

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

Ayes	..	..	..	..	19
Notes	..	..	..	..	17

Majority against 2

AYES.

Mr. Brown	Mr. Pantou
Mr. Collier	Mr. Patrick
Mr. Hegbey	Mr. Piesse
Miss Holman	Mr. Sleeman
Mr. Johnson	Mr. F. C. L. Smith
Mr. Kenneally	Mr. Wansbrough
Mr. Marshall	Mr. Wilson
Mr. McCallum	Mr. Withers
Mr. Millington	Mr. Corboy
Mr. Nulsen	

(Teller.)

NOES.

Mr. Angelo	Mr. McLarty
Mr. Barnard	Sir James Mitchell
Mr. Church	Mr. Scaddan
Mr. Doney	Mr. J. H. Smith
Mr. Ferguson	Mr. J. M. Smith
Mr. Griffiths	Mr. Thorn
Mr. Latham	Mr. Wells
Mr. Lindsay	Mr. North
Mr. J. I. Mann	

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Raphael	Mr. Parker
Mr. Coverley	Mr. Sampson
Mr. Lemoind	Mr. Davy

Motion thus passed.

Progress reported.

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT.

Order of the Day read for the resumption of the debate from the previous day on the Second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Third Reading.

Read a third time, and transmitted to the Council.

House adjourned at 2.3 a.m. (Friday).

Legislative Council,

Friday 16th December, 1932.

	PAGE
Question: North-West development	2548
Leave of absence	2548
Motions: "Golden Eagle" nugget	2548
State Forests revocation	2549
Bills: Secession Referendum, 3a.	2551
Land and Income Tax Assessment Act Amendment (No. 1), 3a., passed	2551
Land and Income Tax Assessment Act Amendment (No. 2), 2a., Com.	2551
Timber Workers 2a.	2552
Electoral Act Amendment, 2a., etc.	2556
Farmers' Debts Adjustment Act Amendment, 1a., 2a.	2563
Metropolitan Whole Milk, 1a., 2a.	2565

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

QUESTION—NORTH-WEST DEVELOPMENT.

Hon. J. M. MACFARLANE (for Hon. E. H. Harris) asked the Chief Secretary: Will he lay on the Table the report of the committee recently appointed by the Government relating to the development of the North-West?

The CHIEF SECRETARY replied: Yes.

LEAVE OF ABSENCE.

On motion by Hon. J. Cornell leave of absence granted to Hon. C. B. Williams (South) for six consecutive sittings on the ground of urgent private business.

MOTION—"GOLDEN EAGLE" NUGGET.

HON. G. W. MILES (North) [4.34]: I move—

That in the opinion of this House, notwithstanding anything contained in Section 4 (3) of the Financial Agreement Act, 1928, the Government should transfer the purchase price of the "Golden Eagle" nugget, £5,438 4s. 2d., to the credit of loan funds as suggested by the Auditor General on page 37 of his annual report for 1932.

In submitting this motion I wish to explain there is in it nothing hostile to the Government. I merely want the House to express an opinion as to the method of keeping Government accounts and I have selected this item as a means of indicating to the Government that the method should be

altered. According to the Financial Agreement Act, when any properties are sold through the Government Property Sales Fund the amount must go into revenue. This item of the "Golden Eagle" nugget should not have been debited to Loan Fund but, according to the Auditor General, should have been debited to revenue. The nugget was purchased for £5,438 4s. 2d. and the revenue fund was credited with the proceeds of the sale, £6,647 13s. 1d., including gold bounty £127 2s. 11d., and debited with £586 7s. 2d. loss on exhibitions, and £36 11s. 4d. transport expenses of the nugget from the goldfields to Perth. The net amount credited to the fund was £6,024 14s. 7d. There was an actual profit of £586 10s. 5d., and that amount should certainly have been credited to revenue account, but the other amount should have gone back to the credit of loan fund. This system of keeping accounts is not business, it creates a false position and the taxpayer cannot follow the transactions. It requires fresh legislation to amend the system. If, for instance, the Government were to sell the State sawmills for half a million, under the existing law that amount would go into revenue account and we would still have the liability of half a million, which would be paid out of sinking fund over a number of years.

Hon. W. H. Kitson: Would it not go to the credit of the Sales of Government Property Account?

Hon. G. W. MILES: Yes, it first goes into that and then goes into revenue account. It is only a matter of bookkeeping, but the accounts should be kept clear so that the people could follow them. Any item should go into loan fund if the purchase money was provided out of loan fund. In private business, if a man with a house costing £1,000 sells that house and takes the £1,000 into revenue, he has to pay income tax on that amount, and if he were to use it as revenue and spend his £1,000 he would be to that extent worse off at the end of the year. The present system is entirely wrong. It has gone on from time immemorial and I want to enter my protest against it so that the Government next session, I hope, will bring down legislation to remedy the position and set up proper books of accounts. There is no need to stress the question at this juncture, for I emphasised it when speaking on the Appro-

priation Bill. It will be said the system cannot be amended under the Financial Agreement Act; but the point is the money should not have been taken out of loan fund if it was intended to sell the nugget. The simple and proper thing to do would be to transfer the amount to the credit of the loan fund. Members will agree that the present system is not proper accounting and that it would be much better if correct books of account were kept, so that the taxpayer would be able to follow the Government accounts, which he cannot do to-day.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [4.40]: The Auditor General, in his annual report to the 30th June, 1932, does not suggest, as Mr. Miles says he does, that the proceeds of the sale of the "Golden Eagle" nugget should be credited to loan fund. What he said was that if at the time of the purchase of the nugget it was intended by the Government to sell it, loan fund should not have been debited with the cost. But when the nugget was purchased it was intended to hold it and exhibit it, and so the charging to loan fund was quite correct. The Financial Agreement Act provides that sales of Government property shall be taken into special account in Consolidated Revenue. To carry out Mr. Miles's suggestion would require an amendment of the Financial Agreement Act, but such an amendment is not desirable since the revenue account is charged with an annual sinking fund to redeem the loan, and so ultimately revenue will bear the full cost of the purchase price of the "Golden Eagle" nugget. Consequently, nothing is to be gained by the House agreeing to the motion.

On motion by Hon. J. M. Drew, debate adjourned.

MOTION—STATE FORESTS REVOCATION.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [4.43]: I move—

That the proposal for the partial revocation of State forests Nos. 14, 15, 28, 33, 34 and 42 laid on the Table of the Council by the command of His Excellency the Lieut.-Governor and Administrator be carried out.

The proposal provides for the excision of seven areas, embracing a total of about 645 acres. Under Section 21 of the Forests Act,

1918, a dedication of Crown Lands as a State Forest may only be revoked in whole or in part as follows:—

(a) The Governor shall cause to be laid on the Table of each House of Parliament a proposal for such revocation.

(b) After such proposal has been laid before Parliament, the Governor, on a resolution being passed by both Houses that such proposal be carried out, shall by Order in Council revoke such dedications.

(c) On any such revocation the land shall become Crown land within the meaning of the Land Act, 1898.

Each of the areas mentioned has been carefully classified, and the relationship to adjoining private property and the State Forest in each case has been considered, with the result that the Conservator has recommended the excisions of the areas as being in the best interests of the State. The following is a brief explanation of each area:—

Area No. 1.—Two miles south east of North Dandalup. About 160 acres on the edge of State Forest, not required for forestry purposes. Application made by two residents in the locality.

Area No. 2.—Three miles north of Collie. About 40 acres of alluvial land on the Harris River, for which application has been made.

Area No. 3.—Three miles north-west of Nannup. About 12 acres, which it is proposed to make available as an extension of an adjoining settler's holding.

Area No. 4.—2½ miles south-east of Cambray. About 184 acres, for which application has been made. The area has been cut over and is not suitable for regeneration.

Area No. 5.—Six miles west of Palgarup. About 160 acres which is being made available following a general assessment of State Forest in the locality.

Area No. 6.—One mile north-east of Norralup. About 45 acres of scrub country lying between the State Forest boundary and the belt of good timber. Application made by a settler in the vicinity.

Area No. 7.—Seven miles south-east of Nannup. About 44 acres which it is proposed to make available to the adjoining land holder in exchange for an area of good jarrah country at present included in his holding.

The policy of the Government is to bring as much land as possible into use instead of permitting it to be idle. As I have explained, the bulk of this is already applied for, although one area is being exchanged with a settler for an area of good jarrah country.

HON. J. M. DREW (Central) [4.49]: I know very little about this class of country, but, in the interests of that particular district, I think I might ask for some further explanation from the Chief Secretary. I want to know whether the public generally have had an opportunity to apply for these particular blocks. Has it been announced that they were available for selection, or can anyone go on to a piece of timber country, pick the agricultural eyes out of it, apply to the Government, and secure it? If it is generally known that this can be done, and there are good agricultural spots in this timber country, before the Government decide to give it to the first applicant, applications should be invited, subject to the approval of Parliament as to the revocation of the dedication.

HON. V. HAMERSLEY (East) [4.51]: I know of many areas of agricultural land in districts with which I have been associated, that in some cases were taken up years ago with the intention that they should be worked, but the selectors did not go on with their job, and left the blocks. A man took up 500 acres and paid only the first instalment upon them. He left the land for about 13 years. Meanwhile a good deal of settlement took place in the locality. Someone reported that the conditions were not being complied with by the original selector. Upon receipt of that report, the original application was cancelled, and the property publicly advertised as open for selection. It then had to run the gauntlet of any application that came along. The man who made the report had to take his chance with the other applicants. There are many similar cases in which this has been the rule. We frequently hear of instances where someone has acquired what was once a reserve. He has had some inside information, and before the reserve has been thrown open he has been able to acquire it, although other people might have been glad to pay a considerable sum of money to get it. I should like to know a little more about this matter. In these areas referred to by the

Chief Secretary there may be other applicants who are more desirable settlers than those immediately concerned.

The Chief Secretary: I gave the papers to the House yesterday.

Hon. V. HAMERSLEY: This is the first I have heard of them.

The Chief Secretary: I drew attention to the matter yesterday.

Hon. V. HAMERSLEY: We have not yet had an opportunity to look into the papers. Surely there is no great urgency about the matter, and it might well be allowed to stand over until next Tuesday.

On motion by Hon. A. Thomson, debate adjourned.

BILLS (2)—THIRD READING.

1, Secession Referendum.

Returned to the Assembly with amendments.

2, Land and Income Tax Assessment Act Amendment (No. 1).

Passed.

BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT. (No 2.)

Second Reading.

HON. J. J. HOLMES (North) [4.58] in moving the second reading said: This is a simple Bill of two clauses. It was introduced by a private member in another place, where it received the approval of the House. It brings the State legislation into line with the Federal legislation. It provides for the deduction under the Land and Income Tax Act of any amount that exceeds £1, which has been given to any fund established for the relief of persons in distress or the support or maintenance of any public hospital in any part of the State. Under the Federal Act a deduction can be made for any sum over £1 given to charity, and a person claiming the deduction has to satisfy the Commissioner of Taxation of the correctness of the claim. It is hoped by allowing the deduction set out in the Bill to encourage charitably disposed people to get back to where they were in the way of assisting financially those institutions that are in need of help. If the Bill has that effect it

will accomplish some good. It meets with the approval of the Treasurer. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; Hon. J. J. Holmes in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 31:

Hon. V. HAMERSLEY: It is a pity that the sponsor of the Bill did not go a little further. Those people who are in the habit of making donations to horticultural or agricultural societies have never been permitted to deduct those donations when sending in their taxation returns. Subscriptions of that kind are usually for the benefit of the State and they are made not only in the metropolitan but in agricultural districts and should be encouraged just as much as are contributions made to charitable institutions. The various societies throughout the State carry on good work and that is assisted to a great extent by the donations they receive. If it were possible to deduct those donations from income tax returns I think subscriptions to the various societies would be increased. I commend the suggestion to the Government in the hope that something will be done in this direction in the future. If the Bill had been brought in a little earlier, it might have been possible to amend it in that direction.

Hon. J. M. MACFARLANE: It would be a good thing to adopt the suggestion made by Mr. Hamersley. I am sure it would result in additional donations being given to horticultural and agricultural societies throughout the State. I should like to move that these societies be included.

The CHAIRMAN: Mr. Hamersley has not moved any amendment and so there is nothing before the Chair.

Hon. J. J. HOLMES: I want to avoid any complications. The Bill will bring the position into line with the Federal law and if it is desired to include agricultural and other societies, it might be better to introduce a separate Bill.

Hon. G. FRASER: I trust that no additions will be made to the clause. If the

times were normal I would support the suggestion made by Mr. Hamersley, but it would be a dangerous course to follow, remembering the present state of the finances. If we allowed subscribers to various societies to claim deductions, there might not be an end to the matter. There are many bodies that I would include too.

Hon. Sir EDWARD WITTENOOM: If it is proposed to make alterations, something should be done to remove the exemptions for children. Fancy allowing £62 exemption for each child. A man with four children gets a deduction then of about £250.

Hon. W. H. KITSON: And don't you think such a person is entitled to it in these days?

Hon. Sir EDWARD WITTENOOM: It is too much altogether.

Clause put and passed.

Title:

Hon. W. H. KITSON: Is the title correct? I notice that in a similar Bill which we have just passed the title amends the Land and Income Tax Assessment Act 1907-31." The Bill before us amends the similar Acts of "1907-24."

Hon. J. J. HOLMES: It might be as well to report progress. That point can then be investigated.

Progress reported.

BILL—TIMBER WORKERS.

Second Reading.

HON. W. H. KITSON (West) [5.15] in moving the second reading said: The object of the Bill is to place a section of timber workers, namely sleeper hewers, in the same position as other sections of workers in the industry, more particularly in regard to their rights to sue for wages. I understand that in recent years considerable change has taken place in the conditions under which sleeper hewers are engaged. Years ago many of the men were employees of timber companies, but to-day many of them are employed by men who have recently entered the industry and who have no material standing. A custom has grown up whereby contracts are let to a contractor, who sublets to a sub-contractor, and the sub-contractor engages the sleeper hewers. The conditions under which the hewers are engaged in many instances deprive them of the right to sue for wages under the Mas-

ters and Servants Act in the event of default by the sub-contractor or the contractor. As a result, a considerable amount of money has been lost to the hewers. Men have been engaged by sub-contractors who have received their money, but who have not passed on the wages agreed upon to the hewers. Only comparatively recently was it discovered that the hewers had no legal rights under the Masters and Servants Act. A test case was taken last year, and it has been found that the men have no redress unless two Acts are amended, one the Masters and Servants Act and the other the Industrial Arbitration Act.

Hon. Sir Edward Wittenoom: Why did you leave the introduction of the Bill till so late in the session?

Hon. W. H. KITSON: I am not responsible for that. The Bill has been before another place for some months, and it arrived here only within the last 48 hours. The measure is important from the point of view of the men because so many of them have been literally defrauded of their wages.

Hon. Sir Edward Wittenoom: Do not you think it is an important Bill from the point of view of the employers?

Hon. W. H. KITSON: Yes. The genuine employers, the timber companies, however, have nothing to fear because they always meet their obligations. The Bill is designed to cover men who have recently entered the industry and who cannot be placed in the same category as timber companies. Many of the recent entrants to the industry are men of straw. I wish to quote the appropriate extracts from the Acts affected. The definition of "employed" in the Masters and Servants Act reads—

The word "employed" shall include any servant, workman, labourer, clerk, artificer, apprentice, or other person, whether under or above the age of twenty-one years, or whether a married woman or not, who has entered into a contract of service with any employer, either at salary or wages, or for any remuneration, whether in money or otherwise, or to perform work at a certain price by the piece or in gross.

"Contract of service" is defined thus—

The words "contract of service" shall include any contract between employer and employed, whether in writing or by parole, whereby the employer agrees to employ and the employed agrees to serve for any period of time, or to execute any work, etc.

The Industrial Arbitration Act contains the following definition of "worker"—

"Worker" means any person of not less than 14 years of age of either sex employed or usually employed by any employer to do any skilled or unskilled work for hire or reward, and includes an apprentice.

Until comparatively recently it was assumed that sleeper hewers came within those definitions. Only when the test case was taken was it discovered that hewers were not covered by those Acts. The decision of the Supreme Court was given on the 20th May, 1931, and following its delivery the Timber Workers' Union, to which most of the sleeper hewers belong, approached the Arbitration Court with a view to getting their award amended so that there would be no mistake. The court pointed out, however, that no matter what amendments were made in the award, they would have no effect on the men so long as the Supreme Court decision stood. From time to time various awards have been delivered covering the work of hewers, and in every instance I believe the terms of remuneration have been on the basis of loads of sleepers. That is so to-day, excepting that certain men who have entered the industry have been successful in securing hewers to work for them under conditions which may be in writing or which may be oral. The hewers understood that they had legal right to claim for their wages, if necessary, under the Masters and Servants Act or under the Industrial Arbitration Act, but the appeal to the Supreme Court showed that that was not so. This matter has an important bearing on other sections of the community in the South-West. It has been the custom that, when a sleeper hewer secured a contract for sleepers, he was allowed credit by the local storekeeper on the understanding that when he received his money he would pay the store account. It is estimated the amount of money lost to storekeepers in recent years is certainly not less than £50,000, and if the whole of it could be calculated, the total would be considerably more. It is having a serious effect, also, on the ability of the hewers to secure credit at any time, because the storekeeper says, "I had to wait nine months or 12 months for my money on the last occasion, and I am not prepared to take the risk of having to wait so long

again." Hewers have had to wait as long as nine months for their wages, and one of them had to wait over three years. That being so, members will agree that it is only right that the hewers should be placed in the same position as other workers in the industry. Mr. Justice Northmore, at the time Acting Chief Justice, gave his judgment as follows:—

This is an appeal from a decision given upon a complaint brought under the Masters and Servants Act in the Greenbushes Court. The complainant was a sleeper hewer and the respondent to the complaint was a man who apparently bought sleepers for supply to those who were shipping overseas. It is admitted that a contract was made between the complainant Milentis and the respondent Tucak, under which Tucak was to pay to the complainant £2 per load for sleepers which he was to cut, and those sleepers were to be paid for when they had been passed by the Government inspector and when Tucak himself had been paid. It was also provided by that contract that the complainant was to receive no payment in respect of condemned sleepers, but that those condemned sleepers were to belong to him and he was to pay for their cartage and inspection. Under that contract the complainant cut a certain number of sleepers which have not yet been paid for by the respondent (the appellant in this case). He has made no payment for them to the complainant. The complainant therefore proceeded against him in the police court under the Masters and Servants Act, and claimed that notwithstanding the agreed terms of payment for the sleepers he had cut, he was entitled to be paid in cash under the terms of an award which was made in connection with the timber industry by the Western Australian Arbitration Court.

Two questions arise upon this appeal. The first is whether in the circumstances the relationship of master and servant did exist between the complainant in the court below and the appellant in these proceedings.

Of course, if it be determined that that relationship did not exist, that is an end of this appeal; but as there are, I understand, other cases in which evidence might be given to distinguish them on the facts from this case, the second question may arise, namely, whether assuming the relationship of master and servant to exist, the award in question extended to cover a sleeper-hewer.

On the first point, I think I need say no more than that the facts in the case cannot be distinguished from the facts in the case of *Enor v. Lewis & Reid, Ltd.* In that case, which was decided by the Full Court here, it was held that the relationship of master and servant was not created by such a contract as has been deposed to in this case. Therefore on that point the appeal succeeds; and it is really unnecessary to say anything further. However, as the other question has been argued,

I may state that in my view the award in question does not cover a sleeper-hewer working as this complainant was working. Therefore, on that point also, the appellant is entitled to succeed.

DWYER, J.: I agree. On the second point my view also is that, so far as can be gathered from the evidence adduced, a sleeper-hewer cannot be said to be covered by the terms of the award. It may be that in other proceedings further evidence could be produced which would lead to a different conclusion.

Appeal allowed with costs; judgment in court below to be reversed; and judgment entered for defendant with costs.

It was as a result of that judgment that the parties concerned decided to approach the Arbitration Court for an amendment to make the position clearer. All parties to the award were of the opinion that the sleeper cutters were covered, but, owing to the construction placed upon the award by the Supreme Court, it was ruled that the men were not covered. In the additional proceedings before the Arbitration Court, the facts were made clear. It was pointed out that it was originally understood that the sleeper cutters were covered by the award, and the decision of the Supreme Court had rendered it necessary for both parties to ascertain where they stood. The Arbitration Court had already dealt with the duties of the sleeper cutters and their remuneration, and in the course of delivering judgment, Mr. President Dwyer, after referring to that fact, said—

That will not, of course, I repeat for the information of the union, in any way alter the position that a worker must necessarily be a worker within the meaning of the Act in order that any award we may make might have any effect on his industrial basis.

Mr. Somerville, in the concluding part of his judgment said—

It would be deceiving the union to hold out any hopes that these evils can be dealt with by any alteration to the awards. They can only be removed by special legislation.

Mr. Bloxsome, in the course of his judgment, spoke along similar lines. The point there is that the Arbitration Court set out very definitely that, so long as the decision of the Supreme Court stood, the sleeper cutters were not workers within the meaning of the Act and that being so, nothing the Arbitration Court could do by amending the award would be any benefit to them. Those men are not

in any different position from other sections of workers, particularly in the primary industries. I would cite the position of shearers, who are paid so much per hundred. They enter into a contract of service, which is known as an agreement, that embodies conditions that are well understood by those who are parties to it. It is not argued that shearers are not workers within the meaning of the Act. It has been left for sleeper cutters to be placed in that category. It would be wrong to allow them to remain in that position, in view of the circumstances I have pointed out. Some years ago the sleeper cutters were at a disadvantage compared with other workers under the provisions of the Workers' Compensation Act. In 1923 Sir James Mitchell, the present Premier of the State, was responsible for the introduction of amending legislation that had the effect of placing the sleeper cutters in the same position as others working in the timber industry. In view of the invidious position of the sleeper cutters arising out of the Supreme Court decision, it has become necessary to amend the Masters and Servants Act and the Arbitration Act as well. For the information of the House, I would point out that the so-called contract entered into by these workers—in some instances the contract was in writing and in others it was merely verbal—embodied certain conditions, the result, so to speak, of instructions from the Federal Government. The Federal authorities required a large number of sleepers and they made contracts, sometimes with the contractors direct and sometimes the contractors sublet them to sub-contractors, who were responsible for the engagement of a sufficient number of hewers to enable the required number of sleepers to be delivered within the specified time. One clause dealt with the employment of sleeper hewers and read:—

No person not being a natural-born or naturalised British subject shall be employed by the contractor or any sub-contractor in, or in connection with, the execution of the service unless British subjects are not available for employment.

Another clause provides for preference to returned soldiers, with next preference to financial members of trade unions. Another clause inserted in the contract set out that sleepers were to be paid for within 14 days after the sleepers had been loaded on the

ship and the ship had sailed. That is distinctly unfair. There have been instances of men having been engaged for months on the hard work of sleeper cutting, delivering to sidings or stacking sites at the port, and then, having fully complied with all the terms of the contract, they received nothing at all although the contractor, or sub-contractor, had received payment for the timber. The sleeper cutters in those instances were without redress. Is that a fair proposition? Another provision in the contract set out that the buyer was bound to take delivery only subject to the steamer's arrival and loading. That meant that although the sleeper cutters might have been working for months, during which they had secured supplies from the storekeepers on credit, and had delivered the sleepers in accordance with the terms of the contract, the contractor was not required to take delivery if the vessel did not arrive or, for some reason or another, the timber was not loaded on the boat.

Hon. Sir Edward Wittenoom: Why did they accept work under such conditions?

Hon. W. H. KITSON: That is one of the peculiar features to-day. In view of the stressful conditions that obtain, the sleeper cutters are forced to do many things that they would not otherwise agree to. They have been forced to accept verbal assurances that certain conditions would apply and that payment would be made accordingly. Those conditions have not been complied with and, arising out of the decision of the Supreme Court, the workers have no redress. In 1923 or 1924 a firm known as Ulrich Bros. commenced business as sleeper contractors. They had practically no capital at all. In 1928 they went out of business owing roughly about £10,000 to the cutters, storekeepers and property owners, as well as for royalties. They received payment for all the sleepers they secured but they paid nobody. That did not prevent Ulrich Bros. from embarking upon similar business and, unfortunately, the sleeper cutters had no hold over them. This year, when a Commonwealth order was available, Ulrich Bros. secured a contract from the contractors and again defaulted, owing money to the cutters for all the sleepers cut for them. The cutters have no remedy against them at all.

Hon. E. H. H. Hall: Do you mean to say that even the Government secured no royalty in 1928?

Hon. W. H. KITSON: That is so.

Hon. E. H. H. Hall: It is an astounding state of affairs.

Hon. W. H. KITSON: A man named Smith started in 1927 and carried on for three months, when he defaulted for £150. In 1924 or 1925, a man named Coffin started in the business and, after operating for two years, faded out of the industry owing £1,000. Another man named Hough carried on for a year and then left his cutters lamenting for their money to the extent of £1,000. I could quote quite a number of other instances in which the contractors or sub-contractors received full payment for the timber supplied under the contracts, but the cutters themselves, who did the actual hard manual labour, received nothing at all. There is another instance in which a man cut 1,355 sleepers and all he received in return was £37 10s. The unfortunate man had to pay away that money to the storekeepers for supplies he had received. In many of these instances, the sleeper cutters secured nothing whatever in return for their labour. During the period they have been operating, the contractors have not been placed in the same position as the sleeper-cutters. They were able to get all they required simply because they were paid for their part of the business, but the sleeper-cutter, and the storekeeper from whom the sleeper-cutter obtained his goods, were, to use common parlance, left to carry the baby. The sleeper-cutters have been kept out of their money for long periods. Within the last month or six weeks, a large number of cutters had the greatest difficulty in obtaining the money that was due to them, but for a different reason still. The storekeepers in various parts of the timber districts in the South-West have been carrying the cutters for considerable periods, and in many cases with very little hope of being paid.

Hon. E. H. H. Hall: It is a wonder the storekeepers continued to carry them on.

Hon. W. H. KITSON: They did. Those who have had any experience of the timber districts in the South-West know that the storekeeper has a very good opinion of the average sleeper-hewer. For years they have been able to trust each other, and there

has been little cause for complaint. In recent years, however, owing to the sub-contractors not paying the sleeper-cutters and taking advantage of the law as it stands to-day, the storekeepers have had to go without the money to which they are justly entitled. I do not know that I need say more at this juncture. The Bill is a small one, comprising only two clauses. The vital clause of the Bill is practically the same as the amendment to the Workers' Compensation Act which was introduced by Sir James Mitchell in 1923. I have no hesitation in submitting the Bill to the House, because I know members of this Chamber believe, as I do, that the worker—particularly the manual worker—is worthy of his hire. There are few industries in the State in which the men have to work under the same arduous conditions as the sleeper-hewer. It must be borne in mind also that the conditions to-day are harder than they were years ago. The hewer has greater difficulty now in securing suitable timber than he had 20 or 30 years ago. The bush has been cut over two or three times, and the men have to go further afield in order to find timber suitable for sleepers. Again, a competent cutter cannot cut more than two loads of sleepers per week, and the average price paid to-day for sleepers very seldom exceeds £2 per load. I think members will agree with me that when the cutters have cut the sleepers and carted and delivered them to the siding or to the stack, the least they can expect is that they shall be paid for them without delay. They should not be put to the trouble and expense of taking proceedings, as they have been obliged to do in the past. I certainly believe the passing of the Bill will to a great extent improve their position. It will certainly give them a safeguard they have not got to-day.

Hon. E. H. H. Hall: Do you want it made retrospective?

Hon. W. H. KITSON: Unfortunately, we cannot make the Bill retrospective. I understand the measure will only operate as from the date it is assented to.

Hon. G. W. Miles: Is Clause 3 of the Bill to come out?

Hon. J. Cornell: You did not look at the back of the Bill.

Hon. W. H. KITSON: I am sorry. Apparently I made a mistake. I said it was a two clause Bill, but it contains three clauses.

Hon. J. Cornell: The sting is in the tail.

Hon. W. H. KITSON: The Bill has been introduced at a late hour of the session, but if members desire any further information in regard to the matter, I shall be only too happy to supply it. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Hon. G. W. Miles, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from 22nd November.

HON. W. H. KITSON (West) [5.52]: The purpose of the Bill is to amend four sections of the Electoral Act. Those sections deal with the registration of claims, objections to claims, and objections to enrolment. Clause 5 is really the crux of the Bill. It amends Section 52 of the Act, which deals with the time for altering the roll. Under Section 52 of the Act, claims received not less than 14 days before the issue of a writ for an election may be enrolled after the issue of the writ, and alterations of the rolls pursuant to applications or directions received under Sections 49 or 50 before the issue of the writ for an election may be made after the issue of the writ, but otherwise no addition to or alteration of the roll shall be made between the date of the issue of the writ for an election and the closing of the poll at the election. Section 49 of the Act deals with cases where an elector is already on the roll, but desires to substitute some other qualification to which he is entitled. Section 50 deals with the removal of the names of persons whose names have been repeated on the roll; that is, where duplication has occurred. While I agree with some of the ideas expressed by Mr. Cornell when introducing the Bill, I cannot support the Bill in its entirety.

Hon. J. Cornell: Why? Section 52 is contingent on the others.

Hon. W. H. KITSON: That is so, but the amendment of Section 52 is the crux of the Bill.

Hon. J. Cornell: If Section 52 is not amended, it is no use amending the others.

Hon. W. H. KITSON: That is so. They all depend upon one another. At the same time, in my opinion, the amendment of Sec-

tion 52 is the principal matter, because, as the hon. member points out, if that section is not amended, it is no use amending the others. At present, objections can be made both to claims and to enrolments, either by an elector who is registered on the same roll or by the registrar. In my opinion, the provisions of the existing Act are sufficient, provided the Act is properly administered.

Hon. J. Cornell: Do you think there is time to deal with 10,000 claims on the day a writ is issued?

Hon. W. H. KITSON: There does come a time when the staff of the Electoral Department is hard pressed to deal with all the claims which come in at a given moment. However, let us examine what the position will be if we agree to the amendment. I think I can put it very briefly. If we agree, it will be possible for the rolls of the Legislative Council to close three months prior to an election.

Hon. J. Cornell: Tell me why?

Hon. W. H. KITSON: Because of the provisions of the Act which you are desirous of amending.

Hon. J. Cornell: Tell me why? Don't draw a long bow.

Hon. W. H. KITSON: I do not wish to do so. If I am making a mistake, I hope I will be corrected. Part IV. of the Act deals with elections.

Hon. J. Cornell: Do you mean Division IV. of the Act?

Hon. W. H. KITSON: First I will deal with Section 69 of the Act, which provides that the date fixed for the nomination of candidates shall not be less than seven nor more than 30 days from the date of the writ.

Hon. J. Cornell: It is not less than 14 days now. The Act was amended last session.

Hon. W. H. KITSON: That does not invalidate my argument, because if these amendments are agreed to I take it the 30 days will still apply. Is that not so, or am I looking at a copy of the Act which has not been brought up to date? So far as I know, there has been no amendment made which alters that position. I have always understood that there should be a period of 30 days between the date fixed for the nomination of candidates and the date for the issue of the writ.

Hon. E. H. H. Hall: That is what my copy of the Act says.

Hon. J. Cornell: The Bill does not govern the issue of a writ for the Legislative Council elections.

Hon. W. H. KITSON: The hon. member may be right, but I think it is possible for 30 days to elapse between the issue of the writ and nomination day, and it is also possible for 30 days to elapse between nomination day and election day.

Hon. J. Cornell: Have you in your experience known of a greater period than six weeks?

Hon. W. H. KITSON: I am not dealing with what has taken place, but if we pass the Bill, the roll will close 30 days prior to the issue of the writ; so that there will be 30 days prior to the issue of the writ, a possible 30 days from the issue of the writ to nomination day, and a possible 30 days from nomination day to election day, giving a period of approximately three months, actually 90 days. That is too long.

Hon. J. Cornell: That is what exists today, less 16 days.

Hon. W. H. KITSON: Then why make it worse? One perhaps could quote instances where it would be of advantage, but only isolated instances. The Bill is dealing only with Council elections, but some of the provinces are very large, and the postal facilities few and far between. In addition to the three months which could elapse between the closing of the rolls and the holding of the election, many of the electors would require a longer time; so why should we interfere with the existing state of affairs when we find that nothing very serious has happened?

Hon. J. Cornell: When replying I will be honest and tell you why you do not want to interfere.

Hon. W. H. KITSON: It should not be possible for a period of three months to elapse between the closing of the rolls and the holding of the election. Yet if the Bill be passed, that is what can happen. It seems to me there is no necessity to amend the Act as the Bill proposes to do. I will oppose the Bill, and I hope the hon. member, when replying, will show me where he thinks I am wrong. In the meantime, believing that 90 days or three months is too long a time to elapse between the clos-

ing of the roll and election day, I have no option but to oppose the Bill.

HON. G. FRASER (West) [6.3]: Boiled down, the Bill means that the rolls are to close 16 days earlier than at present.

Hon. J. Cornell: Not necessarily; not in all cases.

Hon. G. FRASER: No, but if the Bill goes through, that will be the general position. Possibly no very great objection can be taken to that, but when we consider the time elapsing between the issue and the closing of the rolls, that period of 16 days is very vital, for it is lessening the time for opportunities to be given to people to see that they are on the roll. If the department were to issue their printed rolls much earlier, not so much objection could be taken to the amendment.

Hon. J. Cornell: The Act says twice a year.

Hon. G. FRASER: Yes, but the roll used is nearly two years old. The Electoral Department do not employ men to go round cleansing the rolls, and so the candidates have to see to that themselves, and it is useless for any person to go around with a roll nearly two years old. Consequently we have to await the issue of the rolls at some time after Christmas, usually well into January.

Hon. J. J. Holmes: Do not they issue a supplementary roll?

Hon. G. FRASER: Not for the provinces. They print a fresh roll, but usually it is January before we get it. The elections are in May, and usually the writ issues in April, and the roll is closed some time in March. That means there is only a few weeks between the obtaining of the roll and the closing of the roll. If that is to be reduced by 16 days, the available period will be cut down to two or three weeks. I understand the hon. member's objection is to the rush of cards received in the Electoral Department. Under the existing system, is it any wonder that there should be a rush of cards? If we are going to shorten the period by another 16 days, we will not have a very clean roll, for it means 16 days taken off the short period at present allowed, which is a very serious thing. I will oppose the second reading.

Hon. E. H. H. HALL: I move—

That the debate be adjourned.

Motion put and negatived.

HON. E. H. GRAY (West) [6.7]: I oppose the Bill, chiefly because if passed it would give a false impression to the public, the impression that members of Parliament and the Government are satisfied with the way in which the rolls are prepared at present. I am speaking for at least 80 per cent. of the people when I say it is high time drastic measures were taken to remedy the existing position. When we see the splendid organisation used in the preparation of the Federal rolls, we realise it is time to see if that method could not be adopted in the State Electoral Office.

Hon. J. Cornell: That has nothing to do with the Bill.

Hon. E. H. GRAY: No, but it is no good tinkering with a measure or a department that is out of date. Rather should we try to see whether the method adopted could not be made more efficient. The present procedure is at once expensive and inefficient. There may be many reasons for it, perhaps lack of staff, but it should be the aim of every public representative to see that all persons entitled to be enrolled are enrolled quickly and easily. I am opposed to the Bill because it will hinder enrolment and make the conditions so cumbersome that many desirable citizens will not be enrolled. The time has come when we should save money and make this department more efficient. But any measure or amendment to remedy the position and so delude the people that we can under the present system produce a satisfactory roll, is wrong. I will continue to press for an entirely new system being brought into operation as quickly as possible, under which rolls for both houses will be produced far more satisfactorily than they are at present.

HON. E. H. H. HALL (Central) [6.12]: If what Mr. Kitson has said about the Bill is correct, I shall be forced to vote against it. On my short experience of a big province such as the Central Province, I can say that we require as much time as we can possibly get. Therefore, I feel compelled to associate myself with the views expressed by Mr. Kitson.

HON. J. CORNELL (South—in reply) [6.13]: I have already laid all my cards on the Table and told the House what was in the Bill, which the Chief Electoral Officer says is exactly what I want. The reason why the passage of the Bill was delayed was a special request by the Attorney General through the Minister in this House.

The Chief Secretary: Correct.

Hon. J. CORNELL: The Attorney General had an Electoral Act Amendment Bill in another place. The position to-day is that any claim to be put on the Council roll which must be in the hands of the Registrar 14 days prior to the issue of the writ. Then it is provided in the Act that objections may be lodged, but it has been proved time after time that at that stage objections are futile, and so the claims have to go on. The object of the Bill is to extend that period by 16 days, so as to give opportunity for the investigating of claims and objections. If the investigations are not complete at the end of the 16 days, the claimant goes on the roll or remains on the roll, just as he does to-day. I was surprised to hear Mr. Kitson referring to the Electoral Act for the issue of the writ for this House, which actually is governed by Section 8 Subsection 2 of the Constitution Act Amendment Act.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. CORNELL: I was pointing out before tea that Mr. Kitson had fallen into the fatal error of relying on the Electoral Act for the issue of the writ for the Legislative Council biennial elections, whereas he ought to have relied upon the Constitution. I read to the House that clause of the Constitution which governs the question. It says the writ shall not be issued later than the 10th day of April, and shall be returnable not later than the 21st day of the May following. If members will turn to Section 63 of the Electoral Act they will find it reads—

For every general election the Governor may, within the time prescribed by the Constitution Acts Amendment Act, 1899, in the case of the biennial vacancies in the Council, . . . by warrant under his hand . . . direct the Clerk of the Writs to issue writs for the election.

I have left out the reference to the Legislative Assembly. Mr. Kitson has said that 90 days can elapse.

Hon. W. H. Kitson: I said they may elapse.

Hon. J. CORNELL: The writ must be returned on the 21st May in the year on which the election is held. If the sitting member is defeated he ceases to be a member on the 21st May. Under the Electoral Act there is a specified time of 60 days in which the writ can be returned for the Legislative Assembly elections, and there is also a specific provision whereby the term may be extended by the Governor. There is nothing in the Constitution Act giving anyone power to extend the return of the writ in the case of this House beyond the 21st May. If what Mr. Kitson says might happen were correct, the writ would have to be issued on the 21st February. Mr. Drew and Mr. Hamersley are two of the oldest members of the House. I have been here 20 years, and I think you, Mr. President, have been here for nearly 25 years. I defy any member to find any record in this House since the days of responsible government showing that the writ for the Council biennial elections was issued before the 21st March.

Hon. W. H. Kitson: That is not to say it could not be done.

Hon. J. CORNELL: We can assume that what will happen in the future will be a repetition of what has happened in the past. At previous biennial elections, the writ has been issued as close as possible to the 10th day of April.

Hon. G. Fraser: Even at that it is eight weeks.

Hon. J. CORNELL: What has that to do with the main question? If the writ was issued 90 days before, what would happen? Fourteen days prior to that 90 days, the roll would close. That would leave three months and 14 days for the return of the writ when a man would be precluded from getting on the Legislative Council roll. Under my Bill 16 more days are added to the 14 days. The only objection to that is that it is going to curtail the period between one biennial election and another—that period being two years—by a matter of 16 days.

Hon. G. Fraser: That was not my objection.

Hon. J. CORNELL: It is not worth talking about.

Hon. G. Fraser: Deal with the objections that were put up.

Hon. J. CORNELL: The objection raised by Mr. Fraser was with regard to the issue of the rolls. The Act provides that within one month after the 30th June and the 31st

December in each year a supplementary roll shall be issued showing the names of the persons removed from the roll, and the names of those added to it. The law says this shall be done, whether it is done or not.

Hon. W. H. Kitson: It the Act were properly administered there would be no need for an alteration.

Hon. J. CORNELL: When the hon. member was a member of the Labour Government he was a party to the law not being put into operation.

Hon. G. Fraser: What matters it what has been done?

Hon. J. CORNELL: I have always endeavoured to be fair and have refrained from indulging in recriminations. The enrolment of electors for biennial Legislative Council elections is a battle of wits.

Hon. E. H. Gray: A battle of hard work.

Hon. J. CORNELL: I only keep my seat in Parliament by a battle of wits, and by keeping on the roll the names of my supporters. If I thought the name of an opponent was on the roll when it should not be there, I would see to it that it was put off.

Hon. G. Fraser: What we want is a clean roll.

Hon. J. CORNELL: The hon. member does not want the 16 days.

Hon. E. H. Gray: Would you leave your own supporters on if they were not eligible?

Hon. J. CORNELL: I do not go indiscriminately from house to house. I will not do that in order to enrol electors for this House. When I do enrol an elector I want a pretty definite assurance that he will vote for me when I put him on. If I do not get that I let the other fellow put him on.

Hon. G. Fraser: We want the roll clean.

Hon. J. CORNELL: The policy of Labour enrolment is to go from house to house. Very often the people concerned are not too scrupulous as to whom they put on the roll. The day before the roll closes all the cards are handed in.

Hon. E. H. Gray: That is not correct.

Hon. J. CORNELL: I have seen 670 cards handed in for the South Province the day before the roll closed. The only alternative for the Electoral Registrar is to take all the cards that are in order and put those names on the roll. Those people may then record their votes. All the elector may be asked to do at the poll is to sign a declaration that he is eligible to vote. It rests with the Government of the day whether a prosecution

is launched for the making of a false declaration. Such action is hardly worth while. The only thing then left to do is after the elections to go for the man who has wrongfully recorded his vote. I have done that and won. I only want to get the extra 16 days to give the Electoral Registrar an opportunity to make due inquiry. My biggest political opponent may endeavour to get on the roll, and there may be something technically wrong about his claim. If there is not sufficient time in which to send the card back for correction, his name is kept off the roll. Under my amendment the card could be sent back for correction, and his name could be put on the roll. Opportunity would also be given to the Electoral Registrar to keep off the roll those who are not qualified to be on it. At my last election I scrutinised many cards that came in from a certain district. I went in day by day to see the cards, as I am entitled to do. I took out 30 cards from the Esperance district and 90 per cent. of them were witnessed by my opponent and the qualifications on the back were "householder" and "freeholder." My opponent, who is a solicitor, had witnessed the declarations that the claimants were either householders or freeholders.

Hon. E. H. Gray: He did not know his business.

Hon. J. CORNELL: Yes, he knew it. His business was to get them on the roll.

Hon. E. H. Gray: Those cards would not be admitted; they were not completed.

Hon. J. CORNELL: I said to the registrar, "These cards have not been completed." He said, "No." I said, "There is only one way in which they can be completed, and that is to send them back to the claimants." I went in again that afternoon and I saw my opponent at the end of the counter filling in the cards. I admonished him and said, "There might have been an excuse for an uneducated man, but I cannot accept an excuse from you."

Hon. E. H. Gray: That is a reflection on the registrar.

Hon. J. CORNELL: The claimants' names went on the roll. Fortunately, those cards were in at such a time that it was possible for them to be returned to the signatories. Assuming that the cards were put in just prior to the expiration of the 14 days, and the man who witnessed them could not be found, those 30 names could not have been

put on the roll. Under my proposal the 30 cards would be sent back to be completed. That is not too much to ask. I do not want to gain any point. All I desire is to clear up a state of affairs that I think requires to be cleaned up. Let me tell the House what actually happened to me. If nomination day for the Legislative Council election, at which I was last returned, had been fixed 10 days before polling day, I would have had a walk-over because my opponent did not reach the statutory age, until 10 days prior to polling day. I had paid a fee and made a search in the records of Perth to learn the date of his birth. Then I paid a fee of £2 2s. to one of the leading K.Cs. to interpret the Constitution Act. I desired to know whether a person who was not 30 years of age on nomination day could nominate for a seat in the Legislative Council. The answer was that he could not do so, that he must be 30 years of age on the day on which nominations closed. The file which has been laid on the Table of this House discloses that at that election the Chief Electoral Registrar recommended that there be 18 days between nomination and polling day. This recommendation was sent by Cabinet to the Chief Electoral Officer with instructions that there be nine and a half days between nomination and polling day. Why? Because if the period had been longer I would have got a walk-over. My opponent could not have held his seat had he won it.

Hon. W. H. Kitson: Would that be in contravention of the Act?

Hon. J. CORNELL: That gentleman was ruled out in the selection ballot for a good and valid reason. He would have been old enough to contest the seat if the approximate dates regarding previous issuing of writs and the closing of nominations were anywhere near the date between nomination and polling day. There was a reshuffle of the selection ballot and he was chosen again. That shows it was deliberately done for political purposes.

Hon. W. H. Kitson: What has all this to do with the Bill?

Hon. J. CORNELL: Mr. Kitson has drawn the long bow about what might have happened so as to obscure or cloud the issue.

Hon. W. H. Kitson: I take exception to that remark; at no time have I endeavoured to cloud or obscure the issue.

Hon. J. CORNELL: I ought to have said that he unwittingly did so.

The PRESIDENT: The hon. member must unreservedly withdraw anything to which exception has been taken.

Hon. J. CORNELL: I do so. The opposition to the Bill has not come as a surprise. I endeavoured to keep the personal element out of it when I introduced it. I have endeavoured to state the matter fairly and have related what happened, not what might have happened. I anticipated the opposition which is surrounded with supposition of what might have occurred. Last session I succeeded in getting through an amendment of the Electoral Act to the extent of extending the period between nomination and polling day from 7 to 14 days. Personally I do not care whether the Bill passes or not because I have succeeded in retaining my seat, and, given health and strength, I can continue to do so. There are, however, many estimable citizens who have stood for election to this House, or who might at some time or other desire to contest a seat for it, and who might not be as well up in the battle of wits as far as enrolment is concerned as are Messrs. Kitson, Gray and Fraser, or Messrs. Harris, Seddon and myself. My sole object is to alter the existing state of affairs for the reasons that I have already given. If anyone who is an opponent of the Bill reads the law and gives a straight-out definition of it, he will find that if 1,000 cards are put in for any of the provinces, just before the expiration of the statutory period allowed by the law, inquiries can be made, but the law is so circumscribed that the time at the disposal of the department is not sufficient in which to make the investigations. The law further provides that if a dispute is not heard and determined within 14 days previous to the issue of the writ, the names must be placed on the roll. If the cards are put in only 14 days previous to the issue of the writ, how could the law be carried out? All I ask is that the Act be amended so that the law as originally intended may be given effect to.

Question put and passed.

Bill read a second time.

In Committee.

Hon. V. Hamersley in the Chair; Hon. J. Cornell in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 45:

Hon. G. FRASER: I oppose the clause. Members who have opposed it have not done so on personal grounds, but Mr. Cornell, in replying to the second reading debate, took the personal aspect. The method adopted by me and, I believe, by other members for the West Province, is to make a door-to-door canvass, regardless of the political opinions of the people.

Hon. J. Cornell: What has that to do with the question of 14 or 30 days?

Hon. G. FRASER: It hinges upon the period. The whole of the cards are handed to the department. The idea is to get as clean a roll as possible. The department take people off the roll, but make no endeavour to put them on. The work of enrolling electors falls upon the members for the province. The clause would mean that a large number of people would be disfranchised, because there would not be opportunity to place them on the roll. Consequently a grave injustice would be done. I have handed thousands of cards to the department and have yet to learn that objection has been raised to any one of them. If the alteration were made, it would be impossible to get clean rolls because of the short period available in which to do work that ought to be done by the department.

Hon. W. H. KITSON: The effect of the clause would be to shorten by 16 days the period during which there would be opportunity to enrol electors, and where large areas have to be covered, it would be equivalent to disfranchising many people. I disclaim any personal feeling in the matter. In reply to Mr. Cornell, I point out that the Constitution Act Amendment Act deals with two matters only—the date upon which the writ must be issued and the date for the return of the writ. The Electoral Act deals with all other matters. If the clause be adopted, it will be possible for three months to elapse between the closing of the roll and the date of the election. What reason is there for altering the period as suggested? If the Act were carried out in its entirety, if the rolls were printed each year as the Act contemplates, and if candidates were in possession of accurate information regarding the state of the rolls, the congestion now experienced would not occur. Those things

are not done, and for financial reasons they are not likely to be done. Therefore the duty falls upon candidates to do what is really the work of the Electoral Department.

Hon. J. M. MACFARLANE: I support the clause. The department adopt the attitude that it is their duty to take people off the roll, but that the duty to get on the roll devolves upon the elector. To do the work that the elector should do for himself rather demeans the candidate's position. I do not like the idea of trying to secure votes in that way.

Hon. G. Fraser: Is there any difference between that and canvassing?

Hon. J. M. MACFARLANE: I should like to have the alteration of 16 days so that we might get from the registrar the latest enrolments, and might canvass them, rather than seek their support before they are enrolled.

Hon. G. FRASER: I cannot understand Mr. Macfarlane's attitude. He does not mind asking an elector for his vote, but objects to undertaking the duty of placing a man on the roll. If the hon. member attended to enrolments, he would not have time for canvassing. To complete 25 cards per day is good work.

Hon. J. M. Macfarlane: It should not be a candidate's job.

Hon. G. FRASER: If the department will not do it, somebody must.

Hon. J. M. Macfarlane: The department should do it.

Hon. W. H. Kitson: You admit that the department strike names off but do not put them on.

Mr. H. V. PIESSE: I support the clause. In my province, the Electoral Officer posted hundreds of cards to be filled up by electors. He takes a great interest in his work, and endeavours to have people enrolled where he thinks they are entitled to enrolment.

Hon. E. H. GRAY: I oppose the clause. When Mr. Cornell was speaking in moving the second reading of the Bill, I was astonished that the Minister could sit silent in his seat, unmoved by the remarkable statement made by that hon. member. He said that 80 cards had been falsified in front of the Electoral Registrar in the Electoral Office without the consent of the claimants. Such an accusation made my statements pale

into insignificance, and yet the Minister took no notice of it at all. I hope he will do so, because it was a most damnable indictment of the Electoral Department. Although the Minister and his advisers were at great pains to reply to another statement that was made in the House, nothing I said amounted to the indictment launched by Mr. Cornell.

Hon. J. Cornell: That will be a get-out for the hon. member.

Hon. E. H. GRAY: It is not a question of a get-out; it is a damnable indictment of the Electoral Office.

The Chief Secretary: The horse has been dead long enough; it is useless to flog it.

Hon. E. H. GRAY: I am dealing with Mr. Cornell's statement. He would not have made it unless it were true. If it were true, it should be inquired into and someone should be caned and removed from the department. To think that such a thing could happen in the Electoral Office in front of the Electoral Registrar and no notice taken of it, is scandalous.

Hon. J. Cornell: Certain things were said about a member of this Chamber who is now a colleague of mine.

Hon. E. H. GRAY: At any rate this is a frightful state of affairs. I move an amendment—

That in line 3, "thirty" be struck out and the word "twenty-one" inserted in lieu.

That will ease the position. My experience is that the present term provided is satisfactory so long as the Act is properly administered. I am afraid that the Bill will hamper, rather than help both candidates and electors.

Hon. J. CORNELL: Before I drafted the Bill, I conferred with a number of members who have had experience in electoral matters and I was informed by them that the only thing wrong with the Bill was that the reference to 16 days in one part should be 30 days. I stand or fall by the 16 day period.

Amendment put and negatived.

Clause put and passed.

Clauses 3, 4—agreed to.

Clause 5—Amendment of Section 52:

Hon. W. H. KITSON: I again draw attention to what the clause really means. It means an extension of the time to 90 days, which can elapse between the closing of the

rolls and election day. In my opinion, it will have the effect of disfranchising a large number of country electors.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Read a third time and transmitted to the Assembly.

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [8.27] in moving the second reading said: The purpose of the Bill is the continuance of the Farmers' Debts Adjustment Act, 1930, for a further period of one year. There is no doubt that this Act has operated very satisfactorily in connection with those cases which were actually brought under the Act, and that at the same time the influence of the Act has been of immense benefit to many others who have not actually come under the provisions. Many farmers and their creditors have voluntarily adopted the procedure observed under this Act, of a distribution of the crop proceeds and the results have proved satisfactory both to the debtor and creditor. Since the inception of the Farmers' Debts Adjustment Act and up to date, 880 stay orders have been issued and dealt with as follows:—

Meetings held and arrangements made to carry debtors on under the Act ..	558
Meetings held and/or successful efforts made to carry debtors on although Stay Order has lapsed	68
Stay Orders lapsed—no satisfactory arrangements made	154
Stay Orders withdrawn—unsatisfactory cases	32
Stay Orders withdrawn—satisfactory arrangements made	56
Meetings arranged, not yet held ..	6
Meetings adjourned to arrange supplies ..	4
Total	880

Advances made under Section 13B of the Act total £50,692 and 206 applications have

been granted under that section to register bills of sale to cover advances made to enable farmers to carry on.

Under the principal Act 236,274 acres of wheat, 13,255 acres of oats and 377 acres of other crops were seeded for the 1932-33 season, and under section 13B, 56,300 acres were seeded. Arrangements were also made to allow of the fallowing of 179,271 acres. Arrangements have been made for the Associated Banks to advance an amount of £28,059, while the Agricultural Bank is to advance £1,735, including horse loans. The proceeds released for carrying on this season by creditors, including the Associated Banks and Agricultural Bank, amount to £105,930, whilst the value of current supplies in kind amounts to £129,724. I consider this to be one of the most useful of the emergency measures and I feel sure members will agree that it should be re-enacted for a further period. I move—

That the Bill be now read a second time.

HON. J. CORNELL (South) [8.31]: I cannot let the second reading go through without making one or two references to the Bill. I am not opposing its passage; it must be re-enacted. I have had the opportunity of observing the effect of the Act upon men in my constituency and I say the Act is not working out in many cases in the way its sponsors would have us believe. I know men who could reasonably have come under this law, but rather than do so, they would throw up the sponge. My experience is that the man who usually takes advantage of this law is the type of man who invariably takes advantage of all similar laws.

Hon. E. H. H. Hall: Not necessarily.

Members: No.

Hon. J. CORNELL: I am referring to the man who has not the necessary moral fibre to stand up to his difficulties.

Hon. E. H. H. Hall: I do not agree with you.

Hon. J. CORNELL: I know of men who have the moral fibre to battle against their difficulties without seeking the protection of this law. Such men say, "I would rather fight to the last ditch. I will give my creditors a fair deal if they will stand by me; I will carry on as long as I can on their and my own behalf; but if you put someone in to manage my affairs, the best thing I can do is to quit

and go out of business altogether." It must be remembered that a man who puts himself under the Act places the Agricultural Bank in the position, in some cases, of being a fourth preferential creditor.

Hon. E. H. H. Hall: So it ought to be.

Hon. J. CORNELL: That is the position. I know of men who have sought for and obtained a stay order after having had an argument with the Agricultural Bank inspector. They consigned the inspector to a very hot place, and said, "I will get a stay order and place myself on the board; then you will not be able to bother me." That is what has happened. The position to-day of the farmer who is not under the Act, whose property is mortgaged to the Agricultural Bank and who wants to obtain sustenance is that he must make application for it through the Agricultural Bank inspector. He has to be recommended for it. That man is subject to a certain amount of supervision by the inspector of the Agricultural Bank, because the bank is his first preference creditor. If a farmer elects to take advantage of the protection afforded by the Act, he is not policed at all. That is the position. I am expressing the feelings of men in a farming constituency who have not availed themselves of the relief they could obtain under the Act. I venture to say that right throughout the Yilgarn district, from Ravenshorpe to Bullfinch, 95 per cent. of the settlers could come under the Act. If we are looking to the men who have gone on to the Farmers' Debts Adjustment Board for the salvation of the agricultural industry, then we are relying upon a rotten reed. The men who will save the agricultural industry are those who will not be subservient to anybody else, but will, as I have said, manage their own affairs, and will say, "I will do the best I can for my creditors and myself, if my creditors will stick to me; but I am not going on the board." If we try to separate the sheep from the goats, so to speak, in order to dispense justice to the sheep, we generally find that it is the goats who reap the benefit. I say that advisedly. The Farmers' Debts Adjustment Act is not going to get the farmers out of the rut. What is going to save the farmer is a fair understanding between himself and his creditors.

HON. H. V. PIESSE (South-East) [8.40]: I congratulate the Government on bringing the Bill forward. I intend to support it. Unlike Mr. Cornell, I know of many instances of farmers who have taken advantage of the Act and have been able to carry on their farms without worry. They can sleep at night without being continually worried by their creditors and threatened with writs. I think the Act has afforded marvellous relief to those men who, through no fault of their own, are suffering because of the depression. I am a receiver under the Farmers' Debts Adjustment Act, and have been acting as such in the Great Southern districts. About a fortnight ago I called on a man who is under the Act. It was on a Sunday. The following Monday I rang up the Agricultural Bank, and a sum of £85 was made available to that man to enable him to carry on and also to take off his crop. The man had not the slightest worry about it.

Hon. J. Cornell: I got the same consideration for a man not on the board.

Hon. H. V. PIESSE: The man to whom I refer is one of the best farmers in the Great Southern district. He will pull out. He is an honourable man, and intends to pay all his debts. His going on the board was not a cowardly act. He got protection for himself and was able to carry on. The Act has allowed farmers, with the aid of the business men of the State (who are to be commended for the part they are taking to make the Act a success), to carry on in an amicable way, and it has assisted them in obtaining finance to carry on their operations. I can assure members that without the Act there would have been chaos throughout all the farming areas of Western Australia. I am sorry the Government could not see their way clear to grant many requests made to them for sustenance to be provided and to rank before the statutory lien in favour of the Agricultural Bank. A small allowance could be made for sustenance. I do not think a large amount is warranted, because the farmer must not forget that he has a roof over his head and that he has also got his poultry, mutton and other foods. I am sorry the Government could not see their way clear to amend the Act in that direction. There is talk in various districts of security of tenure. I think the Mortgagees' Restriction Act gives our farmers very good security of tenure. I know of hundreds of cases in the Great

Southern districts and throughout the wheat areas where that Act has proved very beneficial to the man who not only owes money to unsecured creditors, but also owes money on mortgage. Of course the Agricultural Bank does not come under the Mortgagees' Restriction Act. I should have liked to see the bank brought under that Act. I have pleasure in supporting the Bill, and I trust a majority of members also will support it.

HON. E. H. H. HALL (Central) [8.46]: Mr. Cornell has emphatically given us his impressions of the operations of the Farmers' Debts Adjustment Act, but I want to put another aspect before the House which will show how careful we should be in accepting things as they strike us. The hon. member told the House that this Act was taking the people who come under it farther and farther away from the Agricultural Bank. I understand the object animating the Government in introducing the Act was to relieve the Agricultural Bank of the strain of its finances. When a meeting takes place under that Act, the assembled merchants are sure that no one will obtain an undue advantage, and so each contributes pro rata to the carrying on of the farmer. In the Central Province that is done almost invariably. It may be, as Mr. Piesse said, that in some cases the Agricultural Bank is called upon to assist, but certainly in the majority of cases the merchants' assistance to debtors has considerably relieved the finances of the Agricultural Bank.

On motion by Hon. A. Thomson, debate adjourned.

BILL—METROPOLITAN WHOLE MILK.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [8.50] in moving the second reading said: The object of the Bill is to organise and stabilise the metropolitan market for whole milk. Until about two years ago the quantity of milk available for the metropolitan area was practically insufficient for its needs, and was supplied mainly by dairymen located within

a radius of a few miles of the city. Within the last two years, however, the position has changed considerably. Owing to the development of the dairying industry in other areas within convenient marketing distance of the metropolis, combined with the provision of cooling facilities in those districts, increased railway facilities and low railway freights, the metropolitan market has offered an attractive opening to dairy farmers situated at much greater distances from the city. Those producers quickly took advantage of the convenience provided and the result is that in the flush season more milk is being supplied to the market than can be consumed. Another factor that contributed largely to this position was that the price of butter fat dropped considerably and this led to a number of dairy farmers abandoning the butter-fat market in favour of whole milk trading.

During 1927-28 butter-fat was realising an average price of 1s. 7.17d. per lb. but by 1931-32 it had dropped to an average price of 1s. 2d. per lb. During 1927-28 whole milk was realising 1s. 3d. per gallon and in 1931-32 it dropped to 8d. per gallon at the farm and 9d. per gallon delivered at the depot. As $2\frac{1}{2}$ gallons of milk with an average butter-fat content of 4 per cent. is required to yield one pound of butter-fat, this meant that in 1931-32 the producers were receiving about 6d. per gallon for their yield for butter-fat purposes, whereas the price realised on the whole milk market was 8d. per gallon. Naturally they began to exploit the market that showed the better returns, and so over-supplied the market. Of course this state of affairs led to cut-throat competition and the industry fell into such a parlous condition that producers were selling below the cost of production. As the dairying industry developed the position became more acute, and even in the slack period of the year more milk was being delivered than could be absorbed by the market, until at the beginning of this financial year the position became so acute that chaos obtained. Metropolitan producers on high priced land adjacent to the city were losing trade that they had spent a lifetime to build up, and in fact milk producers in all districts were suffering severely and found they were unable to meet their financial obligations. There is no doubt some of the middlemen exploited this condition of affairs, and this naturally caused fur-

ther dissatisfaction and eventually led to what was practically a stoppage of supplies.

The result was that all sections of the industry applied to the Government for help and guidance. With the object of affording some relief the Minister for Agriculture created an advisory board known as the Milk Industry Organisation Board. It was composed of representatives from the metropolitan milk suppliers, the producers, and distributors, together with two departmental representatives, with the object of endeavouring by voluntary action to secure a pure and adequate supply of whole milk for the metropolitan area at a remunerative price to the producer and at a reasonable cost to the consumer, whilst still leaving a fair margin for the cost of distribution. This board did splendid work and succeeded in overcoming many of the difficulties, but owing to the advent of a number of new suppliers to the market a further fall took place in the price of milk. All sections of the industry were agreed that the terms of settlement suggested by the board were reasonable, but not having statutory power the board was unable to insist on its recommendations being carried out, and the result is that the industry is in a very bad position to-day. In consequence of this it was considered advisable in the interests of all concerned, to introduce this Bill to provide for the proper organisation of the industry and for a certain amount of statutory control necessary to establish the industry on a satisfactory basis.

The Bill provides for the constitution of a board known as the Metropolitan Whole Milk Board, which will consist of five members, two of whom will be elected by and will represent the producers, two to be elected to represent the consumers and one to be appointed by the Governor on the recommendation of the Minister and who shall be chairman. This measure, if enacted, will be administered by the board, subject to the approval of the Minister. Provision is made for the declaration of statutory dairy areas in the country and for statutory districts in the metropolitan area, in which only licensed vendors may sell milk. The Bill further provides that no person will be allowed to carry on dairying in a dairy area, or to vend milk in the metropolitan district without first having obtained a license from the board. A penalty clause is provided with a maximum of £50

or imprisonment for three months. This provision will not apply to a farmer in such an area who is producing milk only for butter fat purposes and who does not supply whole milk to the metropolitan area. No person will be allowed to treat milk in the metropolitan area without a license. A license is already required for this purpose and is issued by the Health Department, but in the event of this measure being enacted such licenses will be discontinued and in future all licenses will be issued by the Whole Milk Board. The board will also be charged with the regulation and organisation of milk production in dairy areas, the supply and sale of milk by dairymen to milk vendors, and all matters relating to the treatment of milk before sale and distribution to consumers; also the transport, carriage and conveyance of milk produced in dairy areas and the supervision of all plant, machinery, containers, etc., used in the production, supply and distribution of such milk. They will be charged with the inspection of dairies, milk stores, milk and places for the treatment of milk, with the issue or revocation of licenses and will be empowered to take any other steps that are necessary to provide for a regular supply of clean and wholesome milk to the consumers.

The Board will also be empowered to control the making of contracts for the supply of milk by dairymen to vendors and the fixing of a minimum price per gallon to be paid to dairyman for milk supplied, including the arrangements in regard to accommodation and surplus milk and the basis of payments for same. It is also proposed to provide for the inspection of holdings, premises and depots, and a systematic veterinary inspection of all cows in herds supplying milk to the metropolitan area. In the case of the veterinary inspections it is proposed that they should be on lines similar to those operating under the Dairy Cattle Compensation Act at present which provides that dairymen within a 15 mile radius of the metropolis shall contribute to a species of insurance fund covering cows from which milk is supplied for sale in the metropolitan area. The people who at present come under that Act have raised grave objections to people outside this area being allowed to supply milk from herds that have not undergone such an inspection. The producers under the provisions of the Dairy Cattle

Compensation Act pay 2s. per cow per annum registration fee, and in the event of a cow being destroyed as a result of condemnation by a veterinary inspector, the owner of the cow gets compensation of 90 per cent. of the value of the animal, as agreed upon between the veterinary officer and himself. Of that compensation three-fifths is drawn from the compensation fund, and two-fifths is provided from Consolidated Revenue.

It is proposed that the first board shall be appointed by the Governor on the recommendation of the Minister, and subsequent boards will be elected by the various sections that have representation. The members of the board will hold office for two years. Finance will be provided from the funds collected as fees and licenses imposed on the dairymen and vendors, and should not impose any burden on the general taxpayer. Although this proposed control may be new to this State, similar schemes have been in operation in many other countries for some time past and have given general satisfaction.

It is interesting to note that the average daily consumption of milk in the metropolitan area is about 10,000 gallons, and this represents the production of over 12,000 cows. It can readily be understood what an important effect the metropolitan requirements have on the industry. To assist the industry, the railways have been carrying the milk at very low freightage rates, the freights to Perth being from a 25-mile radius $\frac{3}{4}$ d. per gallon with a minimum of 5d. per can.

50 miles	1d. gallon.	minimum	5d. per can.
100	"	1 $\frac{1}{2}$ d.	" " 6d. "
150	"	1 $\frac{1}{2}$ d.	" " 8d. "

Empty cans are returned free.

To-day, dairymen are on the verge of ruin. The Government have done all in their power to cheapen the cost of production by reducing freight and handling charges, and to encourage and assist in the building up of high-grade herds with a consequent higher milk and butter fat yield. But these things do not go far enough. It is necessary to do something that will enable the producers to get a more satisfactory and payable price for their produce. This is a most important industry with a great bearing on the prosperity of the State. We cannot afford to let it languish at this critical period, when by a little reasonable

legislation we can help to establish it more firmly.

This proposed legislation will tend to stop cut-throat trading and exploitation by unscrupulous middlemen, as well as offer further protection to the consumer by ensuring a clean and wholesome supply of fresh milk. It is hoped that it will provide the necessary machinery for a system of legislative control, under which the whole industry can be organised to the best possible advantage and so give satisfaction alike to producer, distributor and consumer. I move—

That the Bill be now read a second time.

On motion by Hon. J. M. Macfarlane, debate adjourned.

House adjourned at 9.5 p.m.

Legislative Assembly,

Friday 16th December, 1932.

	PAGE
Question: Dartmoor settlers, transport facilities ...	2568
Leave of absence ...	2568
Bills: Metropolitan Whole Milk, 3R. ...	2568
Land Act Amendment, 2R., etc. ...	2568
Secession Referendum, returned ...	2599
Land and Income Tax Assessment Act Amendment (No. 1), returned ...	2599
Electoral Act Amendment (No. 2), 1R. ...	2599
Mining Act Amendment (No. 2), 2R., etc. ...	2599
Marriage Act Amendment, 2R., etc. ...	2599

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

QUESTION—DARTMOOR SETTLERS, TRANSPORT FACILITIES.

Hon. J. C. WILLCOCK asked the Premier: 1. Following his recent public statements in the Geraldton district respecting road trains, will he, in view of Mr. Taylor's return from the United Kingdom, be in a position to make a statement on the matter before Parliament adjourns? 2. If information available is unfavourable to the

project, will he introduce a Bill to authorise the construction of the Yuna-Dartmoor railway recommended by the Advisory Board?

The PREMIER replied: 1, I am awaiting Mr. Taylor's written report, but I have discussed the matter with him and I believe that the report will be favourable for the use of road trains. 2, Answered by No. 1.

LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for two weeks granted to Mr. Lamond (Pilbara) on the ground of urgent public business, and to Mr. Raphael (Victoria Park) on the ground of ill-health.

BILL—METROPOLITAN WHOLE MILK.

Read a third time and transmitted to the Council.

BILL—LAND ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th December.

HON. W. D. JOHNSON (Guildford-Midland) [4.38]: I regret exceedingly that the Government seem determined to persist with this measure. I thought the Minister would have been satisfied at this late stage of the session to make it clear that the Government were prepared to extend the term of the pastoral leases as proposed in the Bill, and then to have left the question for the people to review at the forthcoming elections. This measure, if passed, will tie the hands of future Governments and will usurp the authority of the people. The question has never been discussed with the people in any shape or form. After the experience of the previous extension, no one expected that any Government would, within 16 years of the termination of the leases, tinker with the principle. Previous to the extension of the leases from 1928 to 1948, there was considerable public interest and controversy. A lot of people thought that the improvements would depreciate, that the leases would be neglected and that the asset would become reduced in value unless the Government declared their policy regarding the future of the leases within 10 years of their termination. Even when Parliament dealt with the matter 10 years before the