

# Legislative Council,

Tuesday, 17th September, 1929.

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

## QUESTION—INDUSTRIAL; PREFERENCE TO UNIONISTS.

Hon. E. H. HARRIS asked the Chief Secretary: 1, How many industrial agreements are current between industrial unions or associations and—(a) the State Government; (b) and other employers, in which provision has been made for preference of employment to members of such unions or associations? 2, What are the registered names of the unions or associations that have such preference clause?

The CHIEF SECRETARY replied: 1, (a) Three. (b) Twenty-seven. 2, Goldfields Bread Carters' Industrial Union of Workers'. Australian Workers' Union, Westralian Goldfields Branch Industrial Union of Workers. The Hotel, Club, Caterers, Tea Room and Restaurant Employees' Industrial Union of Workers, Perth. Amalgamated Engineering Union of Workers, Collie Branch. The Australasian Society of Engineers, Collie River District, Industrial Union of Workers. The Federated Engine-drivers' and Fireman's Association of Australasia, West Australian Branch, Association of Workers. The Collie Federated Engine-drivers' and Firemen's Union of Workers of Western Australia. Australian Workers' Union Westralian Branch Pastoral and Agricultural Industrial Union of Workers, Perth. Fire Brigades' Employees' Industrial Union of Workers (Coastal Districts) of Western Australia. Eastern Goldfields Municipal and Roads Board Labourers' Union of Workers. Westralian Brickyards, Pottery, Porcelain, and Roof Tile Fixers' Employees'

Union of Workers, Perth. Western Australian Branch of the Printing Industry Employees' Union of Australia Industrial Union of Workers, Perth. Eastern Goldfields Breweries Employees' Industrial Union of Workers. Federated Clerks' Union of Australia Industrial Union of Workers, W.A. Branch. Collie District Traders' Employees' Industrial Union of Workers. West Australian Branch Australasian Meat Industry Employees' Union Industrial Union of Workers, Perth. Federated Coopers of Australia, W.A. Branch, Industrial Union of Workers.

## QUESTION—RAILWAYS AND STATE SHIPPING.

Hon. A. LOVEKIN asked the Chief Secretary: 1, Have the Government considered the advisableness of merging the Railway and the State Shipping Departments. 2, If so, with what result?

The CHIEF SECRETARY replied: 1, Yes. 2, It has not been found opportune to make any change.

## MOTION—LEAVE OF ABSENCE TO HON. SIR WILLIAM LATHLAIN.

HON. A. LOVEKIN (Metropolitan)

[4.37]: I move—

That leave of absence be granted to the Hon. Sir William Lathlain (Metropolitan-Suburban) for 12 consecutive sittings of the House on the ground of urgent private business.

HON. E. H. H. HALL (Central) [4.38]:

It is with great hesitation that, as a comparatively new member of this Chamber, I rise to make certain remarks on this motion and holding the views I do, it is only right that I should voice them. When members of this Chamber apply for leave of absence on the ground of urgent private business, the House might well agree with the propriety of their being willing either to refund their parliamentary allowance or refrain from drawing it during their absence.

Hon. E. H. Harris: They might do that.

The PRESIDENT: Order!

Hon. E. H. H. HALL: An undertaking should be given to the House to that effect before members are asked to pass a motion such as this.

Hon. Sir Edward Wittenoom: Quite right.

Hon. J. R. Brown: Do you not know that this is a pharisaical House?

The PRESIDENT: Order!

Hon. E. H. H. HALL: I have hesitated to make these remarks because the matter is a somewhat delicate one. I am heartened in the making of them however from the fact that the motion is moved by a member towards whom I entertain the friendliest of feelings. It is, therefore, without any ulterior motive whatever that I am voicing my views on this question. It does not appeal to me as right that a member should be given leave of absence from his duties here on the ground of urgent private business, and at the same time draw from the State his parliamentary allowance.

HON. J. CORNELL (South) [4.40]: I became tired long ago of listening to Mr. Hall setting himself up as a mentor, and the guide, philosopher and friend of members of Parliament.

Hon. J. R. Brown: Hear, hear!

Hon. J. CORNELL: The matter raised by him can well be left to the constituents concerned. Mr. Hall's remarks recall a song in the well-known opera "The Belle of New York."

Hon. E. H. H. Hall: I rise to a point of order. I addressed myself to the motion before the Chair, but the hon. member in the course of the few seconds during which he has been on his feet, has done nothing but refer to me. I ask that an old member such as he is should set me a good example.

The PRESIDENT: I think it would be better if personalities were avoided in this case.

Hon. J. CORNELL: I have no desire whatever to indulge in personalities.

Hon. E. H. H. Hall: But you are doing so.

Hon. J. CORNELL: I was merely attempting to draw an analogy between an opera and the hon. member, and was about to quote the lines from the song, "Although you can never be like us, be as like us as you're able to be."

HON. A. LOVEKIN (Metropolitan—in reply) [4.42]: I am surprised that my motion has raised a controversy. Mr. Hall ought to be consistent. He, amongst other members, is frequently away from the Cham-

ber. If we are to refund parliamentary salaries, the hon. member may before long be caught in his own net.

Hon. E. H. H. Hall: I may sometimes be away from the House, but I am attending to the affairs of my constituents.

Question put and passed.

## BILLS (2)—THIRD READING.

1, Easter.

2, Pearling Act Amendment.

Transmitted to the Assembly.

## BILL—WATER BOARDS ACT AMENDMENT.

Report of Committee adopted.

## BILL—ROADS CLOSURE.

*Second Reading.*

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [4.45] in moving the second reading said: This Bill deals with the closure of two roads, one in York and one in Bunbury. I have laid on the Table of the House lithos. that will show the particular streets that it is desired to close. The lithos. show the original streets and the proposed alterations in different colours. Regarding Broome-street, York, that thoroughfare is marked on the litho. in brown. It shows that in order to straighten the road, portion of the railway reserve was added to the street, leaving a triangular portion on the opposite side. This triangular portion is shown on the litho. in blue and is not required as a street. The York Council have intimated that it is of no use to anyone but the York Flour Milling Company, whose premises adjoin. The departmental officers have no objection to this part of the street being closed so that the land concerned may be disposed of. Regarding the street at Bunbury, it is the desire of the local municipal council to erect a power-house in the position shown on the litho., partly on the disused portion of James-street. The site for the power house will be seen on the litho in blue. The council proposed to divert the street through the adjoining municipal endowment lands. There is no departmental objection to the closing of that part of the street. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## **BILL—MAIN ROADS ACT AMENDMENT.**

Received from the Assembly and read a first time.

## **BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 11th September.

**HON. J. T. FRANKLIN** (Metropolitan) [4.51]: I congratulate the Government upon introducing this Bill to make certain alterations to the parent Act, but I wish to draw the attention of the House to the effect one or two of the amendments may have. First of all, there is the height of the scaffolding. To include scaffolding 8 feet from the horizontal base may be quite all right when the principle is applied to new buildings, but we must take into consideration the position of private residences and even business places that may be repaired or re-painted. The Bill will apply equally to them. I can appreciate that the application of the Bill in such instances will retard operations rather than assist employers and workers. The owner of a house may desire to have one room re-painted. Should he do so, he will require to obtain the services of the scaffolding inspector before he can start work. I think we should do away with that anomaly. I am in favour of the application of the Bill to all new buildings, because that is where danger will occur. There is no necessity to make it apply to a private residence or even business premises when it is merely a matter of repainting or decorating. I congratulate the Government upon making a very desirable alteration in connection with the fees. Those provided for in the Act were extortionate, and the Government have dealt with the matter in a practical way. I do not think anyone will cavil at the new proposal. Under the original arrangement scaffolding fees on some

jobs in Perth amounted to £500. In their wisdom the Government have removed that anomaly and under the Bill the maximum fee will be £100. This goes to prove that in new legislation anomalies are apt to creep in. The Government of to-day, however, are prepared to remove them when made aware of their existence. I support the Bill, but I hope it will be amended to exclude private residences and business premises where repainting or decorating is undertaken.

**HON. A. LOVEKIN** (Metropolitan) [4.55]: I hope the second reading of the Bill will be agreed to and that the Minister will then give us another day to consider it before taking it into Committee. Some hon. members may desire to move amendments and they should have an opportunity to place them on the Notice Paper so that the Minister may consider them. With Mr. Franklin, I object to the cancellation of the exemption of 8-ft. scaffolding. The owner of a private house may desire to have a room calcomined. It will be necessary for him to secure an inspector and obtain a certificate setting out that the scaffolding to be used is satisfactory. A few days ago I obtained a price for the painting of my house. I received a tender for £193. I found that, owing to the stretches of verandah I have and the corners that have to be turned, if I let the contract I will have to get the inspector to certify that one set of scaffolding is all right, and then when I get around the corner, I shall require to have another inspection and another certificate. That will mean much loss of time. The expense does not matter, as, under the provisions of the Bill, it will be small. Although I shall not have to pay directly, I shall have to pay indirectly because of the lost time incurred through men waiting until the scaffolding is inspected.

**Hon. G. W. Miles**: That will be for the contractor.

**Hon. A. LOVEKIN**: It does not matter, because the contractor will have to allow for that. Some time ago I had some additions made to my house and I was greatly inconvenienced. Perhaps it was because I adopted a wrong principle; I had the work done by day labour! The result was that when the plasterers were engaged at their work, I had other expensive men waiting until the scaffolding had been inspected.

Hon. J. R. Brown: You are a lamb for these people!

Hon. A. LOVEKIN: That may be, but I mention that to indicate the inconvenience people are put to in having to get certificates. On small, pettifogging jobs there is no necessity for it. The Minister was kind enough to secure for me a list of the unconsidered accidents that had been reported to the department in connection with scaffolding less than 8 feet in height. If hon. members look through the list, they will see that the accidents were merely pettifogging things, and amounted to small slips. Even though scaffolding may be in order, that will not prevent a man from walking on what is known as the trap plank, and injuring himself. No Scaffolding Act will alter that sort of thing. So far as I can ascertain, there have been no serious accidents because of the exemption of 8-ft. scaffolding from the operations of the Act. If no other hon. member desires to move an amendment dealing with that phase, I shall do so. At the end of the third sub-paragraph in the proposed new paragraph (i) in Clause 5, there are the following words:—

For the purposes of this clause one year to mean the period commencing on the 1st July and ending on the 30th June, next succeeding.

A person not coming within those definite dates would pay for two years. That matter requires to be looked into. I support the second reading.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central—in reply) [5.0]: I do not propose to take the Bill through Committee to-day. As a matter of fact the Government have a number of amendments to make as a result of the discussion in another place and it is desired that the amendments shall appear on the Notice Paper.

Question put and passed.

Bill read a second time.

#### **BILL—MINES REGULATION ACT AMENDMENT.**

Order of the day read for the resumption of the debate from the 10th September.

Hon. H. SEDDON: Certain questions have been asked which have a bearing on the Bill and as they have not yet been

answered I suggest that the debate be further adjourned.

On motion by the Honorary Minister debate adjourned.

#### **BILL—LAND AGENTS.**

##### *Second Reading.*

Debate resumed from the 11th September.

**HON. J. J. HOLMES** (North) [5.4]: I am quite prepared to admit that the Minister in charge of the Bill is serious in his desire to meet a difficulty that has arisen, and I assure him that I will do anything I can to assist him to catch what are known as the go-getters. A go-getter, I understand, is a person who goes out to get people and invariably gets them. But on looking through the Bill I cannot see that it will have the effect desired, that even if it becomes an Act it will not meet any situation that has arisen or is likely to arise. My impression is that an amendment of the Criminal Code is necessary to catch these people and not an amendment of the Act relating to land agents. The Bill would have my support if I could find anything in it that would assist to bring these people to justice. I have looked carefully through the Bill and I cannot see how we are going to catch them. In the effort to deal with the illegitimate traders, the Bill, if it becomes an Act will severely interfere with legitimate land agents. That is the mistake that has been made in the Bill. If the legitimate land agents had been left alone, and the Government had set themselves out to catch the others, something might have been accomplished, but by bracketing the two together as has been done in the Bill, a serious position will be created, a position that will materially interfere with those people who have been established for 20 or 30 years. In 1921 a Land Agents Act was passed and it was understood that that would meet a position such as has arisen. That Act has been in force ever since and the principal points in the Bill now before us have been taken from it. Thus, even if we dispense with the Bill, the sections in the Act will remain. One of the clauses of the Bill provides that a land agent shall include any person who may sell land. Any person! Let me give an instance of what can take place. Some time ago I obliged a friend of mine by paying

him £30 for a block of land he had for sale. I am trying to sell that land to-day for £40. During the time I have had it I have paid interest and rates and taxes, but before I can sell it I must pay £5 to the Treasury. That seems absurd. The men we are after are not land agents at all.

The Honorary Minister : Mr. Nicholson does not agree with you.

Hon. J. J. HOLMES: If the Honorary Minister has not an opinion of his own, he will perhaps allow me to have mine. Responsibility is put upon the land agent as to rates and taxes. That is quite right and it is the position that exists to-day. Under the Bill the land agents will not be able to complete a settlement until everything is clear. I will quote another case I have in mind. Only last week a widow bought a house property and she came to me to finalise it. I did so; everything was finalised except the Federal land tax. Under the Bill the matter could not have been finalised until it was learned from Canberra or somewhere else what the land tax assessment would be. In the ordinary course of events such a transaction would be completed without delay and the purchaser would enter into possession of the property, the only thing in dispute being the Federal land tax. Under the Bill the money would be held in abeyance until it was learned what the amount of the tax would be. I have said that any person who sells land, no matter whether he be an owner or not, must first register and pay £5 to the Treasury. There is an exception and why, I do not know. The exception is the legal profession. Legal gentlemen may handle more of these transactions than anyone else. As a rule they finalise all these transactions and they are to be exempt.

Hon. A. Lovekin: Possibly a legal gentleman drafted the Bill.

Hon. J. J. HOLMES: Maybe. Clause 5 sets out that where a company carries on business as land agents they must first of all get a certificate and post it in a conspicuous place. That is just what the illegitimate traders are after; it is what they want. They require a certificate issued by the Government to show that they are authorised land agents and they will wander about the country armed with such a certificate. A little while back the legitimate land agents, to protect their interests, published an advertisement in the daily Press warning the public against the go-getters. The go-getters

cut the advertisement out of the paper and hawked it about the country, saying "This is what we have to say about go-getters, so you had better deal with us; we are the right people and to protect ourselves published this advertisement." Those are the lines on which go-getters proceed. Another matter I object to is the clause that deals with audits of trust accounts. Any person who carries on business as a land agent must have his trust account audited once a year and a certificate sent to the Minister administering the Act. Are other people who handle trust funds to be exempt? Are land agents only to be singled out so that the wily crowd that has grown up in our midst may be caught? In this way it is proposed to put the legitimate traders on the same level as the others. An audit of books and the transactions recorded will be shown only once a year. Moreover, there are any number of people in the State who handle trust funds.

Hon. A. Lovekin: And who will not know anything at all about frauds.

Hon. J. J. HOLMES: It is an indictable offence to issue a cheque on a trust account if funds are not there to meet it. A trust account cannot be overdrawn. A Bank is not permitted to pay if a cheque exceeds the amount to the credit of the account. Thus if one of these gentlemen issued a cheque on a trust account and it could not be met, the quickest way to deal with him would be to catch him straight away and not wait 12 months until an audit had been carried out. Now I come to the clause allowing the agent 28 days for settlement. In large transactions is it advisable to give land dealers that length of time? They might clear out of the country within the 28 days. To-day, if a land agent sells property for a man, that man gets his cheque, subject to the usual deductions, on the following day. Clause 36, in my opinion, is likely to ruin any land agent, especially as, in the view of many people qualified to judge, land prices have reached a degree of inflation and are likely to recede. The land agent is to supply the name, address and description of the vendor. I do not know what "description" means; possibly a photograph. In what way does the description of the vendor interest the purchaser? The purchaser is not buying the vendor, or any share in him; the purchaser is buying the land. The clause seems to me to load up the unfortunate land agent with unnecessary work and risk. I object strongly to the provision that at any time

within six months of the completion of negotiations any purchaser, if he discovers a flaw of any kind in the description, may repudiate the purchase and demand his money back from the agent. Let us bear in mind that in the City of Perth land has been sold and resold at increased prices, and that a time must come when values recede. Thereupon purchasers will scrutinise contracts for a way out of a bad bargain. A purchaser may find that the land agent has not supplied a description of the vendor. Thereupon the contract is to be void. Is that a fair responsibility to put on legitimate traders? It is the legitimate land agent who will be caught in such circumstances: the vendor will probably be out of the country. As to misrepresentation, the onus of proof is put on the agent to establish the truth of his statements. There is no onus on the purchaser to prove statements untrue. I do not know that that is justice. Any purchaser can say, "The agent told me so and so and thereby induced me to buy the land," and thereupon the vendor or the agent has to prove that such things were not said. Thus the Bill reverses a principle of British justice.

The Honorary Minister: There is nothing unusual in that provision.

Hon. J. J. HOLMES: I know that in the Licensing Act Amendment Act Parliament made it the responsibility of the person found on licensed premises outside trading hours to prove that he was not there to get drink, instead of the onus being on the police to prove that the person was there for that purpose.

Hon. A. J. H. Saw: The presumption is that he was there for the purpose of getting drink.

Hon. J. J. HOLMES: The object of the provision is to keep drunks off licensed premises. I can see the Government reducing the deficit by this Bill. Any person who sells land is to pay an annual license fee of £5. In the case of a Terrace land agent, are the clerk, the typist, and the office boy and all the salesmen who travel through the country to hold annual licenses costing £5 each? Under the Bill that is so. A man might put up a joke on the office boy by going into the office, asking to see a plan, and saying that he will take a block. The office boy says, "All right," and the matter is settled. If the boy has not obtained a license at a cost of £5, the proprietor of the land agency becomes liable to a penalty of £50. Suppose

a land agent has a staff of 20; if he has to pay £5 in respect of each of them, it means £100 annually. In any case, is such a provision likely to help this community against the man who comes here from the East, buys a hundred acres of land, cuts the land up into blocks, and travels round the country selling it? What the Bill really aims at is to fix a maximum price for land. But who is to determine that maximum? Surely the man with a block of land to sell is entitled to ask as much for it as he thinks fit. If the other fellow chooses to buy at that price, that is his funeral—not the vendor's. See the trouble and difficulty we have got ourselves into by trying to fix the minimum price of labour—not the maximum, since the labourer may get as much more as he can. The result has been to throw Australia into a state of chaos. Here is a proposal to fix the maximum price of land. We have heard of revolutions. What would happen if Parliament fixed the maximum price of labour? If one thing would bring revolution here, that is it. Yet the very people who oppose the fixing of a maximum price for labour, want to fix a maximum price for land.

Hon. E. H. Gray: When the minimum price of labour is fixed, that minimum represents the maximum.

Hon. J. J. HOLMES: In the case of shares the owner is entitled to obtain as high a price for them as he can. Again, take the Hay-street draper selling silk stockings at 27s. 11d. per pair. A lady buys a pair, goes home and shows them to a next-door neighbour: "Look what I bought for 27s. 11d." The other lady goes to the same shop, and is shown a similar pair of silk stockings for 27s. 11d. She is not pleased with them, and is shown another pair of the same stockings priced at 37s. 11d. Thereupon she says, "That pair will do me nicely." Why should not Parliament be asked to deal with the drapery trade? On account of various parasites who have come here to deal in land, the Bill is aimed at the legitimate land agent; whilst all other descriptions of traders are let go. We know that the kind of thing I have described exists in the drapery trade.

Hon. J. R. Brown: A mug is born every minute.

Hon. J. J. HOLMES: Yes. Mr. Nicholson said that a fool was born every minute, but the hon. member omitted to mention that the trouble is, most of the fools live. Many fools make money, by accident or otherwise;

and if they are foolish enough to be taken down by land agents, let them be, for if they were not taken down by land agents they would be taken down by other people. As a rule, people with sense enough to acquire money have sense enough to keep it. But if they make money at the races, for instance, someone will get at them sooner or later. Such people may just as well invest their money in a piece of land that cannot run away as invest in something that can.

Hon. J. R. Brown: In the case of land they cannot see where the money is going. They can see where it is going if they put it on a geegee.

Hon. J. J. HOLMES: Surely we have reached the position of utter absurdity when we try to fix the value of land! Prices are always regulated by supply and demand. If purchasers of land do not protect themselves by employing lawyers, but choose to be their own lawyers, then the old saying applies that the man who is his own lawyer has a fool for his client. Under last session's Town Planning Act—which has never yet been proclaimed—

The Chief Secretary: It will be proclaimed shortly.

Hon. J. J. HOLMES: We are hot on the track of something else before we have finalised what was done last year. Under the Town Planning Act a man cannot sell subdivided land without first submitting to a board, for approval, a plan showing the size of the blocks and the width of the streets and many other details.

Hon. J. R. Brown: Quite right, too.

Hon. J. J. HOLMES: The proclamation of that Act would surely simplify matters somewhat. At all events people then would be able to see what they were buying. If they do not now see what they are buying, it is their own fault. There is no need, in view of the Town Planning Act, for Parliament to step in and prevent the legitimate land agent from doing legitimate work. If the Honorary Minister will bring down a Bill to amend the Criminal Code so as to deal with fraudulent land agents, I shall support him to the fullest extent. Indeed, some of those persons have already been dealt with under the Code. I will not, however, be a party to the harassing of legitimate traders and to the throwing in their way of the numerous obstacles contained in the Bill. I therefore oppose the second reading of the measure.

On motion by the Honorary Minister, debate adjourned.

*House adjourned at 5.29 p.m.*

## Legislative Assembly,

*Tuesday, 15th September, 1929.*

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

### QUESTION—RAILWAY PROJECT, MULLEWA-MILING.

Mr. KENNEDY asked the Premier: Will he consider the advisability of instructing the Railways Advisory Board to report at an early date as to the need for railway facilities between Mullewa and Miling?

The PREMIER replied: Yes.

### QUESTION—BORING, BAMBOO CREEK.

Mr. LAMOND asked the Minister for Mines: 1, In regard to boring operations recently undertaken by the Government on the Kitchener and Prophecy leases at Bamboo Creek, were the owners of those leases consulted as to the sites selected for boring? 2, If so, did they express any opinion regarding the prospects of success or failure by reason of the sites selected?

The MINISTER FOR MINES replied: 1, Yes. Both owners were consulted and agreed upon the selected sites. 2, Both owners appeared quite hopeful that the boring would be successful.