dency of legislation this session seems to be to impose fresh charges upon the producer who, unfortunately, has to sell his produce in the open markets of the world. We have to ship our wheat 15,000 miles and sell it in competition with the wheat producers of America and Russia, where petrol is so much cheaper than it is here. The tendency on most farms is to replace horses by motor vehicles that are driven either by petrol, kerosene or some other spirit. The Minister has power to declare anything to be petrol for the purposes of the Act. It will be possible for him to include power kerosene as petrol, though I feel sure that is not the present intention of the Government. Kerosene and other spirit is largely used in country districts for lighting purposes. Many of the houses have small lighting plants that depend entirely on benzine. Whilst a tax in this respect would not be heavy, it will be placed exclusively on country residents, because in the towns there is electric light and other forms of light, which will not suffer from this special class of taxation. Taking all these facts into consideration, I hope the Government will approve of the Bill being referred to a select committee. There is no hurry about it. The Government can pass the Traffic Bill increasing the license fees on motor buses if they so desire. I hope the Government will hold their hands as tax gatherers for another year and that the select committee will be appointed to-night to investigate the matter thoroughly. They can bring in their report next year. I hope such report will contain recommendations relieving producers from the burdens proposed to be placed upon them under the Bill, burdens that are not borne by their competitors in other parts of the world. Although I oppose the measure. I have paired with the member for Fremantle (Mr. Sleeman) to-night to permit of his taking part in an important conference at Fremantle regarding the present water-side trouble.

Mr. LATHAM: I move—

That the debate be adjourned.

Motion put and a division taken with the following result:—

Ayes	..	..	14
Noes	..	..	21
Majority against	..	..	7

AYES.

Mr. Angelo	Mr. Mann
Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. Denton	Mr. J. H. Smith
Mr. Latham	Mr. C. P. Wansbrough
Mr. Lindsay	Mr. Richardson
	(*Teller.*)

NOES.

Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Thomson
Mr. Griffiths	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. W. D. Johnson	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Lutey	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Maley	Mr. Angwin
Mr. E. B. Johnston	Mr. Sleeman
Mr. Teesdale	Mr. Lambert

Motion thus negatived.

Question put and passed.

Bill read a second time.

House adjourned at 10.1 p.m.

Legislative Council,

Wednesday, 3rd December, 1924.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

BILL—CLOSER SETTLEMENT.

Report stage postponed.

The COLONIAL SECRETARY: I move—

That this Order of the Day be postponed until the next sitting of the House.

My reason is that members have not had an opportunity to study the Bill as amended in Committee. It may be found that some further amendment is necessary.

Hon. A. LOVEKIN: I do not wish to take the business out of the hands of the Minister, but I have amendments ready to move to Clauses 3 and 6 on recommittal, and so I think it might facilitate the business if we were to go into Committee, deal with my amendments, and then report progress.

The PRESIDENT: The hon. member should study the wishes of the Leader of the House.

Hon. A. LOVEKIN: I have no desire to do otherwise.

Question put and passed.

BILL—SUPPLY (No. 2), £2,150,000.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [3.6] in moving the second reading said: It has become necessary for the Treasurer to ask for further Supply, sufficient to carry on until the end of December. It was hoped that the Appropriation Bill would have been passed ere this, in which event it would not have been necessary to ask for so much Supply. The amount required is based on the Estimates already passed by the Assembly, with the exception of the Loan Estimates, which the Treasurer hopes will be presented shortly. The Supply asked for is as follows:—From Consolidated Revenue, £1,300,000; from General Loan Fund, £844,000; from the Sale of Government Property Fund, £5,000; and from the Land Improvement Loan Fund, £1,000; or a total of £2,150,000. Hon. members have already seen the Budget statement delivered by the Treasurer, so there is no need to say anything about that. The Loan Estimates will follow largely the lines of those of previous years. The total Supply asked for for the six months is, from Consolidated Revenue Fund, £2,105,000; from General Loan Fund, £1,589,000; from Sale of Government Property Fund, £15,500; and from Land Improvement Loan Fund, £4,000; or a total of £3,713,500; and an additional sum of £300,000 for Treasurer's Advance. The expenditure for the first four months of this financial year has been, from Consolidated Revenue Fund, £1,474,021; from General Loan Fund, £1,016,981; from Sale of Government Property Fund, £10,506; and from Land Improvement Loan Fund, £1,945, or a total of £2,503,453. The financial position for the five months of the year is, expenditure £3,236,592, revenue £2,660,449, leaving a deficit of £576,143. This is £16,199 greater than the deficit of the corresponding period of last year. However, interest and sinking fund payments have increased by £135,217. A large amount of this will be recouped, but recoups come in largely in December and June, and therefore the position should improve this month. Apart from special Acts the expenditure has not varied greatly from that of last year. The two years compare as follows:—Special Acts 1923-24, £1,222,541; 1924-25, £1,375,720; increase, £153,179; governmental, 1923-24, £790,214; 1924-25, £768,068; decrease, £22,146; public utilities, 1923-24, £1,063,254; 1924-25, £1,092,804; increase, £29,550; total, 1923-24, £3,076,009; 1924-25, £3,236,592; increase, £160,583. I move—

That the Bill be now read a second time.

Hon. A. LOVEKIN (Metropolitan) [3.10]: Before the final finance Bills come along, I should like the Minister to look into the Sales of Government Property Trust Account and see whether it is not possible to devise some different method of finance. For instance, a large sum of money was borrowed for the purpose of making advances to the people of Perth for the putting in of their sewerage connections. That money has nearly all been repaid, but the proceeds, instead of going back to the credit of the Loan Fund, have gone into this Sales of Government Property Trust Account. There is in that account something like a quarter of a million to the credit of sewerage; but of that amount there is only some £60,000 or £70,000 left. The money has not been used for works of a reproductive nature, or on works for which we originally borrowed it, but for renovations at the Old Men's Home and other similar purposes that ought to be provided from revenue. Thus, it seems to me we are spending loan moneys in an improper way and some different method of finance ought to be adopted. Subiaco is about to be sewered, but there is no money available for the making of advances to householders, as was done in Perth, it having all been used out of this Sales of Government Property Trust Account. And even if the Minister recouped that account and made good the sum, the money would have to be lent to the people of Subiaco at a much higher rate of interest than that provided for in the original loan, which was advanced to the people of Perth at 5 per cent. That money having all been used, the people of Subiaco will have to get other money and pay perhaps 7 per cent. for it. That is not a right principle of finance, especially when we are using this Sales of Government Property Trust Account to pay for renovations to the Old Men's Home, police quarters, and other similar purposes, as hon. members will see from the statement given at the end of the Estimates. I draw attention to the matter so that the Minister may look into it, for I propose to raise the question again when the final finance Bills are before us.

Hon. J. CORNELL (South) [3.14]: I had expected that this Government, in contradistinction to previous Governments, would speed up a little with the Appropriation Bill. Time and again has this House protested against the late coming of the Appropriation Bill. It is a most important measure, yet the time at which it reaches this House postulates one of two assumptions: either it is not an important measure or members here are considered to be of no importance. It is a repetition of

the old story; in the last day or two of the session the Appropriation Bill will be presented for our consideration. The House will be at the fag-end of the session, members will be somewhat irritable, and the Bill will not receive the consideration it should have. I again voice my protest against the late presentation of the Appropriation Bill.

Hon. J. J. HOLMES (North) [3.16]: I presume I am one of the members referred to as having protested against the manner in which the business is conducted and the manner in which the financial proposals are submitted to this House. I did not intend to speak on this occasion, because I am not accustomed to criticising without first giving those in power a fair opportunity to get a grip of things and proceed with their policy. I realise that the business in another place has been put through very expeditiously this year. Measures of great importance have been pushed through another place and members there have not been allowed to cross a "t" or dot an "i." Fortunately, that is not so in this House. I hope the point raised by Mr. Lovekin will be considered, namely, the condition of affairs that permits the Government, after advancing loan money and getting the repayments, by means of book-keeping, to transfer the money to revenue. Thus the loan disappears and the revenue figures present a wrong complexion. I am not blaming the present Government for this, but if they continue to conduct the finances on the lines adopted by their predecessors, they can expect to hear from this House.

Hon. J. EWING (South-West) [3.18]: When the Minister is dealing with matters of finance later on I shall be glad to know what arrangements have been made with the Commonwealth Government for borrowing this year. I understand that a certain time has been fixed in which notification should be given of borrowings to be made in Australia and in England. The Commonwealth loan of £6,000,000, issued at £98 and bearing 4¾ per cent. interest has been oversubscribed to the extent of £4,000,000. If the State Government were free, they might be able to borrow more advantageously in London than in Australia, notwithstanding the rate of exchange. I think the time is near when it will be cheaper for the State to borrow in London and pay the exchange.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central—in reply) [3.19]: I thank Mr. Lovekin for having directed attention to the administration of the Government Property Sales Fund. I shall have investigation made, and shall give a definite statement when I introduce the Appropriation Bill, if not before. I regret the inability of the Government to present the Appropriation Bill earlier. The Revenue Estimates are simple, but the Loan Estimates have caused the Treasurer great anxiety in his endeavour to adjust matters and deal fairly with all demands. Only a certain amount of loan money is available, and for weeks past the Treasurer has been worried to fairly distribute it in the best interests of the State. That is the sole cause for the delay in presenting the Loan Estimates. It will not now be long before those Estimates are presented to another place, and shortly after that we may expect to receive the Appropriation Bill. I suggest that Mr. Ewing put his inquiry in the form of a question and I shall then endeavour to get the information. Alternatively, if he advises me of exactly what he wants, I may be able to obtain the information and make a statement to the House.

Hon. A. Lovekin: Let us sell a few premium bonds.

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—STAMP ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [3.25] in moving the second reading said: This Bill is introduced with the object of continuing the operation of certain provisions of the second schedule of the Stamp Act, 1921, relating to the duty on conveyances on the sale of property. Under the Stamp Act No. 10 of 1922, the stamp duty on conveyances and transfers of property is 2s. 6d. per £25 of purchase money, but it was provided that until the 30th June, 1924, the duty should be double that figure, namely 5s. per £25. The duty of 5s. per £25 was continued until the 30th June, 1925, by Act No. 53 of 1923. It is proposed by this Bill to continue that rate of duty until the 30th June, 1926. Owing to the fact that the Treasurer was not able to square the ledger at the end of the last financial year, it is necessary to continue to impose the additional duty, namely 2s. 6d. for every £25 or part thereof on conveyances or transfers. It has been suggested that this additional charge be made permanent, but the Treasurer prefers to extend it for another year in the hope that he might be able to right the finances by the end of the current financial year. Even the rate provided for under this Continuance Bill is not higher than that which obtains in a majority of the Eastern States. In South Australia and Victoria, as well as in New Zealand, the rate is 10s. per £50, which is

just the same as is provided for under this Bill, while in New South Wales and Queensland it is 7s. 6d. per £50. I move—

That the Bill be now read a second time.

Hon. J. NICHOLSON (Metropolitan) [3.27]: The Minister has repeated what was stated when the increase of stamp duty on conveyances was introduced, namely that it would be only a temporary measure. I had hoped that by this time the added imposition would have ceased. The Minister tells us that owing to financial stringency the Government have been unable to do otherwise than reimpose the burden. I suggest that the increase be made not permanent, and that the Treasurer should resume as early as possible the duty originally imposed by the Stamp Act. It is not in the interests of the community generally that heavy stamp duty should be imposed. We recognise the necessity for imposing reasonable rates of duty for revenue purposes, but if we keep on adding to the burden, it becomes detrimental to business. All these imposts have to be taken into account when one is contemplating a business transaction affecting property. I hope that by next year the Government will see their way to cease this additional duty.

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—FIRE BRIGADES ACT AMENDMENT.

In Committee.

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

BILL—WAROONA-LAKE CLIFTON RAILWAY.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [3.34] in moving the second reading said: The Waroona-Lake Clifton railway was built during March-November, 1919, by the Public Works Department for the Portland Cement Company under the conditions laid down in the Bill passed in 1916. The line was intended primarily for the cartage of lime used in the manufacture of cement at the works at Riversdale, and provision was made for the carriage of lime for agricultural purposes and any other goods offering for transit between Lake Clifton and Waroona. On the 21st August, 1922, the line was taken over as part of the Government railways. The actual financial results since that date until the 25th November, 1924, were as follows:—Working expenses, £843; interest, £7,791; total, £8,634; earnings £1,118, ability of the Government to present the and loss £7,516. The traffic over the line has been very light, and apart the line has been very light, and apart from a few hundred tons of lime and 500 tons of firewood it consisted mainly of the Cement Company's plant. Only 70 tons of agricultural lime have been despatched to country stations since the construction of the line.

Hon. H. Stewart: Do you know how much the company undertook to deliver?

The COLONIAL SECRETARY: I have not the information. There is practically no settlement along the route and very little if any prospect of future traffic. In fact, owing to the paucity of tonnage it was decided to discontinue the train service last April. No inconvenience has resulted from the closing of the railway to the residents along the line. The goods they require were carted from Waroona, and consisted of 2 cwt. or 3 cwt. only. The question whether the country adjacent to the railway was suitable for closer settlement has been thoroughly investigated. Unfortunately it has been found that, apart from 159 acres, about 10 miles from the line, there is no good land available. Various blocks, which are shown on the plan I propose to lay on the Table of the House, have been examined by officers of the Lands Department. The area of the blocks in question is 17,379 acres, of which only 76 acres are first class, 1,691 second class, and 15,612 acres third class. An estimate of the material which can be taken over under the Bill is as follows:—17 miles of rails and fastenings, £13,300; sleepers, £2,800; telephone line £400; total £16,500. The approximate cost of pulling down and loading into trucks is £3,000. It is intended to use the rails to enable the Newdegate settlers to get their produce to market. These settlers are now in a parlous condition. Thousands of bags of wheat are about to be harvested.

Hon. J. W. Kirwan: Between 30,000 and 40,000.

The COLONIAL SECRETARY: The Government have exhausted every means of providing them with facilities to take their produce to market, and the only resort left is the construction of a railway as speedily as possible. If the Bill be passed the line will be laid within a few months. We should thus be able to lift the harvest, and should also be able to take out super. to enable the farmers to crop next season.

The necessity for pulling up the line is to be regretted, but it is some satisfaction to know that the material can be used to great advantage in encouraging and assisting those settlers who opened up country so far removed from the railway, and concerning whom an obligation is placed upon the Government to afford them assistance at this particular stage. I move—

That the Bill be now read a second time.

Hon. J. EWING (South-West) [3.40]: I regret that the Government have found it necessary to introduce this Bill. I do not intend to oppose the removal of the rails, which are to be used for a useful purpose. I notice in the Bill a clause which states that the railway from Waroona to Lake Clifton shall at the commencement of the Act cease to be a Government railway. I suppose the land covered by the railway will, therefore, revert to the Crown. I know the district well. The railway was built for the carriage of lime for the manufacture of cement, and also for the carriage of agricultural lime for settlers in the South-West.

Hon. H. Stewart: Do you know the conditions under which the company were to supply agricultural lime before the railway was to be taken over?

Hon. J. EWING: The Minister for Lands said he had done everything he could to make the agricultural lime available to the settlers, but that they would not take it. Several settlers in the South-West have used this lime and found it of great service. There is a screw loose somewhere. I do not know why they will not take this lime, but it is possible they may not be able to get it.

Hon. H. Stewart: The company never fulfilled its obligations.

Hon. J. EWING: Whatever may be said for or against the construction of this line, it has at all events brought about the establishment of the cement industry in Western Australia. If these concessions had not been granted that industry would probably not have been established. It is true the lime is now found to be unsuitable for the manufacture of cement, but as it has been possible to obtain lime elsewhere the industry at Burswood has been able to go ahead. The line cannot, therefore, be said to be altogether a loss to the State.

Hon. T. Moore: How much lime did the company undertake to shift on the line?

Hon. J. EWING: A considerable amount.

Hon. H. Seddon: It was discovered there was salt in the lime, I think.

Hon. J. EWING: There is something wrong with it and it is unsuitable for the purpose for which it was required. It was thought that the investigations made in this respect were quite complete.

Hon. H. Stewart: The people of the State had to carry the burden.

Hon. J. EWING: If the lime has been a failure from some points of view it has been the means of establishing what we hope will prove a permanent industry. There is no chance of the Government being able to develop the wonderful territory that lies beyond the terminus of this line. It was originally built so that deviations could be made north and south along the coast, where there are areas of magnificent swamp land. When the Minister said there was very little good land in the locality I wondered if he was referring to land between Waroona and the head of the line. North towards Pinjarra and south towards Bunbury there is a magnificent territory requiring to be opened up.

Hon. T. Moore: Our good land always seems to be just a little further ahead than the end of a line.

Hon. J. EWING: Mr. Moore will agree with me that there is swamp land along the coast equal to that which is found on the Peel Estate.

Hon. A. Lovekin: How many more miles of line would be required to reach that land?

Hon. J. EWING: Very few.

Hon. J. J. Holmes: Is the land not below sea level.

Hon. J. EWING: No. We know that the Peel Estate is turning out to be a wonderful place, and that it is improving every day. There is exactly the same class of land north and south of the Waroona-Lake Clifton line. For the moment the line goes only as far as Lake Clifton, but at the time of its construction there was in the minds of the Government and of the people a belief that before long the railway would be taken right through parallel to the Great Southern line. The Minister for Lands has visited the locality twice, and he has expressed himself as most favourably impressed with the country he saw. But now he has suddenly turned round. I do not know whether he is in possession of the fullest information, but I do know, from having ridden over the country, that those beautiful swamps are available for settlement. The railway line, therefore, should not be destroyed. The Colonial Secretary has said that not in 20 years' time will the line be extended. I may not live 20 years, but I hope to live another ten, and within that period to see the extension of the railway. Although Clause 2 provides for this not being a railway any longer, and absolutely discards it from the railway system——

Hon. J. Cornell: Of course that must be the case. One Act supersedes the other.

Hon. J. EWING: I raise no objection whatever to the decision of the Government to take up the rails and use them in another locality that is crying out for railway

communication. Indeed, I compliment them on that decision. But to achieve that end it is not necessary to bring in a Bill declaring that this is not a railway any longer. There are the embankments, bridges and fences to be protected. Who is going to look after those works? If the fences are taken down the embankments will be torn down by the cattle, and the bridges are likely to be destroyed. In my opinion, nothing should be done to disturb the railway line, because it will speedily be necessary to extend the line north and south for the purpose of developing the great territories lying there. I repeat, I have no objection to the rails being taken up temporarily; but the works should be kept intact, so that in a year or two, when the Government wake up to the necessity for developing those territories, which are perhaps the best existing undeveloped in Western Australia at the present time, they will have the line complete except for the rails and sleepers. It would be a dreadful thing if the fences were broken down and everything were left open to destruction, because not many years will elapse before the relaying of the railway. It may happen within the life of the present Government. I venture to predict that in a short time the Government will be looking all round the country for rails to re-lay between Waroona and Lake Clifton. Moreover, there is splendid tuart in that district, which timber cannot at present be utilised on account of want of means of communication. Then, too, the district carries excellent jarrah. I consider it my duty to make these statements in the absence of my south-western colleagues. The Colonial Secretary thoroughly understands my position. The line should not be deserted for every Tom, Dick and Harry to do as they like on it; on the contrary, it should receive protection from the Government. I wish to express my pleasure at the Government having decided to provide the Newdegate settlers with a railway, but I must enter my protest against the abandonment of this line. I trust the Government will do nothing that will militate against the reconstruction of the railway, which was not a cheap line to build, but cost £67,000. We have practically passed a Closer Settlement Bill for the resumption of lands in proximity to Government railways more especially. Here are territories alongside a Government railway well worthy of settlement, and yet we are about to take away what will be essential to the success of settlement. I trust the Minister will bring under the notice of Cabinet the facts which I have stated, facts which I believe will appeal to Ministers and to the Engineer-in-Chief. Let us not do injury to one part of the State in order to benefit another part.

Hon. J. W. KIRWAN (South) [3.54]: I support the remarks of the last speaker, who is one of the members representing the district from which this railway is to be removed. Praise is undoubtedly due to those members who, seeing that the railway cannot at present be put to any useful purpose, offer no objection to the removal of the rails and sleepers. It seems to me, however, that Mr. Ewing somewhat misunderstands the wording of the Bill when he infers that the Government will not be able to protect what will remain of the railway after the rails and sleepers have been removed. I feel quite sure that the Government do not intend to shift the formation of the railway. In any case, the land will still remain the property of the Government; and I should imagine that if there be any fencing, and if representations are made to the Government in that connection, the fencing will be retained and can thus be made use of in the event of the railway being reconstructed. My opinion is that the purposes Mr. Ewing has in view are not in any way set aside by this Bill. The few words I have to say have reference to the Newdegate settlers. Mr. Greig and Mr. Burvill and I visited the Newdegate district some few weeks ago. I regret very much that it could not have been made the occasion of a Parliamentary visit, because if members of Parliament generally could but see what we saw during our visit, they would be agreeably surprised with the wonderful development which has taken place there. The district has numerous settlers, and I do not exaggerate when I say that no better type of settlers is to be found in Western Australia—men who take tremendous pride in their work, who have done a very large amount of work indeed, and who today have between 30,000 and 40,000 bags of wheat ready to send to the market.

Hon. A. Burvill: There is not a dud settler amongst them.

Hon. J. W. KIRWAN: Each and every one of the farms we visited showed evidence of energy and perseverance and courage on the part of men who are seeking to make homes for themselves and their families. Other members for the district and I have had numerous interviews with the Premier for the purpose of devising means to get the wheat away from the district. The trouble has been that the road between Lake Grace and Newdegate will not carry the heavy traffic necessary for the taking away of the wheat and then for the transport of the super. which the settlers would require for their next harvest. The Government are indeed worthy of the highest praise for their decision to take these rails and have the railway to Newdegate laid with them, so that the coming harvest may be dealt with. There is just one other remark I would like to make, in answer to an interjection by Mr. Moore, who said that no sooner do we bring a railway to one place than somebody comes along and says, "Oh no, that is not the place; the line should

be taken farther on." Although I do not know the district, I wish to tell the Government what I believe to be quite correct—that no sooner will the railway have been completed to Newdegate than there will be a strong demand for its extension still further.

Hon. T. Moore: But there is settlement along that line and there is none where this line has run; that is the difference.

Hon. J. W. KIRWAN: I am not referring to the Lake Clifton line but to the general remarks that the hon. member made. However, I am sure that the Government will be faced with a demand for the extension of the line from Newdegate eastward. So far as I can see the experience has been that as railway communication has been pushed further towards the east, the lines have tapped better country. The land at Dumbleyung, for instance, is better than the land at Wagin; the land at Lake Grace is better than that at Dumbleyung; and the land at Newdegate is better than that at Lake Grace. There is a place with the horrible name of Damnosa—I do not know how it received such a name—and the people of Newdegate praise it wonderfully and admit that some of the land there is even better than that of their own district. I anticipate that there will be a rush to take up that land as soon as the railway is extended to Newdegate, and that people will be clamouring for land 30 or 40 miles from the rail-head. That is a good sign, for it shows that our agricultural resources are even greater than we realise and that the demand for agricultural land will increase as the railways are extended outwards. The energy shown by the Government in so promptly introducing a Bill to authorise the removal of the Waroona-Lake Clifton line will, I hope, be equally displayed in the rapidity with which they construct the railway to Newdegate. The energy shown so far is worthy of the highest praise.

Hon. H. STEWART (South-East) [4.3]: I congratulate the Government upon their action in this matter. Although the settlers concerned are not in my province, I know the country and traversed it before it was settled. There are settlers in my province at Lake Grace and Lake Brown who are vitally interested in this project. It was owing to the efforts of those people who refused to accept denials from the head of the late Government that the present stage has been reached. It is owing to the Lake Grace pioneers, who knew the value of the agricultural belt in that part of the State, that the country there has started to yield profitable returns. Mr. Kirwan has outlined the whole position. The Government have been in an exceedingly difficult position. Some 12 months ago I was at Newdegate with His Excellency the Governor and the then Under Secretary for Lands delivered from the then Premier, Sir James Mitchell, a message to the settlers intimating that when about 10,000 acres—I am not sure of the exact area specified—were cleared for cropping, a railway would be constructed. Three times the area specified for clearing is now under crop and I do not know the exact area of additional land that has been cleared. The fact remains, however, that until the Government decided to remove the Waroona-Lake Clifton line, there was no prospect of the settlers having that promise fulfilled. The action taken by the Government is an indication of their strong determination to carry out the promise of the previous Government, and their action in that direction, as well as in accepting the responsibility of going to the expense of pulling up material that doubtless will be required in years to come, bespeaks strength on their part. Their action will have a good effect in that it will possibly recall to the public mind the scandalously loose method of transacting Government business indulged in when this line was originally considered. The agreement was entered into with the W.A. Portland Cement Company and the agreement provided, in view of the concession regarding the construction of the line, that it should be up to the State's standard so that it could be taken over by the Government in due course. It was provided that the line should be taken over when certain conditions had been fulfilled by the company. One of those conditions was that they were to make available lime for general and agricultural purposes. Nothing was included to relieve the company from responsibility if the lime did not prove suitable for those purposes. There were certain obligations upon the company but they had not been fulfilled when the agreement was finally signed by the Government. I think at that time the Premier, Sir Henry Lefroy, and Mr. James Gardiner were in Melbourne. I am not sure where Mr. George was but Mr. Colebatch was Acting Premier when the agreement was signed to take over the line and pay the sum of £63,000. That was done despite the fact that the obligations upon the company had never been fulfilled. The outcome was the appointment of a Royal Commission to ascertain whether there was not someone culpable over the transaction. If the present proposal of the Government does direct the attention of the public to what happened in the past, it should have a good effect, and it should also serve to make men holding high public positions particular regarding the safeguarding of the interests of the State. I support the second reading of the Bill and I can assure the Leader of the House that the people in the districts concerned thoroughly

appreciate the action of the Government in coming to their assistance. Had the Government not taken this action, the settlers would have lost probably 2s. per bushel on the value of their wheat, and that would represent an actual loss to them of something like £8,000 or £12,000. During the last two or three months the settlers have been pressing for railway facilities and the Premier has been busily engaged in investigating various means of catering for the traffic, with the result that, finally, the decision indicated by the Bill itself was arrived at. Regarding the suggestion by Mr. Kirwan that the further east one goes, the better and more valuable becomes the land, that contention is perhaps quite right when it is regarded from the standpoint of plant food contents. There are other considerations beside that aspect and, although the land, as one goes further east, keeping within the limits of a reasonable rainfall, may be said to improve from the standpoint of wheat growing, it must be remembered that much of the land east of the Great Southern railway is patchy. Within a few miles of Wagin there is land as good as could be found anywhere, while the land out from Nippering is as rich and prolific as anywhere else. Owing to the bountiful rainfall, however, the yield has not always been as heavy as further east, but the further east one goes, the more it is noticed that the climate is different and the natural grasses for stock-carrying purposes are not so thick. Regarded purely from the wheat growing aspect, there is much in the contention of Mr. Kirwan, but it would be wrong to allow the impression to get abroad that for general mixed farming purposes the land improves the further one goes east. It is not so.

Hon. J. W. Kirwan: Have you been out to Damnosa?

Hon. H. STEWART: I have been further east than Mr. Kirwan has been so far. I know that the further one goes east the more the rainfall diminishes, and beyond Newdegate one reaches regions where the rainfall will be lighter still. Until we get high cultural methods, we shall not get better yields than we secure from the areas within the 10in. rainfall.

Hon. J. A. Greig: As you go east from Newdegate you get closer to the coastal country.

Hon. H. STEWART: That is so if you go towards the south. The land throughout is variable and wheat growing is not the only aspect to be taken into consideration. People who have spoken to Mr. Kirwan have evidently viewed the question from the standpoint of wheat production. Now that Mr. Kirwan has realised the position, I trust we shall see lessened opposition from him when measures are introduced for the assistance of the suffering agriculturalists.

Hon. G. W. Miles: He has never opposed such measures.

Hon. J. W. Kirwan: I have never opposed one Bill introduced for the purpose of assisting the agriculturist. I would like you to point to one that I opposed.

Hon. H. STEWART: I accept the hon. member's assurance.

Hon. A. J. H. Saw: We are all barrackers for the agriculturist.

Hon. H. STEWART: But sometimes the barrackers are rather misguided.

Hon. A. J. H. Saw: We will not support you next time if that is the position.

Hon. H. STEWART: I congratulate the Government upon the introduction of the Bill.

Hon. J. CORNELL (South) [4.15]: In common with other speakers, I commend the Government on their endeavour to do the only thing that can be done if they are to provide railway facilities for the Newdegate settlers this year. At the same time, every member must feel a tinge of regret that the Bill should be necessary; for it marks an epoch in our railway construction. We are about to pull up a railway. That in itself is regrettable. Whilst I give the measure my support, I do it with the reservation that I will not accept it as a precedent for the pulling up of any other railway. I do not want to disclose secrets, but probably there are one or two railways in the South Province that would not bear close investigation, and a few in the North-East and Central Provinces.

Hon. T. Moore: No, all of them in the Central Province are quite right.

Hon. J. CORNELL: It is no great tax on the memory to recall that a Royal Commissioner recommended the pulling up of railways in those three provinces. Because of that I am sorry to have to record my vote in favour of the pulling up of an established railway.

Hon. J. J. HOLMES (North) [4.17]: I congratulate the Government on their facing of the position. In one place they have rails and sleepers with no traffic to pass over them, and in another place assured traffic but no railway. Mr. Ewing complains that we are about to pull up what should be a section of the North-South railway between Bunbury and Perth. The trouble is the railway began from the wrong place. It should have gone from Pinjarra, south to Lake Clifton, and thence through good swamps to Bunbury. The pulling up of the railway will not alter that scheme. It was started from the wrong place because a Minister, full of his own importance, declared that it should go from Waroona, not from anywhere else. Apart from that, the construction of this railway represents one of the saddest phases of the history of the State. A smart set of business men came here and secured a permit for the construction of a railway to carry lime for the agriculturists.

They got the railway built by the Government on the understanding that they would foot the bill. The Government piled on the charges, but when the railway was finished it was discovered that the lime was not suitable for agriculture, and so those smart business men persuaded the Government to take over the line at cost price. Let us close that page of history forever, because it is too sad to contemplate. There is one clause in the Bill for which I should like the Minister to be prepared in Committee. It is the provision that the cost of the railway may be omitted from the Government railway accounts. If it is to be so omitted, to what is it to be charged? The money has been expended on behalf of the Railways, and interest and sinking fund must be provided. The only reasonable way to adjust accounts would be to make it a charge on revenue and charge it up, not to the present Administration, but to the previous Administration that created the debit. I hope the Minister will enlighten us as to what is proposed in this regard, because it appears to me the Railway Department are to be allowed to omit the cost of the railway from their accounts, and yet have the rails and sleepers. The whole amount is to be omitted from the railway accounts, but the rails and sleepers will be included in the Newdegate railway, plus the cost of construction of that line. This Lake Clifton railway cost £62,000, and the estimated value of the rails and sleepers is £16,000, leaving a difference of £46,000 to disappear. How is that to be made good? I hope the Minister will be able to tell us. Most certainly it must be made good, and it should be made good out of revenue. I will support the second reading.

Hon. J. A. GREIG (South-East) [4.24]: I congratulate the Government on their determination to pull up the line with a view to supplying the Newdegate settlers with railway facilities. As to the embankments and cuttings that will be left, it would be a good idea to convert the track into a road for vehicular traffic. Such a road would carry all that is likely to be produced along that line for some time to come. I was surprised to hear Mr. Ewing's reference to the beautiful country somewhere beyond the terminus of the line. It is a pity that did not occur to him when, a little while ago, the Government were looking for an area for settlement.

Hon. J. Ewing: It has been put before them repeatedly.

Hon. J. A. GREIG: I urge the Government to hurry on with the construction of the Newdegate railway so that the settlers there may get their fertilisers through for next year. They will require over 1,000 tons of super. and several hundred tons of machinery. At present they are not farming properly, for the reason that they have no means of getting machinery out there. There is in that area a lot of good country still unselected. In all, 121 farmers are on their holdings at Newdegate, and their average distance from a railway is nearly 40 miles. Land lying vacant there to-day will be growing good crops in the near future. Reference has been made to other railways that would not stand close investigation. Fortunately, there are no such railways in my province, and I hope there never will be. I congratulate the Government on their determination to build the new line to Newdegate, and equally on their determination not to use this material in building the line from Dwarda to Narrogin, for that line would not pay axle grease and might have to be pulled up.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central—in reply) [4.28]: I acknowledge the congratulations of hon. members on the attitude of the Government towards the Newdegate railway. Two points raised by Mr. Ewing I should like to explain. The first is in regard to the preservation of the permanent way of the Waroona-Lake Clifton line. That matter has already been considered, and the Government have decided that nothing shall be done to interfere with the permanent way beyond the pulling up of the rails and sleepers. Possibly 10 or 15 years hence development may arise requiring a railway, in which event the permanent way will be already there.

Hon. G. W. Miles: You will not put on men to keep it in repair?

The COLONIAL SECRETARY: Certainly not, but we will do nothing to interfere with it. Again, provision is made in the Bill that the railway ceases to be a Government railway. That has been done with a definite object. Without that provision, any future Government could construct a railway over that permanent way, but under that provision any Government proposing to build a railway over that route must first secure Parliamentary authority.

Question put and passed.

Bill read a second time.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 7—Amendment of Section 42:

The CHAIRMAN: When progress was reported, the Committte had decided to strike out all words after the figures "42."

Hon. J. EWING: I move—

That the following words be inserted in lieu of the words struck out:—"The court shall consist of a president ap-

pointed by the Governor. The president shall be a judge of the Supreme Court. The president shall not be required to perform any duties as judge of the Supreme Court during his appointment as president of the Court of Arbitration, and his appointment shall not prejudice any rights or privileges he may have or be entitled to as judge of the Supreme Court."

Hon. H. STEWART: I move—

That the amendment be amended by inserting after 'president," where it first occurs, the words "and one or more deputy presidents."

I do this to give the Committee an opportunity to consider the principle. If we have a president, it is desirable from the outset to have one or more deputy presidents so that there shall be someone fully conversant with the policy of the court. Then if it becomes necessary for someone to take over the duties of president, a qualified man would be available. The president would allocate the work of the deputy presidents, just as the Chief Justice allocates the work of the Supreme Court.

Hon. A. LOVEKIN: I hope Mr. Stewart's amendment will not be agreed to. We do not want to complicate the Bill more than we shall do by adopting Mr. Ewing's amendment. Quite a new scheme will be set up by this measure. We are going to have a number of boards with a view to adjusting industrial disputes, and a good deal of the work will be taken away from the court. At the inception we may be content to give the measure a trial with a president of the court and the boards, and it will be time enough next year or the year after to think of appointing deputy presidents should a congestion of business occur. With the boards composed of people having a knowledge of the industries in dispute, I think the court will have little to do beyond fixing the basic wage and considering appeals. If we appoint deputy presidents it will be necessary, in order to obtain continuity of policy and freedom, to appoint them for life, subject to removal by a vote of both Houses of Parliament. It is unthinkable that anyone appointed to sit on a judicial tribunal should be appointed for a term of years so that his future depends upon the Government in power when his term expires. Such a state of affairs would not make for the impartial justice we expect from our courts. I do not think any person qualified to become a judge or any business man would be prepared to take on the work for a period of seven years only, and run the risk of displeasing the Government of the day and having to return to his profession or business and begin again.

Hon. H. STEWART: I hope I shall be able to gain Mr. Lovekin's support, because my idea is quite in accordance with his desires. Mr. Lovekin fears that the appointment of a deputy president would lead to complications. On the second reading he expressed the hope that the president and the boards would be left to deal with the business. That is a reason for having a deputy president. He would know what was being done, and continuity of policy would be assured. The Bill provides for various boards, and enforcement orders are to be dealt with by industrial magistrates. There will be ample work for one if not more deputy presidents. I agree that a deputy president should be appointed for life, and if he is appointed in order that the requisite machinery may be fully provided, considering the enormous financial interests involved, it would be reasonable to pay him a couple of thousand pounds a year. No suitable man would be prepared to give up his business for a tenure of, say, seven years. The deputy president should be appointed for life, being removable only by resolution of both Houses of Parliament. There would be no fear of clashing, because the president is head of the court. If the right choice is made of deputy presidents they will give to the State work which will warrant their appointment and the payment of their salaries.

Hon. J. NICHOLSON: The proposal to appoint deputy presidents requires much consideration. Mr. Stewart fears that there will be a great congestion of business, calling for the services not only of a president but also of one or more deputy presidents. But that will depend on how the measure works and how the business of the court proceeds. If a means is found of settling disputes without reference to the Arbitration Court, then, clearly, the ordinary work which is dealt with by the court as now constituted must be greatly minimised. A further difficulty is the suggestion to appoint both the president and the deputy president for life. Mr. Ewing's suggestion seems to me the wiser one. There must be a president of the court, and he undoubtedly should hold the qualifications of a Supreme Court judge. Assuming that within a short time the work of the court becomes so much reduced that the services of a deputy president are not required, how is he to be got rid of if appointed for life? The Government would find themselves saddled with a deputy president, or possibly several deputy presidents, while having no work for him or them to do. Up to the present the court has consisted of practically one individual, since the three members of the bench have always sat together. Therefore one president by himself can do as much work as is done by the present court. The position would be different if the present court were broken up into three. But the argument is that the work of the court will be reduced by this measure.

Additional appointments can be made later, if found necessary, through the medium of a short amending Bill. When that Bill came before Parliament, it might be considered that the deputy president, or deputy presidents, should not be appointed for a longer term than, say, five or seven years. Undoubtedly the president himself should be appointed for life, in order to maintain that consistency in the decisions of the court which is vital to the purposes in view. I support Mr. Ewing's amendment.

Hon. E. H. HARRIS: When considering the appointment of one or more deputy presidents, we should have regard for what has occurred in the past and also for what the Bill proposes with reference to various committees. The present three members of the court have sat as one, and have done their work as well as a Supreme Court judge does his. But if in future the president devotes the whole of his time to the work of the Arbitration Court, the position should be greatly improved. Moreover, under this Bill it would be possible for the president to delegate the whole of his work to boards, sending one to Geraldton, another to Albany, and so on, saying, "If the people are not satisfied, let them come to me." The appointment of the president should not, in my opinion, be for life, as the matters to be dealt with are not matters of law, and when a man gets beyond a certain age he should not sit as president of the Arbitration Court. My own preference would be for appointing the president for 10 years.

The COLONIAL SECRETARY: I regard Mr. Ewing's amendment as consequential. This matter was discussed at great length last night, and I was beaten on the question of the constitution of the court. If the provisions for boards remain in the Bill, the president will be relieved of a great deal of work, and so there will be no necessity for a deputy president, especially a deputy president for life. I can understand the appointment of a deputy president if the president is ill, but there is already provision for that.

Hon. H. STEWART: The appointment of a deputy president should be provided for differently from the manner proposed in the Bill. We may go along for perhaps three years with a president, and then a deputy president has to be appointed, and whom are the Government to appoint? A man would have to be brought in simply from outside. He would be appointed by the Governor in Council, and an unsuitable man might be selected. That risk can be avoided by providing that the deputy president shall be appointed subject to the approval of Parliament. In any case, there will have to be an addition to the Supreme Court bench in order that the number of judges may not be diminished. The objection could be met by providing that the deputy president could be appointed with the approval of Parliament. I have not had sufficient support for my proposal and therefore I will ask leave to withdraw it.

Amendment on amendment, by leave, withdrawn.

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

Clause 8—Amendment of Section 43:

Hon. J. EWING: What I propose may be considered a consequential amendment though in reality it is not. The Bill provides for the excision of Section 43 of the principal Act and the addition of the words contained in the Bill. My amendment is in the direction of striking out the words contained in the Bill and substituting others. I move—

> *That all the words after "43" in line 1 of the proposed subsection be struck out and the following inserted in lieu: "In case of the illness or absence of the President at any time, the Governor may nominate a judge or any person having the qualifications of a judge of the Supreme Court to act as President or Vice-President during such illness or absence and until the termination of any pending inquiry."*

The person to be appointed need not be a judge, but he must have the qualification of a judge. It will be noticed that I provide that although the president may be able to resume duty, the deputy shall continue until he has finished the work he has commenced.

Hon. H. STEWART: Instead of referring to him as president or vice-president, as the hon. member proposes to do, why not call him deputy president?

Hon. J. Ewing: I see no objection to that.

The COLONIAL SECRETARY: The amendment is not as simple as it looks. Most hon. members have advocated the appointment of a judge of the Supreme Court. The amendment means that a solicitor can be brought in from outside during the temporary absence of the president.

Hon. J. Ewing: That is what it means.

The COLONIAL SECRETARY: I oppose that. An outside solicitor may be selected in whom the people may not have confidence. He would be acting as president for, say, three months; he would have no responsibility and then would be gone for ever.

Hon. H. STEWART: I am in agreement with the views of the Colonial Secretary. We must uphold the prestige of the court so that it shall always have the confidence of every section of the community.

Hon. J. J. HOLMES: The position would be met if we struck out the words "any person having the qualifications of a judge."

Hon. J. EWING: I agree with the view expressed by the Leader of the House and admit that it would be in the power of a Government to appoint any solicitor they wished. With the permission of the House I will alter my amendment to read—

In case of the illness or absence of the president at any time the Governor may nominate a judge of the Supreme Court as acting president during the illness or absence of the president and until the termination of any pending inquiry.

Hon. T. MOORE: If members will turn to Section 43 of the principal Act they will see that we are inserting something that is already there. It seems to me that we are just wasting time.

Hon. J. NICHOLSON: There is a difference between the amendment and the section of the Act by reason of the fact that the amendment gives power to the acting president to sit until the termination of the pending inquiry. That does not appear in the existing Act.

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

Clause 9—Amendment of Section 47:

Hon. J. EWING: I move and amendment—

That all the words after "repealed" in line 1 be struck out.

This is necessary because of the amendment that we have already passed.

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

Clause 10—Amendment of Section 48:

Hon. J. EWING: I move an amendment—

That after the words "forty-eight" the following be inserted: "forty-nine, fifty, fifty-two, fifty-three, fifty-five and fifty-six."

Section 49 deals with the appropriation of salaries for ordinary members of the court; Section 50 with existing members of the court; Section 52 with disqualification of membership; Section 53 with power for removing such members; Section 55 with the mode of filling casual vacancies; and Section 56 with the oath of office for ordinary members.

Amendment put and passed.

The CHAIRMAN: The remainder of the clause will be amended consequentially.

Clause, as amended, agreed to.

Clauses 11 to 13 put and negatived.

Clause 14—Amendment of Section 58:

Hon. A. LOVEKIN: I move an amendment—

That at the end of paragraph (b) the words "and the award shall be made and issued with reference to such unions" be struck out.

This may mean that an award shall be issued after it has been referred to the union for approval.

Hon. J. Cornell: But the whole paragraph is coming out.

Hon. A. LOVEKIN: That being so, I will withdraw the amendment.

Amendment by leave withdrawn.

Hon. E. H. HARRIS: I move an amendment—

That paragraph (b), subparagraph (i), be struck out.

The paragraph contains an impudent suggestion. An unregistered union may be brought before the court by the Minister, and a registered union that is obeying the law may be notified that it is a party to the dispute. The latter union will then have to be bound by the award made in respect to the unregistered body. If it is understood that all industrial organisations can have their grievances disposed of by the court, all that we would need would be machinery for hearing industrial disputes in general.

The COLONIAL SECRETARY: It is necessary in the interests of industrial peace that persons who do not belong to a union should be forced into court. In the building trade there are some workers who perhaps supply the trade with materials, but are not registered as a union. They are in a position to hold up the entire industry. Under this clause the Minister would have power to say that a dispute had arisen, and refer it to the court.

Hon. H. Stewart: To what suppliers do you refer?

The COLONIAL SECRETARY: Experience has shown that this does occur. There are small sections in connection with the building trades that have power to hold up building operations because of strikes. There are no means of getting those individuals before the court unless the clause be agreed to.

Hon. J. CORNELL: The Minister is misinformed. The Bill provides power for the court to move of its own violition. At present it cannot do so. The existing law provides that the president may convene a compulsory conference and the Minister may appoint a special commissioner to hold a conference. If there is no amicable settlement, no power is provided to refer the dispute direct to the court. The Bill remedies both those defects. Why is it desired, therefore, that the Minister should have a finger in the pie? It is better to give the court the power suggested rather than the Minister. It is a dangerous power to place in the hands of a Minister, whatever his political beliefs may be, for circumstances may crop up when some question will be referred to the court that cannot be dealt with, and

that will tend to undermine the power of the court. Two individuals cannot operate with advantage in the one field. The Bill applies to both unionist and non-unionist, and the necessary safeguards are provided for dealing with disputes before they reach the acute stage.

Hon. E. H. HARRIS: I agree with Mr. Cornell's views regarding the position of a Minister. Yesterday we learnt that the plasterers' union is not registered and that that organisation could hold up the building trade.

Hon. E. H. Gray: The union is not registered under the Arbitration Act.

Hon. E. H. HARRIS: Because they can get more money as they are now, than if they were registered! There may be two carpenter's unions in the building trade, one union being registered and the other unregistered. The unregistered union could create a dispute and be taken to the Arbitration Court. The registered union would be bound by the decision and that would be manifestly unfair, because their members had not any say in the citation. I think the clause should be struck out.

Amendment put and a division taken, with the following result:—

Ayes	17
Noes	5
Majority for	12

AYES.

Hon. A. Burvill	Hon. G. W. Miles
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. J. Ewing	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. J. A. Greig
Hon. J. M. Macfarlane	(*Teller.*)

NOES.

Hon. J. M. Drew	Hon. T. Moore
Hon. E. H. Gray	Hon. J. R. Brown
Hon. J. W. Hickey	(*Teller.*)

PAIR.

AYE.	NO.
Hon. C. F. Baxter	Hon. W. H. Kitson

Amendment thus passed; the clause, as amended, agreed to.

Clause 15—agreed to.

Clause 16—Amendment of Section 62.

Hon. J. NICHOLSON: I move an amendment—

That in line 2 after "the Minister" the words "or the" be inserted.

Section 62 provides that an industrial dispute may be referred to the court in the prescribed manner by the party or parties or a majority of the parties on the one side or the other, and Subsecton 2 provides that should any question arise as to all or a majority of such parties on one side or the other, having agreed to such reference, the question shall be settled by the president upon summons under Section 68. The clause seeks to give that power also to the Minister.

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

Clause 17—Amendment of Section 63:

Hon. J. NICHOLSON: I move an amendment—

That in lines 5 and 6 the words "and the proviso to Subsection 4 of Section 63 of the principal Act is hereby repealed" be struck out.

That proviso deals with the appearance of solicitors in the Arbitration Court. It is proposed by the clause to strike out that proviso conferring a right on both parties. It is desirable that the right should be retained in the interests of either party requiring a solicitor.

The COLONIAL SECRETARY: The object of the clause is to make the proceedings of the court as inexpensive as possible. There is no occasion to introduce the lawyer into the court at any time. He cannot be there at the hearing of any industrial dispute. All such cases are conducted by laymen, and there is no need for the introduction of lawyers.

Hon. J. Cornell: The Bill proposes that industrial magistrates may do this.

The COLONIAL SECRETARY: But those industrial magistrates may not be lawyers; they may be men without any legal training whatever. The object of the clause is to remove as many technicalities as possible.

Hon. J. NICHOLSON: The Minister overlooks the first portion of Subsection 4 of Section 63 of the principal Act, providing that no legal practitioner shall be allowed to appear or be heard before the court in any capacity whatever, or to attend the court to advise the representatives of any party before the court, unless all the parties express their consent thereto. Then follows the proviso, which it is sought to have struck out, providing that when the court is sitting for the trial of an offence, either party shall have the right to be represented by counsel. In other words, a party before the court is allowed to call in legal advice when charged with an offence.

Hon. J. CORNELL: Seldom, if ever, does a lawyer appear in the Arbitration Court. The Committee is perpetuating a principle that has been in vogue all these years in respect of the hearing of industrial disputes, namely that the lawyer shall be beyond the pale. The clause goes further,

and prescribes that a man on trial for an indictable offence cannot avail himself of counsel. That is carrying it too far. Moreover, it is a weapon likely to cut both ways, for circumstances may arise in which a union charged with an offence would be well advised to be represented by counsel. I hope the Minister will not oppose the amendment.

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

Clauses 18, 19, 20—agreed to.

Clause 21—Demarcation of callings:

Hon. H. STEWART: It should not be mandatory to appoint a special board. The power should rest with the court. It would be an improvement if application for a board could be made by employers as well as employees. I move an amendment—

That in line 4 of the proposed new subsection (1) "shall" be struck out and "may" inserted in lieu.

Hon. T. MOORE: If it appears to the court that a certain course of action should be adopted, surely it should be mandatory on the court to adopt it.

Hon. J. CORNELL: It would be wise to make mandatory the appointment of a board. The usefulness of demarcation boards will depend upon their being made standing boards, which could settle many grievances without recourse to the court and without creating friction between the parties.

The COLONIAL SECRETARY: There is no necessity for employers to have representation on the demarcation boards. The disputes intended to be dealt with arise amongst the workers themselves. Such disputes arise at the Midland Junction Workshops between the engineers and the fitters. The Commissioner of Railways is not in the slightest degree interested, but he wants the disputes settled, so that the work may not be held up. In house building disputes arise as to whether roofing with galvanised iron is the work of carpenters or of plumbers. In nine cases out of ten the employers are not interested. If the employers are interested, the court has power under paragraph (a) to provide for their representation. It should be left to the court to say who shall be represented on the demarcation boards.

Hon. H. STEWART: Apparently the fullest power is given to the demarcation boards and to the court. I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. H. STEWART: I suggest that the words "of workers" in line 2 of the proposed new subsection be deleted. If employers are interested in one case out of ten, provision should be made for their representation.

Hon. J. CORNELL: If the demarcation boards are to be called into existence only when disputes arise, much of their utility will be destroyed. If we could have standing demarcation boards to function when required, delays and irritation would be obviated.

Hon. G. W. Miles: But disputes, once settled, will not be arising every day.

Hon. J. CORNELL: They arise frequently on various points. The Minister should consider making provision in the clause for the appointment of permanent demarcation boards.

Hon. J. J. HOLMES: I agree with Mr. Stewart that the words "of workers" should be deleted. Then it would be open to either party to have representation on a demarcation board. I move an amendment—

That the words "of workers" be deleted.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. J. HOLMES: On further consideration, I think the clause would be better if the words "of workers," which the amendment I moved before tea proposes to stike out, were retained. I, therefore, ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Hon. J. J. HOLMES: I move an amendment—

That in proposed Subsection 1, after "workers," in line 5, there be inserted "or any industrial union of employers."

I hold that the demarcation board is necessary when two unions claim the same work. The unions know that the demarcation board must give the work to one union or the other, and consequently neither of them approaches the board, both preferring to go on scrambling for the work. The employer should have the right to come in.

Hon. A. LOVEKIN: I think this is a good amendment, because it will bring our law into line with that of Victoria in this respect. In that State most of the disputes in factories and industrial houses are settled by the employees sitting around a table. The boards, I understand, are constantly sitting to arrange disputes, mostly between the employees themselves. But where the employer is concerned in the dispute, he has to write invoking the aid of the Labour Department to call a compulsory sitting of the board. I am informed that the Victorian boards do good work. The figures show that there are fewer industrial disputes in Victoria than in any other State, and I believe that fact to be due largely to the boards.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That in paragraph (a) of proposed Subsection 1 the words "one-half of such other members shall be representatives of employers, and the other half shall be representatives of the industrial unions of workers engaged in the said callings" be struck out, and the following inserted in lieu:—"one-half in number of such other members shall be employers or employers' managing experts and the other half workers, each of whom is actually and bona fide engaged in one of the said callings."

When the Bill was introduced in another place, it contained the words of this amendment. However, the words were struck out, and other words, now in the Bill, were substituted. I want to get back to the original Bill, which provides that these boards shall be constituted of persons actually engaged in the industry. They are the proper people to settle a dispute.

Hon. J. J. Holmes: You don't want Tom Walsh on the board.

Hon. A. LOVEKIN: No. I do not want on the board the men's representatives, who, instead of bringing about a settlement, will probably make things worse.

Hon. W. H. KITSON: Apparently Mr. Lovekin desires that the employers shall be represented by experts, while the employees are not to have the assistance of their secretaries or presidents. The men concerned in the dispute are the best judges as to who shall represent them.

Hon. J. Cornell: Not always.

Hon. A. Lovekin: This was in your original Bill.

Hon. W. H. KITSON: I cannot help that. The employees should have the right to appoint a representative whether he is actually engaged in the industry or not, for the purposes of an inquiry of this kind. The secretary, for example, might be a man with a lifetime's experience of the industry, but not then actually engaged in it owing to the fact of his being secretary of the union.

Hon. T. MOORE: I do not want hon. members to run away with the belief that all union secretaries in this State are "Tom Walshes." Remarks that are thrown about the Chamber sometimes create a bad impression. We have in this State to-day what is known as the industrial disputes committee and if there is anything that Western Australia has to be thankful for it is the existence of that body, who do their work voluntarily. The members of that committee have settled more troubles than the Arbitration Court in the past few years. They all believe in industrial peace. All have been through the organisation. Are we to debar those men who have done so much—Mr. Kenneally, Mr. Kitson, Mr. Burgess, Mr. Watts and others—from doing a good deal in the future. The amendment says "Employers' managing experts." Let us have workers' managing experts, and I shall be content. They are the men whose names I have mentioned.

Hon. A. Lovekin: Take out the word "experts."

Hon. T. MOORE: I want industrial peace to be maintained. I have seen union secretaries do so much during the past few years that I think it would be unwise to interfere with their work. Let me refer briefly to the timber industry which was held up because the employers' representative said to the Arbitration Court, "You have no right to decide this matter; it is piece work." The employers' representative persuaded Judge Webb that he could not deal with the case and a section of the workers went on strike against the advice of the union secretary who battled hard to get the judge to deliver an award. The disputes committee came along and ordered the men back to work. There was a round table conference and the committee got us out of a great difficulty. They said to the employers, "You must allow these men to be heard in the court." The employers agreed and last week an award was delivered. Industrial peace has reigned throughout the period, when, but for the disputes committee, the result might have been serious.

Hon. A. J. H. SAW: I had intended a little earlier to support the remarks of Mr. Kitson. Now I am glad to be able to say that I can support the remarks of both Mr. Kitson and Mr. Moore. We all agree that trade unionism is necessary, and if we are agreed on that it is necessary likewise that a trade union shall have a secretary. Having a secretary I do not know why we should be continually cavilling at him. The secretary is there to perform a useful work which is required by the union. Is there any reason why this section of employees who are concerned as to which particular calling shall do a class of work shall be debarred from choosing whatever representative they like? I do not see why we should try to limit them. Even in the skilled trades the best men are engaged to put forward a case. They should be allowed to decide for themselves what particular representative they want to employ and if the union secretary is chosen, well then, are not members of the unions the best judges in that regard? I was glad to hear the remarks of Mr. Kitson and Mr. Moore, because when I advanced a somewhat similar argument on the Jury Act Amendment Bill, those members would not have it that the people engaged in particular trades were the best persons qualified to express an opinion on certain intricate cases.

Hon. A. BURVILL: I support the remarks of Mr. Kitson, Mr. Moore and Dr.

Saw. I do not see how trade unionism can be worked unless we permit the members of the unions to select the representative they require. The unions have their own ideas and their wish is to put those ideas into the best possible shape. If we deprive them of the means whereby they can do this, trouble will follow. It will be far better to let each side pick its own experts. I am not in favour of Mr. Lovekin's amendment; I am in favour of the clause.

Hon. J. CORNELL: I agree with Mr. Moore that trade union secretaries are men who have gone through the mill, but there are others as well.

Hon. T. Moore: I admit that there are exceptions.

Hon. J. CORNELL: I have yet to learn that the general body of trade unionists are so bankrupt of brains that they cannot be expected to find someone else to fill the job. I shall move an amendment to paragraph (a) of Mr. Lovekin's amendment.

The CHAIRMAN: The question before the Committee just now is, not that paragraph (a) be inserted, but that all the words after "question" in the second line be struck out with a view to inserting other words.

Hon. J. J. HOLMES: The remarks of Mr. Kitson and Mr. Moore would have been all right applied to any board other than a demarcation board. Surely we want representatives who know exactly what the work is. I do not mind union secretaries being on a board like this provided they have had some experience in the trade. We might amend Mr. Lovekin's amendment to read "Each of whom has been or is actually."

Hon. A. Lovekin: That would suit me.

Hon. J. J. HOLMES: What I wish to have is a representative who knows what the trade is and who knows where a man's training ends in one case and where that of another tradesman begins. We do not want a man who by his eloquence can persuade a majority of the board to swing round in his favour.

Hon. A. LOVEKIN: Dr. Saw has not been engaged in these industries, and does not appreciate the difficulties that arise. Our object is to promote industrial peace, and if we can get together the men who understand the particular business on hand, we shall secure that industrial peace. If, on the other hand, we bring in outsiders who know nothing about the trade or industry, they may go to the Trades Hall and put forward a false position as regards the matter in dispute. If we bring in Trades Hall secretaries, we shall probably have trouble, but if we can get the men themselves sitting around a table with the employers, that trouble will be avoided.

Hon. T. Moore: Are not trade union secretaries reasonable men?

Hon. A. LOVEKIN: There are some first class honourable men, and some who are quite the reverse. Many of the industrial troubles that occur have been caused by Trades Hall secretaries. The men themselves may not care about paying their subscriptions, and the secretary may feel he must be doing something to keep the men together and get in their subscriptions. Round table conferences are the best means of ensuring industrial peace. If the employers keep the workers at arm's length and litigation is spoken of, there is nearly always trouble.

The COLONIAL SECRETARY: I fail to see where the union secretary comes into this paragraph. If there is a dispute between the plumbers and the carpenters, each side will appoint a representative to act for it. The representatives may be the secretaries.

Hon. A. Burvill: They are bound to appoint the men who know most about the matter.

Hon. J. J. Holmes: And they will be the secretaries.

The COLONIAL SECRETARY: If the unions are permitted to choose their own representatives, undoubtedly they will choose the best tradesman, who may or may not be the secretary.

Hon. H. SEDDON: I cannot understand a man being allowed to hold for long the position of secretary of a union unless he has been a competent worker himself. Many of the most expert tradesmen are bad exponents of a case, and they have to rely upon the man who can best present it.

Hon. W. H. KITSON: I regret that some of the speakers have gone out of their way to offer insults to union secretaries. In most cases the secretaries are practical men and have a wide knowledge of the particular trade in which they are interested. Disputes that arise under the heading of this clause will be between unions, and it is only right that the unions should be in a position to appoint as their representatives those who are best able to fill that position. A union secretary, although not actively engaged in the industry at the time, would know the facts and be able to present the case. It would be courting trouble to interfere with the freedom of the unions in this respect.

Hon. J. DUFFELL: If it is proposed to fix the salary that is to be paid to the representatives of the workers, I can understand why the words "industrial unions of" have led to so much debate. If these words were struck out, we should achieve the object desired by Mr. Lovekin. Undoubtedly round table conferences should consist of representatives of the men chiefly concerned.

Hon. A. LOVEKIN: Mr. Kitson's remarks were based upon the ability of re

presentatives to talk. This clause refers to disputes between two unions. Can such disputes be settled by the best talkers, or should they be settled upon the merits? My amendment is worded exactly in accordance with the clause as it appeared in the Bill originally introduced by Mr. McCallum.

Hon. G. W. Miles: Perhaps the Minister will tell us why these words were deleted.

Hon. A. LOVEKIN: I will do so. Pressure was brought to bear upon the Minister by the Trades Hall people and by the Employers' Federation. The latter organisation means Millars and the Chamber of Mines, with a few others.

Hon. T. Moore: If all those people agree, surely they must be right!

Hon. A. LOVEKIN: I have been approached about this matter and the object of the move was to keep this particular work in the hands of the representatives of the unions on both sides. It has been common ground between the Employers' Federation and the unions concerned, and therefore Mr. McCallum agreed to delete the clause and substitute that which appears in the Bill now. I have been in communication with the former president of the Employers' Federation, Mr. Law, and with other prominent members of that body regarding this question, and, although I am not a member of the Federation, I attended a meeting at which a motion was carried in favour of the wages board system. I have been told since, privately, that the secretaries of the parties concerned were not in favour of it. The reason is obvious. It is not right in the interests of industrial peace that the best talkers should be encouraged rather than the men actively engaged in the business and who are vitally concerned in securing a settlement of a dispute.

Hon. J. J. HOLMES: Mr. Lovekin's amendment will exclude not only the union secretaries but the secretary of the Employers' Federation as well.

Hon. E. H. Gray: But not employers' experts.

Hon. A. Lovekin: I will delete the reference to "experts."

Hon. J. J. HOLMES: The Minister's idea was to keep the demarcation boards for the people most fitted to do this work. Without wishing to be offensive I would say that Mr. Lovekin's amendment will mean keeping the parasites out of it.

Hon. W. H. Kitson: If you do not mean to be offensive, why use that word?

Hon. J. J. HOLMES: It will keep out the union secretaries who can write letters and talk, and it will bring in the men who know their business.

Hon. W. H. Kitson: Do you suggest that the union secretaries do not know their business?

Hon. J. J. HOLMES: If there is one body that should consist of men who know their business, it should be the demarcation board, seeing that the intention of that body is to settle disputes between unions. Good talkers, like union secretaries, will not settle such disputes.

Hon. T. Moore: They have settled many of them.

Hon. J. J. HOLMES: They cannot do so because every union secretary must put up the case for his union or lose his job.

Hon. A. J. H. Saw: The other representatives must put up their case as well.

Hon. J. J. HOLMES: But the other representatives will sit on the board with no other object than to settle disputes.

Hon. A. J. H. SAW: Mr. Holmes overlooks the fact that in addition to the representatives of the employers' and the employees' organisations, there will be an independent and impartial chairman. That being so I cannot see that there will be any failure to arrive at a decision. I cannot see that they will reach a decision more quickly because the union secretaries are cut out.

Hon. J. DUFFELL: From what I can see the suggestion is that the union secretaries would have to report back to their organisations, and therefore would not be in as good a position to secure settlements of disputes as would be the direct representatives of the employers.

Hon. E. H. Harris: But the delegates must have plenary powers.

Hon. J. DUFFELL: The clause would be improved if the reference to industrial unions were deleted and the representatives were to be drawn from the workers themselves.

Hon. J. J. HOLMES: To show what the clause may mean, hon. members will remember that in the baking industry questions to be determined may be how bread is to be made, when it is to be made, and by whom, and the secretary of that union is a carpenter!

The Honorary Minister: Worse than that, he is a member of Parliament.

Hon. J. Cornell: He is not the secretary now.

Hon. E. H. Gray: But he was a very good secretary.

Hon. J. J. HOLMES: We might have a butcher as secretary of the clerks' union, and that man would have to sit on the board and settle some of these questions that will come before that body.

Amendment put and a division taken with the following result:—

Ayes	6
Noes	16
Majority against ..	10

AYES.

Hon. V. Hamersley	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. J. J. Holmes
Hon. H. A. Stephenson	(*Teller.*)
Hon. H. Stewart	

Noes

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. A. Burvill	Hon. W. H. Kitson
Hon. J. Cornell	Hon. J. M. Macfarlane
Hon. J. M. Drew	Hon. G. W. Miles
Hon. J. Duffell	Hon. T. Moore
Hon. E. H. Gray	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. Seddon
Hon. E. H. Harris	Hon. J. Ewing (*Teller.*)

Amendment thus negatived.

Hon. J. DUFFELL: I move an amendment—

That in line 5 of paragraph (a) the words "industrial unions of" be struck out.

The COLONIAL SECRETARY: In the Bill as originally introduced the word "workers" appeared instead of "industrial unions of workers"; but it meant that the decisions of the board would be restricted to small groups of workers employed on a job, and could not affect the general body of workers. By making it "industrial unions of workers," we ensured that the decisions of the board should apply generally. That is why the phrase was adopted.

Hon. A. LOVEKIN: Even the court has not a free hand as to the appointment, for Subclause 2 provides that the court, in making the appointment, shall give effect to nominations made by the parties concerned. So the unions will not necessarily appoint persons actually engaged in the industry.

Hon. J. J. HOLMES: The amendment will put the employers and the workers on the same footing. As it is, the court will be representative of employers and of industrial unions of workers. If the employers are satisfied with a representative of the employers, surely the employees should be satisfied with a representative of the workers. I will support the amendment, because I want to see both parties placed on the one footing.

Hon. W. H. KITSON: If members are desirous of creating further trouble, the amendment points the way. It will mean that any little coterie of workers engaged in an industry may secure from the court a decision in opposition to the policy of the organisation directly concerned, and so that decision, given on behalf of a few workers, may lead to a much larger dispute than the original one. The effect of the amendment will be to take the matter out of the hands of the union. If there be an argument between two unions as to which shall do certain work, the representatives of those unions should be the people to present their case and secure a decision. If we allow some outside body of workers, who may not be representative of a union to come in, we shall create a bigger trouble than existed in the first place, for no union would agree to be bound by a decision so arrived at.

Hon. E. H. HARRIS: Mr. Kitson has clearly indicated that if we take out the words "industrial union" it will leave it to any little handful of workers not necessarily representative of a union, and will permit of non-unionists getting the decision. Therefore it is advisable that Mr. Duffell should withdraw the amendment and insert it two lines earlier, in the reference to representatives of employers. We shall then be providing for industrial unions of employers. If it be right that two or three employers, not members of any organisation, should have the board brought into existence, it is equally right that two or three workers should have the same privilege.

Amendment put and a division taken with the following result:—

Ayes	9
Noes	13
Majority against ..	5

AYES.

Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. J. Nicholson	Hon. J. Duffell
Hon. H. Seddon	(*Teller.*)

NOES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. A. Burvill	Hon. J. M. Macfarlane
Hon. J. Cornell	Hon. G. W. Miles
Hon. J. M. Drew	Hon. T. Moore
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. E. H. Harris	Hon. J. A. Greig
Hon. J. W. Hickey	(*Teller.*)

Amendment thus negatived.

Hon. A. LOVEKIN: The proposed new Subsection 2 states that the chairman and other members of a board shall be appointed by the court, but the court in making the appointments shall give effect to nominations made in the prescribed manner by the parties concerned. What is meant by "prescribed manner"?

The COLONIAL SECRETARY: Doubtless a certain form will be laid down, probably in the shape of rules of court.

Hon. J. Nicholson: Section 125, Subsection 7 of the principal Act deals with that.

Hon. A. LOVEKIN: Therefore it is intended that we should prescribe the manner in which the court is to act in appointing the boards. The court is not to have a free hand. I see nothing in the principal Act prescribing the manner for appointing boards. Is it intended to interfere with the discretion of the court?

Hon. J. Nicholson: The court makes the regulations under Section 125.

Hon. A. LOVEKIN: But will that cover the regulations prescribing the manner in which the court shall act?

Hon. J. Nicholson: Look at the beginning of Section 125.

Hon. A. LOVEKIN: Yes; that apparently gives the court power to make the regulations.

Clause, as previously amended, agreed to.

Clauses 22, 23—agreed to.

Clause 24—Amendment of Section 76:

Hon. A. LOVEKIN: I suggest that the clause be deleted because it provides for retrospective awards. There are many objections to retrospective awards. Maybe a builder takes a contract, and halfway through the job the employees approach the court. The hearing does not come on for months, the building is completed, and later on the builder is called upon to make good the increase granted by the court. Members doubtless have made up their minds as to whether they favour retrospective awards.

The COLONIAL SECRETARY: I am advised that in the past agreements have been made by employers and employees, when cases have been referred to the court, that the award shall have retrospective effect. Under this measure, with boards, etc., provided, there should not be much delay. Consequently no danger can arise if we provide for retrospective awards.

Hon. G. W. Miles: In the instances you mention the parties mutually agreed to retrospective awards.

Hon. J. Duffell: The Government had to pay something like £200,000 under a retrospective award.

The COLONIAL SECRETARY: This clause means a lot to the employees. They will work contentedly if they feel assured that, when an increase is granted, it will date from the time of application.

Hon. J. J. HOLMES: The remarks of the Minister show the necessity for deleting the clause. He suggests that awards will be given promptly. If so, where is the need to provide for awards to have retrospective effect? Time after time members have mentioned how retrospective awards have hit employers. They have had to pay out hundreds of pounds. The other evening a question was asked whether, when wages were reduced, the employees made a refund to the employers, and Labour members regarded it as a joke.

Hon. J. R. Brown: It is a huge joke.

Hon. J. J. HOLMES: I want legislation to cut both ways. Everyone hopes that the court's decisions will be obeyed, and that there will be no necessity for the awards to have retrospective effect.

Hon. J. M. MACFARLANE: The adoption of the retrospective provision was due largely to the congestion of business in the court and the difficulty of getting awards. We now hope there will be no congestion in the court, and therefore there is no need to provide for awards having retrospective effect. I oppose the clause.

Hon. A. J. H. SAW: I can conceive of no clause more likely to hamper industry than this one. Surely it is hard enough now for a contractor, after having tendered for a job, to meet increased wages granted while his contract is still running. If he has to meet retrospective claims also, I fail to see how anyone can stabilise his business. How could a contractor quote a price? The person wanting to make a contract, too, would be hampered, because he would not know what expenditure he would have to meet. Consequently he would delay putting work in hand until after the award was delivered.

Hon. H. A. STEPHENSON: Those who favour the principle of retrospective awards admit that it is one-sided. If we pass the clause it will have a detrimental effect upon business. Contracts nowadays are cut to the very finest point, but imagine a contractor for a £50,000 job, lucky if he makes anything out of it, finding 12 months later that he has to pay some thousands of pounds more than he anticipated. When it is suggested that the retrospective provision should cut the other way, representatives of the workers merely laugh. It is going too far to treat the matter as a joke. We want legislation that will be fair to all parties. I oppose the clause.

Hon. J. CORNELL: Retrospective provisions are of recent origin and were adopted owing to the congestion of the court and because the cost of living continued to increase while workers had to wait 18 months or two years to get a hearing in the court. If, after this measure is passed, congestion in the court is not overcome, the retrospective provision will not be satisfactory to the worker.

The Honorary Minister: It would have been all right if the last Kalgoorlie award had been made retrospective.

Hon. J. CORNELL: That would have cut both ways. If our arbitration law and machinery cannot be moulded so as to give a union of either workers or employers a hearing within three months of citation, we ought to shut up shop. Even if a hearing within three months means the establishment of additional courts, let us have additional courts, irrespective of cost. The guarantee of an award within three months of a citation would do away with the demand for the retrospective provision.

Hon. J. NICHOLSON: One of the industries which would be seriously affected by such a clause as this is the timber industry.

Hon. T. Moore: A very thriving industry.

Hon. J. NICHOLSON: Those engaged in that industry are bound to enter into

contracts for delivery oversea. No one can possibly attach any retrospective wages consideration to a contract made with people oversea. Thus the results of retrospective pay in connection with a large contract for delivery abroad might be extremely serious. If the clause were subject to a proviso that it should not apply to existing contracts, something might be said for it. I hope Western Australia will not follow the bad example of the Commonwealth in this respect.

Hon. T. MOORE: The timber industry, for which Mr. Nicholson pleads, is one of the most thriving industries in the State. For years past the companies engaged in it have been making huge profits, while the Government and the workers have received very little. The employers' representatives prevented the court from giving an award to one section of the workers in the timber industry, and thereby deprived that section of benefits which every other section gained. Mr. MacMurtrie will tell Mr. Nicholson that the employers prevented the court for 12 months from giving the men an increase in wages. They prevented the court from making an award so long as they were showing a profit on piecework. The retrospective provision should apply as from the date when the dispute came into existence. No matter how high the wages, the cost of living is always treading on the heels of the worker, and therefore the court makes no retrospective award against him. When hon. members talk about fair dealing between employers and employees, they should remember the case of the miners in the Arbitration Court.

The CHAIRMAN: I cannot allow the hon. member to make any reflection on the court.

Hon. T. MOORE: In view of what has been done by employers' representatives to hold up cases, we should speed up hearings. The delays in our Arbitration Court tempt our workers to appeal much more freely to the Federal Arbitration Court.

Hon. E. H. HARRIS: It has been mentioned that the Federal Arbitration Court grants retrospective pay. But the Federal court binds only those who appear before it and are interested.

Hon. T. Moore: Such a provision will do us in connection with this Bill.

Hon. E. H. HARRIS: An award of our State court binds all those engaged in the industry. Whilst the State court might be considering a case affecting some wealthy company, the award it eventually delivered would be binding also on small, struggling concerns. It is quite possible for a small firm to learn for the first time of a retrospective award after working for six or eight months under a current award. The incidence of the retrospective provision is unfair.

Clause put and a division taken with the following result:—

Ayes .. .	4
Noes	16
Majority against ..	12

AYES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. T. Moore (*Teller.*)

NOES.

Hon. A. Burvill	Hon. G. W. Miles
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. J. J. Holmes (*Teller.*)

PAIRS.

AYES.	NOES.
Hon. E. H. Gray	Hon. J. Duffell
Hon. W. H. Kitson	Hon. C. F. Baxter

Clause thus negatived.

Clause 25—Amendment of Section 78:

Hon. A. LOVEKIN: I am going to ask members to vote against this clause also. It will act unfairly in cases where it is desired to give an ordinary labourer some rough painting or carpentry to do. Take the case of some of the labourers employed at King's Park. A number of men there do general work, and if a picket should come off the fence and one of the labourers were asked to nail it up, under the clause it would be necessary to pay that man carpenter's wages. If a little painting had to be done and the labourer were asked to do it, it would be necessary to pay in that case, too, painter's wages. I did intend to move a proviso to the clause but I think it would be better to delete it altogether.

Clause put and negatived.

Clause 26—Power to remit, etc.:

Hon. J. NICHOLSON: It was my intention to ask members to delete the whole of this clause, but on consideration I think it is better to move to strike out paragraph (b) only. Paragraph (a) gives the court power to remit an industial matter or dispute to an industrial board for inquiry. Paragraph (b) gives power to the court to remit a dispute to a board for determination and award.

Hon. H. Seddon: That should be the function of the court.

Hon. J. NICHOLSON: My contention is that the court is the determining authority and not the board. I move an amendment—

That paragraph (b) be struck out.

Hon. A. LOVEKIN: I hope the hon. member will not press the amendment. If we are to remit matters to boards it is as well to give the board power to determine the whole thing. If the parties are dissatisfied with the determination of the board, they have the right, under Clause 28, to appeal to the court.

Hon. A. J. H. SAW: The clause is all right as it is. The Arbitration Court is the authority that determines whether it shall or shall not remit disputes to a board, and it also may give directions. There is the further safeguard of an appeal. The provision is necessary if we are to expedite the business of the court.

Hon. J. NICHOLSON: This will not help to expedite the business of the court; it will rather prolong it. A decision of the board may be based on certain conclusions the court arrived at in previous cases of a similar nature. In every instance where there was the slightest prospect of success there would be an appeal to the court from the decision of the board. My contention is that the simplest and quickest method is to make the court the determining authority in all these matters. My amendment merely proposes to strike out the power to remit to the board for the purpose of giving a decision.

Hon. A. Lovekin: That is the very thing we want.

Hon. J. NICHOLSON: No decision would be final; it would be almost certain to be appealed against.

The COLONIAL SECRETARY: If the amendment is carried the usefulness of the measure will be seriously affected. The industrial board will then be a board of inquiry, and nothing more. There will be bound to be hundreds of small disputes to be settled, and it would not be wise that all should have to be referred to the court. The board will be equivalent to a local court which deals with matters that are too trivial to send to the Supreme Court.

Hon. J. CORNELL: The deletion of the paragraph would have the effect of putting the board into a sort of sticky-beak position. Either we must give plenary powers to the boards, or we should have no boards at all. Then we should require two or three courts. Mr. Nicholson wants a board to be a sort of runabout for the collection of information. That is to go to the court, and the case will be heard all over again. If we strike out the paragraph we had better scrap the boards.

Hon. J. NICHOLSON: We have negatived the power of the court to make retrospective awards, but if we pass this clause it will be tantamount to giving retrospective effect to any award that is delivered by the boards. If a decision be given by a board, and that is appealed against to the court, until the court comes to a decision the award of the board is effective. If the decision of the court is opposed to that of the board, the parties may not be able to get back anything to which they might have been entitled if the decision had been given in the first place by the court. The only way to be consistent is to restore Clause 24 and make all awards retrospective.

Hon. J. J. HOLMES: The matter can be put right on recommittal. By the addition of a few words we can make the decision of the board binding upon all parties until an appeal takes place.

Hon. H. STEWART: The court may withdraw any matter from the board. The board will be part of the structure for the settlement of industrial disputes, and I am not inclined to depart from the wording of the clause.

Amendment put and negatived.

Clause put and passed.

Clause 27—agreed to.

Clause 28—Appeal to the court from a board:

Hon. J. NICHOLSON: I move an amendment—

That in Subsection 1 of proposed Section 78c, the third paragraph commencing "the pendency of an appeal" be struck out.

This will be consistent with what we have already done.

Amendment put and a division taken with the following result:—

Ayes	..	..	..	9
Noes	..	..	..	10
Majority against			..	1

AYES.

Hon. J. Ewing	Hon. J. Nicholson
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. J. Yelland
Hon. J. J Holmes	Hon. H. Seddon
Hon. A. Lovekin	(*Teller.*)

NOES.

Hon. J. R. Brown	Hon. T. Moore
Hon. A. Burvill	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. H. Stewart
Hon. J. A. Greig	Hon. J. M. Macfarlane
Hon. J. W. Hickey	(*Teller.*)
Hon. G. W. Miles	

Amendment thus negatived.

Hon. A. LOVEKIN: I suggest an amendment to this effect—

That in Subsection 2, line 2, of proposed Section 78c, the word "re-hearing" be struck out and "case stated" be inserted in lieu.

This amendment would save time all round. I want the board to be able to state a case for the decision of the court instead of the time of the court being taken up by going all through the evidence again. On that

the appeal will take place. My proposal will mean saving a lot of time and the procedure suggested is in accordance with the practice in most courts.

Hon. J. NICHOLSON: I suggest that the amendment, when moved, be made alternative, and that the appeal be by way of rehearing or of case stated. It is possible that if the amendment be agreed to as proposed, grave injustice may be done to some party. In some instances, if the dispute does not concern matters of fact, the appeal will be by way of case stated. At times, however, with the consent of both parties, it would be better for the appeal to be by way of rehearing.

Hon. A. LOVEKIN: My object is to secure finality as quickly as possible, so as to avoid additional friction.

Hon. A. J. H. SAW: Why should we limit the powers of the higher court? I would like to see the Arbitration Court as supreme as possible in these matters, and I cannot see why the court should be hampered as to the methods to be adopted in appeals. If the matter in dispute merely involved a point of law, the appeal could be by way of a case stated, but in many instances where questions of fact were involved, it would be better to secure a rehearing, so that the court may judge from the demeanour of witnesses as to the facts. It would be as well to provide both means of appeal. I do not agree, however, with the suggestion that the consent of both parties should be secured. One side might decline to give the permission and thus hold up an appeal.

Hon. A. LOVEKIN: As it appears to be the general view that the two methods of appeal should be provided, I will move my amendment in the following form:—

That after "rehearing" in line 2 of proposed subsection 2 the words "or by case stated" be inserted.

The COLONIAL SECRETARY: I have no objection to the amendment in that form.

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

Clause 29—agreed to.

Clause 30—Amendment of Section 81:

Hon. A. LOVEKIN: I move an amendment—

That in line 4 of the first proviso the words "think fit" be struck out and "direct" inserted in lieu.

It is impossible for us to know what the court may "think," but we may know what the court will direct.

Amendment put and passed.

Hon. E. H. HARRIS: As the legislation stands now, provision is made for awards covering a period of three years. The award may be reviewed after a period of 12 months but no provision is made for a revision during the subsequent 12 months. The amendment proposed in the Bill does not make the position clear. I want to provide that the award may be subject to revision at the end of the second year. For that reason, I move an amendment—

That in line 1 of the second proviso, after "expiration of," the words "the first" be inserted; after "award" in line 2 the words "and after the expiration of any subsequent period of 12 months" be inserted, and in line 6, after "vary" the words "or rescind" be inserted.

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

Clause 31—agreed to.

Progress reported.

BILL—MINING DEVELOPMENT ACT AMENDMENT.

Received from the Assembly and read a first time.

House adjourned at 10.1 p.m.

Legislative Assembly,

Wednesday, 3rd December, 1924.

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

QUESTION—RAILWAYS, MR. W. N. HEDGES' PROPOSAL.

Mr. TAYLOR (for Mr. J. H. Smith) asked the Premier: 1, Has his attention been drawn to a proposal made by Mr. W. N. Hedges in the "West Australian" of 22nd October for constructing agricultural railways on a new basis? 2, If so, will he have trial surveys made over the different suggested routes and submit that gentleman's scheme to the Railway Advisory Board for report thereon?

The PREMIER replied: 1 and 2, Yes. The matter will be considered.