

dustrial measure. There is to be an amendment to one of the Bills, which will probably be accepted, and that will necessitate a clean print being made. Therefore it is impossible for us to conclude our business to-night.

Hon. W. Kingsmill: Do you think we will finish on Tuesday?

The COLONIAL SECRETARY: Yes. I move—

That the House do now adjourn.

Question passed.

House adjourned at 7.34 p.m.

Legislative Assembly.

Thursday, 3rd September, 1914.

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

QUESTION — RAILWAY, WONGAN HILLS-MULLEWA.

Mr. MOORE (without notice) asked the Minister for Works: 1, When will the ballasting of the Wongan Hills-Mullewa railway be completed? 2, Will he favourably consider the reducing of all rates for carriage of all goods directly the ballasting is completed?

The MINISTER FOR WORKS replied: It would be impossible for me to give from memory either the date or the information required by the hon. member. Therefore I shall have to ask him to give notice of the question.

Mr. MOORE: Then I give notice of the question for the next sitting.

QUESTION — SLEEPER HEWERS' LICENSES.

Mr. LAYMAN (without notice) asked the Minister for Mines: 1, Is he aware that many hundreds of men in the South-West previously working as sleeper hewers are now out of employment owing to their not being granted hewers' licenses; also that some of the said men, together with those dependent on them, are in a state bordering on destitution? 2, If so, will the Government reconsider its determination to refuse to grant licenses to these men?

The MINISTER FOR MINES replied: The question is one which requires some consideration, and I will ask the hon. member to give notice of it.

QUESTION—ROAD MAINTENANCE, CLAREMONT.

Mr. MONGER (without notice) asked the Minister for Works: 1, Is it a fact that the Minister has served a notice upon the Claremont Roads Board requiring them to put that portion of Railway-road facing the Karrakatta cemetery in repair? 2, Has the board refused to comply with such notice? 3, If so, what action does the Minister propose to take in the matter?

The MINISTER FOR WORKS replied: It is true that the Public Works Department took exception to the state

of the road, and, the road being in the Claremont Roads Board district, communicated with that board in regard to the matter. Then, through the activity of the member for the district, a conference was arranged with the secretary of the board in order to see whether an arrangement could not be reached by which the road would be maintained in a better state of repair. The matter has been followed up, and during the last few days a communication has been sent to the Karrakatta Cemetery Board and to the Claremont Roads Board offering, on behalf of the Government, if these boards will contribute a sum their contributions will be subsidised by the Government and the road will be put in a state of repair. I may add that the member for the district has devoted special attention to the matter, and that I think the arrangement outlined will be satisfactory to the Claremont Roads Board and to the member for the district.

QUESTION — PERTH TRAMWAYS.

Concession for Women Workers.

Mr. ALLEN (without notice) asked the Minister for Railways: Will the Government grant to women travelling to work per tram up to 9 a.m. the same concession as is at present enjoyed by workmen travelling on workmen's tickets?

The MINISTER FOR RAILWAYS replied: I think the hon. member will recognise that I could not answer a question of that kind without notice.

Mr. ALLEN: It does not require very much consideration.

The Premier: You want to wake up earlier in the session.

Mr. ALLEN: I desire to give notice that I shall ask the question at the next sitting of the House.

QUESTION—AGRICULTURAL JUTE GOODS, SUPPLIES.

Mr. S. STUBBS (without notice) asked the Premier: 1, Is he aware that

the sailing dates of one or two boats chartered to bring jute goods to Western Australia have been postponed on account of the war? 2, Will the Government do its utmost, if necessity arises, to secure necessary freights, so that the farmers will be able to gather this season's harvest?

The PREMIER replied: 1, No. 2, We will do, as we have always done, our utmost to assist the development of the primary industries of the State.

QUESTION—RABBIT LEGISLATION.

Mr. S. STUBBS (without notice) asked the Minister for Agriculture: 1, Is he aware that the Rabbit Proof Act of this State precludes dead rabbits from being sent to market for food purposes? 2, Is he also aware that it is illegal for the skins of rabbits to be sold in this State? 3, Will he bring in an amendment to the Act allowing settlers to destroy rabbits on their holdings and to despatch the carcasses to the open market?

The MINISTER FOR AGRICULTURE replied: 1 and 2, The Act does prevent rabbits being sent to market, and also the sale of skins. 3, The question of amending the Act has been under consideration, and a Bill for that purpose will be introduced next session. Whether the Bill will deal with the two points raised by the hon. member is a matter for further consideration.

QUESTION—LAND RENTS AND WATER RATES AND CHARGES.

Hon. FRANK WILSON (without notice) asked the Minister for Lands: 1, Will the Minister give an assurance that he will not forfeit C.P. leases for non-payment of rent where the statutory improvements have been effected, and he is satisfied that the selector cannot pay? 2, And will the Minister agree that in such cases the fine imposed shall not exceed 6 per cent. per annum? 3, Will the Minister refrain from unduly pressing for payments due by the farmers for

water rates and charges now due or which may become due during the next three months? I may explain that I ask these questions because I have here a notice sent to a settler that his land is forfeited for non-payment of rent, although the rent is paid up to the end of last year, and only six months' rent is due—a paltry amount.

Hon. W. C. Angwin (Honorary Minister): It is only the usual formal notice.

Hon. FRANK WILSON: It is a type-written notice. This kind of thing is causing a great deal of unrest, and I should like an expression of the Minister's intentions on the subject. I know, of course, that he does not intend to forfeit; but a public intimation from him to that effect will relieve the position. It may be necessary to explain that as the Federal Treasurer, Sir John Forrest, is finding money now, under certain conditions arranged with our State Treasurer, for carrying on Government works, possibly a certain sum can be raised in this way to allow of rents and water rates and expenses in connection with manuring to be suspended temporarily in the case of settlers who prove that they need time to pay.

The MINISTER FOR LANDS replied: In regard to the payment of rents, as hon. members are aware, the amount of arrears is a largely increasing sum. Indeed, it is a very considerable amount at the present time. In many cases the amounts have been carried over now for a period of three years. Where the arrears amount to three years, the practice I have adopted is to inquire into the case, and where it can be proved that extension is justified extension has been granted. Quite recently the question of the rents due for the current term came under my notice, and I then gave notice to the lands officers that where, owing to the unfortunate position of the settler, we had carried over arrears for previous years and for the first half of the present calendar year, it was impossible for the settler to pay the current half-year's rent because he was dependent on wheat growing and would not

obtain any money until the harvest was reaped; that, therefore, there was no need for inquiry in those cases, but that the protection would be extended until next February. There can be no general pronouncement in that direction, because there are numerous holders who are drawing salaries and obtaining income from other occupations, and thus are able to pay their rent even although they may have had some disadvantageous circumstances in regard to their land. It is necessary, therefore, to discriminate between the settler who is entirely dependent on the wheat harvest and to whom consideration must be extended, and the settler who seeks protection although he has funds to pay his rent. As regards the fines, those are prescribed by the Land Act which has been in existence since 1898, and, therefore, they are a legal provision. Up to date, however, where I have granted protection to settlers on account of their inability to pay rent, no interest whatever has been charged; and, although it is illegal, the fines have been remitted. It will probably be necessary, at some future date, for the Government to pass an indemnifying Act, so far as my action in that regard is concerned. The matter of water supply, of course, comes under the attention of my colleague the Minister for Works, but I am in possession of information which enables me to answer the questions asked on that point. All the information concerning settlers which has come under the notice of the Seed Wheat Board has been brought to the attention of the Water Supply Department, and those settlers who had obtained protection as the result of investigations by the Seed Wheat Board have also secured protection as regards payments for water supply. Their payments to the Water Supply Department have been deferred. As regards other cases, there is quite a number of gentlemen engaged in farming who we know are in a position to pay, who are well-to-do, or comparatively well-to-do, and in their cases summonses have been issued. I may add that the same policy will be continued as regards settlers.

QUESTION—PRINTING OF REPORTS.

Poison Eradication and Lands Reclassification Boards.

Hon. J. MITCHELL (without notice) asked the Minister for Lands: With reference to Notices of Motion Nos. 8 and 9, standing in my name on the Notice Paper, that the report of the board of inquiry *re* poison eradication, and the report of the reclassification board together with the minutes attached thereto, be printed, I wish to ask the Minister for Lands whether he will have these documents printed accordingly?

The Premier: That is a matter for the Printing Committee.

Hon. J. MITCHELL: I wish to ask the Minister for Lands whether he will have the reports printed? The Minister will realise that both are important reports and that they should be available to members at any time. I am aware that the reports will be kept in the House, but that is not sufficient. They are only typewritten copies, and it is very difficult for a member requiring a copy to obtain it. Both reports are of great interest, and of continuing interest, and they should be printed.

The MINISTER FOR LANDS replied: On the occasion when the hon. member first gave notice of his intention to move that these two reports should be printed, I told him—and this was after the outbreak of war—that in view of the fact that the report of the reclassification board had been printed *in extenso* by the newspapers, together with my memorandum and the minute stating the decision of Cabinet, it was unnecessary to go to the expense of printing that report. The report of the poison board is ancient history to such an extent that I am not in favour of its being printed. If the hon. member requires some further copies, I shall be only too happy to supply them. As to the report of the reclassification board, that was laid on the Table, and the question as to whether it should be printed or not is for the Printing Committee, but my own personal opinion is that it is unnecessary in

view of the publicity already given to it in the Press.

PAPER PRESENTED.

By the Minister for Mines: Statement of comparative results of working of Government Railways.

QUESTION—RAILWAY OFFICER, RECOGNITION OF BRAVERY.

Mr. ELLIOTT (for Mr. Wisdom) asked the Minister for Railways: 1, Has his attention been drawn to the plucky conduct of porter John Edwards in rescuing a man, apparently under the influence of liquor, who had fallen on the railway line at Claremont station in front of two trains simultaneously approaching from either direction on the night of August 2? 2, As the railway officer's prompt action was undoubtedly the means of saving a human life, and at considerable risk to his own, will he take steps to ensure that this brave action of his official shall be suitably recognised?

The MINISTER FOR RAILWAYS replied: 1. An incident of this nature happened on the 26th July last. 2, The officer was commended for his action, and a note made on his record of service. He has also since been promoted.

QUESTION—STATE HOTEL, KWOLLYN.

Mr. MOORE asked the Premier: 1, What was the cost of erecting and fitting the State hotel at Kwollyn? 2, What is the number of the inhabitants of that townsite? 3, When was the hotel opened for business? 4, What have been the takings since the hotel has been opened?

The PREMIER replied: 1, £6,100 13s. 4d. 2, The population of the townsite is but small, but the hotel was erected to serve the residents in the district (not the townsite), which are considered to be over 400. 3, 23rd May, 1914. 4, £486 19s. 9d. up to 25th August, 1914.

QUESTION — SAWMILLS CLOSED DOWN, ABSORPTION OF WORKERS.

Mr. O'LOGHLEN asked the Minister for Works: 1, Is he aware that several private sawmills have been closed down in the South-West? 2, In order to relieve the distress likely to occur through lack of employment, will he arrange for a double shift being worked on the karri mills to absorb the workers from Jarrah-wood and Swan Mills?

The MINISTER FOR WORKS replied: 1, Yes. I have been informed so by the Honourable Member. 2, The honourable member was informed last week that the Government could make arrangements to work the mills two short shifts, providing the union would arrange for the men now working on the mills to accept a reduction in hours, say to six, in order that others may be employed for a further six hours. If the member will expedite this arrangement there will be no delay on the Government's part.

QUESTION—RAILWAY SAWMILL, DWELLINGUP, DOUBLE SHIFT.

Mr. O'LOGHLEN asked the Minister for Railways: In order to create employment for experienced mill hands, will he arrange for a double shift in the railway mills at Dwellingup so as to absorb the mill workers from Marrinup and other mills?

The MINISTER FOR RAILWAYS replied: The matter is under consideration.

QUESTION—SLEEPER CONTRACTS WITH THE FEDERAL GOVERNMENT.

Mr. O'LOGHLEN asked the Premier: 1, Has the State Government secured any of the recent Federal sleeper contracts? 2, Is it a fact that tenders have been accepted at higher rates than that which the Government is prepared to supply? 3, Is he aware that a number

of men, whose only occupation is that of sleeper cutting, have been refused licenses because for various reasons they did not hold one for the month of July?

4, Has the Government any scheme in view whereby those men could be employed at their usual occupation? 5, Does he think it fair that only one month should be set down in which it was necessary to hold licenses, seeing that it debarb bona fide hewers from working our forests?

The PREMIER replied: 1, No. 2, Yes. 3, Yes. These men, however, were cutting on Crown lands. 4 and 5, This matter is entirely dependent on the orders for sleepers received by the Government.

QUESTIONS (2)—POLICE CONSTABLE CAMPBELL.

Mr. O'LOGHLEN asked the Premier: 1, Was the major portion of the information supplied to the House by him on August 4th re Constable Campbell's non-appointment to the Police Benefit Fund Board obtained from the Commissioner of Police? 2, In a previous reply it was stated that Campbell was transferred to Wickepin for drafting a document and refusing to issue a report to the Registrar of Pensions? 3, What were the exact terms of the first document and what were the circumstances and reasons given by Campbell regarding the second? 4, Were either of these actions, or both of them, breaches of duty, or infringement of any law or regulation by which he might be punished? If so, was he prosecuted? If not, why not? 5, Is it not a fact that his transfer meant pecuniary loss, and humiliation in the eyes of the rest of the force, and further, that he was denied promotion? 6, As Campbell has been 19 years in the service without a conviction, are the two reasons given (if true) sufficient to prevent promotion? 7, Is it not a fact that if Campbell had not apologised to the Commissioner he would have been removed without trial and would have been deprived of taking action against the department?

8, If the Commissioner had a good case against Campbell, why did he not prosecute him and have him adjudged guilty and properly punished? 9, It is stated in previous answers that two inspectors have reported that Campbell is against all law. As Campbell was unaware of those reports are they entered on his record sheet? Were there any other judgments, remarks, or records on Campbell's record sheet? If so, what were they and why were they suppressed while those which were to Campbell's detriment put forward? 10, In order to give Campbell a chance of clearing himself will the Minister call upon the Commissioner to proceed on any of the counts referred to here on any other charge? 11, Was Campbell's transfer to Wickpin the fourth in 16 months—Pinjarra to Norseman, Norseman to Perth, Perth to Leederville, and Leederville to Wickpin? 12, Do not those frequent transfers look like harassing a man, particularly when with a family of eight children the cost of removal is heavy?

The PREMIER replied: 1, Yes. Just as the questions submitted by the hon. member were obtained from Constable Campbell. 2, Yes. 3, Terms of first document already disclosed in this House on the 25th ultimo (question 4), and in the second he declined to furnish the Registrar of Pensions with a report on the financial condition of a claimant on the erroneous grounds that he would be liable to a penalty, although such information had previously been furnished by the police and Campbell himself without demur. 4, They were insubordinate actions and calculated to have a detrimental effect on the discipline of the force; consequently a transfer was considered expedient. 5, No. 6, In the past he has been considered unfitted for promotion, owing to his disinclination to submit to discipline and to the general insubordinate tone of his official correspondence. 7, No apology was either asked for or given. 8, Answered by No. 7. 9, An officer's record sheet is always made available in its entirety when required, and the inference drawn in this case is not applicable.

10, Campbell having apologised, withdrawn, and expressed regret for his offence, the Commissioner decided that a charge should not be proceeded with. 11, During the period stated the transfers mentioned were carried out. His removal from Norseman to Perth was due to his election to the Police Benefit Fund Board, whilst the subsequent change of duty at Leederville entailed no hardships. 12, No; not under the circumstances.

Mr. O'LOGHLEN asked the Premier: 1, Was Constable Campbell granted long service and accumulated leave in September of last year? 2, Was he entitled to that leave as a lawful right under Circular Order No. 3 of 1913? 3, Has the Commissioner of Police power to prevent any constable, while on leave, from leaving the State? 4, If Campbell committed an offence by going out of the State without permission and was guilty of untruthful statements when called upon to show cause, why was not the threatened prosecution against him gone on with?

The PREMIER replied: 1, Yes. 2, Provided it is convenient to the Department, long service leave may be granted after 10 years' service. 3, Under the Police Regulations the Commissioner's approval is necessary before a member of the force may leave the State. 4, No prosecution was threatened; an explanation was asked for, and Constable Campbell evaded his liability to punishment by urging that the information given by his wife as to his address in New South Wales was not correct, thus protecting himself with the knowledge that Mrs. Campbell could not be called upon to give evidence against her husband.

QUESTION—HIGH SCHOOL, LATE HEADMASTER.

Mr. ELLIOTT asked the Minister for Education: 1, Whether in view of the long and valuable services rendered to the High School by the late Headmaster, Mr. F. C. Faulkner, M.A., the Government will take into consideration the question of granting that gentleman a retiring allowance? 2, If not, why this

departure from the precedent afforded by the retirement in 1898 of the late Colonel Haynes, who, having been second master at the High School for 20 years, on his retirement by the Governors was given by them six months' leave of absence, Parliament acknowledging its responsibilities to a State servant who had worked so long by granting him a life pension of £100 per annum? 3, If no immediate solution of this question is effected, whether in the event of any compensation or retiring allowance being paid to present masters of the High School, the Government will then take Mr. Faulkner's claim into consideration?

The MINISTER FOR EDUCATION replied: 1, The Government regrets that it is unable to grant such an allowance. 2, A pension of this kind cannot be legally granted under the Superannuation Act. The precedent is an invalid one. A grant given in this way is illegal, and should have had a special Act. 3, There is no precedent for anticipating in this way what a future Government may do.

LEAVE OF ABSENCE.

On motion by Mr. LAYMAN (Nelson) leave of absence for the remainder of the session granted to the member for Greenough (Mr. Nanson) on the ground of ill-health.

BILL—BILLS OF SALE ACT AMENDMENT.

Returned from the Legislative Council with amendments.

BILL—RIGHTS IN WATER AND IRRIGATION.

Council's Message.

Returned from the Legislative Council with requested amendments, which were now considered.

In Committee.

Mr. Male in the Chair, the Minister for Works in Charge of the Bill.

No. 1—Clause 79, Subclause 3, line 14, strike out the words "both Houses" and insert "either House":

The MINISTER FOR WORKS: It is with reluctance that I ask the House to accept the amendment. It will be remembered that this was one of the four amendments that caused the defeat of the Bill on a previous occasion, and I will explain so that members will be able to follow the position. Another place has taken up this attitude: They have dropped two amendments provided they get two. By that means they propose to compromise with the Government, and the Government are prepared to compromise with them in an endeavour to get the Bill through. If the Standing Orders permitted me, I would go into an explanation of the whole position, how the Bill has been dealt with and blocked by another place, but I am not permitted at this juncture. The four amendments were these: one in connection with Part III. of the Act, that it should come into force by proclamation, and the second was that the beds of the stream should not be taken. The third was in regard to the regulation now under consideration, and the fourth was in connection with leasehold as against freehold. We arrive at this conclusion, that another place has dropped their desire to prevent getting the beds of streams and the leasehold principle, but they are insisting that either of the Houses of Parliament should have power to veto regulations and they are compromising to an extent in regard to the application of Part III. by proclamation. I shall deal with that when we arrive at it. These are the four amendments on which the Bill was defeated last year by another place, and they have dropped two of them and insist upon two. In regard to the one before the Committee it has been the practice for many years, and I think a sound practice, where Parliament creates a measure and provides in that measure that certain regulations shall be made, the regulations become part of the measure. That having been passed by Parliament, Parliament as a whole should have the

right to say whether the regulation should stand or not. It is unsound for any section of Parliament to say that while it takes Parliament to constitute an Act, a section of Parliament is able to veto an Act to the extent of disallowing regulations that may be necessary for the sound administration of the measure. I admit that while that practice has been in operation for years past, that both Houses should deal with regulations, there has been a movement on the part of another place, principally since the Scaddan Government took control of the Treasury bench, to take to themselves the right to veto regulations without consulting this Chamber. I say that is unsound. Members may say, if it is unsound, why agree to it? The point is this: If the Government insist on doing that which they think should be done, we are going to penalise a lot of people in this country, and it is out of consideration for those struggling in this country that we are prepared to give way, much as it is distasteful to us, so that we may go on with the policy we have been endeavouring to carry out for the last three years. I ask members to take into consideration the question of the regulations and to weigh in the balance what harm would be done to the country if we did not accept the amendment. We will lose the Bill again and will be prevented from putting our policy into operation. Therefore I appeal to members to allow this question to stand over for the present, and not jeopardise the passage of the Bill through any feeling that the Legislative Council should not ask for this right, which in my opinion, and that of other hon. members, is absolutely wrong. I move—

That the amendment be made.

Hon. FRANK WILSON: I am glad that the Minister for Works has announced his intention to agree to the amendment. We have thrashed out the question fully on more than one occasion, notably last session, and we made it pretty clear that the Minister was doing wrong in rejecting a measure which we all hoped would be very useful in the development of the State, simply because of

an amendment of this nature. The Minister might well have allowed the amendment to go on that occasion. The Minister argued that it requires both Houses of Parliament to pass a measure; that is very true. Then he says, under the same contention two Houses should disallow regulations drawn up by the Government under any measure which has been passed. The argument applies more strongly against the Minister than for him.

Mr. O'Loughlen: One House is a representative House.

Hon. FRANK WILSON: Both Houses are representative. Both Houses make an Act of Parliament, but both Houses do not make the regulations; they are made by the Government, and therefore if both Houses do not sanction them—in other words if one House refuses to pass them, they ought not to become law.

The Minister for Lands: Regulations are not new laws.

Hon. FRANK WILSON: Very often they become legislation, with the present Government.

The Premier: They must be in accordance with the Act.

Hon. FRANK WILSON: Yes, but if they are not challenged they take effect.

The Minister for Lands: They can always be challenged in the law courts.

Hon. FRANK WILSON: Of course anything can be challenged in the law courts; even an Act of Parliament might be construed quite differently by the Supreme Court from what both Houses intended. Thus we make Acts of Parliament, and the judges of the Supreme Court interpret them. This is a very proper amendment. The regulations have to be drawn up and placed on the Table, and if no objection is taken to them they will have the force of law. Regulations often extend and amplify the meaning of an Act. Surely it is reasonable that if either Chamber carries a motion contrary to a regulation, it should be disallowed. In other words, the regulations, as in the case of the Act itself, must be approved by both Chambers. I do not think the measure has been delayed by this amendment; it was because the Minister was

pig-headed and would not allow any alteration to his ideas that the delay occurred.

The Premier: It is absurd to say that; it is absolutely incorrect.

Hon. FRANK WILSON: The fault lies with the Minister and his colleagues that useful legislation of this description was not placed on the statute-book two years ago. It might have been there if they had been reasonable, as they are apparently inclined to be reasonable to-day.

Mr. O'LOGHLEN: I wish to record my protest against the methods adopted by another place, and evidently supported by the leader of the Opposition.

Hon. Frank Wilson: Certainly.

Mr. O'LOGHLEN: The Minister for Works is placed in a very unhappy position. He wishes to save the measure to assist in the development of Harvey and other districts which are relying on irrigation being carried out. There has been a keen feeling of disappointment in the Harvey district that these works were not in progress 12 months ago, but the Government are not responsible for the delay which has occurred. The leader of the Opposition may smile at this statement.

Hon. J. Mitchell: They started the works.

Mr. O'LOGHLEN: And had to hold off because another place blocked the passage of the measure.

Hon. J. Mitchell: Oh, no.

Mr. O'LOGHLEN: These are the facts. Another place would have agreed to the passage of a measure if its members could have got their own way in regard to every clause. The time is coming when members of this House representing the people and directly responsible to the whole of the people will have to take a stand. It is a humiliating spectacle for the Government, backed up by big numbers in this House, and going ahead to further triumphs—

Hon. J. Mitchell: What?

Mr. O'LOGHLEN: The hon. member for Northam, at the close of this Parliament, should sing the Kathleen Mavourneen. No matter what proposal is brought down by the Government, simply because it is

initiated by a Labour Government, the attitude adopted by the Council is to defeat it or to so radically amend it as to destroy its purpose. It is true that regulations may have a big bearing on the working of the Act. If one House is to have the right to disallow the regulations, another place, which is not responsible to the whole of the people, will disallow them, not only in connection with the irrigation measure but on practically every Act with which they fail to agree.

The Premier: Although the regulations may be in accordance with the law they have passed.

Mr. O'LOGHLEN: They may not come into conflict over one clause in a Bill but the opposition is arrayed to such an extent, simply because the regulations emanate from a Labour Government. No matter what harm is done to the Government, or to the policy of the Government, they may defeat every measure by disallowing regulations.

Hon. J. Mitchell: It was very convenient to have your drug regulations thrown out by another place.

Mr. O'LOGHLEN: We would have been prepared to take the responsibility for them. We have not yet shirked our responsibilities, and will not do so in the future. This Bill must be passed because a large number of people are depending upon it. Many are not sympathisers or friends of the present Government, but no matter what their political creed is there are settlers depending upon the passage of the Bill, and the Minister is graciously giving way on this point. This protest should be carried on to the hustings.

Hon. Frank Wilson: Yes, go to the hustings and tell the people.

Mr. O'LOGHLEN: When a new Parliament assembles I hope a definite stand will be taken by the Government, no matter whether their majority is large or small, in order to see that the people's will is expressed.

Hon. Frank Wilson: We will see about it.

The PREMIER: It may be as well to explain that we have on the statute

book an Interpretation Act which renders it unnecessary in any law to provide other than that regulations may be made. The manner in which they shall be dealt with and whether allowed or disallowed is provided for in the Interpretation Act, and it is only during recent years that we have introduced the practice of providing for regulations in every Bill. Section 11 of the Interpretation Act reads—

Where any Act authorises the Governor, or any Minister, officer, board, body or person to make by-laws, rules, or regulations, or other instruments, for carrying out the Act, the Act, unless the contrary intention appears, shall be deemed to give power from time to time to make, repeal, and alter such instruments, and to require a copy thereof to be published in the *Government Gazette*, and to be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is then sitting, and, if Parliament is not then sitting, within fourteen days after its next meeting, and to enact that all such instruments when so published shall have the force of law and shall continue in force unless repealed or altered under the power given by the Act or disallowed by both Houses of Parliament.

Hon. Frank Wilson: Unless otherwise provided. Why are you providing it?

The PREMIER: We did not provide it; it is another place which is insisting on an amendment to provide something contrary to the Interpretation Act.

Hon. J. Mitchell: It is in the Bill.

The PREMIER: I admit that, even under the Interpretation Act, we have power to provide otherwise in each Bill, but as far back as 1898 it was stipulated that where the Governor-in-Council is empowered to make regulations they must be disallowed by both Houses of Parliament and not by either House as is now proposed. Only during recent years has the provision for permitting either House to disallow regulations been introduced. This attitude by another place was not adopted until a Labour Government came into power. That was the only time it

was found necessary to take this step. A regulation can only be made and have the force of law if it is in conformity with the Act. The Upper Chamber can agree to a measure and yet can disallow the regulations; they can prevent any regulation from being made under an Act of Parliament.

Hon. W. C. Angwin (Honorary Minister): They agreed to the Health Act.

The PREMIER: Yes, and when regulations were made in conformity with the Act they were disallowed by another place. The Upper House can kill an Act by not allowing regulations to be passed. The leader of the Opposition would have the public believe that we were responsible for introducing a new method for dealing with regulations, and he said it was absurd that both Houses should have to disapprove of a regulation, but it was his chief, Sir John Forrest, who was responsible for the passing of the Interpretation Act, and it was done in his brightest days. A Liberal Government passed the measure that both Houses should disallow regulations, and now because we propose to adhere to that system we are told it is absurd. It is only since the Labour Government took office that the second Chamber has adopted this attitude, and by doing so has destroyed the value of the Act itself.

Hon. J. MITCHELL: Regulations, I may point out, may impose fines, and you may by regulations set up charges which might be excessive. The fines, too, might be excessive. They may adopt a new principle altogether. Only the other day in connection with the Education Act, regulations were sent along to another place for approval, providing that only children of parents receiving a certain salary should be eligible for scholarships. In my opinion those were absolutely wrong regulations.

Hon. Frank Wilson: They were pauper regulations.

Hon. J. MITCHELL: Regulations may be set up under a principle which is never contemplated under the Act.

The Premier: You would not have noticed it had it not been for Mr. Colebatch.

Hon. J. MITCHELL: It may be that throughout this Act there are clauses which will permit the Minister to do things by regulation which the Parliament of the country would not agree to in the Bill as it is to-day. It is wrong that legislation can be extended in this way beyond the principles set out in it unless such regulations are approved by both Houses of Parliament. The Minister of course is right when he says that a court of law could upset regulations if they were *ultra vires*, but why should persons have to go to a court of law in order to prove that the Minister has no power under an Act to make the regulations he desires?

Question put and passed; the Council's amendment made.

No. 2.—Clause 79, Subclause 3, line 16: Strike out "them" and insert it":

The MINISTER FOR WORKS: This amendment is only consequential and I move—

That the amendment be made.

Question passed, the Council's amendment made.

No. 3: Add a new clause to stand as Clause 27, as follows:—"Provided that excepting in so far as it applies to artesian wells, and to rivers, streams, water courses, lagoons, lakes, swamps or marshes, the water from which is required for irrigation under Part IV. of this Act, Part III. of this Act shall apply only to irrigation districts constituted and defined under Section 27 of this Act":

The MINISTER FOR WORKS: In regard to this amendment, there is a lot of unnecessary verbiage in it in order to convey the desires of another place. It means that Part III. of the measure, the rights in natural waters, shall only apply under the conditions provided for in Part IV. which provides that the Minister shall have power, on the advice of his commissioners, to constitute and define parts of the State irrigation districts for the purpose of the Act. By adopting

this amendment as proposed, it limits the operation of Part III., or the ownership of water, to the Crown, and the ownership of these streams inside a district which has got to be declared under Part IV. Therefore, it really has a greater limitation than was proposed by another place last year, when they said that Part III. should only come into operation by means of proclamation. If the Government had accepted the amendment on that occasion with the other amendments we could have applied the measure by proclamation in various portions of the State. The proposal now is that we should limit the application of Part III. to irrigation districts as constituted under Part IV. For the reasons already outlined, I again propose to ask this Chamber to agree to the amendment. I want the Bill. Another place will not give us the Bill unless it is restricted in that sense. We know that the attitude of the Opposition has been hostile right through.

Hon. Frank Wilson: That is incorrect.

The MINISTER FOR WORKS: I say they have been hostile to the measure right through. In their fight for the measure the Government have had to fight another place. The Opposition have been acting in collusion with another place right through.

Hon. Frank Wilson: That is another incorrect statement.

The MINISTER FOR WORKS: What they could not get here they were able to get in another place, owing to the majority being with them there. As far as this Bill is concerned we are prepared to bow to the inevitable. We know while we have a majority in this Chamber and can exercise our right as given to us by the majority of the people to pass legislation, that if the hon. gentlemen opposite oppose any of our measures all they have to do is to go to their friends in another place. While this Chamber is controlled by the Government who have an absolute majority created by the will of the people of the State, another Chamber, representing only a comparatively small section, can veto

or mutilate the Government's legislation or interfere with the policy of the Government to the extent which has been done in regard to this particular measure. Three years ago we fought to get this Bill, and, anticipating that there would be no difficulty in a broad measure of this description, we went on at Harvey in an attempt to try and relieve the struggling settlers who were battling under impossible conditions down there, knowing too, that we could not interfere with the water of the streams until we got a Bill of this description through. The work proceeded until we arrived at the stage when we had to interfere with the stream if we went on, and when the measure was defeated we were compelled to stop work there. Had we interfered with the stream those down below it had only to go and get an injunction against the Government and we would have been prevented from damming it. The capital spent in the meantime has been lying idle. The State has been compelled to find interest and sinking fund on the capital expended purely because our hon. friends opposite, acting in collusion with members of another place, were able to step in and interfere with the scheme. The worst of it is that we know that the people down there have been the sufferers. Members of another place would never have compromised to the extent they have, had it not been for the pressure brought to bear upon those who knew the need of the measure. So far as the amendments are concerned I have had nothing of a hostile character from Harvey. It is the people down there who are most directly interested, and it is due to the Harvey people that they have been able to bring another place so much to their senses that they have forgone two amendments and only insisted on these. We are prepared to accept them in the interests of the South West of the State, and apply it in the limited sense we are able to do by the acceptance of the measure, and at some future date we can extend it to other districts if so desired. I am prepared to accept half a loaf on this occasion rather than delay the passage of the Bill.

because we are extremely anxious to put our policy into operation. I move—

That the Council's amendment be made.

Hon. FRANK WILSON: The Minister, with his usual audacity and brazen-faced attitude, hurls forth accusations against all and sundry who have endeavoured on any occasion to better his legislation. We have never been in collusion with another place, and I have never had any conversation with any members of the Legislative Council in connection with this matter. The Minister makes misrepresentation after misrepresentation, regardless of the truth. I advise him to wait until he gets on the hustings before launching out in this way. He can then tell his fairy tales to the electors, but I warn him that we have something very strong to give him in return. The Minister had made up his mind that he was going to compromise and have the measure, but directly he made up his mind he could not refrain from attacking those whom he had compromised with. Not only that, but he must draw in hon. members on this side of the House.

The Minister for Works: Because they deserve it.

Hon. FRANK WILSON: And accuse them of collusion. There is apparently nothing too strong to charge members of another place with, because they have not got, according to his view, common sense enough to approve of his legislation as drafted. The Minister says that this legislation is drafted in the interests of the people. Some people do not think so. It refers to the Harvey. That is certainly the main centre of irrigation at the present moment, but how long is it going to be before the scheme is extended to other portions of the State? Surely representatives of other portions of the State are entitled to some consideration at the hands of the Minister. He does not seem to appreciate the fact that his legislation must run the gauntlet of both Houses of Parliament. He cannot even rest with the assurance that we have given him on more than one occasion.

that the Bill, with many others, has never been a party measure. It is a measure to carry out certain works, and do certain things in different portions of the State, to control the water by means of the State, a policy which was part and parcel of our policy just as well as theirs. It is a machinery measure, and cannot be a party measure in any sense or form, and has never been opposed by members of the Opposition in this Chamber. What is the good of trying to force that kind of nonsense down the throats of the people? They will not believe it. We had hoped to avoid acrimonious discussion in winding up the session. I have done all in my power to avoid it, as the Premier has acknowledged, but I cannot allow the Minister for Works to hurl false accusations at members on this side of the House, or of another place. In my opinion it is dastardly and wrong, and I cannot help, in consequence, giving vent to my indignation.

Question put and passed; the Council's amendment made.

Resolutions reported, the report adopted, and a Message accordingly transmitted to the Council.

BILLS (4)—RETURNED FROM LEGISLATIVE COUNCIL.

1, Kingia Grass Tree Concession Confirmation.

2, Workers' Homes Act Amendment.

3, Supply (No. 2), £1,450,000.

4, Special Lease Enabling.

Without amendment.

BILL—ELECTORAL ACT AMENDMENT.

Order discharged.

Order of the Day read for consideration in Committee of the Legislative Council's amendments.

The MINISTER FOR LANDS Hon. T. H. BATH: I move—

That the Order of the Day be discharged.

Question passed, Order discharged.

BILL — GERALDTON AGRICULTURAL AND HORTICULTURAL SOCIETY'S LAND.

Second Reading.

The MINISTER FOR LANDS (Hon. T. H. Bath—Avon) [5.35] in moving the second reading said: The object of this measure is to ratify an arrangement made between the Lands Department and the Geraldton Agricultural and Horticultural Society to dispose of certain lands which were contained within the old show ground at Geraldton. Some time ago, recognising that the existing show ground was altogether too small and confined for the operations of the society, and entirely insufficient to enable the association to conduct its agricultural show commensurate with the importance of the district, the society approached the Government and asked that we should make available a more suitable and larger area adjacent to Geraldton. We provided an area on the commonage a short distance out of Geraldton and made it available to the society for show purposes. On the old area they had one portion of the ground known as suburban lot B as a Crown grant in fee simple, and the remainder, lots 840, 415, 416, and 421, were held on a 999 years lease. But in connection with suburban lot B the fee simple was granted to enable the society to utilise the land for the purpose for which it was originally granted. When the question of the arrangement of the new site, and the abandonment of the old was being considered, I then agreed to give the society permission to dispose of suburban lot B, on condition that the remainder of the old show ground was surrendered to the Government. That arrangement was ratified by the department and the Geraldton Agricultural Society subdivided suburban lot B and disposed of it to the residents in the locality for the erection of homes. Some are in process of erection and provision has been made for the erection of workers' homes on others. It has since been found, on the advice of the Crown Law department, that this measure is neces-

sary to ratify the sale. Therefore, the Bill has been introduced to give legal effect to the sale. I move—

That the Bill be now read a second time.

Mr. ELLIOTT (Geraldton) [5.40]: I desire to support the second reading of the Bill, the object of which has been explained by the Minister for Lands. The old show ground at Geraldton was found to be quite unsuitable and the Geraldton Agricultural Society approached the Government and asked that a new one should be provided near the commonage. Arrangements were made with the Government through the Minister for Lands that a portion of the land held by the society should be sold and this was done, as has been related by the Minister. So far as the Lands Department and the society were concerned, everything that was required to be done was done, until the transfers were prepared and the Titles Office considered that it would be necessary to pass legislation to ratify what had taken place. Although the matter was done absolutely *bona fide* on behalf of the Government and the society, there was no alternative but to comply with the suggestion made by the authorities. Hence this measure has been introduced to ratify what has been done. I have much pleasure in supporting it.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

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

Read a third time and *passed*.

BILL—POSTPONEMENT OF DEBTS.

Introduced by the Premier and read a first time.

Second Reading.

The PREMIER (Hon. J. Scaddan—Brown Hill-Ivanhoe) [5.46] in moving the second reading said: The measure is one consisting of only three clauses, and

is copied almost entirely from an Act passed recently in New South Wales. It provides that the Governor-in-Council may have power by proclamation to declare that payment of all debts then due or accruing within the period mentioned in such proclamation, of the classes specified in the proclamation, or a specified proportion of any such debts may, subject to such conditions and exceptions as may be contained in such proclamation, be postponed to a date or for a period to be therein specified; provided, of course, that where interest was chargeable in respect of any such debt, such interest shall continue to run and be so chargeable, but shall not be payable during such postponement; and the Act shall continue in force until a period of 6 months after a declaration of peace in the present hostilities between His Majesty and His Majesty's enemies. I may explain that since the Bill was printed we have considered the desirability of appointing a commission for the purpose of administering the measure. In the first place it is giving very great powers and, we think, such powers that a Governor-in-Council, perhaps, should not be asked to exercise. In any case it should not be expected that Ministers of the Crown, even under ordinary circumstances, could make themselves sufficiently acquainted with the pros and cons of any debts or difficulties that may arise to give satisfaction to both parties. We thought that under the circumstances, in order that no hardship may be done to anyone, while protecting the interest of one party we should, at the same time, protect the interest of the other, and to that end, after consulting with the leader of the Opposition, and largely on that gentleman's suggestion, we have decided that a commission shall be appointed for the purpose of administering the measure. And I propose, when in Committee, to move an amendment inserting another clause which will give power to the commission, on application, to provide that although debts of a certain class may be postponed, yet, where it can be shown to the commission that in some cases, even in regard to a debt of that particular nature,

the debtor is in a position to pay, or that any action taken will only be removing hardship from the debtor to the creditor, the proclamation shall not apply. So that while we give the general public a postponement of debts of a specific nature, yet the commissioners will have power to exempt certain debts that would otherwise come under the proclamation. While we are desirous of protecting the interests of those who have debts falling due, and who in consequence of the present crisis are unable to meet those debts, at the same time we recognise that we may be only removing the difficulty from the shoulders of one to the shoulders of the other. That is not at all desirable, and thus, by means of a commission, we can view the question from both sides. The commission will merely advise the Governor-in-Council, who will act on such advice. The commission will have power to totally suspend the provisions of the Act, or make any other conditions which they consider desirable for the purpose of being fair to both sides where such debts are asked to be postponed. The Bill has given us considerable thought. It is nearly a fortnight since I first discussed the matter with the leader of the Opposition. We have both of us appreciated the need of having this power, and, at the same time the possibilities that may arise through Parliament granting such power. In discussing the matter we were really nervous as to whether it might not be misunderstood if the powers were given to the Governor-in-Council only and there was no remedy against removing the hardship from the shoulders of one to those of another. We have made the Bill as short and effective as possible, while, at the same time, protecting the interests of both parties. In Committee I will move the additional clause to which I referred. I have had a number of letters from different parts of the country. Some of the writers have quoted their own cases as cases in which it was desirable that such powers should be given to protect them. Only yesterday I received a letter from a gentleman who, it seems, came to Western Australia two years ago,

bringing with him some hundreds of pounds. He invested his money in property not many miles from Perth. He paid a fair proportion of the purchase money in cash, while for the balance he gave a mortgage over his property. The balance of his cash he expended in improving the property, and building a house on it for himself and family. He explains that, under present circumstances, if demand were made for the balance of the mortgage, he could not meet it. That balance, I may say, is set down at £50 on a property which he values at £1,500. Three days after war was declared, he received a notice giving him seven days in which to pay up the £50, with the alternative of a foreclosure. Of course, it is only a usurer who would act in such a way. However, there is one case for which protection is required. But, while we are desirous of protecting a person in such circumstances, we are not entitled to protect a person who is able to meet his just debts, or to assist him in shifting the burden from his own shoulders to those of another. That is what has given us the most thought in connection with the Bill. I know it was suggested, even before the Bill was introduced in New South Wales, that we should have a moratorium here, and a number of cases have been submitted to me which I do not think require any consideration at all, while in other cases, of course, this consideration is most desirable. While providing these powers we must be careful that we do injustice to none. I believe that with the amendment which I propose to move in Committee the Bill will have a good effect. I move—

That the Bill be now read a second time.

Hon. FRANK WILSON (Sussex) [5.53]: I must say that up to the present I have viewed with some misgivings any legislation of this description, and I think the Premier, in our short conversations in connection with the matter, has shared those misgivings to a great extent. In fact, had it not been that we are faced with a general election, which, of course, means an absolute dissolution of Parliament, and that

Parliament will be non-existent for at least two months if not more, I should have felt very much inclined to counsel the Premier not to propose the measure at all. At any rate I should have taken up the attitude that we need not go to the full extent; because there is not the slightest doubt that legislation like this, giving full power to any Government to defer all or any debts for the time being, is calculated to create a feeling of uneasiness throughout the country. If it were thought that such legislation would be unwisely administered it would have one effect only, and that would be total stoppage of all credit. Of course, no one wishes to contemplate such a state of affairs. If credit is stopped in the country, employment is stopped, and if employment is stopped we are going to reach by a very rapid stage that undesirable condition which we hope by wise administration and legislation to avert, and if possible altogether prevent. There is always the danger in passing legislation of this description that we may have people who hold some ready cash anxious to possess it in their own care, and we are apt to create something in the nature of a panic, to have funds withdrawn from wherever they are lying, in banks or financial institutions, funds that may be let out at call; and thus we expedite the crisis which every action of this Parliament, up to the present, has been to endeavour to avoid. So I say the Bill has given us very considerable thought and anxiety. However I realise, with the Premier, that as Parliament must of course by effluxion of time and by proclamation be absolutely dissolved in a few weeks, the Government are entitled to have some legislation of this description in case of necessity. We cannot expect them to go on with the administration of the affairs of the State without Parliament behind them, unless they have certain powers controlling any crisis which might possibly arise if they had not such power; unless indeed they have—as in conversation with my colleagues the other day I put it—powers that we ourselves would require to be granted to us were we

placed in their position. It is unfortunate that we have to take action of this description. I trust that it will be for the advantage of the whole country, and that it will be received on the distinct knowledge, as voiced by the Premier, that the powers need not necessarily be exercised. It is the same as we have done in regard to the control of the necessities of life under the Control of Trade Act. The powers granted under that measure have never been exercised yet. It has been sufficient that they are there, and everything has been done by mutual arrangement. It is hoped that in connection with this Bill also it will be sufficient for the people to know the powers are there, and that that knowledge will do away with all necessity to exercise the very drastic powers contained in the Bill. It goes without saying that many people are mean enough to take advantage of a situation such as we are trying to provide against. Still I can hardly credit the complaint the Premier has received, if I caught the figures aright. The Premier stated that a man who had paid off all but £50 on a £1,500 property has received a peremptory demand to pay up that £50 or else he will be foreclosed against in seven days. I cannot understand such a position. It must be some Shylock that wants not only his pound of flesh but every ounce of blood that his victim possesses. Perhaps he has envious eyes on the property. In any case, I think that the gentleman affected would be able to finance the £50 through any of the financial institutions. It will be noted that in South Australia legislation of this description to a certain extent has already been passed, and our Premier states that in New South Wales a facsimile of this Bill has been enacted and now has received the Governor's assent. As regards South Australia, I observe that the Premier of that State, and also the Attorney General, who followed him, explained that they recognised it was experimental legislation, and also said that they did not propose to ask for greater powers than would enable them to deal with mortgages and time

payments, until they had proved the advantage or the disadvantage, as the case might be, of the enactment. So that the South Australian measure only goes to the extent of giving the Government power to declare a moratorium in respect of moneys owing on mortgage and time payments. That power, of course, is absolutely necessary. If a man has a mortgage falling due of a considerable amount—not £50 on a £1,500 property, but a considerable amount—it is certainly not possible to expect, in the present disturbed state of finances, that he would be able to negotiate a renewal of the loan if the original lender insisted on being paid. Therefore I think the protection for which this power should in the first instance be exercised is in connection with mortgages and payments of that description. If the security is good, there is no need for the lenders of the money in ninety nine cases out of 100 — although I admit in the hundredth case there might be hardship—to press for the immediate repayment of the principal. The debt should be allowed to stand over until things settle themselves, until this unfortunate war is ended. The suggestion of the Premier, to have a Royal Commission appointed for the purpose of advising the Government, is one that we have discussed. I am glad the Premier is falling in with the idea. I hope that his amending clause will place upon the shoulders of the commission the responsibility of advising the Government in the first instance as to the proclamation of any moratorium under this Bill, as to the extent of such moratorium, to what securities it shall apply, to what debts it shall apply, and the period for which it ought to be declared. If that is done and the commission also act as an appeal court in accordance with the Premier's suggestion, the case will be met. Any person who is suffering, either a lender or a borrower, as the case may be, can apply to the commission, put forward his special circumstances of hardship in connection with this moratorium legislation and can obtain relief. Under those conditions I do not think we

shall have very much to fear from this legislation. The personnel of the commission, of course, is a matter about which the Government will need to be very careful. Indeed, I do not think they can be too careful to see that they get men of experience in finance and commerce, lay, and in law, on this commission—men who will bring all their ripe judgment to bear in order that the Government may be rightly advised. This is extraordinary legislation; the occasion is extraordinary; the power is an extraordinary one to place in the hands of the Government. It is necessary that we should give the Government this power, for their own sakes as well as for ours, and in the interest of the public. I trust that the commission will be representative as I have indicated, so that the Government may have, as they are entitled to have, the best and fullest advice before they take any action under the measure. There is one point to which I should like to call attention in connection with the New South Wales legislation, which legislation, we understand, is exactly on all fours with the Bill now proposed. In New South Wales an undertaking was given that the Parliament would be consulted before any proclamation of a moratorium was made. From this it will be seen that in New South Wales they felt anxious about the effect of the legislation, and they met the difficulty to a large extent by getting a promise from the Government that no action would be taken without Parliament first being notified and having an opportunity of objecting or of making suggestions.

Hon. W. C. Angwin (Honorary Minister): They have a session in front of them in New South Wales.

Hon. FRANK WILSON: Exactly. Of course I understand what the difference is. Ministers here cannot consult a Parliament that is dead, and we are likely to be very dead indeed in the course of the next two or three weeks. Our conditions, therefore, are particularly exceptional, and we must of necessity take perhaps a greater risk than would otherwise be deemed advisable. I await

the full text of the amendment which the Premier proposes to move in Committee before I form any judgment as to whether that amendment will cover all that is required. I sincerely regret that we have to pass legislation of this nature; again I express the hope that it will never need to be exercised.

Mr. DWYER (Perth) [6.7]: While supporting the second reading of the Bill I would like, as representative of a city constituency, to refer to one or two points. It seems to me that whoever exercises the power conferred by the Bill will need to be very careful in respect to a certain class of debts, lest a worse situation be created than the one which it is sought to relieve. The debts I refer to are debts for current supplies—household supplies, for instance. If a moratorium were declared in respect of debts of that nature, the effect, of course, would be to stop all credit; and if all credit were stopped in that respect such a situation would be created that many persons might perhaps be brought to the verge of starvation, or be forced to become a charge on the community. I hope that the commission whom the Government propose to consult in connection with this measure will see to it that any moratorium will not extend to debts of that nature. There are, however, other debts of a certain class in respect of which I think a moratorium should be proclaimed at once. I refer to mortgages of freehold estates. If the mortgage becomes due, or even the interest, it may be difficult—it will be difficult perhaps in the circumstances—for people to meet even the interest, let alone the principal. The situation will, of course, be far more difficult if the principal becomes due. In such a case it may be a matter almost of impossibility for the borrower to find a new lender to readvance on the mortgage security.

Hon. Frank Wilson: I do not think that occasion has arisen yet.

Mr. DWYER: The same thing applies to mortgages of chattels, to bills of sale, and to articles at present used on the time payment system. In my opinion,

debts in the nature of mortgages, whether of chattels or of freehold property or land of any kind, and also debts in respect of articles held under time payment contracts, are matters that should certainly be the subject of a moratorium. I would also point out that under pretty well every mortgage that is taken by a bank as mortgagee the principal and interest are both payable on demand. Therefore the danger of a bank exercising its powers under its mortgages in a crisis such as this is at once to be seen. If the banks exercise their powers—the powers already given to them under their contracts—the effect will be to stop at once many avenues of employment; and the unfortunate mortgagor would immediately be placed in the worst possible position. I hope, therefore, that the Government, or the Governor-in-Council and his advisers, as the case may be, will be careful as to what debts the moratorium is extended to, and will be careful to see that nothing is done to stop credit for current ordinary household supplies and necessities.

The PREMIER (Hon. J. Scaddan—Brown Hill-Ivanhoe—in reply) [6.11]: May I at once give the leader of the Opposition an assurance that no action will be taken under this measure by the Governor-in-Council except upon the advice of the Royal Commission proposed to be appointed? The initial steps will be taken on the advice of the commission. As a matter of fact, for our own peace of mind as much as for anything else, we propose to allow the commission to deal with all matters arising under this measure, and to allow the commission to advise the Governor-in-Council from time to time of any action to be taken. I can give the leader of the Opposition my absolute assurance in that regard. As to the personnel of the commission, I will admit at once, with the leader of the Opposition, that this will be a rather difficult matter to settle, because while we may be able easily enough to set our minds upon some person admirably suited for a seat on this commission, yet we may find that that person is interested in some

way, say as trustee for the people who may be affected, and naturally that would at once disqualify him from acting on the commission. It may be difficult to find men with the necessary business acumen and business knowledge for this kind of work who are not connected with some firm or some persons interested. It will be difficult, I say, to find such men who can sit on this commission and do justice to both parties. However, we will have to find them. That is the position. We will have to set to work on the problem and solve it by some means. I will say at once that, as in connection with the previous measure, the Government are prepared to consult the leader of the Opposition with regard to the personnel of the commission. I think that in the circumstance members will appreciate the fact that there is only one desire actuating the Government, namely, to relieve cases of hardship, but while relieving them not to place the hardship on other shoulders. Members need not, under the circumstances, fear the outcome of this measure. The member for Perth (Mr. Dwyer) has rightly drawn attention to the danger of taking action which would have the effect of possibly causing hardship where none exists to-day. On the other hand the hon. member has said that he considers there are cases in which the Government should take immediate action. I may say I recognise that this is so; but we cannot be too careful lest we act in a way which would add to the difficulties of the situation. I desire now to urge, with the leader of the Opposition, all people who are carrying on business in the City not to take any precipitate action because of the passage of this measure—not to do anything which they would not otherwise have done. I give an absolute assurance that the commission appointed will be a commission that will mete out equal justice to all, a commission that will not unduly interfere with business nor take any action likely to shift the burden from the shoulders of one to those of another. The leader of the Opposition said that he was unable to credit the case I mentioned. I

am sorry I did not bring the letter along with me.

Hon. Frank Wilson: Oh, I believe you got the letter all right.

The PREMIER: I can show it to the hon. member.

Hon. Frank Wilson: I could not believe that the man was not able to finance a matter of £50 on a property worth £1,500.

The PREMIER: The trouble was that it had been a mortgage to a private individual, who probably, like very many people, took fright at the outset. He may have changed his mind by now. However, here is another case of hardship which has been brought to my attention by a letter handed to me when coming to the House. I will not read the whole of the letter, but just a paragraph. I will not mention the name of the writer. I may say that the gentleman referred to is well known to the leader of the Opposition and to many others. I am prepared to show the letter to the leader of the Opposition privately. The letter contains the following paragraph:—

Mr. — having sunk all his capital—

I will not mention the amount, in order that the identity of the gentleman may not be easily discovered.

in necessary improvements, owed the Department of Lands for Crown rents in arrears. He was unable to pay same, and he was carried on by the Seed Wheat Board after going into his case thoroughly and seeing that it was a genuine case from the departmental point of view. The consequence was that the mortgagee (who, by the way, is not a British subject), served him with a notice demanding that, unless within seven days of the date of notice—

This is dated the 26th August last.

he pays up the whole of the balance—

The figures are given.

he will sell him up lock, stock, and barrel.

In this particular case I know of my own knowledge that the mortgagor left a

really good position in the metropolitan area for the purpose of starting in a new way, chiefly for the sake of his two sons. Unfortunately, he struck a bad year, as well as other difficulties; and now, because this crisis has arisen, he is treated in such a fashion by the person who lent him the money. He is told that unless he finds the whole amount in seven days he will be sold up lock, stock, and barrel. Practically, the lender says he will leave the debtor to starve, after the debtor has actually spent all his capital in improving the lender's security. It will be recognised, therefore, that cases of hardship do exist. However, while it is necessary that we should protect the debtor's interest in such cases, we do not wish to take any action which will at the same time afford shelter to people who can fairly meet their debts, or which will enable such people to repudiate their obligations. The commission whose appointment will be provided by the clause I propose to move in Committee, will have all necessary powers to obviate anything of that kind.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.17 to 7.30 p.m.

In Committee, etcetera.

Mr. Male in the Chair, the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to postpone payment:

Mr. GILL: In the case of a person who was paying for his house being unable to meet his payments, and being brought within the scope of the measure, what would be the effect when the measure was withdrawn? Would he have to pay up at once all the accumulated amounts deferred, or would he just resume payments where they had been left off?

The PREMIER: It would be a question for consideration by the commission. Under the clause the postponement of any debts is subject to such conditions as may be contained in the pro-

clamation. In the case cited, I take it that the payments would be resumed at the point where they were suspended.

Mr. DWYER: There is no doubt that any proclamation which will be made will be general; but will the commission have power to deal with individual cases?

Hon. Frank Wilson: The proposed amendment will cover that.

The PREMIER: Yes, the point raised will be covered by the amendment which I propose to move later. Seeing that the amendment, although it will stand as Clause 3, will have a bearing on the clause under consideration, perhaps I may be permitted to read it. It is as follows:—

Notwithstanding anything contained in this Act, the Governor shall have power, with respect to any mortgage, or agreement, or any arrangement between creditor and debtor to order that this Act shall not apply thereto, if he is of opinion that in the special circumstances of the case, the postponement affected by this Act is not necessary in the interests of the mortgagor or purchaser or debtor, or would cause great hardship or loss to the mortgagee, or vendor, or creditor (as the case may be) or to any person towards whom, with respect to such mortgage, agreement, or arrangement, he stands in the position of trustee. (2) The application for an order under this section shall be made to any person, or persons, appointed by the Governor. (3) The order of the Governor determining any such application shall be final.

That only carries with it the appointment of some person before whom the application shall be made. That is in accordance with the suggestion that it be done by a commission to be appointed.

Hon. FRANK WILSON: This amendment does not seem to me to meet the whole case.

The Premier: It is the same as that in South Australia.

Hon. FRANK WILSON: But the South Australian Act applies only to mortgages.

The Premier: We have inserted "agreements and arrangements" so as to cover the whole ground.

Hon. FRANK WILSON: Yes, the proposed amendment will apply to mortgages or agreements or arrangements, but not to an ordinary current account. I think the principle might be taken a little further.

The PREMIER: We took the sections of the South Australian Act and our Parliamentary draftsman assured us that this further provision would meet all other cases that could come under the measure. If such is not the case, I will make further inquiries, and we can attend to it next week. We cannot have the third reading to-night, because the Bill will have to be reprinted.

Mr. DWYER: Further down the proposed amendment the hon. member will find in the words "or debtor" a provision that meets the point, clearly showing, as it does, that ordinary debts are contemplated.

Clause put and passed.

Clause 3—agreed to.

New Clause:

The PREMIER: I move—

That the following be inserted to stand as Clause 3:—"Notwithstanding anything contained in this Act, the Governor shall have power, with respect to any mortgage, or agreement, or any arrangement between creditor and debtor to order that this Act shall not apply thereto, if he is of opinion that in the special circumstances of the case the postponement effected by this Act is not necessary in the interests of the mortgagor or purchaser or debtor, or would cause great hardship or loss to the mortgagee, or vendor, or creditor (as the case may be) or to any person towards whom, with respect to such mortgage, agreement, or arrangement, he stands in the position of trustee. (2) The application for an order under this section shall be made to any person, or persons, appointed by the Governor. (3) The order of the Governor determining any such application shall be final."

Hon. J. MITCHELL: Is it intended that a judge in cases of large transactions, and a magistrate in cases of small transactions, shall determine whether it is wise that the debtor should escape payment?

The Premier: No.

Hon. J. MITCHELL: Then what is intended?

The PREMIER: It is intended that the commission shall advise the Governor in Council on these matters and the decision arrived at shall be final. There is nothing to prevent us appointing a judge as a member of the commission. It depends whether a judge will be available, and whether it is desirable that a judge should be a member. I think he should, and with two other members would form a commission who would give satisfaction to all. Many legal matters may arise, and it would be wise to have a judge on the commission. This does not provide that a judge shall deal with the matter unless he is a member of the commission.

Hon. FRANK WILSON: Although we have a commission in the first instance to advise and sit as a central authority, this measure will extend throughout the State, and it will be necessary to have someone to appeal to in different centres. The chances are that the resident magistrates will have to take appeals, at any rate. I do not think the central authority should be appealed to throughout the length and breadth of the State.

The PREMIER: I do not anticipate that there will be so many appeals against the granting of a moratorium in certain cases as to require the services of the courts in different parts of the State. The probability is that the commission will be sitting regularly and doing only this work for a considerable period, inquiring into different classes of debt in connection with which this protection is sought, before advising the Governor in Council. They may have to travel and inquire into specific cases, and for purposes of uniformity it is better to have one body to deal with these matters. In the two or three months before the new

Parliament meets special courts or persons may be appointed in remote places, but the parties may also be able to proceed by affidavit. If any difficulties arise we can make provision to meet them at a later date.

Hon. J. MITCHELL: The creditor will have the right to appeal to someone to compel the debtor to pay, if it is possible for the debtor to do so. That is the provision in the South Australian Act. It is not intended to relieve people who can pay. If a man is receiving a weekly or monthly salary, it may be convenient to have an account spread over the month, but at the end of the month he might escape from paying money which he has in his possession. The Premier must not take away the right of the individual altogether. Individuals must look after their own business. Perhaps a creditor will trust to the honesty of a debtor for a considerable time, and while the debtor may have money at present, in the course of three or four months it may be used for something else and the creditor will then suffer. The Bill should provide against anything of that kind. There is no need to relieve people who can pay.

The Premier: That is the object of the clause.

Hon. J. MITCHELL: We cannot provide for all cases by legislation.

The Premier: We can make the commission as large as is necessary.

Hon. J. MITCHELL: It would be wrong to do so. We have our courts and they ought to decide.

The Premier: No.

Hon. J. MITCHELL: Debtors will be relieved by a general proclamation, but individuals should have recourse to the courts of law, and this right should never be taken away from them. It would be ridiculous to ask the commission to deal with cases arising in Geraldton, Albany, Perth, Wyndham, and all over the State. Unless there is such a provision, people who should pay will escape. I desire to assist the Government in helping to relieve those who need relief, but not those who can pay.

Mr. Taylor: That is not the intention of the measure.

Hon. Frank Wilson: It may be the effect.

The PREMIER: The hon. member is suggesting the impossible. I am trying to make practical provision to meet circumstances likely to arise. There is nothing to prevent us from appointing a commission with a member in every town, or the commission from deputing their powers to a single member to deal with individual cases, and those single members could be magistrates. Consequently, we will have much wider powers than are given by the other Acts. I do not think the difficulty will arise, but if it does we will make provision to meet it as soon as the new Parliament reassembles. The clause is designed to prevent hardship being removed from one person to another. We must protect the creditor against being victimised or placed in an unfair position. If a creditor is of opinion that a debtor should meet his bills, he can move the commission by affidavit or otherwise, and call upon the debtor to show cause why he should not be exempted from the operations of the measure. This does not require ordinary court procedure, and if the position does arise it can be met.

Hon. J. Mitchell: That is the South Australian provision.

The PREMIER: No, the South Australian Act provides only for a judge of the Supreme Court. That would be a more difficult proposition to us than a commission, because a commission can readily move about, whereas a judge cannot unless he is taken away from his court work.

Hon. J. Mitchell: In South Australia it applies only to land matters.

The PREMIER: Yes, but we are going beyond that and making provision to fairly protect all parties. I am satisfied this arrangement will meet the case. If experience proves that it will not, we can, by extending the scope of the commission, and providing for further appointments to the commission at different places, give them deputed powers and meet the cases as is desired by the hon. member, only in a better way, which will not require our courts to be bothered with

small unimportant cases instead of attending to their routine business.

Hon. FRANK WILSON: I think the Premier has power to make these appointments. Is that his intention? If we are so unfortunate as to have to declare a general moratorium, no doubt there will be numbers of applicants under this protecting clause. I heard that in one particular centre, men were refusing to pay their weekly grocery and butcher bills, in the hope that a general moratorium would be declared and would relieve them from the necessity. That is absurd, because their credit will be stopped before they can go any further. I heard of a man who had several hundred pounds in a bank on fixed deposit. A bill for £30 odd became due and he instructed his banker not to pay it. The banker remonstrated with him, but the man's reply was—"I am going to stick to every penny I have." There will be hundreds of instances in which people will take advantage of such a measure if it is put into force, and it will be necessary to give facilities in order that people, to whom money is owing, shall be able to state their cases and demand payment if the debtors can pay.

The Premier: Under this clause we can appoint any person.

Hon. FRANK WILSON: Yes.

Mr. Dwyer: The most elastic powers possible.

Hon. FRANK WILSON: I think it will give sufficient power in the circumstances.

Hon. J. MITCHELL: If the Premier's idea is to appoint the magistrates of local courts to decide the matter, I am perfectly satisfied. It is their special business to decide questions of this sort.

The PREMIER: I cannot give the assurance that I am asked to give by Mr. Mitchell. We have not considered the matter at all, and I hope we will not have to do so. I will, however, give this assurance, that if the Commission that will be appointed if this Bill becomes law finds it necessary that persons should be appointed in different parts of the State, I will go largely by

their advice as to who the persons appointed should be.

New clause put and passed.

Title—agreed to.

Bill reported with amendments, and the report adopted.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Introduced by the Premier and read a first time.

Second Reading.

The PREMIER (Hon. J. Scaddan—Brown Hill-Ivanhoe) [8.4] in moving the second reading said: I hope hon. members will appreciate the necessity for a Bill of this nature, although we may all regret that it is necessary. The measure is a short one and is designed to make provision to meet difficulties that have already arisen in some cases, and which are likely to arise in further cases in the near future. We have had in Western Australia an arbitration court which issues awards in different industries, trades, and callings, and also ratifies and makes agreements which are in the nature of awards from the point of view of making them binding upon the employer and employee. Under the conditions now prevailing it has been found both by employer and employee that something should be done to enable these parties to awards and agreements to make other awards and agreements of a temporary nature. We, as a Government, are in the position of being employers of labour, and we employ perhaps as much labour as any other single employer, and as many other employers. Of course, however, this is not employment in the sense, I suppose, that it is a personal business, and possibly some people would say that we would not carry the same responsibility in attending to matters of this kind as would the employer whose business means his livelihood. At the same time I want to ask

hon. members to appreciate our difficulty, which is of course not that of a general employer. If our business falls off it means that the people who are interested in that business, and who may be said to be the shareholders in it, are the losers by reason of loss of employment. It also happens that if a person loses his employment in any trade or calling carried on by a private employer he immediately becomes what amounts to a charge on the State, to the extent that we are required to find him employment in other directions in order that he may obtain a livelihood. That means that our position is made more difficult. We have already had some difficulty owing to the slackening of employment in other trades and callings, and also owing to the fact that Government works which were in operation have come to an end, and to our not being able to find further employment for the men who were engaged on those works. If we were not in an unfortunate position at the present time, but were under normal conditions, they would probably be able to find work elsewhere. Thus it is we have already in the State a fair number of unemployed. In ordinary circumstances it would probably be expected that the Government would by some means provide employment for those men, but under present conditions the position is rendered difficult. Our funds are limited, and we cannot employ a person without money with which to pay him. The result is that we have not the same opportunity of finding employment for the unemployed as we would have under normal conditions. Then again, we have the position that our trade has fallen off in some of our industrial concerns. The question we have to face is that of either reducing the salaries and wages of those engaged in Government departments, or the question of whether we should reduce as far as possible the number of hours worked, and spread the work over the same number of men, although limiting their output. When we were first faced with the problem it came in rather a spasmodic manner from different directions with different suggestions.

The latter were of such a nature that we thought it would be desirable that we should endeavour to find some ways and means of spreading the burden over as large an area as possible rather than permit a few to carry the whole burden. After further consideration we decided that we would get our public officers together and discuss ways and means with them of meeting the difficulty, not merely from the point of view of those who would lose employment in the Government service, but from the point of view of those who would lose employment outside the service. In the first instance the Ministers controlling the different departments met their officers, or a number of them, and discussed the question with them. Then, I think it was on Wednesday last, my colleague, the Minister for Lands, met the officers appointed by the various departments in conference. A report of this conference has been submitted to me for consideration in Cabinet, and it will be dealt with to-morrow. While we were able to deal with the matter in that way, we appreciated the fact that the employer and the employee outside, working under awards and agreements, were not in the same fortunate position. After all, the business of these outside employers has its limits and under the conditions prevailing at the present moment its limits are not all that could be desired. Further, much as we may ask business men to be patriotic, and to employ their hands as if nothing had happened, they are in the same position as the Government to some extent; they can only employ those for whom they can find wages. If their business, and therefore their income, falls off, unless they are patriotic and philanthropic as well, however much they might like to do it, they cannot be expected to keep on the same number of hands and on the same salaries or wages as if their business were not falling off. We recognise the difficulty from the employees' point of view also. Naturally, these were desirous that the burden should not fall upon a few, and that perhaps the many should escape alto-

gether. The result was, I believe, that an attempt was made to bring both parties, the employer and the employee, together, a fortnight since, but the attempt failed. After consultation with the Royal Commission which has been appointed for the purpose of dealing with food supplies, I agreed to ask the employers' federation and the representative of the employees' union in the metropolitan area in particular, to meet the food commission and myself in conference. We met here in Parliament House on Tuesday last, and while we did not arrive at what may be termed any concrete decision, something that each party could subscribe to without any difficulty, I was able to obtain a sufficient idea as to what was in the minds of both parties to enable me to bring this Bill down which is now before the Chamber. In the first place I understand that the Bill is not exactly in conformity with that which both parties desire; in fact, I was rather surprised when this afternoon both parties raised some objection to it. I think, however, that the objection in both cases was a very small one.

Hon. Frank Wilson : Was it on the same points?

The PREMIER : Not exactly. The objection was of so little value really that I think the principles of the Bill will be acceptable to members. After all, I suppose one can safely say that if it does not give anything beyond a mere modicum of satisfaction to each party, it must be all that Parliament could desire in the circumstances. Whether that is the case or not I believe it can be shown that the Bill is sufficiently satisfactory to meet the present difficulty. As I explained, the position to-day, of course, is that industries are working under awards and agreements specifying that the men shall be employed for certain hours under certain conditions and at certain wages or salaries. Notwithstanding that the position of affairs has utterly changed, those awards and agreements remain in operation for the duration fixed in them; and they cannot be set aside, notwithstanding that it may

be the desire of both parties to set them aside. I know of one case in which the employers and employees met for the purpose of setting aside an award only recently delivered. They came to an arrangement not by any means satisfactory from either the employer's or the employee's point of view. I believe the employees gave an undertaking in effect contracting themselves out of the award—deliberately doing something that is not permitted by the Arbitration Act. The employees' union gave a written undertaking that they would not move the courts for any breach of the award so long as the employers complied with the new agreement. While the union possibly could do that—I am doubtful whether the union could do it—the individual worker would not be precluded from taking action. The result is that from the employer's point of view the saving clause in the new agreement is not a complete saving clause. Now, we do not desire that that sort of thing should occur. Moreover, it is not advisable that evasion of the law should be tolerated. Recognising, however, the necessity for some change, owing to the altered conditions now obtaining as regards employment in our various industries, we must make legal provision to meet the difficulty. Putting it as briefly as possible, I may say this Bill merely provides that, notwithstanding the fact of an award or an agreement being in existence at the moment, the parties to such award or agreement may come together and mutually agree on fresh conditions to prevail during a specified period. The Bill provides, then, that, notwithstanding existing awards and agreements having the force of law, they would be suspended for the time being. If, however, the parties fail to arrive at a new agreement, then the award or agreement as existing at the moment is to remain in force. I may say that there was a desire on the part of one section that the Arbitration Act should be suspended, and awards and agreements under it suspended, without anything being placed in their stead. Hon. members will at once agree, I think,

that this would be an unsatisfactory method of arriving at a solution of present difficulties, because it would merely amount to handing over the weaker to the stronger, whichever it might be. We entirely disagree with any suggestion of that kind. Then it was suggested by another section that while awards and agreements may remain in operation we should take no action to relieve the employers in the present position. That proposal was moved at the outset, but after some little discussion it was seen that something would have to be done. It was recognised that if something was done by way of legal enactment, it would probably be better from the point of view of both employer and employee than if recourse were had to some arrangement devoid of legal backing. The Bill merely permits the parties to arrange something to take the place of existing awards and agreements, and that something will be just as binding on both parties as is an award or agreement under the Arbitration Act. Until, however, such a new arrangement is arrived at, existing awards and agreements must continue in operation. I pointed out at the conference that the desire of the Government to retain present awards and agreements until such time as new agreements had been made was due to the belief that the continuance of existing awards and agreements would in itself prove of material assistance to both parties in arriving at a fresh mutual agreement. If existing awards and agreements were suspended without anything being put in their place, the employer would then be in a position to stand aloof from the making of any new agreement with his employees. Therefore, the fact of the existing award or agreement holding good until a new agreement was made, would probably induce the employer to take a different view of the position, and induce him to endeavour to arrive at an amicable arrangement. Much the same thing applies from the point of view of the employee. He knows that so long as existing awards and agreements remain in force the employer is not bound to keep his hands engaged; that the employer

may dismiss his hands, or, if necessary, discontinue his business altogether. Under those circumstances the employee might find himself in a worse position than he would be in if a new agreement were made. The result of that knowledge would be that the employee would take a more reasonable view of the difficulties to be faced, and would feel more inclined to arrive at a fresh agreement. Therefore I think that, under the circumstances, the arrangement proposed by this Bill will prove of material service towards arriving at fresh mutual agreements between employers and employees. I think I may be fair in the matter by mentioning that there is some difference of opinion on Clause 3 of this Bill, both from the employer's point of view and from that of the employee. Clause 3 is really an innovation, but I think hon. members will at once admit that the conditions prevailing at the moment are such as perhaps to render innovations acceptable, or possibly even indispensable. Before leaving the earlier portion of the Bill, however, I wish to say that, while we provide for the making of a new agreement, we provide also that the parties may call in the assistance of the Foodstuffs Commission, the Commission appointed in connection with the Control of Trade in War Time Act. We do not, however, give the Commission any power to compel either employer or employee to accept any terms the Commission might desire to impose. The Commission have not the power which the Arbitration Court has in that respect. The Commission have only power to call a round table conference, and assist the parties, with information and advice, to arrive at an agreement satisfactory to both parties. Now I come to Clause 3. Here the conditions are entirely different, and I think members will admit at once that the position is different, and requires different treatment. Clause 2 deals with employers and employees working at the present time under awards or agreements. The Commission may get such employers and employees together round a table for the purpose of discussing difficulties from both points of view, and arriving at a fresh agreement

which will supersede the existing award or agreement. The Commission, however, as I said before, have no power to compel either party to accept any condition. An existing award or agreement must be set aside by mutual consent. Under Clause 3, however, an entirely different course of procedure is proposed.

Hon. J. Mitchell: Very different.

The PREMIER: Very different; and very necessary, I think. As I have said, both parties take some exception to this clause. Let me first explain that the clause deals with employers and employees not working under any award or agreement. After all, there is a large section of workers in this State whose employment is not governed by any award or agreement; and in some cases those workers have already suffered severely by reason of the fact that they lack the protection of an award or agreement. Now we are going to protect their interests as well. That has been our desire in framing this clause. I want to find some reasonable method of affording those workers protection; and if the member for Northam (Hon. J. Mitchell) instead of smiling about the matter will take it seriously, and will tell me how that object can be achieved better than by Clause 3, I shall be most happy to accept a suggestion from him. The hon. member may smile, of course; but there are times for smiling and times for being serious, and this is a serious matter. There are numbers of women workers in this State who have not the protection of an award or agreement.

Hon. J. Mitchell: I have told you that, dozens of times, and you have said that as they did not belong to a union they should not have an award or agreement.

The PREMIER: Nothing of the kind. We want to protect their interests in the circumstances unfortunately prevailing at the present time in Western Australia; but we find some difficulty in doing so in the absence of some body which can impose upon both employee and employer conditions which will protect each. We had to decide which body would be the best fitted to consider matters of that nature. In view of both parties at the

conference agreeing that the Foodstuffs Commission already appointed, undoubtedly know a great deal about business matters and appreciate the employer's difficulties as well as the employee's, the Commission would appear to be the body best fitted to deal with this question, to deal with the position of these unorganised workers who have already suffered to some considerable extent owing to present circumstances. We might have provided that the Commission should merely deal with the case of the unorganised workers in the same way as with the case of employers and employees working under awards and agreements. That course might, on the face of things, appear satisfactory. But hon. members will realise that the position of the unorganised workers is entirely different. If left to arrive at a mutual agreement with their employers, these employees would be left exactly where they are now, before this law has been passed, left entirely without protection. Those employees would be entirely at the mercy of the employer. In the case of men working under awards and agreements, if they did not arrive at new agreements with the employers, they would continue to be protected by their existing award or agreement. The result of consideration of the difficulty is that there must be a tribunal to compel adherence to some conditions which will protect the interests of employees in trades not governed by awards or agreements. Therefore, we provide that any person, whether he be a member of a union or not, may move the Foodstuffs Commission to compel both parties to appear before them and endeavour in conference to arrive at a mutual understanding with regard to the conditions that shall prevail in the future in such unorganised trade or calling. If, however, the parties fail to agree, then the Commission may impose conditions upon the parties. I am prepared to admit that the conditions which the Royal Commission may impose are fairly wide—wider still than the conditions which may be imposed even by the Arbitration Court; but the circumstances are different, and

the difficulty is one that has to be met. As I say, it will probably be necessary, in some new agreements superseding existing awards and agreements, to provide for shortening of hours with correspondingly lessened wages—the reductions in hours and wages being made for the purpose of keeping as many of our workers as possible employed. We want to give the same power to the Royal Commission when making an agreement or award in the case of unorganised workers; but we impose also a condition that the employers shall not reduce hands below a certain number, though they may reduce the number of hours that the employees shall work.

Hon. J. Mitchell: The pay will be reduced, as well as the hours.

The PREMIER: I know it will; but the difference is this, that under the conditions prevailing at the present time—not in many industries, I am pleased to say, but in a few to which our attention has been drawn—while the employers have lessened the number of employees, they have not lessened the number of hours which the employees kept on shall work, but they have made reductions in the wages of these employees simply because the employees are not protected by any award or agreement. Now, that is absolutely unfair. If an employer gets the same results from a man's labour, then, even though conditions may have changed in some respects, the employer is not entitled to pay the man something less, seeing that the price of the commodity is not less than it was previously.

Hon. Frank Wilson: Very soon the employer will be unable to sell the commodity.

The PREMIER: If he cannot sell the commodity, that means reduction in working hours.

Hon. Frank Wilson: No.

The PREMIER: Yes. If the employer wants to produce the same quantity, there is no necessity for him to employ fewer hands and reduce the pay to those who remain.

Hon. Frank Wilson: What about your markets, if they are closed?

The PREMIER: The markets have not failed yet to any great extent. I know that in some industries the markets have failed, and that in the case of those industries it has been necessary to take action. But I am speaking of cases where that has not happened up to the present time. I am speaking of cases in which the employers have merely given the employees notice that it will be necessary to accept a 25 per cent. reduction in wages and salaries while working exactly the same hours and doing exactly the same amount of work. I am prepared to admit that that is not general by any means. It has happened in only a few cases; but, after all, we make our laws in order to prohibit the minority of the community from doing what is unfair or illegal or criminal. It is on account of that minority we have to make laws. When we pass a law to prohibit murder, and fix the penalty of death for such a crime, we do not thereby immediately brand everyone in the community as a potential murderer. There are only a few who will come under the law, and so it is in this case. I am not saying that every employer is adopting this unfair attitude: only a few are doing it. I am assured by the Commission—and they ought to know because they have been making very careful inquiries—that it is in few cases that such has happened. On the other hand quite a number of big employers have kept on their hands and paid them full rates, notwithstanding the fact that their turnover has decreased enormously. While mentioning this particular case, I want to give credit where credit is due, but should difficulties arise, due to the fact that there is no body to protect them, they must have someone to whom they can appeal, and under these circumstances we have asked the Royal Commission who have been inquiring into the details of the business of the people in Western Australia and particularly in the metropolitan area which has been most affected and will be most affected, to decide between employers and employees where the parties cannot agree. We are giving extensive powers, but I do not see how we can do anything different. I received this afternoon from the Employ-

ers' Federation an intimation that the Council of the Employers' Federation could not agree to all of Clause 3. They want to delete Subclauses 2 and 3 and insert after the word "agreement" in Subclause 4 the words "arrived at." This merely means that we would permit the Commission to call the employers and employees together in conference, but if they were not able to arrive at an agreement the Commission could do nothing, with the result that personally I hold the view that it would be desirable to delete Clause 3 altogether. I do not think it is any use where employers have no protection whatever to call the parties together and expect to get anything that is satisfactory, unless there is some body that can impose conditions upon them, and I am satisfied from the manner in which the Commission have acted up to date that their decisions have been accepted and their actions appreciated by all business people and by the employees in a large measure, and this Commission, I think, are likely to give greater satisfaction under present conditions than any other body which might be appointed. I believe both parties could well trust that Commission to do what is fair to both, and it would enable us to give protection to those unable to obtain it at the present juncture. May I also say that the employees objected to the making of provision for any person to move the Commission, and they laid it down definitely that the only party to move the Commission should be a union where one exists. That might appear all right under ordinary circumstances in dealing with matters of industrial disputes, but the conditions now are different. They have changed considerably, and I do not want to put anything in the way of giving protection to all sections of employees, and I am not going to be forced into the position of shutting out those who do not happen for the moment to be members of the unions while we have disagreements on the part of both employer and employees. I hope the Bill will be accepted by members as being fair to both and likely to meet the difficulties that may unfortu-

nately arise in the future. The only other objection on the part of the Employers' Federation is to Clause 4. They want it deleted. It provides that "the Governor may make such regulations as he may deem necessary or expedient to carry this Act into effect." I can assure hon. members that the regulations to be made under this measure will not be made perhaps in the same drastic way as they might be under ordinary circumstances, or under measures passed when the conditions are normal. There will be no attempt to frame regulations which will extend powers. As I have said, this is purely a temporary measure, introduced without the slightest party feeling, but with the desire that it shall be effective, and having that object in view, there must be power given to make regulations. While recognising that we cannot make this as effective as necessary, even though it is fairly comprehensive, while still being a short measure, there must be power to make regulations. The Bill is one of some urgency, and it is in the interests of the community as a whole. I have pleasure in moving—

That the Bill be now read a second time.

Hon. FRANK WILSON (Sussex) [8.37]: I am sorry that I cannot agree with the Premier in all that he has stated in connection with the proposed measure. I recognise that the parties should have some freedom from arbitration awards. When everything is normal and trade is progressing firms can adjust their differences and can carry on and comply with the awards of the arbitration court established under the law of the land. In times of stress, however, such as we are acting under now, and which I am sorry to think we have not yet fully entered into, it is necessary that there should be a much greater amount of freedom both on the part of the employer and the employees in order to treat the exigencies of the times and permit of as much employment as possible being afforded to workers of the State. The Bill as presented by the Premier is, of course, broadly to enable parties to an agreement

registered under the arbitration court to contract themselves out of that award or an agreement. It is essentially a Bill of conciliation and mutual arrangement. It is recognised, so far as I can gather from reading it through, that the times warrant some relief from the hard and fast rules laid down in the awards under which work is being carried on. So far as the Bill gives that power to the parties to an award of the Arbitration Court, I am certainly in accord with the Government. I have not been consulted on this measure except in conversation in a general way as mentioned by the Premier, but I recognise that there was no need to consult me so much as the parties who are likely to be affected under legislation of this description. It would perhaps have been better if we had had the Bill in advance in order to study its provisions. The Premier has explained that he had a conference with the representatives of the Employers' Federation and the unions together with the Royal Commission which has been appointed already in connection with the control of foodstuffs and necessities of life. That they came to some arrangement is undoubted, and I believe that agreement extended so far as the first portion of the Bill is concerned. Apparently from the fact that both parties have protested against the latter portion of the measure in some shape or form there was no agreement arrived at with regard to Clause 4. Without any party bias or feeling from one side or the other we must endeavour to do something which will meet the views of both parties, but seeing that both parties are taking exception to a certain portion of the measure, it appears to me that hon. members would be doing right and acting in the best interests of both sides if they considered the deletion of such of those portions to which exception has been taken. I recognise the position of the Government and I recognise that we must of necessity face very strenuous times in this State as in every other portion of the British Empire through circumstances over which we have no control. I recognise also that though they will not be in the position

to employ all the men they would like to employ, they need the same conditions as they would do in normal times. I want to emphasise this difference, that whilst the Government are dealing with public funds, and no matter whether they propose to exercise generosity a little further than they ought to do and suffer loss in consequence, the loss does not fall upon the Government. The whole country has to bear it. The employers in providing avenues for work will also bear any loss that may result from the administration of the Government. It is perfectly true that employment cannot be found unless there be the means to carry on and to pay wages. If there are not the markets to send the produce to, then of course revenue ceases and the funds, whether they be large or small, dry up absolutely. So that I can see a very serious difficulty in passing this measure as it is presented to us.

Mr. Dwyer: Is it the third clause you are referring to?

Hon. FRANK WILSON: I am referring to that and the fourth clause in my general remarks, the third clause especially. I would point out also that many industries cannot carry on, owing to the fact that their product deteriorates. It is easy for the Premier to say that private employers with capital should carry on as though nothing had happened, pay full wages, keep their men on full time, and work up stock, which possibly will be very much deteriorated before it reaches the market, lock up their capital, and thus hasten the day when, perhaps, bankruptcy may meet them. With certain products one cannot go on indefinitely piling up and storing them, even if the Government were prepared to finance the enterprise. We must not overburden the employers with conditions which it will be absolutely impossible for them to comply with.

Mr. Dwyer: You do not think the commission will do that?

Hon. FRANK WILSON: I do not know what the commission will do. The hon. member would be sorry to place himself in the hands of any commission on such a question. Let the hon. member

have 500 men employed, and ask him if he would be prepared to leave to any commission, in such strenuous times, the ordering of the number of men who should be employed. He would say, "No, I must have the liberty of fixing that myself. I cannot carry on."

The Premier: We have always taken up that attitude in regard to all arbitration.

Hon. FRANK WILSON: We must not interfere unduly with a man's business.

The Premier: A man's business is not to be compared with 500 lives.

Hon. FRANK WILSON: It is not a question of 500 lives. The Government are responsible for the 500 lives. The Premier has always advocated that the Government should find employment for the unemployed, but now, when the first pinch comes, he wants to shift his responsibility on to private employers. Not only has he competed with those private employers and worked all the mischief that he can against them, but he wants to put his troubles on their shoulders. The Premier mentioned that there was a suggestion to suspend the Arbitration Court's awards, a suggestion by some of his colleagues, or certain employers or employees. I do not know that it is a very foolish suggestion to make. I think it first emanated from Mr. Holman, the Premier of New South Wales, who was reported to have said that it would have to be taken into serious consideration as as to whether they should not temporarily suspend the awards in that State, awards, I think, of wages boards. There is nothing unfair in the suggestion, and it is worthy of consideration. Of course, I can understand that rabid trades unionists, and representatives of the Trades Hall, would object, and see in it the cloven hoof.

The Premier: You can include me in that lot; I object strenuously to it.

Hon. FRANK WILSON: They immediately apply the retort that the employers are anxious to have the awards set aside in order to crush the poor workers.

The Premier: Some of them are.

Hon. FRANK WILSON: Very few of them. The position is that at the present

time we are working under the awards of the Arbitration Court. But the Arbitration Act itself does not give the powers sought to be conveyed under the Bill to a temporary commission. The Arbitration Court has no power to say how many men shall be employed in any industry. It can limit the hours, fix the minimum wage, and specify other conditions, but it cannot enforce the employment of a certain number of people in any industry. It would be an impossible condition. No commission could possibly take upon itself a decision of that nature, and the limit of the capital available would immediately put a stop to any such award, if it were given, even by a Royal Commission.

The Premier: What would you put in its place?

Hon. FRANK WILSON: I would not put anything in its place.

The Premier: You would hand them over to them.

Hon. FRANK WILSON: Nonsense, they are free agents. The Premier suggests that unions that already have an award should have full power to agree with their employers under any condition of work by way of a temporary expedient. But he would deny the same right to men not in unions.

The Premier: That is incorrect. You only tell half the story of those working under awards and agreements, and no part of the story in regard to the others.

Hon. FRANK WILSON: I can see by the first and second clauses that those working under an award or agreement will have full power to come to a mutual understanding with their employers.

The Premier: Suppose they do not do so?

Hon. FRANK WILSON: The Arbitration Court's award will prevail.

The Premier: Take the other case.

Hon. FRANK WILSON: In the other case they can come to an understanding. If they have not an award they can go to the court and get one.

Mr. Lewis: At this time?

Hon. FRANK WILSON: Yes, at any time. We are not suspending the Arbi-

tration Act. We are simply trying to give the liberty to them to set aside the awards of the court. Of course, I understand the awards are to be maintained until that further agreement is arrived at, and if no agreement is arrived at the awards will continue in force. But the result will be that the employer cannot carry on, and must close down.

The Premier: Someone else will open up.

Hon. FRANK WILSON: That is not the way to look at it. There is no compulsion whatever in the case of unions working under award. There is no need to compel them to come to an understanding with their employers, nothing to compel them to submit to a decision by another court which is going to be set up in amplification of the Arbitration Court and to be vested with even greater powers than that court has. I do not think we ought to do that. We would be making a huge mistake if we went beyond the bounds of conciliation and mutual agreement. We have our Arbitration Court and we ought not to set up another tribunal with equal or greater powers than that Arbitration Court. Let us rather endeavour to do all we can to assist in the direction of conciliation and mutual agreement. I am glad therefore to hear that the unions have taken exception to this section as well as the Employers' Federation, although on different grounds. The Employers' Federation take exception because they fear that a Royal Commission—I presume such as the foods commission—has not the necessary experience to give an award such as the Arbitration Court could give. Indeed, they can give an award and issue an order directing the parties to enter into an agreement upon any industrial matter upon such terms and conditions as the commissioners may in their discretion think fit. It is the widest power we could give to any court. It is not necessary for the commission even to take evidence, and there is no need for them to enter into all the details of a trade or industry which would perhaps give them sufficient information

to enable them to arrive at correct conclusions. Yet, if the parties cannot come to an understanding, the commission can issue an order and above all things they can decide what the business of the employer requires in regard to the number of men. They can state in their order the lowest number of men to be employed according to the exigencies of the business. How on earth are they to tell what the exigencies of the business are? Then they can inquire into the position of each individual worker and adjust the rates of pay and reduce the number of hours or into any other matter. It is absurd to put this proposition forward, and I hope the Government will delete it. I am altogether opposed to it. We, in common with the Government, wish to extend protection to those who are outside of awards, in other words those who are members of unions not registered or who are non-unionists. But I protest against any suggestion which would be dangerous. We should leave such employees to come to a mutual arrangement with their employers, and if this could not be done they could always form themselves into a union, register, and obtain an award.

Mr. Dwyer: Would you agree if the president of the Arbitration Court were substituted for the commission?

Hon. FRANK WILSON: Certainly not. This measure is not an Arbitration Bill. The whole thing seems to rest on a false basis. Instead of giving liberty to employer and employee to come to a mutual understanding, we are asked to put them under worse trammels than prevail in connection with an arbitration award. If we foresee a difficulty, which fortunately has not yet arisen, in connection with the carrying out of the awards of the Arbitration Court, is not that difficulty likely to arise in connection with an award by the foods commission, and further, have the commission the necessary experience? Have not they their hands full at present? Yet we are asked to convert them into an arbitration court which will take up all their time and which will be much wider in its scope, and likely to cause considerably

more injury in many directions than any award of arbitration could possibly do because of its wider powers. The Premier advanced as an argument that some employers were reducing wages rather than dispense with a number of hands or reduce hours. I quite understand that policy. I have seen it happen in the fluctuations of trade in the Old Country, where employees became almost idle in large industrial undertakings, and employers were obliged to reduce wages—they were keeping open at a loss—rather than dispense with hands. That was often done rather than make a reduction in hours. Employers reduced the wages they paid knowing full well they were not getting the usual amount of work from their employees. Take an office as an illustration: who will tell me that in the present state of affairs, with a firm's output being only one-half of what it usually is, the same amount of work is done through the office as would be done when business was in full swing? Of course not. Yet all hands are kept on even though they are not fully employed; rather than reduce the hours, a reduction is made in wages, and the hands are kept on all the time, but they are not employed at anything like the previous pressure. There is a double benefit by keeping them on. The employers have an experienced staff and do not want to lose them, but desire to have them ready when things settle down again and trade revives. The employees, on the other hand, would much rather be there in attendance and working at a lower wage than that 50 per cent. of their number should be turned into the street to find subsistence elsewhere. I know this is so, and the Premier has admitted it. The Premier said some employers have kept on all hands at full rates of pay, although their trade has fallen off enormously. These employers are to be commended for it if they can do it, but others cannot possibly do it, and we must not condemn the employers if they are doing their best with the means at their disposal. Finance is at the bottom of the whole thing, just as it affects the progress and

success of the State, and if the private individual cannot carry on without drifting into the Bankruptcy Court he has no right to carry on, because ultimately the position will be worse for both employee and firm than if they had taken precautions at the outset, by reducing hands, although such a course is to be regretted exceedingly. I wish to repeat that I do not believe in establishing another arbitration court of this description. Subclause 1 of Clause 3 is all right. It provides that the commission may summon any persons to appear before them and give information in connection with the matter under inquiry. Let them have that power; that is the first step towards a mutual understanding, and if they can come to a mutual agreement the agreement will hold good and can be varied, renewed, or cancelled and filed at the office of the clerk of the Arbitration Court. If they cannot come to an agreement the employees will be in the same position as they are to-day if they are paid off. I have said that Subclauses 2 and 3 are impossible. With regard to the regulations this measure is one of many we have considered in anticipation of the necessity arising, not that we hope the necessity will arise. Undoubtedly this measure will come into operation almost immediately, from what the Premier tells us, in connection with unemployment and for other reasons. I want to point out that we pass urgent legislation such as we have been engaged on during the last week or ten days to meet a difficult position, and we ought to embody in those Acts all the requisite provisions and leave as little as we possibly can to regulations. Hence there is good ground for objecting to Clause 4, which provides that regulations may be made as is deemed expedient. In the other urgent measures we have passed we have made no provision for regulations, and why is it necessary in connection with this measure? The Control of Trade in War Time and the Foodstuffs Commission Bills, passed a fortnight ago, contained no provision for regulations. It was not necessary, and, seeing that the whole of the foundation of this proposed legislation is conciliation and mutual

agreement to get over a time of hardship, I do not think there is any need for any regulations to be framed or issued under the measure. The Bill speaks for itself and with the subclauses, to which I have taken exception, deleted from the Bill, there will be no need for Clause 4. If we leave those subclauses in, crudely as they have been drafted, giving such wide and extensive powers such as even the Arbitration Court does not possess, I recognise that perhaps we may require regulations to amplify or restrict them as the case might be, but those subclauses should not be agreed to, and I hope the House will consent to strike them out. I regret very much that we have to disagree on this, practically the only urgent measure necessitated by the present condition of affairs.

The Premier: We do not differ on the principle.

Hon. FRANK WILSON: We do on this principle, and it is a much bigger one than the other. It is an innovation, as the Premier has admitted, and therefore we need to be mighty careful how we introduce such innovations. The position is not safeguarded, and I for one could never be a party to giving any such power. I would not agree to give such power to the Arbitration Court, leave alone to a Royal Commission of this description, whose members are less experienced, and have less chance of doing right than the Arbitration Court. The member for Perth (Mr. Dwyer) by interjection asked if I would agree to the substitution of the president of the Arbitration Court for the commission. I do not think the president of the Arbitration Court has any right to dictate with regard to the number of men to be employed in a given industry. The management are the only people who can judge whether they can safely carry on with a certain number of workers. No outside body, unless they get into the manager's chair and have control of the finances, can come to a correct conclusion, and it would be one of the most drastic Acts we could ever suggest if we give powers of this description to any court, whether it be the Arbitration Court or the commission proposed in

this Bill. With these exceptions, if the Premier will agree to delete these two subsections in Clauses 3 and 4, I shall be very pleased indeed to support his measure. My whole desire is to assist the Government, as he knows. We cannot agree upon all points, but I think we can agree to disagree without flying at each other's throats as has been the tendency to do to-night.

The PREMIER (Hon. J. Scaddan—Brownhill-Ivanhoe—in reply) —[9.16]: I realised, of course, when I introduced the measure that there would be some disagreement between the Opposition and the Government in connection with some of the provisions of this Bill, and as the leader of the Opposition has just stated before resuming his seat, the clause upon which the disagreement has taken place is perhaps one which contains the most vital principle in the Bill. It is to assist those who are unable to help themselves under the conditions which are prevailing at the present moment that the Bill is perhaps after all most necessary. I regret exceedingly that one has to say that in some cases advantage has been taken of treating unfairly the employees in some directions, and it is due to that old wheeze which we hear so much about from our hon. friends opposite, the law of supply and demand. The supply of men, and in some cases the supply of girls, is such at the present moment that the employers could compel them to accept a considerable reduction in wage or salary, notwithstanding the fact that their position as employees would not be in the slightest degree interfered with. One or two cases of this sort have been brought under my notice, and I really believe it would be a good thing if the persons concerned were exposed for the action they have taken. One who is known to hon. members as being well-to-do was carrying on a business not in the nature of a store or warehouse, and not 100 miles from Perth, which has not been affected in the slightest degree up to date, and this particular employer was one of the first to reduce the wages and salaries of his employees. He is

not likely to be affected, perhaps during the whole course of the war, and yet he takes that action. I know of another case, that of a Government contractor supplying material which is made up by girls, poor, helpless girls who would not come under any award or agreement. The crisis has not affected this man in the slightest degree, and he has been paid exactly the same amount for the material that he has to make for the Government.

Hon. Frank Wilson: He could have reduced his wages. You say there is no award.

The PREMIER: But the law of supply and demand comes in. He is getting a bigger supply of labour with the result that he can take risks that he could not have taken previously. He can compel these poor girls to accept a less wage than they would be prepared to accept under ordinary circumstances, when they would go elsewhere and get work. Under present conditions they are afraid to leave their work, even if they only had enough to pay their board with, because they would have very great difficulty in obtaining work elsewhere.

Mr. Elliott: He may be paying more for his material.

The PREMIER: He is not doing so. Even if he were he had a way out of the difficulty, because immediately war was declared he could have declared his contract with the Government off, because of having to pay more for the material, but he would not adopt an attitude of this kind, and introduced the paltry method of reducing the wages of his hands.

Hon. Frank Wilson: If he is importing material now he would have to pay more for it.

The PREMIER: I am even doubtful if he is doing so. We do not ask him to continue the contract at a loss. I do not intend to ask him to continue the contract and to spread his loss not upon the shoulders of the general taxpayer, but upon the shoulders of a few poor girls who are unable to protect themselves.

Hon. Frank Wilson: Of course not.

The PREMIER: Does the hon. member ask that we should hand over these poor girls to an unscrupulous employer?

Hon. Frank Wilson: That is not the general run of things.

The PREMIER: A law of this kind is not required because the great bulk of our employers are unscrupulous, but because of single cases of that nature. Are we going to say that, because only a few men commit murders, we do not want any law or penalty to prevent other people from committing murder. It is practically murder to ask these girls to accept a wage which is not a living wage and out of which they cannot even pay their board. Apparently the Opposition do not view the matter as seriously as they should. I have nothing against employers as a whole, but I want to prevent even one single employer from taking advantage of the present position to treat his employees in the fashion that has already been done by some of them. I want to say this—for the opportunity presents itself, and I do not want to miss it—that I am frequently told by the leader of the Opposition that the bench on this side of the House is dominated by the Trades Hall, the Trades Hall boss, as he terms it.

Hon. Frank Wilson: There is little doubt about that.

The PREMIER: I am just going to draw a comparison, and I ask the hon. member to listen to me. Here we have a measure which I will admit has not given complete satisfaction to both parties. The Trades Hall, for instance, objected to certain provisions. At the same time, although they have objected, I have insisted upon them, and they are here in the Bill. In that instance I am not being dominated by the Trades Hall. The leader of the Opposition has taken three-quarters of an hour to criticise the measure, and has touched on no point but that referred to by the Employers' Federation. He is so dominated by the Employers' Federation that he raises exactly the same objection that they do. I have never heard of one objection in this Chamber to the clause which provides that the Governor-in-Council may make regulations, but this action of the Employers' Federation has dominated the hon. gentleman to such an extent that he

wants everyone of the objections taken in and the clause amended or struck out of the Bill.

Hon. Frank Wilson: It was a reasonable objection.

The PREMIER: I say this, that he need not in future refer to our being dominated by the Trades Hall. We know now where the hon. member is dominated and how and to what extent.

Hon. Frank Wilson: That is all right.

The PREMIER: I am very pleased to be able to draw the attention of the public to the fact. Now, the hon. member will adopt the attitude that Clause 3 is particularly dangerous; without it Mr. Holman's present position in New South Wales is particularly dangerous from the point of view of the unorganised worker. Unfortunately the bulk of the unorganised workers in Western Australia are women folk. Whether it is regrettable or not, we may perhaps be able to give a different view of the subject. I say it is regrettable that such is the case. The fact remains that these unorganised women are going to suffer materially unless they are given this protection. There are girls employed in our factories and warehouses and shops and in many other directions in Western Australia, who are going to suffer untold want and hardship unless we give them this very necessary protection. I am not wedded to the exact wording of the clause. I do not want to insist that the Commission shall say how many hands shall be employed by the employer. I am prepared to leave it to the Commission to make such conditions as they think necessary to protect these unorganised workers from unscrupulous employers, although such instances may perhaps be one in a hundred. Then again, whatever Mr. Holman, the Premier of New South Wales, may have suggested, he could only apply it to his own State. I very frequently consult that gentleman, as I do the other Premiers of the States with regard to legislation which may affect Western Australia, as to their point of view from how it would affect their own States. We frequently meet in conference

for that very purpose and arrive at unanimity on various matters. The conditions are so changed now that we are compelled to view this from the point of view of Western Australia and Western Australia alone. I do not care whether the Premier of New South Wales or anyone else suggested or not that we should not suspend arbitration awards and agreements at this juncture. Without putting something else there for a safety valve, it would be dangerous in the extreme and I would not agree to it for a single moment. The hon. member says that we must give the employer an opportunity of carrying on his business as he chooses. If that were the case, we ought immediately to repeal all our industrial laws, our arbitration laws, Workers' Compensation Act, the Factories Act, and so forth. Everything must then be set aside in order to give liberty to the subject. But this must be in conformity with the liberty of the community as a whole. The safety of the community is at stake at the present juncture. This Government would, I think, not have dreamed of introducing legislation of this particular sort in normal conditions. At the same time, the conditions are such now, that we must introduce drastic legislation for the protection of our citizens. The supply of labour will now be greater than the demand, and without protection in this direction, the employer can, and in some instances will, take advantage of the position. That is the position we have reached at the present moment. We cannot give any employer under existing conditions any more liberty than previously. In the interests of the community as a whole, and the interests of those who are unable to protect themselves and are less able to do so now than under normal conditions, it is necessary to give the employer less liberty than he previously enjoyed. He must to-day carry on his business in conformity with the desires of the community as a whole, from the point of view of sharing the burden fairly that will fall upon us. It is regrettable that such is necessary. I say that Parliament would not be worthy

to represent the people if it would not take the opportunity of seeing that the employer as well as the employee, takes his fair share of the burden. Of course we must not impose upon the employer something that would be unfair to him, while perhaps we were doing something which would be fair to another. We must try and adjust matters under the conditions prevailing in order that all shall bear their fair share of the burden. I know that the position will be difficult and it is difficult at the present time. I am not prepared merely to give consideration to those who are banded together in unions under present conditions. Although, as I stated that I recognised their value, it would never do to hand over the rest of the community to the tender mercies of the employers who may easily take advantage of the present conditions and treat them unfairly. Then the hon. member took exception to the remark about his handing the employees over to their employers. Whether the hon. member takes exception to the remark or not, I assert, and repeat here, that to amend this clause in the direction desired by the Employers' Federation would be nothing short of handing over the unorganised worker in Western Australia to the tender mercies of employers to treat as they choose. It would be absolutely useless. It would be exactly the same as first of all suspending the arbitration awards and agreements and making provision in a new Bill for mutual agreements to be entered into. Why, it is difficult enough to get employer and employee together in normal times for the purpose of discussing their differences and endeavouring by conciliation to adjust them. But when the supply of labour is more than the demand, considerably more than the demand, when the times are such that men and women may be compelled to accept almost anything for the purpose of securing a livelihood, it would be difficult almost to the point of impossibility to get the parties together and induce them to arrive at an agreement which would be fair to both parties.

Hon. Frank Wilson: Do you expect the employers to keep all the workers in this country working right through this time?

The PREMIER: Nothing of the kind. Quite otherwise, as is evidenced by the introduction of this Bill, which demands a change in conditions. However, while that is the case, if we are going to amend Clause 3 as suggested we shall only be giving the meed of protection to those who are working under awards and agreements, to those who constitute well-organised bodies of workers, and we shall be neglecting absolutely the interests of all others. And those others, as I stated at the outset, are unfortunately to a large extent women workers, who are peculiarly ill-qualified to protect themselves at the present juncture. Whether the leader of the Opposition desires it or not, whether the Employers' Federation desires it or not, whether the Trades Hall desires it or not, I am going to endeavour, in conjunction with my colleagues, at this juncture to give protection to that section of the community as well as to organised labour; because we know that the unorganised workers will feel the pinch the same as the others will, and that they are less able to protect themselves, owing perhaps to a want of foresight—foresight which should have been exercised some time since in the direction of organising themselves for the purpose of obtaining the protection of the Arbitration Court. We are confronted with that position, and I say we are in duty bound to protect those unorganised workers. I am not going to worry about the wording of the clause. If the leader of the Opposition thinks it unfair that we should permit the commission to say "So many men shall be employed; no more, no less," then we can probably make some alteration in the wording. I would be quite willing to agree to that.

Hon. Frank Wilson: Strike out that.

The PREMIER: I am not prepared to agree to strike it out.

Hon. Frank Wilson: I am not prepared to allow any body of that sort to

decide the number of men to be employed.

The PREMIER: I am prepared to amend in that respect.

Hon. Frank Wilson: Will you strike out that portion?

The PREMIER: No; not entirely. I will agree to strike out those particular words, but I do desire that the commission shall be empowered to impose conditions on the employer for the purpose of protecting the unorganised workers. That is all.

Hon. Frank Wilson: The employer would close down.

The PREMIER: The Commission could not prevent the employer from closing down if he did not desire to observe the agreement, but before he does close down his business—

Hon. Frank Wilson: Treat the employer fairly.

Hon. W. C. Angwin (Honorary Minister): We want to protect the honest employer.

The PREMIER: Certainly; and I recognise that the majority of the employers are fair. If all the employers were as the majority are, this measure, or perhaps more particularly this clause, would not be required at all. At the same time, however, one cannot but appreciate that if one employer carrying on business in a place where other employers are carrying on similar businesses, is permitted, for the want of legislation of this sort, to pay his employees a stravation wage or work them under conditions which would be most deplorable, then the other honest employers would eventually be compelled, for the protection of their businesses, to follow that evil example; so that, from the point of view of protecting the reputable employer against the unscrupulous employer, this clause is essential. Therefore, I hope, notwithstanding the opposition of the hon. gentleman on the other side, that, though the clause may be amended, its principle will be retained in the Bill. So far as regulations are concerned, at the moment I am not aware of any regulations likely to be made under the measure. I can say that

no regulations are likely to be made except such as are essential for the purpose of giving effect to the measure—merely that, and nothing more. For instance, it may be necessary to make regulations settling out the form of agreements. I am not certain that it will be necessary to do so, but it may be necessary. It may also be necessary that regulations should be made prescribing forms of summonses and orders. Apart from these matters, I do not know that any regulations will be required. In any case, the regulations would have to be in accordance with the Act; and surely there can be no danger in giving the Governor-in-Council the power to make regulations under this measure, as we give the power under nearly all other measures. Therefore I hope that in the circumstances the power will be allowed to remain, even though perhaps it might not be found necessary to put the power in operation.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Mr. Male in the Chair, the Premier in charge of the Bill.

Clause 1.—agreed to.

Clause 2—Power to make agreements temporarily superseding industrial agreements and awards:

Hon. J. MITCHELL: I have listened with close attention to all the Premier has had to say: and, so far as I can gather, this is a measure to spread employment, which the Premier now apparently realises is not as plentiful as we would like it to be. The object of this clause is to reduce the hours of work and also the weekly earnings of the people. Certainly, the measure is not one that will at all improve the condition of the worker under the Arbitration Act. The Premier knows full well that he will not be able to employ quite as many men in his trading concerns as have been employed hitherto.

Mr. Dwyer: I rise to a point of order. In view of the lateness of the hour, I desire to call your attention, Mr. Chairman, to the fact that this clause refers exclusively to industrial awards and agree-

ments already in existence and to the power to alter them by compromise between the two parties to such agreements. I ask you whether the hon. member is referring to the clause now under discussion, or to the Bill at large, or to something else.

The CHAIRMAN: I think it fair to ask the member for Northam (Hon. J. Mitchell) to adhere strictly to the clause.

Hon. J. MITCHELL: The clause deals with existing awards and agreements, and awards and agreements can exist between the Government and workers at the timber mills, workers at the State Implement Works, and workers in any other State enterprise. The Premier is asking power to have Arbitration Court awards and agreements set aside in favour of new agreements which may be made, the object being to enable him to continue to employ the number of hands at present employed. I contend that we are entitled to discuss that aspect of the question. I would suggest to the Premier that he should endeavour to arrange for deferred pay rather than reduce hours of work. If the Premier thinks he can only afford to pay the workers just sufficient to meet the bare cost of living, then he can credit them with the difference between such pay as he is able to give them and pay that difference to the workers when the Government are in funds again, after the war is over. I see that the Government propose to ask the unfortunate Mr. Sutton, who has so much to do at present, to form, with two others, a Royal Commission to carry this clause into effect. Does the Premier think it reasonable to ask Mr. Sutton to give the time necessary for dealing with this new work satisfactorily and promptly? It seems to me that Mr. Sutton's work just now ought to be the work he was engaged to do.

The Premier: He has made no complaint.

Hon. J. MITCHELL: No; because he has been taken off the work he was brought over here to do.

The Premier: Mr. Sutton was consulted.

Hon. Frank Wilson: Mr. Sutton said he could leave his special work for the time being, and take on the work of the Foodstuffs Commission.

Hon. J. MITCHELL: Just now Mr. Sutton is very much wanted by the farmers. The question to my mind is whether the members of the Foodstuffs Commission are the right persons to deal with a matter of this kind. Does the Premier think they are more capable of dealing with it than the Arbitration Court is?

The Premier: You would not accept the Arbitration Court either.

Hon. J. MITCHELL: I think it is very doubtful whether the Commission are as capable of dealing with this as the Arbitration Court is.

The Premier: It is part of your policy to abolish the Arbitration Court, so you cannot think much of the commission.

Hon. J. MITCHELL: That was never part of my policy. It was a Liberal Government which established the Arbitration Court, but the Trades Hall is very pleased to abolish that court just now. This Bill is really a measure to reduce wages.

Clause put and passed.

Clause 3—Power to make agreements on matters to which industrial agreements and awards do not relate:

The PREMIER: In order to modify the powers of the Commission to some extent, and probably give, if not complete, at any rate a little more satisfaction to the leader of the Opposition, I propose to move an amendment to Subclause 3.

Hon. FRANK WILSON: Perhaps, before the Premier moves that amendment, he will allow me to test the feeling of the Committee as to the desirability of retaining Subclause 2. I have already voiced my objection to this subclause. It is taking advantage of the position such as has now arisen to pay girls a starvation wage when it is not necessary to do so, and when it is certain to be condemned by all right thinking people. We cannot carry a clause like this merely on the one illustration which the Premier

has given. Why not let us make it easy for all to approach the Arbitration Court? I have always advocated, as a reference to *Hansard* will show, that the Arbitration Court should be free to any body of workers.

The Premier: Rural workers?

Hon. FRANK WILSON: All workers. Rural workers can go there now if they form a union. Hon. members opposite have tried to form them into a union, but have failed. The Arbitration Court should be open to all, whether they belong to unions or not.

The Premier: Domestic servants, too?

Hon. FRANK WILSON: Yes, the whole lot. Every action of the Government, instead of being in the interests of all the people is only in the interests of a class. So far as the girl workers are concerned, if legislation is required, let us introduce it, but do not let us spoil this Bill because of some isolated case of which the Premier has heard. I am quite willing to pass an amendment of the Arbitration Act with the object of giving all the power to go to the Arbitration Court whenever they like. In order to test the feeling of the Committee, I will move—

That Subclause 2 be struck out.

Mr. B. J. STUBBS: I do not know whether the leader of the Opposition realises that if this amendment is carried, we might as well throw the whole Bill into the waste paper basket. We are taking the kernel out of the measure. As the Premier has pointed out, and as any one who will give the question a moment's consideration must realise, the employees who are dealt with under this part of the measure are those who are in the most helpless position, and perhaps because of some shortsightedness of their own have not banded themselves together, and therefore are at the mercy of the employers. A great majority of these people are women workers and a big proportion are girls just coming out of their teens who are employed in clothing factories. We have to realise that the employers who engage this class of labour are generally known as sweating employers, who work their employees under the

worst possible conditions. I am speaking with knowledge on the subject. By virtue of the trade with which I am connected, I have obtained first hand knowledge, and I have had a great deal to do with trying to remedy the conditions in this class of employment. In Perth, even to-day, if we take the report of the Factory Inspector, we find that the conditions are not what they should be. As the Premier has pointed out, in regard to a particular firm that had a Government contract, though the price was in no way reduced, and the supply of material was not affected, they took the earliest opportunity of placing the burden upon their employees. Parliament would not be worth a snap of the finger if it did not step in at the present time and see that adequate protection was afforded to those people who are in such a helpless position. If the subclause is struck out it would be just as well to put the whole Bill into the waste-paper basket. The principal part of the measure is that which affords protection to the workers not in unions.

Hon. W. C. ANGWIN (Honorary Minister): The Bill is a protection for the honest employer, and is intended to deal only with the unscrupulous. As the Minister controlling the Charities Department I was approached the other day by a woman with two children, asking for assistance. She explained that her husband was an inmate of the Subiaco sanatorium. I asked her how she had obtained her livelihood during the last three months, and she said she had been engaged making nurses' aprons for a City firm. For these aprons she was paid 1s. 3d. a dozen, and had to provide her own cotton. She said that by working till ten or eleven o'clock at night she was able to earn 2s. 6d. a day. This, it must be remembered, is going on in Perth. It is for employers such as were victimising that woman that the clause is intended. Those who deal honestly with their employees will not be affected.

Hon. J. MITCHELL: The conference between the employers and the Trades Hall representatives agreed to Clause 2. The member for Subiaco is entirely

wrong when he compares Clauses 2 and 3. They are entirely different. In the one case we have the Arbitration Court awards, while Clause 3 sets up a court in the person of the commissioners, who will issue awards. The principle is a wrong one. Let the non-unionists go to the Arbitration Court. The commissioners know nothing of the law of evidence.

Mr. Dwyer: There is no law of evidence in the Arbitration Court.

Hon. J. MITCHELL: It is very dangerous to set up an authority in inexperienced commissioners to make an award. It will, of course, be useful to have an inquiry by those gentlemen, but they ought not to be empowered to make an order.

The Premier: If any application is made to the Arbitration Court all the formalities of the court must be complied with.

Hon. J. MITCHELL: But the Arbitration Act could be amended to enable the non-unionists to get to the court. The Premier is prepared to throw the doors of the Arbitration Court open to unionists, but not to non-unionists. It will be absurd to have two courts dealing with industrial matters.

The Premier: That is not the position.

Hon. J. MITCHELL: It is the position. I am as willing as is the Premier to get at the sweaters, but I am not willing to accept the Premier's remedy. I am sorry to have to vote against Sub-clause 2, but I must do so, because there is a better way of meeting the difficulty.

Hon. FRANK WILSON: All this legislation is brought about by the unfortunate war. Up to the present it has all been done by mutual arrangement and mutual understanding. In view of this I would suggest that the Premier again call the conference together and discuss this matter with them, with a view to arriving at a mutual understanding. It is a pity to have anything in the nature of a party division on legislation of this character.

The Premier: They will never come to an understanding on this point. Practically they would not discuss it at the conference.

Hon. FRANK WILSON: I understand that both sides had some objection to a clause such as this.

The Premier: The Trades Hall representatives disagreed with the proposal to permit any but unionists to approach the commission. I have declined to take any notice of their objection.

Hon. FRANK WILSON: It would be much preferable if we could get them to come to a mutual understanding on the point.

The PREMIER: With the hon. member I regret the necessity of having to submit in a Bill of this nature something which is not acceptable to both sides; but that does not make our responsibility any the less. I am not prepared to permit the clause to be removed from the Bill even if we went to another conference. To take out the clause would be to make the Bill practically worthless. With the amendment which I have suggested, we merely propose that the commission shall be empowered to meet emergencies. The commission has been accepted by both industrial parties. There is not the slightest taint of party appointment in connection with the commission. The leader of the Opposition was consulted on the matter. One objection raised by the employees was that they had no direct representative on the commission. In reply to that, I said that in the circumstances I was rather pleased about it. The employers have no direct representative on the commission, and in consequence the commission is not in any way a party one. The commissioners would be able to adjust these matters with satisfaction to both sides. From the employers' point of view one of the dangers about the proposal is that it may be accepted as a precedent. There is no intention of using it as a precedent, because under normal conditions such a provision would be neither necessary nor wise. The conditions at present are such that the employee is entirely at the mercy of the employer. There has been no complaint in regard to the work of the Control of Trade in War Time Commission who have been able to adjust things without the slightest sign of friction and without taking

any definite action except, to advise. They have not fixed the price of a single article of food. They have adjusted prices by meeting merchants in conference and getting them to agree to certain prices without any difficulty. These are the commissioners whom we will ask to deal with this matter. If we utilise the Arbitration Court all workers would have to be organised. Some of them are not organised, and even if they were, it would take too long to reach the court, and that tribunal would be ineffective in this case. This is what the member for Northam desires.

Hon. J. Mitchell : I do not ; you ought to be ashamed of yourself to say so.

The PREMIER : Then the commission will meet the case. Why should I be ashamed of myself?

Hon. Frank Wilson : You are making reckless statements by stating what you think is in the hon. member's mind.

The PREMIER : I am judging him from his utterances.

Hon. J. Mitchell : You are doing your usual twisting.

The PREMIER : Will the hon. member deny that there is a provision in the Arbitration Act requiring employees to combine and bring about a dispute, get registered and go through all the forms, which mean a matter of about two months before they can reach the court? We want to deal with the position at once. No hardship will be inflicted, and as time wears on members of the Opposition will realise the good accomplished by this legislation. I have sufficient faith in the commission that should the employer and employee come together they will arrive at an arrangement. If it were not for the compulsion behind arbitration, the employers and employees on the goldfields would not have come to an agreement, and the same thing will apply here. Employers and employees will probably mutually agree, and the commission may not have to issue any order. The power given will cause them to arrive at a mutual agreement, but will not permit the unpro-

tected worker to be left at the mercy of an unscrupulous employer, although perhaps only one employer in a hundred would take advantage of the position.

Hon. Frank Wilson : Then have a conference to-morrow. With the power you have to pass a Bill of this kind, they will probably come to an understanding.

The PREMIER : They can arrange to meet to-morrow, and if before Tuesday they can arrange some other method, we will consider any proposal they submit.

Hon. J. MITCHELL : I resent the attitude of the Premier. He imputed motives which do not exist. I am anxious that these workers should be treated fairly. If the Arbitration Court is good enough for unionists, it should be good enough for other workers, but the Premier says he cannot alter the Act to make it effective, and that the Arbitration Court cannot do the work.

Mr. DWYER : This clause aims at protecting workers who are not subject to an award. A large section of men are working under awards or agreements and a larger section still are not provided for. Who is to make an award for these men? The member for Northam suggests the Arbitration Court. He is either very much misinformed or else he spoke with very little understanding. The Arbitration Court cannot do so and we cannot insert provisions to make the court efficient.

Hon. Frank Wilson : Why?

Mr. DWYER : It is utterly impossible at this stage. If it were attempted, probably all our efforts would be frustrated by applications for injunctions. The only way we can meet the case is to establish another tribunal and the commission will afford the best solution to the difficulty.

Amendment put and negatived.

On motions by the Premier, Sub-clause (3) was amended by striking out "a provision that an employer shall not reduce the number of his workers below such number to be therein stated, as, in the opinion of the commissioners, the exigencies of his business may re-

quire," and inserting "such provisions," in lieu; also by inserting, after "may" in line 7, "in the opinion of the commissioners."

Clause as amended agreed to.

Clauses 4, 5—agreed to.

Title agreed to.

The Deputy Speaker took the Chair.

Bill reported with amendments, and the report adopted.

BILL—PLANT DISEASES.

Council's Amendments.

Returned from the Council with four amendments which were now considered.

In Committee.

Mr. Male in the Chair, the Minister for Lands in charge of the Bill.

No. 1: Clause 32—Strike out this clause:

The MINISTER FOR LANDS: It might facilitate matters if I explain that I propose only to disagree with the No. 1 amendment submitted by the Legislative Council, and that I propose to accept the remaining three amendments, two of which are not of very great importance, and the third of which I accept with very great reluctance, namely the one dealing with the provision for regulations to be objected to by either House of Parliament. The Bill is necessary and deeply desired by fruit-growers of the State. In order to secure it I propose to accept all but the first amendment. No. 1 is a proposal to strike out Clause 32, under which a sworn averment of the prosecutor stands as proof until the case is rebutted by the defendant. That is not the principle I would advocate for general application in Bills of this kind. In the administration of a measure such as this is, we cannot have the inspector continually looking after one fruit-grower when his work lies over a very large area and has to do with a very large number of fruit-growers. I therefore move—

That the amendment be not agreed to.

Hon. J. MITCHELL: We have already discussed this at considerable length. I think the Minister should agree to strike out the clause. It seems to me a bad principle in legislation. It will be just as difficult for the owner, particularly if he be a week-end orchardist, to prove his innocence, far more difficult in fact, as for the inspector to prove his guilt. Surely the Minister does not wish to pass legislation which will alter the whole principle of prosecutions.

The MINISTER FOR LANDS: The defendant is only concerned in his own orchard, while the prosecutor has to cover a very large area and visit a large number of orchards. Therefore, if he is a departmental officer he takes the responsibility of swearing a case and it may be accepted as *prima facie* evidence.

Hon. J. Mitchell: I think the Minister is wrong in not agreeing to strike out the clause.

Question passed; the Council's amendment not agreed to.

No. 2: Clause 35, Subclause 2, paragraph (b).—Insert after "orchards" the words "containing one or more fruit trees or grape vines":

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

Question passed; the Council's amendment agreed to.

No. 3: Clause 35, Subclause 2, paragraph (c).—Add the following words:—"Provided that registration fees shall be graded from 2s. 6d. upward, according to area":

The MINISTER FOR LANDS: This amendment is for the insertion of words at the end of the paragraph providing that the registration fee shall be graded from 2s. 6d. upwards according to the area. There is no objection to the amendment as it was our intention always to grade the registration fee and it was never the intention to impose a heavy registration fee. As a matter of fact, the Fruitgrowers' Conference made a recommendation for registration

fees which I regarded as being too high, and therefore I was not prepared to accept it. I am opposed to fixing a high registration fee in regard to orchards. I move—

That the amendment be agreed to.

Question passed, the Council's amendment agreed to.

No. 4: Insert new clause to stand as Clause 37 as follows:—“(1.) Any regulation or by-law made or purporting to be made under or by virtue of this Act shall—(a) be published in the *Gazette*; (b) take effect from the date of publication or from a later date to be specified therein; and (c) be judicially noticed, and unless and until disallowed as hereinafter provided, or except in so far as in conflict with any express provision of this or any other Act, be conclusively deemed to be valid. (2.) Such regulations and by-laws shall be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. (3.) If either House of Parliament pass a resolution at any time within one month after any such regulation or by-law has been laid before it disallowing such regulation or by-law, then the same shall thereupon cease to have effect, subject, however, to such and the like savings as apply in the case of the repeal of a statute”:

The MINISTER FOR LANDS: I have already stated that with very great reluctance I am prepared to accept this amendment. I move—

That the amendment be agreed to.

Question passed, the Council's amendment agreed to.

A Committee consisting of Mr. Dwyer, Hon. Frank Wilson, and the Hon. T. H. Bath drew up reasons for not agreeing to one of the amendments made by the Legislative Council.

Reasons adopted, and a message accordingly returned to the Legislative Council.

BILL—LICENSING ACT AMENDMENT (No. 2).

Council's Amendment.

Returned from the Council with an amendment which was now considered.

In Committee.

Mr. Male in the Chair, Hon. W. C. Angwin (Honorary Minister) in charge of the Bill.

Council's amendment—Insert a new clause as follows:—“Any lessee or sub-lessee of licensed premises may require his lessor to abate a proportionate part of the rent reserved by the lease during the operation of any proclamation under sections two or three of this Act, and, in default of an agreement between the parties, the matter shall be referred to the chairman of the Licensing Court for the district in which the licensed premises are situated as sole arbitrator under the Arbitration Act of 1895, and the arbitrator may, in his discretion, award that the rent to be payable by the lessee or sub-lessee during such period shall be at such reduced rate as the arbitrator shall, in the circumstances of the case, deem reasonable, and his award shall be binding upon the parties and final”:

Hon. W. C. ANGWIN: I move—

That the amendment be agreed to.

When this measure was before hon. members previously, the point was raised that the lessor should also bear, with the lessee, a proportion of the loss involved.

Question passed, the Council's amendment agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Legislative Council.

BILLS RETURNED FROM THE COUNCIL.

1. Perth Municipal Gas and Electric Lighting Act Amendment.

2. Leederville Rates Validation.
Without amendment.

House adjourned at 10.45 p.m.