

bility should at least be shared by the owner as well. Most of the houses that are occupied are rented, and some of them have a few trees in the grounds. The tenant may inherit trouble quite unconsciously unless something can be done to prevent it.

Hon. J. NICHOLSON: The amendment is both desirable and beneficial in every way, whereas the Bill as printed will prove unworkable. There are many places, particularly in country towns, where the tenants are in the habit of planting one or two fruit trees. The landlord visits the property only at long intervals, and may be wholly unaware of the action of his tenant. The tenant may plant anything he chooses, whether a rose bush or a fruit tree. If the Bill be passed in its present form, a landlord or owner will be held liable for the act of a tenant. If the last mentioned happens to plant a fruit tree, the owner, who may be quite unaware of the fact, will be liable to prosecution and a possible penalty of £20 and £1 per day as well. That is entirely wrong.

Hon. J. J. Holmes: That is the maximum penalty.

Hon. J. NICHOLSON: That is so. It would simply mean that a landlord would require to be on the watch all the time to see if any fruit trees were planted by a tenant. I think the departmental view regarding this matter is wrong. I have placed on the Notice Paper an amendment that, I think, will provide the solution of the difficulty. I am with the department in my desire to prevent these diseases from spreading throughout our orchards, but I do not desire the Bill to be passed in a form that will inflict an injustice. A person in control of an orchard is in much the same position as another who is in control of licensed premises. The person who applies for the license is the party in occupation. In my opinion, the occupier of an orchard should be in exactly the same position.

Hon. J. T. Franklin: A landlord cannot go on to a tenant's premises and cut down trees.

Hon. J. NICHOLSON: No, because the tenant is in possession, and if a landlord were to adopt that course, he would be guilty of trespass.

Hon. A. Thomson: But the Agricultural Department could deal with it.

Hon. J. NICHOLSON: That is a different matter altogether. My proposed amendment will deal with the position both as re-

gards the owner and the occupier. The duty should devolve upon the occupier to register the orchard, and if there should be no occupier, then the duty should attach to the owner. There is another analogy between the orchard and the licensed premises, inasmuch as the Bill makes provision for the transfer of registration, just as the Licensing Act does for the transfer of licenses. I put up this view for the consideration of the department: where there is an alternative such as owner or occupier, against which party would the department be entitled to claim? We should make it clear that one party is to be liable in a primary degree and that the other party is to be liable in a secondary degree. I hope the Committee will carry this amendment so that I may be enabled to move the other amendment of which I have given notice.

Progress reported.

House adjourned at 5.43 p.m.

Legislative Assembly,

Thursday, 12th September, 1935.

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

QUESTION—AID TO WHEAT-GROWERS.

Commonwealth Government Grants.

Hon. C. G. LATHAM asked the Minister for Lands: 1 (a), What amounts were received from the Commonwealth Government during the years ended the 30th June, 1933, 1934, and 1935 to assist wheatgrowers in this State? (b), What sum was distributed in respect of each grant? 2 (a), On

what basis was each grant distributed? (b), What amounts were so distributed? 3, Of the moneys received, what sum, if any, remained undistributed at the 4th September, 1935, in respect of each grant?

The MINISTER FOR LANDS replied: 1 (a), 1933, £436,145; 1934, £639,493; 1935, £432,087 for payment at 3s. per acre, £292,491 for payment at 3d. per bushel. £187,000 for payment in necessitous cases. (b) 1933, £436,048; 1934, £630,030; 1935, £428,558 on acreage, £280,608 on bushelage, £44,790 in necessitous cases. 2 (a), 1933, 2s. 2d. per acre and in necessitous cases sustenance based on £12 single and £36 married, special cases additional amounts paid; 1934, 3s. 6d. per acre and similar conditions to 1933 for necessitous cases: 1935, 3s. per acre and 3d. per bushel, and sustenance £12 single to £50 necessitous cases. (b) 1933, £389,533 acreage, £46,515 necessitous cases; 1934, £563,265 acreage, £66,765 necessitous cases: 1935, £428,558 acreage, £280,608 bushelage, £44,790 necessitous cases. 3, 1933, £97; 1934, £9,463; 1935, £3,529 acreage, £11,883 bushelage, £92,210 necessitous cases. The above represents actual expenditure, but there are commitments as under:—1933—Acreage £72 outstanding, necessitous cases £6. 1934—Acreage £3,680, nearly all due to provision in the Act which required payment to be made beneficiaries under wills, necessitating correspondence with the Commonwealth Government regarding the interpretations of various phrases in the wills. Necessitous cases—£3,738 to cover authorities issued and outstanding cheques (agreed to by Commonwealth Government); £2,045 balance unexpended carried forward to this year; total £9,463. 1935—The Commonwealth Acts provide straightout payment of 3s. per acre and 9d. per bushel. Therefore, any balance unexpended will require to be refunded. The total commitments under the special necessitous cases now amount to £77,118.

QUESTION—FORESTS DEPARTMENT.

Hewing Rates and Royalties.

Miss HOLMAN asked the Minister for Forests: 1, Is he aware that the Forests Department have adopted a policy of fur-

ther increasing royalties from sleeper hewing permits? 2, Is he aware that various departmental charges and fees already absorb 40 per cent. of f.o.b. landed cost of hewn sleepers? 3, Is he aware that, mainly because of such charges, many piecework hewers are obliged to work for less than the basic wage, whereas the timber workers' industrial award prescribes a weekly margin of £1 4s. over the basic wage for this class of work performed on wages? 4, Is he aware that railway revenue from the timber industry during last financial year provided increased receipts of £78,000 over the previous year and £145,000 over 1932-1933, with correspondingly increased royalties? 5, Is he aware that this was partly made possible by prevailing low hewing rates on poor bush enabling exporters to enter the hewn sleeper market? 6, Is it the policy of the Government to extract increasing revenues from an industry at the expense of under-paid workers? 7, If not, will the Government rebate a small portion of its doubled revenue from timber to enable workers to earn fair wages?

The MINISTER FOR FORESTS replied: 1, No. Royalties are decided by public tender or auction. 2, Royalty and inspection fees paid to the Forests Department represent approximately only 10 per cent. of the f.o.b. cost of hewn sleepers. 3, The department has no control over the price paid to hewers, 70 per cent. of whom are employed on private property. 4, Railway revenue from local timber during last financial year was £78,000 greater than for the previous year, and £140,600 over 1932-33. The royalty received on hewn timber during 1934-35 was only £1,517 greater than for the previous year. 5, No. Due in some measure to the increased demand from overseas for our hardwoods to overtake arrears of maintenance and development following the period of depression, and in part to the reduction in the railway freight rate for export timber and the rebates on royalties and inspection fees allowed by the Forests Department, enabling timber merchants to obtain substantial orders overseas for Western Australian timbers. 6, The hon. member should be well aware that such is not the policy of the Government. 7, The Government during the past financial year assisted the timber industry by allowing rebates on royalties and inspection

fees amounting to £30,000 in addition to reduced railway freights. These rebates and reductions are still being allowed.

QUESTION—EDUCATION, CARE OF SCHOOL CHILDREN'S TEETH.

Mr. NEEDHAM asked the Acting Minister for Health: Is it the intention of the Government to increase the number of travelling dentists engaged in visiting schools, for the purpose of examining the teeth of school children and giving them dental treatment?

The MINISTER FOR WATER SUPPLIES (for the Minister for Health) replied: Not at present.

BILL—FORESTS ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—RURAL RELIEF FUND.

Reports of Committee adopted.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

THE PREMIER (Hon. P. Collier—Boulder) [4.38] in moving the second reading said: This is the annual measure to impose a land tax and income tax, one of those Bills that come down year after year. As I announced in the Budget the rates are the same as were levied last year, and have been levied for several years past. It is not proposed to make any change whatever in the rate of tax. The receipts last year from the land tax were £121,895, and for income tax £235,331, and the estimate for last year, as disclosed in the Budget, is land tax £120,000 and income tax £230,000. It is not anticipated there will be any great variation in the amount received last year. As agricultural, pastoral and horticultural lands are exempt from the land tax, the returns from this source are fairly constant. The return from income tax last year showed an improvement on the estimate to an amount of £60,000. It is expected that this improvement will be maintained during the present year. I have no further comments to offer, and move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

THE ACTING MINISTER FOR WORKS

(Hon. H. Millington—Mt. Hawthorn) [4.40] in moving the second reading said: This Bill deals solely with the method by which organisations shall alter the constitutions under which they are working. A Bill embodying similar provisions was passed by this House last session, but failed to become law. Members will recollect the decision given last year by the President of the Arbitration Court on an application by the Plumbers' Union against the Amalgamated Society of Engineers who were endeavouring to extend their constitution by altering their rules. The alteration embodied the additional membership of those who were engaged in different industries. The President of the Court ruled that the constitution of an organisation registered in the court could not be altered in that manner. The decision came as a complete surprise to industrial organisations, and threw legal doubt on the correctness of the registration of a number of unions. The present unfortunate position is not the fault of the organisations. In almost every instance in the course of registration, and after consulting the officials of the Court, they had, to the best of their knowledge, observed the provisions of the Act in their entirety. They had received the certificate of the registrar of the Arbitration Court, and so far as could be seen everything was in order. It will be appreciated that where the Act makes provision by which the constitution of an organisation may be altered, such alteration should be made in the form that will enable the registrar to notify such unions as are affected by the change. The object is to permit the union or unions concerned to submit any opposition they may have to the alteration. Members will agree that there should not be a short cut by which the constitution of an organisation may be altered. The proposal in the Bill is to prevent any continued alteration of the constitution of a registered union by simply altering its rules, and getting the rules registered by the registrar under the Act, and for the validation, under certain conditions, of present faulty registrations. If the Bill is passed it will be necessary, in the case of any proposal to alter the constitution of a registered organisation, that

the proposals shall be submitted to the President, and for the union to submit an application duly authorised by a majority of members present in person at a general meeting specially called for the purpose, and in accordance with the procedure detailed in Section 7 (1) of the principal Act. It is also provided that the Court shall cause a notice to be served on any union, which, in the opinion of the President, may be affected. Unless some action is taken to legalise the alterations made under a misconception of the existing law, the present unsatisfactory position will be continued, and probably be the cause of needless industrial trouble. The President of the court will be empowered to grant the registration of the constitution of an existing union even as far back as the date on which it was purported to have been granted originally, subject to any conditions that the President or court may deem fit to impose. I wish to impress upon members the seriousness of the existing position and the desirability of the matter being adjusted in order that a large number of organisations, involving thousands of workers in this State, shall be placed in a proper position to approach the Arbitration Court to deal with any business they may have and thus assist in the maintenance of industrial peace. Members are aware of the difficulty that has arisen owing to the faulty registration of a great number of industrial unions. It will be recognised that the procedure for altering their constitutions is entirely different from that applying to the amendment of what might be described as the domestic rules of the unions. Organisations, with the concurrence of the Registrar, have altered their rules and now find that not only is their registration faulty but their constitutions as well. This has arisen because some unions have included in their membership individuals who could be considered more properly to belong to other unions. Members will realise the position that arose at Kalgoorlie recently when one organisation found that their registration was faulty and that they could not legally approach the court. The Bill provides that certain rules of a union are defined as matters affecting their constitutions and before the latter can be altered, the union con-

cerned will not only have to approach the Arbitration Court, but will have to conform to the requirements of the Industrial Arbitration Act in respect to calling meetings and notifying other unions of their intention to have these matters dealt with. Ordinary domestic rules of a union will still be altered without the necessity to approach the court. If the Bill be agreed to, it will mean that those organisations whose registration is faulty, will have an opportunity to approach the Arbitration Court, and the court will decide whether their constitutions shall stand or shall be altered. The measure represents a particularly necessary piece of legislation. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—TRAFFIC ACT AMENDMENT.

In Committee.

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

Clauses 23 and 24—agreed to.

Clause 25—Third Schedule p.a. (Part I.) amended.

Mr. RODORED: Paragraph (g) provides for the striking out of the following words:—

If any substance other than petrol is used for power for motor vehicles or steam wagons or locomotive or traction engines, an additional 20 per cent. of the above fees shall be charged.

These words have reference to vehicle licenses, and it seems to me it would be unwise to strike out the provision, although it has never been enforced. The newer types of trucks are fitted with compression ignition engines or what are known as crude oil engines. That type of engine is rapidly coming into favour and as they use crude oil, it will mean that less petrol will be used. The effect of that will be that the tax on petrol, which is levied by the Federal Government, will not represent the amount it returns to-day and the State will not receive so large a proportion of revenue from that source. It will mean also that those driving trucks with com-

pression ignition engines, seeing that crude oil is not taxed, will not pay anything towards the maintenance of the roads, and to that extent will have an advantage over petrol-driven trucks.

Hon. P. D. Ferguson: It might mean cheaper transport.

Mr. RODOREDA: Eventually the Federal Government will probably impose a tax on crude oil to make up for the loss on the petrol tax. This matter should receive further consideration before a decision is arrived at to strike these words out of the Act.

The ACTING MINISTER FOR WORKS: I am rather disposed to agree with the reasons submitted by the member for Roebourne, but these words were inserted in the Act originally when a petrol tax was levied by the State Government. That tax having been repealed, there is no necessity for the provision. If motor trucks and buses use crude oil increasingly, it seems to me that the Federal Government will have to deal with the matter. The State Government cannot remedy the injustice to which the member for Roebourne has referred. I admit that the State may suffer if the receipts from the petrol tax decrease, but representations may be made to the Federal Government to impose a tax on crude oil. I was under the impression that the tendency was to encourage the use of crude oil.

Mr. RODOREDA: I did not suggest for one moment that the Federal Government should be asked to impose a tax on crude oil.

Mr. Marshall: It is imposed now. You need not worry about that.

Mr. RODOREDA: I doubt if such a tax is imposed now. I merely desire to point out that this particular portion of the Act has never been enforced and even if it were struck out of the Act, it could be restored should the necessity for it arise in the future. The proportion of compression ignition-engined vehicles will increase.

Clause put and passed.

Clause 26—Third Schedule p.a. (Part III) amended.

The ACTING MINISTER FOR WORKS: I desire this clause deleted. I gave my reasons last night.

Clause put and negatived.

Clause 27—Repeal of Fourth Schedule p.a. New Schedule enacted.

Hon. C. G. LATHAM: What does the amendment to the schedule mean? I cannot understand whether it is really proposed to increase the license fees on horse-drawn vehicles on the roads.

The ACTING MINISTER FOR WORKS: These narrow, hard tyres do a great deal of damage to roads, especially in the South-West. It is not a question of an extra fee, but certainly the load will be limited according to the width of tyre on the vehicle. Very few vehicles are now affected.

Hon. C. G. Latham: I only wondered what the object was.

The ACTING MINISTER FOR WORKS: This has to do with solid rubber tyres, or cushion tyres, or metal tyres.

Hon. P. D. Ferguson: To what extent is the load to be reduced?

The ACTING MINISTER FOR WORKS: It will be reduced according to the width of the tyre. It is all set out in the schedule.

Hon. P. D. Ferguson: But what actual reduction does it represent?

Hon. W. D. Johnson: This is a new schedule.

The ACTING MINISTER FOR WORKS: No, this is an amendment of the Fourth Schedule. Originally, on tyres of a width of from 1½in. to 3½in. a load of 6¾cwt. per inch was permitted, but now a load of 3¼cwt. for each inch of tyre will be allowed for a tyre 3½in. wide.

[Mr. Withers took the Chair.]

Hon. P. D. Ferguson: A reduction of nearly 50 per cent!

Hon. S. Stubbs: It will mean a 50 per cent. drop!

The ACTING MINISTER FOR WORKS: Yes, on those very narrow tyres of solid rubber or metal.

Hon. N. Keenan: Where is the word "metal" used? The first part deals only with rubber tyres.

The ACTING MINISTER FOR WORKS: Yes, it deals with rubber tyres as well as metal tyres. There are not many of those left on the roads. Still, they are cutting up the roads, and these weights are estimated to be correct for solid tyres. The Fourth Schedule ranges from 1½in. tyres to 5½in. tyres, and the weight per inch for

the 5½ in. tyre was 8½ cwt. The second part of this deals with steel or iron tyres. For such a tyre of less than 3 in. in width there is a maximum of 3 cwt. per inch.

Hon. C. G. LATHAM: I have not any information on which to make an exact calculation, but I should like to know what is to be the reduction in the weight to be carted on a 4-inch iron tyre. I am speaking now of the second part. In the South-West probably, where some roads are merely cleared and knocked into shape, it might be necessary to take the precautions set out in the Fourth Schedule, but through the agricultural districts, where most of the wheat and super are carted in summer, I am afraid this would only penalise farmers. Those farmers who have not motor trucks must cart their wheat and super by wagon. I thought the Minister might have had a calculation showing exactly the alteration that will result from the amended schedule.

Mr. THORN: I am wondering how this will affect the few iron-tyred vehicles to be found in the city and at the port engaged in the carrying business. They have suffered heavily through the coming of motor transport, and this proposal to reduce their loads will mean doubling their tax. This certainly looks like imposing another hardship on the means of transport used by many carriers and farmers.

Hon. P. D. FERGUSON: I am afraid I have missed my opportunity for going closely into this matter. I was under the impression the Bill met most of the requirements of those in farming areas. However, since there is a tendency these days for those farmers with horses to use wagons to a much greater extent than they did a few years ago, I am afraid they will suffer considerable hardship in the carting of their harvests. I understand the load per inch for a 4-wheeled vehicle having 4-inch tyres, will be 4½ cwt. per inch, whereas under the Fourth Schedule of the Act such a vehicle was allowed to carry 7¼ cwt. per inch. That is calculated on the width of the tyre and the diameter of the wheel.

Mr. Seward: Which wheel?

Hon. P. D. FERGUSON: I suppose the average diameter would be taken. This drop from 7¼ cwt. to 4½ cwt. will impose a tremendous hardship on farmers who have to cart over long distances to sidings. I suggest the Minister report progress, and so give us an opportunity to look further into this matter.

Mr. STUBBS: A large number of farmers in the wheat belt have not been able to change their old method of transport to motor trucks, and to my knowledge quite a number of them cart their wheat 30 or 40 miles, and take back their super. According to the Minister, there is to be a 50 per cent. reduction in the load they will be permitted to carry either way, and so it will mean making many additional journeys. I do not think the Minister intends to penalise farmers to that extent. I appeal to him to postpone the clause so that we may look further into this before next Tuesday. It should be remembered that it is better and cheaper for a farmer to use horses rather than tractors, yet according to the Minister's own statement this amendment will mean reducing by 50 per cent. the load to be carried on horse-drawn vehicles. It will be a serious handicap to men situated long distances from a siding if they find they can carry only about half the load of super they were permitted to carry under the existing Act.

The ACTING MINISTER FOR WORKS: Under the existing law a 4-wheeled vehicle with 4½ in. tyres is allowed to carry 7¾ cwt. per inch, which works out at about 7 tons. A 2-wheeled vehicle with 5 in. tyres is allowed to carry about 4 tons.

Mr. Stubbs: Few 2-wheeled vehicles are used for carrying heavy loads.

The ACTING MINISTER FOR WORKS: A 4-wheeled vehicle with 5 in. tyres is at present permitted to carry 8¼ tons.

Hon. C. G. Latham: The wheels of a wagon differ in diameter.

The ACTING MINISTER FOR WORKS: The matter certainly needs consideration.

Hon. C. G. Latham: I do not mind if the alteration is made in another place.

The ACTING MINISTER FOR WORKS: We shall have to reduce the loads, as heavy loads carried over the roads affect the country road boards. We do not want to penalise anyone, but there is need for revision. At one time the condition of the roads prevented the carrying of unduly heavy loads, but it must be admitted that with good roads an 8¼-ton load is fairly high. I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 28—agreed to.

Postponed Clause 4—Amendment of Section 6:

The ACTING MINISTER FOR WORKS: This clause was postponed to permit of the further consideration of paragraph (c) sub-paragraph (i). I move an amendment—

That the words "or the wife or husband of the owner, or any child of the owner or the wife or husband of the owner" be struck out, and the following inserted in lieu:—"or any member of the owner's family or parent of the wife or husband of the owner."

That should be sufficiently comprehensive.

Mr. Thorn: Could the owner take out his mother-in-law?

The ACTING MINISTER FOR WORKS: Yes, she is provided for.

Mr. Raphael: What about grandparents?

The ACTING MINISTER FOR WORKS: They would be members of the family.

Mr. SLEEMAN: While I do not object to the amendment, I think it could be made clearer. Under the Child Welfare Act proceedings may be taken in respect of a child against the father, mother, stepfather, step-mother, brothers, sisters and grandparents. If those people may be sued by the Crown for the maintenance of a child, they should be included in this provision.

Hon. C. G. Latham: I think the amendment will include all that you desire.

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

Postponed Clause 5—Annual and half-yearly licenses:

The ACTING MINISTER FOR WORKS: We were in difficulties respecting the license, not for a full year, but for portion of a year, and it appeared that before one could get a license for a portion of a year, one had to deposit the number plates with the licensing authority. On examination it is agreed that that is the position. The drafting was not as simple as it should have been. I propose to submit two amendments. The first is to strike out of Subclause 2, paragraph (b), the words "in the next subsection" and insert the words "in this section" in lieu.

Hon. C. G. Latham: Cannot you put the amendments on the notice paper so that we may consider them?

The ACTING MINISTER FOR WORKS: In Subclause 4 I propose to strike out

paragraph (a) and substitute the following:—

Where in any financial year a first half-year's license has not been issued for a vehicle, no license shall be issued for the vehicle for the second half-year of that financial year in any case where that vehicle was licensed (i) for the preceding financial year; or (ii) for the second half-year of the preceding financial year, unless the number plates of the vehicle were deposited with the local authority which issued the same within 14 days after the expiration of such preceding financial year or half-year as the case may be.

I will agree to report progress at this stage to enable the proposals to be considered.

Progress reported.

House adjourned at 5.32 p.m.

Legislative Council,

Tuesday, 17th September, 1935.

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

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Bunbury Racecourse Railway Discontinuance Bill.

QUESTION—ELECTORAL COMMISSION REPORT.

Hon. J. CORNELL asked the Chief Secretary: 1, Is it intended to lay upon the Table of the House copies of the evidence