

Quarries, and the trams and the buses, we have there a tremendous menace to the children of the district. It is quite startling to see a huge truck carrying 10 tons of rock and doing 40 miles per hour along the Albany-road.

Mr. Sampson: They don't do 40 miles.

Mr. RAPHAEL: Well I myself was doing 40 when one of these trucks, fully laden, rushed past me.

Mr. Sampson: You talk a lot of balderdash.

Mr. RAPHAEL: I hope there will be no reduction in taxation until such time as the whole of our unemployed are in full-time work. It should be the policy of the Government to see that before any relief is given to taxpayers, all men are on full-time work. Just now there is a movement to secure an abolition of the amusement tax. Surely to goodness those who can afford to go to the pictures can afford to pay a few more pence in order to help a lame dog over a stile. I hope there will not be a reduction in this tax by ½d. until such time as the whole of the unemployed are back in full-time work.

Vote put and passed.

This concluded the general debate.

Votes—Legislative Assembly, £2,566; Joint House Committee, £1,278; Joint Printing Committee, £5,264; Joint Library Committee, £265—agreed to.

Progress reported.

BILLS (2)—RETURNED.

1. Land Act Amendment.

2. Cue-Big Bell Railway.

Without amendment.

ADJOURNMENT—ROYAL SHOW.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [10.28]: I move—

That the House at its rising adjourn until 4.30 p.m. on Thursday, the 8th October.

Question put and passed.

House adjourned at 10.29 p.m.

Legislative Assembly.

Thursday, 8th October, 1936.

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

QUESTION—MARRIED WOMEN'S PROTECTION ACT.

Mr. MARSHALL asked the Minister for Justice: What was the number of men sent to Fremantle gaol under Section 16 of the Married Women's Protection Act, 1922, during the years ended the 30th June, 1934, 1935, and 1936 respectively?

The MINISTER FOR JUSTICE replied: Commitments for maintenance: 1934, 38; 1935, 33; 1936, 45. The Fremantle gaol records do not show any segregation of persons committed under Section 16 of the Married Women's Protection Act, but the figures quoted above are in respect of commitments for non-compliance with maintenance orders.

QUESTION—KANGAROO SKINS, ROYALTY.

Mr. WELSH asked the Premier: 1. Is he aware that a royalty is charged on kangaroo skins in the Nullagine district of the Pilbara electorate, while Port Hedland and Marble Bar districts of the same electorate are exempt from this royalty? 2. As kangaroos are a menace to pastoralists in the North and are classed as vermin, will he take steps to have this royalty removed from the Nullagine district?

The PREMIER replied: 1, Yes, but the question of re-imposing the royalty on the districts now exempt is under consideration. 2, The Government are not in a position to forgo this revenue at the present time.

BILL—PEARLING CREWS ACCIDENT ASSURANCE FUND.

Third Reading.

THE MINISTER FOR AGRICULTURE
(Hon. F. J. S. Wise—Gascoyne) [4.32]: I move—

That the Bill be now read a third time.

HON. C. G. LATHAM (York) [4.32]: While this Bill was being discussed in Committee, I made a statement which, at the time, I thought was correct—that an ordinary seaman on a pearling lugger received 25s. a month. That should have been £2 a month. I also want to clear up another point. I have been advised from Broome that a statement I made in the House has been circulated. The statement was that I considered there was an attempt being made to treat foreigners differently from our own white people. What I said during the second reading debate, and what I want to be made perfectly clear now, is that under the Bill as it was before the House we were giving greater consideration to foreigners than to our own white people under the Workers' Compensation Act. Inasmuch as we were providing in the Bill now under discussion that in the event of death of one of the crew through accident, the compensation money should be paid to the consular representative or to the club or association of the national concerned; it was being left entirely to them to disburse the money. Under the Workers' Compensation Act it is provided that in the event of the death of a man, without dependants, medical, hospital, and funeral expenses are paid, and nothing else. When the Bill we are now discussing was before the House, I pointed out that if we did as was proposed in the Bill, not merely hospital, medical and funeral expenses, but all the money due, would be paid over to the representatives of the deceased, and it would be left to them to decide who were the dependants. That was the principle to which I objected when I made the statement that we were treating foreigners in a totally different manner from that in which we were treating our own people. I want to make it perfectly clear that I said then, and maintain now, that money due as compensation should not be paid unless there are dependants, and that it certainly

should not be handed over to these people, whom the Minister considers are competent to deal with it, and left to them to say whether there are dependants or not. Under the Workers' Compensation Act, proof has to be given by persons making a claim, that they were dependent on the deceased person at the time of his death. Under the Bill, I contend, we are treating foreigners differently, and this constitutes an additional charge against the pearling industry. It is not fair to ask that different treatment should be meted out to these coloured people than is given to our own people under the Workers' Compensation Act.

THE MINISTER FOR AGRICULTURE
(Hon. F. J. S. Wise—Gascoyne—in reply) [4.35]: All that the Bill is intended to do is to ratify an agreement which has been made. The principle involved is entirely different from the principle in the Workers' Compensation Act, where the employer pays the lot. This is simply a contributory scheme, which is a domestic matter within the industry.

Question put and passed.

Bill read a second time.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR EMPLOYMENT
(Hon. A. R. G. Hawke—Northam) [4.36]: The Bill seeks to make a number of essential amendments to the existing Arbitration Act. The definition of the term "employer" has been amplified by making it certain that any steward, agent, bailiff or foreman is included in the term. This amendment will clarify a doubt regarding the position of persons acting in a managerial capacity on behalf of employers, particularly in those cases where such persons really run the business. The definition of the word "worker" has been amended. At present canvassers for life assurance are only brought within the scope of the Act if they devote the whole of their time and attention to canvassing, and are not engaged in any other business. The amendment provides that a canvasser is to be deemed to be a worker if his services are remunerated wholly or partly by commission, and the services are wholly or substantially devoted to the interests of one company. This amendment is substantially the same as one

which narrowly failed to receive the approval of the Legislative Council in 1925. At the present time great difficulty is experienced in regard to what are known as "contracts to do work," as distinguished from "contracts of service." As an example: Smith is employed by Jones to cut and deliver stone at a certain place. A fixed rate per yard of stone is paid. The person for whom the work is being done claims that the worker cutting the stone is not his servant, but is simply carrying out a contract to cut and deliver the stone. The question whether the relationship of master and servant exists depends upon the measure of control exercised over the worker. In most of these cases, which are numerous, it is exceedingly difficult to decide whether the contract is a contract of service or a mere contract to deliver goods. Frequently advantage is being taken of the position by certain employers. In an endeavour to make the position quite clear, an amendment in the Bill proposes that the class of worker mentioned shall be regarded as a worker within the meaning of the Act. However, in all cases in dispute it will be left to the court to decide whether, on the substantial merits of the case, the worker is in fact a worker within the meaning of the Act. A difficulty somewhat similar in principle is associated with many of the partnerships now in existence. Quite a number of employers have dodged the provisions of awards by making a person, who is really a worker, a nominal partner in the business. This practice has become more prominent in the bread industry than in any other. Many men who are merely deliverers of bread have actually signed articles of partnership with their employers. In such cases the legal relationship of partnership is made to exist. In truth, such partners are nothing more nor less than the servants of the principal partner in the business.

Mr. Sampson: The principal accepts a pretty heavy responsibility.

THE MINISTER FOR EMPLOYMENT: The Bill provides that such partnership agreements may be disregarded if the capital holding of a partner in a partnership is either nothing or of small account. Such partners would then be regarded as workers within the meaning of the Act. Another important amendment is to include domestic workers as coming within the definition of the term "worker" in the Act. In recent years the unfortunate industrial and econo-

mic position of a large number of domestic workers has been increasingly realised. Before the depression the domestic worker did not win any great amount of public sympathy because of long hours and the small wages that were being granted. With the coming of the depression the wages of those workers were reduced, and their conditions were made even worse than in the previous years. To-day, however, a considerable volume of public opinion has been developed in favour of raising the status of this type of worker. There is no logical reason why domestic workers should not be brought within the provisions of the Arbitration Act. To the extent that the status of such workers is raised and their conditions improved, to that extent will both the employers and the domestics be advantaged. As a safeguard against the privacy of any home being lessened, the Bill provides that no right of entry to any home or domestic establishment shall be conferred on any inspector or officer. The existing Act provides that the court may declare any industrial agreement to have the effect of an award. The Bill proposes that all agreements that have been declared to be common rules shall, on the passing of this legislation, automatically be placed on the same basis as awards of the court. All existing agreements that have not been made common rules shall continue on the same basis, and with the same measure of elasticity as formerly. The court will still retain the power of making and sanctioning industrial agreements. The amendment proposed in this connection is necessary to prevent common rule agreements from ceasing to have effect in the event of either party to such agreement going out of existence. This has happened. For instance, the Shop Assistants' Union branch at Russelton entered into an industrial agreement with the employers in that district. That agreement was later made a common rule. Subsequently the Union branch went out of existence. At the time it was considered that the common rule should legally continue to operate, but when a case was taken to the Full Court for decision, that court declared that the agreement had expired immediately following the going out of existence of the branch of the union referred to. A common rule agreement has almost the same effect as an award in practically every respect. Logically it seems desirable that the

proposed amendment should be adopted. One of the main principles of the existing Act is the employment of workers on the basis of industry, rather than of location. Today the court seeks by its awards and other official acts to govern groups of workers who are associated in some particular industry or in kindred industries. However, the Act has been found to fall short in many respects by reason of industry being made a guiding principle. The court, for instance, might make an award covering metropolitan plumbers. Such an award would bind all firms engaged in the plumbing industry. Firms engaged in other industries might from time to time find it necessary to employ plumbers. The award covering industry in this instance might not, and often would not, provide for plumbers, as the employers concerned could not be said to be engaged in the plumbing industry. As a result, there is no control whatever over the wages, hours and working conditions of a plumber so employed. The same weakness applies to a number of other tradesmen. The appropriate clause in the Bill proposes to make the vocation in which the worker is employed the guiding factor for the future. The result will be that the class of worker I have been discussing will automatically come under his own award if no provision is made for him when he is working at his trade in any industry other than the plumbing industry. The Bill provides that a worker shall not be excluded from the provisions of an award or industrial agreement because the work on which he is engaged involves the exercise of two or more vocations. In such cases the worker shall be considered to be engaged in the vocation in which he spends the greater part of his time. Where no time record is kept of the hours worked daily at different classes of work, owing to the difficulty of measuring the amount of time actually worked at each vocation, the worker shall be deemed to be employed at the class of work performed by him for which the highest rate of wages applies. Section 90 of the Act provides that the court may review the provisions of an award and make amendments at any time after the expiration of the first 12 months from the granting of the award, and after the expiration of any subsequent period of 12 months. In the past the court has rightly interpreted the provision in question in the following manner:—Assuming that an application is made in the eleventh month of the

second year, either party is again eligible to come before the court for further amendments two months later. In fact, there is an absolute right to have one amendment of an award every year after the first year. The Bill proposes to supersede this provision by making the interval between each hearing for an amendment not less than 12 months, subject to the proviso that no hearing for the first amendment of an award may be made until after the expiration of the first 12 months. The court may grant leave to apply for an amendment, and may allow the nature of the proposed amendments to be set out and lodged before the expiration of the 12-months period, but there must be an interval of 12 months before the actual hearing of a new claim can be commenced. The idea behind the amendment is to give a greater measure of stability to awards when made. The interval of 12 months provided in the Bill seems to be a reasonable period. At present no minimum penalty for a breach of an award is provided in the Act. We consider that a minimum is desirable and necessary, and it is proposed to insert a minimum of not less than £1. Members who have studied the Arbitration Act will know that a maximum penalty is provided amounting to £500. Section 97 permits the court to impose a penalty for breach of an award. The court is also empowered to add any sum found to be due to a worker on account of wages short-paid. The total sum, namely, the penalty plus the wages due, is to be deemed a penalty for the purpose of recovery. The weakness is that it is not obligatory on the court to make an order for the payment of any wages that may be due. When an order for the payment of wages due is not made, the worker is forced to go to another court to recover them. It is considered reasonable that the one tribunal should deal completely with matters of this kind. The magistrate who adjudicates on a breach of an award and finds that a worker has been short-paid in his wages should surely be in the best position, there and then, to settle the amount payable to the worker. The Bill makes provision for this desirable change. The adoption of the amendment will prevent workers from being forced to resort to a roundabout and expensive process of going from one court to another to obtain the wages due to them. We propose slightly to widen the jurisdiction of industrial magistrates. The Act provides that the full Arbitra-

tion Court may order the payment of union dues, fines and penalties payable by a person under the rules of a union, but whenever an application has been made to the court to exercise its jurisdiction in these matters, no action has been taken, probably because the full Arbitration Court had too much other important work requiring attention. Therefore the Bill seeks that applications of the kind shall be dealt with by an industrial magistrate. Section 106 of the Act deals with the right of appeal from the decisions of an industrial magistrate, and also from decisions of the full Arbitration Court. Any person who is ordered to serve a term of imprisonment without the option of a fine, or who has a fine exceeding £20 inflicted upon him for a breach of any industrial award or agreement, has the right of appeal to the Court of Criminal Appeal. While it is considered reasonable that such an appeal should be allowed in all cases where a term of imprisonment without the option of a fine has been imposed, it is neither reasonable nor necessary that such an appeal should be allowed in cases where a fine only has been inflicted. The Bill contains an amendment to take away the right of appeal to the Court of Criminal Appeal where only a fine has been imposed. In regard to decisions given by industrial magistrates, provision is made for an appeal in every case to the full bench of the Court of Arbitration on the ground of error or mistake of fact, irrespective of the penalty inflicted. The Act at present provides for the publication of all awards and industrial agreements in the "Government Gazette." An amendment in the Bill dealing with this matter provides that the contents of awards and industrial agreements shall be published in "The Western Australian Industrial Gazette," the production of which will be sufficient to prove the contents of any award or industrial agreement. The Bill also provides that the production of the Statistical Register compiled by the Government Statistician containing any statistical information relevant to the consideration of any matter before the court shall be prima facie evidence of the correctness of the matters therein contained. These proposals, it is considered, will be of considerable benefit to all persons who are doing business with the court. The

Bill provides that the officer of any industrial organisation shall have the right of entry to any place wherein members of his union are engaged, for the purpose of interviewing such workers. It is provided that this right shall apply only during lunch hour or at non-working periods. A similar right is given, to be used at all reasonable hours of the day or night, if such officer has reason to believe that any person is at any time performing work in connection with the vocation that is being carried on within such place. The object of giving this power is to enable such officers to take action when they consider that work is being carried on outside the hours set down in the appropriate award. In all proceedings before the court in which the relationship of master and servant is alleged to exist, it is necessary to prove that the work done is performed for reward. It seems to border almost on the ridiculous to have to prove that a man is working for wages when he is working for an employer, and when to all intents and purposes the ordinary relationship of master and servant exists. Commonsense suggests that a person does not work without reward. The Bill, therefore, seeks to place upon the employer in such cases the onus of proof that no reward is paid. The Bill also provides for the registration of the Australian Workers' Union. Attempts have been made in the past to provide for the registration of this organisation, but on each occasion for one reason or another registration has been denied. There are several provisos in the Bill in connection with the proposal to register this organisation. Before proceeding to register, it will be necessary for the union to give an undertaking to alter its rules so that its activities will be confined to those branches of industry which cannot be served, or which are not conveniently served, by any other registered industrial union in Western Australia. The Australian Workers' Union would not be able to cover any industry or any branch of industry that is already covered, or which can be conveniently covered by any other industrial organisation in existence. The only exception in this regard will be in those cases where other industrial unions having jurisdiction agree to consent to the Australian Workers' Union having jurisdiction in the branch of industry concerned.

Another amendment contained in the Bill seeks to prohibit the receiving of any premium in respect of the engagement of any worker. The Act at present provides that no premium shall be received in respect of an apprentice. It is difficult to understand why the provision should be limited in that way. Consequently the Bill widens the prohibition in question by making it cover all classes of worker. I move—

That the Bill be now read a second time.

On motion by Mr. McDonald, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR EMPLOYMENT

(Hon. A. R. G. Hawke—Northam) [5.5] in moving the second reading said: This is a fairly comprehensive Bill. Amongst other things it attempts to establish more equal trading conditions between the occupiers of factories. Certain of its provisions are framed with the idea in view of improving the wages and working conditions of certain classes of employees in the factories, shops and warehouses of the State. The coming of the trade depression naturally encouraged the development of unreasonable competition between certain groups of factory occupiers. The object of the Bill is to even up such conditions as far as possible by extending the definition of the term "factory." For some years past occupiers of furniture and clothing factories have had every reason to complain bitterly of the unfair advantages enjoyed by competitors employing fewer than a certain number of persons. Where fewer than four persons have been employed the manufacturers concerned have frequently worked their employees excessive hours under bad industrial conditions. They have been enabled to do this because they have not been regarded as factories for the purposes of the Factories and Shops Act. As a result of this they have been given a decided trading advantage over other employers employing more than the number of workers I have mentioned. It may be said that the occupier of a factory employing fewer than four workers is entitled to special consideration. It is very difficult to justify special consideration for an occupier employing fewer than four persons as against an occupier employing four, five or six per-

sons. The Bill, therefore, proposes that the unfair advantage given to one occupier as against another shall be ended. The second class of manufacturer I have mentioned, namely the one employing four or more workers, has been compelled to maintain healthful, hygienic conditions in the factory, and has been subject to all the appropriate provisions of the Act. It may be pointed out that in many country centres to-day women and young girls may be employed in the trades of dressmaking, millinery, tailoring and the like at any wage and under any conditions the employer chooses to make available. They may be worked any number of hours per day or per week, and are compelled to work in many cases under undesirable industrial conditions. Such workers, for instance, are not entitled to the rights and conditions conferred by Sections 32, 34, 37, 42, 43, 45, 63, 64, and 66 of the Factories and Shops Act. The adoption of the amendment set forth in the Bill will bring under the Act all workers engaged directly or indirectly in any handicraft, or engaged in preparing or manufacturing goods for sale. Paragraph (f) of the section of the Act defining the term "factory" exempts from the operation of the Act another type of factory which has come to be known as the "backyard" type. At present it is possible for four or fewer of the members of the one family to manufacture clothing, furniture, jams, pickles, and preserves, or carry on any other manufacturing industry on the verandah of their dwelling, or in one or more of the rooms of the dwelling, so long as no mechanical appliance or motive power exceeding one horse-power is used. Such factories are entirely exempt from any of the provisions of either the Factories and Shops Act or awards of the Court of Arbitration. The Bill proposes that the Minister shall have power in these cases to declare any such premises to be subject to the provisions of the Act. If they are so declared, they will then become subject to the same conditions relating to hygiene, sanitation, and safety as their competitors. Provision is also made in the Bill for the revocation of any such declarations that may be made from time to time. It is true that quite a number of factories of this type are conducted and carried on under satisfactory conditions. There is no complaint regarding many of them. However, in the interests of the public as well as in the interests

of fair competition, power to declare such premises to be factories is essential. No doubt it will be stated by some in opposition to this provision that the effect of bringing such places under the provisions of the Act will be to destroy the enterprises being carried on in them. Actually, the effect of adopting the suggested amendment will be to place such enterprises on exactly the same basis as other manufacturers who are operating in a small way and who to-day come under the provisions of the Factories and Shops Act. The proposed change is important because it is known that many people are making jams, jelly crystals, pickles, sauces, and other goods intended for human consumption. In many instances, as I have already mentioned, these foods are made in the homes of the workers. The making of the goods is not subject to any supervision, nor are the owners required to observe hygienic conditions necessary in the manufacture of foodstuffs, although their competitors occupying factories, even if only in a small way, are required to observe such necessary conditions. The Bill makes provision to deal with what are known as "display shops." This type of shop has come into existence only in recent years. In these display shops the articles dealt in by the businessman concerned are displayed with price tickets attached. The display shop is open at night, and in many cases on Saturday afternoons as well. Members of the public are invited to enter such shops and to inspect the displays contained therein. Orders for goods are taken, and deposits on the goods are received. Subsequently the goods are delivered from the real trading premises of the firms concerned. The Crown Law Department have given consideration to this type of shop, and have declared that such premises do not constitute shops such as would cause them to be regarded as shops for the purposes of the Factories and Shops Act. I do not think it can be denied that firms operating in the way I have mentioned have facilities for doing business during hours when other shops in which similar goods are sold are required by law to be closed. Therefore, in the interests of fair and reasonable trading conditions, it is felt that such places should be brought under the provisions of the Act. At present inspectors of factories are, by virtue of their appointment, inspectors of shops and warehouses. They also exercise the power of enforcing awards and agree-

ments under the Industrial Arbitration Act. It is now considered necessary that an inspector of factories should possess technical qualifications. It is therefore proposed that an inspector of factories, as distinguished from an inspector of shops and warehouses and an industrial inspector, shall, prior to his appointment, demonstrate by examination his knowledge of industrial hygiene and its application to the many dangerous and unhealthy industries and trade processes operating in the various factories within the State. It is proposed that the present system in regard to registration of factories shall be reversed. The existing Act requires the inspector to examine the factory in respect of which an application to register has been made; and if the inspector is of opinion that the factory is defective in any material respect, he must refuse registration of the factory until the defects have been remedied. The new proposal is to make the registration of a factory automatic, following receipt of the application to register and, I may add, of the prescribed registration fee. Power is provided in the new proposal to forbid the use of any premises found to be defective upon inspection after the receipt of application. Under the present system the issue of the certificate of registration is regarded as equivalent to an intimation that the premises are not defective. If, later, an occupier is called upon to remedy any defects during the currency of registration, he usually feels that he has justifiable grounds for complaint. Under the new proposal, provision is made to refund the registration fee and cancel the registration if the occupier in question refuses to carry out any alterations that may have been found necessary following the granting of registration. Under the existing Act, females and boys working in factories cannot be worked for more than $8\frac{1}{2}$ hours in any one day, or for more than 44 hours in any one week. On the other hand, adult male workers may be worked not longer than $8\frac{3}{4}$ hours in any one day, or 48 hours in any one week. The Bill proposes to make working hours uniform. The result will be that the 44-hour working week will then become general in factories throughout the State, except when varied by an award or common rule agreement under the Arbitration Act. In this regard it has to be remembered that the hours now specified in the Act were fixed several years ago. More

recently the tendency has been to shorten the number of hours that constitute the working week. The increased use of machinery, especially in factories, provides abundant justification for reducing the working week for male employees in factories to 44 hours. It is also proposed to grant fixed, and better, working hours to male workers engaged in getting-up steam and in making preparation for work to be carried out in a factory, as well as to persons engaged in certain specified trades. At present such workers may be employed for any number of hours per day or week as may be demanded of them by their employers. It is proposed that this type of worker shall be granted a working day of not more than 8½ hours, and a working week of not more than 44 hours. At the same time, it is provided that such workers may be employed for an hour before the commencement of work in such factories and for half-an-hour after the usual finishing time. Another important provision in the Bill is in connection with ironing and pressing. One of the most exhausting types of work performed by females is that of ironing and pressing in laundries, dye works and clothing factories. It is considered that women employed at this type of work are justly entitled to an interval of at least 10 minutes for rest during both morning and afternoon. In addition to the exhausting nature of such work, the steam and fumes inhaled by the workers concerned have a detrimental effect upon their health and powers of resistance. The rest periods proposed will ease the situation to some extent. At present, under the existing Act the Minister has power to exempt specified industries from certain of the overtime restrictions contained in Section 37. This exemption is granted only in order to meet an unforeseen rush of work or for some other special reason. It frequently happens that an exemption is warranted in respect to a particular factory, but is neither desirable nor necessary in respect of the whole industry. This applies particularly to what are known as "feeder" factories. The proposal embodied in the Bill is to empower the Minister to grant exemption to an industry as a whole or to any individual factory within a specified industry. The existing provisions of the Act relating to working hours and overtime are rather easily evaded now by those who deliberately seek to do so. This applies to workers found on factory premises during hours when the

factory should be closed. This evasion has been developed to a rather startling degree by employees, when found on the premises in such circumstances, merely asserting that they are not working. It frequently occurs that inspectors visit factories after the hour at which work should cease. They may have strong suspicion, but are not absolutely certain, that employees are working in the factory. They seek to obtain admission, the doors, of course, being locked. By the time admittance is gained to the factory no work is actually being performed, although the employees are on the premises and are to be found playing cards or engaged in some harmless discussion. Consequently he is powerless to enforce the provisions of the Act or of any applicable award or industrial agreement.

Hon. C. G. Latham: It is hard to believe that.

The MINISTER FOR EMPLOYMENT: I not only believe it, but know it to be absolutely true. Although it does seem amusing it is really a very serious practice. Of that there can be no doubt. It gives to those occupiers of factories who are unfair enough to force this practice upon their workers, an undue advantage as against other occupiers of factories who observe the conditions of the Act and the provisions of the award or industrial agreement under which they operate. The present Act states that women and boys shall be deemed to be employed during any period in which they are found to be on the factory premises. To that extent the position of women and boys is safeguarded. In these circumstances there can be no reasonable objection to the provision in the Bill to make that uniform by applying the same principle to adult male workers. The question of public holidays is also dealt with in the Bill. Certain holidays are now provided for women and boys under 16 years of age. Such workers are granted eight specified holidays a year on full pay, provided they are employed in factories. The Bill proposes that the number of holidays shall be increased to 11, which shall be granted to all workers, irrespective of sex or age. That provision is further extended by applying it to shops and warehouses as well as to factories. It is also proposed that this shall apply notwithstanding anything to the contrary that may be contained in any award or industrial agreement. Section 45 of the Act affects workers in factories, shops and warehouses who are not covered by any

award or agreement made under the Industrial Arbitration Act. The section in question fixes the minimum rates of wages to be paid. The rates are on a graduated scale, commencing at 10s. per week for the first year of employment, and rising by increases of 5s. per week for each year until a wage of 35s. per week is paid. It is also provided in the Act that no woman over 21 years of age shall be paid less than the lowest rate prescribed for women in any award or agreement. The term "woman" is defined in the Act as meaning a female irrespective of age which, members will agree, is a very modern definition. Many awards prescribe rates of wages for girls of 15 years and upwards at much less than those prescribed in paragraph (a) of Section 45 of the Act.

Hon. C. G. Latham: Is that an alteration of awards?

The MINISTER FOR EMPLOYMENT: No. This will not apply where awards are operating. As a result, it is not an offence for an employer to pay women of 21 years or over a wage of 10s. or 15s. per week. It seems obvious that the intention of Parliament was that a woman of 21 years or over should receive not less than the rate prescribed by an award for a woman of 21 years or over. However, that intention was frustrated by the definition of "woman." Many firms have taken advantage of that weakness in the Act. The basic wage, as fixed by the Arbitration Court, for women of 21 years or over is now £1 18s. 11d. per week in the metropolitan area and south-west division, and £2 7s. per week in the goldfields district. The Bill proposes to fix the minimum rate of wages for all workers in factories, shops and warehouses, on a graduated scale, the rates set out in the scale approximating to the rates prescribed for juniors by awards covering shop assistants in the metropolitan area and Kalgoorlie districts respectively. It is proposed that juniors who first commence work at the age of 14 years, in the case of males, and 15 in the case of females, shall be paid on the scale as set out in the first part of the table. Juniors who first commence work after reaching the age of 15 years in the case of boys, and 16 years in the case of girls, shall, during the first three years, be paid according to experience, irrespective of age. It is also proposed that every worker in a factory, shop or warehouse, who is not covered by an award, shall be paid not less than the basic

wage on attaining the age of 21 years. The Act at present empowers an inspector to proceed on behalf of an employee, under the Masters and Servants Act, for the recovery of wages payable to factory workers. It is proposed to extend the provision in question to cover workers in shops and warehouses. It seems reasonably certain that the words "shops and warehouses" were omitted inadvertently from the Act. It is also proposed to empower a representative of the appropriate union to institute proceedings for the recovery of wages on behalf of workers who are covered by an industrial award or industrial agreement. The Chief Inspector of Factories is to-day empowered to authorise persons to work for lesser rates than the prescribed rates of wages, if such persons suffer from old age or infirmity. It is proposed that that provision shall be continued in the future. The Bill contains an amendment to extend the present prohibition relating to the payment of a premium in respect of the employment of any person in a factory or shop. It is proposed to make the provision apply also to warehouses. In future, if the proposal is accepted, it will be an offence to offer to accept or to pay a premium in respect of employment in a factory, shop or warehouse. On application to a magistrate it will be compulsory for an order to be made for the return of any premium paid in contravention of the section in question. It will also be an offence for any newspaper to publish any advertisement offering the payment of a premium for employment. Section 52 of the Act provides that the occupier of a factory must himself cease work and cause the working operations of the factory to cease at the hour that employees cease work, provided such workers are covered by an award or an agreement. In the furniture and breadmaking industries, a number of occupiers have discovered an effective method of evading the obvious intention of the Act and of awards and agreements. They enter into partnership agreements with their employees, or issue shares to them, with the result that they no longer employ any workers subject to an award. The section of the Act in question then becomes inoperative. Such occupiers of factories are, therefore, afforded opportunities for competing unfairly with those who refuse to use such unfair methods for the purpose of defeating the provisions of any award or agreement. By the use of

such methods, quite a number of bakers have been enabled to indulge in night baking, whilst their competitors are confined to the recognised hours. Under the existing system, regulations are framed by departmental officers governing the operation of dangerous and unhealthy trades and trade processes. These regulations are framed without reference to manufacturers or others who may be affected by them. It is proposed to adopt certain principles in this respect as contained in the English Factories and Workshops' Act of 1901. Under the new proposal manufacturers and others will be granted an opportunity to object to any or all of the proposed new regulations. When objections are made, the Minister may order an inquiry to be conducted by a competent person. It is felt that this proposal will ensure thorough consideration being given to special regulations before they are promulgated. At present the Act requires all furniture made within the State, and all furniture imported from overseas, to be stamped as prescribed. Furniture imported from other States does not require to be so stamped. This is considered to be a distinct disadvantage to the local manufacturer, and it is proposed to remove the disadvantage by making it necessary for all furniture to be stamped in the prescribed manner. Provision is made in the Bill for the establishment of a universal Saturday half-holiday for all shops.

Hon. C. G. Latham: Northam will be glad to hear that.

The MINISTER FOR EMPLOYMENT: I anticipate that York may be even more glad.

Hon. C. G. Latham: They will not; they will not support it.

The MINISTER FOR EMPLOYMENT: It is also proposed to abolish late night shopping throughout the State. At present there are 111 shopping districts in the State. Saturday is the statutory weekly half-holiday in 65 of these districts, Tuesday in one, Wednesday in 39, Thursday in five, and Friday in one. The late shopping night operates on Saturday in 41 of these districts, on Friday in 63, and on Thursday in four, and has been abolished in three districts. The proposal to establish the universal Saturday half-holiday has a good deal to recommend it.

Hon. C. G. Latham: Nothing at all, outside the metropolitan area.

The MINISTER FOR EMPLOYMENT: Under the present system each shopping district decides the day on which the half-holiday shall take place. When a poll is taken on the question in any district, the main argument against accepting the Saturday half-holiday is that the adoption of that course would place towns in adjacent shopping districts at a trading disadvantage. It has been argued that people who shop in one town would shop in another town, if their normal trading town adopted the Saturday half-holiday.

Hon. C. G. Latham: That is a very weak argument.

The MINISTER FOR EMPLOYMENT: It is weak, I will admit, but it has been used not once but many times when polls have been taken for the purpose of deciding on which afternoon in the week the half-holiday shall take place. I remember it being used in Northam, where indeed it was used on more than one occasion. One of the big arguments put up was this very argument: it was stated that if the Northam shops were to close on Saturday afternoon the farmers half-way between Northam and York, or between Northam and Meekering, or between Northam and Toodyny, would cease to do their shopping in Northam and would do it at one or another of the three towns I have mentioned. By making the half-holiday general, all traders in all towns will be placed on an equal footing, and all people will do their shopping in the town which they think best meets their needs.

Mr. Patrick: Why is the half-holiday held on Wednesday in some places instead of on the Saturday?

The MINISTER FOR EMPLOYMENT: Because the local residents prefer it.

Mr. Patrick: You will find it is done to meet the railway time-table.

The MINISTER FOR EMPLOYMENT: That may be so also. In these days of rapid transport the difficulties formerly faced by farmers have largely disappeared. With the aid of motor cars and—

Hon. C. G. Latham: But the Minister for Lands says that farmers should not have motor cars.

The MINISTER FOR EMPLOYMENT: I am not inclined to think that because the Minister for Lands may have said so, farmers would fail to buy a car simply on that account. As I was saying, with the aid of motor cars and motor trucks it

is now an easy matter for farmers to visit their shopping town more frequently than was formerly the case. Because of motor transport the women folk also are enabled to visit the towns without difficulty. In country towns all banks, insurance offices and similar classes of business close at 12 noon on Saturdays. Therefore, a person living a number of miles from a town is compelled to visit that town to do banking or insurance or similar business on a week-day other than Saturday, or prior to 12 noon on Saturday.

Mr. Patrick: Some towns in which I am interested have no banks.

The MINISTER FOR EMPLOYMENT: And some small towns have no shops either. The establishment of the general Saturday half-holiday will also provide a longer and more reasonable week-end for shop assistants. At the present time, on account of the late shopping on Saturday nights, shop assistants concerned have hardly any week-end worth talking about. They have to work until 9 p.m. or even later, and consequently after a very heavy day on their feet they are not fit fully to enjoy their week-end, and so it means very little to them. The member for Pingelly (Mr. Seward) interjected that the granting of a Saturday half-holiday would help the betting shops. I do not know that there is any necessity to insult shopping assistants by such interjections. Members of Parliament, or most of them, have Saturday afternoon off, yet I am not ready to believe that as a result they assist the betting shops. In my opinion the shop assistant is just as capable of managing his money carefully as is any other member of the community.

Hon. C. G. Latham: And of investing it too.

The MINISTER FOR EMPLOYMENT: The opening of the shops on Saturday afternoons and nights has also assisted to bring about the organisation of many sporting activities on Sundays.

Hon. C. G. Latham: They all have their Sunday sport, no matter when the holiday may be. You know that.

The MINISTER FOR EMPLOYMENT: Sunday sport as such may be all right, but in many districts such sports have been commercialised. I think reasonable objection can be taken to that. Saturday sports would be carried on to the fullest extent if the holiday were on that day.

Mr. Patrick: But in places where the Saturday half-holiday obtains, Sunday sport is carried on just as much as elsewhere.

The MINISTER FOR EMPLOYMENT: But that is not to say that, given a general Saturday half-holiday, there would still be as much commercialised sport.

Mr. Patrick: What do you mean by commercialised sport?

Hon. C. G. Latham: Every Sunday city teams go out into the country for matches.

The MINISTER FOR EMPLOYMENT: Some members may feel that the adoption of this policy of a Saturday half-holiday will create a little inconvenience and trouble. There can be no reasonable doubt that the adoption of the policy would soon prove itself to be in every way desirable. Members of the public would quickly fit in with the new arrangement. As I have already suggested, both business men and shop assistants would find the new system to be in every way beneficial. At the present time there is no limit to the trading hours of motor service stations in respect of the sale of petrol, oils and motor accessories. The Bill proposes to establish reasonable trading hours for such business concerns. The trading hours set out in the Bill are considered to be reasonable and to provide every necessary facility to the motoring public.

Hon. C. G. Latham: We will try to amend that, to bring them into conformity with every other business place.

The MINISTER FOR EMPLOYMENT: This establishing of trading hours for such services will extend to the metropolitan area and the Kalgoorlie-Boulder goldfields area.

Mr. Cross: And they want it, too.

The MINISTER FOR EMPLOYMENT: If the Leader of the Opposition will bring down an amendment to this provision, the amendment will be given every consideration. At the present time butchers' shops are subject to Section 102 of the Act, which deals with trading hours of shops generally. As a result the Act compels the closing of butchers' shops on all public holidays. The Bill proposes that on every week day except Saturday butchers' shops shall open an hour later than is now provided. Regarding holidays, the Bill proposes to lessen the inconvenience now imposed on the general public by permitting butchers' shops to open between the hours of 7 a.m. and 10.30 a.m. on Easter Saturday, on any public holiday which occurs on a

Monday, and on Boxing Day if that day occurs on a Tuesday or on a Saturday. At present, Section 37 of the Act prohibits the working of overtime in factories on two or more consecutive days in any one week. However, shop assistants may now be worked overtime on five consecutive days in any one week provided they are not worked overtime on more than 12 days in any half-year. It is proposed to make the provision covering the working of overtime in factories apply also to shop assistants. The number of days on which overtime may be worked by shop assistants will remain the same, but it will not be permissible for overtime to be worked on more than two consecutive days in any one week. The Act sets down a maximum working week of 44 hours for all female shop assistants. All male shop assistants under 16 years of age are similarly provided for. A maximum working week of 48 hours is provided by the Act for male shop assistants over 16 years of age. We propose to make the 44-hour working week uniform by applying it to all shop assistants, irrespective of sex or age. In recent years, an evil has developed of accepting premiums for so-called hairdressing schools, when in reality the pupil is an employee. In such cases the relationship of employer and employee is difficult to prove. Unscrupulous persons advertise that they will teach the trade to persons who are prepared to pay a premium. In quite a few cases the persons paying such premium have been dismissed long before they have had an opportunity of being taught the trade. It seems that employers of this type, having obtained the premium, soon lose their interest in the girls concerned. The Bill seeks to forbid any person who carries on the business of hairdressing from teaching the trade on his business premises unless there is a proper apprenticeship, either under an award or by virtue of a deed of apprenticeship having a currency of not less than two years. The adoption of this provision will not prevent pupils from being taught hairdressing and beauty culture on premises where such business is not being carried on. In Victoria, it is an offence for any person to require a premium or fee from a pupil who desires to be taught hairdressing or beauty culture unless such person is the owner or occupier of a registered school. Our Act requires that records covering working hours, wages, and the like of shop assistants must be signed weekly by shop assistants if the Chief

Inspector so requires. The Bill proposes to make the weekly signing of the records compulsory in every case. This will provide protection for employer and employee alike. The working hours of employees in restaurants, hotels and shops coming under the Fourth Schedule may be worked within a spread of 12 hours each day. Doubtless the mention of a 12-hour spread will have a familiar ring.

Hon. C. G. Latham: I think there is a strike over it at present.

THE MINISTER FOR EMPLOYMENT: This practice necessitates the recording of the different periods of employment during each day. It is a common practice for employers under this system to keep what is known as a mechanical record of the hours which each assistant works. In many cases, this mechanical record is not a correct record of the hours actually worked. Many assistants sign the mechanical records and certify them correct knowing only too well they are not accurate. They sign the record as being correct because they fear they would be in danger of losing their employment if they refused to sign. Frequently workers, after leaving or being discharged from their employment, complain to the union or to officers of the Factories and Shops Department that the hours recorded have not been correct. They state that they have worked many hours in excess of those prescribed by the Act, and seek to secure payment for such overtime. Their claims, of course, are heavily prejudiced by the fact that they have signed the record as being correct. The provision in the Bill is designed to frustrate such practices by requiring the employer to post in his place of business a weekly roster containing the prescribed particulars of the working hours and the working periods of employees. Under this proposal, the mechanical record book will not be required. The employees will be given the protection which the Act at present provides for them, but of which, in many instances, they are now deprived. One of the chief objects of legislation governing the working conditions of employees in factories is to ensure that conditions shall be safe and healthful. Provision is made for the safety of workers, to a large extent, by the Inspection of Machinery Act. However, the factory inspector makes more frequent visits to factories than the machinery inspector is able to do. The Bill proposes to give autho-

city to inspectors of factories to require the occupier of any factory to provide and maintain guards to dangerous machinery in accordance with regulations to be made with the approval of the Inspection of Machinery Department. It certainly is not proposed that an inspector of factories should usurp any of the functions of an inspector appointed under the Inspection of Machinery Act. I have explained the chief provisions of the measure, and I now move—

That the Bill be now read a second time.

Mr. Stubbs: That it be put in the waste paper basket.

On motion by Mr. North, debate adjourned.

BILL—PETROLEUM.

In Committee.

Resumed from the 24th September. Mr. Sleeman in the Chair: the Minister for Mines in charge of the Bill.

New Clause:

The MINISTER FOR MINES: I move—

That the following be inserted to stand as Clause 22:—Notwithstanding the grant of any permit, license or lease under this Act any geologist, with the written approval of the Minister, may enter on the area the subject of the permit, license or lease and make geological investigations in such manner as he thinks fit, provided that he does not encroach within a quarter of a mile of any workings being conducted by the permit holder, licensee or lessee and that he has given previous written notice in the prescribed manner to the permit holder, licensee or lessee.

The reason for the new clause is evident. We have agreed that a licensee shall be entitled to hold an area, 15 miles square, in any one oil province. Immediately a person is granted a license to prospect under clause 36 he is given the exclusive right to that 15 miles square, and anyone else is prohibited from going upon it. In anything to do with oil geological work is the first necessity. The proposed new clause will give to a geologist, who has been approved by the department and has the written authority of the Minister, the right to enter upon the permit, license or lease for the purpose of carrying out geological work. The country adjoining the area may be of a virgin nature. Under the Bill a person may hold two areas of 15 miles square adjoining one another, thus giving

him a strip of country 30 miles in length by 15 miles in width. When it comes to summing up the country adjoining such a large area, it is essential that a geologist should be permitted to go upon the leased land. The result of his work in the virgin country may depend entirely upon the evidence he obtains within the reserved section.

Mr. Marshall: For whom would the geologist be carrying out such work?

The MINISTER FOR MINES: For someone else who may want a geological survey made, not for the party who is working on the 15 miles square.

Hon. N. KEENAN: I am in accord with the proposed new clause, but think the better place for it to appear is after Clause 36.

The MINISTER FOR MINES: I discussed that very matter with the Parliamentary Draftsman. Both he and the Crown Solicitor agree that it must appear in Part 3, dealing with the general conditions of the measure. Clause 36 deals with something which has already been granted. Like the Leader of the Opposition, I was of opinion that a more appropriate place for it would be in Part IV.; but the Parliamentary Draftsman's explanation convinced me that this is the proper place.

New clause put and passed.

Schedule:

Mr. McDONALD: I suggest the following amendment—

That the Schedule be struck out, and the following inserted in lieu:—

"Part 1.

In respect of reward petroleum leases the royalty shall be as follows:—

- (a) For the first and second years of the term of the lease, no royalties shall be charged;
- (b) For the third, fourth, and fifth years of the term of the lease five per centum of the petroleum produced from the wells or bores on the demised land, or of the gross proceeds of sales of such petroleum, as may be determined by the Minister;
- (c) For the remainder of the term of the lease ten per centum of the petroleum produced from the wells or bores on the demised land, or of the gross proceeds of sales of such petroleum, as may be determined by the Minister.

Part II.

In respect of all petroleum leases other than reward petroleum leases, royalty shall be calculated according to the following scale:—

Production in barrels per day per well per calendar month.	Royalty.
Not more than 20	10%
More than 20 but not more than 50—	
On the first 20 barrels	10%
On any excess over 20 barrels ..	12½%
More than 50—	
On the first 20 barrels	10%
On excess up to and including the next 30 barrels	12½%
On all the excess over the first 50 barrels	15%

Provided that, for the purposes of this Part—

- (1) a 'barrel' shall contain 31.5 imperial gallons;
- (2) only those wells or bores which in the opinion of the Minister have had a production of payable petroleum during at least a part of the calendar month shall be taken into account for the purpose of ascertaining the average production yield per day per well for such calendar month;
- (3) the royalties prescribed in this Part shall be the respective percentages therein set forth, either of the petroleum produced or of the gross proceeds of sales of such petroleum, as may be determined at any time and from time to time by the Minister."

The object of the new schedule is to reduce the royalty on oil recovered from petroleum leases. The Schedule appearing in the Bill is divided into two parts. The first part refers only to reward leases, which cannot be more than ten in number, being two for each oil province. It proposes that for the first five years of the lease term the royalty shall be 5 per cent. on the value of the oil recovered, and that for the remainder of the term, which is 16 years, the royalty shall be 10 per cent. The second part deals with leases other than reward leases, and proposes a much stiffer scale of royalty. Here I may mention that I have no quarrel with the principle of granting more favourable terms to discoverers of oil. However, I propose to carry that principle further. The schedule I propose suggests that for the first two years of the term of a reward lease there shall be no royalty at all payable, and that after the first two years the royalty shall be 5 per cent. for the third, fourth, and fifth years, and that thereafter the royalty shall be 10 per cent. until the expiration of the lease. The second part of the Schedule in the Bill, dealing

with leases other than reward leases, imposes royalties which grow to a large figure, as much as 33½ per cent. on the gross proceeds—not on the profits, but on the gross proceeds. This represents a severe impost on the output of the well. The second part of the Schedule in the Bill also differentiates between standards of petroleum produced. One set of royalties applies where the petroleum is of a certain quality, and another set where the petroleum is of a higher quality. My amendment proposes, instead, that the scale of royalties shall be reduced, and that the distinction between the two different qualities of petroleum shall be omitted, so that all petroleum will pay royalty on the same basis. Under the second part of the Schedule in the Bill, royalty commences at 12½ per cent. and in some cases rises to 33½ per cent., the graduation being according to the volume of oil produced by the well. In my amendment royalty starts at 10 per cent., instead of 12½, and proceeds on a graduated scale to a maximum of 15 per cent., instead of one of 33½ per cent. It has been represented to me that the rates of royalty proposed by the Bill are too high.

Mr. Marshall: Why discriminate between reward leases and ordinary leases?

Sitting suspended from 6.15 to 7.30 p.m.

Mr. McDONALD: I have placed before the Committee my reasons for suggesting an alteration to the schedule.

Mr. Marshall: But why should there be the differentiation regarding the leases?

Mr. McDONALD: Precisely for the same reason that the "Daily Mail" offered a prize of £10,000 for the aviator who would first fly across the English Channel. The pioneer must be rewarded.

Mr. Marshall: But under your proposal you will penalise him.

Mr. McDONALD: He will have to pay the higher royalty in respect of any other than his reward lease. I think there can be some reduction in the royalty proposed, consistent with the interests of the State.

The MINISTER FOR MINES: I am not prepared to accept the suggestion of the member for West Perth in its entirety. I do not desire Part I. of the Schedule in the Bill to be struck out. At an earlier stage I agreed to an amendment moved by the hon. member, the object of which was to encourage the original finder of oil, and in doing

so I think we went as far as we should. Royalties of five per cent. and ten per cent., as suggested in the Schedule are not excessive, more particularly when it is remembered that the man who secures a reward lease has it rent free for the first five years. I know of no other country where that provision applies. I am prepared to accept the hon. member's suggested Part II. of the Schedule. I went to some trouble to secure information about rents and royalties as provided in legislation introduced within recent times. I find that in Queensland the royalty is from $7\frac{1}{2}$ to $12\frac{1}{2}$ per cent. on the gross value, according to the depth the bore had to be put down in order to secure the oil. In that State, the rental is fixed at 6d. per acre per annum and that applies to the reward lease as well as to other leases. Our royalty is not as high as that, being fixed at five per cent. for the first five years and 10 per cent. thereafter. In Papua the authorities charge 10 per cent. on the gross value of the petroleum produced by any bore from which more than two barrels per day is secured. The rent there is 1s. 8d. per acre per annum on all leases, including the reward lease. There again our proposals are more favourable. In England the royalty is not less than one-eighth of a penny per imperial gallon, but is not to exceed 2d. per gallon. That represents a royalty of from 1 to 16 per cent. There is no lease rent chargeable there, but the authorities impose a mining license fee of £40 per annum. In the United States of America the permittee pays five per cent. on a 640 acre lease.

Hon. N. Keenan: Is that gross or net?

The MINISTER FOR MINES: That is gross. On any area in excess of 640 acres up to 1,920 acres, the permittee pays not less than $12\frac{1}{2}$ per cent., and the rent there is one dollar per acre. In Victoria the royalty is fixed at five per cent. on the gross value of the petroleum produced, except in respect of wells that do not average more than 100 gallons daily. It should be explained that 100 gallons represent approximately $3\frac{1}{4}$ barrels. The rent there is 6d. per acre, the same as we provide for our reward leases. I do not think our proposals are excessive, more particularly when we have regard to the provision for a reward lease covering 15 miles square, or the full dome as ascertained on the advice of geologists. Professor Woolnough was responsible for the royalties set out in the

Bill, but he has since agreed that they are a bit high. I am prepared to accept the royalties as set out in Part II. of the proposed Schedule indicated by the member for West Perth.

Mr. McDONALD: In view of the Minister's statement I shall not move the amendment in the form I indicated. I move an amendment—

That Part II. of the Schedule be struck out, and the following, to stand as Part II., inserted in lieu:—

In respect of all petroleum leases other than reward petroleum leases, royalty shall be calculated according to the following scale:—

Production in barrels per day per well per calendar month.	Royalty.
Not more than 20	10%
More than 20 but not more than 50—	
On the first 20 barrels	10%
On any excess over 20 barrels	$12\frac{1}{2}\%$
More than 50—	
On the first 20 barrels	10%
On excess up to and including the next 30 barrels	$12\frac{1}{2}\%$
On all the excess over the first 50 barrels	15%

Provided that, for the purposes of this Part—

- (1) a 'barrel' shall contain 31.5 imperial gallons;
- (2) only those wells or bores which in the opinion of the Minister have had a production of payable petroleum during at least a part of the calendar month shall be taken into account for the purpose of ascertaining the average production yield per day per well for such calendar month;
- (3) the royalties prescribed in this Part shall be the respective percentages therein set forth, either of the petroleum produced or of the gross proceeds of sales of such petroleum, as may be determined at any time and from time to time by the Minister."

Amendment put and passed.

Schedule, as amended—agreed to.

Title—agreed to.

Bill reported with amendments.

ANNUAL ESTIMATES, 1936-37.

In Committee of Supply.

Resumed from the 7th October: Mr. Sleeman in the Chair.

Votes—Premier's Department, £17,715; Governor's Establishment, £2,165; Executive Council, £5—agreed to.

Vote—London Agency, £10,836:

Item, Purchase of car for Agent-General, £200:

Hon. N. KEENAN: I would like the Premier to explain this item. In the expenditure column for 1935-36 the sum of £314 is set down opposite this item while the estimate for 1936-37 is set down at £200. It seems rather unworthy that the State should buy a car for the Agent General on time payment.

The PREMIER: I have no information with regard to this particular item, except that I understand the car was bought towards the end of last year, and payments were not completed at the close of the year. I have information with regard to almost every other item on the Estimates, but not regarding this one.

Hon. C. G. Latham: There is no doubt the money has been spent, and authority is now being sought.

The PREMIER: I will obtain the information for the hon. member.

Vote put and passed.

Votes—Public Service Commissioner, £1,432; Government Motor Car Service, £3,232; Printing, £54,938; Tourist Bureau, £2,391—agreed to.

Vote—Literary and Scientific Grants, etc., £10,380:

Item, Zoological Gardens, £2,708:

Mr. SAMPSON: The improvements carried out at the Zoological Gardens have been most noteworthy, and have been commented upon by people generally. The expenditure last year was £2,968. I am wondering how it is possible to effect a saving this year of £268, in view of the excellent work being carried out at the Zoo.

The PREMIER: The considerable improvements made in the gardens led to increased attendances, and the revenue last year was £12,239 compared with £6,812 three or four years previously. The improvements have been effected from the increased receipts and the increased receipts account for the decrease in the item.

Mr. SAMPSON: That is splendid and shows that money expended on works of this nature makes them paying propositions.

Mr. Withers: Another State trading concern!

Mr. SAMPSON: Zoological gardens are not a subject for private enterprise, although there are private zoos. But I am not going to be personal!

Item, Fish and Game Society of W.A.:

Hon. N. KEENAN: I should like to ask the Premier why it has not been possible to

make any money available for this society this year. The society is doing a considerable amount of work which, if successful, will be of enormous benefit to the State. The work being done is an attempt to acclimatise edible fish in our rivers, and to police the various waterways with a view to preventing the destruction of edible fish in an illegal manner. The society consists of a few members—I happen to be one—and their resources are extremely small. On the other hand, they are involved in a very large expenditure, because they have to bring by aeroplane the fry for cultivation in this State. The process of cultivation is very expensive. A small staff has to be maintained to look after them, and without assistance I fear that this effort will break down. Last year the society was very generously assisted but the fact that the Government treated the society generously last year, is no reason for their being niggardly this year and no vote appearing on the Estimates. This work should be done efficiently or not at all, and to do it efficiently funds are necessary.

Mr. STUBBS: Supporting the remarks of the member for Nedlands, I should like to point out to members the importance of the item being discussed. Any person who has followed the fishing industry in Western Australia, especially in the inland waters, does not need to be told that where one could catch with a rod and line a hundred fish in half an hour in any water adjacent to this coast 20 years ago, one would now be lucky to catch three or four in a day. I should like to emphasise the importance of the point raised by the member for Nedlands, by asking the Premier if it is possible to increase the amount of this grant so as to enable the Fish Acclimatisation Society to continue its good work—which indeed should be commended by every member—of establishing trout and other fish in our rivers and streams. The Collie and the Blackwood, and other rivers, together with streams east of Albany provide ideal waters for trout propagation. I do hope the Premier will see his way clear to back up the efforts of the Fish Acclimatisation Society to re-stock the rivers that have been depleted of fish by excessive netting and even by dynamiting, which has precluded the fish from coming in from the sea to spawn in the upper reaches of the rivers. If we could replace the salt-water fish that used to be in our coastal

rivers, it would be a very good thing for the State. I ask the Premier to consider increasing the amount of this grant so as to encourage the members of the Fish Acclimatisation Society in their good work.

Mr. CROSS: I hope the Premier will be able to furnish to the Fish Acclimatisation Society at least the same grant as that which they received last year, otherwise there will be danger of the good work so far achieved being lost. I pay a sincere tribute to Mr. C. A. Glew, who has done a great deal of hard work in this regard, and has spent a considerable amount of his own private funds, all in the interests of the State. I know it is the intention of the society to establish trout, not only in one river, but in all suitable rivers in Western Australia. At one time there used to be a lot of fish in the Canning River, but to-day, through the dynamiting that goes on and, possibly, because the river has been over-fished, there are very few fish indeed left in it. At one time large quantities of our river fish used to be taken to the metropolitan market, and there were from 20 to 30 men earning a living at fishing on the Swan River, whereas to-day it is almost impossible for any man to get a living by that means. So I hope the Premier will be able to grant to the Fish Acclimatisation Society at least as much this year as was provided for them last year; for the work being done by the society is of considerable value to the State, and is performed in an entirely voluntary capacity.

The PREMIER: As a matter of fact there is no such item on the Estimates this year, and so the discussion is quite out of order. However, I have no wish to take advantage of that, for I know the society is doing excellent work, and proposes to continue that very good work. When the proposition to re-establish the society last year was put before the then Premier it met with a very sympathetic hearing, and £500 was granted to assist in inaugurating or re-establishing a society that would render valuable service to the State. But the grant was made with a full understanding that it was merely to help them over their initial difficulties. In those circumstances no amount was placed on the Estimates this year, but if it be possible for the Government to help the society in any way, I can assure members that the Government are entirely sympathetic, and so will do anything that is possible for the society, and will be

quite ready to discuss with its representatives any measures that may be put forward.

Vote put and passed.

Vote—*Fisheries*, £4,498:

Item, Salaries and Allowances, £3,748:

Hon. N. KEENAN: Of course no private member may move to increase the Estimates, but at all events he can draw attention to the fact that insufficient provision is made for a very important work. That is what I propose to ask the Committee to consider. It is impossible to over-estimate the importance of fish as a food, both from a health point of view and from the point of view of variety.

Mr. Sampson: On a point of order. Shall I be permitted to speak to this item?

The CHAIRMAN: Yes, when the member for Nedlands, who has the floor at present, is finished.

Hon. N. KEENAN: I was endeavouring to stress the importance of safeguarding our fishing industry. It is a fact known to everyone with experience of fishing off our coasts, that the deep-sea fishing is every day becoming more and more depleted. Many members doubtless can remember the time when one could easily catch a considerable quantity of deep-sea fish between Rottnest and the mainland. Nowadays there are no fish there to catch. The reason is that the Fisheries Department has not sufficient staff at its command to enforce proper regard for the law. All down our coastline fish are being destroyed at the time of the year when they are spawning, and we have not sufficient inspectors to attempt to protect the fish. It is a matter of great importance, because if the supply of fish becomes scarce—and it is scarce to-day—it means that the price is doubled. Even to-day an exorbitant price has to be paid for fish. That will become more and more marked if the fish become scarcer. I wish to direct the attention of the Government to the necessity for increasing the expenditure by appointing more inspectors and giving them better means to enable them to carry out their duties. If they are in the fisheries launch off Fremantle, the fact is known to everybody. At one time I happened to own a small launch, and when I took it outside Fremantle, there was quite a skurry amongst a certain type of fishermen near Garden Island because they thought it was the fisheries launch. The departmental boat has no speed and there is plenty of oppor-

tunity for fishermen to get rid of their nets before the boat arrives on the scene. Not only seining but destruction by dynamite is causing the depletion, and that is going on every day because the department have not sufficient money to provide inspectors to enforce the law. If the fish off our coast are destroyed, it means that the cost of living, which is so important not only to the workers but to everybody in the State, will increase.

Mr. Marshall: And the pleasure of fishing is being denied to people.

Hon. N. KEENAN: I am not regarding the matter from the sporting point of view. I am speaking of the need from a health point of view of being able to procure fish, and at a reasonable price. One has to pay 1s. per lb. for schnapper, and often it is difficult to get it at that price. That the industry should be preserved is a matter of great importance, and this can be done by supplying the department with sufficient funds for inspectors, the provision of a fast boat, and possibly the employment of men not in uniform to enforce the law. If the department had power to appoint private individuals as special police, help might be forthcoming from that source.

The Premier: There are honorary inspectors.

Hon. N. KEENAN: The Estimates for the department show an increase of £340, but after allowing for an increase of contingencies to the extent of £85, only roughly £260 of additional funds is being provided for the staff. Steps should be taken immediately to increase the staff and protect the industry.

Mr. SAMPSON: What do the Government propose to do regarding whale fishing, particularly adjacent to Point Cloates? Not many weeks ago I saw a Norwegian fleet operating there and six whales had been flagg'd and partially dealt with. I have been advised that the value of a whale just killed is not less than £100. Whale fishing is a valuable industry, and I regret to see it neglected by our own people. I was wondering whether men on sustenance could be sent out whaling under an expert. There is a tremendous amount of marine wealth off our coast. When the works at Carnarvon were operating, a large number of sharks, swordfish, beche-de-mer, dugong and turtle were caught. No doubt nature is reproducing that wealth, although we are losing the benefit of a great deal

of it. Certainly we are not doing anything to exploit it. I am not recommending the inauguration of a State enterprise, but encouragement might be given to private enterprise. Possibly the Minister for Agriculture, who has studied the question, is in a position to give us some information.

Mr. McLEARTY: A serious position has arisen in the fishing industry in the Harvey and Murray estuaries. Something like 100 men are earning a living by fishing there, and I do not know of any other part where so many men are fishing for a living. At a recent meeting attended by the bulk of those fishermen, they claimed they were supplying 75 per cent. of the small fish consumed in the metropolitan area. Owing to the fact that the Mandurah bar has been closed during the greater part of the last three summers, the fish have not been able to enter the estuary. Because of these conditions the fish in the estuaries have become depleted. Fish travel during the summer months, and it is then that they try to get back into the rivers. Because the sand bar prevents the river from connecting properly with the ocean, the spawning waters known as the Serpentine Lakes become so shallow that huge numbers of fish die. If these fishermen are supplying 75 per cent. of the small fish for the metropolitan area, the position there must be a serious one. Would it not be possible for the Premier to obtain some money so that the bar might be kept open? The Federal Government are talking about providing funds for the fishing industry. Just now the bar is open. The people of Mandurah collected £50 in an endeavour to keep it open. More money is required for the breakwater at Mandurah. If that could be extended I believe it would help greatly in keeping the bar open, to the advantage of the metropolitan area and the fishermen concerned. If the waters remain closed the number of fish in them will continue to decrease.

Mr. WATTS: I support the remarks of the member for Nedlands. During the past 12 months I have made several representations to the Premier's Department with respect to fishing in enclosed waters along the south coast. The places I refer to are the Palinup Estuary and Bremer Bay. During the absence of the then Premier a deputation from the Gnowan-

gerup and Kataanning Road Boards interviewed the secretary to the Premier, and subsequently I received a letter stating that some definite action would be taken. I do not yet know what action was taken. Perhaps the Premier will tell us what is contemplated. These particular places are very desirable summer resorts for persons who live eastward of the southern portion of the Great Southern line. One of the fishery inspectors told me that in consequence of the amount of illegal fishing that has been going on in these enclosed waters, he does not think the Palinup Estuary will be of any use until the bar breaks again next year. Some time ago there were several prosecutions in the Kataanning Police Court and five fishermen were fined over £40. That did not deter them, because they have since purchased a motor truck and set about the business in a more effective manner. The Gnowangerup Road Board is prepared to spend money on improving Bremer Bay and the road leading to it, but will not do so unless there is a prospect of stopping the illegal practices that are now going on. To prevent these malpractices it is necessary that some means of transport should be provided for the inspector, and that an additional inspector should be appointed so that he can keep in touch more frequently with the district, and take effective steps without its being possible for bush telegrams to reach the fishermen in advance. I hope the Premier will let us know what action can be taken in this matter.

Mr. LAMBERT: Some time ago I was at Albany and visited Denmark, which is one of the natural estuaries for fish during the spawning season. I saw a fisherman who had four or five cases of garfish five or six inches long. I thought it wrong that fishermen should be allowed to net in local waters fish of that small size. The same thing applies to a certain extent at Albany. This exploitation of our fish by fishermen should be restricted to given areas further removed from civilisation. Some time ago the Federal Government decided to allocate a certain sum of money for trawling along the Australian coast, but very little was given to Western Australia. This is one direction in which we could make representations to the Federal authorities. If a trawler were available it could be leased and would do very effective work.

Mr. J. MacCallum Smith: Do you think they would take any notice of such representations?

Mr. LAMBERT: The day will come when they will take notice. If the members of this Committee were prepared to take the action I would like to take, they would within 24 hours pay attention to our requests. I hope the Premier will take a note of the fact that the Commonwealth authorities have decided to build a trawler. If one were brought into our waters, it would to a certain extent protect our estuaries and inlets. It is remarkable the way some fishermen take advantage of the fact that our waters are not policed. I am sure we could put up a very forcible case to the Federal Government. The "Endeavour," the trawler that was wrecked, did excellent work and proved that our waters contain large quantities of edible fish. After the wreck of that vessel the Federal Government subsidised a vessel purchased from the Old Country, but she was obsolete and unsuitable for the purpose. I understand that modern trawlers are driven by Diesel engines, and carry sufficient refrigerating accommodation for them to amass a load of 20 or 30 tons of fish before coming in to market. One good trawler would do what is required. Certain persons we all know of have an absolute monopoly of the fish trade here. One large cool store carries about £10,000 worth of fish, and supplies the ocean-going steamers. A trawler would furnish highly necessary food at reasonable prices. If the trawler went out 50 or 60 miles into the Australian Bight, it could protect the fish along the coastline.

Mr. BROCKMAN: I support the remarks of previous speakers regarding our fishing grounds, particularly those from Albany to Cape Naturaliste. The position in my electorate is much the same as that described by the member for Murray-Wellington. The bar of the Blackwood River has silted up, and fish from the ocean are not able to enter the river, which is a spawning-ground at certain periods of the year. The mouth of the river has silted to such an extent that to clear it would be a costly work beyond the resources of the local people. Most of our fish come from the south coast, and the Government should protect the industry by opening spawning-grounds there which have become closed. The Fisheries Department is under-staffed, and

requires additional inspectors and cheaper methods of transport. The fishing grounds south of Bunbury are exploited from Fremantle and Mandurah, as well as from Bunbury. The added exploitation has proved highly detrimental to portions of my electorate, from the aspect of the tourist trade as well as that of the industry. Fishermen coming from the other ports catch all the fish they possibly can, without regard to size; and fish not up to standard for sale in the metropolitan area are disposed of elsewhere. A sum should be granted for the protection of the industry. Whaling has again come into prominence. Years ago our southern waters were prolific of whales, and it might be wise for the State to assist in resuscitating the industry. The Minister for Works was in the Blackwood district last year, and I think the hon. gentleman realises the position as regards both the farming and the fishing industry. To alter the channel would not cost much.

The Premier: Yes, it would.

Mr. BROCKMAN: Have you had the matter investigated?

The Premier: Yes.

Mr. BROCKMAN: In the early days the settlers used to attend to it themselves. The planting of grass at the mouth of the river has caused the silting-up. To take out the grass should not cost a great deal, and would have the effect of restoring the natural channel.

Mr. WITHERS: I also support the views expressed by previous speakers. The total Government expenditure on so important an industry is less than £4,500. The member for Sussex did not go as far as he might have gone with regard to the whaling industry. Lighthouse-keepers in the southern portion of the State report having seen whales go by in hundreds. After travelling enormous distances those whales go north to be caught by foreign whalers. At Point Cloates the Norwegians obtain an advantage that we should enjoy. The whales should be caught before going past the Leeuwin. A whaling station there would be highly advantageous to Western Australia. The residues from the whales are a wonderful asset to farmers in the South-West, whereas in the North those residues represent pure waste. The whales could be shot instead of being harpooned. Expenditure on opening the bar of the Blackwood River, as suggested, would be fully justified. We have a very efficient inspector at Bun-

bury, but it has been most difficult to secure a telephone service for him so that honorary inspectors can ring him up when poaching is in progress. He has a large district to supervise and the transport at his disposal is no credit to the Government. He has a boat with which he can proceed up-river, but if he desires to attend to matters on the back-waters of rivers in the Blackwood area, he has to secure a motor car. If he succeeds in getting a conviction, the cost of the motor hire can be recovered from the defendant, but he has informed me that he has to take advantage of commercial travellers—

Mr. COVERLEY: He is smart if he can do that.

Mr. WITHERS: —and other persons in order to secure transport by motor car to wherever he desires to go. I join with the member for Nedlands in his suggestion that extra money should be made available in order that the industry may be policed properly.

Mr. RODOREDA: The only whaling station in existence at present in Western Australia is at Point Cloates, which is in my electorate. The question regarding the whaling industry is important, and I hope the Premier will take notice of my remarks and act accordingly. We have read reports showing how the Norwegian whaling fleet visited our coastline this year, and took away, so I am told, whale oil to the value of roughly £200,000.

The Premier: They did not come to the coast.

Mr. RODOREDA: They came so near to the coast that that point does not matter. The only way by which we can keep the Norwegians off the coast is to catch the whales ourselves. The task involved is far beyond the resources of the State, and representations should be made to the Commonwealth Government for assistance. I understand the Federal authorities are making inquiries regarding the whaling industry, and have secured the services of an expert to advise them. The station at Point Cloates was worked for five or six years as a Norwegian concern. The business was then bought by an Australian company who worked for a year at a profit. Then a Bill was introduced under which the conditions of operating would have been most onerous, and the company was frightened off. One proposal in the

Bill was to charge £500 for a license fee, whereas formerly the fee had been £50. The Bill was not passed, but the company did not continue operations. Then the slump came and whale oil lost its value. At Point Cloates there is a plant that cost £200,000 to instal, and since 1928 it has been kept in order. A first-class marine engineer and his assistant are in charge, and the whole of the machinery is given a run every fortnight. In those circumstances everything is ready for a start to the full capacity of the factory, at five or six weeks' notice. Only the lack of finance prevents the company from resuming operations. The position regarding the whaling industry has improved, but unless the Australian company can secure financial assistance, the magnificent plant at Point Cloates will remain idle, and we shall have the spectacle of the Norwegian whaling fleet visiting our waters annually, and cleaning up the whales. While operating at Point Cloates, the company paid the best wages in the North-West. On shore 160 men were employed, and none received less than £8 a week for a period of from five to six months. That wage included overtime, but all the men were Australians, and Norwegians were engaged for the whale chasers. Those foreigners were brought out on a ship that brought coal only. All the stores that were necessary, together with the refitting of the whaling fleet, were attended to at Fremantle, with the result that between £60,000 and £70,000 was spent there in getting the fleet ready. We cannot afford to lose the whaling industry, and it is only for want of a little financial assistance that the Australian company cannot operate. I hope the Premier will make representations to the Commonwealth Government to provide necessary funds for that purpose.

Mr. HILL: I endorse what has been said, particularly by the member for Roebourne, but I cannot support the member for Bunbury in his suggestion to open up the Blackwood River. Why should we go to that expense, when a little over 100 miles away there is Frenchman's Bay, which is one of the finest sites for the purpose, one that has been used for over 100 years. Before and during the war, a Norwegian whaling station was conducted there, but when the Norwegians proposed to send oil to Ger-

many and the British Government refused permission, the company naturally went out of existence. The Chief Inspector of Fisheries, Mr. Aldrich, is an excellent officer, but he is handicapped because of a shortage of officers. I hope the Premier will see to it that not only are more inspectors provided, but that improved transport and other facilities are made available. I do not approve of the suggestion that honorary inspectors should be appointed, because they are not satisfactory. I agree that illegal fishing in protected waters should be stopped. I have a confession to make. I have dynamited fish in closed waters, but that was 20 years ago. I put in two plugs. Considerably over 100 bream were killed, and the fish were over 1 foot in length. The sight so sickened me that I did not again use dynamite for killing fish, and never will. That method not only kills all the fish within the waters affected by the explosion, but it is years before the fish will return to a locality where dynamite is used.

The PREMIER: A somewhat similar debate regarding the fishing industry took place last year, when the difficulties were pointed out. The Fisheries Department derives little revenue. We do not charge much for license fees.

Mr. Doney: Apparently there is scope for that in the whaling industry.

The PREMIER: That is so, if whaling stations were in operation.

Hon. N. Keenan: At any rate the department provided £2,800 more than you spent on it.

The PREMIER: Nearly all of that represents royalties on kangaroo skins.

Mr. Rodoreda: We will have to cut that down a bit.

Mr. Marshall: How do kangaroos become associated with fish?

The PREMIER: That matter is administered by the Fisheries Department under the Game Act by the Chief Inspector who is a very good officer. The difficulty in regard to supervision is that such a large number of inspectors would be required to do effective work. On a previous occasion reference was made to the influence of the motor lorry in facilitating sheep-stealing, the thieves being able to travel hundreds of miles from the scene of their offence. The same thing applies in this case. An inspector might go to a particular spot where these nefarious practices had been perpetrated, and nobody would be anywhere near the

place when he reached it, the offenders having gone somewhere else, and not returning for three or four months. All over this coast there are places where opportunities exist for dynamiting fish, and other harmful practices, and an army of inspectors would be needed effectively to supervise the streams. The member for Katanning knows what has happened at Bremer Bay and how people have defied the law there. They were fined, but did the same thing again. The work of honorary inspectors may be deprecated, but it is often excellent work, for numbers of convictions are obtained against offenders on their information. It is all a question of money. If we liked to expend more, we could do more effective work, but there are so many other directions in which expenditure is needed. A good case could be put up for increased expenditure in this department, but there is not much revenue coming into the department to expend. We have put another hundred or two this year under "Contingencies," to facilitate transport. I think we should provide even better transport accommodation.

Hon. C. G. Latham: It will mean increasing your deficit if you have any more of this additional expenditure.

The PREMIER: There are so many directions in which money could reasonably be spent in connection with various industries, but we have to make what money we do get go round as well as we can. The fishing industry certainly does mean a lot to the State. The Government assisted the trawling expedition south of Albany, and if the Federal Government are prepared to spend any money, we will do our share in regard to the establishment of the industry. Reverting to the question of inspection, the difficulty, as I have pointed out, is that the distances are so great that people who want to carry out these practices can do so quite easily, visiting first one place and then another some 200 or 300 miles away. A man might watch a particular spot for weeks and nobody would turn up because they would be aware that he was there. It would be a good thing if we had two or three motor cars to facilitate the transport of inspectors from place to place, and I intend to discuss with the Chief Inspector of Fisheries, who is an enthusiastic officer, the question of motor transport and also telephonic communication whereby honorary inspectors may communicate such information as they have which will lead to convictions. With regard

to whaling, we are anxious to do what we can. It is true that this year a Norwegian fleet operated off the north-west coast. They have every right to do that. So long as they are outside territorial waters, we have no control over them. I believe there is a big field for whaling operations in this State. As the member for Roebourne (Mr. Rodoreda) has pointed out, whaling was formerly carried on profitably. I am not aware, however, that any representations have been made which would induce the Government to assist in carrying on this industry. I can assure the hon. member that if any proposition is put up for assisting to carry out commercial whaling in this State, the Government will consider it sympathetically.

Mr. Rodoreda: It has been put up to the Federal Government.

Hon. C. G. Latham: We chase the Federal Government for everything; they will soon own us body and soul.

The PREMIER: The Federal Government are looking into the possibilities of whaling in the Antarctic territory, but there are ever so much better resources close at hand, both in Western Australia and Eastern Australia, where profitable whaling operations could be carried on, without the necessity for going to the South Pole. I do not know that it would be possible to carry on whaling off the Leeuwin during June, July and August. It would not appeal to me, but the North-West coast about that time is entirely different. In May and June the water is like a sheet of glass for thousands of miles.

Hon. P. D. Ferguson: It is not always like that.

The PREMIER: Has the member for Irwin-Moore had experience?

The Minister for Agriculture: He went on a lighter once!

The PREMIER: The Government will not be unsympathetic to any suggestions for the granting of assistance to bring into profitable production what was a flourishing industry some time ago. So far as the vote is concerned, I do not know that we can do very much by the appointment of one more inspector, but if we could make the inspectors more mobile, we would have a better chance of more effective control.

Vote put and passed.

Votes—Treasury, £26,854; Audit, £13,500—agreed to.

Vote—Compassionate Allowances, £5,772:

Hon. N. KEENAN: There is here one item "Grants and Allowances as may be authorised, £5,000." That leaves a balance of £772 for compassionate allowances already granted. Is there any return made by the Treasury of the manner in which this money is spent; is any information made available to the House or to any member of the House as to the expenditure? We have this lump sum of £5,000, not yet expended, and of course it is obvious that the names of the recipients cannot appear on the Estimates. I should like to know whether it is possible to see any returns of the names of persons by whom money has been obtained.

The Premier: The names, or at least the identity, of recipients is furnished in these Estimates.

Hon. N. KEENAN: But that list accounts for only £772, whereas there is this lump sum item of £5,000 for grants and allowances not yet authorised. However, I am not querying that; I am merely asking whether it is possible for any member who desires the information to find out how that money is spent.

The Premier: Yes, the information can be obtained at the Treasury.

Hon. N. KEENAN: It is not put on the Table of the House?

The Premier: No.

Hon. N. KEENAN: Has that been customary from year to year, merely to vote a large sum and leave it to members to go to the Treasury for information as to the disbursements?

The PREMIER: Any member desiring the information has but to go to the Treasury to see a record of all payments made under this Vote. But it is not usual to put a return of the payments on the Table of the House.

Hon. C. G. Latham: It appears in the Public Accounts.

The PREMIER: I do not think all the names are given there. However, the information is available at the Treasury if any member wants to see it. As for the lump sum of £5,000 not yet allocated, it is usual to provide a sum of about that amount each year. The law of averages seems to point to that sum as being approximately what will be required.

Vote put and passed.

Votes—Government Stores, £14,905; Taxation, £33,900—agreed to.

Vote—Workers' Homes Board, £17,614:

Mr. STYANTS: The value of the Workers' Homes Board has been manifest in the direction of providing homes for those not in a position to finance them in any other way. It has this redeeming feature, that it is a paying proposition, one of the few activities left to the Government which show a profit over and above working expenses. But the board's activities are considerably restricted by the lack of finance. As compared with the New Zealand scheme that the Labour Government of the Dominion are putting into operation, providing for an expenditure of £3,000,000 for the provision of workers' homes, our scheme seems niggardly. I want to deal with the policy of the extension of the activities of the Workers' Homes Board to the goldfields. Last year the board decided to extend their operations to the goldfields, and as a result 40 homes were built. Unfortunately that is but a drop in the ocean as compared with the requirements of that district. Advertisements were circularised through the Press for goldfields residents to make application to participate in a special scheme for the building of workers' homes. Owing to a misstatement in the local Press to the effect that there were 2,000 applications for 40 homes, a number of those who would otherwise have applied for homes refrained from doing so, regarding it as being in the nature of taking a ticket in the State lottery. As a fact, there were 83 applications for the 40 homes, so there are still up there at least 43 people who would be prepared to build homes in the goldfields area under the Workers' Homes Board. A special scheme of repayment was drafted for the goldfields. The people up there are not complaining of the conditions of that scheme. They realise it would be unreasonable to expect that they should get the same terms of repayment, over 25 or 30 years, in a goldfields town as do those in the metropolitan area and other more stabilised localities. The special scheme provided for the whole loan, plus interest and plus rates and taxes, being repaid in ten years. The people are prepared to stand up to those conditions. They are very good homes that have been built up there, the only fault being that in some cases they are too elaborate and consequently too expensive.

Hon. C. G. Latham: What was the price?

Mr. STYANTS: The highest price was £456, to be repaid, as I say, plus interest and rates and taxes within ten years. That makes the house too expensive. I should like the board to adopt a less expensive type and allow the owner to add to it if or as he cared to do so in ensuing years. In some instances repayments amount to 26s. or 27s. a week, which is altogether too high in a locality where the basic wage is about 16s. per day. The objective of the board should be to provide a cheaper house on which the weekly charges would not exceed one day's pay. I appeal to the Government to make an appropriation to the board to build another 40 homes on the goldfields. If that number were built, overcrowding in the goldfields areas would be largely overcome. Just before last Christmas the postmaster at Kalgoorlie informed me that in the letter-carriers' district of Kalgoorlie alone, there were over 220 houses in which more than one family resided. The size of the average goldfields house is not such as would permit of two families living in it without overcrowding. The climate, too, is against overcrowding on account of the heat and dust. The law of supply and demand is operating viciously in the matter of rents. If another 40 homes were built by the board, the demand for homes would be met to some extent, and probably a reduction of the excessive rents being levied would result. It is unnecessary for me to elaborate on the desirability of providing each married couple with a home of their own. It gives them a stake in the country and a place in the domestic life of the community. The scheme I advocate would not cost any large amount of money. Probably £15,000 would cover the whole expense. The work would be reproductive. I do not suppose it is possible to name another work that would provide such a wide field of employment. From the time the tree is felled in the bush until the house is ready for occupation, a wide field of employment is provided. The timber worker, transport worker, mill-worker, railway transport worker, and many building artisans, including carpenters, bricklayers and plumbers, would all benefit. I urge the Government to find the necessary money to meet this want. I believe the Government realise that the stability of the goldfields is assured for a longer period than ten years. The payable ore bodies in sight on the Golden Mile are assured for at least 20 years. Mining com-

panies have proved by tests that extensive ore bodies are available for milling, and have spent hundreds of thousands of pounds on the construction of up-to-date treatment plants. The Government should take early action to meet this long-felt want.

Mr. LAMBERT: The ideas of the board in providing homes for ordinary workers are too elaborate. A small departmental committee should be appointed to inquire into the materials needed to build a decent type of house at a price within the reach of the average worker.

The Premier: Plans have been prepared for houses to cost about £345.

Mr. LAMBERT: Sufficient material is available locally to provide the bulk of requirements to erect 50 houses a week, but if material is to be imported, the cost of the homes will be considerably enhanced. A decent type of home, ten times better than that occupied a few years ago, could probably be provided for half the amount being expended on workers' homes at present.

Mr. MARSHALL: I am surprised to learn that the board have been operating at Kalgoorlie. A few evenings ago I condemned departmental officers for not looking beyond the Darling Range when framing regulations to have State-wide effect. Let me assure the member for Kalgoorlie that the Golden Mile does not constitute the whole of the goldfields.

Hon. C. G. Latham: A very small part of them.

Mr. MARSHALL: Yes. One would imagine that the goldfields areas were confined to the Golden Mile.

Mr. Styants: Do you want me to put up a case for Wiluna on your behalf?

Mr. MARSHALL: When we speak of the goldfields we naturally include Wiluna, but no 40 homes have been built there. If Kalgoorlie has been successful in getting workers' homes, it is time the same consideration was given to the rest of the goldfields. Rents are no higher in Kalgoorlie than they are at Wiluna. I am inclined to think that the Fair Rents Bill, if passed, will make the position even worse than it is. I want the Workers' Homes Board to understand that Wiluna, Big Bell, Reedy's and Meekatharra, to mention a few places only, offer good opportunities for the investment of money. Some of these places are just as solid as either Kalgoorlie or Boulder. I do not know why the board should hesitate over

this matter. The places to which I have referred have many years of life ahead of them, and Wiluna and Meekatharra are as old as the Golden Mile. There can be little risk about business of this sort. The only way for people in these centres to get adequate accommodation for their families is through the Workers' Homes Board. Rents in Wiluna, for mere shacks, range from 32s. 6d. to 35s. a week. No one should have to live under conditions such as these. The houses are mere skeletons, and the heat within them is intolerable during the summer months. The Minister in charge should direct the board's attention to this matter, and see that reasonably good homes are established immediately in the more stable parts of the goldfields.

Hon. C. G. LATHAM: Members have spoken about the long life ahead of numerous goldmining centres and of the high rents that are charged there. Surely it must be a profitable investment for people with money to put it into homes in those centres, that is, if they have any confidence in the future of mining. The Government could well turn their attention to the provision of cheap workers' homes in country towns. We should endeavour to spread our population as evenly as possible.

Mr. Marshall: It would be an inducement to some people to leave the city if they could get reasonably good homes out of it.

Hon. C. G. LATHAM: It is very hard that some men should have to leave their families in Perth whilst they house themselves in tents on the goldfields. If there is such a demand for housing accommodation there, it seems extraordinary that investors will not lay their money out in that direction. Is it not possible for the Workers' Homes Board to build houses that can be rented by a worker for a sum equal to one day's earnings?

The Premier: I understand, according to designs which have been brought forward, that it is possible to do this.

Hon. C. G. LATHAM: The trouble is that these cheap homes are often put up close to others of more elaborate design, and people living in them feel that their neighbours must despise them, or look down upon them. A substantial piece of land near the city could be obtained by the Government, and it could be converted into a garden city, with homes of similar price, and the people living in them could be provided with cheap

means of transport. In Victoria Park there are numbers of very cheap homes, but they are abominable to look at. Amongst them are numerous cottages of a most unattractive type. One looks up a long lane of homes of a most unprepossessing character, and a few yards away one looks along a big row of back premises. It should be the job of the town planner to assist in laying out settlements of this kind. A class of house could be designed that could be rented for 10s. or 12s. a week, which is as much as a working man can afford to pay. I commend the board for keeping up the standard of home, but many of them are out of all proportion to the earnings of the people who live in them. Some persons will not occupy wooden houses. It is possible to design a very nice wooden home, that is just as comfortable inside as is any other type of house. I admit they are not so comfortable to live in when situated in the country as they are in the metropolitan area. We could use our own timber and our own material, and could erect these cottages very cheaply. I have discussed this matter with the secretary of the board, who is a very good officer, but he finds that after submitting these plans people will not accept them. Our object should be to see that in a given district no house is much more elaborate than another. Let the Government encourage the establishment of such a settlement as I have referred to, and if they like, provide the people there with trolley buses so that they may journey to their daily work at a cheap rate. Money should not be spent where expenditure is not essential.

Item, Secretary, £618:

Mr. MARSHALL: The Leader of the Opposition said there seemed to be a wonderful opportunity for investment in houses on the goldfields; but the hon. gentleman forgets that if moneyed people continued to build houses there, the value of their present investments would be reduced.

Hon. C. G. Latham: Goldfields rents would still be profitable if reduced by 30 per cent.

Mr. MARSHALL: Private enterprise is never altruistic. A particularly wealthy man who has built houses at Wiluna could build enough of them to bring Wiluna rents down to 10s. a week. Therefore he has stopped building houses at Wiluna.

Hon. C. G. Latham: Homes could be built more profitably on the goldfields than here.

Mr. MARSHALL: Nowhere can investors be found willing to make investments which will bring down the interest on investments they have already made. Consequently goldfields workers are left in a deplorable condition. Workers' Homes Board activities alone can effect reduction of rents.

Mr. HEGNEY: The Workers' Homes Board are anxious to build cheap homes if applications are made for them. The rent of a home costing £350 to build would be 10s. a week, to which has to be added 3s. a week for rates and taxes, making the total weekly expenditure 13s. Again, there is the interest burden to be considered. Hundreds of workers in the metropolitan area inhabit houses affording accommodation worse than that provided for cattle. The children, who are to be assets to the community, live in bad housing conditions, because the father's income puts a dwelling costing even £350 outside his range. On the other hand, quarter-acre blocks within a reasonable distance of the city can be bought for as little as £10 or £15. Garden suburbs, as suggested by the Leader of the Opposition, are worthy of consideration by the Government. Town-planning lecturers came here more than 20 years ago to point out the bad effects of defective housing conditions in Britain and Germany. Such conditions have not obtained here, but they have been known around Sydney—in Surry Hills, Redfern, and Balmain. The services of the Town Planning Commissioner could be co-opted for a model suburb of homes available at low rentals. The question is principally one of cheap money. Men more fortunately placed can go in for a better class of house. Numerous people have applications before the Workers' Homes Board and they have made representations to me to secure a decision more promptly. For some reason, their applications are not dealt with as quickly as they would like. I hope the Government will give more serious consideration to this problem than in the past.

Vote put and passed.

Vote—Miscellaneous Services, £587,621:

Item, South African Relief Fund, £58:

Mr. MARSHALL: What is this provision for? I do not know of any such relief fund towards which the State should contribute.

The PREMIER: After the South African war, a patriotic fund was established and the money expended by a committee. The balance was held in trust by the Treasury. When the fund became exhausted, it was found necessary to assist one individual. I understand the amount is spent at the rate of £1 a week.

Mr. Marshall: Is the recipient in this State?

The PREMIER: Yes.

Mr. Marshall: Well, that is quite all right.

Item, Goldfields Fresh Air League, £100:

Mr. STYANTS: Last year £90 was provided to assist this laudable organisation, but the expenditure was nil. Possibly there is a reasonable explanation why that money was not spent. The league provides holidays at the seaside for children of parents in necessitous circumstances.

Mr. Marshall: A most worthy objective.

Mr. STYANTS: Children are sent to Albany and Bunbury and last year a number were sent to Esperance. The funds of the league are subscribed by generous citizens of the goldfields and I hope that the £100 provided on the Estimates this year will be spent.

The PREMIER: The money was provided last year for railway passes for attendants and children. As the money was not applied for, it was not spent. The money made available this year is there to be taken advantage of if necessary.

Item, Sailors' Rest, £50:

Mr. TONKIN: I understand an application was made on behalf of the Seamen's Mission for a similar grant, but the request was refused. The work carried out by the mission is similar to that undertaken by the Sailors' Rest, and I hope the Treasurer will give some explanation of the refusal of assistance to the mission.

The PREMIER: The Sailors' Rest and the Seamen's Mission are on entirely different bases. The mission engages more in recreational work, arranging sports for the men and providing writing paper, draughts and so forth. The Sailors' Rest is more of

a charitable institution and makes provision for sick sailors, assisting them with passages to their home countries, providing work and so forth. The Seamen's Mission carries out excellent work both here and in other parts of the world.

Item, Parks, Recreation Grounds, etc.—Grants for Maintenance and Improvements—King's Park Board, £2,400; Gardens Board (Point Walter Reserve), £100; East Perth Cemetery, £350—£2,850:

Mr. MARSHALL: How is the Gardens Board constituted? Who and what are they? I understand a hotel license was granted to the board a week or two ago.

Hon. C. G. Latham: No!

Mr. MARSHALL: Yes, at Yanchep.

Hon. C. G. Latham: Where do they get the money from?

Mr. MARSHALL: I do not know. I want to know who they are. Do the Government appoint them or are they elected? What are their activities?

Member: Who is the chairman?

Mr. MARSHALL: I want to know the personnel of the board.

The PREMIER: The board consists of the Secretary of the Premier's Department, Mr. L. E. Shapcott, and the former Under Secretary for Lands, Mr. C. G. Morris. They meet occasionally.

Mr. Marshall: How often?

The PREMIER: The Government exercise no supervision over the meetings of the board, who are self-supporting to a considerable extent.

Mr. Marshall: I should say they get on amicably.

The PREMIER: I have no heard of any serious disagreements or quarrels.

Mr. Sampson: The board do wonderfully good work.

The PREMIER: The board look after gardens in different areas, including Yanchep, National Park and the Canning dam area.

Mr. Sampson: They take a wilderness and turn it into a garden.

The PREMIER: I previously gave information regarding the work of the board at the Zoological Gardens, where the revenue has increased by £6,000 and the value of the stock has risen, in the last two or three years, by £2,000. I do not know whether the member for Murchison requires any further information.

Mr. Marshall: No one seems to know who are the members of the board.

The PREMIER: The Government have provided no money in connection with the hotel at Yanchep, for which arrangements were made by the Gardens Board.

Item, Exchange on Overseas Interest, etc., £460,000:

Mr. NORTH: I would like to ask the Premier whether there is any chance of getting any of this money back? Since the Estimates were prepared, information has appeared in the Press that France, Italy, and other countries are devaluing, and a policy of stabilising exchanges has been adopted at Geneva. The Premier may have, or may receive information that there is a likelihood of our getting this money back.

Mr. LAMBERT: Can the Treasurer indicate the amounts paid during last year in connection with specific remittances for plant and material?

The PREMIER: I cannot give that information off-hand. It would be impossible at short notice to give particulars of everything purchased under this heading.

Mr. LAMBERT: I am anxious to know exactly how much of the loan funds we receive each year goes back to the Commonwealth Government by way of fiscal duties; what amount is paid through the Customs in duty on material and all incidentals relating to the domestic life of the country. I hope the Treasurer will make these figures available when the opportunity occurs.

Item, Expenses of repatriation of sundry persons, £3,000:

Mr. McLARTY: I notice that £2,431 was expended last year, and the estimate now is £3,000. I have tried to have several people repatriated since I have been in Parliament. I feel that if I had been successful it would have been for the good of the individuals and the country, but I was unsuccessful. As a matter of fact, I opposed in this House the idea of sending migrants back in large numbers. I would like to ask the Premier what are the conditions governing the repatriation of people? I agree that there should be very good reasons for a person to be repatriated.

The Premier: Those who are repatriated are usually mentally or physically inefficient.

Mr. McLARTY: I think I put up good reasons for the return of certain migrants, but I have been unsuccessful in securing their repatriation. Perhaps the Premier could tell us how many have been repatriated?

Mr. LAMBERT: This is another matter which I think is purely one for the Commonwealth.

The Premier: We brought these people here.

Mr. LAMBERT: It is no good saying that. We did nothing of the sort. We brought them here in co-operation with the Commonwealth and Imperial Governments. If, for any reason, they are undesirable for this country—

Mr. Tonkin: It is not a case of their being undesirable here but of their being more desirable in Great Britain.

Mr. LAMBERT: The point is that this is purely a Commonwealth matter. If there has been faulty supervision in the past in relation to our migration policy—and the supervision on the other side was certainly most shocking—the burden of sending these people back to their birth-place is one to be borne by the Commonwealth Government.

Hon. C. G. Latham: The point is that if we did not send them Home, we would have to keep them. The Federal authorities would not send them back.

Mr. LAMBERT: I do not know to what extent the Leader of the Opposition thinks we can go on partially financing the follies of the Commonwealth Government, or the incapacity of the Old Country to find suitable migrants, but I think that this is an item which should be on the Federal Estimates. The Commonwealth should have the responsibility. Probably next time—if there is to be a next time—we proceed with any scheme of migration, they will give us an opportunity to make a selection of the migrants.

Item, Subsidy for road transport services, £2,000:

Mr. DOUST: I should like the Premier to give us a little information about this item. I understand that, last year, the item referred to the Boyup Brook-Cranbrook road service. This year it is increased by £1,428, signifying, I think, an extension of the services in some other portion of the State. Possibly it may mean an increase of the present service. If that be not so, I should like to know if there is any possibility of the extension of the present service being proceeded with. I remind members that the Boyup Brook-Cranbrook railway was approved and authorised by the House many years ago. Instead of that line being constructed, the Main Roads Board I suppose it was, built a road through there, and the

Premier's Department subsidised a transport service. This has proved satisfactory. The Denmark-Nornalup railway, while not actually closed, is now running only once a week. When a railway is partly closed in that way the Government should consider some road transport service to take the place of the railway, particularly in an outlying district, where cream has to be supplied to the factory at least twice a week, and if possible three times a week. I hope that aspect of the question will receive the consideration of the Minister. Of course what I am speaking of may have been approved already, but I should like information as to this increase from £572 to £2,000.

Item,—Privy Council—expenditure on appeal re marketing legislation, £1,550:

Mr. LAMBERT: This refers to the case James v. the Crown, and is another item that, I should say, is a Commonwealth Government matter.

Hon. C. G. Latham: It should have been. This is where we huffed in.

Mr. LAMBERT: At all events, if you did butt in, it now remains for you to justify it.

Hon. C. G. Latham: We busted £1,700.

Mr. LAMBERT: You certainly busted £1,550, and I do not know whether it has yet been indicated what useful purpose it served. If the Commonwealth Government in their appeal to the Privy Council lost the case—as of course they did—they should now pay the costs.

Mr. Patrick: It was to fight the Federal Government.

Mr. LAMBERT: But the Federal Government lost the case, and I have always understood that a person losing a case has to pay the piper. My legal friend opposite may give some indication of that.

Hon. N. Keenan: The piper this time was James.

Mr. LAMBERT: It seems that we were only financing him.

The Premier: No, we intervened on behalf of the State.

Mr. Patrick: Foolishly intervened.

Mr. LAMBERT: Since the Federal Government lost on the interpretation of the Constitution, they should recoup us the amount we spent. However, I am not very much concerned about that, but I am concerned as to where the Government stand in the matter of implementing marketing legislation, whether within the confines of our own Constitution we can give effect to mar-

keting, as the Commonwealth Government intend to do. I should like to see legislation implemented so that we could give effect to marketing in Western Australia, and incidentally in the rest of Australia, but I am not going to allow the Commonwealth Government to filch from us one iota of constitutional power.

The Premier: That is what we stopped.

Mr. LAMBERT: Yes, and you are likely to stop marketing. What I am concerned about is whether we can provide for marketing under our constitutional rights. I want to know if that is sound, or whether we have to subscribe to the Commonwealth Constitution so as to give them marketing power. Since the people of this country have had to pay the piper, we have a right to know.

Hon. C. G. LATHAM: This is an item of unauthorised expenditure that we are asked to authorise. Does this £1,700 cover all the cost of the James case? Again, can the Premier tell us who was briefed to appear for this State before the Privy Council?

The Premier: Sir Stafford Cripps.

Hon. C. G. LATHAM: He is a member of the House of Commons. I am not sure that James will not have an action against this State if he has had any dealings with this State. I was surprised to hear the Premier say that the Government found it necessary to intervene in the case. Let me recall the history of marketing legislation. This Parliament passed certain legislation to protect our producers, especially the producers of dried fruit. Then the Government asked the Commonwealth to make our legislation effective by passing legislation through the Federal Parliament. After the Commonwealth Government had done so, the State Government determined to associate themselves with an individual who was breaking down our legislation which we had asked the Commonwealth Government to back.

The Premier: The issue was very much wider than that.

Hon. C. G. LATHAM: It was not wider. At no time did the Commonwealth Government attempt to get over-riding legislation passed. The legislation introduced was for the benefit of the State, and could be used by the State and not by the Federal Government. The challenge thrown out by James was different. Why did we want to intervene?

The Premier: The Commonwealth Government thought they could do anything they liked.

Hon. C. G. LATHAM: It might have been right for James to test that point, but for this State to find money, in order to defeat its own legislation, is remarkable.

The Premier: That is not right.

Hon. C. G. LATHAM: It is right. Why did not the Premier of Queensland, Mr. Forgan Smith, associate himself with the Western Australian Government?

Mr. Patrick: He was on the other side.

Hon. C. G. LATHAM: Did not the issue affect Queensland in exactly the same way as it affected this State?

Mr. Patrick: Why did not South Australia join?

Hon. C. G. LATHAM: The only State which associated itself with us was Tasmania, which had no interest at all in the legislation in question. The Tasmanian Parliament never passed a piece of marketing legislation that required any assistance from the Commonwealth Government. The people of Tasmania probably had to pay a little more for their dried fruits, butter and wheat, but that was all.

Mr. Patrick: That was their main grievance.

Hon. C. G. LATHAM: Yes, their position was totally different from that of this State. I hope that the same mistake will not be repeated. To ask this Parliament to pass marketing legislation, go to the Commonwealth Government, ask them to protect us by putting through supplementary legislation to make ours effective, and then, when a private individual challenges it, to find the necessary cash to the tune of £1,702 to associate ourselves with a merchant who attempts to defeat our legislation, is remarkable.

The Minister for Works: We did not.

Hon. C. G. LATHAM: I say we did.

The Minister for Works: The Commonwealth Government took the ground that they were not bound by Section 92 of the Commonwealth Constitution.

Hon. C. G. LATHAM: If that is so, why did it affect this State differently from Queensland?

The Minister for Agriculture: We took a broad view.

Hon. C. G. LATHAM: No; the Queensland Government took the view that their people were their first consideration, and

that the Commonwealth Government were able to look after themselves.

Mr. Patrick: James was represented by counsel before the Privy Council.

Hon. C. G. LATHAM: The Commonwealth legislation could be used for only the States affected by it. We have been led into a trap by wily little Tasmania, and we are paying for it. The probability is that we shall have a claim against us for damages if James decides to proceed. It depends upon whether he was trading with Western Australia or not.

The Premier: No.

Hon. C. G. LATHAM: He might or might not have been. Our legislation would have been useless but for the legislation passed by the Commonwealth. I hope that this will be the final payment which the State will be called upon to make.

The Premier: It is, as far as I know.

Hon. C. G. LATHAM: South Australia did not pay.

The Minister for Works: How do you know?

Hon. C. G. LATHAM: I read the statement of the Premier of South Australia when the decision in the James case was published.

Mr. Patrick: Mr. Ogilvie said he persuaded the Government of Western Australia to intervene.

Hon. C. G. LATHAM: Yes; he said, "I persuaded the Premier of Western Australia to come in."

The Minister for Works interjected.

Hon. C. G. LATHAM: If anyone suffers from self-importance, I know who it is.

The CHAIRMAN: Order! That does not now appear in this item.

Hon. C. G. LATHAM: If you prevent the Minister from interjecting and making innuendoes, it will not be necessary for me to reply in that way. Mr. Ogilvie said he persuaded the Premier of Western Australia to come in. Did he persuade every one of the Ministers also?

The Premier: No.

Hon. C. G. LATHAM: I should think not. In the circumstances, I do not think the same mistake will occur while the present Premier holds office. To ask us to pay £1,702 to defeat our own legislation is ridiculous and absurd.

The PREMIER: I think the Leader of the Opposition knows that that was not the motive which actuated the Government in

taking action. Mr. Ogilvie, in his own mind, might have thought he persuaded the Government of the day to take action to conserve the interests of the State, but we made the decision on the merits of the case. The whole position hinged on the construction of Section 92 of the Commonwealth Constitution, and this case demonstrated it. On a very doubtful decision of the High Court given about 20 years ago, it was assumed that the Commonwealth were not bound by Section 92 of the Constitution. For years the Commonwealth passed legislation on that assumption.

Hon. C. G. Latham: Only during the last six or seven years.

The PREMIER: The decision of the High Court, which gave the Commonwealth the idea that they were not bound by the Constitution with regard to interstate trade, is 20 years old. I think the decision was given in 1909.

The Minister for Agriculture: That would be 27 years.

The PREMIER: Section 92 provides that trade between the States shall be free. That means that the Commonwealth had no right to impose restrictions on trade between the States.

Hon. C. G. Latham: That is so.

The PREMIER: But the Commonwealth maintained that Section 92 did not apply to them, and the action the State Government took in the James case was to obtain a decision from the Privy Council as to whether the Commonwealth were bound by Section 92. That is all we did. We did not ask the Privy Council to decide whether the dried fruits legislation was ultra vires the Constitution.

Hon. C. G. Latham: I want to know why we joined in it.

The PREMIER: Because that very point was to be determined by the Privy Council in the James case.

Hon. C. G. Latham: Were you afraid that James did not have enough money for the appeal?

The PREMIER: We wanted to ensure, in the interests of the people of Western Australia and on the authority of the highest court in the British Empire, that the Commonwealth Government did not possess the power they claimed.

Mr. Patrick: The Privy Council would have come to that decision regardless of whether we intervened.

The PREMIER: They might or might not have done so. James might have confined his case to purely personal issues affecting his own interests. We took the broader point of view and saw that it was brought before the Privy Council. If this case had been decided in favour of the Commonwealth Government they could have done anything they liked with respect to inter-State trade. They could have arranged quotas for lambs, and could have told us we could only export this, that or the other.

Hon. C. G. Latham: They can still control our exports.

The PREMIER: Not as between the States. That was the issue in this matter. They could have told Queensland they could not send sugar somewhere, and could have told us we could not send apples somewhere. We were not anxious to help James, jeopardise the marketing system, or make the position difficult for the Commonwealth Government, except so far as concerned that section of the Constitution which gives power to the States to trade with one another free and uncontrolled. The Commonwealth thought they could do as they liked, and that the section did not apply to them.

Hon. C. G. Latham: You did not intervene for the reason James did?

The PREMIER: No. We would not have been justified in backing some private individual. We intervened to establish the powers of the Commonwealth Government under the Constitution Act. We now have that determination. It means that the trade between States must be free, and that the Commonwealth Government have no power to legislate against the States. Everything was done in an amicable way. Sufficient power exists under the Constitution, what with quotas, bounties and the like, in the event of the Commonwealth Government wishing to take advantage of it within their proper sphere.

Hon. C. G. Latham: How do you think they do it, by paying bounties?

The PREMIER: How have they subsidised this State with respect to bounties, and given subsidies in connection with the acreage under wheat?

Hon. C. G. Latham: They did that on an even basis throughout Australia.

The PREMIER: They did that within the powers of the Constitution, and without any excise.

Hon. C. G. Latham: If the price of wheat went up after they had imposed an excise

duty would they have to call Parliament together to lower it?

The PREMIER: They can generally see 12 months ahead.

Hon. C. G. Latham: You cannot do that with wheat.

Mr. Patrick: Neither side of the House wished to impose a flour tax.

The PREMIER: It was not popular politically. The Government got into trouble with the Labour Opposition and with their own supporters.

Hon. C. G. Latham: And this Labour Government wanted to jamb them still more.

The PREMIER: We are not dealing with the matter from a political standpoint. I think I have made it clear why Western Australia took the steps it did.

Mr. BOYLE: I listened to the Premier's explanation, but I am still unconvinced that this State had any right to intervene in the Privy Council case. The High Court of Australia had already decided that Section 92 of the Constitution Act did not bind the Commonwealth. That should have been good enough for the State Government. I know where James got the £25,000 to enable him to go to the Privy Council, and we know why South Australia "sailed." Victoria briefed Mr. Menzies with a £2,000 brief and gave him £1,550 for expenses, to appear. We are a primary producing State and the only hope for security for our people, while we are in the Federation, is to use the markets of Australia for a home price. The decision of the Privy Council has wrecked the whole of the marketing laws of Australia. The State Government must take their share of the responsibility through finding this £1,700. What will be done by the State Government to assist in making the marketing laws effective again? The producers can only be sure of their position when they have a right to handle their own products within Australia. In this State primary production represents 85 per cent. of our industries. I am at a loss to understand why the Government took the action they did.

Vote put and passed.

Vote—Forests, £25,021—agreed to.

Progress reported.

House adjourned at 10.20 p.m.