Legislative Council,

Tuesday, 10th September, 1929.

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

QUESTION—GOVERNMENT EMPLOYEES.

Construction Works, Departments and Trading Concerns.

Hon. H. SEDDON asked the Chief Secretary: 1, What was the number of employees, male and female, engaged on construction works for the Government, financed out of Loan or Commonwealth grants, during the year ended June, 1929? 2, What was the number of employees, male and female, employed in Government Departments and Trading Concerns, exclusive of the above, during the same period?

The CHIEF SECRETARY replied: 1, The number of Government employees on 31st March last, exclusive of those engaged in the Railway Department, Trading Concerns, and Main Roads Board, was, (a) on the permanent staff 3,957, (b) on the temporary and wages staff 6,260. The approximate number of the above whose salaries or wages were charged to (a) Loan Votes 2,901, (b) Revenue Votes 7,316. 2, The number of employees engaged in (a) the Railway Department (including Tramway and Electricity) 10,497, (b) Trading Concerns 1,780, (c) Main Roads Board 1,170.

QUESTIONS (2)—OLD MEN'S HOME.

Defective Migrants.

Hon A. LOVEKIN asked the Chief Secretary: 1, Is it a fact that some time ago three brothers, aged between 25 and 30 years, arrived in this State as migrants, none of whom can tell the time of day, count money, or state the day of the week? 2, Are these men in the Old Men's Home? 3, Have any steps been taken to return them whence they came? 4, How many migrants under the age of 40 years are now in the Home? 5, How many recent arrivals over the age of 60 are in the Home? 6, How many inmates of the Home are being supported by this State who are not in receipt of old age or invalid pensions?

The CHIEF SECRETARY replied: 1, No, but in 1911 a certain family arrived in this State; since then the mother and father have both died, leaving three sons, now aged 53, 39, and 37, who are all subnormal mentally and cannot care for themselves. 2, The three sons are inmates of the Old Men's Home. 3, No. As the cases had been in the State about 16 years before becoming any charge on State institutions, action for deportation was not practicable, except at State expense. 4, There are in the Home, seven inmates under 40 years of age who are not Australian born. Only one has been in Australia less than three years, and steps are being taken in that case through the Commonwealth Government towards deportation. 5, There are in the Home three cases of men who have arrived in Australia within two years. In two cases steps are being taken to deport them under Commonwealth law. The third case is of a man aged 79 who is bedridden. 6, There are 153 inmates in the Old Men's Home who are not qualified for old-age or invalid pensions.

Staff Conditions.

Hon A. LOVEKIN asked the Chief Secretary: 1, What are the weekly working hours for orderlies at the Old Men's Home? 2, What are the weekly working hours for nurses at the Perth Public Hospital? 3, If there is any difference between the hours of orderlies and nurses, what is the reason? 4, How many inmates were in the Home at 30th June, 1928; how many at 30th June, 1929? 5, To what extent was the orderly staff at the Home increased or decreased between June, 1928, and June, 1929?

The CHIEF SECRETARY replied: 1, 44 hours per week. 2, 52½ hours per

week. 3, Hours of nurses at Perth Hospital are determined by the Board of Management. 4, At 30th June, 1928, the inmates numbered 649. At 30th June, 1929, the number was 683. 5, At 30th June, 1929, the orderly staff numbered 26. At 30th June, 1929, the number was 32.

QUESTION—CROWN LANDS, LEGISLATION.

Hon. Sir EDWARD WITTENOOM asked the Chief Secretary: How many Acts are in existence in connection with the administration, development, and sale of the Crown lands of Western Australia?

The CHIEF SECRETARY replied: Assuming the hon. member's question has reference only to those Acts in existence dealing with the disposal of Crown land and administered by the Minister for Lands, the following are the particulars:—1, Land Act, 1898, and 19 amendments. 2, Group Settlement Act, 1925, and one amendment. 3, Group Settlers Advances Act, 1925. 4, Discharged Soldiers Settlement Act, 1918, and one amendment. 5, Agricultural Lands Purchase Act, 1909, and three amendments. 6, Closer Settlement Act, 1927. 7, Special Lease (Esperance Pine Plantation) Act, 1926, If, however, the question refers to all legislation which affects holdings still current under any of the above Acts (i.e., holdings for which Crown leases have not yet issued), the following additional particulars are submitted:—1, Agricultural Bank Act, 1906, and seven amendments. 2, Industries Assistance Act, 1915, and five amendments. 3, Wire and Wire Netting Act, 1926. 4, Arbitration Act, 1895. 5, Road Districts Act, 1919, and amendments. 6, Public Works Act, 1902 and amendments. 7, Bush Fires Act, 1902, and amendments. 8, Rights in Water and Irrigation Act, 1914. 9, Workers' Homes Act, 1911, and amendments. 10, Transfer of Land Act, 1893, and amendments. 11, The Public Institutions and Friendly Societies Lands Improvement Act, 1892, and two amendments.

BILL—PEARLING ACT AMENDMENT.

Introduced by the Honorary Minister and read a first time.

BILLS—THIRD READING.

1, Stamp Act Amendment.

2, Industries Assistance Act Continuance.

3, Divorce Act Amendment. Passed.

BILL—WATER BOARDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd September.

HON. C. F. BAXTER (East) [4.45]: This is one of the small measures repeatedly brought before the House that look very simple until they are analysed. It appears that the necessity for the Bill arises from the fact that the Wagin Water Board have found themselves in such a financial position that they require legislation to make legal what they have done, but why the Government should wish to amend the Water Boards Act by giving the power suggested in the Bill is beyond my comprehension. If we are going to work along the lines of the authority given in this Bill and each time something illegal is done grant extensive power of this kind, where shall we end and what will be the position of taxpayers? If this Bill is placed on the statute-book a taxpayer will not know where he stands. He might work out his financial responsibilities for the 12 months and then find that, owing to the action of water boards, road boards and other authorities, his estimates are all wrong and he is in a very awkward position. Parliament should not give authority in the manner suggested in this Bill. Consider the number of taxes that the farming community have to pay. There are a few additional taxes in the city, but I shall leave city members to deal with them. The farmer has to pay income tax, land tax, road board rates, water rates, vermin rates, cart and carriage license, car license, registration of stock (three sections) and registration of dogs, in addition to workers' compensation insurance and such like matters. Yet it is suggested that we should give power to a water board when they think fit to impose a supplemental rate. There is grave danger attached to passing a measure of this kind. If it be necessary to condone the action of the Wagin Water Board let us agree to the proposal of Mr. Lovekin that a small enabling Bill should

be passed. I strongly oppose amending the Act so that any water board in future may introduce a supplemental rate. Surely we should realise that it is only reasonable and just to stabilise financial matters, and they will not be stabilised if we give various local bodies the power to bring in supplemental taxation. We have had sufficient experience of Government taxation, and when it comes to a question of giving outside bodies the privilege of imposing supplemental taxes, we should not agree to it. While I am prepared to rectify the position for the Wagin Board, I am strongly opposed to amending the Act.

Hon. A. Lovekin: I have an amendment on the Notice Paper.

Hon. C. F. BAXTER: Yes, I have read it.

HON. J. NICHOLSON (Metropolitan) [4.49]: I am quite in sympathy with the views expressed by the previous speakers. If we pass the Bill, we shall be establishing a very dangerous precedent. There is no saying how far-reaching the effect of such a measure might be. If it is reasonable to make provision such as this under the Water Boards Act, surely there is an equal right on the part of municipal, road board, health, vermin and all other local authorities to claim similar power.

Hon. J. Cornell: Similar power is given in the Road Districts Act.

Hon. J. NICHOLSON: Unfortunately it has been introduced into that statute.

Hon. J. Cornell: You are arguing as if local authorities had never had it.

Hon. J. NICHOLSON: But it should never have been introduced. When a mistake has been made once, we have no right to perpetuate it.

Hon. A. Lovekin: The power in the Road Districts Act is slightly different.

Hon. J. NICHOLSON: There is a certain difference. Suppose a man effected insurance against accident, workers' compensation or other risks incidental to all industries and businesses, and a provision such as this gave the company power to impose a supplemental rate, the insuring person would not know where he stood. He would make up his finances only to find probably that shortly before the end of the financial year some new rate had been struck and thus the whole balance had been upset. That would tend to disorder. I do not see why the difficulty of the Wagin Water Board should not be rectified by a simple enabling Bill empowering the board for this particular year to raise a supplemental rate. Feeling as I do on this matter, I must oppose the second reading of the Bill.

HON. J. CORNELL (South) [4.52]: If the Bill be viewed calmly, dispassionately and fairly, it will be found that there is nothing in it and certainly nothing that can be objected to. It is said that the Bill has been occasioned by the installation of the Wagin water scheme. That is so. It is argued that the power in the Bill is too drastic and may lead to abuses. All that the Bill proposes is to empower the Water Board to strike a supplemental rate within the current year, but the supplemental rate and the main rate must not exceed the amount prescribed by the Act. Assume for the sake of argument that a water board struck the maximum rate of 3s. in the pound. There could be no argument against their so doing since they would not be exceeding the maximum rate prescribed by law. Assume that another board struck a rate of 2s. and in the light of experience found that rate to be insufficient. What is wrong——

Hon. A. Lovekin: In the first case the farmer knows where he stands, and in the second he does not.

Hon. J. CORNELL: What is wrong with empowering the second board to strike a supplemental rate to cover the deficiency?

Hon. Sir Edward Wittenoom: They ought not to abuse their privileges.

Hon. J. CORNELL: Any more than we ought to abuse our privileges.

Hon. A. Lovekin: The farmer might have settled up his accounts believing that he had provided for everything.

Hon. J. CORNELL: Suppose the Wagin local authority constitute the water board; surely to the gentlemen administering the local affairs of Wagin, we can extend the same amount of consideration as they would probably extend to us. We can concede that they know their business; they have been elected by the ratepayers to transact the business of the town. If something intervened to demonstrate clearly that the rate struck was not sufficient, something must be done to provide sufficient funds. If nothing were done, who would pay?

Hon. J. Nicholson: They would make provision in the following year.

Hon. J. CORNELL: The hon. member is placing a premium on delay. If the board

struck a rate of 2s. whereas a rate of 2s. 6d. was required to cover their obligations, and they were not permitted to strike a supplemental rate of 6d. to make good the deficiency, they would have to strike a rate of 3s. in the following year.

Hon. G. W. Miles: Would you give the Premier power to strike a supplemental rate for income tax?

Hon. J. CORNELL: I am not arguing that we should give the Premier that power. We have the power to say whether a tax proposed by the Government is sufficient and we vote accordingly. A water board may advise the ratepayers that a certain rate has been struck and that rate may prove to be insufficient. If they desire to strike a supplemental rate to make good the deficiency, surely they should be able to do so. That is what Parliament has actually done. I believe that £6,000,000 of deficit has been funded and Parliament agreed to its being funded. If there is one section of the community for whom I have a high regard, it is the section comprising the gentlemen who serve as members of local governing bodies and who do their work gratuitously and well. Surely Parliament should repose trust in such gentlemen and not endeavour to hamstring them in their activities. The Bill merely proposes to help them, and I see no objection whatever to giving a water board practically the same power as is given to road boards to strike a supplemental rate in the event of the main rate proving insufficient. Mr. Lovekin has given notice of an amendment to permit the Wagin Water Board to strike a supplemental rate for this one year.

Hon. Sir Edward Wittenoom: And wipe out everything else.

Hon. J. CORNELL: Yes.

Hon. Sir Edward Wittenoom: Quite right, too.

Hon. J. CORNELL: Such a provision can have only one effect. If the board are not given permission to strike a supplemental rate within the maximum allowed by the Act, they will doubtless work on conservative lines in future and strike a higher rate than is necessary.

Hon. A. Lovekin: What rot!

Hon. J. CORNELL: At any rate that will be or should be the tendency.

Hon. A. Lovekin: This is purely a special case.

Hon. J. CORNELL: I admit that, but there is no valid reason why the law should not be amended as proposed.

Hon. A. Lovekin: Yes, there is, because the principle is utterly bad.

Hon. J. CORNELL: What is the principle?

Hon. A. Lovekin: Imposing a supplemental rate so that people do not know where they stand.

Hon. Sir Edward Wittenoom: The principle is good, but the application is rotten.

Hon. J. CORNELL: I take it that in the general application of things very rarely will this be put into force, and we have no right to assume that the gentlemen who administer these powers are not as competent to deal with their business as we are with ours. In fact, I think they have shown that they display more business ability in directing their affairs than we sometimes do in dealing with ours. I will support the Bill because in practice I consider it will work out well and will not be abused, as some members seem to think.

HON. SIR EDWARD WITTENOOM (North) [5.2]: I intend to support the amendment suggested by Mr. Lovekin. Someone made a remark—I cannot remember exactly what it was or who made it—to the effect that damage might be occasioned through floods after the levying of the annual rates. There is no provision in the Water Boards Act to meet with such a contingency, and I do not think there should be. I know a little about the Road Districts Act and the administration of it, and I know of instances of flood waters having swept away bridges and done damage to roads. There may have been a 6d. rate imposed and because of the damage done it is found that a supplemental rate is required. That would be perfectly justified under road districts administration, but I do not see how it could come in under the Water Boards Act. The whole thing is theoretical and I cannot see that there will be any trouble. But I agree with Mr. Lovekin's suggested amendment, which will solve the position. We should leave the Water Boards Act as it is, though the amendment could be added to the Road Districts Act. It has been said also that there would be no fear of abuse. But do we not find many such things abused? Perhaps the Lord Mayor, who is a member of

this House, will not mind if I refer to what are known as the three per cents. In my opinion the three per cents. are considerably abused, and that shows how careful we should be.

Hon. J. T. Franklin: May I state that the hon. gentleman——

The PRESIDENT: Order!

Hon. Sir EDWARD WITTENOOM: I am merely instancing the possibility of abusing certain funds, those funds being used for purposes for which they were not originally intended. Something of the kind might happen under the Water Boards Act if we give the power sought by the Bill. In respect of the three per cents., we know that civic receptions are often given to people who are not entitled to them. In mentioning this, my desire is merely to show that the water boards might act in a similar direction.

Hon. J. Cornell: Water would go with it in that case.

Hon. Sir EDWARD WITTENOOM: I intend to support Mr. Lovekin's amendment when it is before us.

On motion by the Chief Secretary, debate adjourned.

BILL—TRANSFER OF LAND ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd September.

HON. J. NICHOLSON (Metropolitan) [5.8]: Since the Bill was last considered I had an opportunity to make inquiries which have led me to give notice of a rather extensive amendment. Hon. members will find it on the Notice Paper. I suggest that an amendment should be made to Section 145 of the principal Act, and I have given notice of it for this reason. At the present time the Transfer of Land Act is somewhat deficient in regard to people who are competent to witness documents, particularly in the case of witnesses outside the State of Western Australia. I have been given to understand that a Bill has been in progress of preparation with a view to making fairly extensive alterations to the principal Act, and the clause of which I have given notice is really a copy of what was proposed to appear in the Bill now in course of preparation.

Hon. J. J. Holmes: Are you in favour of the Bill as it is; are you dealing with the Bill or the amendment?

Hon. J. NICHOLSON: I am pointing out that the Bill is deficient in some respects, and I am about to explain that it may be desirable to strike out some words in Clause 2. Clause 2 provides that the Registrar may register a transfer under any writ or warrant of execution without requiring the production of the duplicate certificate or the duplicate of a Crown lease, mortgage, or other instrument of title. It is set out in the explanatory note in the Bill that there is a somewhat similar provision in the South Australian Act. That was found necessary for the reason that where land was sold under an execution which followed on a judgment, that unless a certificate of title was produced, the purchaser of the land under judgment or execution, was unable to get his title unless the duplicate certificate of title was actually produced. The Bill is designed to overcome that difficulty, and so provide means to enable the purchaser to get his title. It is quite true that several means may be followed as far as the matter relates to road boards or municipal authorities. There is a certain method set out in both the Road Districts Act and the Municipal Corporations Act whereby persons who have failed to pay their rates may be proceeded against and the land may be sold. Then the purchaser gets a proper title. That method, however, does not obtain in the case of an ordinary execution, and it is for that reason that the Bill has been introduced.

Hon. A. Lovekin: Is there any reason to make it retrospective?

Hon. J. NICHOLSON: There is good reason, perhaps, because of the fact that there are transactions which have taken place in past years and which otherwise would be incapable of being completed if the Bill were not made retrospective. It is essential that it should be made retrospective. In the case of executions, which have already been exercised or acted upon, and transfers lodged, it has been impossible for the holders of the transfers to get their titles because the titles could not be produced.

Hon. A. Lovekin: There is power in the original Act to cover such instances.

Hon. J. NICHOLSON: But it is not sufficient. A person may have disappeared and taken the title deed with him.

Hon. A. Lovekin: Under a writ of *fieri facias* a new title could be obtained.

Hon. J. NICHOLSON: No, and that is where the trouble arises. The fourth explanatory note in the Bill sets out the position.

4. By Section 133 of the Transfer of Land Act, 1893, it is enacted that no unregistered instrument, document or writing, and no equitable mortgage or charge by deposit or otherwise without writing, affecting any land, shall have any effect against a sale by the sheriff or a bailiff unless a caveat has been lodged with the Registrar; and in the absence of such caveat all the estate and interest in the land, as well of the judgment debtor as of any person claiming under him with respect to any unregistered instrument or charge not protected by caveat, shall be extinguished and pass to the purchaser by virtue of a transfer by the sheriff or a bailiff under that section. Therefore, in the case of a transfer under a writ or warrant of execution, production of the duplicate certificate of title, as a precaution against unregistered instrument or charges not protected by caveat is unnecessary; and it should be enacted that it need not be produced, because such production cannot be procured when the address of the judgment debtor is unknown, or he has left the State.

It is clear that there should be some provision as set out in the Bill. It has been found necessary elsewhere for something of the kind to be done and we are not acting otherwise than in a right way by passing similar legislation here. But there is one matter that did occur to me in reading Clause 2. It provides that in addition to dispensing with the production of the duplicate certificate, the Registrar may dispense with the duplicate of a Crown lease. A Crown lease is a document that issues originally from the Lands Office, not from the Land Titles Office. The Crown lease has its origin in the Crown Lands Office, which is controlled really by the Minister for Lands, but a certificate of title has its origin in the Land Titles Office, and the Registrar has full control over the latter. Therefore I do not see how the Registrar could very well dispense with the duplicate of a Crown lease without some concurrence of the Minister, and I think it desirable to strike out those words. I merely make the suggestion to the Chief Secretary in order that he may inquire with a view to seeing whether it would not be desirable to strike out those words "or a duplicate of a Crown lease." I draw attention to this because a Crown lease has not its origin in the Land Titles Office, and the present Bill is for an Act which affects the Land Titles Department. It is quite true that when a Crown lease passes from the Crown Lands Office, it becomes subject to the provisions of the Transfer of Land Act, but I do not see how the Registrar could dispense with the production of that document and issue a new Crown lease, because that can only be done through the channel of the Crown Lands Office. I will support the second reading and in Committee will move the amendment standing in my name, and perhaps an amendment additional to that which appears on the Notice Paper.

THE CHIEF SECRETARY (Hon. J. M. Drew — Central — in reply) [5.18]: I thoroughly realise that the Bill requires very careful consideration, and if it passes its second reading I will endeavour to put it through Committee without any undue haste. As I explained when moving the second reading, the Bill has been brought in with the object of enabling a good title to be obtained by those who make purchases at sales, brought about through a warrant of execution. At present if a person who owns land is sued and action taken against him in the proper legal manner and judgment given against him for a debt, his land may be seized and sold. But the purchaser in some instances cannot get a valid title, or any title at all, because the owner of the land cannot be discovered. He may have disappeared immediately after the sale and taken with him the duplicate certificate of title. There have been cases in which persons buying land under those conditions have not been able to get a title. As Mr. Seddon pointed out, there is some danger in passing this legislation because, unaware that a judgment has been secured against the owner, someone may advance him money or purchase a property from him. At the same time, if that person purchases the land and takes all necessary precautions, as he should do; if he makes a search in the Titles Office he will become aware that a judgment exists against the owner of the land and so, of course, he will not complete the purchase. That is the remedy. At the same time I think every possible safeguard should be provided.

Hon. J. Nicholson: The owner might be away temporarily.

The CHIEF SECRETARY: Of course so. We should do what we can to safeguard a person from innocently losing money in the purchase of land already forfeited to the supposed owner who sold it to him. Then there have been cases held up for a considerable time where under the law, as it seemed to them, persons have bought blocks of land in respect of which a warrant of execution has been taken out against the seller, and so the purchaser has been unable to get a valid title because the supposed owner has disappeared to the Eastern States, or somewhere else, and taken the duplicate certificate of title with him. I have discussed the matter with the Solicitor-General and the Commissioner of Titles, and have come to the conclusion that we should go slowly with this measure in Committee until we are able to produce a Bill as nearly perfect as possible.

Question put and passed.

Bill read a second time.

BILL—AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from the 3rd September.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—LAND AGENTS.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.24] in moving the second reading said: This is a measure to repeal the existing legislation dealing with the licensing and registration of land agents in Western Australia. Last year a similar measure was introduced into the Assembly and referred to a select committee. That committee reported to the Assembly, the Bill was further dealt with and eventually passed. The present Bill is as it passed the Assembly last year. It was re-introduced this year, and passed its various stages without amendment. Some of the clauses are covered by the existing Act, but the Bill deals with the whole of the subject and is therefore a consolidating measure rather than one of amendment. That point may appeal to one or two members who seem to be of opinion it is time we consolidated quite a number of our Acts of Parliament instead of further amending them.

Hon. J. J. Holmes: It is quite satisfactory to know there is at all events one good point in the Bill.

The HONORARY MINISTER: During recent years in certain circles there has been a lot of discussion over happenings, particularly in country districts where people have been induced to buy land under conditions savouring very much of a form of swindling. Unscrupulous persons have toured the country from end to end and held out inducements to people not in a position to prove whether or not those inducements were valid but who, with the idea that the vendors were men of standing, were prepared to take their word, only to find eventually that they had been grossly deceived. This kind of thing has become so serious, not only in this State but in other States of the Commonwealth, that it has been found necessary to amend the laws in order to deal with the position disclosed. The Bill provides for the licensing of land agents and the registration of land salesmen. It has quite a number of clauses dealing with the conditions under which those licenses and registrations shall be granted. I should not like it to be thought the Government are of opinion that everybody associated with land agencies in Western Australia is not honest and straightforward in business dealings. For we have in Western Australia quite a number of persons and firms enjoying high reputations. Of course, anything contained in this measure is not aimed at those persons at all. It is desired to be able to deal with other persons whose records in the past have been particularly bad and who, unless we agree to legislation of this kind, may be permitted to carry on the practices in which they have been indulging during the last two or three years. South Aus-

tralia has had the same experience. There the legislation has been amended, with the result that quite a number of men and, in one or two instances, women, have migrated from South Australia to carry on their work in this State. I have it on the authority of the C.I.D. that a number of those persons have long police records in South Australia or other States of the Commonwealth. It is those persons in particular who have been acting in a manner that has rendered necessary legislation of this kind. Since the passing of the amending Act in South Australia there has been little to complain of in that State, and if we can pass this measure in its present form there should not be as many cases of this kind in future as we have had in the immediate past. If members desire it, I am prepared to supply them with information dealing with particular cases or individuals. Only this week we received a letter from a retired farmer who, on account of inducements offered to him by certain people representing land agencies in the city, is out of pocket to the tune of nearly £7,000. It is time we passed legislation to enable us to deal with such a position as this. As I understand this gentleman is taking legal action, I do not intend to go into the circumstances of the case.

Hon. J. J. Holmes: He does not deserve to have nearly £7,000 if he allows himself to be taken down like that.

The HONORARY MINISTER: We may be inclined to take that view, but must remember that this man lived outback, and having a few thousands to invest he was inclined to take at their face value the representations of people he had reason to believe were perfectly reputable. These persons are plausible and persuasive, and apparently are able to extract money readily out of their unsuspecting victims. The Bill deals with the licensing of persons trading in land, but does not affect land sold by public auction. Where several persons conduct a business in partnership, one license will be sufficient. Each license will run for a year. Application must be made to the Court of Petty Sessions, and full particulars as to the applicant must be given. A fidelity bond by an approved insurance company for the sum of £200 must also be given. This amount is considered sufficient together with other restrictions of a safeguarding character, and will ensure the financial stability of the applicants for licenses under the Act. Everyone who applies for registration must furnish evidence to the court that he is of good character and financial standing. The Bill provides that all the proceeds from the sale of land shall be paid into a trust account, so that no opportunity will be given to unscrupulous persons to get away with other people's money, as has occurred on several occasions in this State in recent years.

Hon. J. J. Holmes: They must now pay the proceeds into a trust account.

The HONORARY MINISTER: This is a consolidating measure and it is necessary to outline its most important provisions. The Bill provides that in lieu of a bond the applicant may deposit the sum of £200 to be held during the currency of the license. This must be lodged with the application, and notice published in a newspaper 14 days before the application is made. People may raise objection within that period. The application must be made before a resident magistrate who is given full power to inquire into the financial position, character and standing of the applicant. All applications for renewals will be treated in the same way. If a person is successful in obtaining a license, he must apply for a renewal at the end of 12 months. He will then be subject to any objections that are raised against this being granted. If no objections are raised, the court has power to grant the license. Bankrupts are precluded from obtaining a license. A register must be kept of all persons licensed to act as land agents. That will be open to inspection on payment of the prescribed fee, which will be purely a nominal one. A list of land agents must be published by the Minister every year. A license is transferable, but the application for the transfer must be made to a magistrate, and whoever the license is transferred to has to subject himself to the same conditions as the original licensee. A land agent must have a registered office. If he has more than one place of business, he must state which is his principal place. A license gives a land agent the right to act in any part of or all over the State. All moneys received by a land agent in respect to the sale of land must be applied first of all to the payment of expenses, and the balance must be paid to the persons lawfully entitled thereto. The money must be paid into a special account

at the bank, and such money is protected from being available for the debts of the land agent, and cannot be attached by processes of the court. The account cannot be operated upon except for the purposes of paying out the money to the persons lawfully entitled to it. A land agent must on demand, or within 28 days after the receipt by him of moneys from the sale of land or other proceeds of land, or in respect of any other transaction by him as a land agent, render to the person on whose behalf he is acting, an account in writing of all such moneys.

Hon. H. Seddon: How will that affect the question of monthly settlements?

The HONORARY MINISTER: I do not think that will prove any difficulty.

Hon. H. Seddon: Should it not be 31 days?

The HONORARY MINISTER: It is not the same as is the case with a commercial house or an emporium. Land agents are not dealing with a large number of accounts. I do not know that the 28 days would make any great difference, but the hon. member may raise the point in Committee. I have no objection to the time being made 31 days, or to a provision for monthly statements of accounts.

Hon. E. H. Harris: The Bill could provide for a statement every calendar month.

The HONORARY MINISTER: Land agents will have to ascertain rates and taxes, and the outgoings which become payable, and all statutory charges on the land, and apportion the same between the vendor and the purchaser.

Hon. J. Nicholson: That is in the existing Act.

The HONORARY MINISTER: Yes, but this is a consolidating Bill. A license can be cancelled for several reasons. In the event of cancellation the land agent's name must be removed from the register. The Bill prevents persons from claiming commission from the sale of land unless they are appointed as agents in writing. Considerable trouble has been experienced because an agent has not been appointed in writing.

Hon. A. Lovekin: A very good provision.

The HONORARY MINISTER: Commission cannot legally be claimed unless a contract is held in writing. A land agent may sell land and may have nothing in writing to show that he has represented the vendor, but the vendor may be prepared to pay the commission, in which case everything would be all right. It will be an offence to deal in subdivided land where the subdivision has not been approved by the municipal council or road board, or the plan has not been deposited at the Titles office. Provision is made to prevent any contracting outside the Act. Any agreement purporting to waive a person's rights under the Act shall be voided. Where any false representation has been made, the person making it shall be deemed to be aware of its falsity. This refers to land agents. The question of the registration of a land salesman is also important.

Hon. A. Lovekin: Clause 38 is rather drastic.

The HONORARY MINISTER: It is necessary. If a reputable land agent is called upon to show that he said or did something in good faith, he should not have much difficulty in proving it.

Hon. A. Lovekin: If you charge a person with fraud, you must prove the charge. The accused person has not to prove his innocence.

The HONORARY MINISTER: The evidence of the last couple of years has shown that a provision of this kind is necessary. Persons who are engaged in the land agency business will be very particular about making false representations. If they are conducting a bona fide business they need not be afraid of this clause. In the circumstances it is a fair one. It should be easier for a land agent to prove there was no wilful misrepresentation on his part than it would be for the purchaser to prove anything to the contrary. The Bill provides for the registration of land salesmen. They must make application to the Court of Petty Sessions on the prescribed form, after publication of a notice in the newspapers. That will be the usual 14 days' notice. Objections to such registration may be made on grounds affecting the character of the applicant. The same procedure shall be adopted in this instance as is adopted in the case of applications for licenses as land agents. Simple offences against the measure may be summarily disposed of by a police or resident magistrate, who will have the same powers as under the Justices Act. There is provision for the auditing of land agents' trust accounts. There is also provision whereby the Governor may make regulations under the measure. I propose to say little more at the present juncture. As I remarked earlier, the

Bill is a consolidating measure, and includes the provisions contained in the existing Act; but in view of experiences during the last year or two, the Government consider it necessary to make legislation of this kind more restrictive, especially as regards the licensing of land agents and the registration of land salesmen. The calling of a land agent in Western Australia to-day is most important, especially in view of the increased value of our lands, due possibly to the prosperity of the State, and possibly to the fact that most people are now convinced of the future of Western Australia. Therefore, it is necessary to have legislation enabling us to deal with any unscrupulous person who comes along and endeavours, by false representations, to secure money for land which is not worth anything like the amount asked. All sections of the community are agreed that there is need for such a measure, particularly having regard to our experiences of the last two or three years. I have pleasure in moving—ing—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.49] in moving the second reading said: This is a small measure which proposes to amend the Mines Regulation Act of 1906 in two particulars—firstly in regard to Section 41, which states that the hours of work shall not be more than 48 per week, or for a longer period than eight hours in any one day. Clause 2 of the Bill substitutes "forty-four" for "forty-eight." For many years the hours of work on the goldfields have been 44 per week. Those hours have obtained as the result of Arbitration Court proceedings.

Hon. G. W. Miles: That applies underground, does it not?

The HONORARY MINISTER: And on the surface too.

Hon. E. H. Harris: To everybody?

The HONORARY MINISTER: So far as I know. Can the hon. member say where it does not apply?

Hon. E. H. Harris: The award prescribes 48 hours on the surface and 44 underground.

The HONORARY MINISTER: The custom of the mining industry for many years has been that 44 hours shall be worked. The 44-hour system has been prescribed by the Arbitration Court in awards.

Hon. E. H. Harris: Underground.

The HONORARY MINISTER: That is so.

Hon. J. J. Holmes: What about on the surface? We may as well know.

The HONORARY MINISTER: On the surface, I understand, some of the awards provide for a 48-hour week. I am not quite sure whether that applies on the Golden Mile. Perhaps Mr. Harris can tell us.

Hon. J. J. Holmes: Have we not a court established to fix hours?

The HONORARY MINISTER: Of course; and the court has prescribed a 44-hour week. If it has been the custom in the mining industry, and if the Arbitration Court has provided it, there is no reason why our legislation should not prescribe 44 hours.

Hon. J. Nicholson: But suppose the Arbitration Court altered those hours again?

Hon. A. Lovekin: That is it.

Hon. J. Nicholson: Then you would require to bring in another amending measure.

Hon. A. Lovekin: Yes; he wants to make statutory what is now discretionary with the court.

Hon. J. J. Holmes: It has been stated that longer hours are necessary if the industry is not to go out.

The HONORARY MINISTER: I am simply stating facts. If hon. members wish to advocate longer hours for gold miners, that is their business, not mine.

Hon. J. Nicholson: I am not advocating any hours whatever.

The HONORARY MINISTER: It has been stated that that is being advocated.

Hon. A. Lovekin: We have left it to the court, and we want still to leave it to the court.

The HONORARY MINISTER: If hon. members feel that an increase in the hours of work in the gold mining industry is necessary—

Hon. J. Nicholson: I have not suggested that.

The HONORARY MINISTER: An hon. member has stated that longer hours must

be worked or the gold mining industry will go out.

Hon. J. J. Holmes: Longer hours may be required in other industries too.

The HONORARY MINISTER: I leave that aspect to the hon. member. Personally I consider 44 hours quite long enough, and in some cases even too long.

Hon. J. Nicholson: Then why fix the hours at 44?

The HONORARY MINISTER: Then 44 hours will be the maximum. In fact, it is at present the maximum.

Hon. G. W. Miles: But not on the surface.

The HONORARY MINISTER: There is no reason why we should not amend our legislation in that respect, when we are amending it as regards another phase of the industry. The second amendment proposed by the Bill has reference to limitations to be placed upon the number of foreigners employed in, on or about the mines. Hon. members are aware that during recent years there has been a large influx of foreigners into Western Australia I am correct in saying that approximately 50 per cent. of those alien migrants to Australia are now in this State.

Hon. A. Lovekin: Can you impose the limitation constitutionally?

The HONORARY MINISTER: Yes, certainly. I think I shall be able to show, before I sit down, that fully 50 per cent. of alien migrants to the Commonwealth during recent years are now located in Western Australia. A fairly large proportion of those aliens are engaged in the mining industry of this State.

Hon. A. J. H. Saw: Would you deny them the right to work?

The HONORARY MINISTER: I do not propose anything of the sort.

Hon. A. J. H. Saw: The Bill does.

The HONORARY MINISTER: The Bill does nothing of the sort.

Member: Do the aliens come here because a Labour Government is in power?

The PRESIDENT: Order! I must ask hon. members to let the Honorary Minister proceed.

The HONORARY MINISTER: The reason why those aliens are here is that certain men in charge of some of our largest mining enterprises are more concerned for the docile alien labour they have been able to obtain in the past, than with employing our own kith and kin. That is the reason why the aliens come to Western Australia.

Hon. J. Cornell: Is the proportion any greater now than it was five years ago?

The HONORARY MINISTER: I cannot say positively whether it is or not. My own opinion is that the proportion is greater at the present time.

Hon. J. Cornell: It is just about the same.

The HONORARY MINISTER: I am not in a position to state definitely whether it is so or not.

Hon. E. H. Harris: Have you any data to support the statement that 50 per cent. of the aliens arriving in the Commonwealth come to Western Australia?

The HONORARY MINISTER: Yes. I make the assertion that approximately 50 per cent. of the alien migrants to Australia during the past three or four years are now in Western Australia.

Hon. E. H. Harris: Can you support that statement by statistics?

The HONORARY MINISTER: Yes. A large proportion of them are to-day employed in our mines. In addition, many are employed in the timber industry, and in other primary industries. I wish it to be clearly understood that I have no objection to the alien worker as a worker; but we have a duty to our own people and we must look after their interests. I go further and say that if a larger proportion of Britishers were employed on our mines, Britishers having their families residing with them, Britishers spending their earnings in the country, Western Australia would reap far greater benefits from mining than is the case to-day. That is due to the fact that many of the alien workers engaged in the mines send the greater proportion of their earnings out of the State. It is sometimes argued that Britishers will not do the work.

Hon. G. W. Miles: Are not those aliens members of the union?

The HONORARY MINISTER: In every case, once they start work; but that does not do away with the argument I have put forward.

Hon. J. J. Holmes: What about the brotherhood of man?

The HONORARY MINISTER: That is exemplified by the fact that the union say, "If a man gets work on the mines, under the conditions for which we are responsible, we will take him into the union. Having the

same privileges as other members of the union, he must pay the dues."

Hon. J. J. Holmes: Now that you have got his fee, you want to put him out.

The HONORARY MINISTER: Nothing of the kind. The measure is not likely to affect to a great extent any large proportion of the aliens already here, but it is likely to have an effect on the number of aliens coming to the State and desirous of obtaining, at the expense of our people, work in the mining industry.

Hon. A. J. H. Saw: Have you consulted Mr. Theodore as to this provision?

The HONORARY MINISTER: I have had no occasion to consult that gentleman. The Bill provides that for every ten Britishers employed underground, there shall not be more than one foreigner, that for every 20 Britishers employed on the surface, there shall not be more than one foreigner. I believe that the ten per cent. underground represents better treatment of aliens here than Britishers can get in any European country.

Hon. J. Cornell: Does the word "foreigner" include American?

The HONORARY MINISTER: It must be remembered that the question of naturalisation enters into the argument. As soon as an alien has been here five years, provided he then becomes naturalised, he is a Britisher from every point of view. That has had an effect on the position.

Hon. A. J. H. Saw: So you wish the foreigners to starve for five years?

The HONORARY MINISTER: There is no desire that these people shall starve for five years. The hon. member is not fair; he cannot have read the Bill.

Hon. A. J. H. Saw: You will allow only one in ten to work.

The HONORARY MINISTER: That statement is quite unlike what I should expect from the hon. member.

Hon. E. H. Gray: There is nothing in the Bill like that, either.

The HONORARY MINISTER: All that we say is that one foreigner only to every 10 Britishers shall be allowed to work underground in a gold mine. I regret having to say that in the past many of the mine managers have given preference to alien workers with regard to the unskilled work underground. They have extended that preference to aliens rather than give the work to our own people.

Hon. H. Seddon: Do you say that the mine managers have given the foreigners preference?

The HONORARY MINISTER: Yes.

Hon. V. Hamersley: That is, underground?

The HONORARY MINISTER: Yes

Hon. H. Seddon: They deny that.

The HONORARY MINISTER: They may do so, but I think the hon. member has had figures made available to him indicating the number of these men that are employed underground.

Hon. H. Seddon: They deny that they have given preference to aliens.

The HONORARY MINISTER: They may do so, but I have stated what I believe to be the facts. I know that on the goldfields we have quite a foreign community. The difference between the conditions obtaining to-day and those that I knew when I was on the goldfields 12 or 15 years ago—other hon. members can go back further than I can—is most marked. In my opinion a Bill such as that under discussion is really necessary in the interests of our own people. The question whether we have power to limit the number of foreigners to be employed, as prescribed by the Bill, was referred to the Crown Law Department and I have been advised that there is nothing in connection with the limitation placed upon foreigners that affects international law. What may be more interesting still to some hon. members is the fact that even in Great Britain, there are in force restrictions at present that are far more serious than any of those proposed in the Bill before us. Hon. members have frequently quoted Great Britain as a country where restrictions, other than those that are absolutely necessary, are not imposed. I find that in a memorandum issued by the British Ministry of Labour in "The Ministry of Labour Gazette" of May, 1929, only three or four months ago, there is some very interesting matter. It says—

> Under Article 1 (3) (b) of the Aliens Order, 1920, it is provided that an alien shall not be permitted to land unless—If desirous of entering the service of an employer in the United Kingdom he produces a permit in writing for his engagement issued to the employer by the Minister for Labour.

Hon. A. Lovekin: The Commonwealth Government can do that.

The HONORARY MINISTER: There is no suggestion in our legislation that we desire to go as far as that.

Hon. A. Lovekin: You could not do it.

The HONORARY MINISTER: I do not see why we could not do it.

Hon. A. Lovekin: Because of the constitutional phase; it is a Commonwealth matter.

The HONORARY MINISTER: It could be dealt with by way of legislation. We as a State could not usurp the functions of the Commonwealth Government. I quite agree with that contention, but I do not know that the Commonwealth could not do what has been done in Great Britain, America, or other countries.

Hon. J. J. Holmes: That would be fairer than to allow them to enter the country and then refuse to let them work.

The HONORARY MINISTER: We are not refusing to give them work or to let them work; all that we say is that on underground work in the gold mines of this State, there shall not be more than one foreigner to ten Britishers, while on the surface there shall not be more than one foreigner to every 20 Britishers.

Hon. H. Seddon: With regard to mines where the proportion exceeds that set out in the Bill, some foreigners will lose their employment.

The HONORARY MINISTER: It is not proposed that this legislation shall apply for the time being.

Hon. H. Seddon: But that is what the Bill means.

The HONORARY MINISTER: But it will not apply as the hon. member suggests. It is recognised that some men who will be affected, have been on the mines for some years. They are most estimable citizens. On the other hand, with the opening up of the Wiluna goldfields and other mines, we believe there will be avenues available for the absorption of the surplus foreign labour, if necessary. We do not think any hardship will be imposed upon those who will be affected by the Bill.

Hon. E. H. Harris: Then the Bill is directed against the Wiluna gold mines?

The HONORARY MINISTER: I did not say that at all.

Hon. E. H. Harris: You practically said so.

The HONORARY MINISTER: No, I did not, and the hon. member should not make such an assertion. I said that with the opening of the Wiluna and other mines, there will be opportunities for the employment of a larger number of men in the gold-mining industry, and there will be avenues for the absorption of those men who may be looked upon as the surplus in our mining centres.

Hon. H. Stewart: Are you sure that you will be able to get 90 per cent. Britishers for the work on the mines?

The HONORARY MINISTER: I think so. I claim that the British worker, and particularly the Australian worker on the goldfields, is equal to any foreign labourer in the country.

Hon. E. H. Harris: Who disputes that fact?

Hon. E. H. Gray: The farmers.

The HONORARY MINISTER: Mr. Stewart put a question to me as to whether it was possible to secure sufficient Britishers for the mines and I say that it is possible, if the mine managers are prepared to offer the work to Britishers.

Hon. H. Stewart: You think the number of Britishers required will be available, considering the expansion of the industry that is anticipated?

The HONORARY MINISTER: I do. At this moment there are in other States in the Commonwealth large numbers of practical miners who would be only too pleased to come here if they knew that work would be available for them.

Hon. J. Cornell: Not gold miners.

The HONORARY MINISTER: Yes.

Hon. G. W. Miles: The men in the East will not work!

The HONORARY MINISTER: What does it matter whether the men are coal miners or gold miners, so long as they are prepared to work?

Hon. H. Stewart: Coal mining is not comparable with gold mining.

The HONORARY MINISTER: I would sooner have an unskilled Britisher than an unskilled foreigner who did not properly understand the English language.

Hon. G. W. Miles: Are there any such employed in the mines now?

The HONORARY MINISTER: Those who have a knowledge of the gold-mining industry know full well that hundreds of men have been employed in the mines who have not a proper understanding of the English language.

Hon. G. W. Miles: Is it possible under the provisions of the Mines Regulation Act?

The HONORARY MINISTER: Those men are on occasions a source of real danger to others working in the mines.

Hon. J. Cornell: The Minister's suggestion is a reflection upon the mining inspectors.

The PRESIDENT: Order! I must ask hon. members to await an opportunity later on to reply to the Minister's statements, rather than to do so by way of interjection.

The HONORARY MINISTER: I do not mind the interjections, Mr. President. I was referring to the position in Great Britain and I will quote further from "The Ministry of Labour Gazette," because it will furnish particularly interesting information to some hon. members. The memorandum contains the following statement:—

> In view of the prevailing volume of unemployment and to safeguard the interests of British workers, the admission of newcomers for employment is closely restricted. In general, the employer applying for a permit is required (i.) to give a guarantee that no labour will be displaced, and (ii.) to satisfy the following conditions:—(a) He must prove that every possible effort has been made, without success, to find suitable labour from among permanent residents in this country; and (b) The wages to be paid to foreigners must not be less than those usually received by British employees for similar work.

Hon. A. Lovekin: The Commonwealth can deal with that here; you cannot!

The HONORARY MINISTER: I am pointing out the restrictions that exist at present in Great Britain.

Hon. A. J. H. Saw: Only to prevent their being admitted into the country, not to deny them work when they go there.

The HONORARY MINISTER: I do not wish to deny any man work when he comes here, but owing to the fact that large numbers of these foreigners have been coming into the country and taking work from our own people, which has resulted in their coming here in larger numbers than would otherwise have been our experience, something must be done. From my own experience, I know that hundreds of these people have landed at Fremantle. To-day, metaphorically speaking, I have seen them in the streets; I have spoken to them and find that they can speak a word or two only of English. To-morrow those men will have disappeared. They will be found on the goldfields, out on the woodline or in the timber country. Though they are here to-day, they are away to-morrow and always they seem to get employment straight away. Yet at the same time our own people are walking about the country looking for work and unable to get it!

Hon. G. W. Miles: And a lot of them praying to heaven that they will not find it.

The HONORARY MINISTER: That is not a fair position to place our own people in at all.

Hon. J. J. Holmes: What is the explanation?

Hon. E. H. Gray: Low wages.

The HONORARY MINISTER: In some cases, the explanation is that the foreign workers will accept conditions that Australians will not agree to. In other instances, it is because the foreigners are prepared to accept wages below the ruling rates. That does not apply to the mining industry because once a man is employed there he is covered by the award and, whether British or alien, the worker must receive the same rate of wages.

Hon. G. W. Miles: Is it the same in the timber industry?

Hon. E. H. Gray: That may be the position in the mining industry, but funny things are done on some of the mines.

The HONORARY MINISTER: Other countries have found it necessary to draft regulations to deal with foreigners and in Great Britain, according to "The Ministry of Labour Gazette," the British Government find it necessary to deal with persons employed in the entertainments industry. For the information of hon. members I will quote another statement from the 'Gazette":—

> With regard to the entertainment industry, it is the practice to grant permits freely (except that the periods of the permits are limited) in respect of performers of international reputation. Permits are similarly granted, with a time limit, for performances presenting special features of novelty or attractiveness. The practice governing the entry of foreign musicians to play dance music is set out in the following answer to a question in the House of Commons on the 5th February, 1929: "The conditions imposed depend on the circumstances of the proposed employment of the alien players, and also the kind of performance."

Hon. A. J. H. Saw: The conditions are not analogous at all.

The HONORARY MINISTER: I have been giving the House information that I

think is useful as showing the necessity for placing restrictions where alien labour replaces local or British labour.

Hon. J. J. Holmes: You are beginning at the wrong end.

The HONORARY MINISTER: I do not think so.

Hon. Sir Edward Wittenoom: Do you think our own people want to work at all? I read something about that myself.

The HONORARY MINISTER: The hon. member is a dinkum Australian himself, and he knows he can refute that suggestion.

Hon. Sir Edward Wittenoom: In a leading article I read the statement that no one wants to work these days.

The HONORARY MINISTER: Great Britain has found it necessary to introduce restrictive legislation in order to prevent the introduction of alien labour in a wholesale manner. It is known in many instances that labour has been made use of for the purpose of reducing the standard of living. As I have already indicated, in Western Australia foreigners have been prepared to accept conditions that our own people would not tolerate and to accept wages lower than those prescribed in the industry.

Hon. Sir Edward Wittenoom: You do not know what you are talking about!

Sitting suspended from 6.15 to 7.30 p.m.

The HONORARY MINISTER: I was quoting from "The Ministry of Labour Gazette" portions of a memorandum issued by the Minister for Labour with the object of showing that in the Old Country steps have been found necessary to prevent the influx of foreign labour which was taking the place of British labour. I desire to quote further from the memorandum to show the steps actually taken and the reasons for them. Dealing with the entertainment industry, the conditions laid down are as follows:—

> If the employer desires to bring in a complete band to play for dancing, he is required to engage, or to continue to engage, a British band equal in size to the alien band. If it is proposed to augment a British dance band by the introduction of alien musicians of outstanding ability, such introduction may be permitted up to about 25 per cent. on condition that no British player is discharged to make room for the aliens.

Hon. Sir Edward Wittenoom: Which Bill are you speaking on now?

The HONORARY MINISTER: The Mines Regulation Act Amendment Bill. I quote that passage to show it is recognised that foreign labour has been displacing British labour, notwithstanding the conditions which have existed there for some years past.

Hon. J. Nicholson: But that deals with the introduction of labour into Britain and not with labour that is in the country.

The HONORARY MINISTER: The position in Britain is very similar to the position in Western Australia. This Bill does not provide that the foreigners who are already in the country shall not be employed.

Hon. J. Nicholson: But you let them come into the country and then want to restrict their employment.

The HONORARY MINISTER: We have no control over those who care to come here. They come at their own risk.

Hon. J. Nicholson: But they come here under conditions laid down by the Commonwealth.

The HONORARY MINISTER: If certain interested parties are so misguided that they think the introduction of large numbers of aliens will enable them to secure a labour force that will accept conditions which Australians or Britishers will not accept, or will permit of a reduction of the standard of living already attained, while large numbers of our own people are unemployed, it is time the Governments of Australia took steps to ensure that our own workers are given preference.

Hon. J. Nicholson: Everyone is desirous of seeing our own people employed, but shall we be acting constitutionally?

Hon. Sir Edward Wittenoom: Britishers and Australians do not want work.

The HONORARY MINISTER: As I remarked before, Sir Edward, as an Australian, should refute a statement of that kind, because it is not true.

Hon. Sir Edward Wittenoom: I am an Australian and I think it is true.

Hon. H. A. Stephenson: Is it not a fact that the Prime Minister said that only a certain number of aliens are allowed to enter Australia and that the population will continue to be 98 per cent. British.

The HONORARY MINISTER: I am not aware that he made that statement in particular, but it is a fact that the number of aliens entering Australia has been reduced through the agency of the Commonwealth.

Hon. H. A. Stephenson: That being so, the increase you talk about cannot occur.

The HONORARY MINISTER: I have told members that we in Western Australia are getting a far greater proportion of the aliens coming to Australia than we should be getting. The Prime Minister, in dealing with the question, does not have regard to the number entering New South Wales, Victoria, Queensland, South Australia or Western Australia. He deals with the number entering the Commonwealth. Such a large number of the aliens entering Australia are coming to Western Australia with its small population and getting employment in the mining and timber hewing industries, and so we can appreciate the difference it makes to our industries as compared with the industries of other States. The position here is serious. We have men in our midst quite willing to work if given an opportunity, but they are not given an opportunity.

Hon. Sir Edward Wittenoom: Why? Because they want too much wages, and people cannot afford to pay them.

The HONORARY MINISTER: I propose to quote further from the memorandum as follows:—

> Prior to the war there were some occupations in which the majority of the persons engaged were foreigners, and the normal method of augmenting labour for such occupation was by recruitment abroad. Foreign recruitment is not now permitted as a normal feature of any occupation, the employers concerned being required to take such steps as may be necessary to train and to employ persons already in the country.

That is an excellent provision, and I think we could well apply it to our mining industry, because it is from the unskilled labour working in the mines that we get the skilled miners. If we have not sufficient skilled British miners to work the whole of the gold mines of the State, the unskilled Britishers are entitled to preference over unskilled foreigners. The provisions of the Bill will assist considerably in that direction.

Hon. J. Nicholson: Do not you think it will affect employment? One has to look at it from every possible angle. You do not want to increase unemployment, do you?

The HONORARY MINISTER: I cannot understand how this would make unemployment greater than it is at present. The same number of men would be required, and no man at present working would be displaced by the operation of the Bill, but the measure will tend to prevent the influx of such a large number of aliens for the purpose of working in our mines.

Hon. Sir Edward Wittenoom: But if Western Australians will not work in them, why not give the work to someone else?

The HONORARY MINISTER: I have answered that question often enough. Western Australians are the best workers in the Commonwealth and possibly in the Empire.

Hon. Sir Edward Wittenoom: Answer the question. Tell me why they will not work.

The HONORARY MINISTER: I do not wish it to be understood that all mines are employing a proportion of alien labour greater than 10 per cent. underground and 20 per cent. on the surface. Some mines are employing a much smaller percentage than that, but there are some mines where the percentage is greater and it is considered that this proposal is fair and equitable and will tend to make more employment available to our own people. Foreign labour, while it will not be prohibited altogether, will yet be regulated. Anything that will improve the present position should be supported.

Hon. Sir Edward Wittenoom: Why cannot the local labour knock out the foreign labour?

The HONORARY MINISTER: We all wish to see as much local labour in the State as possible. We are fond of preaching that the State should be self-contained. We all believe it is a good policy not only to be British, but to buy British and patronise British.

Hon. G. Fraser: And employ Britishers.

The HONORARY MINISTER: If we are prepared to do that, it will be a good thing for the State, and our experience will be better than it is at present. I say nothing against the alien as a worker.

Hon. Sir Edward Wittenoom: You have not answered my question.

The HONORARY MINISTER: Aliens are excellent workers, but that is no reason why they should receive preference over Britishers, more particularly as the Britisher supports his family in the State, as a rule, while more often than not the alien has to support his family outside the Commonwealth. So long as the earnings of aliens are sent out of the State, it is an economic loss to the State, and that loss can be

avoided to some extent by the regulation of labour proposed in this Bill.

Hon. Sir Edward Wittenoom: You have not answered my question. Why does the foreigner get the work instead of one of our own people?

The HONORARY MINISTER: I cannot give the reason why some of our people are so keen on employing foreigners, but perhaps the hon. member can. He is more closely associated with them than I am. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Harris, debate adjourned.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [7.42] in moving the second reading said: A Scaffolding Bill was passed in 1924, and the experience gained in the practical operation of the measure has shown that in some respects it is not sufficiently comprehensive. The object of the Act is mainly to protect workers from sustaining injury on account of the defective erection of scaffolding and other gear. If it fails in any respect to attain that object, it is not accomplishing the purpose for which it was framed. Another reason why the Act should be amended is that it was never intended that the revenue should materially exceed the actual expenditure. It is doing so at present. The Act is being economically administered, as I assured members it would be when the Bill was originally before this Chamber. The Chief Inspector of Shops and Factories is also Chief Inspector of Scaffolding, and there are two full-time inspectors whose duties are confined mainly to the metropolitan area. The inspection work in the country districts is carried out by officers of the Public Works Department, namely, district architects and the country supervisors. Deputations representative of the Master Builders' and Contractors' Association, Master Painters' and Sign Writers' Association, and others, have urged that the Government should modify the charges as set out in the regulations which form part of the Act, and the Government have readily agreed that this should be done. Provision is, therefore, made in the Bill for a reduction in the fees to be charged. To illustrate one charge which must, under the provisions of the Act, be made, take the erection of a lift which might in itself cost £2,000. The charges would be based on this cost, plus the cost of labour. The actual installation of the lift may occupy only a few days, but it involves the use of a bosun's chair. The Bill provides that in such a case the charge shall be based only on the cost of the labour employed during erection. Gear cannot be made subject to inspection under the Act unless it is actually used in connection with, or is connected to scaffolding as defined. Thus it is that, although an inspector may, and in fact has seen, gear in use which is unsafe, he has been powerless to act, and so it is provided that the term "gear" shall include gear used for hoisting or for other purposes not connected directly with scaffolding.

Hon. E. H. Harris: All gear comes within the scope of the Machinery Act.

The CHIEF SECRETARY: It will also, in certain instances, come within the provisions of this Bill. Consequential amendments necessarily follow. With regard to scaffolding, the Act provides that the Chief Inspector has no jurisdiction over any scaffolding erected unless it exceeds a height of eight feet from the horizontal base. Numerous reports have been received from inspectors who have been on jobs where some of the scaffolding was in excess of eight feet in height and other scaffolding being used on the same job of a lesser height, where the latter has been quite unsafe. But although the inspectors drew attention to its defects the contractor was under no obligation to repair it. Apart from that, it must be admitted that there is danger to life and limb in the event of scaffolding less than eight feet in height collapsing through defect. For instance it has been reported upon occasions that planks and gear which had been condemned for use by inspectors were being used on lower scaffolds. The Bill, therefore, provides that all scaffolding shall be subject to inspection. The existing definition provides for the protection of workmen only. It has been held that the owner of scaffolding is not a workman. Therefore it is possible for a man to erect scaffolding even exceeding eight feet in height and together with members of his own family or friends, use such scaffolding. Because they are not paid for their work, the scaffolding

used is not subject to inspection under the provisions of the Act. The Bill makes it clear that, no matter what the circumstances are, all scaffolding must come under the provisions of the Act.

Hon. A. Lovekin: Can you give us particulars of accidents arising out of scaffolding under 8 feet in height?

The CHIEF SECRETARY: I will be prepared to do so in the course of my reply or during the Committee stage. Many reports have been received of foreigners being employed who could not speak or understand English. In one instance it was found that three such men were employed. The scaffolding was badly erected and unsatisfactory. The contractor was not on the job, and as the inspector could not make the men understand, he had to wait until he could get into touch with the contractor who eventually had the scaffolding demolished. There are many other instances which could be quoted if necessary. Thus it is provided in the Bill that no person shall be employed where scaffolding is used unless he has sufficient knowledge of the English language to enable him to understand instructions issued to him. The schedule to the Act provides for the payment of fees: 5s. for every £100 or portion thereof of the cost or estimated cost of the building to be erected, there being no limit as to the maximum amount to be paid. The Bill provides for the payment of 5s. for every £100 where such cost does not exceed £10,000; 2s. 6d. for every additional £100 or portion thereof where the cost exceeds £10,000 and does not exceed £50,000, and a 1s. thereafter. The Bill also provides that in no circumstances shall the total fee exceed £100. The Bill also makes the position considerably easier for contractors when erecting lifts, and for painters, signwriters, electricians, and others. In such cases the fee shall be payable on the actual cost of all work done over a period of twelve months, instead of their having to pay the minimum fee for each job, some of which may cost only, say, £10: I move—

That the Bill be now read a second time.

On motion by the Hon. G. W. Miles, debate adjourned.

House adjourned at 7.55 p.m.

Legislative Assembly,

Tuesday, 10th September, 1929.

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

QUESTIONS (2)—FRUIT TRANSPORT.

Southern Districts Embargo.

Mr. SAMPSON asked the Minister for Railways: In view of the fact that there is no check on transport of fruit for centres south of Narrogin when conveyed by motor truck or otherwise, save by rail, and, further, that fruit fly is, generally speaking, under control, will he consider revising the railway regulations which now preclude the forwarding by rail of fruit to certain southern districts?

The MINISTER FOR RAILWAYS replied: The regulation referred to was issued by the Agricultural Department, and applies to fruit carried by motor as well as by rail.

Consignments for North-West.

Mr. FERGUSON asked the Minister for Agriculture: 1, Is it a fact that the Midland Railway Company will not accept fruit for the North-West under the special charge of 5s. per case, including steamship charges? 2, If so, will he please endeavour so to arrange that this disability may be overcome?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, The company referred to are not prepared to grant the concession.