Legislative Council.

Thursday, 10th December, 1925.

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

QUESTION—MUNDARING WEIR.

Factor of Safety.

Hon. H. SEDDON asked the Chief Secretary: Will he obtain from the newly appointed Chief Engineer for Water Supply answers to the following questions: 1, What was the factor of safety provided by the designer of the wall of the Mundaring reservoir? 2, In view of the infiltration of water disclosed by boreholes made in the wall by the engineers, has the factor of safety diminished? 3, What is the present factor of safety in the wall?

The CHIEF SECRETARY replied: Yes. The information will be prepared as soon as possible.

QUESTION—GOLD BONUS.

Hon. E. H. HARRIS asked the Chief Secretary: With reference to his reply to my questions of the 8th October, regarding a gold bonus, as follows:—"As the Prime Minister has never offered, nor have the State Government accepted, the sum of £450,000, it is premature to consider the disposal of that which, up to the present, is merely a pre-election announcement": 1, Does the Chief Secretary adhere to that reply? 2, Have the State Government inquired whether the Commonwealth Government, in assessing the disabilities of this State at £450,000 annually, took into consideration the disabilities of the gold mining industry? 3, Are the Government's views correctly represented by the statement made by the Hon. J. W. Hickey on the 30th April, and by that made by the Hon. S. W. Munsie on the 9th November, as follows:—"So far as he was concerned not one penny of that £450,000 from the Commonwealth Government would go to the mining industry"?

The CHIEF SECRETARY replied: 1, Yes. 2, Other than newspaper talk, I have no knowledge of how the Commonwealth Government have viewed this matter. 3, The views of the Government will be defined if, and when, the amount mentioned has been received.

BILL—LAND DRAINAGE.

Read a third time and returned to the Assembly with amendments.

BILL—RACING RESTRICTION ACT AMENDMENT.

Recommittal.

On motion by Hon. H. Seddon, Bill recommitted for the purpose of further considering Clause 2 and a new clause to stand as Clause 3.

In Committee.

Hon. J. W. Kirwan in the Chair; Hon. W. H. Kitson in charge of the Bill.

Clause 2—Amendment of Section 3:

Hon. H. SEDDON: I move an amendment—

That in lines 1 and 2 of Subclause 1, the words "by inserting in Subsection 2 thereof, after the words 'thirty-five'" be struck out and the following inserted in lieu:—"by deleting the words 'thirty-five' in the fourth line of Subsection 2 thereof, and inserting 'twenty-three' in lieu thereof."

The object sought to be attained regarding the number of racing dates for Fremantle may be met by taking from Perth the requisite number of dates and allotting them to Fremantle. That will preserve the intention of the principal Act which, being a racing restriction measure, sought to prevent an increase in the number of racing dates within the metropolitan area.

Hon. H. A. STEPHENSON: I support the amendment. The Act provides for a

certain number of racing dates within the metropolitan area, which is defined as being the area within a radius of 30 miles of the G.P.O. The intention of Parliament was that that restriction should be observed.

Hon. W. H. KITSON: I oppose the amendment. A similar amendment was defeated in the Assembly. The Fremantle club does not desire to benefit at the expense of the Trotting Association. That body has entered into obligations that cannot be met if the revenue is curtailed, as is suggested by the amendment, in that it will involve a reduction in the number of dates now enjoyed by the association. At present that body is entitled to 35 racing dates and liabilities have been entered into on the basis of the average returns from the meetings over the last few years. A reduction of even two or three dates will vitally affect the position. The allocation of the dates in the manner suggested will not make any difference to those who oppose the Bill on principle, and I again assert that the Fremantle club has no intention of accepting any dates at the expense of the parent body.

Hon. J. J. HOLMES: I support the amendment. Mr. Kitson has repeated the statement that the Fremantle club does not desire to benefit at the expense of the Trotting Association. I have not been able to dissociate the Fremantle club from the Trotting Association.

Hon. E. H. Gray: That is because you do not know any better. We are not liars.

Hon. J. J. HOLMES: It has not been denied that the Fremantle trotting ground is owned by the Trotting Association.

Hon. E. H. Gray: We admitted that.

Hon. J. J. HOLMES: The Trotting Association has refused to run races on its own ground at Fremantle. That statement has not been denied.

Hon. J. R. Brown: There is no argument in that.

Hon. J. J. HOLMES: The Trotting Association has grounds in Perth and Fremantle and monopolises all the dates for Perth, with the result that the Fremantle club comes to us with the Bill now before us. And they have so many commitments in Perth that they cannot afford to spare any dates for Fremantle. If these people get themselves into difficulties, and then expect Parliament to get them out, the sooner Parliament puts down its foot the better.

Hon. J. DUFFELL: It is evident that the reason why the amendment was not moved last night was because there was then no chance of its being carried.

Hon. H. Seddon: That is quite unwarranted.

Hon. J. DUFFELL: Nothing new has since come to light to warrant the amendment. Nothing prejudicial to the Trotting Association has ever been proved. The accusations made by a member of this Chamber are impossible of proof. Why, therefore, should we curtail the operations of the Trotting Association, which have always been straight and above board?

Hon. G. POTTER: The amendment is evidence of the spirit of win, tie or wrangle.

The CHAIRMAN: Order! The hon. member must not pursue discussion on those lines.

Hon. G. POTTER: The mover of the amendment said his object was to curtail racing for the good of Western Australia. But he advanced no reason for seeking to make one section of racing carry the whole burden of reform.

Hon. E. H. GRAY: I am not an authority on trotting, but I am an authority on good taste, and I do not think the tactics responsible for the amendment will improve the reputation of a certain hon. member.

The CHAIRMAN: Order! I cannot allow the hon. member to proceed on those lines. He must discuss the amendment.

Hon. E. H. GRAY: I am discussing the amendment.

The CHAIRMAN: You must discuss it without personalities and without aspersions.

Hon. E. H. GRAY: I protest against the tactics started to-day in the recommitting of the Bill and the moving of the amendment. I appeal to conscientious opponents of trotting, whose views I respect, not to be associated with this amendment.

Hon. H. SEDDON: The Bill demands an increased number of racing dates, and I consider we should maintain the spirit of the parent Act. I did not move the amendment last night, because I thought it as well that we should all have time to think over the position we had created. An amendment similar to mine was moved by the Premier when the Bill was in another place.

Hon. J. NICHOLSON: In fairness to all those who voted for the second reading last

night but are not here to-day, an opportunity should be given them to consider the amendment. I suggest that Mr. Kitson agree to report progress.

Hon. J. J. HOLMES: I endorse that suggestion, for I do not desire to be a party to any catch division. It is of no use talking about the time that has been spent over the Bill, for on many occasions the supporters of the Bill, seeing that for the moment they were hopelessly beaten in this Chamber, have secured adjournments. We have heard a good deal about the desire of the people of Fremantle to have their own race meetings; indeed, it has been put up to us that that was the whole object of the Bill. Yet now we learn that the members representing the West Province are prepared to sacrifice that desire of the people of Fremantle rather than take any racing dates from Perth.

Hon. J. CORNELL: I voted against the second reading of the Bill in the conviction that we have enough racing in the metropolitan area. However, I was beaten on the biggest division I recollect in all my 14 years in the House. It is of no use sidetracking the issue. The main issue was whether metropolitan racing dates as fixed by statute should be increased. A full House replied "yes." That being so, I cannot support the amendment.

Hon. G. W. MILES: I agree with Mr. Cornell. Although I was strongly opposed to trotting at Fremantle, I was out-voted last night. There was a full House which decided that 12 extra dates should be ganted, and so I oppose the amendment.

Hon. J. E. DODD: I opposed the Bill and shall oppose it every time it comes forward, but I cannot support the amendment.

Hon. E. ROSE: Last night I supported the second reading, but I desired to move an amendment to give Fremantle five dates from Perth and five other dates. I consider that Fremantle should have a certain number of dates, but even at present there is too much racing in the metropolitan area. Consequently I find myself in a difficult position. Still I cannot support the amendment.

Amendment put and negatived.

Clause put and passed.

New clause:

Hon. H. A. STEPHENSON: I move—

That the following be inserted to stand as Clause 3: "(a) This Act shall not come into force until a poll shall have been taken as hereinafter provided and the resolution herein after directed to be submitted to the ratepayers shall have been carried. (b) Any municipality may and shall, upon receiving a petition in writing signed by not less than one-tenth in number of the ratepayers entitled to vote at an election of mayor in such municipality take such poll. (c) The ratepayers qualified to vote at such poll shall be those persons entitled to vote at an election of mayor in the municipality, and such ratepayers shall have the same number of votes as at a mayoral election. (d) At every such poll a resolution shall be submitted to the ratepayers in the form of a question as follows: 'Are you in favour of trotting races being held at Fremantle?' (e) The poll in each municipality shall be taken in the manner provided for the taking of a poll of ratepayers under the Municipalities Act, 1906, for the election of a mayor. (f) If the question is answered in the affirmative by an aggregate majority of votes cast at such poll in all the municipalities, the resolution shall be deemed to be carried. (g) If the resolution is carried, this Act shall come into force upon the publication in the 'Government Gazette' of the result of the taking of the poll. (h) In this section the word 'municipalities' means the municipalities of Fremantle, North Fremantle, and East Fremantle, and the word 'municipality' shall have a corresponding meaning."

We have heard of a referendum having been taken, but it was shown that out of 50,000 people in the Fremantle area, fewer than 1,400 voted.

Hon. E. H. Gray: How many were on the roll?

Hon. H. A. STEPHENSON: The proposed new clause is fair and reasonable and members cannot object to it. If the people of Fremantle are in favour of trotting, as their members contend they are, they should be given a chance to say so.

Hon. W. H. KITSON: The referendum referred to was taken on a mayoral roll, which did not include the whole of the inhabitants of the Fremantle district. I do not know why the hon. member has tried to misrepresent the position, but he has done so.

Hon. H. A. Stephenson: Not at all.

Hon. W. H. KITSON: His proposal is that a referendum be taken on the mayoral roll under a system of plural voting, and that a majority will be necessary in each municipality before effect can be given to the measure. It is a ridiculous proposal.

Hon. E. H. GRAY: The new clause covers only one section of the Fremantle district. A very important section has been omitted.

Hon. E. H. HARRIS: The new clause is a long one and it is impossible to grasp the purport of it from hearing it read. I suggest that progress be reported in order that the amendment may be printed, and then we shall be able to decide what the hon. member is aiming at.

Hon. J. R. Brown: There is no doubt about what he is aiming at.

Hon. E. H. Gray: It will not bear examination.

Hon. E. H. HARRIS: Then there is all the more reason why we should scrutinise it. If some portion of the district has been omitted, it could then be included.

Hon. H. SEDDON: Mr. Harris's suggestion is a good one. The Labour Party stand for the referendum and I am surprised at Mr. Gray taking exception to it on this occasion. A referendum would possibly be a better reflex of opinion at Fremantle than that voiced by representatives in this Chamber.

Hon. J. CORNELL: Parliament has said that a certain number of dates shall be granted to Fremantle, and now Mr. Stephenson desires that before the decision of Parliament can be given effect to, a referendum of the ratepayers of the three municipalities shall be taken on the mayoral roll. In choosing the mayoral roll the hon. member has not been very democratic.

Hon. E. H. Gray: And he has omitted three local authorities.

Hon. J. CORNELL: The municipal electoral provisions contain the glaring anomaly that a ratepayer having two votes for a councillor, has four votes for a mayor. It is the most Tory plebiscite the hon. member could have chosen. I have come to the conclusion that a referendum is something by which members of Parliament shirk their responsibilities. Parliament has taken the responsibility of saying that racing dates in the metropolitan area shall be extended, and it is now desired to strangle that.

Hon. J. J. HOLMES: Mr. Rose voted for the second reading of the Bill in order that it might reach the Committee stage. Members are now talking about the voice of Parliament. We have not yet had a true expression of opinion upon the subject. Mr. Gray is not fair to the House.

Hon. E. H. Gray: I told the truth.

Hon. J. J. HOLMES: He said that one section of Fremantle would not be represented. I know of one section that is surrounded by a high wall and that, inside, the place has been a home from home for the inmates. Is it intended that when the evening's racing is on in Fremantle these inmates shall be allowed to go there and enjoy themselves?

Hon. E. H. GRAY: I referred to the Cottesloe Beach, Fremantle, and Melville Roads Boards and to the North Fremantle Council. These exceedingly progressive authorities have been left out.

Hon. H. A. Stephenson: I should be quite willing to have them included.

Hon. A. J. H. SAW: I cannot support the amendment. Every member in the Assembly interested in the district and everyone similarly situated in this House has voted for the Bill. I am prepared to admit that the will of the people of Fremantle has been expressed on the subject.

Amendment put and negatived.

Clause put and passed.

Bill again reported without amendment and the report adopted.

Bill read a third time and passed.

BILL—METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE ACT AMENDMENT.

Recommittal.

On motions by Hon. J. Duffell and Hon. A. Lovekin Bill recommitted for the purpose of further considering Clause 2 and a new clause.

In Committee.

Hon. J. W. Kirwan in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Repeal of Section 94, and substitution of new section:

Hon. J. DUFFELL: When we were considering this clause last night, the Committee was in a state of excitement, owing to a division of an unusual nature which had just occurred. The result was that the clause was carried without mature consideration being given to it. This clause imposes a rate of 2s. Statement "B," on page 24 of the report of the Select Committee, contains a full account showing the additional capital, the annual expense, and the revenue in connection with the administration of water supplies at the Canning dam, etc., and the necessary additional

rates required in each year to meet the annual outlay. There are also the figures of the department, which the Government had before them when they framed this clause. The Chief Secretary indicated that the time was not far distant when it would be necessary to charge the full rate. The rate of 2s. will double the income of the department, and yet ten or 11 years must elapse before the full amount is required. That is unfair to the people of the metropolis. Metropolitan members have always been ready to assist in lightening the burdens cast upon people in the country, and members representing country provinces should now support those who are working in the interests of the metropolitan area. The amount of additional rates that would be required to meet the whole expenditure is as follows:—For 1926-27 it is 4.27d., making a rate of 1s. 4¼d. in the pound: for 1929-30 it is 6.17d., making a rate of a fraction over 1s. 6d. in the pound; and for 1935-36 it would be 10.63d., making a rate of 1s. 10½d. I hope members will be prepared to accept an amendment to this clause, altering the rate now proposed. I move an amendment—

That in proposed Subsection 1, paragraph (1) the words "two shillings" be struck out and "one shilling and sixpence" be inserted in lieu.

The CHIEF SECRETARY: An amendment of a similar character was moved last night and defeated by an overwhelming majority. I will leave the matter to the common sense of members.

Hon. A. LOVEKIN: I support the amendment. The large property owners in the city will no doubt pass on the extra charge. What I am concerned about is the smaller people who cannot afford to pay these rates. I have here a letter which reached me this morning from a lady who lives in Leederville. I will quote parts of it—

Accept my grateful thanks to you and other members of the Legislative Council who have so ably opposed the Water Supply Bill to rate us still more heavily than we are rated at present; in fact, to double it. To working people struggling along the present council and water and sewerage and stormwater rates amount to 5s. per week. Think what that means to poor people trying to pay off their house and rearing a family. Mr. McCallum talks as if people picked up money in the street. I see by this morning's "West Australian" the City Council of Perth is about to raise its assessments and the rates generally. Where it will end it is hard to say. Where they think people with small incomes are going to get the money, I don't know. My son left Western Australia three years ago, and he writes me from Victoria to say that he bought a house for £600 in one of Melbourne's good suburbs, and that his combined rates, municipal, water, and sewerage, amount to £8; and he urges me to leave the West and the terrible drag of heavy rates, as the council rates alone here are £8 for my four-roomed brick house, and the water and sewerage and stormwater £4 at the present price.

That amount of £4 would rise to something like £9 under the rate proposed by the Bill. That would be a total of £17 on a four-roomed brick cottage, an intolerable rate to impose. It means that the workers will have to go to the Arbitration Court and ask for an increase in the basic wage, and I do not think such an application could well be resisted. If an increased basic wage is decreed by the court, that will go right through the country, and everybody will have to pay it. There is no need to start another of these snowballs when the department, on their own estimate, want only 1s. 3½d. this year and 1s. 4½d. next year, and according to their own tables will not need the 2s. rate until 1935. Ought this House, which represents the ratepayers, to give the Government or any department taxation so far in advance?

Hon. J. NICHOLSON: It is proper that the Committee should have another opportunity of dealing with this important question. The information now given by Mr. Duffell and Mr. Lovekin was not emphasised in yesterday's discussion. It will not be until about 1930 that the 1s. 6d. rate will be exceeded, and the intervening time will afford ample opportunity for the new Engineer-in-Chief to keep the rates within the reasonable bounds anticipated by his predecessor and by the body of engineers who investigated the question. It was never anticipated that the rate would become enormous. The amendment does not seek to prevent the Government from carrying out their work, as they have an ample margin to carry on until 1929. If the present Engineer-in-Chief is unable to keep the rate down, the position can be explained here.

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

Ayes	..	..	7
Noes	..	..	18
Majority against		..	11

AYES.

Hon. J. J. Holmes	Hon. G. Potter
Hon. A. Lovekin	Hon. H. A. Stephenson
Hon. J. M. Macfarlane	Hon. J. Duffell
Hon. J. Nicholson	*(Teller.)*

NOES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. J. R. Brown	Hon. G. W. Miles
Hon. J. E. Dodd	Hon. T. Moore
Hon. J. M. Drew	Hon. E. Rose
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. W. T. Glasheen	Hon. H. Stewart
Hon. E. H. Gray	Hon. F. E. S. Willmott
Hon. V. Hamersley	Hon. H. J. Yelland
Hon. J. W. Hickey	Hon. J. Cornell
	(Teller.)

Amendment thus negatived.

Clause put and passed.

New clause:

Hon. A. LOVEKIN: I propose to move a new clause, to which I think no member can take exception, providing that the rate, whatever it may be, shall apply equally to every ratepayer in the metropolitan area. I am putting up the clause because Section 93 of the principal Act provides that separate rates shall be made for each district, and for the following among other purposes:—

(b) to provide funds to defray the expenses incidental to each district incurred in the maintenance and management of the waterworks, sewerage works, and stormwater and drainage works in the district.

In another place the representative of the Guildford district recently said there was no obligation on that district to pay any of these increased charges, because the district would get no benefit whatever from the enlarged works and had already the pipe line passing through its area. The contention is manifestly unfair, because were it not for the Perth system the pipe would not be passing through the Guildford district; and, as a matter of fact, Guildford has all the advantages inasmuch as it gets the hills water. Under Section 93 it would be quite open not to rate that area although it is getting the water. My clause suggests that when the Government strike the rate, they shall strike it uniformly throughout the metropolitan area, so as to make its incidence as light as possible on everybody. I move—

That the following be added to stand as Clause 2:—"Notwithstanding the provisions contained in Section 93 of the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, the rates prescribed by Section 94 of the Act shall be levied uniformly within the boundaries of the area constituted by Section 6 of the said Act."

Section 6 defines the metropolitan area.

The CHIEF SECRETARY: No notic was given to me regarding Mr. Lovekin intention to move the new clause and it entitled to some examination. I will move t report progress.

Progress reported.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Recommittal.

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

The CHAIRMAN: The first amendmer relates to Clause 4 of the amended Bill as r printed after it had been dealt with on fu ther recommittal.

Hon. A. LOVEKIN: The clause contair an amendment inserted at the instance o Mr. Yelland. The objection taken by M Kitson and others at the time appears to m upon further consideration, to have som weight. It does not seem fair to limit th period to 12 months. The object Mr. Yellan sought was to prevent a union, the member of which had ceased work, from taking ad vantage of the fact that the organisation ha a reference pending before the court and s prevent an application for de-registratio being dealt with. I move an amendment—

That all the words after "follows" in lin 2 be struck out and the following words in serted in lieu:—"Provided that in the even of any strike, lockout, or cessation of work a any time occurring from or for any cause what soever, an application for cancellation of regis tration may be heard and determined by th court forthwith, notwithstanding that such re ference as aforesaid may be pending."

The CHIEF SECRETARY: I intend t oppose all further amendments. The Bill ha been examined by the Parliamentary drafts man and from his point of view it is al right. The Government wish to have th measure finalised as quickly as possible s that it may be sent on to the Assembly.

Hon. H. J. YELLAND: I have examine Mr. Lovekin's amendment and I find that i tightens the position up more than my orig inal amendment. It will give the cour power to take action that it has been pre vented from taking in the past. As it mor completely sets out what I desire, I will sup port the amendment.

Hon. T. MOORE: I hope no further amendments will be made to the Bill. The amendment deals with the application for the cancellation of the registration of a union and contains a reference to a lock-out. What unions would have to do with a lock-out?

Hon. E. H. Harris: Employers' unions.

Hon. T. MOORE: But they are not registered.

Hon. A. Lovekin: Yes, they are.

Hon. T. MOORE: The employers can go to the court individually, but the workers have to go before the court as a registered organisation. Thus the amendment will affect the unions.

Hon. J. CORNELL: I understand that the amendment was originally moved because of the position created during the strike of hotel and restaurant employees. I cannot call to mind another instance on all fours with that position, and we should be guided by common sense and actual experience in our legislation, not by isolated instances. Even if the amendment be agreed to and in time a union be deregistered in the circumstances, suggested, shall we be any better off?

Hon. T. Moore: We might be a bit worse off.

Hon. J. CORNELL: Irritations of the sort referred to will occur and at times one or other side may be the more to blame. I think it would be better to let common sense govern the positions as they arise.

Hon. E. H. HARRIS: The only objection raised to the amendment is that taken by Mr. Moore, who referred to the position of employers. Of the 140 organisations registered, a large number are unions of employers.

Hon. T. Moore: But if an employers' union were deregistered, the members as individual employers would still engage workers.

Hon. E. H. HARRIS: And if all the employees were put out of court, the employers would engage other workers still, so that argument does not get us any further. The latest "Industrial Gazette" contains the name of several employers' organisations.

Hon. T. Moore: Have you ever heard of a cancellation asked for by one of those?

Hon. E. H. HARRIS: I have never heard of a cancellation asked for at all, except in the case of the tearooms' strike, and I believe this arises out of that strike.

Amendment put and negatived.

Clause put and passed.

Clause 5—Amendment of Section 31:

Hon. A. LOVEKIN: This clause ought to be struck out. On a previous occasion it was put to us as being consequential, and I certainly accepted it as consequential that it should go out.

The CHIEF SECRETARY: What Mr. Lovekin says is perfectly correct. I am surprised to find the clause still here.

Clause put and negatived.

Clause 12:

Hon. A. LOVEKIN: I move an amendment—

That in line 3 the words "if he thinks fit" be struck out.

Amendment put and negatived.

Clause put and passed.

Clause 13—Amendment of Section 65:

Hon. E. H. HARRIS: This provides that when the issues have been settled the cases before the court shall be taken in their order. It is a good provision, for from time to time cases have been taken out of their proper order. It frequently happens that unions have to wait some time to get their issues settled. However, I think the clause could be improved. I move an amendment—

That in line 5 the words "the issues are settled" be struck out and "applications are lodged for the settlement of issues" inserted in lieu.

Under the amendment, immediately a union has lodged an application with the clerk of the court for the settlement of issues, that union shall have prior right to go to the court.

Hon. J. CORNELL: The amendment is an eminently fair one. References have been made to the court by unions of standing, and their issues have been settled and their cases heard out of their order and to the prejudice of smaller unions whose issues have been previously settled. The cases should be taken in the order in which the issues have been settled.

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

Clause 16—Relief not limited to claim:

Hon. J. EWING: The Committee have already decided against preference to unionists. Under this provision the court if it

liked might grant preference to unionists. It is a dangerous loophole and ought to be blocked. I move an amendment—

That proposed new Section 68b be deleted.

My amendment really means the striking out of the clause so I will vote against the clause.

The CHAIRMAN: The hon. member proposes that the whole clause should be struck out.

Hon. J. EWING: That is my desire.

Hon. J. E. DODD: I think the clause is necessary. A case before the Federal court showed that something in this direction was required to be done if the court was to have sufficient power to settle disputes. The section of our Act governing this question does not sufficiently cover it.

Hon. A. Lovekin: This clause does not sufficiently tighten up the question of preference to unionists.

Hon. E. H. HARRIS: A claim that is before the court may be amended at any time by the parties concerned. The desire in this Bill is to strike out that portion of the Act and substitute another provision. One organisation might prevail upon the court to provide that a similar and smaller organisation should go out of existence. The clause is, therefore, objectionable from that point of view.

Hon. J. EWING: This clause gives me some cause for alarm. We must endeavour to prevent the court from doing what we think is not right. There is no mistaking the significance of the words of the clause.

Clause put and negatived.

Clause 22—Amendment of Section 81:

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

That all the words except "adding," in lines 2 and 3, be struck out.

It was contemplated by the Committee that awards should be made from year to year. Without this amendment the court could make an award for three weeks or a month. The amendment, however, would mean that an award would have a duration of one year as a mimimum and of three years as a maximum.

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

Ayes	18
Noes	6
Majority for ..	12

AYES.

Hon. J. Cornell	Hon. J. M. Macfarlane
Hon. J. E. Dodd	Hon. G. Potter
Hon. J. Duffell	Hon. E. Rose
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. W. T. Glasheen	Hon. H. A. Stephenson
Hon. V. Hamersley	Hon. H. Stewart
Hon. E. H. Harris	Hon. F. E. S. Willmott
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. H. Seddon (*Teller.*)

NOES.

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

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

Clause 24—Continuance of award:

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

That in line 5, after "award," the words "or industrial agreement" be added.

As the clause reads now it provides that notwithstanding the expiry of the term of an industrial award, it shall, subject to any variation ordered by the court, continue in force until a new award has been made. The terms of an award may with slight variations be suitable for the organisation to enter into an industrial agreement with the employer. The Bill provides that a new award shall be made, and that would mean that the court would have to be approached. I wish to avoid having to go through the formula of having to approach the court when it may be possible to get everything that is desired by entering into an agreement.

Hon. J. CORNELL: The amendment has something to commend it, but I think Mr. Harris is endeavouring to put it in the wrong place. The parent Act provides for industrial agreements, and we know that such agreements are entered into by consent. I cannot see how any industrial agreement, entered into for a specific period, should be subject to variation if it is entered into mutually. At any rate the amendment might be made in another part of the Bill.

Hon. E. H. HARRIS: We provide that people cannot retire from an award and create industrial disputes. The award will be carried on until another one is made and the clause provides that at its expiration it shall continue until a new one takes its place. I want to provide that the parties may enter into an industrial agreement on

the lines of the award that has expired. My desire also is to avoid approaching the court.

Hon. J. CORNELL: I do not oppose the principle, but the amendment should be made to another part of the Act.

Hon. A. LOVEKIN: The clause provides that after the expiration of an award that has been in operation for a period it shall continue in force until a new one is made. The parties to the expiring award may desire to enter into an industrial agreement instead of having a new award. They would have no power to do so, under the clause. Mr. Harris's amendment would give them the power to make an industrial agreement.

Hon. J. NICHOLSON: I intend to oppose the amendment. It would be rather serious to add such words to the clause. An industrial agreement is entered into for a specific time and all that it is necessary to do is to go before the court and renew that agreement.

Hon. A. Lovekin: Suppose they do not want to continue an award, and that they want an agreement instead?

Hon. J. NICHOLSON: They could have the award set aside and an agreement substituted. The parties themselves can, if they desire an agreement to continue, prepare a short memorandum and register it. Suppose the parties are not in accord. Why should the agreement be perpetuated?

Hon. E. H. Harris: Where is it perpetuated?

Hon. J. NICHOLSON: It will be perpetuated by the clause.

Hon. E. H. HARRIS: My only desire was to give organisations an opportunity to enter into an agreement instead of being compelled to make an award. As there is opposition to it, I ask leave with withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 25—Amendment of Section 84:

Hon. A. LOVEKIN: Section 84 provides that the court may, by an award, prescribe a minimum rate of wage. That is now provided for by Clause 47 which deals with the basic wage, and the addition of the two subclauses is unnecessary. I move an amendment—

That Subclauses (1) and (2) be struck out.

Amendment put and negatived.

Clause put and passed.

Clause 47—Repeal of Part V. and insertion of a new part in place thereof:

Hon. A. LOVEKIN: I move an amendment—

That all the words after "Part V., Basic Wage" be struck out and the following inserted in lieu:—

100. (1.) Before the fourteenth day of June in every year the Court, of its own motion, shall determine and declare—

(a) a basic wage to be paid to male and female workers;

(b) wherever or whenever necessary, differential basic rates to be paid in special or defined areas of the State.

(2.) The expression "basic wage" means a sum sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligation to which such average worker would be ordinarily subject.

(3.) By leave of the Court any party concerned may be represented at and take part in any inquiry which may be held by the Court when determining the basic wage. The Court may allow such reasonable costs to the parties as it may deem to be sufficient, and such shall be payable from moneys appropriated by Parliament for the purposes of this Act.

(4.) The determination of the Court shall be presented to the Minister, who shall cause it to be published forthwith in the "Gazette."

(5.) The basic wage so declared shall operate and have effect from the first day of July thence next ensuing, and shall remain in force until the thirtieth day of June in the year following.

(6.) After the declaration of the basic wage as aforesaid, no award or industrial agreement shall be made which prescribes a lesser wage in money or moneys worth than the basic wage, except in the case of junior, infirm or aged workers, or apprentices.

Existing awards and agreements.

101. Awards and industrial agreements made before the commencement of this part of the Act may be varied by the Court on the application of either party so far as the same may be inconsistent with the basic wage as determined under this part of the Act. If no application be made such awards and industrial agreements shall continue in force until the expiration of their currency.

New awards and agreements.

102. Awards and industrial agreements made after the commencement of this part of the Act shall prescribe and distinguish separately—

(a) the basic wage;

(b) any other wages or allowances and/or additional remuneration in respect to skill or employment in offensive, unhealthy, injurious, or dangerous occupations, trades, or vocations.

(c) any deductions in respect to junior, infirm or aged workers or apprentices, or for benefits received in the course of the employment.

Automatic increases or decreases.

103. Subject to section one hundred and one the basic wage prescribed in every award and industrial agreement shall, from time to time, automatically become increased or decreased so that it conforms to and is parity with the basic wage as last determined by the Court: Provided that in the case of junior, infirm or aged workers or apprentices, in respect to whom a lower basic wage may have been prescribed, such increase or decrease shall be pro rata to such lower rate of wage.

I debated this question at considerable length on a previous occasion, but I must raise it again. When I submitted an amendment of my own composition, I was placed in a very invidious position. I now suggest striking out the clause which was inserted in the Bill at the instance of Mr. Holmes. Mr. Holmes told us on the previous occasion that his amendment was the work of Mr. H. B. Jackson, Mr. Sayer, the Minister for Works, the Chief Secretary, Mr. Andrews and himself.

Hon. E. H. Harris: Has it not been said that too many cooks spoil the broth?

Hon. A. LOVEKIN: Yes, but I do not know whether it is true. It is also said that in a multitude of councillors, there is wisdom.

Hon. T. Moore: Is there only one cook concerned with your clause?

Hon. A. LOVEKIN: Mr. Jackson was out of the State when five or six of the amendments, one of them vital, were made to the clause which now appears in the Bill, and it is most unfair to hold him in any way responsible for the clause. Other amendments were made by Mr. Sayer at my suggestion, particularly to a provision that had retrospective effect. Mr. Sayer was not the author of the Bill, but he was there to help everyone to frame amendments as desired. Therefore we cannot hold him responsible for the clause as it appears. Mr. Andrews is secretary of the Employers' Federation, and I do not know that he has any special qualifications for drafting Bills or interpreting Acts, because his training has been in another direction. Mr. McCallum is a very able man, but he has his own views, his likes and dislikes, and possibly if anything were put up against an amendment, the author of which he knew to be Lovekin, no matter how good Lovekin's amendment might be, Mr. McCallum's convictions would led him to turn Lovekin's down. I do not pay much attention to that. I do not think Mr. Holmes has any pretensions as a draftsman of Bills. He acted as the good Samaritan. There was a little trouble, and he came in to heal the breach.

Hon. A. J. H. Saw: Was he pouring in oil and wine?

Hon. A. LOVEKIN: He tried to mix the two. Every member of the conference did his best. The other member was the Chief Secretary, and I believe that if he had been free to judge of the two amendments, knowing nothing of the circumstances and not being bound by loyalty to a colleague, he would have expressed an unbiassed opinion as to which was the better amendment. I was unfortunate in having to move my own amendment because I could receive no support from quarters where I looked for it. I would have been satisfied to leave the matter to the decision of the Chairman (Hon. J. W. Kirwan), but as he was in the Chair, he could not express an opinion. I had to put up the amendment off my own bat, and perhaps I went further in advocating my own cause than was decent of me. Still, I felt it to be my duty.

Hon. J. Nicholson: That was quite right.

Hon. A. LOVEKIN: I was performing an uncongenial task and, having got as far as I could, I left the House, and the amendment proposed by Mr. Holmes was carried on the voices. Before that, I had sent these two drafts to Mr. Keenan. I had received no reply by the time I reached the House, but the moment I did receive the reply, I had it typed and set up, and laid it on the Table here for the benefit of members. I have shown Mr. Keenan a copy of the print, and he has drawn my attention to three or four errors, which probably mean little. In the fourth paragraph from the bottom of the first column on page 3 "Subsection 102" should be "Subsection 102 (3) of 'A.'"

Hon. J. Nicholson: Give us these corrections slowly, so that we can make them in our copies.

Hon. A. LOVEKIN: I will hand Mr. Nicholson Mr. Keenan's own corrections.

The CHAIRMAN: I think it is hardly in accordance with Parliamentary procedure for an hon. member to walk across the floor of the Chamber while speaking. He could have very well got an attendant to carry the paper.

Hon. A. LOVEKIN: I desired to save the time of the Committee. It would obviously take a long time for the hon. member to get these corrections down, and I thought the quickest way, and a way that would save the time of the Committee, would be for me to walk across and hand the paper to him. If there is anything very wrong about the action, I am sorry.

Hon. V. Hamersley: Cannot a member, under the Standing Orders, walk as far as the Table while he is speaking? Need he necessarily remain in his place during the whole time he is speaking?

The CHAIRMAN: The Standing Orders provide that a speech may be delivered from the Table of the House; but there is nothing in the Standing Orders to provide, nor is it in accordance with Parliamentary procedure, for an hon. member to walk from his place in the House right across the floor to another member to give him a paper, when there are attendants who can carry out that function.

Hon. A. LOVEKIN: I do not know that there is very much wrong; however, I am sorry. Has Mr. Nicholson got those corrections?

Hon. J. Nicholson: Yes.

The CHAIRMAN: The hon. member might proceed with his speech.

Hon. A. LOVEKIN: Mr. Nicholson is keen to get these particulars, and I want him to follow what I am about to advance. I am no longer going to put up my own amendment. I propose to put up the amendment in accordance with the opinion given by Mr. Keenan. As members will see, I put the question up to Mr. Keenan as fairly as I could, without making any suggestion to him as to the class of opinion that was wanted. I wrote to him—

Herewith proofs of two clauses, marked "A" and "B," proposed to be inserted in the Arbitration Bill now before the Legislative Council. Will you please consider them, and advise—(1) Does "B" cover all the points intended by "A"? (2) As legislation, which is the better clause of the two? (3) Reasons for your views.

Mr. Keenan's opinion reads as follows:—

In the matter of certain amendments set out in Documents "A" and "B," and intended to be inserted in the Bill to amend the Arbitration Act, 1912, as Clause 57.

OPINION.

Section 57 is the same in both proposals. Section 100 (1) of "A" is the same as part of Section 100 (1) of "B," and Section 100 (4) of "B." Section 100 (2) of "A" is not included in any part of "B." Its meaning, as it appears in "A," is difficult to grasp—does it mean that if a worker doing certain work gets board and lodging, the Court must ignore this form of reward in fixing the basic wage?

If so, it is highly misleading, because in fixing the basic wage the Court is not dealing with any particular form of work, but is engaged in fixing the living wage for the lowest paid class of worker

Other workers would, under awards applying to them, receive higher pay than this living wage—in other words, they would receive the living wage, together with such additional amount as was fair compensation for their skill or by reason of the dangerous nature of their employment, or by reason of such employment being of an unwholesome or unpleasant character, or for some other valid reason.

If in the case of any of these workers receiving more than the basic wage, any of them as part of the reward for their work received board and lodging and/or clothing or uniform, it would be manifestly absurd to restrain the Court from taking all or any of these benefits into account when fixing the money part of their award. Possibly the result might be to reduce such money part below the basic wage, and this result would certainly be held to conflict with Section 100, paragraph (2) of "A" read together with Section 102, paragraph (1), of "A"

The result of these provisions as printed in "A" would be that an unskilled worker receiving board and/or lodging and/or clothing would necessarily receive in addition the basic wage, whilst any other unskilled worker not receiving any board or lodging or clothing would receive the same wage and no more. As I have said above, the Court in fixing the basic wage cannot take any account of the conditions of employment and living of same particular workers, but only the conditions of employment and living of all workers within the defined area. The provision, therefore, that the Court is not to take into consideration deductions from wages made in the case of particular workers is unnecessary and misleading, and should be deleted.

Section 100 (3) of "A" is the same as Section 100 (3) of "B," although not in the same words.

Section 101 (1) of "A" is the same as part of Section 100 (1) of "B" and Section 100 (4) of "B."

Section 102 (1) of "A" is the same as Section 100 (6) of "B."

Both are objectionable as tying the hands of the Court in making a proper allowance in the case of particular workers for benefits received in return for their work other than in money.

I would suggest that after the words, "prescribes a lesser wage," in Section 100 (6) of "B," there be inserted "in money or money's worth," and also in Section 102 (c) of "B," there be added "or for benefits received in the course of employment."

The last paragraph of Section 102 (1) of "A" is incomprehensible. The minimum wages payable under existing awards are by Section 102 (3) of "A" made to reach the figure of the basic wage for the time being.

No industrial agreement or award made before the amendments came into operation can, therefore, prescribe a wage less than the basic wage—this is fully provided for in Section 103 (4) of "A."

Every industrial agreement or award made after the commencement of this part of the Act must be based on such basic wage—Section 102 (1) of "A."

With the exception that no change is to be made in awards or industrial agreements made before the proposed amending Act comes into force, except on the application to the Court of either party to such award or industrial agreement (when the Court has full power to adjust such award or industrial agreement to the basic wage in force at the time) all the matter provided for in Section 102 (1), (2), (3), (4), (5), and (6) of "A" is provided for in much plainer and easier to understand language in "B" in Section 100 (6), Section 101, Section 102, and Section 103.

There are clearly two sets of circumstances to be provided for, namely, awards and industrial agreements made before the commencement of this part of the Act as amended and awards and industrial agreements made after the same event.

These two sets of circumstances are clearly and intelligently distinguished in document "B," whereas they are both jumbled together in "A."

Hon. J. J. Holmes: You never saw the point until Jackson pointed it out.

Hon. A. LOVEKIN: What point?

Hon. J. J. Holmes: The point that there was no provision for agreements and awards in force.

Hon. A. LOVEKIN: If you look at the original amendment, you will see the whole thing set out. I did not get that from Mr. Jackson, but if I did I would not mind. If it is advantageous, I will adopt it.

Hon. J. J. Holmes: I want a little credit too.

Hon. A. LOVEKIN: If I adopt something suggested by Mr. Jackson that is to the advantage of everybody, there is nothing wrong in doing so. I want to introduce harmony. I am not looking for kudos. Mr. Keenan's opinion continues—

It might be suggested that Section 102 (4) of "A" is not to be found in "B." But in fact it is provided for in Section 101, because no dispute could arise except when the basic wage as fixed under the amending Act differed from the lowest paid wage for unskilled labour set out in such award or industrial agreement. So, too, the provisions of Section 102 (1) of "A" are found in Section 102 of "B" in a much more intelligent form, since it requires every award or industrial agreement made after the Act comes into operation to set out the basic wage then in force, and to show all additions or deductions made to or from the same and the reason therefor.

On the whole it appears to me that the provisions appearing in document "B" attain the same end as those appearing in document "A," subject to the difference above pointed out in Section 102 (4) of "A" and Section 101 of "B." If it is desired to eliminate the intervention of the Court, then Section 102 (4) of "A" should be retained, but this is a very doubtful benefit, as in the event of the basic wage at any time falling, no one imagines that anything less than an order of the Court would suffice to bring about a corresponding reduction in the amount of wage paid under an award or industrial agreement in existence before such fall.

In any event, for the reasons given above, it would be necessary to insert in Section 102 (3) of "A," after the words "lower rate," in line four, the words "in money or money's worth," and the like words after the words "not less," in line ten, whereas no such amendment is necessary in Section 101 of "B," because the variance arising from the altered basic wage is entirely adjusted as the Court thinks fit.

To sum the matter up, inasmuch as the proposed provisions in document "B" attain all the ends which the provisions in document "A" aim at attaining, and inasmuch as the provisions appearing in document "B" are much more lucid and easy to understand than those appearing in document "A," I think it would be much to be regretted if for any purely personal reason what is the inferior drafting were to be preferred.

NORBERT KEENAN.

3rd December, 1925.

Members can see how complex this question is. If the clause be retained in the Bill, and a judge were in the position of Mr. Keenan, and he criticised the clause as Mr. Keenan has done, what would be said of this House for passing such legislation? What would be said by unscrupulous people who desire to flog this House from time to time? Would they not hold up the clause and say, "Here is a Chamber whose existence is for the purpose of revision and review, and this is the product of its labours! What is the value of that Chamber?" That is why I am pressing this question. I am putting forward Mr. Keenan's draft and I suggest the Committee would do better by following Mr. Keenan's advice, after he has given us his considered opinion on the clause in the Bill. I submit that members who are not learned in the law will understand one amendment and will get into difficulties with the other. In proposed Subsection 102, for instance,

there is reference to the basic wage, the minimum wage, and the living wage. Are those synonymous terms, or are they distinct? If they are distinct, no provision is made to define each of them, and if they are synonymous, they are not understandable. The three terms are mixed up. It is because of these reasons that I ask hon. members to agree to the deletion of the clause and to accept my amendment. I am acting in that way merely for the sake of the Bill and for no other reason, except for the credit of this Chamber. I have gone to some expense and trouble in reviewing the matter, and I leave it to hon. members to arrive at a decision.

Hon. H. STEWART: What is the attitude of the Minister regarding the amendment and the clause? If he intends to accept the amendment, I will not take up any more time. I have gone to some pains to study the opinion of Mr. Keenan, and I am not surprised to find that some objection has been taken to the clause. I would be prepared to point out to Mr. Lovekin, however, that his amendment fails to carry out all that the series of amendments embodied in the Bill at present do carry out.

Hon. A. Lovekin: I would like to see you do it.

Hon. H. STEWART: In his opinion Mr. Keenan pointed out the shortcomings of the amendment proposed by Mr. Lovekin, which, the hon. member claims, is put forward in such simple language.

Hon. A. J. H. Saw: But Mr. Lovekin has amended it in the two particulars.

The CHIEF SECRETARY: I thought I made it quite clear at the outset that I intended to oppose all further amendments, and this one in particular. The matter has been fully considered and all the parties concerned were consulted. I know that Mr. Jackson, the solicitor for the Employers' Federation, approved of the clause originally in the Bill. Mr. Holmes thought it did not go far enough and his amendment was framed. It proved acceptable to the Minister for Works and was adopted. It was put into legal form by the Solicitor General and is included in the Bill. So far as I know, the clause as it stands now is acceptable to all classes of our industrial life, including the employers, trades hall officials, and so on. I know of no objection to it except that which the unions raised to the removal of the five-roomed house from the considerations upon which the basic wage is to be determined.

Hon. J. Ewing: That is, the clause as it is in the Bill is acceptable?

The CHIEF SECRETARY: Yes, it has been carefully scrutinised.

Hon. E. H. Harris: Do you say that the clause in the Bill is the better one?

The CHIEF SECRETARY: It is acceptable. I am not qualified to criticise Mr. Lovekin's amendment.

Hon. A. Lovekin: But you would understand it yourself.

The CHIEF SECRETARY: I certainly would.

Hon. A. J. H. SAW: The thanks of the Committee are due to Mr. Lovekin for pursuing this matter. When it was before us a few nights ago, and Mr. Holmes brought forward his amendment, I said then that if Mr. Holmes could satisfy me that the clause had been seen and approved of by Mr. Jackson, I would vote for it. I did not consider it was easy to comprehend, and, perhaps due to my limited understanding and want of knowledge of the machinery of the Arbitration Court, a good deal of it was certainly incomprehensible to me. However, if Mr. Jackson had seen the final draft of the amendment, I was prepared to waive my personal objections and vote for it. Mr. Holmes could not give me that assurance. As to Mr. Lovekin's counter proposal, I said that if he could tell me that the clause was drafted by Mr. Keenan and approved by him, I would be prepared to follow it, because I considered it was much clearer and more easy for an ordinary individual to understand. At the time Mr. Lovekin could not give me that assurance, and perhaps it was wise we did not agree to his amendment, as Mr. Keenan has since pointed out two errors, with the result that the draft now before us, at the instance of Mr. Lovekin, has been amended along the lines and in the words suggested by Mr. Keenan. When first I read the clause in the Bill I thought my difficulty in understanding it was due to the fact that I had not sufficient knowledge of the machinery of the Arbitration Court. But from Mr. Keenan's opinion I gather that that was not so; that the obscurity was in the clauses as drafted. I am prepared to follow the draft put forward by Mr. Lovekin to-day.

Hon. J. E. DODD: When the motion that the Bill be discharged from the Notice Paper was before the House, and when Mr. Lovekin was dealing with the basic wage at that time, he read an extract from the "Worker" newspaper and referred to the revolutionary nature of the proposal. I interjected that it was "evolutionary with a move on" but the reporters made it a perfectly excusable mistake reporting it as "revolutionary." The interjection I made was in relation to a quotation from the report of a speech delivered on the Esplanade last May Day by one of the candidates for the Senate. I should not like to see it appear in "Hansard" as a misquotation. The interjection was "Evolution with a move on."

Hon. J. NICHOLSON: The thanks of members individually are due to the Chief Secretary, Mr. Holmes, Mr. Lovekin and others who have been trying to arrive at a solution of a very difficult problem. Whilst I do not wish to detract in any way from the good services rendered by Mr. Holmes, Mr. Jackson, Mr. McCallum, the Chief Secretary and others, I do think the clause presented by Mr. Lovekin is the simpler, the more expressive, and the more lucid. Therefore, I feel constrained to support the draft presented by Mr. Lovekin.

Hon. J. CORNELL: It is a pity there should be two conflicting opinions on a clause governing the basic wage. Apart from the housing provision, the basic wage is based on four conditions: the first is that the court shall of its own motion do certain things; the second is that the wage shall be fixed periodically; the third is the provision for margins above the basic wage for skilled or uncongenial employment; and the fourth is the consideration for the old, the infirm and the junior workers. The whole question is in which draft those points are most clearly set out. It is of the utmost importance that we should accept the draft most clearly setting forth our intention. Personally, I think Mr. Lovekin's draft is clearer and more concise than the other, and so I will support it.

Hon. H. STEWART: Certainly Mr. Lovekin's draft puts the position simply and more clearly, but I think that some further protection should be provided. In some places the clauses of the draft are too open, and in others they are too much restricted. Mr. Keenan draws attention to the fact that two sets of conditions have to be provided for, namely, awards made before the Bill becomes law, and awards made afterwards.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. STEWART: It seems that the position is so restricted as to militate against awards being altered after the basic wage has been determined. It does not seem to me that the objection raised by Mr. Keenan with regard to proposed Sections 100 and 102, mentioned in his opinion, applies to the same extent to the clause in the Bill as it does to paragraph 6 of proposed new section 101.

Hon. A. J. H. Saw: He says the meaning is difficult to grasp.

Hon. H. STEWART: The word "declare" has a restricted meaning. If the basic wage is "declared" as stated in the subclause the difficulty of grasping the position is not so great as at first appears. Mr. Keenan says that to make the position clear, whether the "A" series or "B" series of clauses is adopted, it is desirable that the question of taking into account the allowances should be more specifically dealt with. In the case of junior, infirm and aged workers and apprentices, in respect to whom a lower basic wage might have been prescribed, the position is not definite enough. If it means that they shall receive a lower wage the word "basic" should be left out.

Hon. J. J. HOLMES: I do not take any responsibility for this amendment except that it was approved by everyone that had anything to do with it. I would not be doing my duty if I did not point out that No. 102 of "A" is not included in "B." In all other respects the amendments are the same, except that the phraseology in "B" is better than that in "A." Mr. Keenan says that Clause 2 of 100 is not in "B." Mr. Lovekin thinks it should not be there. Mr. Keenan says that its meaning, as it appears in "A," is difficult to grasp, but he does not say that it has no right to be there. I am asking the Committee to be careful that it is not led into another difficult position. The amendment does not fix awards or agreements; it is the means by which the basic wage shall be fixed. The question of deductions and allowances will come up on the subject of awards and agreements. The House has blundered once, and if it blunders a second time, the responsibility will not be mine.

Hon. A. LOVEKIN: We are all trying to do the best we can with this clause. I have

scrapped my own amendment in favour of that of Mr. Holmes. I have taken a note of the points made by Mr. Stewart and before the Bill is read a third time I shall refer those points to Mr. Keenan for his opinion. I will spare neither time nor expense to ensure the turning out of a Bill that will pass muster.

Progress reported.

BILLS (6)—FIRST READING.

1, Loan, £4,000,000.
2. Workers' Homes Act Amendment.
3, Appropriation.
4, Road Districts Act Amendment.
5, Taxation (Motor Spirit Vendors).
6, General Loan and Inscribed Stock Act Amendment.

Received from the Assembly.

BILL—VERMIN ACT AMENDMENT.

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

BILL—DRIED FRUITS.

Second Reading.

HON. C. F. BAXTER (East) [8.4] in moving the second reading said: I realise that it is late in the session to bring forward a new Bill, but the urgent necessity for this measure makes that course desirable. The need for it is partly due to the defeat of the Primary Products Marketing Bill. At first it was thought by some members that that measure might be amended, but careful examination revealed that almost all the clauses would have to be amended, as well as the title, and the Chamber in its wisdom decided to reject the Bill. Following its rejection, I did not take it upon myself to push forward the Dried Fruits Bill until I had approached the Minister for Agriculture, who informed me that it would not be possible for him to influence Cabinet to bring forward such a measure. I again urged him to introduce legislation by sending forward a motion from representatives of the dried fruits industry, but his reply was to regret the impossibility of introducing a Bill this session. Therefore, I had to proceed with the measure. There is a large surplus of dried fruits to be exported and that is where the trouble arises. The local market is flooded and values decline, so that it is not possible for growers to carry on unless something is done. The industry has reached the stage when no financial institution will make advances to assist growers to continue. This is not a matter for wonder when we find it often happens that products costing 4d. per lb. to raise are sold as low as 2d. per lb. This is an important industry and something must be done to help it. To meet the difficulty the Federal Government last year introduced a Dried Fruits Control Bill to assist the industry, and it was passed very late in the session. In addition the States of Victoria and South Australia passed measures to enable them to work in conjunction with the Federal Act. The Federal Act assented to in October, 1924, gives power to appoint a board consisting of one member appointed by the Commonwealth Government, three representatives elected by growers of New South Wales, Victoria, and South Australia, and one to represent growers of Western Australia, in addition to two members of commercial experience appointed by the Federal Government. Thus the Commonwealth have made provision for the representation of the States of New South Wales and Western Australia, which have not legislation under which their growers can co-operate. They looked forward to the time when those two States would link up with Victoria and South Australia, where the major portion of the dried fruits are produced. The board has fairly wide powers, even to the extent of being able to constitute a London agency. The Act gives the Government power to prohibit the export of any dried fruits from the Commonwealth, and in fact gives power to control dried fruits. It is intended that each grower will be able to export his quota, and that a fair quota will be allotted to him for sale on the local markets. The board has power to control the marketing, handling and storage of dried fruits, the shipment of dried fruits in such quantities as it thinks fit, the sale and disposal of dried fruits on such terms as it thinks fit, and to insure against loss in the dried fruit industry. It has power to deal with all matters necessary for the distributing, handling and disposing of dried fruits. The Federal board thus has ample

power to control the industry and put it on a sound footing. In order to secure advances, the Act empowers to board to execute mortgages over dried fruits. If the board is going to make advances to a producer, it requires a mortgage over the produce against which it makes advances. Following the passing of the Act, regulations were framed and assented to on the 24th and 25th February. The regulations control grading, packing, and practically everything associated with the industry. Thus, the board has power to see, not only that the best quality of dried fruit is exported, but that uniform grading is observed in order to establish sound values. This is very necessary. In September, 1925, an amendment of the Commonwealth Bank Act was assented to providing for a Rural Credits Department. Under that department a special fund is established with a maximum of £3,000,000. To furnish the funds 35 per cent. of the net annual profits of the Note Issue Department will be paid to the Rural Credits Department until the amount of the fund reaches a total of £2,000,000. Amongst the products that will benefit are dried fruits. It will be seen that the Commonwealth Government have made full provision, not only to protect but also to assist the industry. However, it still remains for the States interested in the industry to pass legislation to enable them to work in co-operation with the Commonwealth Control Act. So important was this matter deemed in South Australia and Victoria that, though the Federal Act was not passed until late in 1924, those two States in the dying hours of the session—the one on the 24th December and the other on the 30th December—passed measures to enable them to co-operate. It was vitally necessary for those States to have legislation in order that they might work in conjunction with the Federal Act. Those States have power to control dried fruits and to acquire them compulsorily. We in Western Australia produce a fair quantity of dried fruits, and we have no Act. New South Wales is in the same position, but that State is producing only a small quantity of dried fruits, although the industry is extending. The River Murray section is controlled by the Victorian Act on the one part and the South Australian Act on the other part, so that the greater portion of the dried fruit produced there is under control. Still, there are other parts of New South Wales where the industry is extending, and small quantities are still uncontrolled. I understand that New South Wales now contemplates passing a measure so that its growers can work in conjunction with the Federal and other State Acts. The danger of the present position lies in the fact that while supplies are regulated in South Australia and Victoria, the way is left open in New South Wales and Western Australia to take advantage of the markets they have created. This, the growers of those two States have been doing, and consequently the whole business has been brought to the verge of chaos. If a crash occurs this year, the industry in Western Australia will probably go by the board. During the past few days two of the leading merchants handling dried fruits in this State, and the last men whom I expected to favour a measure of this kind, came to me voluntarily and said, "Are you going on with your Bill?" I said, "Yes, now that I know the Government are not proceeding." They said, "If you do not get the Bill through, the dried fruits industry is doomed. All those returned soldiers and others who have invested their capital in the industry will not be able to carry on because unless the Bill is enacted currants are going to be as low as 2d. a lb. this year." Since I urged the passing of this measure, many Bills have been introduced, and not one of them so important as this Bill, on which the life or death of the dried fruits industry depends. In the various States the boards consist of five members, two appointed by the Governor-in-Council and three representing the growers. In Victoria the growers' representatives are appointed by the Minister after consultation with the growers' association. Here, time will not permit in the present instance of the growers' representatives being elected. There is no time to call a meeting of growers for that purpose if the present season's crop is to be handled. Therefore the Bill proposes that the Minister should, after consultation with the Dried Fruits Association, appoint the growers' representatives for the first 12 months, after which the growers can elect their own representatives. There is a feeling in certain sections of the community that all the five members of the board should be direct representatives of the growers. My experience of boards is that one wants commercial men mixed with the practical men, the producers. During the time I was Honorary Minister and controlled two or three boards, I found that producers

and commercial men made a splendid combination. The trained business mind must be there working towards the commercial end, and watching those finer points which are likely to be overlooked by growers unless they happen to be very exceptional men. During the time Acts of this nature have been in operation elsewhere, they have proved highly beneficial in protecting the interests of growers, including our own growers. That, however, cannot continue unless there is co-operation amongst the States. Eastern growers are getting very weary of the present position. They object to fruit being dumped by outside growers. As regard New South Wales, that cannot happen; but in two other States it is possible. Naturally enough, exception is being taken to the ruination of markets which the organised growers are endeavouring to establish. The production of dried fruits in the Commonwealth last year totalled 38,000 tons. Of that quantity fully 70 per cent. has to be exported. Only some 20 per cent. is absorbed by local markets. There lies the reason why each grower should be compelled to export his quota, while enjoying the benefit of the local market. Otherwise markets cannot be established. Last year the growers had fair markets with fair prices, but those markets had been built up by Eastern States growers. It is not a fair thing that our growers should take advantage of the efforts of Eastern growers; and our growers should not dump in the East, even if it only means dumping back. The Australian consumption of dried fruits amounts to 10,000 tons annually, and it is estimated that this year's crops will amount to about 50,000 tons, leaving 40,000 tons to be exported. Another phase of the question is that California and the Mediterranean countries are two strong competitors of our growers. We must have control here over grading and packing in particular if we are to hold our own against those competitors. It is essential that we should send even grades. On the London market it has frequently been found that the grades of Australian fruit were not even. Buyers of large quantities at Home buy not on the best but on the poorest quality. To-day the London buyer cannot rely on Australian currants being true to grade, and therefore he cuts the price low. When he sends half a ton of Australian currants here and half a ton there in his district, he receives complaints that two or three hundredweight have not come up to sample, and then he has to make allowances. In this industry the costs are an extremely important item. Last year exporters realised £48 per ton. The cost of realisation was about £21 per ton, and the cost of production about £36 per ton. Those figures indicate a terrific loss. That loss is due chiefly to the unreliableness of the grades. I believe that the Federal board will effect reductions in the costs. In a little time they hope to be able to effect reductions totalling £10 per ton in the matter of shipping charges and exchange. As a rule Western Austraila produces the best quality of currants, as is proved by our having realised £60 per ton the year before last, being £15 per ton higher than the price of Eastern States fruit. Last year, owing to the rains, nothing like that price was realised. The return was only from £35 to £40. Currants cost 4d. per lb. to produce, and so a price of about £37 10s. means that the industry must go back. Some growers have already given up, but we do not want to see the industry lose any more ground. Apart from the large amount of capital invested in the industry, there is the consideration that many of those engaged in it are soldier settlers, whom the Government must carry on. With a cost of production equal to 4d. per lb., there is, as I have said, a prospect held out that this year currants will be selling at 2d. per lb. Let me point out, moreover, that it takes 3½ lbs. of fresh currants to make 1lb. of dried fruit, and that the quantities in the case of lexias and sultanas are 4lbs. and 5lbs., respectively, to 1lb. of raisins. At per ton the cost of production is about £38, based on a 25 cwt. to the acre crop, whilst for a number of years now the average production has been only 16½ cwt. to the acre. That fact, however, is due largely to many of our growers being new. I am informed that a fair expectation is about 25 cwt. to the acre. When the market here is oversupplied, down comes the price, naturally.

Hon. J. M. Macfarlane: Cannot the producers export without a board?

Hon. C. F. BAXTER: The trouble is that some of them will not. They take advantage of the local market, and do not export. The Bill really means that producers will be compelled to export a fair quota of their production, the balance being disposed of in the local market. The Federal board have already effected reductions of about £2 per ton in freight; and the British Government,

on representations made to them by the board and by the Federal Government, have given preference to Australian dried fruits by wiping out a duty of £5 16s. 8d. per ton. Further, the Federal board, as I have mentioned, expect to be able to bring about reductions equal to £10 per ton. The question will be asked whether our growers are in favour of this Bill. Here is a resolution recently passed at Bridgetown by the Western Australian Fruitgrowers' Associaation:

That this conference, whilst not in favour of the Primary Products Marketing Bill, is of opinion that the necessary legislation should be enacted at the earliest possible opportunity to enable the producers of Western Australia to fall into line with the dried fruits producers of the other States of the Commonwealth.

That resolution was carried unanimously. The association see the importance of the matter and urge that something should be done to enable our growers to work in unison with the other States. Last Monday week the Swan growers carried the following resolution:—

Owing to the serious state of the dried fruits industry we, the dried fruit producers of Western Australia, stress the urgent necessity for a dried fruits measure to be enacted this session on the lines of those adopted by the growers of South Australia and Victoria.

The first recommendation was carried by the Fruitgrowers' Association representing the fruitgrowers of the State, and the other by the Dried Fruits Association representing the great majority of the dried fruit producers here. As to the Bill itself, it is not as comprehensive as the legislation in operation in the Eastern States. For instance, where such legislation exists, deals have to be registered and that involves a great number of machinery clauses. I do not know that there is any vital reason why they should be included in the measure. If the Bill is agreed to and it is found after it has been in operation for 12 months that something should be done in that direction, it will be possible for us to amend the Act and include similar authority to that which exists in the Eastern States legislation. I did not include anything along those lines, because I recognise that it is late in the session and I do not see the urgency for such a provision. Moreover, it simplifies the Bill to a great extent. Clause 5 deals with the constitution of the board. It sets out that at the inception the five members shall be appointed by the Governor, three to be representatives of the growers and two commercial members. Clause 6 provides for the first representatives of the growers being nominated by the Minister after consultation with any association or associations of growers, and those first representative members shall retire on the 31st day of December, 1926, but shall be eligible for reappointment. That provision will enable the board originally appointed to establish the necessary machinery and get the work going so that at the end of the 12 months it can be handed over to the direct representatives of the growers when they are appointed. Clause 7 sets out that the representative members have to be elected by the growers after the 31st December 1926. I have not included any machinery clauses to specify how the elections are to be carried out, but I think that can be dealt with by way of regulations. Clause 8 sets out that every registered grower of dried fruits shall be entitled to one vote for each candidate required to be elected. Clause 9 deals with the quorum, and Clause 10 specifies that a majority decision at board meetings shall be sufficient. Under Clause 11 it is set out that the accounts of the board members shall not be invalidated by reason of any vacancy that there may be on the board. Clause 12 provides for the appointment of a deputy member during the illness, incapacity or absence of a member of the board. Clause 13 provides for the appointment of a secretary, inspectors and other officers, while Clause 14 provides power for the board to impose a levy upon growers. That is a matter that should be considered by members. They will see that the levy is fixed so that it shall not exceed the rate of ⅛d. per lb. on the quantity of dried fruits produced by each grower in the year in respect of which the levy is made.

Hon. J. M. Macfarlane: Is that the same charge as that imposed by the Export Control Board?

Hon. C. F. BAXTER: Yes, and it is considered that it will be sufficient. A board of this description will not require to have large funds. In fact, I do not know where the expenditure could come in that would eat up any considerable amount. One point that has been mentioned to me is that this represents another instance of Government control. The Minister does not want it and in fact there is practically no Government control involved, for the actual control will be left in the hands of the representatives to be elected by the growers. Clause 15 deals with the general powers of the board and

sets out that the board shall have power in its discretion to make contracts with any person in respect of the purchase or sale of dried fruits, to enter into contracts with boards appointed under legislation in force in other States for the concerted action in the marketing of dried fruits, and also to fix the export quota of each grower. I would emphasise that provision because it represents the crux of the Bill. Other powers vested in the board concern the providing of depots for the storage or distribution of dried fruits, the fixing of the remuneration to be paid for the sale or distribution of dried fruits, the fixing of maximum prices to be charged, whether wholesale or retail, and also the encouragement of the consumption of dried fruit and the creation of a demand on the part of the public by means of advertising or any other appropriate means. Clause 16 provides that the board may give directions as to the disposal of the season's crop of dried fruits. This clause will give the board power to control any glut. The board will not be compelled to dispose of the whole of a season's fruit during that season. If the market is glutted, the individual grower has to sell his produce as best he can to speculators. Under the provisions of the Bill the Board, working in conjunction with the Federal Government, and the rural credits branch of the Commonwealth Bank can make agreements enabling them to hold over supplies till next season and thus secure better prices for the growers. Clause 17 deals with the registration of growers, dealers and packing sheds and sets out that the existing growers shall register with the board and furnish certain particulars. The reference to dealers has crept into the Bill owing to provisions being taken from an Act in the Eastern States. Clauses 18, 19 and 20 are machinery clauses dealing with the control of packing sheds. That provision is very necessary. Clause 21 empowers the Minister to purchase or compulsorily acquire dried fruits.

Hon. J. M. Macfarlane: Why vest that power in the Minister?

Hon. C. F. BAXTER: In order to work in with the Federal authorities.

Hon. J. M. Macfarlane: But why can the board not secure assistance direct from the rural credits branch of the Commonwealth Bank?

Hon. C. F. BAXTER: It is necessary to give the Minister power to acquire any dried fruits that may be dumped here from the Eastern States. The clause really represer a protection to the growers in this Sta Clause 22 follows on the power conferr under the preceding clause and makes pr vision regarding the compulsory acquisiti of dried fruits. Clause 23 deals with pen ties for disobeying the directions of t board regarding the marketing of dri fruits, and Clauses 24 provides a penalty f selling fruit under the standard or misrepr sents the standard of fruit. The latter is most important clause because we cannot too much to build up the grade of our fru We are producing fruit equal to that in a other part of the world, but we do not g the benefit that should arise from the speci quality fruit we can grow. That is because uniform grade is not adhered to. The resu is that buyers do not know what they a purchasing. Clause 25 deals with regul tions to be made by the Government a Clause 26 sets out that all proceedings f offences against the Act shall be disposed summarily. The final clause, Clause 27, dea with financial provisions with which th House, of course, cannot deal. I hope t Bill will be passed after receiving caref consideration by hon. members. It is of vit importance that the measure shall be pass into law this session. Without it, the gre majority of our growers will have gone the wall by next season and the indust will have received such a setback that I a afraid legislation passed next session w be of little avail. I trust that as the resu of this legislation, those concerned will l able to work in conjunction with the Co monwealth authorities and others in t Eastern States so that the industry may l saved from being sacrificed. Interest people in the Eastern States are wonderi whether the Bill will be passed, becau they recognise its importance to them. the measure is passed it will be of gre assistance to the dried fruit growers. move—

That the Bill be now read a second time.

On motion by the Honorary Ministe debate adjourned.

BILL—EIGHT HOURS.

Second Reading.

Debate resumed from 9th December.

HON. H. SEDDON (North-East) [8.41] I desire to say a few words in regard to th Bill because it is one that will affect all th

industries of the State. We must recognise that the Government in introducing such legislation are merely carrying out the promises they made to the electors. Already they have put into operation the 44-hour principle throughout the Government departments and now they ask us to extend that principle to the general industrial world. We recognise that in giving effect to their policy, the Government have put it into operation without realising, in many instances, the ultimate effect. As an illustration I would mention the passage of the Workers' Compensation Act last session. Although it was passed with the intention of improving the industrial position of the workers, the effect was to increase costs in at least one industry—the mining industry—to the extent of about 10d. per ton. When it is realised that that particular industry cannot pass the burden on to the consumer, it will be admitted what a serious economic effect the continuance of such legislation will have. We are all anxious to improve the general wellbeing of the workers. We recognise that we must provide them with opportunities for leisure and from that standpoint much can be said in favour of the Bill. The Minister for Labour in the Assembly when introducing the Bill adduced the argument that the Bill would have the effect of meeting a very serious industrial problem, that of industrial fatigue. He went into the question very thoroughly and I would recommend hon. members to read his speech which appears in "Hansard" No. 13, of the present session. The question of industrial fatigue has occupied the attention of students of industrial management to a great extent and many volumes have been issued dealing with that subject. Although the Minister brought forward interesting statistics bearing on the question, he dealt with the results of a man's output following on the reduction of hours from the extraordinary periods of 100 hours per week, which were worked during the war period, and also 60 hours per week, compared with the results from a week of 48 hour. He was able to prove effectively that an increased output resulted when the men became accustomed to the shorter week. He followed up that argument and advanced the idea that by reducing hours from 48 to 44 a similar result would be achieved. The question really arises as to whether the 44-hour week is the best for all industries. The Bill assumes that it is. But when one considers the factors making up industrial fatigue, one wonders whether a broad general principle like this can be applied to all industries. There are several factors in the creation of industrial fatigue. There is, for instance, the monotony of the work; then there is the demand on the physical energy of the worker, or in other industries the demand on the metal energy, or the demand on the nervous energy of the worker; and in each case the exhaustion a man suffers has to be taken into consideration. Certain results are not immediately felt. For instance, nervous exhaustion may not show for a long time, but the consequence to the worker is all the more severe when it does show. Also, there are noises that, especially when the workers are engaged in mental activities, have a very serious effect upon output. This question has been closely studied and certain statistics relating to certain industries are available. But so far as I can gather there are very few statistics available dealing with the question of reduction of hours from 48 to 44 per week. Consequently, to say that the general result of reducing the hours will be beneficial to the community, is not sufficient; some strong evidence is needed to convince us. We have to recognise also the economic effect on that question. One would think the Government first of all would have looked into the position in respect to the finances of Western Australia, to see whether or not the present is an opportune time for interfering with the production of the country. I have here some extracts from the "Statistical Register" dealing with production and also with the amount of the national debt. These statistics cover the years 1914, 1915, 1923 and 1924. In 1914 the public debt stood at £34,420,000; in 1915 it was £37,022,000; in 1923 it was £58,943,000, and in 1924 it was £62,765,000. If we compare those figures on a percentage basis we find that from 1914 to 1923 the increase in the public debt was 71 per cent., while from 1914 to 1924 it was 82 per cent. We find that in 1914 the State's production was roughly 15½ millions; in 1915 it was £19,020,000; in 1923 it was £24,689,000; and in 1924 it was £29,228,000. Referring to those figures on a percentage basis, we find that the increase in production from 1914 to 1923 was 59 per cent., while from 1914 to 1924 it was 88 per cent.

Hon. G. W. Miles: Due to increased prices of wheat and wool.

Hon. H. SEDDON: In part, yes. The point I want to make is that whereas the national debt increased by 71 per cent., production increased by only 59 per cent. up to 1923, when we had got back to a relatively normal condition after the inflation of 1920. The figures for 1924 show the increase to have been 88 per cent. But 1924 was an exceedingly good harvest year, and it is not fair to take an abnormal year like that as a basis of comparison. On the other hand, in order to make fair comparisons, we have to remember that our basic year, 1914, was a year in which the agricultural yield was very low. It is therefore fairer to take 1915. If we compare the percentage figures between 1915 and 1923, we get a fairer comparison than would result from taking the years 1914 and 1924. The public debt increase between 1915 and 1923 was 59 per cent., while the production increase over the same period was only 29 per cent. In other words, on a percentage basis our indebtedness is increasing more rapidly than is our production, a state of affairs that should give us serious concern. This year there is every likelihood of there being a considerable reduction in the wheat crop.

Hon. J. M. Macfarlane: It will be about the same, I think.

Hon. H. SEDDON: I have seen Press reports suggesting that it will be considerably reduced as against last year. But assuming that it is about the same in volume, it has to be remembered that the increase in acreage is considerable, and therefore the cost of production will be much higher than it was last year. In other words, as a result of that increased acreage the revenue available next year must be less than it was in 1924. So, although everything is looking very fine when we regard last year, still when we recall that last year was an abnormal year we see there is need for caution before interfering wtih the economic position. A clause in the Bill to which I take exception is that providing for the exemption of the agricultural industry from the operations of the measure. I cannot understand why a Government that have committed themselves to the 44-hour week should have made this exemption for an industry carrying the greater part of the export trade of the State. It might be argued that the agricultural industry should be free from the imposition of shorter hours because it would be difficult to work shorter hours in that industry. By why should we confer this benefit upon the workers in our secondary industries, and at the same time refuse it to the workers in the agricultural industry? Consequently, if the Bill should reach Committee I will move for the deletion of that provision in order that all industries may stand on the same basis. I am quite aware that that will not meet with the approval of country representatives.

Hon. A. J. H. Saw: Nor will it meet with the approval of the Labour Party either.

Hon. H. SEDDON: One point arising out of the provision for that exemption is its effect on country workers. The Bill, if it becomes law, will have the effect of unsettling the men working in the agricultural industry. They will say, "Why should we be working exceedingly long hours in the country when we can get jobs in the city, and there enjoy a 44-hour week?" So it is going to increase the drift to the towns. That is why I say the exemption will not be to the best interests either of the State or of the agricultural industry. Again, the agricultural industry will have to bear the effect of the increased cost of production due to the introduction of the 44-hour week. That will naturally lead to an increase in the cost of production, an increase that will be passed on to the agricultural industry. So that industry will suffer as the result of the proposed decreased hours. That brings me to the point made by the Minister for Labour when moving the second reading of the Bill in the Assembly. He said that as a result of the introduction of the 44-hour week there would be no decrease in production. In support of that argument he brought forward a statement of the conditions operating in the Midland Junction workshops. He made comparisons between the number of men employed and the volume of work done at one period, and the figures relating to another period, and he showed that since the introduction of the 44-hour week the Midland Junction workshops were turning out more work with fewer men. If that is correct, I cannot understand why there should be any hesitation about applying the principle to the agricultural industry, where the conditions of labour are undoubtedly more severe than are those obtaining in the workshops. So there is a strong argument there for the removal of this exemption of the agricultural industry. Now I wish to refer to the mining industry. Members have had placed in their hands a letter from Mr. Richard Hamilton, president of the Chamber

of Mines. He points out the effect the reduction of hours will have upon the mines. No doubt the miners have a stronger claim for the reduction of hours than have the workers in many other industries where the 44-hour principle has been introduced. Still we have to recognise the economic position of the mining industry.

Hon. T. Moore: The miners work only 44 hours now.

Hon. H. SEDDON: Yes, underground men, but the effect of the Bill will be to introduce the 44 hours on the surface, and Mr. Hamilton points to the cost that will be entailed. For example, let me refer to the Sons of Gwalia mine, which is having a very hard tussle to make ends meet. No man can say just what will happen to that mine if the costs are increased by the introduction of the 44-hour week. The chances are the mine will have to face the possibility of closing down. The position of that mine may not be generally understood. In 1921 the plant was burnt down. For a while the directors seriously considered whether or not they should erect a new plant. It was only after very strong representations had been made to them that they decided to erect a new plant on the understanding that by installing an up-to-date equipment they would be able to work more economically than in the past. Their calculations provided only a very narrow margin on the capital invested. But they found the working costs after erecting the plant increased to such an extent that they were not able to make anything like what they had counted upon. Recent legislation has increased their costs, and now if we increase their costs still further the mine in all probability will have to close down.

Hon. J. R. Brown: It has been going to close down for the last 20 years.

Hon. H. SEDDON: Well, we shall have an opportunity there to see the result of the Bill. I am quite convinced that about the best thing we can do is to let the country face the position and realise what the result will be. We are assured from statistics that it will be increased production.

Hon. A. J. H. Saw: What statistics are they?

Hon. H. SEDDON: Those produced by the Minister for Labour in another place.

Hon. A. J. H. Saw: Produced from what source?

Hon. H. SEDDON: From the Midland Junction workshops. You will find them in "Hansard" No. 13. At the same time if those statistics be correct, I cannot understand why the exemptions have been decided upon. One point we ought to stress is that if the Government are going to introduce this 44-hour principle they must be prepared to come to the assistance of industries that will be made to suffer in consequence. I am putting the case of the mining industry. If the Government introduce conditions that will make the industry inoperative, the best thing they can do is to provide a subsidy to meet the position. My argument is that by our legislation we are bolstering up secondary industries, which will have the effect ultimately of making our primary industries more and more difficult to operate. This state of affairs is becoming more plainly evident as time passes. Unless we are prepared to see the whole system closed down, we must make up to the primary industries what we are taking from them in other directions. The only way to prevent primary industries being killed is to give subsidies to repair the losses. This shows the vicious circle in which we are moving. I wish to drive home to members the fact that this vicious circle does exist as a result of ill-considered legislation. This sort of thing has been carried on regardless of economic results. The sooner the position is brought home to the people of the State, the better it will be for them. I intend to support the Bill subject to the passing of the amendments I have outlined.

On motion by Honorary Minister, debate adjourned.

BILL—ROADS CLOSURE.

Recommittal.

Resumed from the 8th December. Hon. J. W. Kirwan in the Chair; the Chief Secretary in charge of the Bill.

The CHIEF SECRETARY: I have a new clause to move.

Hon. V. HAMERSLEY: I gave notice that I wanted Clause 7 reconsidered, but this was not put on the Notice Paper.

The CHAIRMAN: Then we will deal first with Clause 7.

Clause 7—Closure of a way through the land of Muresk Agricultural College:

Hon. V. HAMERSLEY: I asked the Chief Secretary for further information upon this subject. I find there is some doubt as to whether the clause should be in the Bill

or not. I understand this thoroughfare is a right-of-way that was made through the property when it was originally cut up, and that the owners of land to the north bought their properties and paid for them on the understanding that the right-of-way remained. This right-of-way is shown on the title deeds, and was to exist for all time. It gave these northern owners access to the Muresk railway siding. If the right-of-way is closed, these people will have to travel 18 miles out of their way to reach a railway station. Further inquiry should be made before the clause is passed, if indeed it is not struck out.

The CHIEF SECRETARY: It is admitted that a road is necessary, but the present road divides the Muresk property and is inconvenient. It is not intended by the Government to take away the road without supplying another. Before the Bill is proclaimed the Minister for Lands will consult the local authorities and make provision for a satisfactory road.

Hon. V. HAMERSLEY: The new road should be provided before the clause is passed. There should be a main road leading from the Muresk Siding through the college estate to Seabrook. I understand it is not possible to open up any other road.

Hon. H. STEWART: We should know the opinion of the advisory board upon this matter. I do not see that any harm would accrue if the clause were struck out. In all such institutions the public should be encouraged to drive through them and see what is being done. The clause might easily be removed from the Bill, and if necessary it could be introduced at some future date.

Hon. J. J. HOLMES: We would not be doing justice to ourselves if we allowed such a clause to pass. I keep a watchful eye on roads that the Government desire to close. This, I think, is the first occasion when we have been asked to close a road without providing another in its place.

Hon. A. J. H. SAW: I agree with Mr. Holmes. One does not know how long it will be before the authorities will provide a new road to take the place of the one they desire to close. If they are as long about it as they were in connection with the appointment of a principal for the college, it may be several years before we get another road.

Hon. H. A. STEPHENSON: I cannot vote in favour of closing this road. It is serious to close a road which has been a useful thoroughfare for farmers. The Chief Secretary told us that a new road would be provided, but he did not say when it would be provided.

Clause put and negatived.

New clause:

The CHIEF SECRETARY: I move—

That the following new clause be added to stand as Clause 8:—"Power of Governor to close portion of Barker Street, North Fremantle: The Governor may, by proclamation, declare that that portion of Barker Street, in the Municipality of North Fremantle, lying between North Fremantle Lots 40 and 41 from Bracks Street to Ocean Parade, shall be closed, and thereupon all rights of way over same shall cease, and the soil thereof shall by virtue of such proclamation be revested in His Majesty."

I understand that this street is not used. As a matter of fact it has not been constructed and there is another street about eight or ten chains away which can be used. The British Imperial Oil Co. own the land on each side of the street it is intended to close, and the proposal is that if the street is closed, the property will be handed over to the North Fremantle council and permission will be given them to sell it to the Oil Company. The proceeds will be utilised for the improvement of the other streets. No objection has been raised to the proposal.

Hon. J. J. HOLMES: I would like to know whether an amendment of this description introduced at this stage, is in order. If the closure of this particular road had been in the Bill originally, the Bill might not have passed the second reading. A Bill of this description must come along in the usual way with all its clauses. No one has heard anything at all about this latest street that it is proposed to close and the procedure is certainly new. I received a letter some little time back from a resident of North Fremantle who pointed out that one of the oil companies at North Fremantle had a thoroughfare running through land held by it and the difficulty was that that thoroughfare was always blocked by vehicles belonging to the company, and that the public were prevented from getting through. The people of North Fremantle should have some notice of a proposal of the description submitted by the Chief Secretary. Is the road macadamised?

The Chief Secretary: No, it is sand.

Hon. J. J. HOLMES: But there are sand roads which the people are often compelled to use.

The Chief Secretary: I am not sure that I am correct in saying that the road is not constructed. It may be constructed.

Hon. J. J. HOLMES: I am inclined to think that the road in question is the one referred to by my correspondent.

Hon. G. POTTER: When this Bill was before the House on a previous occasion Mr. Holmes, either in a speech or by way of interjection, stated it was always advisable for municipalities to give a matter such as this their blessing. I made a point of approaching the mayor and town clerk of North Fremantle, and I was told that the local council had discussed the matter exhaustively and that the council were unanimously in favour of the closure of the road. The closure will enhance the value of adjoining property and make for the good carrying on of the particular business of the company and will enable them to extend their works and operations.

Point of Order.

The Chairman: Do I understand that Mr. Holmes has raised a point of order?

Hon. J. J. Holmes: Yes. I wish to know whether it is in order to introduce a clause of this description after the second reading has been agreed to. The Bill was introduced for the specific purpose of closing certain roads. It is now proposed that we should close another road. My point is that a separate Bill is necessary.

The Chairman: Under the Standing Orders the title of a Bill should coincide with the Order of Leave. In this case the Bill provides for the closure of portions of certain rights of way and for other relative purposes. The amendment that has been moved proposes to give power to close a road that is not now referred to in the Bill. I confess that the point as to whether the Bill is or is not in order is very debatable. I would like to hear the Chief Secretary in justification of the introduction of the clause.

The Chief Secretary: A Bill that is introduced for the closure of a road is usually very comprehensive, but perhaps it would be better if the point raised by Mr. Holmes were investigated. I will therefore move—

That progress be reported.

Motion passed.

Progress reported.

BILL—BRITISH IMPERIAL OIL COMPANY LTD. (PRIVATE.)

Second Reading.

HON. W. H. KITSON (West) [9.30] in moving the second reading said: This small Bill is introduced in accordance with a report of a select committee appointed by another place. The object of the Bill is to give the British Imperial Oil Company the right to lay pipes along a certain street and to do other things. The company are British, and they intend to import oil in bulk and to can and case it locally for distribution. To do this it is necessary to erect storage accommodation, for which a site has been selected on the foreshore at North Fremantle. The site at present is nothing but waste land close to the old abattoirs. It is proposed to erect large storage tanks, and other works will be built some little distance nearer to North Fremantle proper. The company have entered into a lease with the Government for a site of six acres, and I believe the conditions are considered satisfactory from the point of view of the Government and the company.

Hon. J. Nicholson: Is it a lease?

Hon. W. H. KITSON: I am advised that it is. The company propose to undertake the construction of works immediately at an estimated cost of £60,500. When the works are completed, the canning and casing of oil will be undertaken, which will mean a new industry and the employment of a large number of men. The Bill gives the company the right to lay pipes to supply oil to steamers calling at Fremantle. The rights asked for under this measure are similar to those granted in other States and similar to those conferred upon the Anglo-Persian Company at Fremantle. Every safeguard has been provided. The company cannot proceed with any work or interfere with any water main, sewerage pipe, etc., without the approval of the Government, and the company have to undertake the full cost of any such work. The representatives of the local authority, the Crown Law Department, and the Harbour Trust have been consulted. An agreement has been made with the North Fremantle council as to the amount of rates to be paid annually on the pipes. Members have before them a copy of the select committee's report, from which they will be able to obtain all necessary information. I am pleased to commend this

measure, and I hope it will be received without opposition. I move—

That the Bill be now read a second time.

HON. E. H. GRAY (West) [9.37]: I support the second reading and am pleased that the company have started operations here. I consider, however, that the company have been very much under-rated by the North Fremantle council. According to the report of the select committee, the Solicitor General expressed himself satisfied so long as the representative of the North Fremantle council was satisfied. A sum of £35 per annum has been agreed upon as rates on the pipes run under the street, a ridiculously low amount. Once the measure is passed it will operate for all time. Anyone who has watched the operations of the water supply department knows that no company, after breaking up the streets, would restore them to the same order. The report refers to the pipes running under an unmade road, but that is not to say it will be unmade for all time. I am not satisfied that the people's rights have been sufficiently safeguarded. The amount to be charged to the company for rates is not equal to the license fee charged for a motor bus. I am not content to leave this matter to the North Fremantle council, and I voice my objection to the amount being fixed so low.

On motion by Hon. V. Hamersley, debate adjourned.

House adjourned at 9.40 p.m.

Legislative Assembly,

Thursday, 10th December, 1925.

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

QUESTION—RAILWAY CONSTRUCTION, YARRAMONY EASTWARD.

Mr. GRIFFITHS asked the Premier: 1, Is he aware that consternation prevails at Hindmarsh, Quelagetting, North Cundeidin, West and East Yorkrakine, Kodj Kodjin, and North Baandee because of the failure of the Government to provide tangible proof of their intention to proceed with the building of the Yarramony Eastward railway? 2, If so, can he indicate whether there is any likelihood of some use being made before June, 1926, of the amount of £30,000 provided on the Loan Estimates? 3, Could not at least the earthworks be started, as an encouragement to the 200 settlers affected?

The PREMIER replied: 1, No. 2, Answered by No. 1. 3, Yes.

QUESTION—POLICE, TRAFFIC BRANCH.

Staff; Motor Cycles and Cars.

Mr. MARSHALL asked the Minister for Justice: 1, How many officers are permanently attached to the Traffic Branch? 2, How many motor cycles, and of what makes or models, are attached to the branch? 3, How many motor cars, and of