Hon. C. G. Latham: You advocate doing away with all wash-houses.

Mr. TONKIN: I do not.

Hon. C. G. Latham: That is what you are asking.

Mr. TONKIN: No. If we cannot make people conform to the requirements of the Health Act, then it is time something was done. What is the use of that Act if, merely because we disallow a by-law or regulation, the enactment becomes inoperative?

Mr. Hughes: A by-law cannot override an Act.

Mr. TONKIN: Of course not.

Hon. C. G. Latham: But the Act does not make the provision you suggest.

Mr. TONKIN: It does.

Hon. C. G. Latham: Read Section 98 of the Act.

Mr. TONKIN: I refer the Leader of the Opposition to the Act of 1932 wherein he will find that a flat shall be regarded as a house. In the definition of "house" the hon. member will see that flats are included, so that each flat is deemed to be a separate house. Regulations made by the Health Department under the Health Act and published in the "Government Gazette" of April, 1938, provide that every house shall have at least one set of two wash troughs. If every building comprising flats is deemed to be a house, then the provision I have referred to must apply. I agree with the member for East Perth (Mr. Hughes) who asserted that a by-law cannot override an Act of Parliament, and I believe that if we disallow the by-law under consideration, and the Perth City Council refuses to promulgate another in lieu, then it is high time that we saw to it that the provisions of the Act were enforced. I shall not discuss the position further but shall content myself with leaving it to the good sense of members for determination. Do they honestly believe that a laundry with one set of two wash troughs is sufficient for the occupants of 10 flats? If they do, they will not support my motion. If they do not, they will disallow the by-law.

Question put and passed.

House adjourned at 9.58 p.m.

Legislative Council,

Thursday, 21st September, 1939.

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

QUESTION—WAR WITH GERMANY.

Employers' Liability Risk, etc.

Hon. L. B. BOLTON asked the Chief Secretary: 1, Does the Government intend to take action to make provision for war risks in connection with employers' liability generally? 2, If this is regarded by the Government as a Federal matter, will the Government take immediate steps to ask the Prime Minister to make special provision to cover such risks as may arise from enemy action, or accident arising out of our own military, naval, or air force activities?

The CHIEF SECRETARY replied: 1 and 2, Consideration is being given to this subject and I will advise the hon. member when a decision is arrived at.

QUESTION—NATIVE ADMINISTRATION ACT.

Conference, Minister and Religious Organisations.

Hon. J. A. DIMMITT asked the Chief Secretary: 1, Was a conference called between the Honorary Minister (Hon. E. H. Gray), then in charge of the Department of Native Affairs, and the mission and church organisations as to regulations disallowed by the Council? 2, What missions and churches were represented, and what other persons were invited to the conference? 3, How many persons attended

the conference? 4, What motions, if any, were carried at the conference?

The CHIEF SECRETARY replied: 1, Yes. 2, Those present at the invitation of the Honorary Minister included the following:—Church of England, represented by Archdeacon Parry; Methodist Church, represented by Rev. Arthur Mason; Roman Catholic Church, represented by Dr. V. H. Webster; Baptist Union, represented by Rev. M. Hogg; Presbyterian Church, represented by The Moderator, Dr. Munro-Ford; Churches of Christ, represented by Mr. A. E. Hurren; Women's Service Guilds, represented by Mrs. W. H. Evans; Women's Christian Temperance Union, represented by Mrs. M. B. Vallance; National Council of Women, represented by Mrs. Rutherford; Mount Margaret Mission, represented by Mr. R. S. Schenk; New Norcia Mission and Drysdale Mission, represented by The Lord Abbot of New Norcia; Bishop Raible (Kimberley), represented by Mr. Brennan; Presbyterian Foreign and Aborigines Committee, represented by Rev. J. Adamson, Rev. G. Tulloch, Rev. R. D. Birch; Roelands Mission Farm, represented by Mr. Albany Bell; Gnowangerup Mission, represented by Mr. H. W. Wright; Conference of Seventh-Day Adventists, represented by Mr. R. Thrift; Church of Christ Home Mission Organiser, Mr. R. Raymond, The Four A's, represented by Rev. R. H. Moore and Rev. C. S. Hardy; United Aborigines' Mission, represented by Mr. S. Brown, honorary secretary; Mr. John Gribble, late manager of Forrest River Mission; Rev. R. W. Laurie, late manager of Forrest River Mission; Rev. F. J. Boxall, Protector of Natives, Bunbury Diocese; Mr. J. E. Hammond; Mr. J. P. Hennelly; Hon. E. H. Gray, Honorary Minister in charge of Native Affairs Department; the Commissioner of Native Affairs, Mr. A. O. Neville; the Deputy Commissioner of Native Affairs, Mr. F. I. Bray; Inspector of Natives for the North, Mr. C. L. McBeath; the Under Secretary, Chief Secretary's Department, Mr. F. J. Huelin. 3, According to the daily press, the number present on the first day was 40 and on the second day 25. 4, The hon. member is referred to the account of the proceedings which appeared in the "West Australian" newspaper of the 16th and 17th February, 1939, as well as the official account, copies of which are appended.

BILLS (3)—THIRD READING.

1, Swan River Improvement Act Amendment.

2, Reserves Bill (No. 1).

3, Plant Diseases Act Amendment.

Read a third time and *passed*.

MOTION—WORKERS' COMPENSATION ACT.

To Disallow Regulation.

Debate resumed from the 19th September on the following motion by Hon. C. F. Baxter (East):—

That Regulation 19 made under the Workers' Compensation Act, 1912-1938, as published in the "Government Gazette" on the 12th May, 1939, and laid on the Table of the House on the 8th August, 1939, be and is hereby disallowed.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.40]: The regulation which this motion seeks to disallow relates to the payment of weekly compensation under the Workers' Compensation Act, and has been designed to prevent the summary termination of such payments by employers and the insurance companies. From time to time complaint has been made that workers still certified as unfit by their own doctors have suddenly had their weekly payments stopped, notwithstanding that the employers concerned have failed to adduce any medical evidence to justify their action. In cases such as these, the presumption is that the employer or the insurance company hopes to bluff the worker into returning to work before he is really fit to do so. True, as pointed out by Mr. Baxter, the worker has his civil remedy; he can obtain legal advice and have a summons issued. This, however, is a most unsatisfactory procedure from the workers' viewpoint, for although the action might be commenced immediately, the actual hearing could not come on for a period of at least a month after the summons was issued. In the meantime the man is without the weekly compensation to which he considers himself entitled.

We considered, therefore, that something more than the civil remedy was necessary for the protection of the injured worker. A regulation was accordingly gazetted which makes it an offence for an employer to discontinue payments until he is in

possession of a medical certificate showing that the man is fit for work. As the regulation stands, a penalty can be incurred only where an employer is in receipt of a certificate from a worker's doctor establishing the worker's incapacity and fails to obtain a certificate to the contrary from his own medical adviser. That seems to be quite fair. The regulation does not operate if the employer discontinues compensation payments after obtaining a certificate from his own medical adviser declaring that the worker is fit for work. If an employer cannot obtain such a certificate, it must be fairly obvious that he has no justification whatever for discontinuing payments. The only employers who will be penalised under the regulation will be persons who do not avail themselves of the provision I have mentioned, or who discontinue payments in spite of the advice of their own doctors.

The main objection raised by Mr. Baxter was the short period allowed for action by the employer. At the time the employer or insurance company receives the worker's demand for his weekly compensation, the worker can be requested to submit himself for examination by the employer's medical adviser. That procedure is quite simple, and reasonable employers would be prepared to adopt it. Then, if the worker refused or neglected to do so, there would be absolutely no liability upon the employer if he decided not to pay compensation. That is the case in favour of the regulation. An injured worker is entitled to all the protection that we can give him in the matter of receiving compensation due to him under the Act. I do not want to say there has been a large number of cases of this kind, but the number has been sufficient to justify the Government's action in introducing this regulation. Therefore I hope the House will not disallow it.

HON. J. J. HOLMES (North) [4.45]: In spite of what the Chief Secretary has said, I am advised by the people who insure men under the Workers' Compensation Act that this regulation represents another impost on industry. I shall explain how that occurs. The regulation provides that if an employer, an employer's representative or an insurance company refuses to pay within 24 hours of receiving notice, the employer or agent shall be guilty of a breach of this regulation—guilty of an offence punishable, I am informed, by fine or imprisonment. The employer—for the sake of simplicity I shall omit reference to the agent—is in this position: He has been given 24 hour's notice to pay the weekly instalment because the worker concerned has been able to secure a certificate from his doctor. There are agents for the employers all over the State. Suppose a case occurs in Kalgoorlie: If the employer's agent or the insurance company's agent receives a claim and does not know whether it is justified, he refers it to the head office. In due course inquiries are made and the worker is paid his compensation, retrospectively if necessary. The employer has this redress that if he can, within 24 hours, produce a certificate from another doctor that the man is fit for work, he is not liable to punishment by fine or imprisonment until the matter has been inquired into. Western Australia, however, is a State of great distances, men are spread all over the country, and how an insurance company can ascertain within 24 hours whether the injured man is fit for work or not is a problem the House should consider.

The Chief Secretary: But the regulation applies only where payment has been made.

Hon. J. J. HOLMES: There are two classes of doctors in this country, a class to whom one would take off one's hat and a class whom one would pass by on the other side. Some of the doctors are parasites living on this business, and the longer they string men on, the better it is for them and the worse for the industry. I am told that it is a very easy matter for a man who has been only very slightly injured to get a certificate from a doctor setting forth that he is unfit for work, and later get another certificate, and so the business goes on almost indefinitely until the employer can, within 24 hours, under this regulation, find another doctor to certify that the man is fit for work. This is a day of specialists, particularly in the medical profession. In fact, if one goes to a doctor to-day thinking he is a general practitioner, the doctor says, "I am a specialist." He may be an eye specialist, or a stomach specialist, or some other kind of specialist. A worker may have an injury to his eye and one of the ordinary, every-day doctors may certify that he is not fit for work, but an eye specialist brought to

light by the employer may not improbably declare the man fit for work. Under the regulation in question, as I understand it, that is the position.

The Chief Secretary: This regulation applies only where payments are discontinued.

Hon. J. Nicholson: There may be justification for discontinuance. That is the point.

Hon. J. J. HOLMES: The position has become so difficult that insurance people, who are a reputable body of citizens, are faced with the position that they do not want the business; but if they refuse the business, some Minister controlling the issue of certificates to insure may have something to say on the subject. In the case of one company I can vouch for the fact that last year for every £100 it received by way of premiums, it paid out £125 in claims. That can be multiplied; one may say that for every £1,000 received in premiums by the companies, they paid out £1,150 for claims. And that is for claims only, irrespective of expenses of administration. The more we complicate the Act by regulations, the more difficult it becomes for us to perceive the effect. There has been a distinct effort on the part of Mr. Hawke to establish secondary industries in Western Australia. Now, if ever a Government did not let the right hand know what the left hand doeth, it is this Government. Mr. Hawke has put a great deal of work into the project. I understand that he agreed to consider the impositions on industries. If this regulation is to be an answer to what Mr. Hawke did, it is an answer in the wrong way. We must develop industries in Western Australia.

The Chief Secretary: Would you argue that industries—

Hon. J. J. HOLMES: I am arguing that every move with regard to these regulations puts a further tax on industry. The Minister knows that. There is no secret whatever about it. Doctors are to be found who will give a certificate that a man is not fit for work; and it is evident that the more certificates such a doctor issues, the longer the case remains in his hands and the more he gets out of it. There is talk about hardships under this legislation inflicted on workers by assurance companies; but I am advised—I hope, not correctly advised—that there was a case in our Supreme Court in which a man insured by the State Insurance Office had been working on the Canning Dam and as the result of an explosion had lost both eyes. He sued, and the State Insurance Office proved that there had been no negligence on the part of the Government. The man lost the case. Presumably the State Insurance Office was in the right, but that does not get over the fact that an outside employer is not as hard on his employees as the State Insurance Office has shown itself. I venture to suggest that no person in Western Australia with any respect for himself, and no insurance company of integrity, would in such circumstances stand strictly to the legal position, but on the contrary would make a payment of some description. Presently we may find that as the result of harassing these other companies—who, as I have already explained, do not want the business—all workers' compensation insurance will be driven into the State Insurance Office.

Hon. L. Craig: It will be.

Hon. J. J. HOLMES: While the State Insurance Office shows a profit on its figures, as far as I can judge it makes no provision for contingent liabilities; and if the Office is to carry the whole of the liability under workers' compensation—I do not know what it amounts to—the position will be serious. One employer who, I believe, employs only ordinary men and not skilled labour, has told me that it costs him 3s. per week per man for insurance. Suppose there are 200,000 persons in this State covered by insurance at 3s. per head—which I should think is the minimum—and work it out and see what a tax that is on industry. Whilst I am heartily in favour of Mr. Hawke's efforts to increase production in Western Australia, still I am convinced that we must relieve the employers in respect of the Workers' Compensation Act, and not impose additional burdens on them, as I claim is done by this regulation. I support the motion for the disallowance of the regulation.

HON. E. H. ANGELO (North) [4.58]: Like Mr. Holmes, since the motion was moved, I have made inquiries of several insurance companies doing business in Western Australia. Every one of them agrees that if this regulation is allowed to remain, its effect will have to be taken into consideration next time rates are arranged. These companies consider that the regulation is another of those little pin-pricks which cause them to make the heavy losses

they incur in connection with workers' compensation insurance. The Chief Secretary has told us there are only a few of these cases. The insurance managers with whom I spoke yesterday and to-day told me they had never heard of a case. Where do these cases originate? Surely not from the State Insurance Office! There is great need for insurance companies to inquire from time to time whether a man is still entitled to the weekly payments after they have made some of those payments. I would like again to tell a story which is authentic, and which I told last year, of a case where a worker who had been out of work for a few weeks came to the insurance company to get his last payment. He had, of course, a clearance certificate. He said to the paying officer, while the manager was standing by, "The doctor said something funny to me to-day when giving me the certificate." "What was that?" "He said, 'Now, Bill, I want you to remember that I treated you pretty well in this case. You should have been back at work three weeks ago, but I thought you could do with a longer holiday. Don't forget to come again if you are hurt, and tell your mates to come.'" That is authentic and it shows that there are parasites, as Mr. Holmes said, in the medical profession of this State. On the last occasion when regulations under the Workers' Compensation Act came before this House for disallowance, I said I was emphatically of the opinion that we should not agree to anything in the way of regulations or amendments to the Act until we had a full-dress debate on the subject. I advocated then, too, that the whole question of workers' compensation should be referred to a select committee. Members will recollect that I gave comparative figures of what workers' compensation in Western Australia was costing in comparison with the figures of the other States, and if I remember correctly, it was Mr. Bolton who gave us some different figures—I do not say that they proved that other figures were wrong—from another viewpoint. The information I was able to supply disclosed that we were paying far too much. In the interests of all concerned we should have a select committee to go thoroughly into the subject, with a view to overhauling the Act, bearing in mind the experience we have had. In the meantime, I do not intend to agree to anything that will make the position worse than it is to-day. I am taking the opinion of the managers whom I interviewed.

Hon. J. Nicholson: This regulation will mean an increase in rates.

Hon. E. H. ANGELO: It may have that effect. As has been pointed out by Mr. Holmes it will certainly be almost impossible for the companies to secure another medical certificate within 24 hours. I shall support the motion.

On motion by Hon. L. B. Bolton, debate adjourned.

BILL—METROPOLITAN MILK ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.5] in moving the second reading said: The Bill seeks to extend the application of the powers conferred in respect of the control of natural watercourses under Part III. of the Rights in Water and Irrigation Act. It has been rendered necessary on account of the endless trouble that has been experienced in connection with the waters of small streams outside the various irrigation areas. Part III. of the Act contains the necessary machinery for the adequate and reasonable control of natural water-courses. Under Section 4 of the Act it is provided, subject to certain restrictions, that the right to and the control of any natural waters vest in the Crown. The same section stipulates that the Act shall not apply to any subterranean source of supply from which the water has to be raised by artificial means, or to waters flowing from any spring until they have passed the boundaries of the property wherein such waters have their source.

In the sections following, provisions appear which:—(a) Prohibit diversions from water-courses, etc., except under legal sanction; (b) Confer on the owners or occupiers of land adjacent to water-courses rights of access; and (c) Prohibit the ob-

struction of water-courses or races on alienated land. The ordinary riparian rights of owners or occupiers of land are defined under Section 14.

Owners have the right, free of charge, to all the water necessary for ordinary and domestic purposes and their stock. Where the land was alienated before the commencement of the Act owners have a further right to sufficient water for the irrigation of a garden not exceeding five acres in extent, where the garden is part of the land and used in connection with a dwelling.

Hon. L. Craig: Does that mean that they will not be able to sell produce?

The CHIEF SECRETARY: It means that they will have the right to the water provided the garden is associated with the house. They would not, however, be allowed to have a garden in one part of the property and the house somewhere else.

Hon. L. Craig: It rather suggests that such gardens shall not be commercial gardens.

The CHIEF SECRETARY: I shall explain the position as I go along. Under Sections 15 and 16 respectively, provision is made for issuing to owners special and ordinary licenses to divert and use natural waters. The terms of such licenses may be prescribed by regulation made by the Governor in accordance with the powers contained in Section 25. I have a copy of the regulations made in 1915 which govern the issue of ordinary licenses. These contain the usual conditions as to public notification of the receipt of application, and for the consideration of any objections. They provide for: (a) The free use of water granted under Section 14 of the Act. (b) The submission of applications with appropriate information as to the proposed use of water, and the quantity required. (c) The publication of notice of every application in the "Government Gazette" etc., and the service of notice on such persons as the Minister thinks fit. (d) The submission to the Minister of objections to the issue of licenses by owners or occupiers of land contiguous to the water-course concerned, within a distance of three miles. (e) The investigation of objections by the Irrigation Commissioners. (f) The payment of fees prior to the issue of licenses (at the rate of 20s. for each and every cubic foot per second usable under the license).

In general, these regulations are based on the procedure prescribed in Section 15 of the Act, which sets out certain conditions governing the issue of special licenses. However, because Section 27—which we now propose to amend—provides that, except in relation to artesian wells, Part III. shall apply only to irrigation districts constituted and defined under Section 28 of the Act, it has not been necessary to implement the regulations. When the Bill for the existing Act was brought before Parliament in 1914, the intention of the Government was to provide for the equitable distribution of water in streams both inside and outside the districts referred to in Section 28. There was very strong opposition to this proposal by members of this Chamber, who feared that the vesting of all natural waters in the Crown might result in departmental interference with minor private irrigation works. As a result, the Government was forced to accept the amendment limiting the operations of Part III. to irrigation districts.

During the 25 years that have elapsed since the principal Act was passed, the Water Supply Department has had many complaints from settlers in the South-West with regard to the friction and loss that have been caused through persons constructing dams or pumping more than their fair share of running water. These difficulties have chiefly arisen in connection with the riparian rights to the Canning River, Wungong Brook, Byford Brook, Logue's Brook, Bancell's Brook, Drakesbrook, and the Harvey River. The engineers of the Department are all of the opinion that much ill-feeling, litigation and waste of water could be avoided if power was given to enable the equitable adjustment of water rights when disputes arise between settlers.

In New South Wales and Victoria, where natural waters vest in the Crown, the Governments concerned have had the necessary machinery to ensure the reasonable control of watercourses for many years. In this respect, I am informed that some astonishment was expressed at the recent interstate conference on water conservation and irrigation held in Sydney, when representatives learnt that in Western Australia, where running water is relatively scarce, the Government has power to intervene only in irrigation districts. It would be possible for the Government to obtain control of all natural watercourses in this State by simply re-

pealing Section 27. The Government, however, does not propose to apply the provisions of Part II. to all streams outside irrigation districts. It merely seeks to provide authority for the department to intervene when it is expedient that control should be exercised. The Bill therefore provides that the Governor, on the recommendation of the Minister and without constituting an irrigation district, shall be empowered to declare that Part III. shall apply to particular natural waters, or to specified parts of the State and to all waters situated therein. The Bill sets out, however, that any recommendation of the Minister to the Governor shall be with the advice of the Irrigation Commissioners. This provision is similar to the condition laid down in Section 16 of Part III. which stipulates that the advice of the Commissioners must be obtained by the Minister before any ordinary license is issued under the Act.

As members are probably aware, the Irrigation Commissioners are appointed under Section 3 of the Act to advise the Minister upon matters relating to the administration of the Act, and any other Act for the time being in force relating to irrigation or land drainage. The commissioners, who hold office in an honorary capacity, comprise five departmental officers from the Public Works, Water Supply and Agricultural Departments and three irrigationists representing the settlers in the three irrigation districts.

Hon. L. Craig: Of what use would those three irrigation commissioners be in a district which was not an irrigation district? Not much good.

The CHIEF SECRETARY: I think they would be of assistance to the Minister because he would have the viewpoint of men who understood the problems being dealt with.

Hon. L. Craig: But the problems are quite different. One is a free stream and the other is water delivered to settlers.

The CHIEF SECRETARY: That may be; but these are men who have devoted a lot of time and attention to matters of this kind, and they would understand the requirements of a district better, perhaps, than the Minister. The Minister would have the views of representatives of the various departments plus the opinion of men who have been dealing with these problems for some years. Their advice would be of some advantage.

Hon. L. Craig: Not in respect of the districts under discussion.

The CHIEF SECRETARY: I think so.

Hon. L. Craig: The streams we are discussing would be outside an irrigation area and the settlers on the commission would be settlers within an irrigation district.

The CHIEF SECRETARY: I do not know that that matters very much. The main point is they are men who have given a good deal of time and study to this question of water supplies.

Hon. L. Craig: They could give some practical advice.

The CHIEF SECRETARY: That is so. If I were the Minister in charge I would not care to act on my own opinion. I would far rather have the opinion of a body of men such as the Irrigation Commission which has been constituted for some years past and has dealt with many phases of this problem. I should like to have its opinion before arriving at a definite decision as to what should be done in a particular case.

Hon. H. Tuckey: They are very good men, too.

The CHIEF SECRETARY: I believe they have given satisfaction. If this measure becomes law, the Commissioners will be required to investigate all cases where the department considers it necessary to intervene for the purpose of conserving the interests of settlers along a particular watercourse. The Commissioners will then advise the Minister whether Part III. of the Act should be brought into operation. If they consider that a stream or streams within a particular area should be controlled, notice will be given to the local authorities concerned in order that any objections to the Commissioners' recommendation may be considered by the Minister. There again we are providing that the Minister shall have made available to him not only the opinion of the Commissioners, but also of local authorities concerned. Members will agree that the power we are seeking in respect to the control of streams outside irrigation districts is necessary. I have had experience of some of the troubles in those particular areas and I think the only way in which such troubles—which are

sometimes allowed to develop to a serious extent—can satisfactorily be dealt with is by a method of this kind.

During the 25 years that have elapsed since the principal Act became law there has been a considerable advance in settlement along our brooks and streams. Competition for the existing water supplies has, in some localities, become particularly intense and as time goes on the disputes and litigation arising out of this competition must become more and more burdensome to settlers. To obviate such conditions the Government has introduced the Bill which, if passed, will ensure that when disputes arise in regard to a particular stream, the Government will be able to take appropriate measures to see that the waters are apportioned on an equitable basis amongst the settlers concerned.

Having outlined the reasons for the Bill, I would further point out that as development takes place in those particular areas, the need for a proper distribution of those waters will become more urgent. Probably we shall have to rely more and more upon the waters of small streams that are not included in irrigation districts and unless we have some method such as is provided by the Bill, there will be much more trouble in the future than has been experienced in the past. I feel sure that even the settlers themselves, or at any rate the majority of them, will agree on the necessity for some provision of this kind. I hope the House will support the Government in its endeavour to find a solution for the many problems with which it has been faced in the irrigation districts for some years past. I move—

That the Bill be now read a second time.

On motion by Hon. L. Craig, debate adjourned.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.20] in moving the second reading said: This is essentially a Committee Bill and will require the earnest attention of members because it includes vital changes in and improvements of the present Act. In recent years there have been various developments in the use of machinery that were not foreseen at the time our principal legislation was enacted, and it has now become necessary to overhaul the Act generally in order to provide for various matters not dealt with in the existing legislation. For example, the Act contains no provision for the control of refrigeration plants. There is a number of big plants in various parts of the State which could easily become a menace to life and property. Members may recall that only a year or so ago two men were killed and one injured in an explosion that occurred at the Ayrshire Dairy.

Hon. C. F. Baxter: Was any inspection conducted there?

The HONORARY MINISTER: Refrigerating plants did not then come under the Act.

Hon. C. F. Baxter: Of course they did.

The HONORARY MINISTER: Of course they did not; that is why this legislation was introduced.

Hon. C. F. Baxter: The departmental officers have to inspect power units and consequently must inspect the whole lot.

The HONORARY MINISTER: The object of this legislation is to include refrigerating machinery and to provide the necessary authority for its inspection. Again, air compressors, electric and crude oil engines are being used to-day to an extent not contemplated at the time the Act was passed. The Bill is essentially a Committee measure and, although I do not intend to weary members with a long technical recital, I shall outline in brief the effect of its main provisions, dealing with the various clauses seriatum. We propose to insert new definitions in the Act in respect of boilers, refrigerating machinery, ton of refrigeration and unit system.

Hon. L. B. Bolton: Will the provisions apply to a household refrigerating plant?

The HONORARY MINISTER: No, that is exempt. To-day many boilers of a working pressure of anything up to 150 lbs. are used in various places such as hospitals, clubs, hotels and so on. Because they are not "used for any manufacturing purpose" there is no legal authority for their control by the Department. The Bill proposes to enlarge the scope of the Act to enable supervision to be exercised over all boilers likely to endanger life or property. Air receivers that are exempt from inspection are a source

of danger. At least six of these vessels have burst in this State in recent years. We are providing authority to ensure that proper safety precautions are taken in connection with this type of vessel in the future.

Hon. L. B. Bolton: How would an air receiver be inspected?

The HONORARY MINISTER: Certain rules must be observed and tests made. Another proposal seeks to bring refrigerating machinery under the provisions of the Act where ammonia, carbon dioxide, or other gas likely to cause injury are used. The "unit system" refrigerators mentioned in the Bill, namely—frigidaires and so on—will not, of course, be subject to departmental regulation.

Section 15 of the Act places certain restrictions on the employment of young persons in working or assisting to work boilers and machinery. An amendment that is proposed will provide that refrigerating machinery must not be left in the charge of any person under the age of 18 years if the gas used is likely, in the event of escape, to cause injury. Under Section 17 (3) it is set out that working plans must be submitted to the Chief Inspector of Machinery where the erection of a lift is contemplated. The Bill proposes that a similar provision shall apply in the case of winding engines. It is considered that the control exercised in respect of lifts is just as necessary for winding engines. We also propose to ensure that full particulars shall be submitted to the Chief Inspector by persons seeking to erect refrigerating plants, so that proper safeguards may be insisted on for the protection of the employees and the public. As members are aware, the inhalation of the gases used in these plants can be attended with the most serious consequences. With regard to the determination of fees for inspection which is provided for under section 37, an amendment is now proposed setting out a new basis for computing horsepower. This amendment is necessary owing to the introduction of oil, gas, and pulverised fuel firing where there is no grate area. The amendment also anticipates the introduction of electrically-heated boilers in the near future. Important provisions in the Bill deal with engineers' certificates and the class of work to be done by those holding the various certificates. We propose to repeal Section 53 and to insert a new section. The Bill defines the size of the plant on which the engineer in charge would require to be the holder of an engineer's certificate. A certificated engineer will not be required on any plant of less power than is stipulated in subsection (1) of the proposed new Section 53. Above those horsepowers and up to the limits set in Section 56 (varying from about 600 to 800 horsepower according to the class of engine) the engineer will be required to hold a second class certificate. Above that limit again, the engineer in charge will be required to hold a first class certificate. The section also contains amendments in respect to the certificated control of drivers of winding engines, air compressors, and refrigerating machinery, and locomotives propelled by internal combustion engines.

The Bill sets out that the section shall not apply inter alia to any engine used exclusively by any bona fide agriculturist, to certain mining machinery and engines, or to refrigerating machinery not exceeding five tons capacity. A definition of "tons capacity" is contained in Clause 2 of the Bill. An increase in the membership of the board of examiners from three to five if necessary, is proposed. Provision is made for a member holding an engineer's certificate to be appointed for the purpose of granting engineers' certificates, and for the appointment of a person holding a winding-engine driver's certificate for the purpose of granting engine drivers' certificates. A new proposal is the issue of two grades of certificates for engineers and refrigerating machinery drivers. This is consequential on other amendments. Section 55 of the Act provides for the issue of certificates of service for internal combustion engine drivers, boiler attendants and electric crane drivers. We propose to safeguard the rights of the holders of service certificates granted under the principal Act. The board of examiners will be authorised to issue first and second class refrigerating machinery drivers' certificates of service to engine drivers who have been in charge of refrigerating machinery for a certain length of time. Section 56 relates to the privileges granted to certificate holders. The Bill sets out the privileges of holders of first and second class engineers' certificates, winding enengineers' certificates, first, second and third class engine-drivers' certificates, and so on. The Bill seeks to amend Section 63, which provides for the recognition of marine engineers' certificates granted by the British Board of Trade, or any board

under its authority. The board of examiners in this State at present has power to grant steam certificates only to the holders of Board of Trade certificates. It is now considered reasonable that it should have, in addition, authority to grant internal combustion certificates to the holders of marine motor engineers' certificates issued by the Board of Trade.

The next amendment relates to Section 63 which enables the Chief Inspector to require any steam engine and its boilers to be placed under the charge of separate persons, if it is impracticable and therefore dangerous for one person to be in charge of both. Since that provision was enacted large internal combustion engine power houses have been established in various parts of the State, and the department now desires that it should cover any likely combination of steam engines, internal combustion engines, electrically driven air compressors and refrigerating machinery. The Act lays down that any person who removes any boiler or machinery, as prescribed, from place to place for a period longer than one month shall furnish particulars of the removal to an inspector. The appropriate section, however, is applicable only to portable and semi-portable boilers. It is now desired to ensure that any owner shall give ample notice of his intention to remove any boiler set in brickwork, so that any parts hidden by the brickwork can be examined.

Authority is also sought to enable the Governor to make regulations concerning various matters not dealt with in the existing Act. These include refrigeration, winding engines, hoists and cranes; the medical examination of crane drivers; the qualifications to be held by applicants for appointment of inspectors, and so on. I have only briefly outlined the salient features of the Bill, because the details of a technical measure such as this can be more satisfactorily dealt with in the Committee stage. As I have explained, developments which were not foreseen when the original Act became law have rendered necessary a general overhaul of this legislation. I commend the measure to the favourable consideration of members and move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

BILL—GUARDIANSHIP OF INFANTS ACT AMENDMENT.

Second Reading.

HON. H. S. W. PARKER (Metropolitan-Suburban) [5.35] in moving the second reading said: This is a Bill to repeal a section of the Guardianship of Infants Act. The section in question is that which provides that widows and children who have been cut out of a testator's will may apply to the court to be included in the estate, and ask for an order. How that got into the Guardianship of Infants Act is perhaps a mystery; it should never have been put there. This Bill is a corollary to the Testator's Family Maintenance Bill. Ordinarily speaking the last clause of the Bill I introduced last evening should have been one to the effect that Section 11 of the Guardianship of Infants Act was thereby repealed, but that would have been opposed to the Standing Orders. I find it necessary, therefore, to bring down a separate Bill to effect that purpose. This measure depends entirely upon whether the other Bill goes through. If the other Bill goes through it will be essential that this also should go through; but if the other Bill does not become law, this one cannot become law. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

HON. J. A. DIMMITT (Metropolitan-Suburban) [5.37] in moving the second reading said: I am particularly anxious that all members should consider this as a non-party measure. The fact that I am introducing a Bill dealing with industrial legislation I hope will lend colour to that remark. The object of the measure is to improve conditions in an industry that has developed along very unsound lines. It is an industry that serves the public with an essential commodity, but, due to the extraordinarily strong competition amongst the various members of it, the public has enjoyed a service that imposes hardship upon the people associated with the industry. According to the Factories and Shops Act

garages should operate during the hours laid down for an ordinary shop, but custom and usage have brought about abuses with the result that to-day the hours during which garages serve their wares are unlawful.

Hon. J. Nicholson: They are not unlawful for garages.

Hon. J. A. DIMMITT: They are unlawful in that under the Factories and Shops Act those places are shops. Unfortunately for the people connected with the industry, provision has been made for them to render a service to travellers, so that they may continue on their journey.

Hon. L. Craig: I presume that was done at their request.

Hon. J. A. DIMMITT: No.

Hon. L. Craig: Was it forced upon them?

Hon. J. A. DIMMITT: I think so. The Bill will relate only to the metropolitan area. As printed it seeks to legislate also for the Kalgoorlie metropolitan area, namely, the Kalgoorlie, Brownhill-Ivanhoe and the Hannans electoral districts.

Hon. G. Fraser: You should emphasise that point.

Hon. J. A. DIMMITT: I will. I have to-day received news from the trade in Kalgoorlie that those connected with it are not prepared to come under the provisions of the Bill. It is my wish, therefore, that in Committee all reference to the Kalgoorlie area comprised within the Brownhill-Ivanhoe, Hannans and Kalgoorlie electoral districts shall be excised from the appropriate clause.

Hon. J. J. Holmes: Will the metropolitan area include Fremantle?

Hon. J. A. DIMMITT: Yes; the usual 12-mile radius from the Town Hall. The purpose of the Bill is to impose restricted hours of trading in the metropolitan area only. It seeks to make the trading hours range from 7 a.m. until 8 p.m. from Monday to Friday inclusive, on Saturday from 7 a.m. until 1 p.m., and on Sunday and holidays the same hours as for Saturday. That would give five days of 13 hours each, and two days of six hours each, making a total of 77 trading hours during the week. The useful commodity that people are called upon to purchase will, therefore, be available to them during 77 hours per week, longer trading hours than are enjoyed with respect to any other commodity. Even hotels, which trade during long hours, can only do so during 72 hours in a week.

Hon. L. Craig: But this is a more necessary commodity.

Hon J. A. DIMMITT: Three groups of people will be affected by this legislation. I propose to take them in their order of importance. The vast body of the public that owns motor cars will, of course, be chiefly concerned. People are now able to buy petrol from garages in the metropolitan area from 8 a.m. until 8 p.m. or as late as 11 p.m. In one or perhaps two instances the garages are open for 24 hours a day. If this Bill be passed, people will be restricted to 13 hours of trading in a day. I have here a map which I propose to lay on the Table of the House. It covers the whole of the metropolitan area that will be affected by the operation of the Bill. Marked on it are a number of red spots indicating the petrol service stations, known in the trade as "re-seller pumps." At present there are 1,463 re-seller pumps in the metropolitan area. By means of a pair of dividers, and the striking of a circle, one can ascertain that no motorist in the metropolitan area can possibly live further than 3⅓ miles from a petrol pump. It is not difficult, therefore for any motor owner to obtain petrol with very little trouble and mileage. The average motor car has attached to it a tank holding 10 gallons of petrol, and the average mileage obtainable from a car is 20 miles to the gallon, giving it a mileage facility of 200 miles. I want members, who own motor cars, to tell me of any instance when in their motoring life they have found it necessary to travel 200 miles within the metropolitan area between the hours of 8 p.m. and 7 a.m. Once a motorist leaves the metropolitan area all the facilities for the purchase of petrol will remain as they are at present. Reports appeared in the Press recently indicating that a great rush had been made on the various petrol stations, and a paragraph in the "West Australian" of the 3rd September contained the following sentence:—

> Since Friday many motorists have been keeping the petrol tanks of their cars full.

I have read that extract merely to indicate that when restrictions are likely to be imposed, the motoring public find no difficulty whatever in keeping their petrol tanks full.

Should an extraordinary set of circumstances arise, as the result of which motorists find it necessary to purchase petrol outside the restricted hours, provision is made in the Bill so that they can enter in a book provided for the purpose, the registered numbers of their cars and the reasons for buying petrol outside the restricted hours. Members will therefore appreciate that possible requirements in extreme cases, which are most unlikely to arise, will be met by the applicable clause in the Bill.

Hon. G. Fraser: That provision will be availed of mostly when tanks are "milked."

Hon. J. A. DIMMITT: Modern cars are so constructed that they cannot be "milked." A goose-neck is provided so that "milking" of cars will be unlikely.

Hon. L. B. Bolton: But it is still possible.

Hon. J. A. DIMMITT: I have not been able to do it myself. The second group of people to be affected by this legislation will be the garage employees, who, by force of present circumstances, have frequently to work late at night and have only most restricted leisure hours. They have little spare time at home, and are unable to participate in sporting fixtures on Saturdays, or attend religious services on Sundays. I suggest that in no other trade or vocation do similar conditions exist.

Hon. J. J. Holmes: Did not we in the Factories and Shops Act fix the time for closing service stations?

Hon. G. Fraser: No.

Hon. J. A. DIMMITT: No, the proposal was defeated. Next, the proprietors themselves will be affected. Many of the service stations are one-man businesses, to the running of which the owners are slaves. Some are conducted by father and son, while others are managed by two brothers. The long night hours are divided between the two, where more than one is interested in the business. Nevertheless, such people enjoy very little home life, and have hardly any social intercourse, while their opportunities to improve their education are negligible. Their existence is miserable. In fact, in this particular vocation we are harking back to the times of Dickens when apprentices used to sleep under the counter. In 1936, a Bill to amend the Factories and Shops Act was introduced in this Chamber. The measure contained 71 clauses, of which Clause 39 dealt with this particular industry in a manner somewhat similar to that which I propose in the Bill now before the House. During the course of the debate, 12 members spoke against the Bill, and of those two only referred to Clause 39 which dealt with the restriction of garage hours. Mr. Wittenoom stated that he was financially interested in a garage at Albany, and that his employees were rather pleased to have an opportunity to earn overtime. If the Bill I now submit is passed, his employees will be able to continue to earn overtime. Mr. Piesse was the other member who referred to the clause, and he drew a harrowing picture of his experience when he was stranded 14 miles from Mount Barker and had to ring up a service station in order to secure assistance. If my Bill becomes law, it will still be possible for Mr. Piesse to be stranded 14 miles from Mt. Barker and again secure service from a garage.

Hon. H. S. W. Parker: That is, if he can get to a telephone.

Hon. J. A. DIMMITT: The Bill will not restrict the use of telephones. A perusal of the report in "Hansard" for 1936 would suggest that the main opposition to the Bill to amend the Factories and Shops Act was directed not to Clause 39, to which I have already referred, but to the other 70 clauses that related to the control of backyard industries, the closing time for butchers' shops, and so forth. When the Bill of 1936 was under consideration, the proposal outlined in Clause 39 was definitely in the nature of an experiment, but now in 1939 the experimental stage of such a proposition has long since passed. In South Australia the restriction upon hours for service stations has been the law for about 20 months, and the arrangement has operated successfully. Inquiries made three weeks ago indicated that no complaints had been voiced by the motoring public in opposition to the new conditions.

Hon. J. Nicholson: In South Australia, the provision for restricted hours applies to the whole State.

Hon. J. A. DIMMITT: Yes, but the Bill before members contains a proposal to restrict hours only in the metropolitan area.

Hon. G. Fraser: Are the hours similar?

Hon. J. A. DIMMITT: Yes. In Victoria a similar Act has been in operation since November of last year. Thus we have the experience of two States to guide us,

and, according to investigations I have made, no complaints have been received from the public who appear not to have been inconvenienced in any way by the restricted hours.

Hon. A. Thomson: Is a majority of the traders in the metropolitan area in favour of the proposal embodied in the Bill?

Hon. J. A. DIMMITT: Yes. The Bill is the outcome of two conferences held in my office. Those present included the president and secretary of the Royal Automobile Club, the president and secretary of the Garage and Service Station Owners' Association, and the secretary of the Garage Employees' Union. Complete agreement was reached between the representatives of the three interests I have mentioned, so there is unanimity of opinion as to the advisability of the introduction of this legislation. I suggest that hon. members completely free their minds of recollections of the 1936 Bill, and dissociate that proposal entirely from the measure I am now placing before them. I trust they will view the Bill in the light of modern experience. I caused an investigation to be undertaken during the last few weeks regarding the quantity of petrol sold in the metropolitan area between 8 p.m. and 11 p.m. A number of representative stations were selected on the main highways from Fremantle to Midland Junction. The result disclosed that just under 7 per cent. of the total daily sales of petrol were made between those hours. I mention that fact to indicate how little inconvenience the motoring public is likely to suffer from the proposed restriction of hours for the sale of petrol.

Hon. A. Thomson: The position might be different during week-ends.

Hon. J. A. DIMMITT: Quite so. I omitted to mention that sales between 1 p.m. and 9 p.m. on Sundays were also included in the calculation of 7 per cent. I ask members to realise that in agreeing to the Bill they will confer benefits upon garage employees and proprietors, while not inconveniencing the motoring public. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

House adjourned at 5.55 p.m.

Legislative Assembly,

Thursday, 21st September, 1939.

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

QUESTION—AGRICULTURE.

Rural Relief, Flour Tax Payments.

Mr. SEWARD (without notice) asked the Premier: As wheatgrowers are in urgent need of finance to carry on their operations, 1, Will he reconsider the decision not to pay the flour excise collections until the payment equals 1d. a bushel? 2, Failing that, will he take steps to obtain the balance of the money required to complete the 1d. a bushel payment as soon as the money has been collected by the Commonwealth Government, and immediately pay it to the wheatgrowers? 3, If the latter, when does he estimate the payment can be made?

The PREMIER replied: 1, No. 2, The Commonwealth Treasury has been asked whether our share of the September receipts from the flour tax is sufficient to make up the amount required to pay 1d. per bushel, and if not whether the Commonwealth will advance the balance so that an immediate payment may be made. I had hoped that a reply would be received this afternoon in time to enable me to give the information, but it has not yet come. 3, As soon as the necessary money is received, a distribution will be made.

BILL—INCREASE OF RENT (WAR RESTRICTIONS).

Introduced by the Minister for Labour and read a first time.