

Hon. G. Taylor: On a point of order, the Estimates of the State Trading Concerns are laid on the Table in accordance with a provision of the State Trading Concerns Act. I do not know what advantage accrues from our discussing them. I do not know whether it was intended that they should be discussed. The Act merely says that the Estimates shall be laid on the Table. We have been in the habit of discussing them, but I have an idea that that procedure is out of order, although it has been followed for some years.

Mr. SPEAKER: The hon. member may raise the point when the State Trading Concerns Estimates are about to be considered.

Mr. Taylor: I do not wish to raise the point.

Question put and passed.

House adjourned at 1.25 a.m. (Wednesday).

Legislative Council,

Wednesday, 17th November, 1926.

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

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received from the Auditor General a copy of Public Accounts for the year ended 30th June, 1926, together with the Auditor General's report thereon. I shall place both reports on the Table.

BILL—LUNACY ACT AMENDMENT.

Introduced by the Chief Secretary and read a first time.

BILL—STATE INSURANCE.

Recommittal.

On motion by Hon. H. Seddon, Bill re-committed for the purpose of reconsidering Clause 2; Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Definition:

Hon. H. SEDDON: As this clause now stands, the definition of "workers' compensation insurance business" is so wide that I am afraid Mr. Potter, who moved the amendment to the definition, will not achieve his object and the measure will be rendered unworkable. Reference is made to metalliferous mines. There is no definition in the Bill to show what these are; nor is there any definition of such mines contained either in the Mining Act, 1904, or the Mines Regulation Act, 1906. In the absence of such a definition the whole position will be complicated and rendered ambiguous. In the event of litigation arising, a very difficult situation would be set up. Before we go any further we should have a definition of the term "metalliferous mine" inserted in the Bill. According to Webster's dictionary, a metalliferous mine means "a term applied to a mine producing metals or yielding metals." The definition of metals is capable of various interpretations. Base metals refer to any oxidisable metals such as iron and lead. There are also heavy metals such as gold, mercury, platinum and silver. There are also other metals such as sodium, lithium, calcium, and aluminium. If so desired the Boya Quarry could be defined as a metalliferous mine, because there is calcium in the stone and calcium is a metal. Coal contains a certain amount of sulphide of iron, and as iron is a metal the Collie coal mines could also be included. Members will see what has occurred through the passing of this amendment, and through the omission of a definition of the term "metalliferous mine." Another discrepancy arises under the amendment. Mr. Potter's intention was to restrict the operation of the Act to the mining industry. I take it he referred to what are called metalliferous mines. The Government have to take the risk in connection with dis-

eases associated with metalliferous mines, but under the amendment they could not insure against accidents to the miners. The mining companies would, under the amendment, have to take out two insurance policies, one to cover the men against diseases, and the other to cover them against accidents. This places the Council in an ambiguous position, and leaves them open to severe criticism should the Bill be passed in this way. I have drawn attention to this with the object of suggesting to Mr. Potter that he should obtain a definition of the term "metalliferous mine." As an example of the anomaly created, I would refer to the Boya Quarry. This comes under the Third Schedule of the Workers' Compensation Act. The Government would be allowed to insure the employees against diseases associated with quarrying, but would have to take out a separate policy to cover the men against accidents. In the circumstances it would be advisable that members should reconsider the position. A state of affairs has been created which is not only undesirable, and will defeat the object in view, but which places this Chamber in an untenable position.

Hon. G. Potter: What is that?

Hon. H. SEDDON: We have passed a clause that is indefinable and unworkable. We are going to send the Bill to another place, which will criticise the Legislative Council and will seize upon this point.

Hon. G. Potter: It will not be the first time.

The CHAIRMAN: Does the hon. member desire to move an amendment?

Hon. H. SEDDON: I should like to hear members on the subject, after which I shall be prepared to move an amendment which I hope will remedy the position.

Hon. J. NICHOLSON: Undoubtedly difficulties will be created under the clause as it was amended by the Council yesterday. Not only may such a position arise as Mr. Seddon suggested, but I doubt whether the amendment gives effect to the intention of Mr. Potter or the Committee. It would be wise to give fuller consideration to the clause and to put it in such a form that difficulties that are apparent may be obviated. Undoubtedly the Government would be embarrassed concerning the insuring of employees against accidents. We do not desire the Government to be placed in that position, and I believe it was intended to allow the Government to cover not only the

diseases specified in the Third Schedule but accidents as well. Although I did not give expression to my opinion at the time, I was doubtful about the use of the words "metalliferous mines." I had given attention to Mr. Stewart's proposal rather than to the amendment brought forward by Mr. Potter. The use of the words I have mentioned suggested difficulties to me and in the absence of a definition, it would be difficult to know how to construe the clause. I suggest that the Leader of the House may think it worth while to report progress to admit of further consideration.

Hon. J. R. Brown: How long do you want to keep the Bill here?

The CHIEF SECRETARY: I am prepared to meet the wishes of the Committee. I have not gone into the question nor have I consulted the Solicitor General regarding the amendment. It is objectionable to the Government. As other hon. members may wish to express their views, I shall not move to report progress straight away, but, if desired, I will do so later on.

Hon. H. STEWART: Undoubtedly the position requires further consideration. I supported Mr. Potter's amendment rather than propose my own because I did not wish to unnecessarily complicate the position. My intention was to limit the activities of the Government to providing compensation to cover the accumulated legacies of the mining industry. As Mr. Potter's amendment seemed to meet with the approval of the Committee and went a long way towards achieving what I had in mind, I supported it. As Mr. Seddon and Dr. Saw said that the amendment provided merely for dealing with those engaged in the mining industry, I refrained from pointing out that the amendment really included everything in the Third Schedule of the Workers' Compensation Act. There are sound reasons why the State should take control, and relieve the companies respecting the diseases specified.

Hon. E. H. Gray: And also the insurance companies.

Hon. H. STEWART: I am looking at the social side of the question.

Hon. E. H. Gray: And playing into the hands of the insurance companies.

Hon. H. STEWART: It is a question of principle and Mr. Gray will have an opportunity of contributing to the debate, apart from interjections. The difficulty can be overcome by deleting the reference to the

employees in metalliferous mines and so reframing the clause that it will apply to those diseases set out in the Third Schedule.

Hon. H. SEDDON: And to accidents, too?

Hon. J. Nicholson: Yes.

Hon. H. STEWART: Perhaps the better way would be to include in the Bill a definition of "metalliferous mines." The Parliamentary draftsman would have no difficulty in providing such a definition.

Hon. G. POTTER: As the mover of the amendment I support the Chief Secretary in his suggestion that we should report progress. I have often heard references to saving the reputation of the Chamber, as it might be held up to ridicule.

Hon. J. R. Brown: The Chamber has no reputation!

Hon. G. POTTER: Members may say that if we do not do this, that, or the next thing we shall be held up to ridicule by virtue of criticism. There is a difference between ridicule and criticism, and however anyone may criticise the Council as an institution, or the members of it as individuals, provided the members are sincere in their efforts to do their duty to the electors, such criticism can be ignored.

Hon. H. SEDDON: I trust that Mr. Potter is not placing an interpretation on my words that I did not intend to convey. I assure him that there was no intention on my part to reflect on any member present. Difficulties have arisen in connection with the Bill since it has been amended, and I am impressed strongly with the belief that we should reconsider what we did yesterday. There is one aspect to which I have not yet referred and which members should take into consideration. The desire is to restrict the operation of the Bill to the mining industry, leaving the position open so that the insurance companies may take advantage of it in respect of other insurances. I pointed out yesterday that it was possible for the insurance companies to revise the rates, but I did not point out a position that may arise under the Bill as it has been amended, and even with the amendment suggested by Mr. Stewart. The insurance companies will be in a position to refuse any particular line of business that they may consider unprofitable, just as they refuse to take miners' phthisis. The Government would then be tied by the Bill to workers' compensation relating to mines, and the public would be in the position that they could not take any insurances either

with the companies or the Government. Therefore the Government would not be able to afford the protection that might be required as a result of the action of the companies. Surely hon. members will see that the easiest way out of the difficulty is to restore the Bill to its original form so that the Government may be in a position to take such risks if a situation such as that to which I have referred should arise. The proposal suggested by Mr. Stewart to define metalliferous mines will be rather difficult and will still have the effect of putting the public in a very awkward position by leaving them to the mercy of the insurance companies should the companies find any particular risk unprofitable. From that standpoint, therefore, I consider we should reinstate the words we struck out yesterday and allow the Bill to stand as it came to us originally. I move an amendment—

That the words inserted at the previous sitting "for compensation so far as relates to employees in metalliferous mines in Western Australia, and to employees engaged in the various industries set out in the Third Schedule of the Workers' Compensation Act, 1912-24," be struck out, and the words originally struck out, reading "in relation to compensation under the Workers' Compensation Act, 1912-24, the Employers' Liability Act, 1894, or otherwise" be inserted.

Hon. J. E. DODD: It is very hard sometimes to grasp the purport of an amendment without seeing that amendment on the Notice Paper. Therefore I hope that progress will be reported.

The CHAIRMAN: The purpose of the amendment is merely to restore the clause to its original form.

Hon. J. E. DODD: I would certainly like legal opinion to be obtained. The third schedule deals with practically every disease in Western Australia—it deals with 500 different diseases. The Chief Secretary may deem it worth while to consult the Solicitor General.

Hon. Sir WILLIAM LATHLAIN: I cannot support Mr. Seddon's amendment because I consider the position has become complicated. We should therefore accept the generous offer of the Chief Secretary and agree to report progress so that we may find out exactly where we are. If the matter is deferred for a while we shall have the opportunity of gaining knowledge as to what the amendment really means and perhaps we may be able to prepare an amendment which will carry into effect the intention of members. At the present time we

are discussing the matter in the dark. It has come upon us as a surprise to find that Mr. Potter's amendment has not the meaning we thought it had. It will be equally difficult for lay members like myself to immediately grasp the meaning of any further amendments that may be submitted, and therefore the wisest course would be to report progress.

The CHIEF SECRETARY: Evidently there is a difference of opinion as to the meaning of Mr. Potter's amendment that was carried yesterday. In the circumstances, therefore, it might be advisable to report progress. I have no desire to take advantage of members. My wish is to give all a full opportunity to prepare any amendment it may be desired to submit. I move—

That progress be reported.

Motion passed; progress reported.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Personal Explanation.

HON. A. BURVILL (South-East) [5.13]: I desire to make a personal explanation. When speaking on this Bill last week I made an error which I wish now to correct. It has been reported in "Hansard" that I said—

There may be 100 voters each paying £20 a year in rates, and there may be 100 voters who are paying up to £50 a year. The 100 voters will pay £2,000 per year. If, however, there are 100 voters who pay 5s. each per year, these will pay £25 per year, but will have 100 votes. Those who pay £2,000 may have only 25 votes, so that the others would have four times as many votes.

That is palpably incorrect as, according to the existing Act, the maximum number of votes is four when the unimproved value is over £600, which it would be to a ratepayer who pays £20 a year in rates. Therefore the 100 voters who pay £20 each, or £2,000 per annum, would have 400 votes and not 25 as I stated. The minimum rate of 5s. for each individual voter for £2,000 in rates would mean 8,000 votes, or a 20 to 1 vote against the £20 per annum ratepayer. If the present Bill is passed providing for one man one vote, an 80 to 1 advantage will be given to the minimum ratepayer.

Second Reading.

Debate resumed from the previous day.

HON. H. SEDDON (North-East) [5.15]: In offering a few remarks on this Bill, I wish to refer more particularly to the amendments contained in it. Those amendments will, in my opinion, require considerable attention in Committee. It is proposed to raise the minimum annual revenue for road boards from £300 to £500. Recently the Chief Secretary was good enough to furnish a list of boards whose revenue is under £500. The hon. gentleman indicated that individual cases would receive special consideration before action was taken to amalgamate or abolish. That is an aspect which needs to be stressed. As hon. members are aware, considerable uncertainty exists at present with regard to many road boards. Take the position on the goldfields. There has been a considerable change on the goldfields during the last few years by reason of dwindling population in the outlying areas. On the other hand, there have been considerable increases in the revenues of various goldfields road boards by reason of the extension of the pastoral industry there. Though in such cases the population decreases, the district may be going ahead and making great strides. If action were taken immediately to amalgamate road boards in such a position, a state of affairs would be created which could be only temporary, as because of the area of pastoral country now being taken up, the boards in question will speedily reach the minimum revenue. I consider it would be well to let the minimum remain at the present amount of £300 instead of raising it to £500. The idea in raising it is to do away with the enormous ratio existing in certain cases between administrative expenses and the value of work done. But that position has been or is being materially altered by reason of the huge amount of money being devoted or about to be devoted to road construction. In the circumstances I consider that the House would be well advised in retaining the minimum of £300. Another aspect of the question is that many outback road boards cover huge areas. This entails on the controlling officer a great deal of travelling in the course of supervising work. In the circumstances, increases of area would prove highly uneconomical, because they would involve still further travelling and still greater loss of time while the amount of work supervised would relatively decrease. Another

phase of the Bill is the proposed triennial general election of road board members. The objection to that system is evident in our present method of electing a representative house like the Assembly. Under the Parliamentary system of government it is necessary to have a general election, but for the sake of stability of administration the system under which this Chamber is elected should commend itself. We have a system whereby two-thirds of the House are engaged in current work and are familiar with the business of the country, no matter what happens. Even supposing that as the result of our next biennial election one-third of the members of this Chamber lost their seats and ten new members were introduced, yet two-thirds of the membership would be well acquainted with the business. The same state of affairs now obtains in road districts. Under the present system of election, at least two-thirds of the membership of a road board are acquainted with the business of the board and are familiar with the policy in operation, and thus are able to advise new members. Accordingly there is no possibility of an entirely raw board taking office, as might happen under the proposals of this Bill. A raw board, having to learn the whole of the business, would be largely in the hands of their officers. The Act is better than the Bill in this respect. I support the Bill with a view to amendments in Committee.

On motion by Hon. H. Stewart, debate adjourned.

BILL—TIMBER INDUSTRY REGULATION.

Second Reading.

Debate resumed from the previous day.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [5.21]: If there is one point which has especially impressed itself upon me in this my first session, it is the apparent desire of the Government to multiply existing legislation. In explaining the provisions of this Bill yesterday, the Honorary Minister admitted that many of its clauses are already expressed in various Acts. He also stated definitely that whilst the mill owners would come under the operation of the Bill, that fact would not in any way delete the inspections provided for under the various other existing measures. The inspectors under those Acts, he said,

would still have the right to inspect. When the apprenticeship regulations were being discussed here, I quoted one or two instances of the kind to the Chief Secretary, who informed me that corresponding provisions were to be found in existing legislation. Many clauses of the Bill, I say, are already included in one or more of the Acts under which the timber industry at present works. Mr. Stewart yesterday gave a short resume of some of the Acts applying to mill owners, but he did not mention all of them. The list includes the Factories Act, the Inspection of Machinery Act, the Health Act, the Forests Act, the Industrial Arbitration Act, the Workers' Compensation Act, and the Coroners Act. Now we are asked to add to that list another Act. Seven Acts exist already, and this Bill, if passed, will make the eighth. If the object of the Bill were to delete a number of existing Acts and place the timber industry under one measure—

Hon. E. H. Gray: Unfortunately, in many instances, the other Acts are dead letters.

Hon. Sir WILLIAM LATHLAIN: That does not say much for the supervision exercised by those responsible. I have always been under the impression that those who engage in the timber industry do so with the object of giving to the men employed in that industry fair conditions, and of seeing that life and limb are protected against accident. It appears, however, that mill owners are to be so over-legislated that they will not know under which particular Act they are working at any particular time. I should imagine that a mill owner has very little chance to read his Bible in the morning, because if he is to undertake work of a particular nature he must first read up various Acts—not acts of the Apostles—in order to know where he is before he starts his day's work. Many clauses of the Bill are repetitions of sections of Acts now in force. If there were to be a concentration on one particular measure under which the industry was to work, there would be some sense in it; but the Bill merely seems designed to multiply legislation. Stress has been laid on the fact that there already exists a special Act for mine workers. Now we are to pass another special Act for timber workers. Later, probably, a special Act will be wanted for butchers, and then one for bakers.

Hon. J. Nicholson: What about the farming industry?

Hon. H. Stewart: We had a special Act for the bakers offered to us last year.

Hon. Sir WILLIAM LATHLAIN: Although I am only a new chum at legislation and do not know much about the subject, it does seem to me that there is a multiplicity of legislation. The first clause of the Bill to which I desire to direct attention is that dealing with inspection. As I indicated yesterday, we are to have a controlling officer under the Bill. He would be like a brigadier-general. Then there are to be district officers, who may be likened to majors-general. Next there are to be special inspectors, who may be regarded as colonels. After them come workmen's inspectors, who presumably will not be anything less than captains. Those inspectors are to be added to the ever-increasing army of State workers. That is the thing I object to. If there is not adequate supervision under the existing Acts, of which there is quite a sufficiency, why not give to those inspectors increased powers, or else increase their number, so that the duties may be properly discharged? Under the Bill we are to have controlling officers, district inspectors, special inspectors, and workmen's inspectors. Notwithstanding their creation, the rights of existing inspectors under the Inspection of Machinery Act, the Health Act, and the Coroners Act are to be maintained. Those inspectors are to have the right of entering upon premises which the inspectors to be created under this Bill are to have the right of entering for inspection purposes. Not for one moment do I desire that a mill owner or any other employer should shirk his responsibility as to providing all facilities and safeguards required by existing Acts, but I do strongly object to the passing of a special Act for every particular industry that comes along. The timber industry has been in operation for many years, and surely with the time that has been given to it and the number of Acts under which it works, it should have received sufficient legislative attention by this time. If the existing legislation is properly administered, there can be no need for the appointment of all these new inspectors. Clause 8 is practically a repetition of a provision in the Inspection of Machinery Act, and of another in the Factories and Shops Act. Paragraph (g) of that clause empowers an inspector to exercise generally such other powers as, in his discretion, are necessary for carrying the Act into effect. I do not desire to curtail any-

thing at present in operation, but I am loth to grant greater authority to those officials than they have. Subclause 2 of the clause authorises a workmen's inspector to exercise the powers of a district inspector. Every body is going to have a tremendous lot of authority. I am not sure whether it will not tend to harass the mill owners.

Hon. E. H. Gray: Not the good mill owners.

Hon. Sir WILLIAM LATHLAIN: Clause 13 prescribes that the manager shall give notice in writing to the district inspector and to the controlling officer whenever an accident occurs that causes loss of life or incapacitates any person from work for more than 24 hours. Suppose a man got some sawdust in his eye. Naturally he would be incapacitated for work. But should it be necessary to give notice to the controlling officer of that class of accident? The Honorary Minister, yesterday, when quoting accidents in respect of which relief had been secured from the benefit fund, could not give us any information as to the character of those accidents. There are many dangers to be faced in a timber mill, and accidents must happen where saws and axes and other sharp implements are in constant use.

Hon. E. H. Gray: Do you not think that notification is necessary?

Hon. Sir WILLIAM LATHLAIN: I believe there should be proper supervision at all times. Still, there ought to be a closer definition of "accident." It should not be necessary to notify the district inspector and the controlling officer whenever a man gets a few grains of sawdust in his eye. Clause 15 is merely a repetition of a provision in the Coroners Act, and Clause 20 is practically covered by a section in the Inspection of Machinery Act. Clause 21 provides that no person having a personal interest in the management of a timber holding in which an accident occurs shall be qualified to serve on the jury at the inquest.

Hon. J. Cornell: It is the same in the mining industry.

Hon. Sir WILLIAM LATHLAIN: I am not acquainted with all these laws. I am an amateur at this game, and so I can only tell the House what appeals to me in any Bill under consideration. By this provision we debar any person with an interest in the mill from taking a seat on the jury. It means that the jury is to be composed exclusively of one class of individuals. When

we debar the manager, or others having an interest in the management, there is as a rule in the locality only one other class of persons to call upon, namely, the employees in the mill.

Hon. J. Cornell: The manager is only debared because he is the person responsible and may be culpable.

Hon. Sir WILLIAM LATHLAIN: Under the clause it might be the manager or it might be any one of half-a-dozen of other people. Clause 22 seems to be covered by both the Health Act and the Inspection of Machinery Act. As to the regulations to be framed, some of these provisions require serious consideration. Take, for instance, that relating to smoke screens. It is very difficult to say what should be the size of a smoke screen to be erected around the dump to protect the men from the smoke nuisance. Then there is the provision that bush lines shall be cleared of dangerous trees to a prescribed width, and patrolled. Most of us have been to the Margaret River, to Karridale and to Augusta. All along those roads we find what might be termed dangerous timber standing. Would anybody suggest that all those trees ought to be taken out? I agree that the bush lines should be cleared of really dangerous trees, but I hope that when this provision is put into operation reasonable care will be taken to see that the men controlling the mills are not in any way harassed. Clause 21 is another of those silent provisions giving unlimited power to certain persons. They will have power to frame regulations for such other purposes not expressly provided for as are necessary to give effect to the measure. Clause 25, the penalty clause, provides that for any breach of the Act, or any regulation made thereunder, the offender, if an owner, an agent or a manager, shall pay a penalty of £50, while if the offender be any other person he shall pay only £10. Here we have one law for the rich and another for the poor. If one of the workers removes a belt or some guard placed around machinery, and so is guilty of wilful negligence, as often occurs on the mills, his penalty is to be very much smaller than that provided for the unfortunate employer.

Hon. E. H. Harris: In the Inspection of Machinery Act the penalties are alike.

Hon. Sir WILLIAM LATHLAIN: So they should be here. If a man breaks the law, let him pay the same penalty, whether he be employee or employer. I will support

the second reading and I hope that, when in Committee, we shall hear further details from those competent to judge of the actual requirements of the district inspectors and the workmen's inspectors. If we go on continuously adding to the burden of this industry, we shall be increasing, not the expense of the mill owners, but the expenses of the general taxpayers. Whilst it may be argued that the number of inspectors is comparatively small, yet if they are to be extended in the way indicated by Mr. Harris, that is to say, if they are to control the whole of the wood lines, a very great number of district inspectors, special inspectors, workmen's inspectors, and controlling officers will be necessary to carry out the provisions of the Bill.

The Honorary Minister: What is the serious objection to Clause 25?

Hon. Sir WILLIAM LATHLAIN: My objection is that it puts on to the employer a penalty of £50 and on to the employee a penalty of £10. However, I will support the second reading and look for further information in Committee.

On motion by Hon. A. Burvill, debate adjourned.

BILL—SPECIAL LEASE (ESPERANCE PINE PLANTATION).

Second Reading.

Order of the Day read for the resumption of the debate from 11th November.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Authority to grant conditional purchase lease:

THE CHIEF SECRETARY: Doubt was expressed by one member whether pine plantations would be successful. I have obtained the following opinion from the Conservator of Forests:—

One hon. member's reference to earlier attempts refers evidently to Ludlow and portions of Hamel where the first pine planting was carried out without the advice of trained foresters. As a result, *pinus insignis* was planted on coastal sand, although it is well known that *insignis* has not been successful on deep sand anywhere in Australia. On se-

lected areas of fair soil, the growth of insignis in Western Australia is equal to anything in Australia, and probably New Zealand. Insignis is the fastest growing pine known, and will supply a very useful grade of softwood timber. On coastal sand *pinus pinaster* is at home under South-West conditions. The growth is somewhat slower than insignis, but is quite sufficient to pay good interest on capital invested. This pine is used for reclamation of shifting sand in the south of France, and at the present time there are several million acres of very fine pines, yielding not only timber, but also large quantities of rosin and turpentine. All pine planting in the South-West of Western Australia is more difficult and expensive owing to the long dry summer, but with proper management, good returns, allowing compound interest on capital invested, are certain. With reference to Esperance, no detailed inspections of the proposed planting area have been made by the Forests Department, but from such information as is available concerning soil, rainfall and general climatic conditions, there is nothing to indicate any reason why the present proposal should not be a financial success.

Hon. A. BURVILL: The report of the Conservator of Forests is most interesting. I am pleased that private enterprise is to be allowed to start pine plantations here. We have close to our orchard areas thousands of acres of land of infinitely better quality than the shifting sand of France, and it would be a good thing if the Forests Department emulated the example of the syndicate by planting areas of *pinus pinaster*.

Clause put and passed.

Schedule:

Hon. J. NICHOLSON: Paragraph 3 provides that the rent shall be one-thirtieth of the price per annum payable by equal half-yearly instalments in advance from the 1st January, 1927. I understand there may be some difficulty in financing arrangements by that time, and an extension may be required. If the Minister agreed to recommit the Bill, he could ascertain from the Lands Department whether the date should be altered.

The CHIEF SECRETARY: The Bill can be recommitted as the hon. member suggests.

Hon. V. HAMERSLEY: Paragraph 5 provides that in respect of each 1,500 acres of land, not less than 1,000 acres shall be planted and established and fenced and that the fee simple shall then be granted. What is meant by planting? Should not the term be defined? If on the 1,500 acres the syndicate planted only one tree to the acre,

would the area be considered to be planted and would the syndicate be able to get the title?

The Chief Secretary: The plantation must be established properly.

Hon. J. Nicholson: At the end of paragraph 5 "established" is defined as meaning that the condition of the plants is satisfactory to the Minister for Lands.

Hon. V. HAMERSLEY: I am still concerned to know whether one tree to the acre would constitute sufficient warrant for granting the fee simple. Years ago some people were going to establish a piggery and a grant of over 100,000 acres of land had to be made in order to prevent intrusion into the Mundaring catchment area. I am only too glad that a syndicate is about to embark upon an enterprise that will be valuable to the State, but the State should be adequately protected.

The CHIEF SECRETARY: Paragraph 4 provides that the lessee must plant and establish to the satisfaction of the Minister at least 500 acres during the first year of the term and thereafter not less than 1,000 acres per annum. I do not think we can go further than that.

Hon. H. STEWART: The point raised by Mr. Hamersley to ensure that the planting is up to a certain standard deserves consideration. We should incorporate in the schedule the number of trees to be planted per acre. The Conservator of Forests could advise the Minister what number should be stipulated. Six years ago we granted a valuable concession to a company to construct a railway from Meekatharra to Horseshoe. No limitation as to gauge was imposed. I urged members to insist upon the 3ft. 6in. gauge, and it would have been in the interests of the company if that had been done. Also no time limitation was imposed, and only now is the railway being constructed. When concessions are given they should be in consideration of definite work, and should not admit of any possibility of their being hawked around for sale. If progress were reported, the Minister could consult the Conservator of Forests and make more definite provision for the planting.

Hon. A. BURVILL: The conditions laid down should be ample. I do not think we are qualified to stipulate how many trees per acre should be planted.

Hon. H. Stewart: But the Conservator of Forests is.

Hon. A. BURVILL: The area has to be planted and established to the satisfaction of the Minister, who will act upon the advice of the Conservator. I doubt whether the Conservator of Forests would state the exact number of trees without first examining the area. The schedule is stringent in that it requires 500 acres to be planted and established in the first year, and that is as far as we should go.

The CHIEF SECRETARY: This measure originated in the Lands Department and will be administered by the Minister for Lands. I have been advised that the trees must be planted to the satisfaction of the Conservator, and inspections will be made by him or his officers.

Hon. J. M. MACFARLANE: This is an agreement between the Government and business men who are desirous of making a profit out of growing pine trees. If no more than one tree per acre is planted the business will not pay. I think the words contained in the schedule are sufficiently clear to safeguard the position.

Hon. V. HAMERSLEY: When I know that business men are bringing their brains to bear upon this project I say it is time to look out. It may be that these lands will become very valuable as time goes on. If a dispute arises between the company and the Minister for Lands, it is possible that very few trees will be planted on some of the land. There is a danger that this area may be turned to some other use than that of planting pine trees.

The CHIEF SECRETARY: The hon. member must have a poor opinion of those who are in public life. I would not like to be the Minister for Lands who would grant the fee simple of this land to a company that would plant only five trees per acre. No Minister would be guilty of such fraud. Before anything is done in this matter the advice of the Conservator will be sought. If he wrongly advises the Minister, his position will be imperilled, and if the Minister countenanced any fraud he would be hounded out of public life.

Hon. H. STEWART: I am sure Mr. Hamersley is not reflecting upon any Minister or any Government officer. A duty is cast upon the legislature to avoid placing Ministers or officers in difficult positions. If the agreement is a good and sound one it makes the position of those in authority much more secure. When there is a doubt between some business corporation and the

Government, usually the Government pay I believe there is a sum of £40,000 on the Estimates for the settlement of the Ravenshoe smelters case.

The CHAIRMAN: I presume the hon. member will connect that matter with pine plantations.

Hon. H. STEWART: This is an illustration of what may occur in cases when the Government are not fully protected by some agreement. Another illustration of this is afforded by the Lake Clifton railway concession. These matters should cause members to consider the advisability of tightening up this particular agreement to the greatest possible extent. It would be wise to report progress, and make further inquiries in the matter.

Hon. C. F. BAXTER: This business undertaking is prepared to find a large sum of money to take up and utilise a large tract of country that is at present lying idle. Many years must elapse before any return can be obtained. We should, therefore, look upon these people as patriotic persons, for if they are successful in their venture it will be an encouragement to others to follow their example. The Government are not called upon to find any money for this project; merely to grant an area of land that is at present idle, on the understanding that certain requirements are fulfilled. If the number of trees to be planted to the acre were specified in the agreement the work of the organisation might be hampered. We should assist these people to the utmost extent.

Hon. J. NICHOLSON: Both Mr. Hamersley and Mr. Stewart are justified in presenting their views to the Committee on this subject, but I think they have overlooked the important part of the Bill. Clause 2 sets out the purpose for which the lease is to be granted. The conditions that follow are merely those which are preparatory to the drafting of the lease agreement. The provisions of the Land Act, 1898, must be complied with, and the area must be planted with pine trees to the satisfaction of the Minister. We need not fear that any question can be raised with regard to the number of trees to be planted per acre.

Schedule put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—ALBANY HARBOUR BOARD.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 3, agreed to.

Clause 4—Appointment of Members:

Hon. G. W. MILES: I move an amendment—

That the following subclause, to stand as Subclause (2), be inserted:—Two of such persons shall be appointed on the nomination of the Albany District Council of the Primary Producers' Association of Western Australia; one on the nomination of the Albany Chamber of Commerce and one on the nomination of the Albany Lumpers' Union of Workers.

My object is to see that the organisations concerned shall have the right to nominate representatives for appointment on the board. The Government will have the right to nominate the chairman. That should be the procedure in connection with the appointment of members for all boards and trusts. On the retirement of the representative of the producers from the Fremantle Harbour Trust recently another gentleman, no matter how good a man he may have been, was appointed in his place, but he was not a representative of the producers.

Hon. A. BURVILL: I do not approve of the amendment, for I consider the one I have suggested will fill the bill better. We have already agreed that the members of the board shall be appointed by the Government, one of whom shall be appointed as chairman. Instead of naming the associations that will have the right to nominate members, it would be better to frame the amendment in accordance with my suggestion. If the Committee will agree to that, we will add a new subclause as follows:—

Two of the members of the Board shall be representatives of the primary producers; two shall be representatives of business and shipping interests; and one shall be a representative of the Albany Waterside Workers.

The Primary Producers' Association does not cover all classes of producers. There are fruit growers, for instance, who have their own organisation, and other similar organisations may be formed later on. The four principal interests to be considered are the producers of wheat, wool, fruit, and timber, while later on butter manufacturers will also be concerned. All these interests will desire to have a voice in matters relating to

export. The Government have to find the money for the construction of the harbour, and I consider it to be their duty to make regulations prescribing how the nominations shall be made. We will then have an opportunity to approve of those regulations.

Hon. E. ROSE: The object Mr. Miles has in view is to make it mandatory that the organisations shall nominate their representatives for appointment on the board. In view of past experiences I agree with that. Among the members of the harbour board at Bunbury there are men who have had no past experience in connection with shipping business. We should safeguard against that, and see that the members of a trust or harbour board are men who have had previous experience of shipping and business matters. Mr. Miles' amendment will safeguard the position. Members should be appointed to such positions as representatives of the various interests, and not merely because they are members of a political party. Such positions should be removed altogether from political considerations. I do not think the Chief Secretary will take exception to the amendment proposed by Mr. Miles, unless it be on the ground that it is mandatory.

The CHIEF SECRETARY: I oppose both the amendment moved by Mr. Miles and that suggested by Mr. Burvill. The Government have to accept the full financial responsibility for the transactions of the board, as well as for the construction of harbour works under the management of such a board. In order to secure the best men for the positions, the area of selection should not be restricted. Certainly no outside body should have the right to insist upon any member being appointed. I have perused the files extending over a period of twenty years and I have not been able to discover one instance in which any particular interest or organisation has been permitted to select members. Governments have consulted them and that system could be continued under the provisions of the Bill. No member is appointed to a position on a trust or a board to serve the interests of any particular organisation or industry. If the Government appoint a person from the Chamber of Commerce, the Primary Producers' Association, or the Lumpers' Union, such person is given to understand by the Government that once he is appointed a commissioner, his duty is not to look after the interests of his particu-

lar organisation but of the Treasury. It is quite different in connection with the Markets Bill. That is comparatively a small matter affecting producers and consumers. A harbour trust concerns the Government of the State, and if the Government perform their duty conscientiously they will select men who will realise the responsibility of their positions. That has been done in the past. It is impossible to find a place on such a board for every organisation in the State. A free hand should be given to the Government to select members of a board or trust appointed to control a harbour.

Hon. H. STEWART: The Minister referred to the Markets Bill as being comparatively unimportant. At the same time considerable expenditure is involved in connection with the proposal. A harbour board, just as the trust to control markets, must serve the whole of the State. The great primary producing interests which are so intimately connected with marketing are fully entitled to consideration when the appointment of members of the board is made. At the present time there is no one on the Fremantle Harbour Trust associated with the producing interests. That fact has arisen probably through inadvertence, following the death of one of the members a few years ago. When the next vacancy occurs I hope the Government will give consideration to this matter. The producers' interests in this State are so predominant that the industry should certainly have representation on the harbour board or trust.

Hon. A. BURVILL: The primary producers should certainly have representation on the board, and as to the manner in which the appointment should be made, I am prepared to leave that in the hands of the Government. As the Bill stands, any Government may appoint a board that will represent merely the business and shipping interests, or only the interests of the primary producers or the workers. I would like to have an assurance that there will be equal representation when the appointments are made. I should like to see Labour represented on the board, for the reason that it will make for smoother working in regard to the operations at the harbour.

The CHIEF SECRETARY: I would have no objection to the Primary Producers' Association being represented on the board, but the decision will not rest with me; it will

rest with Cabinet. Regarding the appointment to fill the vacancy on the Fremantle Harbour Trust caused by the death of Mr. Basil Murray, there is nothing on the file to indicate that he was a representative of the primary producers. The vacancy was filled a week after Mr. Murray's death, because I was requested by the Trust to make the appointment without delay. It was not until 12 months later that I discovered that Mr. Murray was a prominent member of the Primary Producers' Association. I hope Mr. Miles and Mr. Burvill will see the distinction between the Marketing Bill and this Bill. The members of a harbour board or trust have control of public funds. The Fremantle Trust controls the expenditure of a couple of hundred thousand pounds or more, and the money is spent in accordance with their ideas, and without reference to the Minister. There is no need for Ministerial approval. The Trust can employ what labour they like, and they can spend money in any direction in respect of the harbour. I will do what I can to induce my colleagues to accept the views of hon. members, and I think the matter might be left in my hands. Of course, I may not be here when the Bill comes into operation. In that case I will use my influence with my successor.

Hon. H. STEWART: I had no wish to call into question anything that had been done in connection with the Fremantle Harbour Trust. After all, there is a good deal of camouflage about the matter. That is the position, and whether it is put into black and white, shipping and commercial interests are at present represented on the Fremantle Trust. The wharf labourers, too, are represented, but the primary producers' interests have been overlooked. Where associations or organisations are sufficiently powerful to make their representations felt, they succeed in getting representation. Apparently the Primary Producers' Association, when the last vacancy occurred, did not carry sufficient weight.

Hon. G. W. MILES: When representatives are appointed, they have to carry out their duties conscientiously, just as Ministers do. A provision of this nature should be inserted, though I am not wedded to its wording. Undoubtedly the primary producers have been neglected in the past. The Government will have the last say regarding any appointments. The selection could be fixed by regulation as suggested by Mr. Bur-

vill. Five or six men might be nominated, one of them to be selected by the Government. The shipping interests, the Chamber of Commerce and the workers' union could proceed similarly. Harbour trusts and harbour boards have been constituted out of the various interests concerned, without any legislative provision to that effect.

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

Ayes	..	..	..	..	7
Noes	..	..	..	..	10

Majority against .. 3

AYES.

Hon. W. T. Glasheen	Hon. G. Potter
Hon. V. Hamersley	Hon. H. Steward
Hon. G. A. Kempton	Hon. E. Rose
Hon. G. W. Miles	(Teller.)

NOES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. A. Burvill	Hon. J. Nicholson
Hon. J. M. Drew	Hon. H. Seddon
Hon. J. Ewing	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. W. J. Mann
	(Teller.)

Amendment thus negatived.

Hon. A. BURVILL: I move an amendment—

That the following be inserted to stand as Subclause (3):—"Two of the members of the board shall be representatives of the primary producers; two shall be representatives of business and shipping interests; and one shall be a representative of the Albany waterside workers."

There should be representation for the business and shipping interests equally with the primary producers. All the representatives proposed by my amendment would be subject to a new subclause, No. 4, of which I have given notice. Under proposed Subclause 4 the Governor would be empowered to make regulations prescribing how nominations to the positions of representatives on the board should be made, and how the persons entitled to take part therein or vote in respect thereof should be ascertained, and the method of voting and of determining the result. Proposed Subclause 4 ought to be taken into consideration at the same time as proposed Subclause 3. Under proposed Subclause 4 there could not be any dispute as to which particular organisation should appoint a representative. In the past the primary producers have been ignored. There

would be no harbour at Albany but for the primary producers.

The CHIEF SECRETARY: The same arguments as I used against the previous amendment apply in this case.

Hon. E. H. HARRIS: I should like some information as to the waterside workers' union referred to in the amendment. Mr. Miles wanted to put on the board a representative of another union, namely the Albany Lumpers' Union. The "Industrial Gazette" refers to no such organisation, and I wonder whether it exists.

Hon. A. BURVILL: I deliberately omitted any reference to a particular organisation, and as regards the waterside workers I cut out the word "union." However, the waterside workers referred to in the amendment represent all the men working on the wharf. I refrain from designating any particular union. The business interests of Albany desire that the workers shall have a representative on the board, believing that this will make for smoother working.

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

Ayes	..	..	..	..	11
Noes	..	..	..	..	7

Majority for .. 4

AYES.

Hon. A. Burvill	Hon. G. Potter
Hon. W. T. Glasheen	Hon. E. Rose
Hon. V. Hamersley	Hon. H. Seddon
Hon. G. A. Kempton	Hon. H. Steward
Hon. W. J. Mann	Hon. J. Ewing
Hon. G. W. Miles	(Teller.)

NOES.

Hon. J. R. Brown	Hon. W. J. Mann
Hon. J. M. Drew	Hon. J. Nicholson
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. J. W. Hickey	(Teller.)

Amendment thus passed.

Hon. A. BURVILL: I move an amendment—

Insert a subclause, to stand as Subclause (4), as follows:—"The Governor may make regulations prescribing how nominations to the position of representatives of the board shall be made, and how the persons entitled to take part therein or vote in respect thereof shall be ascertained, and the method of voting and of determining the result thereof."

This will give the Minister all the power that is necessary, and at the same time will preserve the amendment we have just passed. The method of electing the repre-

sentatives will be entirely with the Government.

Hon. J. NICHOLSON: I ask Mr. Burvill whether he does not think he is creating almost an impossible task for the Governor in Council.

The Honorary Minister: The Committee have already done that.

Hon. J. NICHOLSON: He is asking the Governor in Council to make regulations prescribing how nominations to seats on the board shall be made. It is already provided that two nominees shall be representatives of business and shipping interests. It will be very difficult for the responsible officer to draft a regulation defining representatives of business and shipping interests for the compilation of a roll. One can conceive of a huge roll having to be prepared.

Hon. E. H. HARRIS: Not necessarily. Take the example of Fremantle.

Hon. J. NICHOLSON: There is great difficulty in making up the ordinary electoral roll, whether for Fremantle or for Albany. Consider how much greater the difficulty will be in making up a special roll, such as is contemplated by the amendment. The same may be said in relation to the other representatives to be elected to the board. I believe in the ideal of various bodies being represented on such a board, but it will be very difficult to adhere to that ideal in view of the constantly changing conditions.

Hon. H. STEWART: The mover of the amendment might be able to throw some light on the drafting of that amendment. The first part of it seems to be satisfactory, but in the second part we read, "and how the persons entitled to take part therein." Take part in what? Then we get "or to vote in respect thereof." That is the first mention we have of voting.

The Chief Secretary: And who are "the representatives of the board"?

Hon. H. STEWART: Presumably that means "representative members of the board." The amendment is pretty indefinite, and it assumes a great deal. It seems to me to be full of difficulties.

Hon. A. BURVILL: I have no wish to insist upon the amendment. Perhaps the amendment we have already passed will provide all that I am asking for; that is to say, under it we shall have satisfactory representation on the board. I am pre-

pared to withdraw the amendment before the Committee.

Amendment put and negatived.

Clause, as previously amended,—agreed to.

Clauses 5 to 9 and 13 to 50—agreed to.

Clause 51—Power to Governor to revise harbour dues:

Hon. A. BURVILL: I move an amendment—

That the following words be added:—"but nothing contained in this section shall authorise the Governor to increase the harbour dues, harbour improvement rates, wharfage charges, and other dues, tolls, rates, fees, and charges in excess of the like charges payable in any other port in the State which is controlled by a harbour trust or board."

At present certain dues are charged at Albany that differ from the dues at Bunbury and Fremantle, and this has given rise to complaints. The same thing occurs at Geraldton. One of the reasons why Albany desires a harbour board is that the dues might be the same as those charged in other harbours. We do not mind the Governor having power to revise the dues so long as the charges do not exceed those imposed in other harbours. I admit that the Bunbury harbour is not a paying proposition at present and that the dues are similar to those charged at Fremantle.

Hon. H. A. STEPHENSON: I support the amendment, which is only fair. Clause 52 gives the Minister power to declare the value of property vested in the board. Thus the Minister would put his own value on the property and possibly might over-value it. In that event charges could be increased to cover interest, sinking fund, etc., and those charges might be greatly in excess of the dues charged in other harbours.

The CHIEF SECRETARY: I am surprised that the amendment should receive the support of Mr. Stephenson. The board will have practically a free hand to incur any expenditure that comes within the four corners of the measure and pay out money without approaching the Treasurer. Clause 51 is inserted to afford the State protection against possible extravagance by the board. The board must make ends meet, and if they fail to do so, they must not seek to place the burden on the general taxpayers. But for the clause there would be no control over the board. The amendment would mean that the minimum charges would invariably apply to Albany.

Hon. J. Nicholson: It would be only if the board failed to collect sufficient dues to pay their ordinary outgoings that this would be done.

The CHIEF SECRETARY: There might be a shortage of £1,000, but the Governor would not step in without giving the board an opportunity to make ends meet.

Hon. J. Nicholson: If the board kept within bounds the Governor could not step in.

The CHIEF SECRETARY: That is so. The amendment is an admission of weakness.

The Honorary Minister: And a reflection on Albany.

Amendment put and negatived.

Clause put and passed.

Clauses 52 and 53 and 55 to 78—agreed to.

Schedule—agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—ROADS CLOSURE.

Second Reading.

Debate resumed from 2nd November.

HON. A. BURVILL (South-East) [8.50]: It is usual and advisable that road boards and municipal councils, and other public bodies, should acquaint their representatives in Parliament upon matters of this sort. Almost invariably Bills for road closures, reserves, transference and permission for sales, etc., are merely of a formal character. Nevertheless I am of opinion that members whose districts are affected should be duly notified concerning them. It is a courtesy due to those members, if for no other reason than that they should be conversant with the situation, in the event of discussion arising when the Bills are submitted. Regarding this particular Bill, no notification has been received by any member concerned in either House on the question of Item 1 in the Schedule, namely, the proposed road closures in Albany. Of these there are seven, and in Committee I intend to move to add another road closure, making a total of eight. This Bill has already passed another place. Since then exception has been taken both by the member for Albany and by myself in that we had not been notified by the Albany Town Council that it would

be introduced, and have not been given particulars as to the reserves wanted. The Albany Town Council hold that they are not to blame, in that they received no reply to a letter forwarded to the Under Secretary for Lands on the 7th August last, concerning one of the road closures in which the vestry of the local Anglican church was concerned, and which was awaiting the final approval of the diocesan secretary at Bunbury. This approval was forwarded direct to the Under Secretary for Lands, who then finalised the matter, and brought in the schedule without notifying the Albany Town Council. The town clerk states in a letter dated 10th November—

I regret that through no fault of our own down here you were not informed of the Bill coming before Parliament. If the Lands Department in Perth had only given me the information that the Bill for the closure of these roads was in hand, I would immediately have communicated with you.

From what I have ascertained, it is not the duty of the Lands Department to acquaint Parliamentary members concerned unless they already have the matter in hand through the public body interested. It is the duty of the public body requiring the Bill to notify members at the inception of their action. The Albany Town Council were of opinion they could do this after matters had been finalised with the Lands Department. Apparently in this instance the Lands Department gave no notification to the Albany authorities as to when the Bill would be introduced. There seems to have been a lack of understanding as to the proper procedure to be followed, due to clumsiness or inadvertence on both sides. The trouble is that a certain amount of local recrimination in the council and in the Press has been indulged in, of a political nature that is perhaps intended to create an impression that the Parliamentary representatives of the district have been deliberately ignored. I am pleased to find that such is not the case, and that there is no justification for any such allegation. The matter of this road closure and reserves has been engaging the attention of Albany for more than three years. All the reserves asked for are parts of streets. On some of them, Stirling-street, for instance, buildings have been erected and trees have been planted, and other work of an ornamental nature has been done. In York-street opposite the Anglican church a

fallen soldiers' memorial has been erected. A Class A reserve is wanted there. It is not intended to make a corresponding reserve on the opposite side of the street, owing to certain objections that have been raised. The Hordern Monument at the head of York-street was not included in the road closures. I propose to move an amendment to provide for this. It has been approved by the Lands Department, and the Albany Town Council. It is necessary that these areas in the streets should be closed and converted into Class A reserves to protect the council from works already in existence, and those that may be brought into existence in the future. I make this full explanation in order to clear up misunderstandings and political misconceptions that have developed locally. I have pleasure in supporting the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair the Chief Secretary in charge of the Bill

Clauses 1 to 5—agreed to

Schedule 1:

Hon. A. BURVILL: I move an amendment—

That the following paragraph be added:—
“All that portion at the end of York-street in the municipality of Albany where it junctions with Middleton-road and other streets containing 0.72 perches, and being a circle with a radius of 12 links having the Hordern Monument in the centre.”

Hon. J. NICHOLSON: Is it not necessary for this piece of land to be indicated by a plan in the Lands Office, and for the number of the plan to be mentioned in the description? In course of time the Hordern Monument may be moved to some other place. If we describe the piece of land as that upon which the monument is now erected, without reference to any plan, we may find ourselves in difficulties in future years.

The CHIEF SECRETARY: The amendment has passed through the hands of the Under Secretary for Lands and I do not think it is necessary to further safeguard the provision as suggested by Mr. Nicholson. The fact that the monument is on the land that is indicated, is sufficient.

Hon. J. Nicholson: But the monument may be shifted.

The CHIEF SECRETARY: Apparently the Lands Department sees no objection, because Mr. Burvill's amendment is included in the reference I have indicated.

Hon. A. BURVILL: The amendment was referred to the council and others concerned at Albany and also to the Under Secretary for Lands who approved of it.

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

Title—agreed to.

Bill reported with an amendment.

BILL—SHEARERS' ACCOMMODATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th November.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [9.3]: As this is a Bill which can be more profitably discussed in Committee, I did not, at first, intend to reply to the speeches delivered by hon. members. But, owing to developments, it seems necessary for me to say a few words. In the first place I wish it distinctly to be understood that the transfer of jurisdiction on the judicial side from justices of the peace to resident magistrates is not intended to be, and cannot be, construed to be a reflection on the honorary magistrates in the districts in which the measure will operate. Because such a provision has been inserted in the Bill, the conclusion might be drawn that these particular justices could not be trusted to do their duty. These justices have never done anything, so far as I know, to mark them out for special prohibition. The object in confining the jurisdiction to resident magistrates is to bring the procedure into line with that in the Factories and Shops Act and many other measures. This Act is under the administration of the Chief Inspector of Factories and, in order that it may not be said that one principle was followed in the cities and towns and another in the outlying district, it was decided to preserve the spirit of harmony in all such legislation. There has never been a prosecution under the principal Act. The Chief Inspector of Factories is a reasonable man, and he has found that his instructions have been willingly complied with in the past. But he was not in a

position to enforce the law, if he attempted to carry it out, except at tremendous expense to the State. I stated that the principle of confining the hearing of certain cases to resident or police magistrates is followed in keeping with various legislative enactments. The Assistant Under Secretary for Law has supplied me with a number of instances. They include the following:—Indecent Publications Act; Lunacy Act; Machinery Inspection Act; Mines Regulations and Inspection Act; Police Act; Illicit Sale of Liquor Act; Industrial Arbitration Act (police or resident magistrate may be appointed industrial magistrate); Auctioneers Act; Factories and Shops Act; Gold Buyers Act; Married Women's Protection Act (magistrate and one justice); Aborigines Act (resident magistrate, or, in his absence, two justices); Destitute Persons Relief Act (police magistrate or resident magistrate, failing which two justices). Hon members will see, therefore, that there are several instances where provision is made regarding resident magistrates. I wish to make that clear in order that the impression may not get abroad that any reflection was intended upon honorary justices in outlying parts. So far as the administration of the Factories and Shops Act is concerned, at one time there was abuse of the measure in the metropolitan area, owing to ridiculous fines such as 1s. and 2s. being inflicted by certain honorary justices. I have the file dealing with numerous cases in which honorary justices presided. In some cases they were either suspected offenders or potential offenders. In consequence of that position arising, a previous Government introduced an amendment to the Factories and Shops Act making provision for a resident magistrate or a police magistrate to take these cases.

Hon. G. W. Miles: There has been no opposition to resident magistrates expressed in this Chamber.

The CHIEF SECRETARY: In another place there was considerable discussion on the point, and it was contended that this amounted to an insult to the honorary magistrates in outlying districts. There has been no such discussion here, but one or two remarks were made that provoked me to reply. Those remarks were not made by any member representing the particular districts concerned. Sir Edward Wittenoom asks, "Does the Act provide for a reasonable standard of accommodation being given?" The reply is "No"; it permits four men to

be accommodated in one room with only 360 cubic feet of air space per man. The size of such room would be 10ft. x 8ft. x 9ft.—the dimensions of an ordinary tent. This is regarded by the Chief Inspector of Factories as insufficient. Sir Edward points out that the shearers make big money while they are working. The fact that good pay is earned does not justify the contention that healthful conditions should not be required in respect of the accommodation provided. It is recognised that although the Act can be complied with, the conditions may be rough, but precautions should be taken, as is provided in the Bill, to secure clean and healthy conditions. Sir Edward states many of the settlers carry small numbers of sheep, and that in such circumstances, it is unfair to inflict upon them the necessity to provide larger room. This Bill can scarcely apply to other than fairly large owners. It is unlikely that the settler with comparatively few sheep would employ six or more shearers to shear them. If less than six shearers are employed, the Act will not apply. That means to say three men would be doing the actual shearing, and there would be shed hands. In proof of that I may say that machine shearers average about 120 sheep a day, thus three machine shearers would shear 360 sheep per day or 4,320 in 12 days.

Hon. V. Hamersley: You give credit for a pretty good run.

The CHIEF SECRETARY: The Bill would apply merely to those who have sheep in excess of 4,000. The original Bill proposed that the basis on which the Act was to apply should be the number of sheep to be shorn. This was amended in another place, and paragraph 1 of Section 2, which it was proposed to delete, was restored, with six shearers substituted for eight. There was a long discussion in the Assembly by members competent to express an opinion, including members from the Murchison and from the North-West. It was agreed that the basis of the number of sheep was not a fair one to adopt, and the Bill was amended so that instead of making the basis of the accommodation the number of sheep, it was altered to provide for any shed where more than six shearers were employed, and where that obtained, the station should be brought under the Act.

Hon. G. W. Miles: That is, three shearers and three assistants.

The CHIEF SECRETARY: Yes, employed in connection with shearing.

Hon. V. Hamersley: That is practically a two-stand plant.

The CHIEF SECRETARY: Sir Edward states, "The Leader of the House said that under the terms of Section 12 an inspector would have to make three trips to see that the conditions of the Act were carried out. So far as I can see it will take exactly the same number to properly supervise the operations of Clause 7." Two visits only will be necessary if the proposal is agreed to, one to see if the Act is complied with, and if necessary to serve an order; the second to see if the order has been complied with, and if not, proceedings can be instituted. Mr. Stewart referred to Section 12 of the Act. He said that the section was to be repealed and replaced by another, and asked how could the original provision be declared ineffective if it had never been put into operation. The inspector makes the inspection and serves the notice, but he has no power to enforce compliance with the notice! He can refer the matter to two justices, who cannot punish the offender for non-compliance, but may alter or vary the notice or confirm it. If that is not done, the owner of a station cannot be prosecuted. All these things must be complied with before a prosecution can take place. The object of the amendment to Section 12 is merely to simplify the procedure. These matters can be more fully discussed during the Committee stage and it is unnecessary to say more.

Question put and passed.

Bill read a second time.

BILL—METROPOLITAN MARKET.

Second Reading.

Debate resumed from the 11th November.

HON. E. ROSE (South-West) [9.13]: I congratulate the Government on bringing the Bill before the House. It is long overdue. Past Governments were asked repeatedly to introduce a measure of this description to provide for the marketing of primary products. During the discussion that has taken place so far all members agree that a Bill of this description is necessary, but the only point raised is as to how the markets are to be controlled, whether by the City Council or by a trust. Because of the number of letters I have

received from the various bodies throughout my province and other provinces as well, I intend to vote in favour of the trust. I favour the municipal control of services such as water works, electricity, tramways, and so on, but the control of markets should be under a trust. I hope that when the trust is appointed the primary producers will have representation on it. I know that the Minister will object to that just as he objected to giving the producers representation on the harbour board. The producers should have some say in the sale of their products. I do not agree at all with the City Council, who ask for the control to be placed in their hands. The City Council also object to the markets being free from taxation. I think they should be free from taxation; we do not want to make money out of the producers, or put up the cost of living any more than we can possibly help. By having the trust appointed by the Government, or recommended by the various organisations, we shall have a body that will do their utmost for the benefit of all concerned, a body who will see that the markets are carried on cheaply and effectively. With reference to the tenure of office of the members of the trust, it will not be advisable for them to drop out in the same year. I would prefer to see them drop out in rotation, so that there may be a continuity of policy. There should be some of the old members on the trust when the new ones come in, so that the policy previously inaugurated can be explained and carried on. It will be necessary to have up-to-date buildings and the designers should make inquiries respecting what has been done in various parts of the world. It will also be necessary to provide cold stores wherein to keep perishable produce. That will be a point for the House to consider later on. Some hon. members referred to Covent Garden. I have been there a great many times and I hope that when markets are established in Perth they will be a great improvement on Covent Garden, which are quite out of date. The owners have realised that those markets are not what are required and I understand that when the leases fall in it is intended to erect modern markets.

Hon. J. Nicholson: Under municipal authority.

Hon. E. ROSE: I do not think so because the property does not belong to the municipality. However, I do not care what the

control is there; I am interested only in the proposed markets in Western Australia. I hope that the building here will be convenient not only for the producers but for the consumers. It is not necessary that the markets should be built adjoining a railway or close to a siding. In these days of motor transport the markets can be built in any convenient locality. When the members of the trust are selected I hope they will prove to be men of experience. I have much pleasure in supporting the second reading and hope that the Government will stick to their guns and insist on control by a trust.

On motion by Hon. V. Hamersley, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [9.22]: I move—

That the House at its rising adjourn until Tuesday, the 23rd November.

Question put and passed.

House adjourned at 9.22 p.m.

Legislative Assembly,

Wednesday, 17th November, 1926.

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

AUDITOR GENERAL'S REPORT.

Mr. SPEAKER: I have received from the Auditor General, in pursuance of Section 53 of the Audit Act of 1904, the 36th

report for the financial year ended the 30th June, 1926, which I now lay on the Table of the House.

QUESTION—RAILWAY PROJECT, KONDININ EASTWARD.

Mr. BROWN asked the Premier: 1, Is the Railway Advisory Board's report on the Kondinin Eastward project available? 2, If so, will he lay it on the Table?

The **PREMIER** replied: 1, Not yet. 2, Yes.

ANNUAL ESTIMATES, 1926-27.

Report of Committee of Supply.

THE PREMIER (Hon. P. Collier—Boulder): I move—

That the report of the Committee of Supply be adopted.

HON. G. TAYLOR: It is unfortunate that we should be adopting the report of Committee of Supply, which clears the way for the passage of the whole of the Estimates, immediately after receiving the Auditor General's report. It is a pity that we had not the report before passing the whole of the Estimates.

The Premier: I should like to make it clear that I have no responsibility whatever in regard to the Auditor General's report.

HON. G. TAYLOR: That is quite right. The matter has nothing to do with the Government.

The Premier: The Auditor General is responsible to Parliament, and I have no knowledge as to why his report has been delayed.

Question put and passed.

In Committee of Ways and Means.

The House having resolved into a Committee of Ways and Means, Mr. Lutey in the Chair,

The **PREMIER:** I move—

That towards making good the Supply granted to His Majesty, a sum not exceeding £5,967,519 be granted from the Consolidated Revenue Fund of Western Australia, and a sum not exceeding £109,878 from the Sale of Government Property Trust Account.

Question put and passed.

Resolution reported.