrain from putting on the statute-book anything to indicate that the responsibility is upon the defendant of establishing his innocence. In the case of many people, it would be highly inconvenient for them if a member of the police force walked into the home, picked up something and said "Where did you get that?" No doubt the article in question would have been honestly come by, but it might be very difficult for the person concerned to prove his innocence if he was charged with being in wrongful possession of that article. I hope that particular part of the Bill will not be agreed to. The measure also deals with advertising gambling. Of what use is it to put that in an Act of Parliament? The other evening we dealt with a Bill which had to do with people advertising over the air, in the newspapers and so on. We are now asked to agree to pass a Bill stating that anyone who advertises gambling, etc., shall be punished. If we are going to put that sort of thing into an Act of Parliament, why not enforce it? It will, however, never be enforced, and I am not prepared to vote for anything that is going to prove inoperative. The Bill also says that the police may disperse any persons who are found gambling in any place. A racecourse is a "place." At present there are only certain places where the police will disperse people who are gambling. In other places they may gamble to their hearts' content. Are the police going to disperse everyone who is gambling in one place and leave them alone when they are gambling in another place? The law should be administered fairly, in the case of all people and in all places. It is of no use if it is not administered fairly. Our betting laws are the most rotten in the country. There is one law for one set of persons and another law for another set. Much as I dislike select committees, and generally oppose their appointment, I think this Bill can with good

reason be referred to a select committee. If, however, it reaches the Committee stage I hope it will be passed without the provisions to which I have referred.

MR. MARSHALL (Murchison)) [7.47]: I compliment the Minister on his desire to consolidate the Police Act. It is a worthy objective and one that should be gone on with. Many of our laws are obsolete and some are rather objectionable. I am afraid the Minister has not devoted the time he might have given to the consolidation of this particular law. When we are consolidating laws they should be brought up to date. It is only on rare occasions that we have the opportunity to deal with consolidating measures. The Bill now before the Chamber certainly proposes to drop many of the objectionable features of the Act, but is retaining others that are both obsolete and objectionable, and to re-enact them. It will be many years before we get another opportunity to consolidate this Act. I agree with the member for Fremantle (Mr. Sleeman) that the Bill contains some objectionable clauses. The most objectionable is that which provides that the onus of proof of innocence shall be upon the person charged. There is no warranty for imposing that condition upon any individual, whether law-abiding or otherwise. Fancy accusing a person of doing something and saying, "It is on you to prove your innocence." That is contrary to every semblance of British fair-play and justice. We have always opposed that sort of thing determinedly. There is one thing which might have been embodied in this consolidated measure, namely the sections of the Gold Buyers Act, and by that means we would have eliminated one Act from the statute-book. The principal features of that Act could well have been included in this Bill. Strange to say, several of the clauses deal specifically with gold and pearls. Why special care was taken to include these things I do not know, except that they form part of the Act itself. There are other things which might be said to be just as valuable to other people as are pearls and gold. Another remarkable section of the Act is that any person who is found to be serving a policeman with alcoholic liquor whilst that officer is on duty will be liable to a penalty. The penalty is a small one, but how can the individual know whether the policeman is on or off duty?

Mr. Seward: But he must know it.

Mr. MARSHALL: A policeman is always on duty. According to the Bill, however, the licensee must ascertain whether the officer is on or off duty, and accept his word on the point. That would leave plenty of room for argument in any legal proceedings. What licensee would be prepared to challenge a policeman on the point? Would he put himself in the invidious position of challenging the right of any officer of the law to have a drink? Clauses of that nature are particularly objectionable and unwarranted. There are other ways of dealing with members of the force who wish to consume alcoholic liquor whilst on duty. Their superior officers are continually parading about and should know where their men are and what they are doing. We should not embody that kind of thing in a consolidating measure. It will not appeal to anyone and should not appear in the Bill. Another objectionable feature is that if gold or pearls are discovered on the premises, say a boarding house, the occupier is to be held responsible until he can prove himself innocent. A person may be conducting a perfectly reputable lodging house, and yet may not be fully acquainted with the tenants or those who are occupying the rooms. If, however, gold or pearls are discovered on the premises, the owner, however innocent he may be, will be held responsible. According to the Bill, he would be the alleged thief until he offered proof to the contrary. These are the principal objections I have to the Bill. I confess there is also a lot of good in it. Quite a lot of the objectionable, old, and unseemly sections of the Act will be dropped. It is high time we gave the Police Act a thorough overhaul. The best way to do that is through the medium of a select committee. The session is, however, too advanced for such an inquiry. The Minister would be wrong to press a Bill like this. It would be better if he allowed it to be numbered amongst the slaughtered innocents, brought it down next session, and had it thoroughly overhauled by a select committee and a really modern Police Act modelled from it. Bearing in mind the good the Bill contains, I am not disposed to be hostile towards it. I merely suggest that it would be wiser in the circumstances to allow the Act to stand for the time being, and deal with the whole thing comprehensively early next session.

MR. RAPHAEL (Victoria Park) [7.58]: I am not opposed to the second reading, but I hope the Bill will not be pressed at this late hour of the session. This is one of the most important measures the Government have brought down. It contains many clauses I would be obliged to vote against if they were not amended. I am opposed to the suggestion that the onus of proof of innocence shall be cast upon the person charged. In Great Britain and other Dominions of the British Empire it has always been the rule that the police must prove the guilt of the person charged. I do not know whether the Minister has been to France, or where he got his ideas from. According to the French law, a person charged is guilty until he has proved his innocence. Under British law the opposite is the case. I will vote against the inclusion of that part of the Bill. Clause 51 is another which requires amendment. This particular portion of the consolidating measure gives power to any person to apprehend another without a warrant. I suppose the Minister has been very busy this session and has not really appreciated the full effect of some of these proposals. The police force is very much undermanned. From time to time the Government have authorised additions to the force, but it is still sadly lacking in strength. On several occasions I have attempted to have more control exercised over road traffic, and particularly have I sought to have more prosecutions launched against users of the Albany-road. During the past 12 years I believe more deaths have occurred on that highway than on any other road in the State. That is due mainly to the number of buses that traverse Albany-road, the number of lorries transporting stone from various quarries, and to the fact that Albany-road is the gate-way to the South-West. Some definite action will have to be taken by the police in an endeavour to put down speeding on that road. Sad to relate, most of those who have been killed in Victoria Park have been children. It would certainly take a large number of policemen adequately to control the traffic on the roads of that suburb. The time has arrived when it is necessary to have a policeman on duty during peak periods at the Causeway. In offering these remarks, I do not seek to criticise the administration of the Police Department, but merely to draw the attention of the Minister to the necessity for some readjustment of police arrangements in Victoria Park. In view of the manner in which he is carrying out his task, the Government are to be congratulated upon their appointment of the present Commissioner of Police. I hope the Minister will agree that the Bill should be left over for further consideration until next session, and that a select committee should consider the measure so that we can do full justice to it.

On motion by Mr. Wilson, debate adjourned.

BILL—FEDERAL AID ROADS AGREEMENT.

Second Reading.

Debate resumed from the 26th November.

HON. C. G. LATHAM (York) [8.5]: I was not aware that we were to continue the debate on the Bill this evening, and I am not quite ready to deal with it. However, there is not much in it. The agreement that has been in existence between the State and the Commonwealth for the past 10½ years has been extended for another six months, and I understand that as from the 1st July next year a new agreement will become operative. Country members greatly appreciate what the Commonwealth Government have done in finding money for the reconstruction and maintenance of main roads. That effort has considerably improved the lot of the people in the rural areas. I am glad to hear that a better agreement has been arranged for the future. I understand that under the new agreement, which will operate as from the 1st July of next year, instead of getting 2½d. per gallon on all petrol sold, we will get 3d. The sales of petrol have increased each year, and I hope that will continue so that the revenue from that source will enable us eventually to have roads constructed wherever they are required. During the past 10 years rapid progress has been made in that direction, and our engineers have tackled the problem and solved it very satisfactorily. I notice the great improvement that is taking place in the top-dressing of roads, and it looks as though our engineers have dealt with the task entrusted to them in an extremely efficient manner. I commend the Minister upon the new agree-

ment he has made, and I thank the Commonwealth Government, at any rate on this one occasion, for giving us more than they collect from us. We should not talk too much about that because it may tend to create envy in other States where they have to contribute towards our revenue. I assume that early next year we shall have an opportunity to ratify the new agreement that has been entered into.

HON. P. D. FERGUSON (Irwin-Moore) [8.7]: I understand that the Bill merely ratifies an agreement that will operate for six months pending the new agrement which the Minister has told us will be more satisfactory than the old one, and much more advantageous to Western Australia. It is gratifying to know that we are likely to have an additional £100,000 per annum for expenditure on our main roads in future. I hope the Minister will see to it that the money that will be provided under the agreement with the Commonwealth Government will be spent, as provided for, on the main roads that open up or develop new country, and on the roads that connect the more important towns. I understood the Minister to say, in reply to an interjection, that some of the money received under the old agreement had been spent in the metropolitan area. I do not want to misrepresent him.

The Minister for Works: I said that 93 per cent. of the money had been spent in the country districts.

Hon. P. D. FERGUSON: Where was the other 7 per cent. spent?

The Minister for Works: In the metropolitan area.

Hon. P. D. FERGUSON: Was that in accordance with the agreement entered into between the State and the Commonwealth?

The Minister for Works: Yes.

Hon. P. D. FERGUSON: I understood that the Commonwealth Government agreed to the proposals advanced by the State only on condition that the money was spent for developmental purposes in rural areas, to open up and develop new country and on trunk roads between important towns. Even if that agreement has been departed from to the tune of 7 per cent. only, I can visualise some trouble ahead of the Minister. He should look into that phase. During the past 10 years approximately £6,000,000 has been spent on Federal aid roads. In my opinion, notwithstanding the criticism levelled in the early stages of the scheme of main road construction, the officers of the Public Works Department, who have been responsible for the expenditure of that money, have rendered wonderful service to the State. There can be no comparison between the main roads 10 years ago and the condition in which they are to-day. The present satisfactory state of the main roads reflects great credit on those who have had control of the expenditure of that money. The ex-Premier (Hon. P. Collier) will remember that when the Main Roads Board was established, the chairman was sent overseas to investigate the most modern methods of road construction that had been adopted in other countries. During his absence Main Roads Board affairs lapsed into a most chaotic state, in consequence of which much deserved criticism was levelled at the board. On his return from his trip abroad, the chairman, who is now the Commissioner of Main Roads, put into practice the knowledge he had gained as a result of his experience overseas and the effect is evident in the condition of the Federal aid roads to-day. They represent a monument to the skill of that engineer and to the manner in which he supervised and directed the expenditure of £6,000,000. I hope that the new agreement between the Commonwealth and the State will be as satisfactory to Western Australia as the Minister anticipates. It is the most satisfactory arrangement Western Australia has ever made with the Federal Government. If all the other arrangements we had with the Commonwealth were as advantageous as the one relating to main roads, there would be less cause for complaint at the treatment of Western Australia by the Commonwealth Government. I support the second reading of the Bill and express the hope that the new agreement will be as satisfactory to the State as the Minister has indicated.

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—PENSIONERS (RATES EXEMPTION) ACT AMENDMENT.

Second Reading.

Debate resumed from the 25th November.

MR. DONEY (Williams - Narrogin) [8.15]: This small Bill is designed to alleviate the position of a relatively small group of men, returned soldiers, whose grievances and sufferings are of quite an unusual nature. There surely cannot be any objection of any kind urged against the Bill which deserves and will receive ready support. The men whom the Bill seeks to assist were good, sound, healthy, strong members of the fighting forces of Australia, but by reason of ailments that have arisen from their war service, they have been reduced to a state of utter helplessness. They are due for the pity and help of the State. They are those who are generally described in service circles as burnt-out men. That would pretty aptly describe the weak and exhausted state in which these men to-day find themselves. Unfortunately their ailments, whilst they should be regarded in practically every case by the Repatriation Department as war-caused, nevertheless are not so considered, and the men are not eligible for service pensions unless they are totally unemployable or happen to be over 60 years of age.

Mr. Marshall: These are the only men who will be served under this Bill?

Mr. DONEY: Men of that type who have applied for and received the service pension to which the Minister referred the other night; no one else. The Bill makes it plain. I am not sure that the Minister made plain the amount of pension payable. I understand that in the case of a married man the pension is 16s. a week, and his wife would receive a like sum. A single man would be given 19s. In addition to these sums they would be permitted, precisely as in the case of old age pensioners, to earn a further small sum. Even so, the total they would be permitted to earn would not be sufficient by a long way to purchase all the necessaries of life. The Returned Soldiers' League considered that as one means of making life a little easier for these men, they should be permitted the same exemption from municipal and road board rates as is enjoyed by old age pensioners. The Bill is to provide for that, and I am sure no one is likely to object to it. I have heard it said that these men belong in one sense to a privileged class, in that a great many of them have war service homes. It happens that the position in regard to war service homes, when occupied by these men, is far from satisfactory. It is the case that no great while ago the Workers' Homes Board revised the amount of rents payable by their clients, with the object of adjusting those rents to the smaller incomes, but the point to be remembered is that those rents are never reduced to a level lower than that of interest on the capital sum involved. Unfortunately, the income of these men under the pensions we are discussing will not in very many cases be sufficient to enable them to pay even the smallest rentals in the revised scale. So that in course of time the men are likely, unless some arrangement is made with the Federal repatriation authorities, to lose their houses. This has nothing to do with the Bill, however, and no provision is made here to cope with that aspect. That is about all I think there is to be said about the Bill. It is, as members have noted, a very small Bill, and was fully and correctly explained by the Minister when introducing it. There is one point members might bear in mind, and that is that the charge upon the Government and the local authorities will be a particularly small one. In the case of the Government I think the charge of which they will be relieved will be that in respect of water rates, and the number of men concerned will be so few that the amount lost to the Treasury will be particularly small, and just as small of course in the case of the rates lost by the local authorities. I feel confident that members will deal with the Bill in a very sympathetic way.

MR. WARNER (Mt. Marshall) [8.22]: Naturally I am going to support the Bill. I was pleased to see the Minister bring it down. It is only a matter of shouldering the legacy of the Great War. These men who find they cannot do any work are going to receive a small pension that will bring them into line with other old-age pensioners. There is no need for me to labour the question because it is unlikely that any member of the House will be opposed to the Bill. The pensioners we all agree get too little, and I am sure the small amount paid to these men and their wives is going to be too meagre to enable them to pay any rates at all.

Mr. Marshall: Are you sure this Bill is going to help them?

Mr. Doney: It will exempt them from the payment of rates.

Mr. WARNER: It will exempt them from the rates and taxes they would have to pay.

Mr. Marshall: Even under this Bill they may still have to pay.

Mr. WARNER: That would be unfortunate. I would like to see them exempted from payment by the community which they saved from paying perhaps even greater taxes. I support the second reading of the Bill.

HON. N. KEENAN (Nedlands) [8.34]: This is a Bill to extend the benefits of the principal Act to a certain class. The principal Act grants very little indeed because the only effect of the provisions in the principal Act is that rates and taxes are postponed. They are not discharged. They are allowed to remain over and the particular pensioner who happens to own the land is not made liable.

Member: It is a legacy for posterity.

Hon. N. KEENAN: It means next to nothing. If a pensioner lives for only a few years and his block is of only small value, the whole of the sale price goes to the municipality or the Crown, as the case may be, to pay for rates.

Mr. Doney: If he did not happen to own any property, it would be a decided advantage to him.

Hon. N. KEENAN: If he did not own property, he would not owe rates, and he could afford to smile. What I want to point out is that we are really fighting over a trifle. In nine cases out of ten the Bill will mean nothing. It simply means that we are allowing a good debt to accrue. When the pensioner dies payment is obtained from the land. If we were generous we would permit the pensioner to own a certain block of land free of all rates and taxes. For many good reasons we allow various institutions to hold land free of all rates and taxes. The Bill is a paltry one because in nine cases out of ten it will mean next to nothing.

MR. MARSHALL (Murchison) [8.27]: This is one of the directions in which we can afford to be particularly liberal because it does not cost the State anything. We are going to thrust the responsibility upon the local authorities, upon the municipalities and the various road boards of the State. So as Consolidated Revenue is going to be in no way affected we can be quite generous. I do not want my utterances to be misinterpreted. I do not know that there is any section of the community more entitled to something in the way of a concession of this sort than those to whom it is proposed to give it. The men who have given their health in the defence of their country are in the main entitled to considerably more than they have ever got as a reward for their heroic and noble service. But I am very doubtful, like the previous speaker, as to whether they will get any benefit whatever by this Bill. In the parent Act it is very definitely set down that pensioners shall not pay rates or taxes. All they have to do is to make application to the road board, or the municipal council which has jurisdiction over the area in which they are situated, and under that Act they must be given relief. But in this Bill, if they are in possession of war service homes, they must get the consent of the War Service Homes Commissioner. They have two hurdles to get over and there is nothing definite in regard to what they will get because the consent of the War Service Homes Commissioner may not be given. If he does not agree to their getting this concession, they will not get it. Under the parent Act relief cannot be denied to the old-age or invalid pensioners if they make application to the road board or municipal council concerned. Why is the consent of the War Service Homes Commissioner necessary? He is really a mortgagee. The Act provides that the mortgagee shall be satisfied previous to this liability, and I think we should have made it obligatory on the local authorities to grant the concession irrespective of the consent of the Commissioner. Then we should have been giving pensioners something; now we are not. As the member for Nedlands said, under the Act the amount owing in rates and taxes accumulates during the life of the pensioner and becomes a liability against the property when it is transferred to the next-of-kin or other person to whom it has been willed. I do not think anyone should be entitled to benefit at the expense of the general body of ratepayers simply because a pensioner has died and left property. Scores of people never think of old-age or invalid pensioners while they are living; seldom do they offer any assistance, but if there is property on the death of a pensioner, a scramble ensues

to obtain possession of it. The taxpayers should be protected. I do not agree with the previous speaker that we should alter the Act. While I am only too pleased to support the Bill in the hope that returned soldiers will obtain some relief, I am doubtful whether it will prove to be so beneficial and effective as some members believe. I would prefer to have the concession more definitely expressed, so that those requiring it will be recipients by right under the law and will not be at the whim of a Commonwealth officer or anyone else.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn—in reply) [8.33]: The member for Nedlands contended that the Bill would confer an inconsequential and paltry concession. It will not be as paltry as the hon. member thinks. The local authorities might have to stand out of their rates for a number of years. The Act provides that the payment of such rates shall be deferred, and shall be payable only on the sale of the property or the death of the pensioner. In many instances that would represent quite a number of years, and in the interval the rates would accrue to a considerable amount. Thus the local authorities and the Water Supply Department would have to stand out of their money. If a pensioner left a widow, I do not think the local authority or the Water Supply Department would sell the home in order to obtain their rates, and therefore the benefit would continue.

Hon. N. Keenan: What makes you think that?

The MINISTER FOR WORKS: Does the hon. member believe that, on the death of a pensioner, the home would be sold in order to satisfy outstanding rates?

Hon. P. D. Ferguson: The widow might be in receipt of a pension, and still the home could not be sold.

The MINISTER FOR WORKS: I suppose not. The rates would be deferred for a number of years, because all the pensioners concerned are not old-age pensioners, and the amounts would be substantial.

Mr. Hegney: A pensioner might be an invalid.

The MINISTER FOR WORKS: The rates deferred include also those for sewerage, sanitary and pan services, and meter rents. In some instances there is not a good prospect of recovering the rates. In reply to the member for Murchison, the clause was so worded because the Commonwealth Government are the owners of the properties, and our experience has been that unless we get an agreement with the War Service Homes Commissioner, we can claim only one year's rates. Therefore it is well to get the consent of the Commissioner before agreeing that the rates should be deferred. Many occupants of war service homes in receipt of war pensions are not exactly paupers. Some of them might be in receipt of fairly high salaries, and before their rates are deferred, the Commissioner should be consulted. Judging by the records, something under 200 pensioners will be affected. The rates on a property, if deferred for many years, would amount to a considerable sum because the property would not be sold on the death of a pensioner if he left a widow. If the property were bequeathed to an able-bodied descendant, he should pay, but the pensioner during his lifetime would receive a concession that would be of substantial advantage. Even on a medium-sized block the rates might total £7 or £8 a year, which might seem inconsiderable to the member for Nedlands but would be very important to the pensioner.

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—DAIRY PRODUCTS MARKETING REGULATION AMENDMENT.

In Committee.

Mr. Sleeman in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 7:

Mr. WITHERS: On behalf of the member for Guildford-Midland I am submitting an amendment which is preliminary to an amendment desired to Clause 3. I move an amendment—

That before paragraph (a) the following be inserted:—"(a) By adding a further definition after definition of 'butter fat'—' "Co-operative company" means a company registered as such under the provisions of the Companies Act Amendment Act, 1929.' "

Hon. C. G. Latham: Is not that something new? It is an amendment, not of this Bill, but of the Act.

Mr. WITHERS: Unless the amendment be approved, a co-operative company cannot be brought within the scope of the measure.

The MINISTER FOR AGRICULTURE: The only objection to the amendment is that it is intended as the first step towards enlarging the board by making provision for an additional member. I cannot address myself at this stage to the merits or demerits of the claim which can be put forward on behalf of the representation desired. It is difficult for me at present to comment upon just what that representation might mean. The amendment seeks to ensure representation on the board of the co-operative companies. It will be claimed, presumably, that because of the quantity of butter to be stored which has been manufactured by co-operative companies, these have a prior claim to representation on the board. Evidence can be adduced to show that they do manufacture a major proportion of the butter that is storable and is stored. But an addition to the board would not tend to smoother working. I have no great objection to representation on the board being granted to the people who do to some extent penalise themselves by manufacturing that quality of the article which is capable of being stored. It can be said, however, that the member nominated by the companies engaged in the business is a co-operative person, is a man associated with co-operative factories. The object behind this amendment is that there shall be a definite statement that one member of the two to be nominated by factories shall be a member of a co-operative company. If we are not careful we shall have a huge board.

Hon. P. D. FERGUSON: A board of six members will not be rendered unwieldy by the addition of another member. Personally I am not in favour of large boards. A small board may be beneficial. In view of the very important part played by the co-operative companies of Western Australia in the manufacture of butter, and in view of the fact that had it not been for the operation of co-operative butter factories in this State it is doubtful whether a pound of butter would have been exported from here—the quality of the butter made by non-co-operative butter factories being scarcely such as to admit of its being exported——

The Minister for Agriculture: There are some non-co-operative factories of which that cannot be said.

Hon. P. D. FERGUSON: That is true. But the co-operative companies have manufactured the greater proportion of the butter stored here for consumption during the period of scarcity; and this indicates that co-operative companies have played a highly important part in the industry. The Minister mentioned that the representative of the factories was a direct representative of co-operative companies; but there is no guarantee that that will be so in the future. The eight or nine non-co-operative manufacturers in the State, if they agreed to do so, could easily displace the co-operative representative on the board by a representative of their own. If the Committee are not prepared to increase the size of the board and place on it a representative of the co-operative companies, it will be absurd to pass the amendment. Only on the understanding that I am in favour of increasing the number of the board to seven and of giving the co-operative companies direct representation on the board am I voting for the amendment.

Mr. McLARTY: I support the amendment. On the butter boards in the Eastern States——

Mr. Withers: I was going to deal with that aspect on the second amendment.

Mr. McLARTY: Then I content myself with saying that the amendment has my support.

Amendment put and passed.

Hon. C. G. LATHAM: I move an amendment—

That in the last line but one of paragraph (a) the word "proclamation" be struck out, and "regulation" inserted in lieu.

A bad habit has grown up, particularly in the case of the present Government, of providing for alterations by proclamation. Against that innovation in our legislation I have protested invariably, though with little success so far. I wish the Bill to pass. The Minister will have all the power he needs if he uses the word "regulation" instead of "proclamation." Regulations were instituted to make Acts more pliable, while preserving the power of Parliament. Members ought to cling closely to their rights, and not fritter them away. I am surprised that I do not receive support in my opposition to the system of proclamations.

Amendment put and passed.

Mrs. CARDELL-OLIVER: I observe that margarine includes any solid or semi-solid substance made from animal or vegetable

fats or oils, or any combination thereof, the fatty contents whereof are not derived exclusively from milk. There is no mention of colouring matter. Any colouring matter might be highly detrimental to workers who have to buy margarine because their incomes will not allow them to buy butter. The wholesale price of butter at present is 147s. per cwt. here, whereas in the Eastern States it is only 140s. The workers want margarine to be of palatable colour. I do not know what colour has been suggested—whether pink or green or red—but any colouring matter other than mild yellow, which imitates the appearance of butter, would be detrimental to those who are forced to purchase margarine. I have no objection to margarine being coloured palatably. If margarine is to be coloured otherwise, the price of butter should be reduced.

Hon. P. D. FERGUSON: I move an amendment.

That paragraph (f) be struck out.

The definition of "Producer" in the principal Act is——

a person who from his own cows or from leased cows or from other cows on his property produces milk intended for use for the manufacture of dairy products for sale

The paragraph proposes that after the word "manufacture" there be inserted "at a dairy products factory." It means that a farmer, to come within the proposed definition of "producer," must sell his butter fat at a dairy products factory. That is not fair to the producer who is not in a position to market his butter fat at such a factory. Many of our farmers, by reason of the distance at which they live from the nearest dairy products factory, or by lack of transport facilities to the nearest dairy products factory, find it a physical impossibility to market their butter fat at such a factory. Consequently, they manufacture their butter fat into butter on their farm. Injustice will be done to those farmers by not allowing them to come within the definition of producer. Thus they will be prevented from having a vote for the election of a producers' representative on the control board. That will be an injustice to that class of producer, and I do not think the Minister should insist on it.

The MINISTER FOR AGRICULTURE: The whole basis of the dairy industry is the successful manufacture of the article intended to be suitable for home consumption and for export, and the basis of the Bill is the basis of quality. Without this provision as specified in the proposed amendment to paragraph (f) there is no inducement to improve the quality of our dairy products. Who is it that has a stake in the dairy industry in this State? Is it not the person who supplies to the factory the commodity intended for export? Is it not the person who supplies to the factory which, after all, is the factory in which capital is invested, or is it the man who manufactures 7 or 8 lbs. of butter a week, or 100 lbs. of butter a year? Would the hon. member say that because a man who is a wheat farmer growing 1,000 bags of wheat and whose wife may produce on the farm 100 to 200 lbs. of butter per annum, it would be right, with regard to the appointment of a board to control the product intended to be stored, exported, or sold on the local market, that the wheat farmer or his wife should have a voice in the appointment of a representative to the board? It is surely the person who contributes an exportable quality article who is entitled to representation on a board such as this. It is those people who should have a special knowledge of the requirements of the industry, not those who haphazardly, in their own homes, make one or two pounds of butter a week.

Hon. P. D. FERGUSON: I am afraid the Minister has not quite clearly stated the position, particularly for the benefit of those members who are not au fait with the subject. He referred to farmers who make a few pounds of butter a week, butter that is not suitable for export. If it is not suitable for export, it is not suitable for storage, and those people therefore are not interested in the passage of the Bill and are not interested as being classed as producers. The answer to the Minister is that those factories that do not produce any better quality butter than the farmers who make it on their own properties and sell it. Those men are included in the Bill, and the Minister makes provision for them. There are factories in the State, the products of which are not equal to the product of the individual farmer in the country districts. And there is no proposal to exclude those factories from the operations of the Bill in any shape or form. The Minister is taking a sort of lop-sided view of this matter, and I am sorry it is not in the interests of the

individual producer in country districts who, although he cannot sell his butter fat at a factory, is carrying on a perfectly legitimate enterprise. His activities as a farmer and butter maker on his farm are just as legitimate and beneficial to the community as are those of the manufacturer in a dairying district and makes a similar type of article which cannot be exported.

The MINISTER FOR AGRICULTURE: The hon. member must concede that the operations of a person making a few pounds of butter are of minor importance as compared with the person who depends upon his operations for a living. We have evidence that when the opportunity was afforded those whom the hon. member would desire to be included as producers to vote for a representative on the board, only 50 out of the hundreds made application to be registered as producers.

Mr. SEWARD: It used to be conceded that it was only fair that those who paid taxation should have representation. The people who are concerned in the amendment moved by the member for Irwin-Moore are to-day paying the equalisation fee, that is, the deduction that is being made, and they have no say in the election of a representative to the board. Consequently I support the amendment. The Minister has referred to those people as being people who make four or five or seven pounds of butter a week; but I should like to remind him that many farmers to-day who are making much more butter per week would have no possible chance of selling their product to a factory. If they did, they would have to keep the cream for a week, and then send it to the factory, which would mean that it would be classed as second grade. They can, however, make as good a sample of butter as anyone by making it twice or more a week, if necessary, and selling it to the people in the town. Competition in the town will keep that butter up to the proper standard but the main point is that it is not possible for them to send it to the factory unless they are going to risk its being accepted as a second-grade article. I assure the Minister that the interests of the industry are just as keenly felt by these farmers as by anybody else. The Minister contended that when notice was sent to the farmers only 50 out of a hundred made application for voting papers. That, however, was the first election for a representative on the board, and many farmers did not know anything about it, and they discarded the ballot papers. When the next vote comes along it will be found that there will be a bigger percentage recording their votes.

Amendment put and negatived.

Clause put and passed.

Clause 3—Amendment of Section 8:

Mr. WITHERS: I move an amendment—

That after "follows" in line 2 a further paragraph be inserted as follows:—"(a) By striking out the word 'six' in line 1 of Subsection 2 and substituting the word 'seven.'"

There is no animosity on the part of co-operative concerns against the proprietary factory having representation on the board. The Minister said that the present representation is by the co-operative manufacturers' manager. There is a difference between the manager of a co-operative factory and a director. It will be remembered that when the original Bill was before the House, the question was debated as to whether a director of a co-operative company would be entitled to sit as a member of the board as a manufacturer or as a producer. It is contended that he fills both capacities in that he is a producer in the first instance and when he is elected as member of a co-operative society he becomes a manufacturer.

Hon. C. G. Latham: But you do not want managers on the board.

Mr. WITHERS: No. Under the existing Act we are not entitled to have one of the directors of our society to represent us on the board. As has been pointed out by the Minister and others, co-operative companies play a big part in the manufacture of grade butter, capable of being either exported or stored. Were it not for the fact that the South-West Dairy Farmers' Company operate on a large scale it would not be possible for smaller companies to go into the storage system. On the 25th November last the total amount of butter stored was 15,110 cases. The quantity that the South-West Farmers' Company had in store represented 78 per cent. of the total quantity stored and it is expected that this will be increased to 80 per cent. This means that the other manufacturers have provided at the most 20 per cent. between them. Out of the total export of 24,788 cases, the South-West Dairy Farmers' Company ex-

ported 16,288 cases, or 66 per cent. of the total export. The object of the amendment is to increase the board from six members to seven. There is nothing new in that, for in Tasmania they have a board of five members, in Victoria also the board consists of five members, and in New South Wales they have a board of seven members, all having the representation that we require. The co-operative companies are giving the producers the best possible return for their produce. And although they are manufacturers, they could not manufacture were it not that the producers are banded together in co-operative companies. Proprietors, of course, look for interest on their invested capital, and it may be they are not so interested in the producers' affairs as the manufacturers of a co-operative concern would be. The competition from proprietary concerns is not very strong. I think the co-operative system is the right system. Ever since the board has been in operation there has not been any great objection to the conduct of the board. The company that have produced and stored and exported so large a quantity of butter have also been responsible for maintaining the standard for the purpose of export. Yet they have no voice in the discussions of the board, and have to get their information second-hand. If they succeed in getting representation on the board, they are not going to wield the big stick over the remainder of the board. The storage of the butter opens up a big question, and although the Minister has certain amendments relating to finance generally, the South-West Dairy Farmers' Company are very much concerned because they do not know how they are going to finance the storage of all their butter. It means a considerable sum to be found by the one company to ensure that the people of Western Australia shall get a good stored product during the period when, otherwise, they would have to accept imported butter. Under the present system, if the company do the right thing by their shareholders, paying them their bonuses and their dividends, there will not be a great deal of surplus for the purpose of storing this large quantity of butter. The adding of one member to the board is not going to have any very great influence on the board. I do not expect that the voting of the board will be any different in the future. To-day we have representatives of the primary producers and of the proprietaries and the consumers and the dealers, together with the chairman. That is a fairly representative board. Although we are claiming to put a representative on the board, it must be understood that this company is a producers' company.

Hon. P. D. Ferguson: It is not the only co-operative concern.

Mr. WITHERS: No, of course not. However, it is the major one and it has played its part. It does not follow that the representative to be elected will come from the South-West Dairy Farmers' Company; it may possibly be the director of the Narrogin company who will be selected as the representative on the board if the amendment be agreed to.

Mr. NORTH: I listened carefully to the reasons for this proposed amendment. But there are already on the existing board three members representing co-operative interests. So if the board remains as at present constituted, there will still be on it the representation that the hon. member requires. Thus it appears to me there is a lot to be said for leaving the board as it stands and supporting the Minister.

Mrs. CARDELL-OLIVER: The board at present comprises one Government representative, a manufacturers' representative who is also a co-operative representative, one dealer who represents only about six dealers, two producers, one of whom is a co-operative representative, and one consumer. If the number is to be increased, it should include another representative of the consumers. The co-operative organisations already have sufficient representation.

Mr. McLARTY: I hope the Minister will agree to give representation to the co-operative company in question. The member for Bunbury gave good reasons for that. That company can take the credit for Western Australian butter being of the quality it is. It is not correct that the co-operative company are already represented by three members. They have no direct representation whatever. The manufacturers' representative is elected by the manufacturers. At present he happens also to be connected with a co-operative company. It is true that one of the representatives of the producers was a director of the South-West Dairy Farmers' Co-operative Company, but he may be displaced by somebody else, and thus leave the company without any representation. All over Australia co-operative companies have

representation on boards of this nature. In this State they represent the greatest part of the industry. I hope the amendment will be agreed to.

Mr. BROCKMAN: I hold no brief for any company. The board are supposed to be a producers' board.

Hon. P. D. Ferguson: They are a marketing board.

Mr. BROCKMAN: I am afraid that history may repeat itself, and we may be giving the majority control into the hands of manufacturers' interests. In days gone by, when the industry was controlled by manufacturers, producers had very little say in the marketing of their butter. The manufacturers decided week by week what they would give the producers, so that the latter did not get a fair return for their labour. It was to take the industry out of the hands of the manufacturers that we advocated the establishment of a marketing board. I am one of the largest dairy farmers in the State, and I know the present system is giving every satisfaction to producers. It is not true to say that co-operative companies have no representation on the board. There are two co-operative manufacturing companies, namely the Narrogin company and the South-West company. If we provided the representation now asked for, they would have the balance of power on the board. Three representatives on the board already happen to be representatives of manufacturers, and, if one more were given to them, they would have control. An additional member would also increase the cost of administration to the producers. I do not want any more taken out of the cream cans than is necessary. Hundreds of Agricultural Bank clients are dependent upon the industry in meeting their obligations. I hope the Minister will consider well before he agrees to the amendment. Proprietary concerns have been abused, but are producing just as good an article as are other manufacturers.

Mr. DOUST: I support the amendment. It is possible at the next election that not one co-operative supporter will be on the board unless this amendment is passed. There are seven manufacturers, of whom two represent co-operative interests. It can only be considered a sop to co-operative interests that the manager at Narrogin was appointed to the board.

Hon. P. D. Ferguson: A compliment to his ability.

Mr. DOUST: With the large number of proprietary firms operating, it may well be that a proprietary representative will be appointed.

Mr. Brockman: Why not?

Mr. DOUST: It could not then be claimed that the co-operative people had a majority on the board. Some 12 months ago there was a great fight for representation. The representative of the South-West company won his seat by only 46 votes. Had he been defeated, there would have been no co-operative member on the board. A company which manufactures 50 per cent. of the butter, exports 80 per cent. of what is sent out of the State, and stores 60 per cent. of what is stored should be represented on the board. It is not just to say that the appointees of the producers will always be members of co-operative butter factories.

Hon. P. D. FERGUSON: I support the amendment for the reasons advanced by the member for Bunbury and the member for Murray-Wellington. The opposition to the amendment that has been evidenced from the Opposition cross-benches is the result of lobbying in the vicinity of this Chamber and shows the evil effects of that practice.

Mr. North: That is a shocking allegation.

Hon. P. D. FERGUSON: The member for Claremont told us what had been said to him and we know from the information placed before us that it arose from certain interests opposed to the amendment. It has been suggested that the co-operative manufacturers have three representatives on the board. That is not a fact. The member for Claremont and the member for Subiaco who made that allegation, drew upon the information furnished to them.

Mrs. Cardell-Oliver: What about the member for Sussex?

Hon. P. D. FERGUSON: The member for Sussex spoke off his own bat as a practical dairy farmer.

Mrs. Cardell-Oliver: Do you think we have no bats of our own?

Hon. P. D. FERGUSON: The co-operative factories that are doing the bulk of the work in connection with the manufacturing interests have no direct representation on the board. But it is a fact that the manager of a large co-operative concern, because of his ability, was placed on the board as a representative of the manufacturers themselves. There are elections periodically and it is quite possible that at any time the manufacturers may dispense with that in-

dividual's services. There are seven or eight manufacturers and two are co-operative companies. It is absurd, therefore, to say that the co-operative companies can dominate the election of manufacturers' representatives. The representative of the biggest co-operative concern in Western Australia is also said to be the representative of the co-operative companies and is therefore a direct producers' representative. Mr. McCormack has been elected to represent them.

Mr. Brockman: At the instigation of the co-operative concerns.

Hon. P. D. FERGUSON: No. The Minister can tell us the number of co-operative producers that recorded votes on that occasion. If the interests of the manufacturers and the producers clash at the board, it is not likely that Mr. McCormack, who is a representative of the manufacturers, would forsake their welfare in the interests of the others. If he were to act in that way, he would be displaced at the next election.

Mr. BROCKMAN: I definitely object to the suggestion advanced by the member for Irwin-Moore. I want to make it clear that on no occasion have I been lobbied regarding this matter. Attempts have been made along those lines on many occasions, but I have definitely refused to be lobbied by any man. I know sufficient about the industry to speak off my own bat. Despite what some members may say, I know what the result has been in the past. I do not want to revert to earlier conditions when we got as little as 7¾d. per lb. for butter fat. We had to produce and sell below the cost of production, until the board was established. I hold no brief for any manufacturer. That section of the industry has done its part and has had control of the industry. Under those conditions, we received just what the manufacturer chose to give us, and we were controlled by the manufacturers' association. That is why I advocated the creation of the board. I hope the Committee will act cautiously in this matter.

Mr. NORTH: The reason I made the remark about representations having been received is that the subject is foreign to metropolitan members. We had an opportunity to hear both sides. After hearing the representations, I decided to adopt the attitude that has been indicated.

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

Ayes	30
Noes	8
Majority for	22

Ayes.		Ayes.	
Mr. Boyle		Mr. Needham	
Mr. Collier		Mr. Nulsen	
Mr. Coverley		Mr. Patrick	
Mr. Doust		Mr. Raphael	
Mr. Ferguson		Mr. Rodoreda	
Mr. Fox		Mr. Seward	
Mr. Hawke		Mr. F. C. L. Smith	
Mr. Hegney		Mr. Tonkin	
Mr. Hill		Mr. Warner	
Miss Holman		Mr. Watts	
Mr. Latham		Mr. Willcock	
Mr. Mann		Mr. Wilson	
Mr. Marshall		Mr. Wise	
Mr. McLarty		Mr. Withers	
Mr. Millington		Mr. Doney	
			(*Teller.*)

Noes.		Noes.	
Mr. Brockman		Mr. Munsie	
Mrs. Cardell-Oliver		Mr. North	
Mr. Keenan		Mr. Welsh	
Mr. Lambert		Mr. Cross	
			(*Teller.*)

Amendment thus passed.

Mr. NEEDHAM: A great deal of discussion has taken place regarding the composition of the board and the Committee have decided that instead of six members there shall be seven members. I move an amendment—

That a new paragraph, to stand as paragraph (b) be inserted as follows:—"By deleting from paragraph (b) of Subsection (3) the word 'one' and inserting the word 'two' in lieu thereof."

I want two of the members of the board to be consumers' representatives. The Act provides that one shall be nominated by the Minister as a representative of the consumers, but if the amendment be agreed to, there will be two consumers' representatives instead of one. That will give the consumers equal representation with the producers. I am concerned about the representation of the consumers who have to pay the piper. The only two important sections to be considered are the consumer and the producer. The consumer pays all the cost, no matter from what standpoint the matter is viewed. It may be said that we are establishing a precedent, but that is not so because there are two consumers' representatives on the metropolitan milk board where their representation is equal to that of the producers. It may be contended that the board would be too unwieldy. Probably the Minister will say that there will be eight members on the board instead of seven. Later on it will be

seen that I have an amendment which suggests the deletion of another section of the Act. I want members to keep that further amendment in view before they make up their minds on this amendment. I hope the Minister will give a sympathetic ear to this amendment as he did to the amendment that preceded it.

The MINISTER FOR AGRICULTURE: The member for Perth is under a misapprehension as to the comparison of this board and the milk board. There is no resemblance at all in the nature or functions of the boards. Since there is a price for butter for home consumption many people are under the misapprehension that this board fixes the price of butter. That is not so, and the local price is not based on export parity. The local price of butter is the price agreed upon by all the States with the tacit agreement of the Commonwealth. This is a stabilisation board, to arrange for the maximum quantity of exportable butter to be exported, and for the maximum quantity capable of being stored to be stored. It is not a price-fixing board, and there is no necessity for an additional consumers' representative. If the hon. member will examine the personnel of the board and the representatives on the board, he will find that as the importance of any section of the industry is superior to another, so is representation given on the board. Representation is given to those who are vitally concerned in the stabilisation of the industry, particularly in regard to quality.

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

Ayes	8
Noes	30
Majority against	22

Ayes	
Mrs. Cardell-Oliver	Mr. Lambert
Mr. Doust	Mr. Needham
Mr. Hegney	Mr. Shearn
Miss Holman	Mr. Cross (*Teller.*)

Noes	
Mr. Boyle	Mr. North
Mr. Brockman	Mr. Nulsen
Mr. Collier	Mr. Patrick
Mr. Coverley	Mr. Rodoreda
Mr. Ferguson	Mr. Seward
Mr. Fox	Mr. F. C. L. Smith
Mr. Hawke	Mr. Styants
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Tonkin
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. Marshall	Mr. Welsh
Mr. McLarty	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Munsie	Mr. Doney (*Teller.*)

Amendment thus negatived.

Mr. WITHERS: I move an amendment—

That proposed new paragraph (c) be struck out and the following be inserted in lieu:—(c) One shall be nominated by co-operative companies licensed under this Act as manufacturers and one shall be nominated conjointly by other companies and persons licensed under this Act as manufacturers, provided that no company or person shall be eligible to make a nomination unless such company or person produces at least fifty-two tons of dairy products per annum.

Amendment put and passed.

Mr. NEEDHAM: I move an amendment—

That the following words be inserted at the end of the clause:—"(c) by deleting paragraph (c) of Subsection (3)."

I was under the impression that there were a great number of dealers in this industry and that they were worthy of having a representative on this board, but I find on investigation that there are only six. Six are given the right to nominate a representative. The Committee have just refused to appoint two representatives of the consumers who are in much greater number than the dealers.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clauses 4 to 12—agreed to.

Clause 13—Amendment of Section 35:

Mr. McLARTY: I move an amendment—

That after "board" in paragraph (d) of Subclause (2) the following words be inserted:—"or any authorised officer or member of the board."

The idea is that in the absence of the chairman provision should be made for somebody to have authority to give his signature.

Mr. WITHERS: I support the amendment. Permits are to be signed by the chairman, and in the absence of the chairman an authorised officer or member of the board should be able to sign.

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

Clause 14—Amendment of Section 36:

Mr. WITHERS: A consequential amendment is required in Subclause 8.

The CHAIRMAN: That will be attended to.

Clause put and passed.

Clauses 15 to 18—agreed to.

New clause—Amendment of Section 9:

Hon. P. D. FERGUSON: I move—

That the following be inserted to stand as Clause 4:—

Section nine of the principal Act is amended as follows:—

(a) By deleting the word "three" in line five and inserting in lieu thereof the word "two."

(b) By adding to the section a further proviso as follows:—

Provided further that, as from and after the commencement of this proviso, the members appointed from time to time by the Governor as the representatives of the producers shall retire from office in rotation, and that for the purpose of commencing such rotation the following provisions shall apply in relation to the said members appointed by the Governor next following the commencement of this proviso, that is to say:—

(a) Where such two members were nominated after an election under the regulations held for the purpose of such nomination, the member who received the smaller number of votes at the election shall retire first and shall so retire at the end of the year next following the date of his appointment, and the other member shall hold office for two years next following the date of his appointment.

(b) When such two members were nominated without the necessity of an election to ascertain such nomination, or were nominated after an election and at such election both received the same number of votes then in either of such cases the one of such members to retire first shall be determined by lot between them, and the member then to retire first shall do so at the end of the year next following his appointment, and the other member shall hold office for two years after the date of his appointment.

(c) After the rotation has been commenced in the manner provided for in paragraphs (a) and (b) hereof one member shall be nominated and appointed by the Governor as one of the representatives of the producers in each and every year and shall hold office for two years from the date of his appointment.

The object of the amendment is to reduce the life of the board from three years to two years. It would be more satisfactory from the producers' point of view if one representative were elected each year instead of two representatives being elected every three years. If members agree with that principle, the balance of the amendment can be accepted because it deals only with the method of election.

New clause put and passed.

New clause:—Amendment of Section 20:

Hon. P. D. FERGUSON: I move—

That the following new clause be inserted:—"Section twenty of the principal Act is hereby amended by adding a further proviso to subsection (1), as follows:—

'Provided further, the board may refuse to grant a license to manufacture dairy products if it considers that the establishment of additional factories is not in the best interests of the industry.'"

According to the figures supplied by the Minister, there are no fewer than 16 factories on which £135,000 has been expended. Hardly any of the factories is working to capacity, most of them work to about 50 per cent. of capacity. All the overhead cost for the erection and equipment of factories has been charged against the industry.

The Minister for Agriculture: Co-operative companies have not been blameless in that.

Hon. P. D. FERGUSON: No one has been blameless. In the Great Southern district, which is not the centre of the dairying belt, there are four factories—one at Narrogin, two at Katanning and one each at Albany and Denmark. That is absurd. One factory could cope with all the business. It might be practicable, however, to have one at the north end and one at the south end of the Great Southern. The industry should not have to bear the cost of construction, equipment and maintenance of superfluous factories. The same thing applies in some of the districts in the dairying portion of the State, the South-West. I wish to give some authority the right to prevent the erection and equipment of further factories, which would only add to the overhead costs, and I know of no better body to control that than the board. The Minister's practical knowledge of the industry elsewhere will indicate to him how necessary it is to prevent any further inflation of overhead costs.

New clause put and passed.

New clause:

The MINISTER FOR AGRICULTURE: I move—

That a new clause, to stand as Clause 18, be inserted as follows:—

Amendment of s. 42.

Section forty-two of the principal Act is amended by adding thereto subsections as follow:—

(2.) The contributions to the Dairy Products Stabilisation Fund as and when received by the Board shall be paid to the credit of such Fund in an account at a bank to be approved by the Minister and shall be applied in the manner and for the purposes authorised by this Act.

(3.) The Board may create reserve accounts in connection with its ordinary administration funds and the Dairy Products Stabilisation

Fund of such amounts respectively as the Governor may from time to time approve, and may place to the credit of such reserve accounts out of the administration funds or out of the Dairy Products Stabilisation Fund (as the case may be) any moneys from time to time not immediately required for the purposes for which the said funds respectively are created under this Act.

(4.) The Board may invest any money in any reserve account mentioned in subsection (3) hereof by way of fixed deposit with the bank in which the various funds of the Board are banked upon such terms as may be mutually arranged between the Board and the bank; and any interest or profit derived by the Board from such investment shall be paid to the credit of the ordinary administration fund or to the credit of the Dairy Products Stabilisation Fund according to the reserve account out of which the moneys have been invested.

(5.) Where by reason of moneys in the reserve account being invested as provided for in subsection (4) hereof, the moneys for the time being in the ordinary administration funds of the Board are not sufficient to meet the financial obligations of the Board, the Board may, as an alternative to obtaining advances from the Treasurer under section forty-three of this Act, with the approval of the Governor borrow from the bank, in which moneys from the reserve account are invested as aforesaid, by way of an overdraft on current account such amount as the bank may be willing to lend on the security of the said fixed deposit investment and as may be required by the Board; and any interest payable by the Board to the bank in respect of the money borrowed shall be paid, and the amount borrowed shall be repaid out of the ordinary administration fund of the Board or out of the reserve account created in connection therewith, as the Board may think fit.

(6.) Where by reason of moneys in the reserve account being invested as provided for in subsection (4) hereof or otherwise, the moneys for the time being in the Dairy Products Stabilisation Fund are not sufficient to enable the Board to make necessary payments out of such Fund, the Board may, as an alternative to obtaining advances from the Treasurer under section forty-three of this Act with the approval of the Governor do either or both of the following things, namely:—

(a) make advances to the Dairy Products Stabilisation Fund out of the Board's ordinary administration funds or out of the reserve account (if any) created in connection therewith; or

(b) borrow from the bank in which moneys from the reserve account created in connection with the Dairy Products Stabilisation Fund are invested as aforesaid, by way of overdraft on current account such amount as the bank may be willing to lend on the security of the said fixed deposit investment and as may be required by the Board for the purpose of the Dairy Products Stabilisation Fund.

Provided that any advances made out of the ordinary administration fund or out of the reserve account created in connection therewith as provided for in paragraph (a) above shall, as soon as moneys are available for the purpose, be repaid to the fund or the reserve account from which the advances were made out of the Dairy Products Stabilisation Fund or the reserve account created in connection therewith as the Board shall think fit; and any money borrowed from the bank as provided for in paragraph (b) above, together with any interest payable in respect thereof shall be repaid and paid respectively to the bank out of the Dairy Products Stabilisation Fund or the reserve account created in connection therewith as the Board shall think fit.

The position in which the board finds itself is that when the overseas price of dairy products comes close to the Australian price, and there is a surplus in the stabilisation fund, the money cannot be invested, and there is no provision for an overdraft for temporary finance in the case of additional payments being required to be made by the board from time to time. I discussed these points with the Auditor General. Although from a business point of view it is necessary that the board shall have the powers outlined in this new clause, the Act makes no provision for such a thing.

New clause put and passed.

New clause:

The MINISTER FOR AGRICULTURE: I move—

That a new clause, to stand as Clause 19, be inserted as follows:—

A section is inserted in the principal Act after section forty-two, as follows:—

Board may refund surplus money in Dairy Products Stabilisation Fund.

42A. The Board may, with the approval of the Governor and subject to regulations from time to time after the expiration of any financial year, distribute by way of refund any moneys or any portion of the moneys then in the Dairy Products Stabilisation Fund, excluding moneys then credited in any reserve account created in connection with such fund, which appear in the accounts of the Board as a surplus of moneys in the said Fund to and among those persons who in the financial year then completed actually bore the expense incurred by the payment of contributions to the said Fund during such financial year.

Provided that before any approval is granted by the Governor for any distribution under this section, the Board shall prepare and submit to the Governor a proposal in writing showing the amount to be distributed, the persons to participate in such distribution, and the amounts or proportions to be paid to such persons.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—BOAT LICENSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th November.

HON. C. G. LATHAM (York) [10.29]: This is a simple Bill. It proposes to delete Section 4 of an Act passed in 1878. That section reads as follows:—

> 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, 1861."

I understand that because that Ordinance has ceased to exist, it becomes necessary to license these small boats under the Navigation Act. The Minister proposes to simplify this procedure by the Bill now before us. It is certainly patchwork business, and it is time we went through all the old statutes, and brought them up to date. I am sure this particular Act has not been used for some time. I have no objection to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 10.32 p.m.

Legislative Council,

Thursday, 3rd December, 1936.

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

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read, notifying assent to the undermentioned Bills:

1, Reciprocal Enforcement of Maintenance Orders Act Amendment.

2, Land and Income Tax Assessment Act Amendment.

3, Land Tax and Income Tax.

4, Electoral Act Amendment

5, Justices Act Amendment.

6, Child Welfare Act Amendment.

7, Metropolitan Milk Act Amendment.

QUESTION—MINING, ADVANCES TO COMPANIES.

Hon. C. G. ELLIOTT asked the Chief Secretary: 1, What advances have been made to or guaranteed for mining companies in Western Australia by the Government and have not been repaid? 2, What are the names of the companies concerned, and what is the amount in each case?

The CHIEF SECRETARY replied: It would entail a great amount of time to ascertain the total advances made out of the General Loan Fund for item "Development of Mining" by the Mines Department from its inception, but it is presumed that the inquiry only relates to the period of mining revival since 1929, and information is given accordingly. 1, See No. 2. 2, Great Bonnie Doon (1935, Ltd.), £587; Block 7 Coy.,