

Bill reported with a further amendment, and the report adopted.

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

## BILL—ELECTRIC LIGHTING ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 26th November.

**THE CHIEF SECRETARY** (Hon. C. F. Baxter—East—in reply) [12.12]: It has been said that this Bill does not sufficiently safeguard the Government Electricity Supply. Hon. members being dubious as to the position in that respect, I have had two short amendments prepared in order to meet their desires. Those amendments provide that permits granted by local governing bodies must have the sanction of the Government. The amendments will need to be made in Clauses 2 and 4.

Hon. J. Cornell: I suggest that the amendments be placed on the Notice Paper.

Hon. J. J. Holmes: Yes, we ought to have them on the Notice Paper.

Question put and passed.

Bill read a second time.

*House adjourned at 12.14 a.m. (Wednesday).*

## Legislative Assembly,

*Tuesday, 1st December, 1931.*

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## QUESTION—FARMERS' DISABILITIES.

### *Consideration of Royal Commission's Report.*

Mr. PIESSE asked the Premier: Seeing that the motion moved by the member for Beverley (Mr. J. I. Mann) requiring that the earnest consideration of the Government be given to the report of the Royal Commission on the disabilities of the agricultural settlers, was agreed to by this House on the 24th November, without any reply by the Premier, will he make a statement to the House as to the Government's intentions regarding the Commission's report, especially in view of farmers' financial difficulties as a result of last season's disastrous prices for produce?

The PREMIER replied: Yes.

## QUESTION—GROUP SETTLEMENT, FIRST LIENS.

### *Arrears of Interest, Departmental Action.*

Mr. WANSBROUGH (without notice) asked the Premier: 1, In consequence of a communication from the secretary of the Group Settlement Department, dated the 3rd August last, in which he stated that the Managing Trustee of the Agricultural Bank agreed to group settlers giving a first lien over this season's crop to storekeepers for manure supplied, is he aware that 14 days' notices are now being issued to settlers who are over two months in arrears in the payment of their interest, threatening to dispose of their properties by tender under the bank's power of sale? 2, Will he make representations to the Managing Trustee with a view to withholding such notices, thereby allowing settlers to harvest their crops to enable them to make good the liens thereon, together with arrears of interest?

The PREMIER replied: 1, Yes, but the notices were issued owing to settlers' failure up to the 13th October to avail themselves of labour advances, and to display activity as required by letters to them under date the 3rd September. 2, If potato crops have been planted with manure supplied by storekeepers, the trustees will withhold action until the crops have been dug.

**ASSENT TO BILLS.**

Message from the Administrator received and read notifying assent to the undermentioned Bills:—

- 1, Salvation Army (Western Australia) Property Trust.
- 2, Vermin Act Amendment.

**BILL—LICENSING ACT AMENDMENT (No. 6).**

On motion by Mr. J. MacCallum Smith, Bill read a third time and transmitted to the Council.

**BILL—SECESSION REFERENDUM.***Report.*

Report of Committee adopted.

*Standing Orders Suspension.*

On motion by the Premier, so much of the Standing Orders suspended as to permit the Bill to pass its remaining stage at this sitting.

*Third Reading.*

Bill read a third time and transmitted to the Council.

**BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT (No. 2).***Second Reading—Defeated.*

Debate resumed from the 26th November.

**THE PREMIER** (Hon. Sir James Mitchell—Northam) [4.40]: I hope the House will not agree to pass the Bill, certainly not in its present form. Under the parent Act many exemptions are provided, and the Bill seeks to add to those exemptions from taxation gifts of £1 and over to any fund, subscriptions to which have been publicly invited. Thus income tax, the member for Swan (Mr. Sampson) suggests shall be abated should any individual collect £1 or more from another person for various purposes. We must be careful before we agree to such a proposal. While I am perfectly willing that people who are charitably disposed and do give sums as donations to many worthy objects, should escape taxation in respect of such donations, it will be remembered that we have already granted ex-

emptions along those lines under almost every conceivable heading. It is quite another matter when it is proposed that we shall extend exemptions in the manner suggested. All sorts of collections would be exempt from taxation, although the payments might not tend to meet any public need, but might be entirely for the benefit of a single individual. The House will not agree to that sort of thing. There are many people in necessitous circumstances, and I do not suppose that the few pence that are given to them from time to time by others would represent a serious consideration. Every day members subscribe to one fund or another, but always in small amounts. If the amounts were large, I could understand the proposal of the hon. member. If we are to grant exemptions such as those suggested in the Bill, the measure should emanate from the Government and should be carefully thought out. I am afraid the hon. member, when presenting the Bill, had in mind small amounts that are given to people in need, sums that seldom would represent any considerable amount. The Bill might not interfere to any great extent with revenue, but would entail a lot of work to little purpose. I hope the Bill will be rejected.

**MR. NORTH:** I move—

That the debate be adjourned.

Motion put and negatived.

Question (second reading) put and negatived; the Bill defeated.

**BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).***Second Reading.*

Debate resumed from the 26th November.

**THE MINISTER FOR WORKS** (Hon. J. Lindsay—Mt. Marshall) [4.45]: The member for South Fremantle (Hon. A. MacCallum), in moving the second reading of the Bill, mentioned that it was a simple measure. The Act is a simple measure, but if the Bill be passed it will not be possible to describe the Act as simple. The hon. member also mentioned that the Bill was necessary because of an amendment to the Act made last year under a Bill introduced by me to provide for quarterly adjustments of the basic wage. The Bill introduces a most unusual principle inasmuch as it pro-

vides that notwithstanding anything contained in the Statistics Act, the State Government Statistician and every other officer appointed or authorised to act under that measure shall make information available to the Western Australian Employers' Federation (Inc.) and to the State executive of the Australian Labour Party. It seems rather an easy way of getting over an important Act to say that for this purpose it shall not apply. The Act providing for the collection of statistics for public purposes was passed in 1907 and has not been amended since. It is an important statute because, when officials approach an individual for statistical information, it is supplied with the knowledge that it will be kept secret. Although every individual may not know the reason for the secrecy, he nevertheless knows that it will not be divulged. Section 17 of the Act reads—

No officer shall, except as allowed by this Act or the regulations, divulge the contents of any form filled up in pursuance of this Act or any information furnished in pursuance of this Act. Penalty: Fifty pounds.

Section 18 also deals with the secrecy of returns. It reads—

No return relative to any private business made for the purposes of this Act shall, without the previous consent in writing of the person making the return, be published in such manner as may divulge the contents of such return. Nor, except for the purposes of this Act, shall any person not engaged in the collection or compilation of statistics under this Act be permitted to see any such return.

The Bill will override those portions of the Act, and consequently anybody would be very careful about giving information to officials of the department if he did not want it to be made public. A friend of mine had an experience years ago during the drought. He owed some money on farm machinery and could not meet the last bill. The firm sent a form "A" for him to sign, and my friend wrote back a very strong letter refusing to sign the form. He said, "You have asked me to go into your office and open my soul for the office boys and girls to peek at." The information requested was most elaborate, dealing as it did with the whole of his private business, and even his private life. This question has cropped up not only here, but in the Federal sphere, and has been investigated. I have an extract from a statement made by Professor Giblin, Acting Commonwealth Statistician, reading—

How, then, can a check be made which will satisfy those who are vitally affected by the movement of the price-index? The obvious means is to publish the list of retailers supplying prices and of the individual prices quoted by them monthly. To that, however, there are very grave objections. The information is asked of retailers on the authority of the Census and Statistics Act, which guarantees that individual returns shall be treated as confidential and prescribes a penalty for anyone disclosing them. In fact, retailers would be very unwilling to make returns if their names and prices were disclosed. They would be exposed to a good deal of worry, and would actually incur odium and lose business, as being in some way responsible for lower wages when prices were falling. Any cut in price in order to get trade in bad times would be represented as an attack on the workers' standard of living. Data unwillingly supplied always make bad statistics. If the law were altered to provide for publicity the result would undoubtedly be seriously to impair the value of the price-index.

Anyone possessed of common sense, I think, will agree with Professor Giblin.

Hon. A. McCallum: Then there must be a lot of people without common sense.

The MINISTER FOR WORKS: The average unbiassed man at least would say that the Professor's view was correct. I have a statement also by the State Statistician in which he points out that figures are supplied not of the actual prices of commodities, but of the index figures showing the rise or fall of prices. The figures thus supplied are then furnished to the court. Some members seem to think that grocers, drapers, butchers and bakers can and do supply incorrect prices. Under the department's system, any fluctuation of prices can be detected in the index figures and inquiry is immediately made. What is more, the Court of Arbitration meets every year and inquires into the matter. Not long ago the same principle was raised in this House, though not in the same way. When the member for South Fremantle was speaking on Thursday night, the member for Perth mentioned an amendment he had moved last year to insert the words, "in the prescribed form." The member for South Fremantle opposed that amendment, saying—

I can see all sorts of complications and positive danger in the amendment. It is an outrageous proposal. Why does not the hon. member admit that the amendment has nothing to do with the collectors? He is trying to shut the statistician's doors against the court. Fancy establishing or limited information a standard of wages for the peo-

ple! Why not let the court have full knowledge?

Later on the member for South Fremantle said—

Of what advantage will that be (the court prescribing the form)? At present all the court has to do is to ring up the statistician's office and get whatever information is required. Then there is always an argument about the rent. On the latest occasion the Manjimup rents were given as being 6s. 6d. on the average. That was queried before the court, and on inquiry it was found that the average was really 15s. 6d. See the damage that might be done if the court were hobbled in its inquiries!

The court is not hobbled. Once a year it makes an investigation and both sides are represented. The members of the court have travelled to Kalgoorlie to make inquiries for themselves. It takes some time to fix the basic wage. The object of the amendment introduced last year was to provide for the State Statistician supplying the court with certain figures. Members of the court still have the right to ask for further figures. The reason why the advocates were not allowed to argue the point each quarter was that the court would be occupied practically the whole year in trying to fix the basic wage, and no other business would be done. I have a copy of the annual declaration for 1931. The court, as members know, is composed of a president (Mr. Dwyer) and two lay members, Mr. Somerville and Mr. Bloxsome, representing the A.L.P. and the Employers' Federation respectively. The lay members are present to look after the interests of their respective organisations, and to get the information they require. The president, in the course of his declaration, said—

In the course of the investigation this year, the matter of productivity was again introduced by the representative of the unions of workers. . . . If they (local facts and figures) are to be relied upon, then it seems to me that taking the year 1907 as the starting point, the worker's condition as to wages and conditions of his employment has undoubtedly improved. . . . In the Harvester judgment, to use the words of Mr. Barker, the workers got all that they asked for.

He went on to deal with the standard of living and with the various details fixed by the Federal court as well as the State court. He showed how exhaustively the matter was inquired into every year, and how the basic wage was fixed, the basic wage meaning a sum to enable the average worker to live in reasonable comfort, having regard to the

obligations to which such average worker would ordinarily be subject. It might be assumed that in making a quarterly adjustment there would be some difference as compared with making an annual adjustment, but really there is not. The only thing is that instead of arguing the question four times in the year, the full argument is heard once a year and the Statistician's figures are then made the basis of the quarterly adjustment. The court does not necessarily accept the figures of the statistician. They are referred back for further information, and that information is made available. I have a list showing the variations in the basic wage during the last 12 months for every State in Australia, and it is a fact that the variations made in the other States practically correspond with those made here. I am satisfied it is wrong to try to deal with statistics covering the cost of food and groceries in a Bill of this kind. Whether it could be done in some other way, I cannot say. After the amending Bill was passed last year, the first quarterly declaration was made on the 3rd March, 1931, and that provided a basic wage of 78s. for males and 42s. 2d. for females in the metropolitan area, 77s. for males in the South-Western land division, and 77s. elsewhere. The next adjustment was the annual one made on the 10th June, 1931. That was made under the original Act, but there was no alteration in the basic wage. The figures then were: for the metropolitan area, males, 78s.; South-West land division 77s.; and elsewhere 77s. There was no alteration for the next quarter, but in the following quarter there was a reduction from 78s. to 73s. 6d. When we analyse the basic wages in Australia, and take also the standard laid down by the Federal court, we find that our basic wage is considerably higher than exists elsewhere. I believe there should be one basic wage fixed by one authority on the cost of living in each State, and that the position should not be as we have it now, in Western Australia a Federal basic wage and a State basic wage, for there must be something wrong with one or the other. I ask the House to oppose the second reading of the Bill. Although some adjustment may be necessary, in my opinion it should not be made in this manner.

**HON. M. F. TROY** (Mount Magnet)  
[5.3]: It is difficult to see why the Minister

for Works should oppose the Bill. It does not ask for any change in the means whereby the basic wage is arrived at, except that the information secured by the Government Statistician from various sources shall be made available to the parties concerned.

Hon. A. McCallum: That is all.

Hon. M. F. TROY: The Minister talked all around the subject. Why should he have any objection to the Government Statistician giving the price lists which are submitted to him from various sources? Could any request be more reasonable? It is very necessary in the circumstances, if we are to have confidence in the basic wage declaration, that the figures, which the court cannot question, should be made available to the parties concerned, and no one else. The basic wage is determined on the figures supplied by traders and others, and they are accepted by the court without question. Could anything be more unsatisfactory than for a body of people to be compelled to accept conditions on a basis about which they have no knowledge? And yet that is the position here. The Minister has given no reasons for his objection to the Bill. No doubt the majority behind him will be just as unreasonable, and will decline to pass the Bill. There is no dislocation involved in the present system of arbitration. If the Minister was himself engaged in the business, he would want all the cards laid on the table, and would want to know the facts governing the entire situation. He would not accept anything blindly. Nevertheless, he requires that the parties before the Arbitration Court shall accept a decision on figures which are known to no one but the Government Statistician, and which the court has no power to question. The tribunal must give its decision on the figures supplied by that officer. The Minister denies the right of both parties to have the information supplied to them. Quite recently, when preparing a case for the miners on the goldfields, I secured certain price lists upon which the previous basic wage had been declared. Those price lists were not consistent with the receipted accounts of the miners. That is a serious statement, which a just Government cannot ignore. The figures supplied from the various districts were not consistent with the bills actually paid by the miners. When I desired to stress this point, the court could not listen to me, and there the matter had to end. Although we have the knowledge that the figures upon which the

court arrives at its determination are not consistent, we have to accept the dictum of the Minister. This is most unreasonable and unfair and cannot be justified. No one with any desire to do the fair thing by all the people of the country could justify such a thing. The Bill, which might have gone further than it has gone, is a perfectly reasonable one, and there can be no logical objection to it. It is not a measure of coercion; it merely requires the Government Statistician to supply both parties with copies of the figures he places before the court, and upon which that tribunal bases its calculations. They are, in fact, the means whereby the court arrives at its basic wage determination. I do not know any other legislation through which people are denied these facts. In a Supreme Court case, both sides have to know the facts. At an inquest both parties have the fullest right to hear everything before the coroner. If a Royal Commission is making an inquiry, all sides have to know the facts. In the case of the Arbitration Court, however, the only person who has the right to get certain information is the Government Statistician. This can be supplied from any source. There is no check upon the source from which it comes. Notwithstanding this, the Minister will not agree to the Bill, although it merely provides for a reasonable check upon these figures. During this year I had occasion to compare the prices upon which the Arbitration Court based its basic wage determination, with the prices that were actually paid, and, as I have said, I found they were inconsistent. In the face of these facts I am surprised that the Minister should oppose the Bill.

**MR. KENNEALLY** (East Perth) [5.8]: The necessity for this Bill will be found in the fact that the Government have introduced a new system in the fixation of wages. The system previously adopted was that the court held an inquiry, and ascertained the amount that should be paid in order that a person might live in reasonable comfort and maintain his family. After hearing evidence on both sides, the court arrived at its determination. The present Government have altered that. Instead of an annual inquiry being made, and the wage being fixed accordingly, the Government have determined that the figures of the Government Statistician shall be the determining factor each quarter. This nullifies to a great ex-

tent the inquiry which the court makes in order to arrive at a determination upon the wages question. We want to give the system of arbitration a reasonable chance of functioning and maintaining industrial peace, but we shall never accomplish it by anything in the nature of a one-sided effort. The action of the Government has made it a one-sided effort. It was never intended that the Government Statistician in the State sphere, or the Commonwealth Statistician in the Federal sphere, should determine wages. When those officers were appointed it was farthest from the minds of those responsible that they should be the officers to determine the wages of the workers. Gradually, however, there has been evolved a system which has made it possible for wages to be determined by this method. Apparently the Government believe that the present method of getting evidence from both sides, and asking the Arbitration Court to determine the issue on that evidence, is objectionable. Surely they cannot reasonably contend that the system which should take the place of the other is one by which a Government official can, by giving secret information, which is not available to those who will be affected by the decision of the court, in effect, be the sole means of determining the wages of the workers. The Bill makes provision whereby, instead of this information being kept secret, it shall be made available to both parties. I could understand the Government opposing it if it said that the information was to be made available only to the representatives of the workers, but it provides for its being given to the representatives also of the employer. What is wrong with that? Some years ago we made representations to ensure that this sort of information should be given to both sides in cases that occurred in the Federal sphere. We found that some of those people, who were supplying the information upon which the wages were based, were interested in keeping down wages. They were large employers of labour, and if a lower wage could be determined in that part of the State in which they were operating, it would benefit their own pockets. We asked that the information supplied by these and other people should be made available to all who were going either to suffer or gain, as a result of that information being supplied. We were unable to have this given effect to. Mr. Bruce raised the same argu-

ments that the Minister for Works has raised to-day. He stated in effect that, after all, the figures of the State Statistician were right. Members on this side have never challenged the correctness of those figures. However, that is not the point at issue. What we find fault with is the origin of the figures. The State Statistician, with his record and name at stake, naturally supplies correct information on the basis of the figures furnished to him. The difficulty here, as in the Federal arena, is the source of supply. Since the Government have altered the system of determining wages, all the power of the Arbitration Court to take evidence from both sides being abolished, is it unreasonable to ask for an amendment of the Act as proposed by this Bill? The Bill merely provides that after the information has been made available to representatives of the parties concerned, reasonable time shall be allowed those representatives to acquaint the State Statistician with what they may consider to be flaws in the information supplied to him. Is there anything wrong with that? It was never intended that the State Statistician should be employed in this capacity. Ought not, then, the information he submits to the court to be in turn submitted to those who may be detrimentally affected by it? The Government have already had one delve into the pockets of the workers, to the extent of 8s. per week, which should never have been taken from them.

The Minister for Works: The court justified that reduction in the annual declaration.

Mr. KENNEALLY: Under the amending legislation introduced by the Minister, the court must take the information from the State Statistician, willy-nilly.

The Minister for Works: What about the declaration of the 14th June?

Mr. KENNEALLY: I am not dealing with that, but with the amending legislation introduced by the Minister, which turned the court, from a wage-fixing tribunal, into a tribunal simply adopting, without inquiry, the figures of the State Statistician.

The Minister for Works: Three months later the court, in its annual declaration, retained the 8s. reduction.

Mr. KENNEALLY: The Minister took good care to get in before that period arrived. He was in a hurry to dip his capacious paw into the pockets of the people.

The Minister for Works: The court justified the reduction by retaining it after inquiry.

Mr. KENNEALLY: The court is practically hamstrung by the Minister's amending legislation. If the system of industrial arbitration is to be adhered to, we must create confidence in it on the part of those who are to be governed by it. Faith will not be created by accepting figures from an unknown source without making them available to the people affected, and on those figures instructing a supposed court of arbitration—a court supposed to determine a reasonable wage—to determine the remuneration of the workers.

The Minister for Works: Why blame us? That is being done all over Australia.

Mr. KENNEALLY: The Minister's interjection shows his lack of knowledge regarding methods adopted elsewhere in Australia. Where a similar system to ours operates, the same representations are being made. That system formerly obtained in New Zealand, but was rectified there.

Hon. A. McCallum: Either that system or industrial arbitration must go.

Mr. KENNEALLY: The workers of this community cannot be expected to abide by a wage declaration based on figures secretly supplied to a court which is told by the Legislature that those figures must be adopted. Such a system necessarily means dissatisfaction. Under the Arbitration Act as amended, the workers cannot obtain justice without this further proposal.

The Minister for Works: Does the amended Act prevent them from getting something that workers elsewhere get?

Hon. A. McCallum: Certainly it does. The first decision under the amended legislation robbed the workers of £400,000. It robbed them of 8s. per week four months before the contract was up.

Mr. KENNEALLY: The Minister has asked, and not unreasonably, whether the parties were given this information previously. They were not, but previously the State Statistician did not determine wages. That is the difference. Apparently the Minister does not understand his own legislation. Previously the law provided for an annual inquiry, for evidence by both sides, and for a determination by the court.

The Minister for Works: That position still obtains.

Mr. KENNEALLY: Yes, but super-imposed upon that is the amending legislation

introduced by the Minister, which provides that the determination shall not stand for 12 months as previously, but that in each succeeding quarter of the year the State Statistician shall supply to the court figures which, in his opinion, show the cost of living; and that then the court shall, not may, adopt those figures and make a declaration accordingly. The court is called upon to decide according to figures which are not furnished to the parties. The source of information may be absolutely incorrect. Even though the State Statistician supplies the court with correct information on the basis of the figures furnished to him, the wages of the workers can be, and in fact are being, reduced even though the price of commodities does not warrant a reduction. We believe that system to be wrong; but if it is to continue, this Bill asks that the information supplied by the State Statistician shall be made available to the parties.

Hon. M. F. Troy: Nothing could be fairer.

Mr. KENNEALLY: If the Government desired to be fair to the workers, they would accept the proposal. From the Minister's own point of view, the better attitude is to throw on the representatives of the workers the onus of showing the incorrectness of the figures in question. I ask Ministers and hon. members opposite to give the question fair consideration. Anything that tends to defeat industrial arbitration is a wrong policy to adopt. Whilst the workers had an opportunity of proving in open court what in their opinion was a reasonable wage, whilst the representatives of the employers had the opportunity of showing what from their standpoint would be a reasonable wage, and whilst the court, untrammelled, had the opportunity to make a declaration, industrial arbitration had a fair chance to function. Now, however, the Legislature has taken the matter out of the hands of the court by deciding that the State Statistician shall, on the basis of information supplied to him from Heaven knows where, tell the court what wage to fix. How can arbitration function fairly under such conditions? The natural result is discontent. People say that the days of industrial arbitration are over, and that the days of direct action are at hand. They cannot be blamed, as political interference with industrial arbitration has brought about that position. The Minister is looking for trouble if he persists in maintaining that

instead of the Arbitration Court fixing the wage a Government servant shall do so, and that the methods adopted by that Government servant shall not be open to review in any shape or form by the workers or their representatives. I hope that the Bill will pass, thus giving immediate justice to the workers.

**HON. J. C. WILLCOCK** (Geraldton) [5.22]: I am more than surprised, I am astounded, at the opposition from the Government side to this Bill. I cannot imagine that in a British community, governed by the fundamental principles of British justice, all the facts in connection with proceedings in a court of law shall not be advanced in open court and subject to cross-examination. At this stage, 300 years after the existence of the Star Chamber, such methods are used in connection with proceedings affecting the welfare of the workers in this enlightened community. The basic principle of our courts of law—and the arbitration tribunal is a court of law—is that a charge cannot be upheld unless it is substantiated by evidence. No witness can give evidence without rendering himself subject to cross-examination. Except in extraordinary circumstances, our courts refuse to accept affidavits in support of either charges or claims. People must go into the witness box and submit to cross-examination on the evidence they give. That is all the Bill asks. We do not say that the figures of the State Statistician are wrong. No one has ever said that. However, it is more than possible, it is even probable, that in some instances there will be miscalculations and mistakes in the evidence. Surely, since that evidence affects the conditions and lives of 150,000 or 200,000 members of our community, they should be given the opportunity of checking or cross-examining those who give evidence for the purpose of fixing wages. If as the result of a check a difference of even 3d. per week were discovered, the difference, spread over 100,000 wage earners, would amount to about £1,250 per week. Is it not right, then, that the people should have the opportunity of checking figures of such far-reaching importance? I see no ground whatever for opposition to the Bill. Obviously, in connection with statistical evidence relating to the business of individuals, it is not desired to know what profits they

are making and what commodities they deal in. But where things are manufactured, and all the things that go to make up the economic life of the State, it is right that we should have access to them. But this is not an individual's business, it is the business of the supplying of commodities to the people by the whole of the trading community of Western Australia. We do not want to know how much profit the man who is supplying these things makes on his transactions, nor whether he trades on a cash or a credit basis, nor anything else about his business. All we want to know is the price at which he sells his commodities. I see no reason whatever for objecting to this. The Minister said these matters must be secret.

The Premier: They have always been kept secret.

Hon. J. C. WILLCOCK: No. Statistical returns in regard to the profits of those in business have been kept secret, and rightly so, but nobody ever wants to keep secret the price at which he is selling his commodities. In fact, all such men actually advertise their prices.

Mr. Marshall: And if they have a cut line they set it up in big black type.

Hon. J. C. WILLCOCK: Yes. Some grocery stores spend hundreds of pounds per month on their price lists. There is no secrecy about that. We just want to know that the figures are correct on which the Government Statistician makes up his figures for submission to the Arbitration Court. The storekeepers are supposed to furnish the prices of predominant lines. That may not be known to everybody. Someone quite honestly may be making a mistake. They are expected to give, inter alia, the price of jam. In that they are not supposed to furnish some specially cut price which has been set up for, say, only one day. Again, a storekeeper may say, "Well, I sell pastry butter at 1s. 2d. per lb. and so I suppose I can say that I sell some butter at that price." But that, of course, is not ordinary butter for ordinary household use, and so the price given may be altogether misleading. What means have we of finding out whether those people properly understand their instructions? Some comparatively unimportant member of the staff may be asked by his employer to furnish the various prices to the Government Statis-

tician. Even if that employee should make a mistake, it does not concern the employer very much, and so he does not check the figures. Yet any mistake made would serve to affect the compilation of the basic wage. I cannot understand the opposition to this proposal. It is against all fundamental principles of British justice. These figures should not be compiled in secret, but should be subject to the open light of a court. These are not the days of star-chamber methods, and even newspaper reporters are to be found in all our courts, which, indeed, are open to everybody. The public may pass in unhindered, in fact accommodation is provided for them so that they can go and watch the administration of justice. The declaration of the basic wage certainly has its legal consequences, for any employer paying wages not in conformity with the court's decision is subject to prosecution in the court. To say that the information on which the basic wage rests is not to be the subject of any sort of inquiry, is to get right away from British justice. It is ultra-conservatism to hold that because we have had a certain system in the past it shall be continued for ever. Such an attitude should not receive consideration anywhere. The very man who sends in the returns does not plead that they shall not be open to inspection. Go into a store anywhere in Western Australia and ask the price of a given commodity, and immediately that price will be supplied. Yet the Minister says these prices should be kept secret and nobody should hear anything about them. It is ridiculous. All we ask is that the figures shall be subject to examination, for these prices are the prices on which the basic wage is compiled. Even in Parliament, where we discuss all sorts of things which have their effect on the economic life of the country, it is a fundamental principle that any citizen can come and hear the discussion and see what is going on in the making of our laws. The star-chamber method of keeping in hiding figures which do not concern the business interests of any individual, is entirely wrong. I should like to hear the Attorney General's views on these secret methods.

The Premier: But these figures have always been supplied under the seal of secrecy.

Hon. J. C. WILLCOCK: No, the Statistical Act of 1907 was for the purpose of eliciting information regarding what might

be termed business secrets, and so it was provided that the information should be given under the seal of secrecy. But that was an entirely different matter.

The Premier: But is it not a fact that the method of getting the costs from the Government Statistician was always as it is to-day?

Hon. J. C. WILLCOCK: No; the information supplied under the Statistical Act was kept secret. But why should we keep secret the figures on which the industrial conditions and wages of 77 per cent. of the people of the State are based?

The Minister for Works: Is our system different from those in the Eastern States?

Hon. J. C. WILLCOCK: The working out of this system has so discontented the people all over Australia that they are agitating for a revision.

The Minister for Works: They are asking for a Royal Commission.

Hon. J. C. WILLCOCK: They are asking for a Royal Commission on the reduction, but we are not concerned about that at this stage. All we are concerned about is that the figures supplied shall be subjected to the test of examination in the light of day.

Mr. Kenneally: Which is very necessary, in view of the new legislation.

The Minister for Works: On the 14th June they altered the basic wage which had been fixed only a few months earlier.

Hon. S. W. Munsie: And a few months earlier they reduced it by 8s.

Hon. J. C. WILLCOCK: I am not concerned with what has happened during the past 12 months. I do not say that the Bill, if passed, will make any great alteration in the returns, but I do say the people are becoming suspicious that there is something not altogether in accord with the facts. If we can have it in the light of day and we can assure the people that facts are being supplied there will be no discontent. The Arbitration Court now satisfies itself as regards things which make up the basic wage but the court has no power to question a statistician as to the source of his information. If the court knew of its own knowledge that the figures supplied by the statistician were incorrect, it would have to accept them according to the law as it exists to-day.

The Minister for Works: You are wrong; the Act does not say that the court must make an alteration; it says the court "may."

Hon. J. C. WILLCOCK: "May" means "shall" in legislation of this kind.

The Minister for Works: "Shall" consider the statement.

Hon. J. C. WILLCOCK: We do not give the court the opportunity to consider the statement. We do not allow anybody to be represented at the court.

The Minister for Works: Since the Act has been passed there has been an annual investigation.

Hon. J. C. WILLCOCK: But under the Act the court can use information from only one source, and we say that as far as the statistician is concerned, he gives absolutely correct information, the information that he receives—there is no question about that. But what there is some doubt about is that the figures given to the statistician and passed on to the court may be quite incorrect. I can quote what happened in Geraldton. The statistician went up to test the figures supplied to him, and after he had made an investigation, assisted by the town clerk and others, he admitted that the figures supplied were not fair and reasonable, and they were altered. Could not the same thing happen in respect of other questions? The Government should be concerned only with regard to getting facts to enable the court to make a just declaration. If the employer is entitled to have the basic wage determined in a proper manner, the Premier will agree that the court should be supplied with correct figures. That should be done in the interests of the industry, but we should not deny anyone the right to cross-examine. I should like to hear the member for Nedlands (Mr. Keenan) on the constitutional aspect of the star-chamber methods at the time of the Stuarts, 300 years ago. I think there was a revolution at the time and a king lost his head through the star-chamber methods in the administration of justice at that time. To import that principle into legal proceedings to-day in our free and enlightened country will mean impeding progress and putting us back hundreds of years. I am astounded at the objection raised by the Minister. He said it was necessary in somebody's interests that this information should be secret. There is nothing connected with the administration of the law that should be secret. We cannot possibly have secrecy in legal cases; if we do have secrecy we have corruption, and everything else that that will break down the confidence of the

people in the law and its administration. I hope the Minister will be able to produce better arguments than those he used. The whole system of our arbitration law is based on getting evidence. The two parties to a dispute have to appear before the court and they have to swear certain information, for the accuracy of which they stand. Then if anyone desires to test the truth of the statement, they should submit to cross-examination. A person who supplies information on which an important matter is dealt with should be prepared to conform to what other witnesses in other courts of law have to submit to, namely, the test of cross-examination. I hope the Premier will delve into the matter more deeply than did the Minister for Works and that the provision will be agreed to so that it may remove a considerable amount of the dissatisfaction that exists to-day.

The Minister for Works: What will you do about the annual investigations?

Hon. J. C. WILLCOCK: It is in regard to the quarterly investigations that no one has a right to appear. As a matter of fact, the court does not sit. It declares that it has received information, taken it into consideration and based its action on it. It is not possible to take exception to statements submitted to the court at those quarterly sittings. The position is fundamentally wrong, and I hope the Government will agree to what is an eminently fair proposition.

**MR. MILLINGTON** (Mt. Hawthorn) [5.54]: I presume that the Minister's objection is on behalf of the people who supply the information. He certainly set up a general case against the divulgence of information supplied by people for statistical purposes. Statistics generally are of very little interest to the average person. We go to the Statistical Register or to the Year Book for information that we may desire, but in the main that information is of no interest to anyone. Persons requiring information about an important matter would want to know when the information was compiled and by whom and by what means. Then they would not say willy-nilly "We will accept this information supplied to us by the compiler of statistics. They would devise ways and means to check it. That is all the Bill asks. I have a recollection on one occasion of a proposal that two auditors should be appointed. One

of the secretary's friends objected and said it was a reflection on the secretary's character. The auditors were appointed just the same. It is not here proposed to reflect on the character of those who supply information to the statistical officers; it is intended to apply ordinary methods of checking figures and where figures are dealt with it is always necessary that there should be a check. The prices charged for groceries represent perhaps the main consideration that gave rise to this discussion. It would surprise hon. members to know how prices vary in different parts of the State. A select committee of this House inquired into the cost of living, and it ascertained that the retail price of meat within a 10-mile radius of the town hall varied from 3d. a lb. to 8d. a lb. for the one type of joint. How could the statistician compile his index figure without knowing the variation in prices. There is a great disparity between the prices charged for many commodities in various parts of the State. Then again certain catch lines are sold at under cost. That phase should be taken into consideration as well. This is a matter of vital importance, and not one of mere passing interest. A miscalculation in railway tonnages or in overseas trade statistics would not cause us much concern, whereas both employer and employee are vitally interested in the prices supplied to the statistician for the purpose of fixing the index figure, upon which wages will rise or fall. In those circumstances, it is only reasonable that the figures, as supplied to the statistician, shall be checked. We are not asking that confidential information shall be made available. I recognise that some information that is supplied is confidential, but what we have in mind is the price list supplied by tradesmen. The Minister should reconsider his objection to the Bill, which should really have been covered by him in the measure he placed before Parliament to amend the Arbitration Act. When he decided by that amending legislation to make the statistician's determination the yard-stick by which to measure wages, he should have included the principle outlined in the Bill, which is, in effect, a natural corollary. The Bill will supply the machinery necessary to check the information furnished to the statistician for the purposes of the amending Act. The Minister's objection regarding the divul-

gence of information had nothing to do with the point dealt with in the Bill. Naturally the employers themselves must desire that the information furnished to the statistician shall be correct, because the information might affect wages either way. It might have a tendency to increase wages, or it might tend to decrease them. What objection can be taken to a check upon information at the source of supply? It will be fair to both sides.

The Premier: What I cannot understand is why it has not always been done.

Mr. MILLINGTON: That is all we ask shall be done.

The Minister for Works: You are simply making an excuse; that is all.

Mr. MILLINGTON: For many years we have argued about the information supplied in connection with industrial matters, and to-day it is permissible to furnish information; but I admit that it is difficult for an advocate in the Arbitration Court to disprove the statistician's figures. He would have to cover the whole ground and get information from all parts of the State. Even so, in all probability, the case he would put up would be unconvincing to the court.

The Minister for Works: Would the effect of the Bill be to disprove them?

Mr. MILLINGTON: It might be possible to show that the figures received from different towns were incorrect.

The Minister for Works: Are you not arguing against the annual adjustment, not the quarterly adjustment?

Mr. MILLINGTON: All I am seeking to show is the necessity for checking prices supplied to the Government Statistician, upon which he is asked to fix the index figure. That information should be checked before he receives it. Why should there be any objection to such a proposal? The Minister would have figures supplied to him, checked for his own protection. We know that the ordinary housewife checks her household figures. The man who supplies the figures to the Government Statistician is the only man who could object, and why should he object?

The Premier: It does not matter who supplies the figures.

Mr. MILLINGTON: No, so long as they are correct, and all we ask is that those figures shall be checked. Seeing that men's wages are fixed on the basis of the information supplied, it is not too much to ask.

The Premier: You want, the figures checked, not the source of supply.

Mr. MILLINGTON: That is so. Arising out of a woodline dispute on the Eastern Goldfields, it was agreed that the men should be supplied with goods at Kalgoorlie prices. The men had an agent in town who went to two business men, secured prices, compiled a list and gave the full information. There was no secrecy about the matter. In effect all that we ask is that the prices supplied to the Government Statistician shall be audited, or, in other words, checked. It is not merely a matter of prices, but of brands, size of tins, and so forth.

Mr. SPEAKER: Order! I ask the hon. member to resume his seat, and the Premier to move that the debate be adjourned. The member for Mt. Hawthorn will have an opportunity to resume his remarks later on. I have received a message from the Legislative Council regarding a conference.

The PREMIER: The idea is to adjourn now instead of having to re-assemble after the tea hour merely to adjourn again. We are to meet the managers of the Legislative Council, and will resume at the conclusion of the conference. I move—

That the debate be adjourned until a later stage of the sitting.

Motion put and passed.

Mr. SPEAKER: It will be necessary for someone to move that the member for Mt. Hawthorn be permitted to continue his remarks at a later stage.

Hon. M. F. Troy: This is rather an extraordinary procedure.

Hon. A. McCallum: Has this been done before in this Chamber?

Mr. SPEAKER: Will somebody move that the member for Mr. Hawthorn be permitted to resume his remarks at a later stage?

Mr. MARSHALL: I move—

That the member for Mt. Hawthorn be permitted to resume his remarks at a later stage of the sitting.

Mr. HEGNEY: I second the motion.

Motion put and passed.

## BILL—DIVIDEND DUTIES ACT AMENDMENT.

### *Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the

Assembly's request for a conference on amendment No. 1 made by the Council and disagreed to by the Assembly, and had appointed Hon. J. J. Holmes, Hon. W. H. Kitson and Hon. C. F. Baxter as managers, the President's room as the place of meeting, and the time 7.15 pm.

On motion by the Premier, Hon. C. G. Latham appointed as one of the Assembly's managers, in lieu of Hon. J. Seaddan, who was indisposed.

*Sitting suspended from 6.12 to 9.20 p.m.*

### *Conference Managers' Report.*

**THE PREMIER** (Hon. Sir James Mitchell—Northam [9.20]: I have to report that the managers appointed by this House met the Council managers and agreed to the following amendment to the Council's amendment:—

The Legislative Council's amendment No. 1 is agreed to subject to the following amendment:—"Strike out all the words after 'in' in line 4 down to and inclusive of 'against' in line 18, and substitute in lieu thereof the following:—'pastoral or grazing business there shall be allowable as a deduction from any year's profits such portion of net losses made during the two years preceding the year in respect of which the assessment is made as was due to the loss of stock caused by drought.'"

It will be seen that under paragraphs (a) and (b) the deductions allowable were to be the net business losses over the two years preceding the year of assessment due to any cause. The amendment will limit the deduction to loss of stock caused by drought. The House might well accept the amendment now suggested by the managers, because it will not involve great loss of revenue and we shall be doing justice to the stock owners, whether they be pastoralists or graziers. I wish to emphasise that the loss that may be deducted is now limited, whereas under the Council's amendment the loss was unlimited. I move—

That the report be adopted.

**HON. A. MCCALLUM** (South Fremantle) [9.22]: What is the definition of a pastoral or grazing business? Would it include the ordinary farmer?

The Minister for Lands: Yes, if he has sheep or cattle, he is a grazier, but it refers only to companies, not to individuals.

Hon. A. McCALLUM: I realise that. There are companies carrying on farming business.

Hon. W. D. Johnson: It would be only fair that they all come in.

Hon. A. McCALLUM: Every farmer in the country will be floating his business into a company. Would each farmer get the advantage if he did so?

The Premier: In so far as grazing is concerned.

Mr. Millington: The amendment refers to loss of stock due to drought only.

Hon. A. McCALLUM: Yes, I realise that it is limited to loss due to drought.

The Premier: To loss of stock due to drought.

Hon. A. McCALLUM: It is to apply to companies only.

The Premier: Yes.

Hon. A. McCALLUM: That is a limitation. What about the other pastoralists who suffer loss through drought?

The Premier: They get an allowance already.

Hon. A. McCALLUM: By averaging over the three years.

The Premier: Yes. Companies average only in respect of loss due to drought during the two years.

Hon. A. McCALLUM: It is a complicated matter to deal with, particularly when we have not copies of the managers' report before us. It is hard to understand the full purport of the amendment at a moment's notice. I am glad that the Council's amendment was not adopted as it would have created an invidious distinction.

Question put and passed.

On motion by the Premier, a message was returned to the Council acquainting it accordingly.

## BILLS (2)—RETURNED.

1, Tenants, Purchasers, and Mortgagors' Relief Act Amendment (No. 1).

2, Loan (No. 2), £2,450,000.

Without amendment.

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

### Second Reading.

Debate resumed from an earlier stage of the sitting.

MR. MILLINGTON (Mount Hawthorn) [9.30]: I had nearly finished all I had to say. I can only conclude by expressing the hope that the Government will reconsider their attitude on this Bill.

On motion by Mr. Panton, debate adjourned.

## BILL—HOSPITAL FUND ACT AMENDMENT.

### In Committee.

Mr. Richardson in the Chair; the Minister for Health in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 11.

Hon. S. W. MUNSIE: The Minister for Health was not fair in his criticism of members on this side of the House. He said his endeavour was to simplify the procedure by which patients could claim exemption. He read paragraphs (a), (b), (c), and (d) of Section 11, which apply to what a patient has to do to-day. His Bill does not alter that one jot. He is further providing that a patient must make a written declaration, in addition to complying with the provisions of Section 11. The only alteration he is making, apart from the proviso, is that he will allow exemptions either in whole or in part. It is true that when the Act was going through I said it would mean nothing to the great majority of the people, because it exempts those who are on the basic wage. To-day, however, 90 per cent. of the workers are getting less than the basic wage of that day, and under the Act would be entitled to free hospital treatment. The only workers to whom the Act would not apply would be the miners on the goldfields. Railwaymen and others have had their basic wage reduced to such an extent that they now come within the provisions of the Act. Every wage earner now pays 1½d. in the pound tax for the maintenance of hospitals. The Minister said that those who were on the basic wage would be entitled to free treatment but the Bill deprives them of it. I know dozens of cases of men who refused to allow the Minister to write off their hospital accounts, and who, though they could ill-afford it, regularly paid their half-a-crown a week in order to liquidate their liabilities. Such people are entitled to free treatment for the tax they pay, but the Bill

will prevent them from getting it. The Act has been in operation less than twelve months, and the only benefit it gives is now to be whittled away by this scandalous measure. The Minister would not take my advice and make the principle of free treatment apply to all persons who pay the tax. This measure is purely designed to save Consolidated Revenue. If the Act had specified that those who received the basic wage existing at the time they were in hospital would get free treatment, this Bill would never have been brought down. The Minister realises that everyone, apart from those who are working in the gold mining industry, is now entitled to free hospital treatment, and he is taking this means to prevent people receiving that benefit.

The Minister for Health: They will still get it under this Bill.

Hon. S. W. MUNSIE: The gold miners will get nothing.

Mr. Marshall: And they are still made to pay the tax.

Hon. S. W. MUNSIE: The Minister wants to take away any benefit the Act gives, because he finds he is not getting the revenue he expected. I shall not move an amendment, because I cannot frame one; but I shall divide the Committee on the clause.

Mr. KENNEALLY: I agree with the previous speaker. The previous Bill gave a benefit if a person went into an approved hospital. The Minister, however, would not agree to that, and as a result there is a long waiting list of 60 to 80 persons trying to get into public hospitals. Under the amended Act, if a person goes into a public hospital—provided he is not receiving the minimum prescribed for him, £156 if single or £230 if married—his hospital account is paid; but he cannot obtain payment of an account incurred at a private hospital. The effect of this clause will be to limit the benefits still further. If in the opinion of the court a patient is able to pay part of the hospital expenses, he is to be compelled to pay accordingly. The people are to be taxed without receiving any benefit whatever. The previous Bill was merely a means of securing additional revenue, though the Minister denied that fact. Having succeeded in reducing the basic wage, the Government now propose that those receiving in the vicinity of the maximums stated shall not obtain the benefit promised to

them. At one period we were told that not sufficient money was coming in to provide the benefits promised. The passing of this Bill will mean that no benefits whatever will be obtained. Under the existing law, hospital authorities cannot sue a patient receiving not more than the amounts prescribed.

The Minister for Health: They never do sue.

Hon. S. W. Munsie: Yes, they do. The Minister himself has questioned the legality of their power to sue.

The Minister for Health: No.

Hon. S. W. Munsie: Up to 1927 there was no such power.

Mr. KENNEALLY: The Minister now seeks to give hospital authorities the power to sue. The previous maximum incomes were small enough. Now the Minister proposes to abolish any maximum in effect. The clause is utterly reactionary. The Minister is merely after revenue.

The Minister for Health: What do you think I am going to do with it?

Mr. KENNEALLY: When this side of the Chamber moved amendments enabling adequate medical benefits to be given, the Minister opposed them.

The Minister for Health: I did not.

Mr. KENNEALLY: "Hansard" will show who is speaking the truth. I hope the clause will not be passed.

Hon. A. McCALLUM: The Act as it stands exempts married men receiving up to £230 and single men receiving up to £156. The clause provides that instead of benefiting to the full extent of the exemption, they may be exempted wholly or in part. The clause also provides power to sue. The hospital authority is to determine whether the exemption shall be granted wholly or in part. This means a highly inquisitorial examination into the patient's financial and domestic position. In a Government hospital that examination would be conducted by a civil servant, who would decide whether the patient was to be exempted wholly or partly. That is submitting the patient to humiliation. At present the exemption is mandatory, not discretionary.

The Minister for Health: But the patient has to prove his right to exemption.

Hon. A. McCALLUM: He merely gets a statement from his employer showing what his earnings for the year have been. But that is not what will happen under this clause. He has then to disclose the

whole of his domestic obligations, whereupon a civil servant may grant the exemption in whole or in part. The patient will have to submit to an examination akin to that of the Commonwealth authorities when considering applications for pensions. If he objects to submitting to the cross-examination, he will be told that exemption cannot be granted, and then the case will have to go to court. It is a most objectionable system to introduce into hospitals.

The MINISTER FOR HEALTH: The member for Hannans (Hon. S. W. Munsie) said I had misled the House. I certainly had no intention of doing so. Proposed new Section 11A sets out exactly what is going to happen. On the second reading I pointed out that it had been found that a married man on £230 per annum and having his own house was excluded from the payment of anything, whereas a single man on £156 had to pay his fees. What we want to do is merely to give to the local committees or boards the right to differentiate between patients on dissimilar incomes. After all, I have never yet heard of an instance where a hospital committee or board have sued a person whom they ought not to have sued. On the second reading I pointed out that one patient who had £2,000 in the bank, but had earned less than the basic wage, got out of paying his fees, whereas a man who was earning only a little over the basic wage had to pay.

Mr. Sleeman: How many of them have £2,000 in the bank?

The MINISTER FOR HEALTH: A few of them in the city. Then we have had complaints from the honorary medical staff that certain patients have been treated who ought not to have been treated.

Mr. Panton: And the honorary medical staff, when asked about it, declared they had not said it.

The MINISTER FOR HEALTH: The examinations will not be any more inquisitorial than they have been in the past. I cannot understand the objections to the Bill.

Hon. S. W. Munsie: The Bill would take away the only benefit the Act gives.

The MINISTER FOR HEALTH: It will not take away any benefit to which a person is entitled.

Hon. S. W. Munsie: Of course it will. A hard-working honest man and his wife, who have been able to save a few pounds, will

be told they are able to pay and so must pay.

The MINISTER FOR HEALTH: I certainly cannot understand the objections to the Bill, for nearly all the hospitals have asked for it.

Hon. S. W. Munsie: You will get still more objections to Clause 3.

The MINISTER FOR HEALTH: The money is devoted entirely to hospitals, so surely there can be no reason for complaint. Up to date there has been sufficient money to go round.

Hon. S. W. Munsie: Yes, it has worked wonders, according to the balance sheet.

The MINISTER FOR HEALTH: I explained that on the second reading.

Hon. S. W. Munsie: The Auditor General's report does not explain it.

The MINISTER FOR HEALTH: It shows exactly where the money has come from. When I put the balance sheet on the Table I thought it would clean up that misunderstanding. I can assure the Committee there is no intention to take away any benefits at all; rather is it intended to liberalise them. The Bill is merely to give the local boards and committees a discretionary power which they have not to-day.

Hon. S. W. MUNSIE: If the Minister wishes to give to the hospital boards a discretionary power because of the hardship now imposed on the man who is earning just over the basic wage, let him put through a Bill for the purpose and I will help him. But those committees have discretionary power now, without the Bill. If it be true that the hospital committees have to insist upon payment from a man who is earning £1 or so over the basic wage, I will agree to give them discretionary power in order to spare that man; but I am not going to let them say that when a man has earned less than the basic wage they still have the right to sue him for his fees, notwithstanding that he is already taxed for the maintenance of hospitals. The purpose of the parent Act was to secure revenue for the upkeep of hospitals.

Mr. Marshall: Nothing of the sort! It was to get revenue with which to relieve Consolidated Revenue.

Hon. S. W. MUNSIE: That is true. When first the Act was introduced, the Government said that with the tax alone they could not give the benefits which I had tried

to give under my Bill, but that they were going to exempt patients on the basic wage.

The Premier: They are getting that now.

Hon. S. W. MUNSIE: And the Minister has brought down this Bill to take it away from them.

The Premier: No. You would see harm in every proposal.

Hon. S. W. MUNSIE: I certainly see hardship in the Bill, which distinctly says that after "exempt" there are to be inserted the words "either in whole or in part." What is the purpose of that? It is to get money from men below the basic wage, and the Premier knows it. The Minister said the Bill did not take away benefits. I say it does. The only reference in the Act to "benefit" is to be struck out, and we are to have "exempt" in lieu thereof. The explanation of the Minister was an exceptionally lame one.

The Premier: Of course you would say that.

Hon. S. W. MUNSIE: Because he can produce one case where a man had money—let me say I would prosecute that man first of all.

Mr. Panton: As a matter of fact he had only an equity in property to that amount.

Hon. S. W. MUNSIE: If I knew a man with £2,000 who claimed exemption, I would help the Minister to make him pay hospital dues. But when the Minister brings down an amendment to make provision to get hospital dues from people who have earned less than the basic wage, he cannot hope to get through without opposition from me.

Progress reported.

## BILL—DIVIDEND DUTIES ACT AMENDMENT.

### *Council's Further Message.*

Message from the Council received and read notifying that it had adopted the report of the conference managers.

## MOTION—FOREST REGULATIONS.

### *To disallow.*

MR. J. H. SMITH (Nelson) [10.17]: I move—

That the amendments made to the Forests Regulations, 1925, published in the "Government Gazette" of 7th August, 1931, and 2nd

October, 1931, and laid upon the Table of the House on 29th September, 1931, and 13th October, 1931, respectively, be disallowed.

The reason I move the motion is that I consider that the regulations that are continually being issued are nothing but pinpricks to the industry. Recently I asked questions of the Minister for Forests and the replies he gave were the most foolish and inane that one could possibly expect to receive. One question I asked was what was the reason for the increase in inspection fees on timber from private properties and the reply he gave was that it was due to bad cutting and second-class timber which had led to serious complaints from overseas countries buying our sleepers. But exactly the same conditions apply on Crown lands. Under the charge of 1s. a load inspectors are earning for the Forests Department a minimum of £3 7s., and as much as £5 per day. With the increase as it applies to private property the inspectors are earning from £6 14s. to £10 a day. Why the differentiation? The Minister's statement in answer to my question was ridiculous. On Crown lands that have been revoked from areas that were dedicated, inspectors are marking timber for hewing, and this timber is as much immature as the timber cut from private property. If the answers that were given by the Minister were not dealing with a serious matter, I should say that those answers were absolutely farcical and ridiculous. For instance, the Minister told us that the reason for the increase in inspection fees was due to bad cutting and faulty timber, which had led to complaints from overseas countries. Whose fault was it but that of the Forest Department? The inspectors are employed under the Act and are under the direct control of the Conservator, and if there is any blame it is attachable to the inspector. Therefore, the reply was foolish. Again I ask why it was that people on private property should be penalised to the extent of the increase of 1s. 6d. per load, and why there should be that differentiation between cutting on Crown land and private property with only a fence dividing the areas? Why should the industry be loaded to that extent? God knows it is loaded enough as it is. The regulations have been continually increasing the fees on poles and piles until they now are 2s. 2d. per foot on a 60-foot pile. The total royalty

comes to somewhere about £6 15s. Something will have to be done because we cannot continue to allow the differential charges to be collected. The piles that are being cut are being supplied to the harbours and the railways and for work being carried out elsewhere in the State. If we were getting money for those poles from overseas, I would not object, but it is for internal work and also for the benefit of the Forests Department. The department are employing an army of men ringbarking in the forest country. The red gum trees shed their nuts and in a couple of years time there are red gum suckers all over the place, and an army of men will be required to keep them down. The Forests Department are utilising the money they receive from the Railways, Harbours, and Electricity Departments for that one purpose. What I want to prevent is the differentiation in the charges between Crown land and private land. This is not a small matter, and it is continually going on. I can tell the House something that happened. Many of the suppliers of poles and piles to the harbours and railways are getting them from private property and have supplied them at a lower cost than the Government charge for royalty. But if a man wants to get poles and piles for the railways and harbours he must first go to the Forester in the district. The cutter will have to go six or 12 miles out to find the poles and takes with him the forester to see whether the tree will provide a 60-foot pole. The forester says "Yes," and the man falls the tree, bring along his team and carts it into the siding. Then the inspector examines it and in many cases he condemns it at the siding. The cutter has to bring another pole in and he is obliged to pay royalty on the condemned pole before he can load the other on rails. Does not that show that the regulations are a farce? With regard to the contracts in force at the present time, the department are making the regulations so difficult that it is impossible for the men to earn a living in the bush. I have had many complaints from sleeper-cutters who before never had one per cent. of their sleepers condemned. Under the new regulations they are getting from 20 to 30 per cent. condemned. It is provided that the sleepers have to be absolutely square. I defy any man to cut a square sleeper. It is almost impossible to saw the sleepers in accordance with the regulations that are now

in force in the bush. The department will not allow even one-eighth of an inch one way or the other. The Minister controlling the Forests Department says that the cutter is wasting good timber in the bush. I say he is not doing so. The sleeper-cutter in the bush, and I have proved this before, gets more timber out of his trees than does the mill. He can also cut it cheaper than the mill. But under the forests scheme at present operating, instead of getting £2 6s. 9d., the award rate for cutting sleepers, he is getting now only 3s. 6d. It is almost impossible to cut under those conditions. Nine-foot sleepers are being cut in the bush, though any number of logs left will cut 7-foot sleepers. A man who with his son is cutting sleepers for a South African order went to the forester in charge, Mr. Brockway, to see whether he could use waste billet of 9 feet, and cut off 7-foot lengths from timber lying in the bush. Mr. Brockway thought there would be no objection, but the reply came back from the Conservator that it would not be allowed. This again is wrong. The waste billets and extra lengths will be destroyed by fire. Mention has been made about foreigners cutting on private property. But you would not get a Britisher to go where the foreigners cut sleepers on account of the area having been cut over eight and ten times previously. It is well for the State that this timber should be cut, no matter by whom it is cut. I have no brief for the foreigner, but while work is going on the storekeeper is getting something out of it, and so are the butcher and the railways, and money is being circulated. I do not know why regulations should be enforced against men who are on private land. The owner receives royalties for the timber and he puts that money back into the land. It is not squandered and, in effect, he gets something for nothing. I know that much money that has been received from royalties has been squandered in the past. In one instance, seven years' work in the forest outside Bridgetown, which costs many thousands of pounds, was all lost. It was reforestation work. A fire went through; it could not be stopped, and the whole result of the seven years' operations went up in smoke.

The Premier: The regrowth as well as the dead timber?

Mr. J. H. SMITH: Yes.

The Premier: Then it was cleared land after the fire.

Mr. Withers: Pretty dear clearing.

Mr. J. H. SMITH: The point I am making is that the regulations are most drastic, and the House should certainly disallow that which differentiates between the timber cut on crown land, on which a charge of 1s. a load is levied for inspection fees, and timber cut on private property, in respect of which an inspection fee of 2s. 6d. per load is charged. The Minister stated that the reason for this was on account of immature timber, bad cutting and an adverse report that had been received from overseas. Surely that is not the fault of the cutter, nor yet of the timber! It was an inane statement. The fault rest with the inspectors who passed the sleepers. I know something about that particular instance. Some of the sleepers concerned had been passed two years previously, and were sent overseas without any further inspection. That was why the complaints were received.

Mr. Withers: Were they inspected side by side, alongside the railway line?

Mr. J. H. SMITH: Yes; the sleepers from Crown lands were alongside those from private lands. If an inspector looked over 67 loads, he would receive £3 7s., and surely he would be well paid. Many men can turn over 100 loads and that means £5 for the inspection if the sleepers were taken off Crown lands. The return on account of the inspection would be £12/10/- if those 100 loads had been cut on private property. That differentiation is neither reasonable nor is it fair. No wonder the people are up in arms, and those who have private property are asking why they should be so penalised.

On motion by the Premier, debate adjourned.

## **BILL—TENANTS, PURCHASERS AND MORTGAGORS' RELIEF ACT AMENDMENT (No. 2).**

*Second Reading.*

MR. SLEEMAN (Fremantle) [10.35] in moving the second reading said: The Bill is a short one and I shall not take long in placing it before the House. When the Attorney General was dealing with a Bill to re-enact the parent Act the other evening, we complained that it did not include amendments that we had expected. The Attorney

General said that if I asked for something there was any chance of the House accepting, it would be different. That is what I have attempted to do in the Bill. It is a mild one, and I hope it will have a speedy passage through the House. It embodies two clauses. One provides that the final say in regard to evictions shall rest with the Commissioner, Mr. Moseley. Before an individual may be forcibly evicted from his home, the Commissioner will have to give the necessary order for eviction. The other clause seeks to strike out the section of the parent Act that permits people to contract themselves outside the provisions of the Act. That phase has been discussed in this Chamber, and every member knows what has been happening. I believe it is true that not only men who are on sustenance and are unemployed, but the ordinary working man as well, are compelled to sign a printed form that has been provided by the land agents, under which they give a definite undertaking that they will not take advantage of the Tenants, Purchasers and Mortgagors' Relief Act. Men have signed that document in good faith, believing that there was no harm in doing so. After a few weeks, however, they have become unemployed and later found themselves unable to pay the rent. When they seek to take advantage of the provisions of the Act, the landlord advances the form signed by each tenant, and that debars them from securing any assistance under the Act.

The Premier: Why did they sign it?

Mr. SLEEMAN: Some did not think there was any harm in it, while others signed in the hope of securing a house. I believe the Attorney General will agree with me that I have been mild on this occasion, and certainly have not been greedy. I move—

That the Bill be now read a second time.

On motion by the Attorney General, debate adjourned.

## **BILL—FINANCIAL EMERGENCY ACT AMENDMENT.**

*Second Reading.*

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth) [10.40] in moving the second reading said: The Bill provides amendments to Sections 14, 15 and

22 of the Financial Emergency Act. The first two are the really important amendments that have to be considered. Sections 14 and 15 deal with the application of what we have called the "cut" in the wages of workers outside the Government service. Hon. members will remember that a large number of applications are being made under those sections, and orders have been made in many instances. The Arbitration Court, in making those orders took a certain view as to the meaning of Sections 14 and 15, and it was that the effect of a successful application merely applied the reduction of wages to the employees of the particular person who made the application. One result of that view was, of course, that if a man were in a particular industry and had not any employees engaged at a given moment, he could not make any application for the benefit of the Act. The effect was that a man operating in a particular industry in a desultory way, working sometimes and not at others, was adversely situated. His competitors could make an application and secure a reduction, thus making it impossible for that man ever to start again. I know of one man who operates a timber mill from time to time as he secures orders. When he secures an order he opens up the mill, employs men and sets the machinery in motion. At the time when the timber millers applied for a reduction, his mill was not working. Therefore, he could get no order, according to the view of the court. On the other hand, all the timber millers who were working obtained orders. That meant, practically speaking, that it was made impossible for that man to open his mill again because he could not have the advantage of the reduced rate of wages, and he was afraid to tender for an order on any basis other than the old rates of wages. One of the unions took an even narrower view of the meaning of the two sections. That view was that the order of the court applied only in favour of the particular applicant, and with respect to the persons employed by the applicant at the moment of the order. That union moved the Full Court of Western Australia for an order of prohibition preventing the Arbitration Court from making any order that extended beyond the workers actually employed at the moment of the order. The application came on for hearing before the Full Court in due course, and the Full Court

refused the application, and expressed the opinion that the meaning of the two sections of the Act was that whenever a successful application was made, the result of the order was that the award or industrial agreement—the two amount to the same thing—itsself was varied; that is, the variation applied to every employer and every worker covered by the award. On the following day the learned President of the Arbitration Court made a statement in which he indicated that he disagreed with the finding of the Full Court and that he did not propose that the Arbitration Court should be bound by the finding. In expressing that opinion I think he was technically and legally right. I do not think that the finding of the Full Court actually does bind the Court of Arbitration. But now we have the position that the Full Court has expressed one clear and definite opinion on the meaning of the two sections, and the President of the Arbitration Court has stated that he thinks to the contrary. That, to my mind, is an invitation to persons concerned to litigate further on the matter, and it seems to me there is a distinct possibility of the exact meaning of those two sections being left in doubt for a considerable number of months. Any person concerned could appeal first to the Full Court of Western Australia and then to the High Court of Australia, which would mean a delay of perhaps five, six, seven or eight months. This measure is in very essence a temporary emergency measure. It is designed to meet a set of circumstances that we hope will not last longer than the end of next year. Moreover it is designed to meet a set of circumstances that must be met quickly and promptly, if at all. Hence it appears to be the duty of the Government of the day to see that there is complete certainty at the earliest opportunity. The first portion of the Bill is intended to put beyond any possibility of argument the meaning of Sections 14 and 15 of the Act, in accordance with the view expressed by the Full Court. There is a number of very small amendments to Sections 14 and 15, and if they are carried, no one can possibly argue that the two sections mean other than what the Full Court has held they do mean. Another matter is dealt with in the Bill that I think members will not regard as contentious. The Act provided for a compulsory reduction of interest. Members will recall that as the measure was first presented to

the House, there was no straight-out flat reduction of interest. Power was given to any mortgagor to approach the court and obtain, if the court thought fit, a 22½ per cent. reduction of interest payable under his mortgage. In Committee, that was altered, and the reduction of interest was made a statutory one, and the mortgagee was given the right to go to the court and, if he could, demonstrate that the cut should not apply in his particular case. Unfortunately, in the process of changing from one method to the other, we did not properly frame Section 22 of the Act, and Clause 4 of the Bill proposes to substitute a new Section 22 which will be more in accord with the changed method of dealing with the question of the reduction of interest. Furthermore, we have not adequately dealt with the case of a mortgage where the repayment of principal is mixed up with the payment of interest. I refer to a case in which there is no definite repayment of principal and no definite payment of interest, the two being blended in a weekly payment. That case was not adequately dealt with by the measure. The proposed new Section 22 is intended to deal with the situation and make quite clear what is to be done in circumstances of that sort. I hope members will not think that, in bringing down the Bill and dealing with Sections 14 and 15, I am presuming to express an opinion on the merits of the views held by the Full Court and by the President of the Arbitration Court. There are four gentlemen concerned in those two different views, all of them able and honourable men who are entitled to take different views. Neither do I wish members to imagine for a moment that I propose to embark on an argument as to which is the preferable view.

Hon. A. McCallum: You mean preferable legally?

The ATTORNEY GENERAL: Yes. I do not think we would get much further if we engaged in an argument as to which view was right.

Hon. A. McCallum: The Bill sets out what you think should prevail.

The ATTORNEY GENERAL: Yes. All I desire is to remove the possibility of further litigation on the matter.

Hon. A. McCallum: Litigation is on the road now.

The ATTORNEY GENERAL: I do not know whether it is or not, but while we leave

any loophole at all, there will be litigation, and to my mind litigation about the conditions to prevail between employer and employee is undesirable.

Hon. A. McCallum: Some of the employers have acted on the decision of the Full Court.

The ATTORNEY GENERAL: I understand that is so. I do not know why they should not do so, any more than why they should follow the other side. However, we have the two sets of opinions.

Hon. A. McCallum: The Full Court was not asked for an opinion on it.

The ATTORNEY GENERAL: Well, it expressed an opinion.

Hon. A. McCallum: Without being asked.

The ATTORNEY GENERAL: I do not think that is so.

Hon. A. McCallum: You ask the member for Nedlands. He appeared and did not argue it.

The ATTORNEY GENERAL: Whether he did or did not, I do not know. We shall not get very far if we start to argue the point amongst ourselves.

Mr. Keeneally: No, but you propose to use the big stick and say this is what was intended.

The ATTORNEY GENERAL: The hon. member may call it the big stick if he likes. I say it is a piece of legislation designed to meet a particular occasion. If we allow the argument to continue, the occasion will have passed.

Hon. A. McCallum: You are optimistic.

The ATTORNEY GENERAL: As a matter of commonsense, we should resolve the argument at the earliest possible moment. It was a matter of surprise to me to find there was a possibility of the sections meaning that reduction and variation of an award should apply only to the particular employer who made the application and only in relation to the particular men working for him at the moment. Still, I do not say that the language used is not capable of the opposite meaning. I have too much respect for the President of the Arbitration Court to suggest that what he thinks cannot be right. I move—

That the Bill be now read a second time.

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

*House adjourned at 11.0 p.m.*