

duty of determining what is a fair price for any particular commodity.

The suggestion advanced by Mr. Dimmitt, that the traders themselves should exercise that power and that those who depart from what is right and fair should be brought to book, carries no weight with me. That is what happened in Australia during the previous war. At that time it was a case of "Go for your life and devil take the hindermost." The only ones to derive any benefit from that war were those who supplied the requirements of the community in general. The principle involved in price-fixing is that machinery shall be set up to ensure that there shall be equality of sacrifice in relation to the sale and purchase of goods. That is what is behind the introduction of the Bill. Without more ado, I support the second reading, but I throw out this warning that unless safeguards are provided in the interests of those bearing arms in the present war, so that the lessons learnt during the Great War may not have been forgotten, there is an organisation in the Commonwealth that will raise in the minds of young men prepared to enlist, the suggestion that they shall think hard and long before doing so.

Hon. H. S. W. Parker: You do not suggest that anyone would do that?

Hon. J. CORNELL: I do. The statement has been made authoritatively that there is a job to be done. We must see to it that wrong is righted and ensure that there shall be no inequality of sacrifice imposed upon the men who may be asked to accept the major risks. We should mould our ideas and direct all our efforts in directions that will not militate against the interests of those constituting the main factor in the decision of the issues confronting the nation, the man-power that alone will secure victory.

On motion by Hon. J. Nicholson, debate adjourned.

House adjourned at 9.45 p.m.

Legislative Assembly.

Wednesday, 27th September, 1939.

	PAGE
Questions : Traffic Act, waggons and trailers, license fees, etc.	851
Metropolitan Milk Act, Board's balance sheet	852
Motion : Traffic Act, to disallow regulation	852
Bills : Industries Assistance Act Continuance, 3A.	852
Mortgagees' Rights Restriction Act Continuance, 3B.	852
Financial Emergency Act Amendment, 3A.	852
Toodyay Cemeteries, 3A.	852
Railway Level Crossings, report	852
Builders' Registration, 2A., Com.	856
Agricultural Bank Act Amendment (No. 2), 2A.	878

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

QUESTION—TRAFFIC ACT.

Waggons and Trailers, License Fees, etc.

Mr. WATTS asked the Minister for Works: 1, Is he aware that a number of farmers now transport their produce and superphosphate either on farm waggons or on pneumatic-tyred trailers which are drawn by tractors on the roads leading to the sidings? 2, Is he aware that the annual license fee on a horse-drawn farmer's wagon for example (a) with 4-inch tyres to carry up to 4 tons is £1 9s. and (b) with 5-inch tyres to carry up to 7 tons is £2 10s., while the license fees on such waggons used as trailers behind pneumatic-tyred tractors are stated to be £12 3s. and £25 13s., respectively, to which must be added the license for the tractor, which of 60 power weights and at a farmer's half rate costs a further £7 10s.? 3, Is it not a fact that there is comparatively little difference between the damage done to a road by a wagon drawn by horses and the same wagon drawn by a pneumatic-tyred tractor? 4, Is he aware that the license fee for a pneumatic-tyred trailer to carry 4 tons is at farmer's reduced rate £6 15s. a year? 5, As both types of vehicle when drawn by tractors are used only for short periods of the year, and in view of the great disparity in license fees, and the number of farms on which tractors have displaced horses, will he agree to a substantial reduction of the fees and amend the Traffic Act this session in order that such reduction may be effected?

The MINISTER FOR WORKS replied: 1, The proportion of this class of traffic is relatively small. 2, The figures £1 9s. and £2 10s. should be £1 and £1 15s., being farmers' vehicles. 3, Yes. 4, Yes. 5, The subject is receiving consideration.

QUESTION—METROPOLITAN MILK ACT.

Board's Balance Sheet.

Mrs. CARDELL-OLIVER asked the Minister for Agriculture: 1, Has the statement and balance sheet of the Metropolitan Milk Board for 1938 been laid on the Table of the House? 2, If not, will he explain the reason for delay, especially as the important measure of continuing the Metropolitan Milk Act is before Parliament?

The MINISTER FOR AGRICULTURE replied: 1, No. 2, It is regretted that through an oversight due to the papers being referred back to the board for further comment—which was not received before Parliament had risen—these papers were not laid on the Table of the House last session. The Dairy Produce Board report which came to hand after Parliament had risen had, I regret to say, also been overlooked. Both reports are tabled to-day.

BILLS (4)—THIRD READING.

- 1, Industries Assistance Act Continuance.
- 2, Mortgagees' Rights Restriction Act Continuance.
- 3, Financial Emergency Act Amendment.
- 4, Toodyay Cemeteries.

Transmitted to the Council.

BILL—RAILWAY LEVEL CROSSINGS.

Report of Committee adopted.

MOTION—TRAFFIC ACT

To Disallow Regulation.

Debate resumed from the 6th September, on the following motion by Mr. Doney (Williams-Narrogin)—

That the new proviso to paragraph (a) of Regulation 38 of the Traffic Regulations, 1936, published in the "Government Gazette" of the 7th July, 1939, and laid upon the Table of the House on the 8th August, 1939, be and is hereby disallowed.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [4.36]: I gave very careful consideration to this amendment before I agreed to recommend the alteration, because I realised that many circumstances would have to be considered before I exercised the power. The amendment

was promulgated at the instance of the Commissioner of Police, when he refused to license, without my permission, a vehicle of a width of 8 ft. 1 in., which was to be used for conveying reels of paper from Fremantle to Perth. The matter was referred to me, and on obtaining the advice of departmental officers, I decided to grant the license on condition that the vehicle was used mainly on the roads on the south side of the river. On ascertaining that the maximum width of vehicle in other States was 8 ft., I decided to make the amendment to the regulation to meet such cases, having taken into consideration the fact that the roads are now more capable of carrying such traffic. Subsequently another application was made for permission to license three vehicles, each of a width of 8 ft., for use in the metropolitan area only. Members will appreciate that there must be special circumstances to warrant the exercise of the discretionary power vested in the Minister. The member for Williams-Narrogin, as is usual with him, asked me to say exactly what the new maximum is.

Mr. Doney: I allowed that, possibly, in the circumstances, you could not do so.

The MINISTER FOR WORKS: I cannot do so. I have already stated that special circumstances may warrant varying the width either of a vehicle or a vehicle together with its load, but I say straight out that I should be very reluctant to approve of a vehicle being licensed if it was of a greater width than 8 ft. Certainly only in extraordinary circumstances would I issue a license for a vehicle of a greater width than 8 ft. for use on metropolitan roads. Farmers have approached me and expressed the desire to take loads of chaff or wool along country roads—loads of a greater width than 8 ft. They would be mostly horse-drawn vehicles, and I have been told that we would be seriously interfering with industry if we did not grant permission. Therefore this discretionary power is required, and its exercise would depend not only upon the width but also upon the length of the load, and whether a main road was to be used or whether the load would be taken on a side road. If we prohibited such loads in particular districts, it would be almost fatal to the hay and chaff industry where the loads were 8 ft. in width.

Mr. Patrick: Or to the load of hay.

The MINISTER FOR WORKS: I am at present giving consideration to the matter. It should be pointed out that the amendment was designed principally to cope with special cases in the metropolitan area. I have taken into consideration not only the width of the load but also the length of the load, as well as the road on which the vehicle is to be used—this last being a highly important factor. Further, I obtained the advice of the Commissioner of Main Roads, who has to build the bridges. I could not put myself forward as an authority on the load bridges can carry safely. In one instance I had an application prior to the building of a vehicle intended to be 33 ft. long. There the Commissioner of Main Roads pointed out that he was not disposed to license such a vehicle, because safety would depend on how the load was adjusted, and how placed on the vehicle. In that case I refused a license. It is true that a load on vehicle plus trailer may be more than 33 ft. in length, but I refused to license a single vehicle of that length. Unless some discretion was exercised, there would be road trains. Whatever may take place in country districts in that respect, I certainly object to it in the metropolitan area. Furthermore, it is necessary to bring into the city girders of great length. They, I understand, are brought in at night, and only by special permission.

The Premier: And with special safeguards.

The MINISTER FOR WORKS: One cannot have a hard and fast rule as to width and length of loads. Those are matters which depend on circumstances. Permission could be given, under certain conditions, to carry a load over a specified road, whereas permission would not be granted to take such a load over any road. Realising the difficulty of policing this aspect, I have been most careful as to issuing licenses. There must be sufficient elasticity in the regulation to ensure that industry shall not be retarded: we must have regard for that feature. However, the only assurance I can give is that in the metropolitan area I have not exceeded the maximum load in the Eastern States, which is 8 ft. We must bear in mind also that our roads are improving in construction so as to admit of heavier loads. Consideration is given to every ap-

plication for a license, and every safeguard is provided. In the circumstances I hope that the hon. member will not persist in the motion and that he will not be guided by the statements of interested people.

Mr. Doney: I am not.

The MINISTER FOR WORKS: I think I saw in the Press a statement that a vehicle 42 ft. long had been licensed. Ever since, the department has been endeavouring to discover that vehicle. Whether the length includes a trailer as well as the vehicle I do not know, and neither the Commissioner of Police nor the Commissioner of Main Roads knows anything about the matter.

Mr. Doney: Neither do I.

The MINISTER FOR WORKS: Some people get their politics mixed up with their business.

Mr. Patrick: Was the 42 ft. vehicle licensed in the metropolitan area?

The MINISTER FOR WORKS: The vehicle cannot be discovered. I have no knowledge whatever of it. We have agreed to license vehicles up to 8 ft. in width, which is the maximum. However, there are cases, as I have indicated, of vehicles specially built. I have licensed such a vehicle in order not to retard industry, and not to make expense already incurred a complete loss. Some discretionary power must vest in the Minister. I scrutinise all applications for licenses most carefully. In the case where a license was granted for a vehicle specially built, the Commissioner of Police would not take the responsibility; so the matter was referred to me. I should mention that in every instance applications are most carefully examined by the experts in the Traffic Police Branch, and also by Works Department experts who have to do with traffic and are required to determine whether the roads are capable of carrying such vehicles and their loads.

MR. MARSHALL (Murchison) [4.47]: I am inclined to support the motion of the member for Williams-Narrogin. On the other hand, if I were convinced that the traffic laws, plus the regulations, were strictly enforced I would be more prepared to support the amended regulation under discussion. However, one has only to take

note of the violations of existing regulations and the Traffic Act to appreciate what could happen if this amended regulation were permitted. For my part, I do not know that length is as important as width.

Mr. Doney: Yes, when turning corners.

Mr. MARSHALL: Not only there. The amendment proposes to grant, in special circumstances, the right to put on the road a vehicle exceeding 7 ft. 6 in. in width; but the Minister quotes no definite footage—there is no limit. I shall, however, accept his statement that he is not prepared to go far beyond 8 ft. He himself admits, as everybody must admit, that the present limit of 7 ft. 6 in. is honoured more in the breach than in the observance. We see loads overlapping so that the over-all width of the load, including the vehicle, far exceeds the present legal maximum. If the Minister proposes to extend the width another 6 inches, we can foresee what ultimately the width of load and vehicle may become. Again, if I had the Minister's assurance that any vehicle licensed exceeding 7 ft. 6 in. width inclusive of the load was to travel only in day-time, and only on specified roads, I might be prepared to support the amended regulation. However, I draw attention to the fact that if we have one vehicle, with or without its load, exceeding the 8 ft. maximum which everyone affirms, some of our roads are scarcely wide enough to allow that vehicle to travel and oncoming traffic in the opposite direction to pass safely. On many of our roads oncoming traffic has to get off the main road in order to pass. We would therefore be jeopardising the safety of the people if we allowed the over-all width to exceed 7 ft. 6 in. I draw the Minister's attention to another fact. Most of our motor lorries have indication lamps for night traffic. There is a small coloured light on each side of the vehicle which indicates the width of the vehicle or the load. If the width is permitted to be extended, what will happen during night traffic? Oncoming traffic will endeavour to keep to the made road as much as possible, having regard to the width of the vehicle it is passing. If the driver of a vehicle is not aware of the fact that this regulation permits the widening of a vehicle or a load, one can easily imagine what might happen at night time. The driver will not allow for the extra width or for the overlapping load; and consequently we shall

have more road accidents than we now have. Goodness knows we have enough already. Could not the Minister say definitely that the wider vehicles should be permitted to travel only on specified roads and during the day-time?

Mr. Doney: The information the hon. member speaks of would be in the nature of an endorsement on the license. Can we not take that for granted?

Mr. MARSHALL: I did not catch the substance of the interjection.

The Minister for Works interjected.

Mr. MARSHALL: The small lights to which I have referred are fixed to the vehicle; they are usually in alignment with the sides of the vehicle. That is so in the case of motor buses and I think of most trucks. Sometimes the lights are fixed on the canopy, about 6 inches from the side.

The Minister for Works: That is illegal.

Mr. MARSHALL: That is what I am trying to tell the Minister. Our laws to-day are being abused.

Hon. P. Collier: Our traffic laws are not being observed. The loads sometimes overlap as much as 2 feet.

Mr. MARSHALL: I have noticed that. We shall aggravate the position if we increase existing privileges. I doubt whether the proposed regulation is valid. It is very close to the line of demarcation between conformity and non-conformity with the Act. Paragraph (zb) of Section 46 of the Traffic Act reads—

... prohibit the driving on any road of a vehicle exceeding 7 feet 6 inches in width or containing a load exceeding such width.

I respectfully suggest to the Minister that Parliament intended by that paragraph to limit the width of a vehicle to 7ft. 6in., otherwise the Minister would have been given a discretion to fix the width. Parliament was also under the impression that the regulations to be made under the Act would limit the width to 7ft. 6in. That is borne out by the fact that regulation 38 (a) provides—

No vehicle having a greater overall width, including the load, of 7 feet 6 inches shall be licensed or driven on any road.

That regulation is in strict conformity with paragraph (zb) of Section 46 of the Act. The Minister now proposes to amend the regulation by adding the following proviso:—

Provided that, under certain special circumstances and with the permission of the

Minister, a vehicle having a greater overall width, including the load, of 7 feet 6 inches may be licensed and driven on any road.

Hon. P. Collier: That might mean 10ft.

Mr. MARSHALL: Yes, and on any road. We have many ribbon roads which are only 12ft. or 14ft. in width. A vehicle with an overall width of 7ft. 6in., if travelling on such a road, would have to leave it in order to permit a wider vehicle to travel on the made portion of the road.

Hon. P. Collier: The width of 7ft. 6in. is often exceeded.

Mr. MARSHALL: I agree.

Hon. P. Collier: I do not remember a prosecution by the police because of that fact.

Mr. MARSHALL: I agree with the member for Boulder (Hon. P. Collier). In my opening remarks I said that if our laws were efficiently policed and enforced, I would not object so much to the extension of the width; but I am not agreeable to such a course in view of the way in which the Traffic Act is being violated at present. In my opinion, if the regulation is to stand, we are only inviting vehicle owners to increase the width further, thus increasing the danger. I believe the regulation is ultra vires the Act. It is certainly contrary to the distinct implication of paragraph (zb) of Section 46. Whether the Minister thinks that is so, of course I cannot say. I would like to obtain a ruling by the Crown Law authorities on the point. Parliament has definitely fixed a limit to the width of vehicles, including their loads, and I do not think the Minister should depart from it. His statement that we might interfere with industry is correct; but industry must be taught to conform to reasonable laws for the safety and welfare of the people. If industry intends to take these matters into its own hands, irrespective of what the law is, then industry will suffer. In my opinion, the limit of load at present is excessive. It is possible for motor vehicles to carry extremely heavy loads with a vehicle limited to 7ft. 6in. in width. I am not prepared to grant the motor world further concessions in this respect. I have in mind the safety of the people, and I see much danger ahead if this regulation is allowed to remain. Personally, as I have said, I believe it is ultra vires the Act.

MR. DONEY (Williams-Narrogin—in reply) [4.58]: I find it a little difficult to understand exactly what the views of the previous speaker are. If I heard him aright, he commenced by saying that he would be quite willing to accept the proposed amendment to the regulation, provided control was given to the Police Department and not to the Minister. Thereafter, as it struck me, he proceeded to show that the regulation was not desirable in any circumstances. The hon. member based his objection on Section 46 of the Traffic Act, which provides for regulations that may be brought down under the Act. Paragraph (zb) of Section 46, which was quoted by the hon. member, reads—

Prohibit the driving on any road of a vehicle exceeding 7 feet 6 inches in width or containing a load exceeding such width.

The Act allows the words "The department may" to precede the word "prohibit". It certainly says the driving of a vehicle exceeding a width of 7 ft. 6 in. may be prohibited, but does not expressly deny to the department the right to increase that width if it thinks fit. I fancy the hon. member does not read into that sub-paragraph the meaning that was intended. As a matter of fact, I had already noticed that before I made my speech introducing the motion and subsequently discussed it with someone quite competent to form an opinion. That person submitted to me the view I have just expressed to the House. I am inclined to think that the hon. member's objections, being based on that misconception, should not carry any weight with the House. The Minister's remarks were satisfactory and acceptable to me. Members will recall that when I introduced this motion I made it plain that what I desired was not so much a disallowance of the proposed regulation as to obtain from the Minister some clarification of its purpose. As tabled, the regulation is couched in vague language and I thought the House was entitled to some explanation. After having heard what the Minister has said I no longer have any objection to the regulation which I feel is designed to make for freer trade and transport. Therefore, the regulation should be commended. With the consent of the House I shall withdraw the motion.

Motion, by leave, withdrawn.

BILL—BUILDERS' REGISTRATION.*Second Reading.*

Debate resumed from the 6th September.

THE MINISTER FOR WORKS (Hon. H. Hingston—Mt. Hawthorn) [5.7]: The Bill, which was introduced by the member for Perth (Mr. Needham), if not an old friend, is at least an acquaintance of five years' standing. When it was first submitted the House by a substantial majority of, I think, 30 to seven, agreed to the principle of registration as contained in the measure now before us. I carefully considered the draft Bill and discussed it with the Principal Architect of my department (Mr. Clare). I now propose to present my own views to the House. Those views are not in any way binding upon the Government or anyone else. The measure has been introduced by a private member and I presume each member of the House will have the right to support it entirely or in part if he deems support advisable. The Bill provides that the only persons entitled to registration will be those who pass a prescribed examination or who at the time of the passing of the Act have been trading as builders or supervisors of buildings for not less than two years, and are able to satisfy the board of their competence to carry out building operations.

Mr. Doney: They do not need to satisfy the committee at all. The member said they would be accepted irrespective of their qualifications if they had been master builders for two years.

The **MINISTER FOR WORKS**: They must have had not less than two years' experience.

Mr. Raphael: You cannot take the livelihood from a man who has been doing a job for two or three years.

Mr. Doney: Where does the Bill provide for that?

The **MINISTER FOR WORKS**: Men with that experience would be entitled to registration. The contention has been raised that the two-year period is too long and that those who have been engaged in supervising the construction of buildings for a lesser period should be entitled to registration. I discussed this matter with the Principal Architect and he pointed out that in view of the facilities at present available to those desiring to make themselves competent, the two-year period is satisfactory. He saw no great

objection to that limitation. Although the provision will operate against a few men, that limit must be imposed if the objects of the Bill are to be attained within a reasonable time. The requirement that in addition to having been trading as builders or supervisors for two years, applicants for registration must also satisfy the board of their competence, will probably result in some of those at present engaged as building contractors being refused registration and, it is stated, being deprived of their living. From that point of view the provision may be considered harsh, but those closely associated with the industry point out that unless some such safeguard is included, unqualified men may be registered. Those not required to pass an examination are mentioned in the Bill. They include Government officers and employees of the Government. I agree with that. They also include officers and employees of local authorities. I consider it necessary that such individuals should automatically be permitted to supervise the construction of buildings. Then members of the Royal Institute of Architects of Western Australia are exempted. I think an amendment will be necessary in this direction because that institute does not include all qualified architects. If the paragraph were to read "architects registered in Western Australia," my objection would be removed. I understand there are from 15 to 20 registered architects who are not members of the institute and I fail to see why they should be excluded from exemption. Members of the Institution of Engineers of Australia (Perth division) are also exempt. These men have to supervise the construction of buildings and bridges and so forth and they should be regarded as being qualified by reason of their technical and practical knowledge.

Mr. Doney: But they would have no special house-building qualifications, would they?

The **MINISTER FOR WORKS**: No, but I should say an engineer would have a knowledge of building construction. We have engineers who designed and supervised the construction of the Canning dam. They built in concrete, steel and so forth—

Mr. Doney: Would you like an engineer to take on the job of house building?

The **MINISTER FOR WORKS**: The builders themselves consider that civil engineers are qualified men—blood relatives—

and they do not propose to insist upon their having to pass an examination. If the builders themselves are satisfied to exempt these men, I shall raise no objection. Someone else can put up an argument—perhaps the member for Williams-Narrogin (Mr. Doney) will—as to why they should not be exempted.

Mr. Doney: It could easily be done, but I will not do it.

The MINISTER FOR WORKS: Those who I consider should not be excluded are the members of the Institution of Surveyors. I do not know that, automatically, a member of the Institution of Surveyors should be exempted from the necessary examination. I think, too, that members of the Australian Institution of Mining and Metallurgy should be excluded as is provided in the Bill, because such men may be engaged in mining activities and should be entitled to supervise building construction. There is one provision to which I have always objected, namely, that none but registered builders shall undertake building work in the metropolitan area or country towns specified in the schedule if that work costs more than £300. Power is provided for the extension of the defined area by proclamation. The Principal Architect is of the opinion that that limit should be increased to £400, and I think so, too. The raising of the amount from £300 to £400 should do away with objections to the measure voiced by many people. I might mention that under its small loans scheme the Workers' Homes Board has a limit of £300. But although only £300 is allowed by the Board the actual building might cost more and it would be possible to get a good tradesman to do this work who was not a member of the Master Builders' and Contractors' Association. If the amount were raised from £300 to £400 I think the objection of some individuals would be overcome; certainly mine would. I commend the suggestion to the member sponsoring the measure. The proposal to limit the application of the Act to the metropolitan area and specified country districts is sound. It is pointed out that if the measure proves successful, its operations could be extended, but to make the application of the measure State-wide and include every district would not now be advisable. The limitation is a good one and will assist in the successful administration

of the Act. It would not be advisable to interfere with the conditions existing in small country areas, mining districts and other outback centres and I certainly consider the master builders were right in not including those localities for the time being and by that means—

Mr. Doney: Who were right?

The MINISTER FOR WORKS: The master builders, who are sponsoring this measure. I now come to the important part of the measure. It provides for the setting up of a board with power to cancel the registration of any builder guilty of negligence or incompetence, or any fraudulent conduct in the carrying out of a contract. That is really important, for the powers it is proposed to give to the board are at present non-existent. Naturally, we must exercise great care before vesting such powers in any board. Undoubtedly it would be possible to exercise greater supervision over contractors, and this should result in the elimination of shoddy work or jerry building. That, I understand, is the objective behind this part of the measure. Possibly the public, which is entitled to consideration, will take advantage of that provision. I understand a good deal of dissatisfaction exists over the manner in which contracts are carried out. With a provision such as this, I should say that complaints could be referred to the board, which would have jurisdiction over the members of the association, and those making the complaint would have some chance of getting satisfaction. Matters may be in dispute concerning which it would be difficult to secure any legal rights, but these could perhaps be settled by a board possessed of the necessary experience and powers. Although one is rather loth to give such powers to a board, I believe such a provision would have the effect of protecting the public.

Here are some of the things that may be said in favour of the measure. It is claimed that the Bill will protect the public from incompetent builders, and improve the status of the builders generally. That is probably true, and I am also disposed to agree that this legislation will improve the status of the building industry. Master builders will be given an improved status, for the Bill will provide them with better means of supervising their members and

cast upon the association the responsibility of seeing that the work is properly carried out.

Mr. Sampson: Will the improved status mean higher prices?

The MINISTER FOR WORKS: I assume that people want to get value for their money. It is not a question of a cheap building but the right price being paid for it. I know of no builder, whether a jerry builder or a first-class contractor, from whom it is possible to get more than that. The hon. member may rest assured that he will not get more than that, otherwise the builder will soon become bankrupt. There are men who build cheaply. I am not sure that one gets better value for one's money from such a man than from another who charges more for his work. The last man to approach would be a jerry builder, if the person with the money wanted good value for his expenditure. When the hon. member talks about cheapness, he requires to put in an explanatory note alongside the word "cheap."

Mr. Sampson: How would the status of the builder be improved?

The MINISTER FOR WORKS: It is also claimed that this legislation would result in a greater observance of industrial laws. That is questionable. I find, after consulting with them, that the operatives are in favour of the measure. They say it will be the means of getting them a better deal, that industrial laws and conditions will be better observed by recognised builders, by those who charge the right prices and pay the right wages and observe the reasonable conditions that are imposed by our industrial courts.

Mr. Doney: Do not all builders pay the right wages?

The MINISTER FOR WORKS: I would like to think so. All kinds of tricks are resorted to in all trades, the building trade not excluded. We know there are such things as amalgamations, partnerships and associations. To these the master builders strongly object, as do the operatives.

Mr. Doney: Do you think, if you put all these people on a register, they would be exempt from suspicion?

The MINISTER FOR WORKS: Not from suspicion, but there would be more control than exists at present. The subject is debatable. The claim of the master builders

is that recognised builders are anxious to have the Bill passed. It is held that such men better observe industrial conditions than do the other sort of builders, who would be excluded. For the legislation it is claimed that it will facilitate and improve the opportunities for placing and training apprentices. The Bill contains nothing about apprentices. It could, however, have that effect, because, as members are aware, apprentices can even now be interchanged. Because a young man has been apprenticed to the trade for four years, it does not follow that a particular employer is able to keep him until his course is finished. An arrangement has been entered into, therefore, whereby apprentices may be interchanged, and continue their course under another contractor. By means of an association such as is suggested, I should say the transfer of apprentices would be facilitated. We are anxious that that should be the case in respect to the building industry. Properly-trained boys should be given an opportunity to complete their course. A provision such as this would offer that opportunity. Although the Bill contains nothing dealing with that question, it is claimed that the registration of the Master Builders' Association will improve its legal standing and have the effect I have disclosed.

Mr. Doney: Do you think that should be put into the Bill?

The MINISTER FOR WORKS: It is largely a question of good-will, and of getting men of sufficient standing and status in the industry to take an interest in the boys, and make it their business to train them so that good men may always be available. From my knowledge of the master builders, I should say that many of them are already doing their best to train apprentices. The claim is made that the Bill will eliminate unfair competition, such as is now experienced through incompetent and unscrupulous builders. This is the language the contractors themselves have used. I suppose that incompetent and unscrupulous builders come within the category of jerry-builders, those who mislead the public with the idea that the work can be done more cheaply by them. True, there are many ways of cheapening the cost of building, but people do not necessarily get better value for their money by such

means. The public are entitled to protection. If they are dealing with men of standing, men who will deliver the goods, and give what they say they will give, the position should be much better safeguarded.

Mr. Patrick: Contractors vary a lot in their tenders.

The MINISTER FOR WORKS: Everything depends on the times. A month or so ago, when trade was slack, tenders for buildings dropped considerably. We found that to be the position in connection with the Workers' Homes Board. A little while before, when building was brisk, very few tenders were offered, and these were considerably higher than those submitted when trade was more slack. Many circumstances affect the price put in by tenderers. The claim is also made that the Bill will eliminate incompetent builders, and that works will not be undertaken at absurd prices which at present result in many bankruptcies and bad debts. The operatives have explained to me that in some instances their wages have not been paid. A builder has taken on a job at a low price. He may have had insufficient knowledge of how to make up the costs of the building when putting in his tender, and the result has been failure to pay wages.

Mr. J. Hegney: That might happen with members of the Builders and Contractors' Association.

The MINISTER FOR WORKS: That may be so. If the Bill be passed, a measure of discipline can be meted out to the members of the organisation. They will be held responsible for what they do. A better prospect of disciplining members will be offered than if no such organisation existed.

Mr. Doney: That is rather far-fetched.

The MINISTER FOR WORKS: I believe an endeavour would be made by the master builders to discipline their members, and to see that they carried out their contracts and undertakings. Power is contained in the Bill to enable that to be done.

Mr. Doney: There would be a bigger margin for that sort of thing than there is now.

The MINISTER FOR WORKS: No. The association would insist that its members behaved honourably and carried out their contracts.

Mr. Hughes: There is a strong probability that the number of entrants to the association will be limited.

The MINISTER FOR WORKS: That is one of the dangers, but it is not my business to deal with the weaknesses of the Bill. I now come to the objections to the measure. The claim is made that it will create a close preserve for builders, increase building costs, and prevent tradesmen from becoming builders. There is some weight in those objections. Admittedly competent tradesmen should be encouraged in their ambition to become master builders. The Bill will not prevent that. With the facilities for technical instruction that are now offering, the man who is ambitious to become a master builder should be prepared to engaged in the necessary training.

Mr. Doney: How would he get that in the country?

The MINISTER FOR WORKS: That would not be too much to ask of him. For the time being the measure would apply only to the metropolitan area.

Mr. Doney: It would have general application.

The MINISTER FOR WORKS: It would apply to the metropolitan area and certain specified country towns.

Mr. Doney: It would embrace Kalgoorlie, Geraldton and other places. How would a man obtain technical training there?

The MINISTER FOR WORKS: Facilities exist for those who desire to avail themselves of the opportunity. In many country towns a young fellow is able to embark upon manual training, and by that means gain considerable technical knowledge.

Mr. Doney: But that is very meagre in comparison with what is necessary to enable the person to pass the necessary test. In fact, that is practically non-existent.

The MINISTER FOR WORKS: In any event, there may be many master builders who have not a great deal of technical knowledge. I still consider that a first-class tradesman would soon qualify himself as a master builder, and that has been proved over and over again in the past.

Mr. Doney: That is a different thing.

The MINISTER FOR WORKS: With regard to the interpretation of the word "building," the Principal Architect has pointed out that the Bill provides that it shall mean any building "of a permanent nature." He suggests that great difficulty will be experienced in defining what is a permanent building, and he suggests that the word "permanent" be deleted. That

matter can be attended to during the Committee stage. There is another important matter. I know that I am not allowed to refer to clauses by number, but I think members will find that Clause 4 is the appropriate one.

Mr. SPEAKER: Order!

The MINISTER FOR WORKS: I shall bow to your ruling, Mr. Speaker! That clause provides that no person who is not registered under the measure shall—

(a) enter into a contract or engagement to construct any building, or build any building for another in pursuance of any contract or engagement.

That provision, in my opinion, would prevent any person from building to any extent on his own behalf, and would mean that a land agent could build and sell.

Mr. Sampson: As a speculation.

The MINISTER FOR WORKS: The clause will not prevent the operations of speculative builders. We are anxious that a man shall be permitted to build a house if he so desires, but the provision to which I have drawn attention will not do away with the difficulty that the Bill attempts to attack. Unless that paragraph is amended—I regard this as an important matter that the member in charge of the Bill should have rectified—the measure will not achieve the results desired. I believe the master builders are anxious to overcome the difficulty, but certainly that end cannot be attained under the clause. Then again, there is another provision in the same clause, which sets out that the prohibitions shall not apply to any person who is—

(ii) an officer or servant of the Crown, or of any instrumentality of the Crown, or of any local authority, in so far as he directs or supervises the carrying out of any contract or engagement in the performance of his duties as such officer or servant.

That provision appears to cover only contracts and engagements, and I am not quite clear as to whether officers, either of the Government or of local governing authorities, would be permitted to carry on actual construction work by means of day labour. Possibly the latter would obtain, because the provision is essential. I would certainly not exclude the officers mentioned from the right to construct buildings under the day-labour system. The work would not be done by contract in those circumstances, but it is not clear whether the officers I mention would not be precluded from so doing. 1

advise the sponsor of the Bill to give attention to that point. Then there is the provision that sets out that one registered builder can enter into a partnership with other tradesmen and between them carry on building operations and yet not be subject to the provisions of industrial laws. That type of combination does occur, and in quite a number of instances both the unions concerned and the contractors' association are anxious to overcome the difficulty. A suggestion has been made that the clause should be amended by adding the words "provided that in any company or partnership there shall not be more than one unregistered member." The minds of interested persons have been exercised for some time regarding this phase. Some individuals have resorted to the practice I indicate in order to depart from the observance of our industrial laws, and we find the position impossible to cope with. Now that the Bill is before Parliament, we should ensure that these alleged partnerships shall not be permitted because, under existing conditions, I am positive they are aimed at setting aside the provisions of Arbitration Court awards.

As to the principles underlying the Bill, there has been a tendency, particularly amongst skilled tradesmen, to raise their standards and status. I can quite understand that master builders would desire to secure a legal standing, just as their artisans enjoy that status. For instance, if any member employs a plumber, that artisan is required to hold a certificate of competency; otherwise he will not be allowed to touch a pipe. The same applies to electricians, who must be registered and possess the necessary certificates before they are allowed to undertake work. In fact, both plumbers and electricians are required to operate under most stringent regulations, which are insisted upon to safeguard the interests of the public. Notwithstanding that fact, where master builders are concerned they supervise tradesmen of various classes and yet are required to have no specified qualifications at all. Seeing that we ask that the public shall be protected in other directions, there is certainly a sound argument in favour of granting master builders some legal status and the opportunity for the creation of an organisation comprising those engaged in the building industry. Quite naturally, the objective of the Bill finds favour with them. If the measure should

prove as successful as the sponsor claims for it, some protection will be afforded to the public. Personally I blame myself if I employ a man who is not competent. In most instances a person requires assurance that the man to be engaged is qualified to carry out the duties involved. If the Bill be agreed to, the public will be assured that the master builder has the backing of those associated with him and, of course, most members of the general public are not capable of judging whether the builder is, or is not, competent. On the other hand, under existing conditions, if a plumber or an electrician is employed, the householder knows perfectly well that the tradesman is fully qualified.

Mr. Doney: But you will not separate the good from the bad builder merely by a technical examination.

The MINISTER FOR WORKS: No, but the whole object is to exercise some control over the members of the proposed organisation, and thus provide an element of responsibility. Master builders do not desire this legislation merely to have legal status; they desire to be in a position to exercise some control over members of the organisation and to be sure that they conform to the general practices in carrying on their vocation. To that extent the Bill will provide protection for the public.

I propose to support the second reading of the Bill, which has not been considered by the Government, and members are free to express their personal views on the measure. I believe the time has arrived when those engaged in the important work of erecting buildings are entitled to legal protection, and to legislation that will enable them to organise effectively on their own behalf, thereby affording the general public some protection in connection with building contracts. With the reservations I have mentioned, I shall support the Bill although I must confess I have experienced some difficulty in deciding just where the amendments I have indicated should be included. When the Bill is considered in Committee, I hope the member for Perth (Mr. Needham), who is in charge of the Bill, will have regard to what I have said respecting essential alterations.

MR. DONEY (Williams-Narrogin) [5.42]: The member in charge of the Bill is extremely fortunate. He has found support from a quarter that I had not anticipated. He has

a very strong ally in the Minister for Works, but on what grounds I am not sure.

The Premier: You listened only to the latter part of the Minister's remarks.

Mr. DONEY: No; I listened attentively to his speech from start to finish, but I confess I do not know the grounds upon which the Minister can excuse his voting for the Bill. You will have noticed, Mr. Speaker, that, in the Minister's examination of the Bill, he disclosed a long string of weaknesses and objections, finishing up by stating that, nevertheless, he would vote for the second reading of the measure. The member for Perth (Mr. Needham) did his duty nobly and well, when he introduced the Bill, in representing the views of those responsible for its introduction and in explaining the objectives it seeks to attain. The hon. member made the Bill appear one of those very simple, desirable measures that may quite safely be accepted by the House without question. He said that the basic aim was to protect the public. At no stage, not even in the speech delivered by the Minister for Works, was the adequacy of that point made clear. If we could forget all the fine things that the member for Perth said about his own Bill and confine ourselves to its actual provisions, we would discover most pronounced preference for the interests of present-day leading builders. There is no doubt in my mind on that point, and the Bill is altogether too partial for me to support. This is an instance of a relatively small section of Western Australians having planned a piece of legislation designed to promote their own interests. That, to my mind, is improper. After all, we need to remember that the measure is precisely similar to the Bill that was introduced in 1934.

The Premier: Do not you believe in the Primary Producers' Association?

Mr. DONEY: If the Premier can demonstrate how the Primary Producers' Association is linked up with the question, I shall better be able to answer his interjection.

Hon C. G. Latham: We do not believe in monopolies.

The Premier: You do not believe in such an organisation as I indicate?

Hon. C. G. Latham: We do believe in the organisation.

Mr. DONEY: I was merely going to say that the "builders of the Bill" had not done anything at all in the period since the pre-

vious Bill was before us to meet the various objections then raised against it. To me this is too much like a legislative device for side tracking legitimate competition. It does not seem to give a fair crack of the whip at all to the man who has ability and ambition to go beyond the stage of a tradesman, the man who is anxious to leave the rut for the purpose of becoming a master builder. I particularly wish members opposite to see this aspect of the question before they attempt to divide the House on the second reading. Those to whom I refer are the men who have given long years of work in the building trade and who can erect a house equally with any person who may be fit to take and pass the particular examination imposed by the Bill. The House should remember that from the ranks of men like those of whom I am speaking, this State in the past has drawn, and for that matter is still drawing, some of its best builders.

The Minister for Works: And that will go on in the future.

Mr. DONEY: Not if the Bill becomes law, for the reason that those to whom I am referring, while having good practical building knowledge, frequently lack the technical knowledge necessary to cope with the test set by the board.

The Minister for Works: You have not read the Bill through.

Mr. DONEY: I have and more than has the Minister, judging by his remarks of a little while ago. These will be the men who will be outside the register that the Bill seeks to bring into operation; these will be the men who will be branded as jerry builders, as being dishonest, unscrupulous and so forth, I do not know whether those terms are mentioned in the Bill, but they are certainly applied by the hon. member in charge of the Bill to the men I have been referring to. Let me remind him that there is nothing democratic in the Bill. If there is, someone who will speak on it later will no doubt point it out. If the Bill is enacted, there will undoubtedly be fewer men to creep up from the rut, as it were, and thus become recognised builders. This will narrow the field of competitive tendering and must inevitably lead to dearer homes. For years my friends opposite have been crying out for cheaper homes for the workers, and not even the Minister nor the member in charge of the Bill proved, or

tried to prove—knowing I suppose they could not—that the enactment of this measure would lead to the building of cheaper homes. Is anyone prepared to say that the Bill will lead to that desirable result? I do not think so.

The Minister for Labour: How do you measure cheapness?

Mr. DONEY: Cheapness, from the Minister's present point of view, I suppose means an adequate return for the money expended. What we seek is a reasonably good house for a reasonably fair price. The Bill, however, very plainly—and the Minister will not deny this—will lead to more costly homes for the people, and that is entirely in opposition to the principle members opposite have for years been supporting. Over and over again the hon. member in charge of the Bill insisted that the measure would protect the genuine builder. I confess I do not know precisely what a genuine builder is, but probably there are incompetent, dishonest and jerry-builders amongst the fraternity already. I agree that there will be protection for the registered builder; no one will deny that. As a matter of fact, there will be protection full and free—too full—too free; that is the chief ground of my complaint; but I disagree with the member for Perth (Mr. Needham) and the Minister that there will be any increased protection for the public. It will be easy to prove at a later stage that this is so. My fear is that members have not had time to examine the Bill properly, and so they will be influenced by the shrewdly persuasive manner in which the member for Perth explained the measure. Consequently members opposite will take that hon. member's valuation of it. If members opposite have not had time to peruse the whole of the Bill, I hope at least they will give some attention to Clause 10, which sets out who may be registered and how.

Mr. SPEAKER: The hon. member may not refer to clauses on the second reading.

Mr. DONEY: I am afraid I have been led astray by the Minister, who gave some attention to the clauses when he was referring to the Bill. It should weigh with members that this is not a measure that has been brought down by the Government after mature consideration of the conflicting needs and rights of the public,

and of course builders also, but by contra this is a device sponsored by the Master Builders' Association—as already admitted by the Minister—by the union concerned, and also by the Architects' Association. I should like to ask whom those three parties desire to protect? Mr. Speaker, do not you think that it is pretty plain that they seek to protect themselves? After all, they are the people most likely to get anything from the provisions of the Bill, that is, if the Bill becomes an Act. If anyone minutely examines the Bill he will not find anything remotely suggesting harm to the interests of the organisations to which I have referred. On the other hand, we can find obstacles galore in the pathway of those able and ambitious tradesmen who are anxious to qualify as master builders. It is very easy to determine at whom the Bill is aimed. This much can be said of the organisations concerned, that they aim not so much to kill as to disable. It will be noticed that they will permit the outsiders—as one hon. member referred to them—to work in the smaller towns but force them to keep away from the metropolitan area. They may build in places such as Beverley and Pingelly, but not in York, Wagin, Narrogin or Toodyay. There is one exception; they may come to the city or proclaimed towns and erect a building of the value of £300. Not that a man would not have much opportunity of coming to the city to put up a building costing £300, or £3,000, having regard to strong city competition. Incidentally should the cost of that building amount to £310, and the builder be unable to collect that amount from his client, he is debarred from taking action in the court. To make a builder of this type an outcast is a mean business altogether, and I shall be very much surprised if members opposite will, having due regard to that aspect of the position, agree to support the Bill. Trash of this kind, in my opinion, should not become the law of the land; that is my feeling with regard to measures framed in the manner of the Bill before us. There is another point, too, and it is that the Minister and the member for Perth will be far more likely to find on the register that the Bill proposes to institute, more jerry-builders than there are off it. The member who is responsible for the Bill, when dealing with the subject of registration, said that members who were engaged in the industry for a few years would not be obliged to undergo specific

examination. Thus we might ask, if the hon. member's explanation of his own Bill is correct, how will jerry-builders be kept out? Apparently the fact that the applicant has been engaged in the industry for two years, will be sufficient to enable him to answer all questions, and his being a jerry-builder or a dishonest man will not debar him from registration. I know that is not the opinion held by the Minister, but I am suggesting that had he studied the Bill perhaps a little more deeply, he would have arrived at that conclusion. After all, the man who is shrewd enough to succeed as a jerry-builder will at least know all the tricks of the trade, and he will be able to pass the technical examination imposed by the Bill. He will get on the register; make no mistake about that. He is the one man that will be assured of getting there. Therefore: all the pretence that the good honest men in the trade will be the ones to get on the register and that all the rogues will be left off and that the public will be protected is pretence and nothing else. This Bill proposes protection, as members must realise, for the three associations at whose instance the measure has been brought down, and any pretence to the contrary is plain nonsense. I do not say that the Minister ignored certain portions of the Bill, but I do say that he did not observe them. I shall content myself by expressing it in that way.

Mr. Sampson: He touched them lightly.

Mr. DONEY: The Premier is not in the House at present, but that will not debar me from saying—and members should be interested to hear—that when a similar Bill was before the House in 1934 and he was Minister for Justice, he thrashed the Builders' Registration Bill of that year through I know not how many columns of "Hansard"—quite a considerable number, anyhow. By his speech he made the measure appear to be not only worthless, but also unnecessary. I was hoping that the Minister for Works would have been influenced by the opinions then expressed by his leader. On that occasion, however, the Premier gave a promise to support the Bill.

Hon. C. G. Latham: Members on that side could not do otherwise.

Mr. DONEY: I agree. We have been informed that the interested unions, the master builders and the architects are all behind this Bill. That is used as an argument to show that since all the usually contending

parties are in favour of the Bill, it must be a good, safe and necessary measure. Such argument has no effect whatever on me. I always feel suspicious—perhaps I should not—when I find a combination of that sort aiming at the one thing.

Hon. C. G. Latham: Putting it over the public.

Mr. DONEY: It is a great trick to put over; certainly I regard it as some sort of trick.

The Minister for Labour: I thought you were in favour of the Bill.

Mr. DONEY: I cannot believe that many people would be taken in by argument of that kind. Apart from that, is there any virtue in the Bill? If by the provisions of the measure it would be possible to separate the good builders from the bad—as was claimed by the hon. member—I ask him to tell us exactly by what strange process of reasoning he can justify rigidly keeping bad builders out of the metropolitan area and out of big towns, while letting them loose upon the smaller towns and rural areas.

Hon. C. G. Latham: Those parts do not count.

Mr. DONEY: I hope the member for Perth when replying to the debate, will answer that question, as well as the other questions I have put.

MR. F. C. L. SMITH (Brown Hill-Ivanhoe) [6.4]: I consider that this measure is long overdue. I listened to the Minister's remarks about altering the sum of £300 to £400, which reminded me of the fact that this Bill will give protection to home builders rather than to those people who are concerned with buildings entailing a cost of many thousands of pounds. People of this class can generally look after themselves when spending their money on building. There can be no doubt that not only in this State, but also in other States of the Commonwealth, those who are purchasers and are providing money for homes find considerable difficulty in ensuring that they get value for their money. The aim of the Bill is to ensure that all those people engaged in the building industry shall be possessed of a reasonable degree of competency. The Bill provides for the appointment of a board charged with the responsibility of registering all those who can prove that, by knowledge and experience, they are competent,

and to reject all others. Competent men in the building industry know that they can meet the competition of faithful and efficient builders and entertain a reasonable expectation of sharing the available work. If, on the other hand, the building industry is to be left unprotected against all those who are now permitted to invade the field, and to pose before, and impose upon, the public as persons having the requisite knowledge, and by hard driving, through pretence and prices, undertake contracts, which can lead only to jerry-building or to bankruptcy, Competent men will say there is a Gresham law under which the bad operator will drive out the good by making the good bad through the very force of competition.

Although this Bill has been initiated by a private member, it has the full support and backing of the building trades unions. If the measure becomes law, it will certainly be restrictive in some degree, but what legislation is not? Qualification for the right to practise is an essential condition in many trades and callings.

Hon. C. G. Latham: Will the measure result in the workers' getting cheaper homes?

Mr. F. C. L. SMITH: Experience, and evidence of knowledge disclosed by examination, form a necessary precedent to practising in the legal and medical professions. An engine-driver is required to give evidence of his competency by test and examination. Apprentices in many callings are expected to measure up to a certain standard before they are acknowledged as journeymen. This condition attaching to the right to practise finds widespread endorsement in the medical profession and in the engine-drivers' calling, because the unskilled in those particular callings might cause loss of life. How can such loss of life occur, in the absence of proof of qualification, except through gross pretence and deception? Consequently, the legislation enforcing this condition is designed to obviate such pretence and duplicity. The Bill introduced by the member for Perth has that same object in view—the obviating of pretence and deception. The builder who, by training and experience, is competent will find no difficulty in securing registration.

There are many reasons justifying the maintenance of standards in the building industry, as this measure will do. The average buyer of a house has few opportunities, even in a lifetime, of acquiring much

knowledge pertaining to structural work. His experience is often confined to the purchase of a home on some system of time payment, the mortgage on which is a sufficient burden for the purchaser to bear without the additional handicap of defects of faulty foundations. There are factors other than fancy fittings and plastic walls that determine values. Not only in the thickness of the concrete in the foot-walks around the home is the buyer deceived. There is great scope in the building industry for the jerry-builder, the sub-contractor and the alleged piece-worker to undercut his work as well as his price. There are many people in Perth to-day who could testify to the need for protection both in home buying and home building. This Bill will give protection in those ways. Furthermore, it will lead to the improvement of standards in building both in hygiene and stability; it will tend to give longer life to buildings; it will cut out premature maintenance; it will ensure that the buyer gets value for his money and, as the member for Perth has indicated, will prevent an evasion of responsibility by builders to workers and providers of material. The advent of the inefficient crasher into the building industry can result in nothing but cut prices and bad workmanship. The cut prices are sure to produce bad workmanship, and the lack of experience would produce it in any event.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. F. C. L. SMITH: I was saying that there could be no other outcome of the entrance of inefficient into the building trade than cut prices and bad workmanship. Reputation for good workmanship on the part of a builder may be highly desirable in his business, but yet it is not a business which experiences repeat orders as grocers and butchers do. A builder's customer who has not been well served cannot have revenge by declining to give further orders. Usually the builder is dealing with the buyer's first and last purchase of a home. That fact makes protection for the buyer all the more necessary. The master craftsman who is prepared to give good workmanship should be protected from the jerry-builder, whether the jerry-builder is a competent builder or otherwise. This Bill will tend in that direction, because the jerry-builder, even if he is competent, will

be expected to give a class of workmanship that will measure up to accepted standards, or will run the risk of being called before the board and having his registration cancelled. My personal view is that control of building on the constructional side must become a highly important adjunct to town planning. The enforcing of building conditions and building regulations and the ensuring of healthy conditions will be easier with a responsible body in existence on the constructional side. The unrestrained exploiting of the public in the building industry must ultimately tend to bring about conditions under which only unscrupulous builders, and building firms operating to make profits out of jerry-built houses, will be able to function in the trade.

From time to time we have had in this State, as there has been in other countries, a wave of emotionalism during which marked attention goes to slum conditions. It may be that at some future date a Government will undertake a comprehensive building scheme here for the purpose of doing away with slum conditions and slum houses and improving generally the housing of the people. Because of that possibility it is desirable to look further afield and see what has happened in other countries where attempts in that direction have been made. I would like to quote from a presidential address, delivered by Mr. Luke Fawcett to the conference of the Amalgamated Union of Building Trade Workers held in London in 1935—

"The Ministry of Health" has constituted itself the guardian of building in its worst forms. It has fostered the building speculator and jerry builder, just as it has protected the slum landlord. The very problems with which it has purported to deal it has aggravated. It has provoked the hideous rash of ribbon building which has spread its ugliness throughout the countryside, and against which every lover of Britain's beauty is now crying aloud in horror; and it has created conditions whereby thousands of poor house purchasers, the hard-driven prey of unscrupulous building and money-lending societies, now find themselves in sorry possession of heart-break houses and a frightful burden of debt. The building industry presents the spectacle of more than 50,000 building firms, big and little, rampaging around doing their utmost, with but cursory supervision, to build, build, build in any place, in any style, with any kind of materials, houses, blocks of flats, or other buildings, so long as profit can be obtained therefrom.

That utterance was made in connection with the comprehensive building scheme undertaken by the British Government to do away with slum conditions in the city of London and other large cities throughout the country.

Hon. C. G. Latham: And there is as much jerry-mander building going on as ever!

Mr. F. C. L. SMITH: That is so. Just about that time Sir Stanley Argyle, a former Premier of Victoria, happened to be in London, and apparently had an opportunity to experience the conditions under which these "heart-break houses" had been built. He said at the time that his experience of house-building in London indicated that in Australia we must rigidly enforce building regulations and ensure healthy conditions in rebuilding. Mr. Fawcett's speech would seem to emphasise that we in Western Australia must take steps to deal with jerry-builders and jerry-building firms, and seek through some measure of legislation to give protection to purchasers against the possibility of finding themselves in possession of "heart-break houses" with a frightful burden of debt. Protection cannot be given to purchasers unless a measure of protection is given to builders who are willing and able to give the public a fair deal and protect it from the competition of the unfit and the unscrupulous. That is the direction in which the Bill introduced by the member for Perth (Mr. Needham) is trending. It seeks no monopoly other than for those who are fitted by qualification and experience to give reasonable service in building, and in building estimates. It has the endorsement of the qualified in both the employee and the employer sections of the building trades, and covers a field of production in which it is vitally important to the working class that they get value for their money and be protected from the temptation of hotch-potch work at bargain prices. I have much pleasure in supporting the second reading of the Bill.

MR. HUGHES (East Perth) [7.41]: I am afraid the previous speaker has conjured up many things as likely to happen under the Bill that will not happen. This kind of legislation represents another step on the road of dividing the community into the sheltered and the unsheltered. It is legisla-

tion that will give certain people already in a trade a privilege, whether they are efficient or inefficient. It will cover those already in the trade, and allow them to say on what terms and conditions newcomers may enter. This type of legislation is directed mainly against the poorer people in the community.

Hon. C. G. Latham: Hear, hear!

Mr. HUGHES: It is a means of keeping out of the professional classes the sons and daughters of working people. We have seen such legislation operating. I remember that when the old Western Australian Institute of Accountants was formed, those accountants who were already practising, even if they were scarcely qualified bookkeepers, decided to let themselves in, and that as soon as they got in they were all for higher examinations and higher standards; and every year it becomes harder to enter the professions, because those in them having secured a privileged position desire to make it as difficult as possible for competitors to come in.

Hon. P. Collier: That applies everywhere.

Mr. HUGHES: It has gone on indefinitely. To make it more difficult to enter the accountancy profession, in later years the subject of economics was added to the accountancy course—for what other reason I do not know. I suppose it is only natural that people who have secured a privileged position, being human, want to ensure that the least possible number share that privilege. Those builders who are already two years in the trade, no matter how much jerry-building they may have done, or how incompetent they may be, will get in under the Bill. The proposed board will not say to certain people who have been building for four or five years, "We will not give you a license." Immediately the board has been constituted and those builders have got in, the board will lay down regulations under which new people may enter the trade. They will lay down a theoretical examination, and will set out the period of practical experience in the building trade required before newcomers can receive licenses. In practice what does that mean? That the board will set up a scheme of articles for builders and regulations prescribing that persons who want to become builders will have to pass a theoretical examination and then will have to serve a certain period as apprentices or articled clerks to practising

builders. Consequently parents who want their children to enter the building trade will have to pay handsome fees to get them apprenticed or articulated to those already in the trade. I venture to say that once the Bill becomes law, the fee to put a boy under articles to a builder will not be one penny less than £500. It will be worth a fee of £500 to get one's son into that privileged class. We know that that has happened every time this type of legislation has been passed. Whenever a profession is set up, the right to practice in an exclusive and limited class becomes a valuable right. Those who are in—being human, I suppose—will require a fee to accept articulated clerks or apprentices. That is exactly what will happen in this case. What will be the result? Parents who can afford to do so will keep their children at school long enough for them to pass the theoretical examinations, and then will find the money necessary to ensure them a practical training as builders. Children of poor parents, although possessing greater talent, more initiative and more resource, will be prevented from entering this trade because of the restrictions proposed to be placed on it. We all know that the professions to-day are overcrowded with men unsuited to their callings. These men obtained admission to the professions because their parents were able to keep them at educational institutions until they passed the required theoretical examinations. The parents were also able to pay the fees necessary for them to obtain practical experience. Numerous people so entering professions are quite unsuited to the walk of life in which their parents, out of vanity, have insisted in placing them. On the other hand, outside the professions we find many young people with a natural aptitude and endowed with the necessary ability to become members of a profession, but they cannot enter it because of the barriers erected against them. This Bill will restrict opportunities to youths with natural talent, initiative and resource, because it will make it exceedingly difficult for them to enter the trade. No doubt the board to be appointed under the Bill will set theoretical examinations, but we know that any examination can be passed by a person of average intelligence. All he requires is time and opportunity. Examinations are not set for geniuses, but for candidates of fair average intelligence. A youth backed by parents who can afford to pay for his

education can, with unlimited time at his disposal, pass any examination. But when he has to stand on his own feet and fight his way in a profession, he will probably find himself unsuited to it. For that reason the professions are full of failures and quacks.

I quite agree with the statement that a person desiring to carry on any occupation in the community should satisfy some statutory authority of his qualifications to do the work with a reasonable degree of efficiency. Having gone so far, then all persons should be placed on an equal footing. No person should be excluded from entering a profession because of his station or of the social position of his parents. In that way the public would be protected, and no obstacle would be put in the path of natural talent. The board proposed to be created under the Bill, however, does not do that. It does not set up a tribunal that will say to a person, "You can enter the trade if you pass theoretical examinations and have practical experience." If the board did that and no more, some measure of protection would be afforded to the public. A man can work in the legal profession as a clerk, doing important work, and gaining much practical experience, and yet his experience is not recognised if he desires to be admitted to the Bar. A boy whose father can pay for his articles may, however, enter the profession without any inquiry, and after two years' experience can go out and practise. Yet a man with ten years' experience and possessing natural aptitude, cannot enter the profession. If the Bill could abolish jerry-building, it might have some virtue, but how can it do that?

Hon. C. G. Latham: Of course it can.

Mr. HUGHES: If jerry-builders become registered under the Bill and gain entrance to a privileged guild, are they therefore going to turn over a new leaf? Only one thing will stop jerry-building, and that is by every person about to build a house employing an architect.

Mr. Tonkin: That would not stop jerry-building.

Mr. HUGHES: The architect would prepare plans and specifications and would see that the work was carried out satisfactorily. An hon. member said that the employment of an architect would not stop jerry-building.

Mr. Tonkin: We have proof of that.

Mr. Sampson: What will protect the people?

Mr. HUGHES: An architect might not afford complete protection, but to employ one is the only method by which jerry-building can be prevented.

Mr. Withers: Building by-laws of municipalities should prevent jerry-building.

Mr. HUGHES: The trouble about building by-laws is this: plans and specifications in accordance with the by-laws are passed, but then the builder seems to think that he can choose whether he builds a house in accordance with them or not.

Mr. Withers: That would result from lack of supervision.

Mr. HUGHES: The buildings are not checked with the plans and specifications.

Mr. Withers: They should be.

Mr. HUGHES: I quite agree there should be some safeguard. Before the builder is allowed to hand the house over for occupation by the owner, a certificate should be given by a municipal employee or an architect stating that the house has been erected in accordance with the plans and specifications. Although that would not give complete protection, it would afford a large measure of protection. Notwithstanding that the purchaser must pay an additional fee for the supervision of the building, the money so expended would be well spent. He would be protected against himself. Jerry-building usually occurs where a builder produces his own plans and specifications and quotes a price for a house. In such cases the owner certainly has a chance of supervising the construction of the building, but he has not sufficient knowledge to determine whether it is actually erected in accordance with the plans and specifications. Many people in the community after having read plans and specifications are no wiser, and cannot judge whether a building is erected in accordance with them. That is highly technical work which only an architect can do. A person having only £100 to spend on a house would be well advised to expend another £6 to secure the services of an architect and so ensure that his house will be built soundly and well. The owner has this additional protection, that if defects become apparent in the building he can fall back not only on the builder but also on the architect. He can claim damages from the architect for negligence. That is the only way to stop jerry-building.

Large buildings in the city costing £20,000, £30,000 or £40,000 are always built under architectural supervision. The owners of such properties would not dream of erecting a building without employing an architect to prepare the plans and specifications and to supervise the work. Such people do not need the protection which this Bill would afford. In nine cases out of ten a person deciding to erect a house costing £2,000 will insist upon employing an architect. The need for protection comes as we descend the scale. Strangely enough, a person having an amount less than £300 to expend on a residence is denied the protection which the Bill proposes to give. If the objective is to ensure that a person shall receive fair value for his outlay, why should not the man who has less than £300 also be protected? Surely it is as important for him to have protection as it is for the man with £1,000 or £2,000 to lay out. There should be no discrimination. If it be necessary to register builders to ensure that persons shall get value for the money that they expend on buildings, then the man who has only £100 to spend on a shack is entitled to the same protection as is the man who has £1,000 to expend on a residence. The discrimination is extraordinary, particularly in view of the quarter from which it emanated. To say to the man on the bottom rung, "It does not matter whether you are protected or not," is wrong. I hope the Bill will be amended in Committee in such a way as to eliminate that discrimination.

The statement has been made that the tradesmen favour this measure. I very much doubt whether they would if they understood its implications. What is a builder? He is really an organiser. Some of the most successful builders are not tradesmen. They are men capable of organising enterprises in which the work of experts is co-ordinated and so arranged that all the men work in harmony. But we know there are many carpenters who, having gained some experience in the trade, launch out on their own account and take contracts to build houses involving an expenditure of between £1,400 and £1,500, and they make a good job of them. If the Bill becomes law, however, carpenters will not be permitted to undertake such contracts. Even should a carpenter attempt to take a

contract to build a cottage for as little as £500, he would immediately be told, "You are not a registered builder; in order to become a registered builder you must undertake the prescribed course, and sit for an examination, and serve some sort of articles." Thus we eliminate from the building trade such men as bricklayers and carpenters who have sufficient initiative and resourcefulness to set up in business as master builders. We shall definitely keep them back with the proletariat. They will not be able to enter the charmed circle, because of their obligations. They will not have the opportunity to undertake the competitive course so as to qualify as registered builders. For all time they will be condemned to remain in the tradesman class, without any chance whatever of bettering themselves in order to join the master builder class. That is a vicious form of privilege. It is what is being done in many other instances, and is in keeping with the trend of modern legislation. It is saying to the working class, "Stay working class. We shall see that you do not get out of that class and work on your own, no matter how much enterprise, initiative, or resource you may have." Surely that is a vicious form of legislation to put on the statute-book.

With regard to the heart-break houses we hear so much about, it is not the house itself that causes the heart-break, but the terms under which the building is bought and financed. The financing breaks the heart. After all, if there is a leak in a spout a man can solder it himself, but he cannot evade the obligation to pay interest annually. The great trouble about the jerry-built house or the small cottage is that under the present method of finance—by means of which people buy on long terms—the builder raises a first mortgage when he commences to build. Then he has to obtain a price sufficient to enable him to discount his equity at six per cent. So every cottage that is built under this plan is loaded with £100 for a start in order to provide a margin for discounting the equity. Then he must make a profit on top of that. The result is that the average purchaser starts off with about £1,000 debt for an £800 house. He pays interest on £1,000, not £800, thus giving the equity buyer a security at 10 per cent., as against the ordinary rate. That is what causes the heart-break and this Bill will not affect that position. The selling of houses on long terms will continue just the same, and it will con-

tinue as long as people are prepared to buy houses on those terms. When the Increase of Rent (War Restrictions) Bill becomes law, people will not let their houses if they can avoid it, but will insist on some form of contract of sale in order to circumvent the Bill.

Another feature of the Bill is that apparently a company will not be able to carry on the business of building, because a company cannot sit for an examination and qualify. Therefore, unless companies are to be excluded from the building trade—

Hon. C. G. Latham: What will happen to Concrete Constructions Ltd?

Mr. HUGHES: That company will be unable to qualify. Such companies will have to engage a builder, who will be merely a dummy, the result being that ostensibly the builder will carry out the erection of the building, but in reality he will merely be the nominee or dummy of those who are really financing the operations. I do not know whether there is a clause in the Bill preventing a registered builder from entering into partnership with an unregistered builder. I have not noticed one.

Hon. C. G. Latham: What about dentists?

Mr. HUGHES: Unregistered dentists are not allowed to practise unless they are well connected in other directions. How will this Bill establish a good standard of efficiency? I notice that the board will have extraordinary powers. If a man registered under its provisions has the misfortune to meet with a motor accident and is convicted of an offence against the traffic law, his registration as a builder may be cancelled.

Hon. C. G. Latham: In the middle of a job, too.

Mr. HUGHES: Yes. If a registered builder appears before the courts and is penalised for some misdemeanour, not in any way associated with his building of a house, he is likely to be deprived immediately of his livelihood. That would be an extraordinary power for a builders' registration board to acquire for itself. Of course it is an excellent thing from one point of view. The position is the reverse of that exemplified in the words, "The more we are together the merrier we will be." It is a case of "The fewer we are the more profits we are likely to get." Anything that provides the builders with an opportunity to restrict their number is to their advantage.

Mr. F. C. L. Smith: You should know something about the sheltered professions.

Hon. C. G. Latham: You had difficulty in getting in, didn't you?

Mr. HUGHES: If ever my friend opposite desires my help to abolish the Barristers' Board, I do not think he will find me backward in giving it.

Mr. SPEAKER: Order!

Mr. HUGHES: I know that that is a privileged preserve and we should not at present deal with the subject. As a matter of fact, the greatest lawyer the world ever knew never passed an examination or served articles, and He has been held up to us as a paragon for 2,000 years.

Mr. Boyle: Does the Barristers' Board know about that?

Mr. HUGHES: I take my stand on this matter, just as I took my stand behind you, Mr. Speaker, when you were attacking the same sort of privilege exercised in another profession. We should not allow any section of the community to place itself in a privileged position whereby it can create restrictions operating against other people desiring to enter a particular profession or industry, because always those restrictions react against the poorer sections of the community. The sons of well-to-do parents or even of middle-class parents can be financed to an extent that enables them to overcome the obstacles created by this type of legislation, but what chance has the working man with four or five children and earning the basic wage to keep a boy at school for five or six years and to maintain him for another couple of years while he is obtaining practical experience to enable him to enter a profession? This Bill, in effect, says to the son of poor parents, "You are excluded for all time. You stay in the lower grade," because generally by the time he is in a position to advance, it is too late. He has other obligations that prevent him from realising his ambitions. On the general principle that I have mentioned on other occasions, I am opposed to this Bill, and intend to vote against it. I would be agreeable to legislation that laid down conditions under which people shall carry on the building trade, but I would want those conditions to be such that they did not operate unfairly against any section of the community. Having laid down the rules of the game we should ensure that all citizens are on an equal footing. Within the rules and regulations we establish, let us have open competition and the survival of the fittest, in-

stead of creating a privilege that will cover up inefficiency and tend to give those without natural aptitude entry into this class of work to the exclusion of those that have such aptitude.

MR. SAMPSON (Swan) [8.13]: I regret this Bill has been introduced again. It has already had a fair number of outings, and proof has been forthcoming that it is not desired. I do not think it can be disputed that the Bill will impose restrictions on building and that costs will be increased, for the simple reason that competition will, to an extent, be reduced. Registration will be compulsory if this measure is placed on the statute-book, and that is bad. I am not aware that similar legislation exists in any other country. I have studied the Bill to discover if there is any reference to similar measures elsewhere, but it would seem that this Bill is an innovation. I question whether there is any real need for the measure. Local authorities at present have building surveyors or supervisors, and it is their duty—a duty I believe they carry out effectively—to ensure that the plans and specifications approved by the local authorities are observed when buildings are being erected. We learn from the Bill that none but registered builders shall carry out buildings at a cost greater than £300. The Minister suggested increasing that to £400. There is no need for anxiety, because in the cities and big towns of Western Australia architects are available to supervise those who are not qualified to deal with such matters from the technical standpoint, and see that the work is properly carried out. We are advised that if builders are registered their status will be improved. I do not know that the public is much concerned about that. It is a moot point whether the passing of the Bill will improve that status. Most qualified builders probably prefer to carry on their business without interference from any organisation. It is claimed that if the Bill is not passed work will continue to be done cheaper than would otherwise be the case. When I was recently visiting Java I spent a few hours in Sourabaya, where I called at one of the big printing offices to discuss trade matters with the manager. I was informed that printers in Java had to be registered before they could start in business. I inquired the result of that regulation, and was told that all engaged in the

industry were better off, because no one who was employed in it could start in business for himself until it was shown that the master printers already in operation were unable to do all the work required.

Hon. P. Collier: You must have been on a busman's holiday then.

Mr. SAMPSON: That was the interesting part of the holiday. I am amazed to learn that the principles of master control have reached these shores, as shown in the Bill before us.

Mr. Hughes: That was black job control.

Mr. SAMPSON: All the operatives in the printing office, the linotype men, the automatic printing machine operators, the hand type setters and everyone except the editor and book-keeper, were Japanese.

Hon. P. Collier: What about a weekly paper?

Mr. SAMPSON: A weekly paper is published there. I was recommended to take back the idea that had been so successfully promulgated there of a free daily newspaper. That is not new in Australia, because a free daily morning paper is published outside Sydney.

The SPEAKER: The hon. member is getting away from the subject matter of the Bill.

Mr. SAMPSON: The Sourabaya question has a direct bearing on the matter. According to what I was informed there the control, through registration, of master tradesmen, is an actual fact. That is not what one would expect in a free country. What about men who may be working at the trade? Are they to be given no opportunity to start in business for themselves? Have they to prove to the board that there is an opportunity for other printers to get work? The principle is entirely wrong. Those who got into business cannot expect this special protection. They should not have their work protected by Act of Parliament from every breeze that blows. That is what is sought to be done by this measure. Those who become registered builders must pay a fee, and those who become members of the board will receive a fee. I suppose the latter would be doing some work, but I doubt whether it would be of any advantage to the general community.

I draw attention to the difficulties that may arise in the case of new arrivals. How would such people, even if thoroughly qualified builders, be able to show that they

were of good character, had completed the prescribed course of training, and passed the prescribed examination? They could not do it. Since they would have just arrived they would be unable to show that at the time of the passing of the legislation they had been trained as practical builders for not less than two years, and were competent to supervise all building work. Perhaps the member for Perth (Mr. Needham) will explain what is meant by the definition of builder. The Bill gives the meaning as "a person trading as a builder." Anyone could trade as a builder, for no technical knowledge is expressed in the definition as a qualification. The definition of "person trading as a builder" is—

Any person who is engaged in constructing, altering, repairing, adding to or improving the walls and structural parts of buildings for a fixed sum, percentage, or valuable consideration, or reward other than wages.

One person is a builder, and the other is trading as a builder. Which is which? Our experience of other registered trades has not been altogether satisfactory. For some years I have been doubtful whether the registration of dentists was wise. Those who are not registered are compelled either to take up a new calling or break the law. The position is a difficult one. Why should there be this intense anxiety to limit those engaged in the building trade? There is no need to worry about the master builder. In this State we have men whose work will compare with that of any other men in the Commonwealth. St. Mary's Cathedral and other large buildings in the city have been magnificently carried out without the need of any Act of Parliament. In the final analysis such an Act will be found to do more harm than good. To-day any qualified man who desires to become a builder may do so. If this Bill be passed, those who desire either to commence in business, or to learn the trade, would be prevented from doing so. The hon member should not persevere with the Bill. It is not required, and at this stage would become a burden and an incubus upon the State.

MR. BERRY (Irwin-Moore) [8.25]: After listening to the debate I still see sufficient virtue in the Bill to support it. Besides my farming interests I happen to be registered as a land and estate agent. Whilst working in that capacity in an area outside

the metropolis, definite reasons why this question should be taken seriously in hand and regulated came frequently under my notice. I am speaking of Safety Bay. When I built my house there some three years ago the builder I employed came from the city. He was a craftsman of fair average quality. Because of that, and because I foresaw that this particular area was likely to have a meteoric rise, I suggested to the builder that he should remain in the district and take advantage of the new set of circumstances that was likely to arise. In actual practice the area did go ahead in an extraordinary manner and many opportunities for building offered themselves. When this particular contractor put in his tenders he provided for a proper job being done in every case. He came into competition with a number of local people who had not his experience as a craftsman, but who also put in tenders. The good builder found that his prices were not acceptable because he was undercut by the other people, despite the fact that they were not qualified to do the work. He thus lost business. Ultimately it was found that the men who had put in the lower tenders were, by virtue of their incompetence, not in a position to honour their undertakings. The results have been appalling. In one instance a house that according to the tender of the competent man should have cost about £1,850, was taken in hand by another man who tendered approximately £1,500. I discovered last week that owing to the incompetence of the contractor, the owner of the house was faced with a total expenditure of about £2,000, and that the tenderer had not the money with which to fulfil his obligations. The owner now has to pay the difference between £1,500 and approximately £2,000.

Mr. Hughes: The difference is four times greater than the architect's fee would have been.

Mr. BERRY: The owner would not engage an architect. Such people are the prey of anyone who puts himself forward as a builder. Dozens of persons in this State regard themselves as builders merely because they can knock a nail into a piece of wood. If the Bill will protect the public against such persons, I will stand firmly behind it. Some members suggested that this would not be so. Clause 12 says that the board may "cancel or suspend the registra-

tion of any person who has been guilty of any negligence or incompetence in connection with the performance of any contract in connection with any building, or who has been convicted of any offence against this Act or any regulation." From this it would appear that the board will be in a position to handle all such persons. That being so, residents of the area to which I have referred would have a certain amount of redress against builders of the kind described. At present they have no redress for, perhaps owing to their own foolishness, they have not employed architects. If people built faulty houses and the matter were reported, even if they were registered, the advertisement would be such a bad one that everyone would know about it and the practice would be stopped.

MR. J. H. SMITH (Nelson) [8.30]: I oppose the Bill, and in doing so I do not desire to appear inconsistent. I supported the measure introduced by the then member for Subiaco (Mr. Moloney) some years back, but I reserved the right to vote against certain clauses that I did not favour. I have looked through the Bill under discussion and can see no virtue in it. All it will achieve is the setting up of another board, and the establishment of a close preserve for master builders. We shall not do away with jerry-buildings if we agree to the measure in its present form. If the Bill becomes an Act, and I certainly hope it will not find a place on the statute-book, its effects may be felt throughout the length and breadth of Western Australia. A few towns only are mentioned but undoubtedly its provisions will be applied to other centres. At present men on the land include some who in the past operated as builders and contractors. Some who were contractors were never tradesmen but as they had the ability to furnish prices and were able to take contracts, they subsequently became master builders. At Bridgetown one man who is on the land built six or eight houses during the last few years and secured all the labour necessary by employing residents who were not tradesmen but were practical men. They were individuals who could do a substantial job, although not tradesmen. If the Bill is agreed to, architects will have to be employed and that will mean additional expense. Under existing conditions a man can tell a friend that he will build a house for so much. Plans are

drawn up and must be approved by the local authorities. Now it is sought to create another close preserve for architects, and that will cost so much more for work put in hand. We know what happens with regard to architects. They prepare elaborate plans and blue prints. They go to the site and see the men start on the job. When the work is completed, they again make an inspection and give the builder a clean sheet. That is what occurs in country districts. All builders and contractors are not angels. Instead of the proportions of sand and cement being three to one, they may be eight to one. Who can tell the difference when the foundations are covered up? I see no virtue in the Bill. It will mean the creation of an expensive board and operations in the building business will continue as to-day. I oppose the second reading.

HON. C. G. LATHAM (York) [8.35]: I propose to be consistent and shall oppose the Bill, which is a facsimile of an earlier measure against which I also voted. I cannot understand the necessity for such legislation. We have the Road Districts Act and the Municipal Corporations Act, under which local authorities have power to frame building by-laws and require the submission of plans and specifications in respect of every building to be erected in their districts. Therein is one source of protection. Furthermore, we have the Health Department as well as the local health authorities. The department has overriding power of which we heard quite a lot the other evening. I know what is behind the introduction of the legislation and the member for East Perth (Mr. Hughes) alluded to that phase. The object is to create a close preserve for master builders—another indication of the unholy alliance between the trade unions and the master builders. Definitely that is so. I have repeatedly stated in this House, and reiterate the view now, that it is not to the credit of the Labour Party that it seeks to prevent men from mounting beyond the bottom rung of the ladder. This type of legislation undoubtedly has that effect. Some of the best men in this State rose to their present positions only by means of hard work and thrift. Such men will never be able to improve their status and become builders if we agree to the Bill. Some of the most eminent professional men in the world did not

start off with the advantage of education and certainly never passed examinations.

Mr. Tonkin: Why will such men not be able to rise in life?

Hon. C. G. LATHAM: Because, if we agree to this legislation, the board will insist upon the examinations being so difficult that candidates will never be able to secure passes. The greatest curse to civilisation is promotion by examination. Let members make no mistake about that. Why did not the member for Perth (Mr. Needham) start off decently and say that no person shall become a candidate for Parliament unless he is able to pass a prescribed examination? Let us get away from making laws and see to it that only men best fitted to become legislators shall be charged with the responsibility to frame enactments. Do not let us declare that, because we have a close preserve ourselves, we shall prevent others from enjoying like privileges. To me it is most extraordinary that a member of the Labour Party should introduce legislation of this type. Rather would I expect such a Bill to emanate from a conservative party.

Mr. J. H. Smith: Do not you think the Labour Party comprises the conservatives?

Hon. C. G. LATHAM: I have always regarded it as such.

Mr. Sampson: But the Labour Party will not acknowledge the fact.

Hon. C. G. LATHAM: No, we on the Opposition side of the House are the real democrats. We, and not the present occupants of the Treasury benches, are the representatives of the workers.

Mr. Doney: That is so.

Hon. C. G. LATHAM: Members opposite should not make any mistake on that point. I am satisfied that if I had many members sitting on the Government side of the House in some place where we could be by ourselves, they would admit that they disagreed with this type of legislation. Many of them owe their promotion and advancement in life to the freedom they enjoyed in the past. Now they are asked to support legislation that will prevent others from having equal opportunities. We have heard a lot about jerry-building. What constitutes a jerry-built house? Very often such buildings represent houses that are built and then sold. Who will check that practice? The Bill will not have that effect. Such houses once built and sold enable the builders to go on with

further operations, which are financed by means of first and second mortgages. Men who engage in such operations are those against whom we must be on guard. As the member for East Perth (Mr. Hughes) pointed out so aptly, the extraordinary part is that the very man to be excluded from the legislation, as introduced by the member for Perth (Mr. Needham) is the person with small capital who can undertake jobs of a value below £300. Men who have work to be undertaken to that value are those we should seek to protect. Persons who can afford to employ an architect and have a clerk of works always on the job are in no need of our protection. However, it is typical of the Labour Party to seek to conserve the interests of those who can afford to do without protection, and withhold protection from those not in that fortunate position. Legislation of such a type is of no advantage to the community, and I shall oppose the Bill. Let us examine the measure closely. A house costing £1,000 has been erected. The owner desires additions to a value of £300. He employs a man who is not a registered builder, or need not be a registered builder, and in the end the appearance of the home may be spoilt. If the owner desires to take the risk of spoiling his premises, he can employ an unregistered builder. I assure the House there is no necessity for this type of legislation, so long as the local authorities do the work for which Parliament has provided the necessary authority.

Mr. Sampson: They do it all right.

Hon. C. G. LATHAM: There is only one object behind this type of measure, and that has been indicated by the introduction of so much legislation of the kind by the present Labour Party. We have the unholy alliance between the unions and the master builders to which I have already referred. The object is to keep the trade short supplied, and create a close preserve for those at present engaged in it.

Mr. Sampson: And to increase costs.

Hon. C. G. LATHAM: The effect will be seen in dearer homes. Year after year, I have contended that we shall never do justice to the working man until we can ensure him a home to live in at a weekly outlay not exceeding the equivalent of one day's wages. The Bill will make that objective still more impossible of achievement.

The Minister for Mines: You do not believe in Capital and Labour being united?

Hon. C. G. LATHAM: Has the Minister ever seen those two elements united? The only time it is apparent is when the public can be fleeced.

Mr. Hughes: And at elections!

Hon. C. G. LATHAM: Members opposite say they represent the Labour Party: we represent the people.

The Minister for Mines: The pity of it is that the people will not believe that.

Hon. C. G. LATHAM: They do believe it.

The Minister for Mines: That is why you have been in Opposition for so long.

Mr. Sampson: It is true, at any rate.

Hon. C. G. LATHAM: The time will come when they will realise the fact, and will regret that they have kept Labour in power for so long.

Mr. SPEAKER: I hope the hon. member will connect his remarks with the Bill.

Hon. C. G. LATHAM: I think I have done so fairly well.

The Premier: This is entirely out of order.

Hon. C. G. LATHAM: Of course, the Opposition is always out of order!

Mr. SPEAKER: Order! I must ask the hon. member to get back to the consideration of the Bill.

Hon. C. G. LATHAM: If the Bill would assist in providing cheaper homes for the people, I would support it. On the other hand, it will mean dearer, and not better, homes for the public.

Mr. Thorn: And will not prevent jerry-building.

Hon. C. G. LATHAM: No; the speculative builder will continue to build inferior homes. It was all very well for the member for Brown Hill-Ivanhoe (Mr. F. C. L. Smith) to talk about the position in the Old Country. I was there in 1935, and heard more complaints about jerry-building in England than I have ever heard in Western Australia. Requests were frequently made that the House of Commons should take action. That course was not adopted, and we shall not attain that end here by legislation of the type under discussion. I regard as extraordinary the fact that the member I have regarded as one of the democrats of his conservative party should introduce legislation to provide a close preserve for master-builders.

The Minister for Mines: If he had described the objective as "orderly building," he would have been all right.

Hon. C. G. LATHAM: When the Government does not desire to introduce this class of legislation, it extends support to the member who is prepared to undertake the duty. I outlined my attitude quite clearly when the earlier Bill was before Parliament, and I have found no reason for changing my mind since then. While I occupy my position as one of the representatives of the people, I shall do everything possible to encourage individuals to better their position in life. That end could not be furthered under the Bill. In fact, I am surprised that power is not sought for the board to set examination papers. Were that done, the first requisite would probably be the possession of the leaving certificate. Of course, candidates would have to be well versed in one or two of the sciences, and probably possess a knowledge of two foreign languages. I am not going to agree to the handing over of any power, as the Bill proposes, with regard to the suggested examination for builders, and I intend to raise my voice against any legislation that will prevent a man from improving his position. The best citizens of the State were men who rose from the bottom rung of the ladder; men like H. V. McKay, who has done more to build up industry in Australia than has any other man. I appeal to the member for Perth, with the knowledge that he has of the welfare of the people, to withdraw the Bill, and not permit it to go on the statute-book, where it will be the blot of 1939.

MR. NEEDHAM (Perth—in reply) [8.46]: I thank members for the interest they have evinced in the Bill, and for their fair comments. Particularly do I appreciate the remarks of the Minister for Works, who reviewed the Bill in a very impartial way. Unfortunately, I cannot say the same regarding the remarks of one or two of the other speakers who followed. The member for Williams-Narrogin (Mr. Doney) in his attack on the Bill, gave the answer to the questions he propounded, and it was that no matter how I reply to him, I could not convince him. The hon. member contended that because the Builders and Contractors' Association and the Building Trades Executive, representing the unions concerned, were in agreement, that was the reason for the introduction of the Bill. That was not the sole reason.

Mr. Doney: I did not say that.

Mr. NEEDHAM: If I misquoted the hon. member, I am sorry. The real reason for the introduction of the Bill was to protect the purchaser, firstly to see that he got a genuine article and secondly to ensure that the man who built the house would receive his wages. The speech of the member for Brown Hill-Ivanhoe (Mr. F. C. L. Smith) should convince any waverer, if there are any in this House, as to the necessity for the measure. The member for East Perth (Mr. Hughes) laid particular stress on the necessity for protecting citizens on the lower rung of the ladder. I do not yield to him or to any member in my desire to do that in any amendment of the law. I contend that the Bill will not injure any person but rather will it offer protection.

Mr. Hughes: Under the Bill, any one person can build his own house anywhere.

Mr. NEEDHAM: That may be the interpretation put upon it by the hon. member; my construction is that it applies only to contracts. The hon. member also suggested quite a number of things that would happen if the Bill became law, and allowed his imagination to run riot in describing the difficulties of article clerks, and then mentioned what would be necessary before it was possible to secure registration. I remind the hon. member that as far as building is concerned there is plenty of protection afforded under the Arbitration Act. There is nothing in the Bill about the sum of £500 to which he referred, and he spoke about the hardship that would be imposed on some of the poorer men who would have to submit to an examination. These two champions of the sons of the poor are reflecting upon the poor because the inference is that by reason of their poverty they have not intelligence.

Mr. Hughes: No, the opportunity.

Mr. NEEDHAM: The hon. member knows perfectly well that the sons of poor people have attained very high rank in various professions, law, medicine, and others, and they have had to pass examinations.

Mr. Hughes: You know the sacrifice that parents, in some instances, have had to make.

Mr. NEEDHAM: I realise that, but this Bill will not entail any sacrifice upon the parents of the sons who are poor. The member for Swan (Mr. Sampson) said that if the Bill became law there would be an

increase in the cost of the building. It is an easy matter to make such an assertion, but quite a different thing to prove it. The member for Irwin-Moore quoted cases that had come under his knowledge and which in themselves justify the introduction of legislation of this nature. The Leader of the Opposition quoted H. V. McKay as a man who rose from the ranks. H. V. McKay, however, while an able tradesman was not over generous in the wages paid to his employees.

Hon. C. G. Latham: And probably he would never have attained the high position he holds if he had been obliged to pass an examination.

Mr. NEEDHAM: I commend the Bill to members, and ask for their support.

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

Ayes	..	..	..	..	28
Noes	..	..	..	..	13
					—
Majority for	..	..	..	..	15
					—

AYES.

Mr. Berry	Mr. Needham
Mrs. Cardell-Oliver	Mr. North
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Fox	Mr. Raphael
Mr. J. Hegney	Mr. Rodoreda
Mr. W. Hegney	Mr. Shearn
Mr. Hill	Mr. F. C. L. Smith
Mr. Holman	Mr. Tonkin
Mr. Leahy	Mr. Triest
Mr. Marshall	Mr. Willcock
Mr. McDonald	Mr. Wise
Mr. McLarty	Mr. Withers
Mr. Millington	Mr. Wilson

(Teller.)

NOES.

Mr. Boyle	Mr. Stubbs
Mr. Hughes	Mr. Thorn
Mr. Latham	Mr. Warner
Mr. Patrick	Mr. Watts
Mr. Sampson	Mr. Willmott
Mr. Seward	Mr. Doney
Mr. J. H. Smith	

(Teller.)

Question thus passed.

The Bill read a second time

In Committee.

Mr. J. Hegney in the Chair; Mr. Needham in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Areas under the Act:

Mr. WATTS: I move an amendment—

That the words "and the areas comprised in the Schedule to this Act" be struck out.

While I have not so strong an objection as have some members to the operation of the measure in the metropolitan area, the

inclusion of the towns in the schedule as the only places where for the time being the law shall operate is unwise. The schedule mentions the towns of Albany, Boulder, Bunbury, Collie, Geraldton, Kalgoorlie, Katanning, Narrogin, Northam, Wagin and York, and the law is to apply in the townships. This legislation at best is experimental, and should be confined to the metropolitan area at the outset to ascertain whether the satisfactory results expected are realised. The schedule has been compiled with little or no knowledge of the conditions in the towns mentioned. The townsite of Katanning is by no means the area in which the residences forming the town of Katanning are situated. A great part of the town is built on private land not included in the townsite, and if the schedule stands, a registered builder may operate on one side of Adam-street and an unregistered builder on the other side where equally important buildings may be constructed. If the townsite of Gnowangerup were proclaimed the position would be worse, because no part of the town of Gnowangerup is in the townsite; it is all built on private land. The schedule omits a number of relatively important country centres where there is much more prospect of advancement and of buildings being required in the near future.

Mr. Thorn: Many houses are being built in Harvey.

Mr. WATTS: I am prepared to have the law operate in the metropolitan area.

Mr. Thorn: Include Harvey.

Mr. WATTS: If the measure proves successful in the metropolitan area, steps can be taken later to embrace other centres.

Mr. NEEDHAM: I cannot accept the amendment. The clause really provides what the hon. member desires. Power is given, not only to issue but also to revoke a proclamation. If the amendment is accepted, we shall be saying in effect that there is a danger of jerry-building in the metropolitan area but not in the towns mentioned. I am not prepared to say that unscrupulous builders, if any exist, confine their operations to the metropolis.

Mr. Hughes: What about the parts of the State not mentioned in the Bill?

Mr. NEEDHAM: Other places can be brought in by proclamation later as desired. The towns mentioned are places of importance where a fair amount of building is in progress.

Hon. C. G. LATHAM: I doubt whether the member for Perth has given the matter consideration. The Bill is simply a copy of a measure that was introduced some years ago. What is meant by the townsite of York? Does it mean the municipality of York or the Government townsite? If the Government townsite is meant, the measure will apply to a very small area, whereas the municipality covers a large area. In places like Katanning, York and Beverley, the towns are nearly all on private subdivisions. Wickepin is built on a private subdivision; the townsite is further down.

The Minister for Works: You might move an amendment.

Hon. C. G. LATHAM: No; I shall oppose the Bill in every way. Why was not Harvey included? The member for Murray-Wellington, having supported the Bill, desires its inclusion. Why not include Waroona, another progressive town? In both those towns a great deal of building is going on, probably more than in any other part of the State. Evidently the sponsor of the Bill did not consult the member for Murray-Wellington. The Bill is like Topsy; it was not created, it just "grewed." This is experimental legislation, in other words useless legislation that will irritate but not help. Better therefore to confine it to the metropolitan area. Let the hon. member accept the responsibility of testing it there and not throw the responsibility on country representatives who do not want a law of this kind. The best buildings were constructed years ago without examination or registration for builders. The Treasury Building is well constructed, and so are the Public Works offices. The Government offices in York might also be mentioned.

The Minister for Works: Have you noticed the Department of Agriculture?

Hon. C. G. LATHAM: Yes, and when the Minister is as old as that building, there will be very little of him left. An excellent job was made with the material available in those early days.

The Minister for Mines: "Them's was the days."

Hon. C. G. LATHAM: Yes, and today we have to introduce legislation to protect speculators, and put them through University examinations before they are permitted to build a house.

The Minister for Mines: You are not suggesting that we can get the same class of building now as was constructed in the early days?

Hon. C. G. LATHAM: If this measure would lead to an improvement in building, I would not feel so concerned. It will not prevent a man from going to York or Albany, erecting a house for himself and later selling it. Then he could build another house and repeat the process. In spite of the denial of the member for Perth, the Bill merely applies to the registration of a builder who does work for other people. The Bill tends to facilitate the operations of the man who makes a practice of building a home and selling it, and so on. Therefore the measure will not be of the slightest use. Many important country towns are omitted from the schedule. However, this side has a list of members whose districts require the Bill, and we shall see that their home towns are not excluded.

Mr. McDONALD: I support the amendment. The operation of the measure might well be restricted to the metropolitan area for the time being, since people in country towns desirous of building have not the same facilities to obtain technical education as exist in the city. I support the measure as something designed to improve the standard of the building trade, but there might be prejudice if city builders came into country towns and built houses which the local people were not authorised to erect. Towns of large population are omitted from the schedule, while comparatively small towns are included. Thus the schedule is unjust. We should have either an equitable schedule or no schedule at all.

Mr. SAMPSON: I regret that the sponsor of the Bill has given no reason for the inclusion of certain towns in the schedule. Doubtless owing to the astuteness of the Minister for Lands, Carnarvon is excluded. However, it may be brought in by proclamation. Again, the Governor may do other things by proclamation. Is that fair to the people? Bunbury is included, but being a flourishing and progressive town has no need to be included. Similarly, qualified tradesmen and qualified master builders have no occasion to look for the methods of protection proposed by the Bill, which can only have the effect of cramping their style. The schedule embraces Kalgoorlie in spite of the city's fine architectural features. Of all

our country towns Katanning has the best constructed buildings. The Bill specially mentions Narrogin, of whose admirable structures it is not difficult to speak well. Now that the Premier has returned, I feel I should mention Geraldton.

The Premier: You are extending a courtesy to me.

Mr. SAMPSON: Geraldton is the most important seaport of the State except Fremantle.

The CHAIRMAN: I point out to the hon. member that under the Standing Orders he is not entitled needlessly to repeat himself. He should confine his remarks to the amendment.

Mr. SAMPSON: I have not referred before to Geraldton as a port. It is also a cathedral town. Then there is Northam, the former home of our Lieut-Governor, the capital of the great eastern wheat belt, the centre of the main agricultural districts of the State. Unfortunately, the member for Northam is not in his seat. It seems that the member for Perth is taking advantage of a number of Ministers who are absent. He is trying to tie them up, to use an Americanism.

Mr. Stedman: I would like to tie you up for a while.

The CHAIRMAN: Order!

Mr. SAMPSON: The member for Wagin (Mr. Stubbs) is also absent. Could all those hon. members have expected this measure to be brought forward tonight? The provisions of the Bill may even affect the town of Carnarvon, in the electorate of the member for Gascoyne. The member for Pilbara is also absent, and of course Port Hedland might be affected. York has already been referred to by the Leader of the Opposition. The town owes its existence to a number of early pioneers.

The CHAIRMAN: The hon. member is not entitled to discuss the history of York.

Mr. SAMPSON: I shall vote for the amendment.

Progress reported.

BILL—AGRICULTURAL BANK ACT AMENDMENT (No. 2).

Second Reading.

MR. PATRICK (Greenough) [9.41] in moving the second reading said: We have just been discussing what seems to be a

contentious Bill, but this measure is non-contentious and merits the support of all members of the House. The Bill is really part of a previous amending Agricultural Bank Act Bill that was brought down some two or three years ago. Its object is to provide for an appeal to a magistrate. The Commissioners of the Agricultural Bank must appear before a magistrate in order to prove a case for repossession of land belonging to any of the Bank's clients. Last evening we had complete unanimity regarding the Mortgagees' Rights Restriction Act Continuance Bill. The present measure merely applies the principle of that Bill to the Commissioners of the Agricultural Bank. When speaking on the Mortgagees' Rights Restriction Bill introduced in 1930, the present Premier criticised the Bill because it did not bind the Crown. He said the trustees would not be subjected to the criticism of having acted harshly in the discharge of their duty if the case were heard in public and decided after all the evidence had been taken. I therefore should have a strong supporter in the Premier. The Premier also said then that he was criticising the Bill not from the point of view of the farmer, but from the point of view of the trustees of the Bank. He was anxious that they should not be accused of harsh action. The then Minister for Lands—now the Leader of the Opposition—pointed out that the Premier's argument assisted the farmers rather than otherwise, because the trustees of the Bank would have to go to court and justify any foreclosure. Where men are under the control of an institution there is always likely to be some victimisation. This aspect of the question was completely dealt with in 1932 by the present member for Boulder (Hon. P. Collier). The hon. member, who was then Leader of the Opposition, pointed out that many of the Agricultural Bank inspectors were not farmers, but that some of them were men who had failed as farmers; yet it was largely on their evidence that foreclosures took place. He went on to say that security of tenure should not be left to the discretion of the bank or the Government, but should be fortified by Act of Parliament. That is the purpose of this Bill. In reply, the then Premier, Sir James Mitchell, said it would be wrong for the Government to impose on outside people restrictions that the Government itself would not accept and

he gave an assurance that the trustees would conform to the requirements of the Mortgagees' Rights Restriction Act. Unfortunately he was not in a position to bring that about, but what I have said shows that the then Leader of the Opposition—the member for Boulder—and the then Premier considered the Agricultural Bank should be brought under the same provisions as people affected by the Mortgagees' Rights Restriction Act.

There is no doubt that dispossession of land has been a source of bitterness in all countries during depression periods. In the United States, according to accounts I read recently in an American magazine, dispossession caused serious rioting. The farmers banded together and used shotguns to defend their farms. In Western Australia sales have been boycotted and farms declared black. Some of those farms are still vacant and are decreasing in value because they are gradually reverting to nature. The Bill aims at removing bitterness by giving the bank an opportunity to justify its actions. In many instances, no doubt, its actions can be justified and people would be satisfied if they knew the real position. That position, of course, would be brought out in open court where evidence would be heard.

The Minister for Lands: So the Agricultural Bank is harsher than any other bank, is it?

Mr. PATRICK: The question is not one of the bank's being harsh, but of satisfying people that it is not acting harshly by bringing it under the same provisions as apply to other mortgagees affected by the Mortgagees' Rights Restriction Act.

The Minister for Lands: You would place the bank under the control of a magistrate?

Mr. PATRICK: I am not suggesting that it be placed under the control of a magistrate any more than the Mortgagees' Rights Restriction Act places other mortgagees under the control of magistrates. As Sir James Mitchell said when he was Premier and as the member for Boulder said when he was Leader of the Opposition, this is the correct procedure to adopt, not only in the interests of the bank, but also in the interests of the bank's clients. I do not intend to delay the House any longer because I dealt with the matter when discussing a previous Bill. I commend the measure as enunciating a principle approved by members opposite when they sat in opposition

and as something calculated to promote a better feeling in the agricultural areas towards the Agricultural Bank. I move—

That the Bill be now read a second time.

On motion by the Minister for Lands, debate adjourned.

House adjourned at 9.50 p.m.

Legislative Council,

Thursday, 28th September, 1939.

	PAGE
Motion: Native Administration Act, to disallow regulations	879
Bills: Metropolitan Milk Act Amendment, 3R., passed	880
War Funds Regulation, 2R.	881
Railway Level Crossings, 1R.	885
Industries Assistance Act Continuance, 2R., Com. report	885
Profiteering Prevention, 2R.	886

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

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

Debate resumed from the previous day on the following motion by Hon. H. Seddon (North-East):—

That Regulations Nos. 85, and 134 to 139A, inclusive, made under the Native Administration Act, 1905-1936, as published in the "Government Gazette" on the 8th September, 1939, and laid on the Table of the House on the 12th September, 1939, be and are hereby disallowed.

HON. H. SEDDON (North-East—in reply) [4.37]: I do not wish to labour the discussion on these regulations. I simply wish to direct attention to the fact that the Chief Secretary, in the course of his speech, confirmed my statement that Regulation 85, dealing with the payment to the Commissioner of portion of the wages of a native, has been applied to adult natives. The Min-