Legislative Council,

Tuesday, 18th October, 1927.

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

QUESTION—MILK SUPPLY, PASTEURISATION.

Hon. A. J. H. SAW asked the Chief Secretary: 1, Has the attention of the Government been drawn to the remarks of Sir Neville Howse, V.C., Federal Minister for Health, on the value of pasteurised milk to the health of the community? 2, Are the Government aware that it is the intention of the Federal Government to have a pasteurised milk supply at Canberra? 3, As the Government will not obtain a report from a recognised authority in the United States, will they solicit the Federal Health Department for the courtesy of a report on the subject?

The CHIEF SECRETARY replied: 1, and 2, No, excepting as contained in Press reports. 3, Prior to the question being asked, the Health Department had already communicated with the Director General of the Federal Health Department, who replied that no scheme had yet been finalised.

Hon. A. J. H. SAW: That was hardly my question. I asked whether the Minister would solicit a report from the Federal Health Department with reference to the question of pasteurisation.

The CHIEF SECRETARY: It is intended to get the report as soon as it is published.

BILL—RACING RESTRICTION.

Introduced by Hon. A. Lovekin (for Hon. Sir William Lathlain) and read a first time.

MOTION—TRAFFIC ACT.

To disallow Regulations.

Debate resumed from the 13th October on the following motion by Hon. W. H. Kitson:

That Regulations Nos. 4, 5, 6, 21, and 23, and Routes 7a, 54, and 55, made under the Traffic Act, 1919-26, and laid on the Table of this House on the 11th October, be and are hereby disallowed.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35]: I move—

That this Order of the Day be postponed until Thursday next.

There are several authorities to be consulted, among them the Solicitor General, the Routes Advisory Committee, Inspector Hunter, the Minister for Works and the Under Secretary for Works. I have also to make personal investigations and verify certain matters, and it will be impossible for me to complete the inquiries in a manner satisfactory to myself before Thursday next.

Motion (postponement) put and passed.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 12th October.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [4.37]: In answer to the question raised by Sir William Lathlain, let me say it is not proposed to establish a new trading concern for the manufacture of sandalwood oil or for any purpose connected with the sandalwood or timber industry. Every effort is being made at present to have the Western Australian oil prepared from Santalum spicatum placed on an equal footing with the Indian oil, as I explained in my second reading speech. To accomplish that the services of first-class chemists have been retained to watch the interests of the Western Australian oil and press for its inclusion in the English, French and American Pharmacopœias, which would considerably increase the price of our oil. There is no necessity for the State to enter the business of manufacture. Certain Western Australian firms, by careful scientific work, have been able to produce an oil that is well up to standard. With the co-operation of the State, not only here, but in London, greater good may be accomplished. So far from entering into competition with those firms, the Government intend to assist

them to a reasonable extent in the marketing of their oil.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from the 12th October

HON. H. SEDDON (North-East) [4.41]: At first sight the Bill appears to commend itself to us, because the idea of having joint rolls for Federal and for State Assembly elections, seeing that they cover the same people, seems to be a step in the right direction. Apart from the economy to be effected by amalgamating the two departments, there is no doubt that the State would benefit from the closer supervision and the more accurate methods adopted by the Federal department. After scrutinising the Bill, however, I must confess to a feeling of disappointment. The measure appears to have been hurriedly placed before Parliament in view of the fact that though it is proposed to alter a certain section of our Electoral Act, in so far as it deals with Assembly elections, the section is to be retained in the Act because it has certain references to the Legislative Council. Surely it would have been better to re-cast the whole Bill, including the section to which I have referred, and make improvements that would bring it more closely into line with the Federal Electoral Act! In the circumstances it might be advisable to defer the Bill until the officials have put it into better form. Some little time ago a Commmission was appointed by the Federal Government to consider the question of improving the Electoral Act. The Commission made inquiries in the several States and presented some far-reaching recommendations that may result in many of the Federal provisions being altered. Seeing that we are trying to formulate a joint roll, it would have been wiser to defer the introduction of the measure until we ascertained what the Federal authorities intended to do. In any case certain features of the Federal Act might, I think, well be embodied in the State Act. Among them is the provision for compulsory voting. If it is intended to introduce joint rolls and as nearly as possible to bring State and Federal electoral matters into line, we might well go as far as to adopt the principle of compulsory voting for Legislative Assembly elections. We already have the principle of compulsory enrolment, and I see no reason why the other principle should not be adopted likewise. Again, there is the declaration as to a candidate's expenses. At present a candidate must send in a return of his expenses, which return he signs before a justice of the peace. There is no reason for not adopting the Federal provision that the candidate shall make a sworn declaration of the correctness of the account before the justice of the peace. Another point is that in this State—the provision, I understand, was introduced here because of distances interfering with a general nomination day—the elections in the far North for Assembly seats are held at a later date than the elections for Assembly seats elsewhere in the State. It is easily comprehensible that in the old days, with their now obsolete methods of transportation, voting papers could not be got through in time from the North: but with the facilities of transport available through the flying service there is no longer any reason why all the elections should not be held on the same day. Then we would not have the spectacle that was exhibited at the last general election and also at the previous one, of seeing numerous politicians travelling to the North in the endeavour to influence electors there and secure the seats for one party or another.

Hon. E. H. Harris: And nominations are not on the same day.

Hon. H. SEDDON: That is a point which should be emphasised, because the system now obtaining is open to abuse. I understand that at the last general election nominations for the Northern seats were called and closed on dates subsequent to those fixed for the corresponding steps in connection with southern seats. The departure, I believe, is an entirely new one; and in my opinion it is one which should be opposed, because we should have as nearly as possible uniformity in both nominations and elections.

Hon. Sir Edward Wittenoom: The present system gives some of us a second chance.

Hon. H. SEDDON: I do not know that that is entirely desirable. The people should

express their opinions all on the same day, and we should know how the Government stand as the result of a general election without undue delay after election day, instead of having to await a final decision from the northern seats, the elections for which must necessarily be influenced by southern results. The Bill generally I regard as one for Committee discussion. I have merely raised various points on the second reading because I think they ought to be stressed, and I hope the majority of members will take them into consideration during the stage which follows. I should, however, like the Minister to refer to those points when making his reply on the present debate. I support the second reading, in the hope that suitable amendments will be carried in Committee.

HON. G. W. MILES (North) [4.50]: I endorse Mr. Seddon's remarks regarding nominations for the North-West seats. Various Governments during the last 20 years have from time to time been urged to hold the northern elections on the same day as those for the rest of the State. I remember that when Mr. Frank Wilson was Premier his objection was that the campaign in the South would be rendered too strenuous if nominations closed six weeks before polling day. My personal opinion is that nominations should close for the whole State on one day. The reason given in the past for deferring the northern elections was that the outback people should be given an opportunity of recording their votes. At the last general election, however, those people had no better opportunity for doing so, the northern nominations closing a fortnight after those for the remainder of the State.

The PRESIDENT: Order! I wish to remind hon. members that the purpose of the Bill is to provide for the preparation and use of joint rolls.

Hon. G. W. MILES: I am sorry I am not in order, Sir. I thought this an opportune time to mention matters relative to northern elections. It seems to me that what I have been saying has something to do with the electoral rolls.

Hon. A. J. H. Saw: Did you miss the Address-in-reply?

Hon. E. H. Harris: It applies to uniformity of conditions in regard to State and Federal rolls.

Hon. G. W. MILES: It was only the fact of Mr. Seddon's mentioning the date of nominations that caused me to think I was in order in confirming his remarks.

On motion by the Chief Secretary, debate adjourned.

BILLS (3)—FIRST READING.

1, Criminal Code Amendment.
2, Industries Assistance Act Continuance
3, State Children Act Amendment.

Received from the Assembly.

BILL—HOSPITALS.

Second Reading.

THE HONORARY MINISTER (Hon J. W. Hickey—Central) [4.56] in moving the second reading said: This Bill, although containing numerous clauses, is largely a machinery measure. Its principal objects are to place hospitals on a more business-like basis and to assist them in co-operating with the large body of voluntary workers who have done and are doing so much in the interests of hospitals and to whom the whole community is under a deep debt of gratitude. For years past attempts have been made to bring the law relating to hospitals up to date. Each of the Bills in question dealt not only with the constitution of hospital authorities, but also with hospital finance, the bulk of the discussion centring on the latter phase. In this instance the financial aspect is entirely disregarded and the Bill deals only with the constitution of hospital authorities. Our statute-book contains a Hospitals Act, passed in 1894; but the only hospitals, out of 77 in the State, which have been brought under it are those of Perth and Fremantle. Such a position is undesirable, and has for years exercised the minds of those concerned in hospital administration. As the result of an interchange of ideas between hospital committees and hospital boards on the one hand and the Government on the other, the Bill has been brought down. It provides for boards of management to be constituted for each existing hospital, and also for the variation of the constitution of such boards in accordance with the needs of various districts. The Bill gives hospital boards the usual power of interpretation. They may sue and be sued, may make rules regarding their own proceedings, and by-laws for the general conduct of their respective hospitals. They

are also given power to manage hospitals and to collect revenue in respect thereof and to make any necessary expenditure. That position is one which has long been desired by local hospital managements. They wish to have autonomy and local control. For that reason they must, by statute, be placed in a position to sue and be sued. The Bill also empowers the Minister, if he thinks necessary, to direct the holding of inquiries regarding hospital matters. Further, officers to be appointed under the Act will be empowered to inspect accounts and to prescribe systems of accounts to be followed by hospital boards. Again, there is provision for an annual audit of accounts by an officer or officers selected by the Minister. Many members have had experience of the conduct and management of hospitals and will appreciate the necessity that someone shall be empowered to step in and take charge of a position that has got beyond local control. At present not even the Minister for Health, who governs hospitals, has any authority in that direction. The Bill gives the authority required, and I think that provision will be appreciated. The only power in any direction possessed by the Minister, or by the department, is that which follows from the granting of a subsidy which may be stopped at the will of the Minister. Members will agree that is undesirable. It should be the very last resort to stop a subsidy in order to bring about more satisfactory administration. It is an extreme action and should not be put into force. There has been a demand from local authorities and hospital committees for greater power regarding the utilisation of revenue for hospital purposes, either for the purpose of supporting hospitals or towards the building of such institutions. Indeed, the increasing amount of attention and support that is being given both to committee and to departmental hospitals by local governing authorities and other local effort is one of the most pleasing features of the hospital situation. In many instances local people take a very keen interest in hospital affairs and many give up the whole of their time and attention to these matters. They are the people who are asking for this legislation. During the last two years, more than one hospital building scheme has been arranged wherein the local governing authorities have taken part, but there is some doubt regarding their legal position. Several other schemes are on the stocks by which the local governing authorities are only too willing to provide funds if their legal position is beyond doubt. The Bill gives clear power to local governing bodies to expend their funds, either towards subsidising the management of a hospital, or towards the building of a hospital. This is a very important proposal and should be the means of encouraging even greater local interest. The power contained in Clause 27 is purely permissive. There is no provision in that clause to compel a local authority to spend its funds on hospitals if it does not so desire, but there is an exception under Clause 28. That clause provides for bringing compulsion to bear upon a small minority of local authorities so as to prevent such a minority defeating a hospital building scheme with which a two-thirds majority, in respect of numbers and rating value, desire to proceed. At first sight members may consider that the clause will give rise to some controversy by reason of its compelling a section of the community to do something that is against their wishes. Those who have had experience in such matters, however, will realise that amongst communities there is often a minority that perhaps by persistence and constant devotion to a certain proposition will carry out their desires. In that way a small minority may successfully advocate a certain action, and prevent the bringing about of a result that might be of greater advantage. The Bill provides power for the majority to put their desires into operation. It is necessary that a majority of the people in the district should eventually carry out their desires. There is no statutory authority regarding the present departmental management of homes for the aged and infirm, namely, the Old Men's Home and the Old Women's Home. Advantage has been taken of this opportunity to insert a clause that will apply, with necessary alterations, to certain of the powers given in respect of hospitals to those two homes. Whilst regretting the necessity for the existence of homes such as those, there should be legislation to deal with them from time to time, and opportunity has been taken to insert the clause to which I have referred that will have the effect of bringing the administration of the two homes under the provisions of the Bill. It is hoped that any disadvantages under which they may be suffering will in the future be remedied. Provision is made in Clause 38 for the formulating of model by-laws for hospital management. At the present time some hospitals have rules and regulations, whilst others have none. A de-

finite provision of a model set which may be legally adopted by hospital authorities will be quite a boon. In a country like ours new hospitals are frequently being built, especially in our rural districts. In some instances we have to accommodate ourselves to circumstances. There may be men who are quite capable of administering affairs in other directions but who have little or no knowledge of the method of keeping hospital accounts. The clause provides for the institution of a set of books that will be simple in themselves and that any unsophisticated person may be capable of understanding. A man may assume the position of secretary of a hospital and he may not be able to follow the lines laid down by his predecessor. If we have a uniform set of books, that can be easily followed, many of the difficulties that have existed in the past will be obviated. Most of the subsidised hospitals on the goldfields and in the timber areas are linked up with medical funds. In a few cases the medical funds are under separate management, but in most cases committees also manage the medical fund. Provision has been made in Clause 23 to meet the position. There will therefore be legal authority for organising such funds. In this connection it may be pointed out that the clause dealing with the liability of patients to pay for their hospital maintenance contains a proviso for a 20 per cent. reduction of such fees in favour of fund members. This gives expression to the departmental policy of helping the funds in every way, and encouraging a spirit of thrift and insurance that the funds represent. I commend the Bill to the House because it will fill a long-felt want. It will bring about a better state of uniformity and administration and will be an encouragement to those who give so much time and attention to hospital work, whether they be members of the medical fraternity or the humblest citizen who acts on a committee. To all, the State owes a debt of gratitude. As I said at the beginning, the Bill is what might be termed essentially a machinery measure, and if it becomes law, I am convinced it will place the administration of the hospitals on a much better footing than those institutions have ever been on. It will also have the effect of bringing about a much better feeling amongst everyone concerned, as well as tending towards the uniformity in management that has always been regarded as so desirable. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—BREAD ACT AMENDMENT.

Second Reading—Amendment "Six months" carried.

HON. E. H. GRAY (West) [5.31] in moving the second reading said: It is my fervent hope that the Bill will on this occasion pass through all its stages. The Bill has reappeared on the Notice Paper because in its wisdom the House decided to reconsider it.

Hon. J. Ewing: We may be sorry for it some day.

Hon. E. H. GRAY: I have no hesitation in commending the Bill to the House. I hope when it has been thoroughly thrashed out it will become law. It provides merely for an amendment of Section 16 of the principal Act, which reads as follows:—

> No person exercising or employed in the trade or calling of a baker shall make or bake any bread, rolls, cake, or other article for sale before the hour of 5 o'clock p.m. on Sunday without the permission of an inspector, except so far as may be necessary to set and superintend the sponge, to prepare the bread for the next day's baking.

The Bill provides for the amendment of that section in the following direction:—

> Section 16 of the Bread Act, 1903, is hereby amended by adding a proviso as follows:—"Provided that this section shall not apply in any district or area for which an industrial award or industrial agreement relating to the baking trade is for the time being in force in which a time for the commencement of work on Sunday is prescribed."

The necessity for this amendment arises from the fact that an award of the Arbitration Court has been in operation since 1919. Some three years ago an enforcement of the award was brought against a master baker. The legal representative in the court took this original section of the Act and showed clearly that the law as it stood prohibited Sunday baking. Although Sunday baking has been in operation since 1919, the president of the court ruled that the award could not be enforced because this section of the Act had not been repealed.

Hon. E. H. Harris: Do you think he should have ruled otherwise?

Hon. E. H. GRAY: He ruled correctly. The big mistake was made when the section was not repealed years ago, before the issue of the award.

Hon. A. J. H. Saw: You are trying to repeal it now.

Hon. E. H. GRAY: The Arbitration Court heard an application for a new award. Evidence was placed before the court on behalf of the men that day baking has been an established custom, and has proved of great benefit to the people and those engaged in the industry. The master bakers, however, have relied upon this section of the Act to prevent the issue of an award providing for day baking. They want the men and the public generally to put up with a sort of piebald award that will provide for day and night baking. The reason for this is that under night baking they can sell more bread. They can also compete against the one-man baker, the man who bakes his own bread and has a carter to deliver it. The unfortunate part of the business is that the Master Bakers' Association cannot control its own members. The union, I think, is right, seeing that day baking has been in operation for a number of years, to maintain before the court that the principle should be continued. In this the union is backed up by the League of Nations, the Labour Convention and the medical authorities. It stands, therefore, on very solid ground. Some adverse criticism was passed in the House because a Labour member was found advocating Sunday labour. A big point was made of that in the last debate. No one connected with the Labour movement wants Sunday labour, but when this union is faced with the alternative of two evils, it prefers the one providing for Sunday baking to that providing for night baking. Mr. Lovekin asked why bread could not be baked on Saturdays. Such a system would be uneconomical and unbusinesslike, and it could not be followed in this particular industry. A master baker may be making 1,000 loaves a day. If he baked on Saturday he would have to provide for supplies for Saturday, Sunday and early on Monday. His baking would come down for the one day by 50 per cent. and for three days by 75 per cent. If provision were made for a two days' delivery he would bake 1,500 loaves, and in the case of the three days' delivery, that is including Monday's delivery, the baking would be approximately 1,750 loaves.

Hon. A. J. H. Saw: You are not going to deliver on Sunday.

Hon. E. H. GRAY: He would have to deliver on Saturday for Saturday and Sunday. Saturday's bread would have to be delivered on Monday. If he tried to make the supply on Friday cover three days, and part of this manufacture was delivered on Monday, this would mean casting a lot of work on women who would be forced to bake their own bread or make scones.

Hon. V. Hamersley: Would not the bread be stale?

Hon. E. H. GRAY: Yes. The other alternative is to bake on Saturday morning.

Hon. V. Hamersley: They want to play football in the afternoon?

Hon. E. H. GRAY: If they baked on Saturday morning the carters would have to deliver on Saturday afternoon. The union has no desire to improve its own position at the expense of the carters.

Hon. C. F. Baxter: What bread would have to be delivered on Saturday afternoon?

Hon. E. H. GRAY: Bread would have to be delivered for the following Sunday and Monday morning.

Hon. C. F. Baxter: Friday's bread is delivered on Saturday.

Hon. E. H. GRAY: The carters work only half a day on Saturday. If a full batch of bread was baked on Saturday the carters would have to work in the afternoon, and that is something the union does not want.

Hon. E. H. Harris: They are working under a Federal award and are not allowed to work on Saturday afternoons. Why bring up that rubbish?

Hon. E. H. GRAY: The rubbish has been brought up in this House when it is proposed that bread should be baked and delivered on Saturday. I am not putting it up.

Hon. H. Seddon: Why can you not deliver on Monday?

Hon. E. H. GRAY: Saturday morning's bread would have to be delivered on Monday. That is not a practicable proposition.

Hon. V. Hamersley: Why?

Hon. E. H. GRAY: It would be delivering stale bread on Monday morning. It would be too much to ask the ordinary housewife to put up with two deliveries of stale bread.

Hon. H. Seddon: That is not necessary.

Hon. E. H. GRAY: Members cannot place too many burdens on the industry. It carries enough already. We want to arrive at a solution that will be fair to the

men and the master bakers, and work smoothly for the whole industry.

Hon. J. Nicholson: Have not the master bakers put up a proposition?

Hon. E. H. GRAY: They have put up one for night baking. They want to start on Sunday night at midnight.

Hon. J. M. Macfarlane: They do not want night work all through the week.

Hon. J. Nicholson: That is only for a particular night.

Hon. E. H. GRAY: It is the thin end of the wedge. Sunday night baking would be a piebald arrangement of day and night baking. That is undesirable and is putting back the clock of progress. The trade has advanced a certain stage.

Hon. J. M. Macfarlane: They want day baking, do they not?

Hon. E. H. GRAY: When the second reading was negatived on a previous occasion that was taken as the opinion of the House, and the Arbitration Court called the employers and employees together. Two representatives of the union, two of the employers, and advocates on each side were present. The position was explained by the court to the parties concerned. They were asked if it would not be possible to arrive at some basis whereby an agreement could be come to that would put the trade on a proper footing. The ultimate result would have been the withdrawal of the Bill, and a request to the Government to introduce legislation which would put the industry on a proper footing and do away with unfair competition. Although the master bakers promised to consider the proposal, they did nothing in the matter. The reason why this Bill was placed at the bottom of the Notice Paper last week was that I thought there was a possibility of the parties thrashing the matter out, and arriving at a solution which would place the industry on a basis satisfactory to all concerned. The master bakers are relying on this House to defeat the Bill. They are doing so because they have not the moral courage themselves to discipline their part of the business.

Hon. E. H. Harris: What are you relying on?

Hon. E. H. GRAY: The good sense of the House to pass this amending legislation. Never in all my experience of the trade has it degenerated to the extent that it has now. It is an astounding thing to see master bakers on Sunday afternoon, men who should be an example to the community, going out in sulkies and spring carts delivering hot bread to the shops. Sometimes this bread is merely covered with a few old flour bags.

Hon. A. J. H. Saw: That is the sort of thing we want to stop.

Hon. E. H. GRAY: They could stop that scandalous state of things themselves. The master bakers are always squealing against the opposition of the one-man baker. In this instance it is the employers of labour, and not the one-man baker, who are responsible for this degrading spectacle on a Sunday afternoon.

Hon. W. J. Mann: Could not the master bakers stop it?

Hon. E. H. GRAY: Yes, if they disciplined their members, but they do not do so.

Hon. H. J. Yelland: Who does the baking on Sundays?

Hon. E. H. GRAY: Union labour.

Hon. W. J. Mann: And the master bakers take the bread round.

Hon. E. H. GRAY: Yes, and often a little boy does that too.

Hon. A. J. H. Saw: Why do the Government not enforce the law and prosecute these people?

Hon. E. H. GRAY: Unfortunately the law provides that they can sell bread between 12 and 2 p.m. or between 2 and 5 p.m. I am not sure of the exact hours.

Hon. E. H. Harris: They are working under a permit to break the law.

Hon. E. H. GRAY: That is not so. They are taking advantage of a section in the Police Act and I regard it as a scandalous state of affairs. They are trying to continue existing conditions. They say they want to take their wives and children out in motor cars and in order that they may do so, we must stop Sunday baking. The master bakers have not the moral courage to take the necessary steps themselves because they cannot discipline their own members.

Hon. A. J. H. Saw: They cannot crack the whip like you can.

The PRESIDENT: Order!

Hon. E. H. GRAY: If they could crack the whip as those connected with the profession with which the hon. member is associated can, the master bakers concerned would be brought into line. If lawyers and doctors can crack the whip and bring people into line, surely the master bakers can do the same. The industry has attained a certain standard of efficiency so far as the

operatives are concerned, and they are anxious to arrive at an agreement with the master bakers under which day baking will be preserved and, if possible, Sunday baking abolished altogether. So far the employees have not been able to advance a scheme that the employers will accept. Apparently the master bakers are not desirous of maintaining the present standard in the industry, but want to retrogress to the old times of night baking. Since 1919 the journeymen have been working under an Arbitration Court award. Notwithstanding the present position—the court case was dealt with some weeks ago—and that the master bakers have agreed upon an increase in wages, the men have not taken the law into their own hands, but have passively waited for the decision of this House. In another place the Bill was agreed to with but little debate. I think it is only a fair thing that members in this Chamber should disregard the arguments advanced to some of them by master bakers at the recent caucus meeting. Members should deal with the case on its merits and give the bakers a fair opportunity to maintain their present standard of conditions.

Hon. G. W. Miles: If we pass the Bill, what will be the effect?

Hon. E. H. GRAY: The Arbitration Court cannot issue an award, according to the evidence, unless the Bill, which will amend the existing law, is agreed to.

Hon. E. H. Harris: Whose evidence, the employees or that of the employers?

Hon. E. H. GRAY: I am telling the House what was said by the court. The evidence was overwhelmingly in favour of day baking, but the court advised that they could not make an award similar to that issued on a previous occasion, because it was in contravention of the existing Act, which is now obsolete.

Hon. G. W. Miles: If the amending Bill be agreed to, is the object to get the court to grant Sunday baking?

Hon. E. H. GRAY: No, the court cannot decide what the hours shall be with the Act in its present condition.

Hon. C. F. Baxter: But this will mean Sunday baking.

Hon. E. H. GRAY: Yes, unless the master bakers and the journeymen can arrive at an agreement, which has been impossible so far. Alternative suggestions have been put forward for baking early on Saturday morning or early on Monday morning. At any rate, I do not want the argument repeated that we desire Sunday work. We do not like it, but it is the lesser of the two evils.

Hon. H. J. Yelland: You prefer Sunday day work to night work.

Hon. E. H. GRAY: That is so.

Hon. J. M. Macfarlane: But it will mean night work once a week only.

Hon. H. J. Yelland: Do the journeymen prefer Sunday work because they get time and a half?

Hon. E. H. GRAY: I am glad of that interjection in order that I may make it clear that the men receive no extra remuneration for Sunday work.

Hon. E. H. Harris: Is there not an application before the court now for increased rates of pay?

Hon. E. H. GRAY: I was referring to the award. I suppose the men are trying to get as much as possible from the court.

Hon. E. H. Harris: But are the men applying for increased wages for Sunday work?

Hon. E. H. GRAY: I cannot say.

Hon. E. H. Harris: I have a copy of their application to the court. You may read it.

Hon. E. H. GRAY: At present the court has not awarded any increase in wages on account of Sunday work. I made inquiries on that point.

Hon. V. Hamersley: Do the men prefer Sunday baking to Saturday baking?

Hon. E. H. GRAY: The men will do anything to preserve the day baking of bread. I am not a member of the executive of the Bakers' Union, but I can authoritatively state that several alternative schemes have been submitted to the master bakers, but so far no agreement has been arrived at. Both the members of the union and the court are waiting for this House to deal with this obsolete section of the Bread Act. I hope the House will extend to the men a fair deal. I move—

That the Bill be now read a second time.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.40]: I was very much surprised, when this Bill was previously before the House, to find that it was defeated on the second reading. I was surprised because the measure appeared to me to be a reasonable one, and one the purport of which was in accordance with a principle to which this House has firmly adhered in the past, namely, that the adjustment of the hours of labour in the different industries is one which should be left to the Arbitration Court to decide. That was the attitude taken up when the Government,

in accordance with their platform, endeavoured to introduce a 44-hour week per medium of statutory action. This House refused to sanction such an enactment, and the Court was given a free hand in connection with the matter. No more is asked than that under this Bill. I have made exhaustive inquiries and I find that the sole reason for this legislation is that the Arbitration Court is debarred from functioning to its full extent in connection with the baking industry.

Hon. E. H. Harris: That applies to the mining industry, too.

The CHIEF SECRETARY: We are dealing with the bread industry. Old time legislation stands in the way. The discovery was made some weeks ago during the hearing of an enforcement case. A master baker was charged with a breach of an award. It was found that the award was illegal, because it attempted to over-ride an Act of Parliament. The award dated back as far as 1919, and, in all innocence, made provision for Sunday baking at an earlier hour than 5 p.m. Yet a section of the Bread Act of 1903 clearly set forth that no person exercising, or employed in, the trade or calling of a baker shall make or bake any bread or other article for sale before the hour of 5 p.m. on Sunday without the permission of an inspector. This provision has been overlooked ever since awards were made in the looked ever since awards were made in the since the Act was passed in 1903 the practice has been to bake on Sunday, at any hour considered suitable, and no one seems to have been aware of the existence of this legislation. As I said before, the point was first raised in connection with the recent enforcement case. It was raised by a lawyer with the object of saving his client from conviction, and not, so far as I can ascertain, because there was a real objection to Sunday work. The matter was then referred by the Industrial Magistrate to the Arbitration Court. I have examined the minutes of the Court and I find that the President said the claim could not be considered, as if it were granted it would make a condition in the ward which would be contrary to law, and he added "of course we could not do that. This Court, or any other Court," he repeated, "could not do that." Thus the Arbitration Court decided that the Act of Parliament must stand. There would have been great discontent in the industry as a result had it not been that, by mutual consent of the employers and employees, application for exemption was made under the Act and granted by the inspector. But the provision in the Act enabling the inspector to grant the necessary permission was intended to be exercised only in the case of an emergency. It was never intended that the inspector should agree to a permanent exemption. However, when he was informed that Parliament was to be approached in the matter, the inspector had no hesitation in granting temporary exemption, and by doing so he prevented the whole of the industry in the metropolitan area being disorganised. There is strong objection to night work in the baking industry, and if Sunday labour were cut out in accordance with the existing law the men would have to come back to work on Saturday nights and Monday nights. The award of 1919 prescribed day baking, and prohibited so far as the employer of labour was concerned the baking of bread at night, and set it out that bread must be baked between the hours of 6.30 a.m. and 6 p.m. Moreover, the days of baking were fixed as from Sunday to Friday inclusive, and I am given to understand a similar practice exists throughout Australia. Some may ask, "Why not repeal the section limiting work on Sunday in connection with the baking industry?" Even a moment's consideration should show that is neither desirable nor necessary. No one, in any industry, should be given carte blanche to engage in Sunday work whether the circumstances demanded it or not. For if that were done we should soon have an end of the day of rest. There should be some reviewing authority to say whether the needs of a particular industry call for special consideration, and that is the underlying principle of this Bill. Clause 2 merely provides that the restrictive section of the 1903 Act shall not apply in any district or area for which an industrial award or industrial agreement relating to the baking trade is for the time being in force in which a time for commencing work on Sunday is prescribed.

Hon. H. Seddon: If the award should provide for the whole of the State it would nullify the section.

The CHIEF SECRETARY: Of course, but that would be the decision of the Arbitration Court. The passing of this Bill will do no more than throw on the Arbitration Court the responsibility of saying to what extent Sunday work shall be permitted in the baking industry. And who are better fitted

than the members of that court to determine the question? It is their duty, for which they are well equipped, to investigate the whole position, make themselves acquainted with every phase of it, and decide accordingly. The Bill does no more than enable the Arbitration Court to function without restriction—with untied hands—in the baking industry, and I hope hon. members, recognising that fact, will see the advisability of placing the measure on the statute-book as speedily as possible.

HON. W. H. KITSON (West) [5.50]: I do not desire to go over the whole of the arguments for and against night and day baking, but I wish to remind members that on a previous occasion, when this matter was being discussed, they were particularly keen to see that the Arbitration Court should have the right to decide all matters of this kind. I also remember that quite a large number of members were very keen in looking after the interests of what they termed the small man, the one-man baker, who did his own operative work. On that occasion arguments were used quite different from those used by some members when this question was debated a couple of weeks ago. The question is whether the Arbitration Court is to be allowed to function as it has always been intended it should function. This House has ever contended that the Arbitration Court was the only tribunal that should decide hours, wages and other conditions of any industry in which there is a dispute. There is no difference between the instance before us and many others that have been mentioned in this Chamber. I make this plea, following on the lines of the Minister's address, that there is no body, no tribunal in the State in a better position to decide a question of this kind than is the Arbitration Court. The position is this: having heard the evidence on both sides, and having decided the condition that should apply to the baking industry, the Arbitration Court find that an obsolete Act of Parliament debars it from giving an award, since the Court believes something should be done that is in conflict with that obsolete Act. The Minister put the case clearly and thoroughly, and I would simply reiterate that throughout the Commonwealth, indeed throughout the world, Sunday baking is common to the industry. During recent years there has been unanimity amongst those having to deal with industrial matters on the point that night baking is not in the best interests of those employed in the industry. If the alternative to Sunday baking is night baking, this Chamber should cast its vote in favour of Sunday baking and the elimination of night baking. I hope the House will reverse its previous decision and agree to the second reading.

HON. J. CORNELL (South) [5.53]: I hope those members opposed to the principle set forth in the Bill will not try to strangle it by a silent vote, but that they will give reasons for their attitude.

Hon. A. J. H. Saw: We have already debated it once.

Hon. J. CORNELL: I heard the hon. member debate it once, and I heard him interject, during the course of Mr. Gray's remarks, in a totally different strain from that in which he had previously spoken. I should like him to give the House his views on the new aspect he put forward in his interjection. Without going into the merits or demerits of day baking, the position is that the Arbitration Court cannot give effect to it, owing to the restrictions in the 1903 Act. The prohibitions in the statute prevent the court from functioning and giving a decision in accordance with the weight of evidence.

Hon. J. R. Brown: Well, of what use is the Arbitration Court?

Hon. J. CORNELL: We are not discussing that point. The court is an accomplished fact, and it says it finds itself up against a dead end owing to the limitation in the statute. I am not fearful of what would happen if the Arbitration Court had power to function. Members need not concern themselves about that phase of the question. To-day the Arbitration Court has full power to fix rates of pay, hours of labour and conditions generally for practically every industry in the State other than the hours of Sunday labour in the baking industry. Yet nothing serious has happened in any industry as the result of the Arbitration Court's award. Our railway service and our tramway service, two great public utilities, are operating under awards of the court delivered without any statutory restriction. There is no law prescribing that a locomotive engine driver, or a tramway motorman, or a linotype operator or a hospital nurse shall not work on Sundays.

Hon. A. Lovekin: All works of necessity.

Hon. J. CORNELL: Is not bread a necessity?

Hon. A. Lovekin: Not new bread.

Hon. J. CORNELL: We have it on scriptural authority that a request for bread was met by the giving of a stone. I hope that Mr. Gray, who is asking for bread, will not be given a stone. I have explained the actual position.

Hon. J. R. Brown: But we know all this.

Hon. J. CORNELL: I do not know whether the hon. member is very anxious to see the second reading carried. I am, and so it is my endeavour to help it by doing what I can to influence other members. If the hon. member is not satisfied with the way I am presenting the case, it is not obligatory on him to remain in the Chamber. Some members are fearful of what might happen if the Bill were agreed to. But 98 per cent. of the wage-earners of the community are free to approach the Arbitration Court, and the court is free without any limitation to accede to their request and fix the conditions of industry.

Hon. E. H. Harris: Then let us repeal the section straight out and be honest about it.

Hon. J. CORNELL: I thought the hon. member was progressing, but I am now satisfied he is slipping back. Let us view the situation in a commonsense way. The court says, in effect, that owing to the limitations imposed by a statute 24 years old, it cannot function. It would require a big stretch of imagination to satisfy me that the conditions that warranted the passing of the Act 24 years ago are operating to-day. In those days arbitration had not been adopted.

Hon. A. Lovekin: Why does the court impose penal rates for Sunday work?

Hon. J. CORNELL: Because Sunday is the day of rest, and when men are called upon to work that day they are paid extra remuneration.

Hon. A. Lovekin: That would apply to the bakers.

Hon. J. CORNELL: I am pleased to have those interjections. In an award of the mining industry given some years ago the court unwittingly awarded a penal rate for Sunday labour in a continuous process, but under a subsequent award the penal rate was deleted.

Hon. J. R. Brown: Is not breadmaking a continuous process?

Hon. J. CORNELL: I am prepared to accept the assurance of Mr. Gray and leave the matter to the court. If the exigencies of the industry did not justify the penal rate for Sunday work in the mining industry, the court would not award it in the baking industry.

Hon. J. R. Brown: Then why all this talk?

The PRESIDENT: Order!

Hon. J. CORNELL: I am prepared to leave the court unfettered in the matter of fixing hours. Seeing that the court fixes the hours for 98 per cent. of the employees in industry, surely we can allow it to fix the hours in the baking trade. I have heard it said that the small baker that employs no labour would be hit by this measure. I recollect that when the Day Baking Bill was before us, we inserted a provision to protect the non-employer of labour. Members will recollect that there was a combination of the master bakers and journeymen on that occasion who agreed that the small baker should be brought within the scope of the measure. From that I have come to the conclusion that while the journeymen bakers desire this Bill to become law, the masters do not. The amendment proposed in the Bill is only a fair one, and I hope the House will agree to it.

HON. A. LOVEKIN (Metropolitan) [6.6]: I was given to understand that some agreement had been arrived at between the union and the master bakers regarding the passing of the Bill, and I was informed that certain master bakers intended to see members of this House about the agreement.

Hon. J. R. Brown: They are here.

Hon. A. LOVEKIN: I have made inquiries of several members who were to be seen, but no one has waited on them and, although I was one of the number, nobody has waited on me. Apparently no such agreement has been arrived at, and the suggestion is merely imaginary. That being so, it does not alter the view I take of the Bill. I am opposed to Sunday baking. I have been informed that there is no Sunday baking in any State except Queensland, and in that State there is a prohibition against the sale of bread on Sunday, although it may be baked that day. I see no need whatever for introducing Sunday baking in this State. I can see, behind the curtain as it were, an excuse for Sunday baking inasmuch as a penal rate generally has to be paid if men work on Sunday.

Hon. J. Cornell: Not for a continuous process such as mining.

Hon. A. LOVEKIN: It cannot be said that baking is a continuous process. I believe that when the bakers' case originally came before the Arbitration Court, the argument that men were compelled to work on Sunday was advanced in favour of the payment of an increased weekly wage. I do not want to see men work on Sunday. Perhaps I am somewhat obtuse and dense, but I cannot understand why, when men bake on only six days in the week, they should choose Sunday as one of the days. Why should they bake on Sunday and not on Saturday?

Hon. J. R. Brown: The men desire it.

Hon. A. LOVEKIN: I can understand some of the men wishing to go to church on Sunday and some wishing to go to the trots on Saturday. Since the Bill was introduced, some members of the union have waited on me and told me that Sunday is the day they wish to spend with their families. One man told me his children went to church and he was never able to accompany them so long as Sunday baking was allowed. He said the doughmaking branch of the industry did not want Sunday baking.

Hon. J. R. Brown: There is church at six in the morning and six at night.

Hon. A. LOVEKIN: The doughmakers were in a minority at the union meeting—of course they must be a minority—and the majority carried the proposal against them. If we do not pass the Bill we shall not be doing any injustice to the whole of the members of the union, though we may be to a section, and that section may be a majority. I am inclined to penalise the majority section by doing away with Sunday baking. This Bill was before us on a previous occasion; we have had a full discussion on it, and the House has given Mr. Gray an opportunity to bring it forward again, because he said he did not present his case as he might have done. He has now had a full opportunity and has also had the assistance of the Chief Secretary and Mr. Kitson, who no doubt have proved a tower of strength, not forgetting Mr. Cornell.

Hon. J. Cornell: And you might include Mr. Brown.

Hon. A. LOVEKIN: The time has come when we should end the discussion on the Bread Bill for this session. Therefore, I move an amendment—

That the word "now" be struck out, and the words "this day six months" be added.

HON. E. H. GRAY (West—on amendment) [6.13]: I wish to reply to two statements made by Mr. Lovekin in order that he may be able, through "Hansard," to say that he made a mistake. He said that doughmakers had approached him and stated that they did not wish to work on Sunday. If the Bill is defeated, the doughmakers will have to work on Sunday.

Hon. J. Cornell: They will be the only ones who will have to work on Sunday.

Hon. V. Hamersley: I suppose they work on Sunday now.

Hon. E. H. GRAY: No, they do not.

Hon. V. Hamersley: Then why this Bill?

Hon. J. M. Macfarlane: When do they prepare the Sunday dough?

Hon. E. H. GRAY: On Saturday night. Mr. Lovekin referred to an alleged conference between certain members of the House and the employers. I was present when the conversation took place, but I gathered an entirely different impression from that mentioned by Mr. Lovekin. What took place was a notification was given to Mr. Lovekin by Mr. W. D. Johnson that certain representations had been made to the employers, who would consider them and see certain members of the Council with a view to getting their support for the Bill. That was the gist of the conversation.

Hon. A. Lovekin: Did he name the gentlemen?

Hon. E. H. GRAY: Yes. The hon. member said that no agreement was arrived at. I have been given to understand that the employers notified the court that they could not come to an agreement.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. H. GRAY: I wish to add that during the tea adjournment I saw some master bakers, and that from my conversation with them I am convinced they are under a total misapprehension I am also convinced that in the best interests of the trade the Bill should be carried, as tending to straighten out conditions.

The PRESIDENT: The amendment is before the Chair.

Hon. E. H. GRAY: I am speaking against the amendment, because I wish to see the baking industry placed on a proper footing. The master bakers are taking their stand on an obsolete Act: and I am perfectly satisfied that they are wrong, and that when

the whole question is settled and this House sees fit, as I believe it will, to defeat the amendment and pass the Bill, the result will be to the advantage of the master bakers, the operatives, and the public generally.

HON. H. SEDDON (North-East) [7.32]: There are one or two points on which Mr. Gray has not yet made himself clear, and I am speaking because there ought to be a full discussion of the amendment before a vote is taken. I must confess that I cannot follow Mr. Gray in some respects. The reason for the introduction of the Bill has not yet been definitely stated, when the simpler way to attain the same result would be to delete Section 16 of the principal Act. Mr. Gray is quite correct in saying that the principal Act does not provide against Sunday baking, because the relative proviso in that Act really represents an infringement of the principle of non-Sunday work. I am against the Bill because it proposes to increase Sunday work, a principle to which I am entirely opposed except in cases of absolute necessity. As to day-baking I am entirely in accord with Mr. Gray; still, he has not definitely shown that it is not possible to carry out the work on the ordinary six days of the week, making the delivery of the bread, even though it may be stale bread, on Monday morning instead of on Sunday. I should like Mr. Gray, when replying, to deal more fully with that point than he has done so far. I oppose the Bill because I am entirely against Sunday work. If allowed, I would go even further and amend the original Act by deleting the words "before the hour of 5 o'clock p.m." from Section 16, which would then make that section read—

> No person exercising or employed in the trade or calling of a baker shall make or bake any bread . . . . on Sunday without the permission of an inspector, except so far as may be necessary to set and superintend the sponge to prepare the bread for the next day's baking.

Hon. E. H. Gray: You would prefer night baking?

Hon. H. SEDDON: I am entirely opposed to night baking, and so far as I can gather both master bakers and operatives are able to carry out their work on six days in the week, working only in the day time. On those grounds, and on the further ground that I regard the principal Act as defective, I oppose the Bill.

HON. A. J. H. SAW (Metropolitan-Suburban) [7.35]: I do not think it necessary that we should again indulge in a full-dress debate on the amendment, as we did on the second reading of the Bill at considerable length. I understand Mr. Gray, when asking leave to re-introduce the Bill, to say he did so on the ground that he had not presented the case fully. I also understood the hon. member to say that he would submit fresh arguments and fresh evidence in support of the Bill. Indeed, I think he said that on the fresh evidence and fresh arguments to be adduced he would claim the votes of some of us—I understood him to indicate myself as one—who had voted against the Bill previously. Having listened most carefully to two speeches from Mr. Gray, I have failed to discover one single new argument or piece of fresh evidence, nor have I heard such argument or evidence from any other speaker who up to the present has supported the Bill. I am opposed to night baking and Sunday baking, as I said previously; and I have not heard any reason why baking cannot be done on Saturday morning. Mr. Gray smiles. I do not know what the bakers are doing that they cannot bake bread on Saturday morning. They are not engaged in night baking on Friday night, and I see no reason why they should not work on Saturday morning in the same way as the great majority engaged in other occupations have to do. When I opposed the Bill previously, I did so on the ground that at present the one-man baker is by law debarred from baking on Sunday. It is true that the law is not being enforced either against the one-man baker or the master baker. Both classes are at present allowed to bake on Sunday; but that is entirely contrary to the law, and I do not see why the Government do not enforce the law both against the master baker and the one-man baker. My objection to leaving the Arbitration Court to deal with the question of Sunday baking is that we have excluded the one-man baker from the Arbitration Court, and that consequently the court has no jurisdiction over him. But the law of the land has jurisdiction over the one-man baker, and there is nothing whatever to prevent the Government from stepping in and stopping him from working on Sunday. Similarly, I maintain that the Government should administer the law and prevent the master baker and the employee from baking on Sunday.

HON. J. CORNELL (South) [7.39]: Evidently there is some confusion of ideas. That confusion of ideas has relegated itself to the question whether or not there shall be Sunday baking. The real matter, as I view it, is that the Bill merely seeks to declare that the Arbitration Court shall have a power which it does not at present exercise. All that the Bill does is to amplify Section 16 of the principal Act of 1903, which reads—

> No person exercising or employed in the trade or calling of a baker shall make or bake any bread, rolls, cake or other article for sale before the hour of 5 o'clock p.m. on Sunday, without the permission of an inspector, except so far as may be necessary to set and superintend the sponge to prepare the bread for the next day's baking.

That is the law as it stands. The Bill proposes to introduce a proviso that the section shall not operate in any locality where an industrial agreement or an Arbitration Court award is in operation. If the Bill were passed, the position in actual practice would be that before the proviso could have any effect all the ramifications and facts of the case would have to be determined by the Arbitration Court, which court would then decree whether or not in their award they would depart from the statute of 1903. Clearly, it is sought to give the Arbitration Court a power which to-day they do not possess. The interpretation section of the Act of 1902 defines "industrial matters" as meaning—

> . . . . all matters relating to (a) the wages, allowances, or remuneration of workers employed in any industry, or the prices paid or to be paid therein in respect of such employment; (b) the hours of employment, sex, age, qualification, or status of workers, and the mode, terms, and conditions of employment . . .

It is patent to anyone who reads Section 16 of the Bread Act and also reads the interpretation section of the Arbitration Act that the Bread Act as it stands precludes the Arbitration Court from functioning in regard to the baking trade as to that particular industrial matter the hours of employment. That is the issue, and no side issue is to be introduced. The issue is whether we shall agree to clothe the Arbitration Court with power to inquire into the question of hours of labour on Sunday in the baking trade, and to make an award accordingly. If the Arbitration Court decide on the facts submitted to them to depart from the provisions of the Bread Act and make an award conflicting with that Act, their doing so will be valid, if this Bill passes. The position to-day is that it is not possible to depart from the Bread Act, 1903. If the Court did so the action would be invalid. Are we to clothe the Arbitration Court with power to fix the hours of Sunday labour for about two per cent. of the workers of the State, or are we to make all the workers of the State and the employers also subservient to the Arbitration Act? I am not concerned about the day baking of bread. What I am concerned about is whether we are going to carry on an obsolete Act—24 years old.

Hon. A. J. H. Saw: Are all Acts that are 24 years old, obsolete?

Hon. J. CORNELL: My friend Mr. Brown would say yes to that. I reply that I shall reserve my decision. I am only concerned about whether we are going to carry on an obsolete Act or put all the workers on a parallel. The worst thing this House can do is not to listen to reason. We should pass legislation in keeping with the times and not legislation that will make Bolsheviks of well-meaning citizens. I am not holding out any threat, but when we arrive at an impasse where a statute limits the court from functioning properly, there is no alternative for any law-abiding citizen to follow other than to take that course open to every citizen to please himself as to whether he works or not. That is a situation that we do not desire to bring about.

Hon. A. J. H. Saw: They will strike for the privilege of working on Sunday.

Hon. J. CORNELL: If the Legislature will not listen to reason and bring legislation up to date, and put all the workers on a similar footing, then if I were a baker I would have no hesitation in refusing to bake bread. That seems to me the position the bakers will be forced to take. I have no desire to force the bakers into following such a course. There is always a certain amount of suspicion manifested in regard to legislation of an industrial character. I have heard it said in this Chamber and outside that if certain industrial legislation passed, the heavens would fall or the wheels of industry would cease to go round.

Hon. Sir William Lathlain: That was said with regard to this Bill.

Hon. J. R. Brown: Who said that?

Hon. Sir William Lathlain: Mr. Gray.

Hon. J. CORNELL: There is a lot of latent commonsense amongst the working men of this community. I have yet to learn that all the brains are the prerogative of the rich. I am not holding a brief for either side, but I urge the House to take a logical course, and to keep pace with the times.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [7.50]: The hon. member who has just sat down seems to think that because certain laws are 24 years old they have become obsolete. May I remind him that the laws of Moses were written on the Mount a very long time ago and yet to-day are not considered obsolete.

Hon. J. Cornell: They are honoured more in the breach than in the observance.

Hon. Sir WILLIAM LATHLAIN: By the hon. member, but not by anybody else. In regard to the Bill it appears to me that notwithstanding the assertions made by Mr. Cornell that we are all deficient and do not see the same way as he does, I am opposed to Sunday work of any description, and if the bakers desire to work on Saturday just as ordinary people do, the difficulty can be overcome. But in regard to the functions of the Arbitration Court it is evident to me that because the bakers do not want to work on Saturday, they want to substitute Sunday and that the Arbitration Court is not able to exercise the function for which it was appointed. I intend to oppose the second reading of the Bill, and vote for the amendment.

HON H A. STEPHENSON (Metropolitan-Suburban) [7.53]: I move—

That the debate be adjourned.

Motion put and negatived.

Amendment ("six months") put and a division taken with the following result:—

Ayes	12
Noes	8
Majority for ..	4

Ayes.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. E. H. Harris	Hon. E. Rose
Hon. G. A. Kempton	Hon. A. J. H. Saw
Hon. Sir W. F. Lathlain	Hon. H. Seddon
Hon. A. Lovekin	Hon. H. A. Stephenson
Hon. J. M. Macfarlane	Hon. J. Ewing

(*Teller.*)

Noes.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. Cornell	Hon. W. J. Mann
Hon. J. M. Drew	Hon. G. Potter
Hon. J. W. Hickey	Hon. E. H. Gray

(*Teller.*)

Pair.

Aye.	No.
Hon. J. E. Dodd	Hon. J. J. Holmes

Amendment thus passed; the Bill rejected.

BILL—STAMP ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [7.55]: in moving the second reading said: This amendment is required to continue the present rate of stamp duty on transfers and conveyances. The present rate of duty was fixed by an amendment to the Act in 1917 and has continued from year to year since. The rate is now 5s. for each £25 of value or £1 per £100. Without this amendment the change would, after the 30th June, 1927, become 2s. 6d. for each 25 years or 10s. per £100. The present rate cannot be regarded as unreasonable and it has not been seriously objected to by the general public. It also compares favourably with the rates in the other States which are:—New South Wales 15s. per £100; Victoria, 20s. per £100; Queensland, 15s. per £100; South Australia, 10s. per £100; Tasmania, 15s. per £100. I move—

That the Bill be now read a second time.

HON. J. NICHOLSON (Metropolitan) [7.58]: I would like to remind the Leader of the House that on two occasions I have drawn attention to this war tax on stamp duties. It is a war imposition and it was thought that it would remain in operation for a comparatively short period and that stamp duties on conveyances and transfers and such like documents would revert to the pre-war figure, namely, 10s. for every £100 or 2s. 6d. for £25.

Hon. J. Cornell: Has the cost of living reverted to the pre-war standard?

Hon. J. NICHOLSON: I do not say that, but we all know that certain of these impositions which were made by the Government during the period of the war have been reduced. The understanding in this case was that the rate should be increased temporarily only. That is why the measure has to be re-enacted from year to year. Last

year I expressed the hope that the Government would not introduce the Bill again. Having regard to the facts furnished by the Chief Secretary in support of the Bill, namely, that in most of the other States the rate is 15s. for each £100, I think we might give the question of the increased amount some consideration at this stage. It seems to me to be an unfair imposition. It is certainly a means of deriving revenue. I would call the especial attention of the Government through the Leader of the House to this fact. I do not wish to place the Government in any awkward position. I know that the amount derived from the stamp duty forms a considerable part of the revenue of the State, but I repeat the request I made last year that the Government should see that this is the last we have of the Bill, and that it will be allowed to expire in 1928. I think that is a fair thing for us to expect in view of the fact that we have been paying, during the years since the Act was first introduced, very much more than most of the other States.

THE CHIEF SECRETARY (Hon. J. M Drew—Central—in reply) [8.1]: It is true that every year since I have been in office there has been a protest from Mr. Nicholson against this Bill. He stated it was a war measure. I understand that is so. We have been suffering from the effects of the war, not only up to the termination of the war, but for many years after. We are only just experiencing relief from the effects of the war in Western Australia. I am surprised at the attitude of the hon. member upon this Bill, in view of what the Government have done in order to reduce taxation. We substantially reduced the income tax, and reduced it to an extent by which we have not been compensated by the £200,000 grant from the Federal Government. It has been abundantly proved to us since that we have not been compensated by this sum. The other night a request was made to another place to reduce taxation on improved land by 50 per cent. On top of that Mr. Nicholson would desire the Government to be deprived of this taxation. It is scarcely fair, especially in view of the fact that probably after this year we shall have no help at all from the Federal Government. After this year there will be no per capita payments. It may be that the Agreement with the Federal Government entered into by the different Premiers of Australia will not pass the Parliaments of all the States of the Commonwealth. If it fails to pass, the Agreement will be so much waste paper. On top of that the Agreement has to be adopted by the people of Australia.

Hon. J. Cornell: By referendum.

The CHIEF SECRETARY: Yes. It is scarcely the proper time even to suggest that taxation of this nature should be reduced. The Government are only too ready to relieve the people of burdens.

Hon. J. Nicholson: I suggested that it should not be repeated next year.

The CHIEF SECRETARY: I could not give any promise in that direction. I hope before long there will be no necessity to allow taxation to remain at its present high figure. I know it is pressing somewhat heavily upon certain sections of the people. The accounts that are received in connection with transfers are sometimes astounding, because of the high fee charged. I have had some experience of them myself, and could not understand the position until I had investigated it and discovered that the increased stamp duty was responsible for the inflated amount. We will bear in mind the latest protest by Mr. Nicholson. Perhaps in due course we shall be able to afford the necessary relief.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CLOSER SETTLEMENT.

Second Reading.

Debate resumed from the 13th October.

HON. E. ROSE (South-West) [8.7]: In supporting the second reading of the Bill, as I have done on previous occasions, I am pleased to see that it is provided that at least one member of the board shall be a man of practical experience in the district in which the land is situated. I would rather have two agricultural experts on the board, but it is necessary to have at least one. The two Government men have predominating power. If any important question arose, they would certainly carry the day. If there were two agricultural representatives on the

board, it would be very much better. A lot has been said against the Bill. Some members have said there is no unused agricultural land along our existing railways that could be put to better use. It is the worst advertisement it is possible for any member to give this State, to say that we have little or no agricultural land for closer settlement.

Hon. J. M. Macfarlane: That statement is not true, either.

Hon. E. ROSE: No. One has only to travel by train to Albany, Bridgetown or Busselton to see the amount of land lying idle alongside the railways. I have stated on previous occasions that we have sufficient land to carry many thousands of people. I have travelled extensivly through the South-West as far as Albany, and have seen thousands of acres lying idle. I have practical experience of the land. I know that if these areas were cut up into smaller locations, we could establish thousands of farmers who would soon thrive. To-day, however, this land is supporting only a few people. What is our land for? We have one of the greatest territories of agricultural land in the world and a great deal of it is undeveloped. Unless it is developed and populated, can we hold it? I have quoted Harvey before as an illustration of what can be done in closer settlement. By means of irrigation and drainage schemes there are now about 140 settlers on 4,000 acres. The holders are all doing well. They certainly do not pay income tax, but they are doing well and rearing large families, Something like 220 children are going to the local school. We could not have a greater asset than a number of children who are brought up in the agricultural areas, because many of them will follow their parents' occupation. Besides the Harvey, the Dardanup and the Busselton areas, there are many other places between Perth and Busselton where, if the land were cut up, the rivers were harnessed, and a comprehensive drainage scheme were inaugurated, it would be possible to settle thousands of people. The whole of the South-West, from Geraldton downwards, is suitable for closer settlement. Mr. Kempton will bear me out when I say that even in his district, where people must have larger areas, several areas have recently been cut up into smaller ones to the advantage of those who are settled upon them. The board will have to inquire into the suitability of the land throughout the South-West, and will have to say whether or not it has been turned to economic use. I think the farmer should have the right of appeal. Although I opposed this before, I have come to the conclusion that there should be a court of appeal from the decisions of the board. Many people have used their land for potato growing or oat crops, whereas others have found it better to rear sheep upon their properties. Some parts of the country are more suitable for sheep than anything else. In portions of the eastern districts, right down to Albany, some of the finest wool in Australia is being grown. That land would certainly not be suitable for subdivision into small areas. A lot of the land would be of more benefit to the State if it were allowed to remain in its present hands, by which it is being turned to good account. Care will have to be taken to see that the land is developed so that it will carry as much stock as it is capable of carrying. Western Australia is most suitable for primary production. We must go in for greater production, and devote more of our energies than we have done to the development of our lands. We have one of the finest rainfalls and climates in the world. Our lowest rainfall on record, from Perth downwards, is 20 inches for the year. That gives one some idea of what the rainfall is here and what the production should be. We all know that the world is looking for food supplies. Since we can produce these in every shape and form, and export them, we should use our best endeavours to encourage land settlement. The population of the world is increasing at a greater rate than is production. For many years to come we shall have a ready sale for our produce, if not in Australia, in other parts of the world. We should provide every means possible for the assistance of our primary producers and to make land available to enable our people to produce what is necessary. Down in the South-West the country is more suitable for dairying and mixed farming than for anything else that can be grown there. Of course, fruit is doing remarkably well in some parts, and we have thousands of acres of good fruit-growing country where men can do well on small areas. The great opening, however, is in dairying and mixed farming. We have in Western Australia a ready market for all that we can produce. For the year ended the 30th June, 1927, we imported £524,565 worth of butter. That shows what an opening there is for the dairying industry in this State. Our importations also included but-

ter substitutes worth £19,935, cheese £87,602; milk and cream in powdered form £21,506; condensed milk £157,028; making a total of £828,836 paid in respect of dairy produce imported from the Eastern States. On top of that we imported bacon and ham to the value of £166,668; eggs in shell £5,062; egg pulp £10,879, or a total of over £1,000,000 spent on imports from the Eastern States. That shows that we have a wonderful market for our own goods. On top of that we imported potatoes and onions to the value of over £86,000. Why should we not increase our production by means of closer settlement and so encourage our people to develop small holdings? I regret very much the speech that was delivered by Mr. Holmes the other night when he was dealing with the Closer Settlement Bill and what had been done in the South-West. He stated that over £6,500,000 had been spent in the South-West in an endeavour to grow fodder, and that, after such a huge expenditure, there was not sufficient grass to feed 800 cows. He said that he had seen a letter to the Pastoralists' Association asking for sufficient paddocking to be supplied to feed 800 cows. He turned round and, speaking towards me, said that he was astounded to hear my remarks when speaking on the Address-in-reply when I said that I hoped a closer settlement Bill would be introduced and that if it were not applied to the whole of the State, that it would be applied to the South-West Division. I cannot allow a statement such as that made by Mr. Holmes to go without contradiction. I hope the Chief Secretary, when he is replying to the debate, will make the position clear. In my opinion, Mr. Holmes' speech constituted one of the most damning statements I have ever heard a member make in this Chamber. Knowing how "Hansard" travels all over the world and that an official report of such a statement as that made by Mr. Holmes will do more towards damaging the credit of Western Australia in the Old Land than anything else could do, it appears to me that the people of Western Australia should stick up for their country and not cry "stinking fish."

Hon. W. J. Mann: Have you any idea where he got his information?

Hon. E. ROSE: I do not know, but I have a statement made by the Minister for Agriculture, Hon. M. F. Troy, in which he said that the number of cows held by group settlers on 30th June last was 6,402, while the number unallotted on that date was 990. In addition, they had 3,464 heifers, while 421 were still unallotted. Further, there were 244 bulls. The total number of cows repossessed was 737, and of heifers 59. According to the Minister's statement there were 11,521 head of stock on the group settlements.

Hon. J. Ewing: That is very good.

Hon. E. ROSE: Yet Mr. Holmes says that after spending £6,500,000 in endeavouring to grow fodder in the South-West, we had not been able to feed 800 cows. Hon. members therefore will realise that Mr. Holmes' statement was one of the most damaging that any member could make here, particularly when we realise what people in England will think if they should see it in "Hansard." I hope the Chief Secretary will deal with the position fully when he is replying. Why, the total cost of the cattle purchased for the group settlers and carried by them was about £100,000. The Government are doing good work in opening up the country. Of course, mistakes were made in connection with the group settlement scheme, but can hon. members mention any venture of magnitude in which mistakes were not made? If they compare the expenditure on our group settlements and the Soldier Settlement Scheme with the expenditure involved in similar undertakings in the Eastern States, they will find that we have not lost anything like what was lost in the East. I hope the Bill will be agreed to with a few amendments. I do not agree with all the amendments of which notice has been given. I think owners should have the right of appeal and that they should be able to provide land for their sons if they are growing up. Who are the best settlers that we can have? Are they not those who are born within the State, and who take an interest in our land? If people are developing their holdings and land to enable their sons to take it over when they are old enough, some provision should be made to enable those people to retain a sufficient area.

Hon. J. Nicholson: Would you suggest a certain area that should be kept in reserve?

Hon. E. ROSE: No, because in different parts of the State different areas would be necessary. It would be useless to make any such suggestion. In some portions of the group areas 30 acres for orchards represents a sufficient holding. At Harvey there are small holdings of from 40 to 50 acres but they are not large enough for dairying.

More land is required in order that the dairy farmers may provide for their dry stock. In other portions of the State a thousand acres would be necessary.

Hon. C. F. Baxter: It would be impossible to set that out in an Act of Parliament.

Hon. E. ROSE: Yes, it would be impossible. On the other hand, we should not hold up land for all time. Provision could be made so that sons of farmers leaving school might be given an opportunity to go on the land. With such a proviso and the right of appeal conceded, I cannot see that there is anything to fear from the application of the Bill. We must have some means of settling our land and increasing our population. For 380,000 people to occupy a huge State like Western Australia is ridiculous. From the remarks of hon. members I do not think they will support Mr. Holmes or, probably, Mr. Stewart. I do not pay much attention to what Sir Edward Wittenoom had to say about this question when he talked about the agricultural lands of Western Australia. He is a city man who knows little about the agricultural land in the South-West Division. His remarks would not carry much weight on that subject. I cannot help touching on the question of the dairying industry in the South-West, because I have been interested in that industry for several years and have tried to assist dairy farmers in every way possible. It will not be very much longer before we will be producing all the butter we require in the State, more particularly if the land is cut up for closer settlement purposes. We have increased our butter production considerably. For the week ended the 15th October last we turned out 23 tons 12 cwt. of butter at Bunbury, whereas for the corresponding period of the previous year we turned out 19 tons 12 cwt. Last week we turned out 23 tons 12 cwt. at the Bunbury factory alone, while about five tons was turned out at the Busselton factory, making over 28 tons for the one week in the two factories. All that is the result of supplies drawn from small areas. I know of one man who has 500 or 600 acres of land, not more than one-half of which is under cultivation. Last month he drew £200 as his cream cheque, while others drew from £100 to £150 although they are working on small areas.

Hon. J. Nicholson: Is that for the month?

Hon. E. ROSE: Yes.

Hon. C. F. Baxter: But this is the flush month.

Hon. E. ROSE: That is so. By means of closer settlement and a proper drainage scheme we can increase the dairying production very considerably in the South-West. God has been good to us in that part of the State. It is the healthiest country in the world and we should have it settled properly. In other parts of the world there would be small farms almost every few chains, but between Perth and Bunbury and Busselton farms are scattered along the railway line, whereas there should be townships springing up here and there. Recently I took the Minister for Agriculture through part of the South-West, and he was astounded to see how the grass was growing in the undeveloped forest country. He said he had no idea that it would grow grass in that way. Although the land was uncleared and undeveloped, it was growing fine fodder in the shape of grass. The whole of that country will carry stock and grow fodder grasses if it is developed properly and top-dressed. The land is too valuable to be held up in large areas, and something must be done. If the Government have power to cut up the large undeveloped holdings and are thus enabled to go in for a comprehensive drainage scheme, great progress will be made. Unless that is done, it will be a great many years before the country is developed and properly used. That is my chief reason for supporting the Bill. I know what the country is capable of doing. I have travelled throughout the South-West extensively and through other parts of the world. I have been able to make comparisons with what I have seen elsewhere and I realise we have a heritage of which we can be proud. We should make the best use of it, but we are not making the best use of it now. I hope that very shortly after the Bill is carried there will be largely increased settlement throughout Western Australia. I cannot understand why the Bill should prove damaging to anyone in the State. People whose land is undeveloped within the meaning of the Act will receive a reasonable price for the land that is resumed. I do not subscribe to the principle of taking one man off to put another on. I want more than that. I want land repurchased and utilised to the best advantage. I have much pleasure in supporting the second reading of the Bill.

HON. A. J. H. SAW (Metropolitan-Suburban) [8.30]: I have pleasure in supporting the Bill. Indeed, I have supported every Closer Settlement Bill that has been introduced since I entered the Chamber. I speak, not only as a member for the Metropolitan-Suburban Province, but also as one of the settlers on the Harvey estate to whom Mr. Rose has alluded. I do not know that I can say "one of those prosperous settlers," but I can vouch for the accuracy of his statement that I do not have to pay any income tax on my returns from that area. The Bill has had a much more favourable reception than any of its predecessors, but I do not suppose an old campaigner like the Chief Secretary will be under the impression that it is yet out of the wood. It is true it may escape some of the dangers that befel its predecessors. It may not be referred to a select committee. It probably will not be ruled out of order, for I fancy that the opinion expressed by Sir Howard D'Egville, which Mr. Lovekin was good enough to get and lay on the Table of the House, will preclude the Chamber from taking any step of that kind. But although the Bill may escape those dangers, there is one danger it may not escape. It seems to have so many strange bedfellows that I fancy it may be overlaid by one of the numerous amendments that I see on the Notice Paper, a page and a half of them. I can never understand what objection there can be to the principle that if a man does not utilise his land to the proper extent, he should be compelled to surrender it, after compensation, to those who are willing to so utilise it. Mr. Holmes quoted with disapproval the saying that Mr. Colebatch used in this House, namely, The earth is the Lord's and the fulness thereof. I would remind Mr. Holmes that there is a maxim, and old Roman law, Salus populi suprema lex, "The welfare of the people is the highest law." Although I have supported all the other Closer Settlement Bills that have been before the Chamber, I have always advocated that reasonable safeguards should be put into them in order that no body should be dispossessed of valuable land at the mere whim of the board, or perhaps even from worse motives. In fact the words in the present Bill "having regard to the economic value of the land" were put into a former Bill at my instigation. What I intended in moving the amendment was to provide that if the land were put to its proper economic use it should not be capable of being taken away from the man so utilising it. There may be some very rich agricultural land that undoubtedly could be devoted to purposes of agriculture. But there is a great deal of other land, quite good, too, which can be put to even greater advantage by using it for pastoral purposes, or for the purpose for which Mr. Nicholson has been battling, that of a sheep stud farm. That land is principally situated in the Great Southern. Provided a man is utilising good land and can show that he is putting it to good economic use, and that it will return him that way as great or nearly as great a return as if it was put to the purposes of agriculture, there cannot be any sound economic reason why he should be dispossessed of it. If he is not wisely utilising it, he should be compelled to surrender it, after due compensation, to those who will make proper use of it. I understand, too, especially in the pastoral industry, it is necessary to have fairly large areas, that the sheep do better and that the pastoralists get a better class of wool where the sheep are not too crowded, where they have good scope for moving about. So I do not suppose any board would be guilty of the folly of dispossessing people of that particular class of land when they are devoting it to pastoral purposes. I have pleasure in supporting the second reading.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [8.35]: I have gone carefully through the Bill and I do not see in it anything to be alarmed about. I listened attentively to Mr. Nicholson, and I was surprised at the fears he expressed. The Bill provides that the board shall consist of three members. I think the number is quite sufficient when we see that the board is to consist of an officer from the survey department, the manager of the Agricultural Bank, and a farmer having local knowledge of the land and its values. I congratulate the Government on having brought down the Bill. It is very necessary that we should have such a Bill; indeed, it is quite essential to the development and progress of the State. Subclause 3 of Clause 3 provides that the land shall be deemed unutilised within the meaning of the Act if, in the opinion of the board, the land, having regard to its economic value, is not being put to reasonable use. I do not think we could have a more just provision. There is no danger of the board doing anything unjust under that provision. At the same time it is only fair

that there should be an appeal board. Not that such a board would be necessary, but certainly the owner of the land would not then be in any danger of wrongfully losing his land. I see no harm in the amendment providing for an appeal board. Amongst the provisions in the Bill is one that a notice has to be given to the owner of land about to be taken. Then the owner can give notice of his intention to subdivide the land himself. Right through, the Bill is very fair and just. Now I wish to refer to the "Western Mail" of the 25th August. It contains an article that in my view proves the necessity for the Bill. We find here a map showing the statistical areas of the wheat belt. I hope members have seen this map, for it is very informative. The rectangles show blocks containing each 600,000 acres. A study of the map reveals that of the whole of the wheat belt last year 2,501,000 acres were reaped for wheat. Allowing for other crops and for fallow land, and portions where sheep are running, it will be seen that fully 60 per cent. of the wheat belt is still virgin forest. Thousands and thousands of acres of that virgin forest were taken up 14 or 15 years ago. Nothing has been done to it and it remains idle to-day. The greater proportion of it was bought at a very low price as second-class and third-class land, although to-day it is recognised as first-class wheat land. If one wants to buy any of that land it is difficult to discover the owner, and when he is found he wants £2 or £3 per acre for what cost him only a few shillings. He has been sitting down waiting for the unearned increment brought about by Government expenditure on roads and railways. Think what it would mean if we could get another 30 per cent. of that land brought under cultivation. Without the Government building another chain of railway, or selling another acre of land, we could more than double our wheat production within that area. See what that would mean for the State and for the railways. I cannot see any way of bringing that about except by means of a Closer Settlement Bill. One can go from Toodyay right away across to Goomalling, and around the loopline, and he will find here and there a patch of open country with bush all round it. A few acres cleared, and the surrounding country held for years and years awaiting the unearned increment. This sort of thing retards progress to a great extent. Nearly all the way around that loopline we find there are scarcely any sheep. The land is becoming dirty, even filthy, containing all sorts of foreign matter. The farmer endeavours to cultivate his land, but on three sides of him is this virgin country harbouring all sorts of vermin, including dingoes, hawks, rabbits——

Hon. A. Lovekin: And tin hares.

Hon. H. A. STEPHENSON: The farmer cannot run sheep, because he is likely to have them killed by the dingoes. Here and there a farmer has a few sheep, but he has to guard them by night, which of course is a very cumbersome business. I should be satisfied to see the one amendment inserted in the Bill but in other respects I think it is all right.

Hon. A. J. H. Saw: The appeal board is the important amendment.

Hon. H. A. STEPHENSON: That is the only amendment I desire. Granted that that amendment is made, I consider the Bill will be satisfactory and have pleasure in supporting it.

Hon. G. W. Miles: What about the amendment permitting a man to hold land for his children or grandchildren?

Hon. H. A. STEPHENSON: The board will not be stupid, but will be composed of men who understand the business. We need not have any fear that commonsense men will be selected and will do their best in the interests of the country. I congratulate the Government on having introduced the Bill. If it becomes law I am satisfied that in the course of three or four years it will have a marvellous effect in bringing under cultivation large areas of idle land that at present are being held by owners waiting to make 200 or 300 per cent. out of the unearned increment.

On motion by Hon. G. Potter, debate adjourned.

House adjourned at 8.47 p.m.