

you will use your best efforts to remedy such an imposition as the 5s. tax on primary producers who are battling for an existence under difficulties and then are called upon to pay for motor cars to carry domineering officials.

He goes on to explain how he came to Western Australia and his objection to the ungentlemanly way in which the inspector acted. He further states—

This year a sensible man called and I gave him the 5s. the law extorts and I got an official receipt. They will forward the certificate when I have settled up for back years.

That affords evidence that he did not settle up in previous years owing to the manner in which the inspector approached him. The Government on the one hand invite people to settle on the land and when they are settled, the Government further settle them by making them pay for many inspectors, and generally they harrass the primary producer. Clause 54 deals with the granting of certificates and the powers of the board of examiners, while under Clause 52 protection is afforded to the holders of existing certificates. The provisions, however, mean that an engine-driver who holds a certificate, dated prior to 1895, will not be eligible under the Bill to drive machinery. This will work a hardship on many engine drivers, because they possess certificates dated prior to that year and will now find themselves debarred from driving certain engines in Western Australia. That is distinctly unfair. As an engine-driver holding certificates from Queensland, Victoria, and Western Australia, dated prior to 1895, I am capable of driving these engines and it will be unjust to many men in this State to legislate in the direction I have indicated. No doubt the framers of the Bill had in mind that men in receipt of certificates prior to that date were presumably incapable of carrying out their duties at the present time. At the same time, the operations of such a provision will work considerable hardship. In Committee I will have something further to say in connection with this matter but I do not intend to take up any further time except to say that the Bill is one worthy of consideration. With many of the amendments placed on the Notice Paper by Mr. Lynn I am in accord. I understand that the Chief Inspector of Machinery also agrees with many of them, and in these circumstances I do not think many difficulties will arise.

On motion by the Minister for Education, debate adjourned.

BILLS (6)—FIRST READING.

1. Criminal Code Amendment.
2. Northam Municipal Ice Works.
3. Permanent Reserve (Point Walter).
4. Gold Buyers.

5. Wheat Marketing.

6. Land Tax and Income Tax.

Received from Assembly.

BILLS (2)—RETURNED.

1. Fremantle Lands.
2. Official Trustee.
Without amendment.

RESOLUTION—FEDERATION AND THE STATE.

Message received from the Assembly notifying that the Hon. F. Collier, Hon. W. C. Angwin, Mr. Money, Mr. Underwood, and Mr. Angelo had been appointed as members of the Joint Select Committee to inquire into the relations between the Commonwealth and the State.

On motion by the Minister for Education, resolved: "That the Legislative Council acquaints the Legislative Assembly that it names 2.30 p.m. on Thursday, the 13th inst., as the time, and the committee room of the Legislative Council as the place, for the first meeting of the committee referred to in the message."

House adjourned at 9.40 p.m.

Legislative Assembly.

Tuesday, 11th October, 1921.

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

QUESTIONS (2)—EDUCATION, STATE SCHOOL PIANOS.

In Metropolitan Area.

Mr. A. THOMSON asked the Premier: 1, How many pianos are there in State schools in the metropolitan area? 2, How many of these pianos have been supplied by the

parents and how many by the Government? 3, If any have been supplied by the Government, what was the total cost?

The PREMIER replied: 1, Twenty-five. 2, Twenty-two paid for by parents or out of school funds, and three purchased by the Government, namely, one for the Training College, one for the Modern School, and one for Perth Boys' School. 3, £90 for the two pianos supplied to the Modern School and the Training College. The piano for the Perth Boys' School was purchased 25 years ago, and no record of the cost is available.

In Country Districts.

Mr. A. THOMSON asked the Premier: 1, How many pianos are there in the State schools in the country districts? 2, How many of these pianos have been supplied by the parents and how many by the Government? 3, If any have been supplied by the Government, what was the total cost?

The PREMIER replied: 1, 32. 2, All purchased by parents or from school funds. 3, A £25 subsidy paid to Kalgoorlie, and £5 to Kellerberrin. Pianos in Country State Schools—List of.—Bunbury Infants', Boulder Central, Kanowna, York, Northam West, Donnybrook, Albany Infants', South Boulder, South Kalgoorlie, Broome, Hope Valley, Kalgoorlie, Boulder Intermediate, Menzies, Geraldton, Katanning, Southern Cross, Parker-ville, Kalgoorlie High, North Kalgoorlie, Northampton, Kalgoorlie Infants', Boulder Infants', Coolgardie, Northam, Brown Hill, Albany, Meckering, East Kalgoorlie, Karra-gullen, Kellerberrin, Alma.

QUESTION—TRAFFIC REGULATIONS AND LICENSE FEES.

Mr. MANN asked the Minister for Works: 1, Seeing that firms of carriers are now charged £2 10s. less per wheel than a private firm using its own lorry—in both cases the lorries are of the same weight, carry the same load, and are of the same horse power—is it his intention to continue to charge one section of users of motor-lorries a lower fee than is charged to others under exactly similar conditions? 2, Is it his intention to increase the speed at which motor lorries with solid rubber wheels are permitted to travel under Clause 70 of the Traffic Regulations, so that the best commercial use may be obtained from such vehicles?

The MINISTER FOR WORKS replied: 1, Inquiry is being made on this question which has been brought under notice by the Fremantle Chamber of Commerce. There was no intention to perpetuate such anomalies when the Act was framed, and if they exist as stated, adjustment will be considered. 2, No. Neither the Government nor the local authorities can provide roads for heavy traffic at excessive speeds.

SWEARING IN OF MEMBER.

Mr. Harrison (Avon) took and subscribed the oath and signed the roll.

BILL—LICENSING ACT AMENDMENT.

Introduced by the Premier, and read a first time.

BILLS (2)—THIRD READING.

- 1, Wheat Marketing.
 - 2, Land Tax and Income Tax.
- Transmitted to the Council.

BILL—STAMP.

Recommittal.

On motion by the Premier, Bill recommitted to further consider Clauses 81, 92 and 105, and the second schedule.

In Committee.

Mr. Stubbs in the Chair; the Premier in charge of the Bill.

Clause 81—Security for future advances, how to be charged:

The PREMIER: I intend to provide that where security is already held by a bank and additional advances are required, the necessary stamp duty to cover the additional amount may be added to the security. This will be a great convenience to borrowers and will simplify the proceedings. I move an amendment—

That the following be added to Sub-clause 2:—"But where any advance is made in excess of the amount covered by that duty, the security shall, for the purpose of stamp duty, be deemed a new and separate instrument bearing date on the day on which the additional advance was made or the additional stamp duty paid, whichever is the earlier date, but so as not to otherwise affect the instrument as a security; and if such security is registered under any Act relating to the registration of securities, such registration shall be effective for the additional advances, but subject in the case of a bill of sale to paragraph (4) of section six of the Bills of Sale Act, 1899. Such additional duty may be paid and denoted from time to time as further advances are made, by stamps impressed on or affixed to the security and duly cancelled; and where the original security is deposited in the office of Land Titles or any other public office in which registration is required, any duplicate or counterpart of the original instrument may be stamped with such additional duty, and such stamping shall have the same effect as if the stamps had been impressed or affixed upon the original instrument."

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

Clause 92—Penalty for not making out policy:

The PREMIER: I wish to protect the State against loss of stamp duty on insurance policies taken out outside the State for the benefit of some person within the State. There is no reason why we should lose such stamp duty. I move an amendment—

That the following paragraphs be added:—Any person who in consideration of any premium, sum of money, or other valuable consideration, paid, furnished or provided by any person in Western Australia, makes, enters into, or renews any contract of insurance for or on behalf of any insurer outside the State shall forthwith issue to any person for whose benefit the insurance is to operate in the State a note or memorandum of the transaction in the prescribed form, stamped with the duty which would be chargeable thereon if it were a policy of insurance or a renewal of a policy as the case may be, and any policy or renewal subsequently issued for such consideration shall be deemed to be exempt from stamp duty if a duly stamped note or memorandum of the transaction has been issued as aforesaid. Penalty: Twenty pounds. When a policy of insurance or any document stampable as such or any renewal of any such policy is issued outside the State, then it shall be stamped with the prescribed duty within ten days after it is received in the State, and any person who has or keeps in his possession, or avails himself of, any such policy or renewal which is not so stamped shall be guilty of an offence. Penalty: Twenty pounds.

Hon. W. C. ANGWIN: How will the new paragraphs apply with regard to life assurance if a person is resident in one of the other States and later becomes a resident of Western Australia?

The Premier: He will pay in Western Australia.

Hon. W. C. ANGWIN: But the policy should be stamped before the person comes here. Will such a person have to pay for re-stamping immediately he takes up his residence in Western Australia?

The PREMIER: This only applies to a contract between a person outside Western Australia and a person within Western Australia. It would not affect a policy such as that mentioned by the member for North-East Fremantle.

Mr. WILLCOCK: What is the position of a person who insures with a foreign company? Does he pay stamp duty?

The Premier: Of course.

Mr. WILLCOCK: Then the amendment means that anyone insuring goods coming to Western Australia will not be able to dodge stamp duty.

The Premier: That is so.

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

Clause 100—Receipts for banking deposits:

The PREMIER: When this clause was previously considered, doubt was expressed as to whether it provided sufficiently for the money received by a solicitor or agent as set out in Clause 99. I consulted the Solicitor General and I propose to make it quite clear that such money can be paid into a bank and the receipt shall bear a penny stamp only. I move an amendment—

That the following subclause be added—5. Section ninety-nine shall apply to money received by a solicitor or agent on behalf of his client or principal and deposited in a bank under this section.

Hon. T. Walker: The stamp duty will be one penny no matter what the sum is.

The PREMIER: That is right.

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

Second Schedule:

The PREMIER: I move an amendment—

That under "receipt exemptions" on page 52 the following be added:—(22.) Receipt given for any payment made by or in satisfaction of any bill of exchange payable on demand or at sight or on presentation.

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

Bill again reported with further amendments.

BILL—MINING ACT AMENDMENT.

In Committee.

Resumed from the 5th October; Mr. Stubbs in the Chair, the Minister for Mines in charge of the Bill.

New clause—Application for forfeiture of mining tenement of company in process of winding up:

The Minister for Mines had moved that the following be inserted to stand as Clause 9: "An application under section ninety-nine of the principal Act for the forfeiture for breach of labour conditions of a mining tenement held by a company in process of winding up, either voluntarily or by order of the Supreme Court, shall not be deemed an action or proceeding within the meaning of section one hundred and fourteen of the Companies Act, 1893, and, notwithstanding anything contained in that Act to the contrary, any such application may be made, heard, and disposed of without the leave of the Supreme Court, and the tenement shall be liable to forfeiture accordingly."

The MINISTER FOR MINES: Progress was reported to enable members to consider

the purport of the proposed new clause. Section 114 of the Companies Act has been held to be a restriction against any person compelling a company which is in liquidation to comply with the labour conditions. The only method which can be followed is that any person having an objection must appeal to the Supreme Court to get an order to apply to the Warden's Court for forfeiture. I take the view, and the Commission also took the same view, that a company in process of winding up should comply with the labour conditions, and failing to do so should be liable to be brought before the warden to show cause why the property should not be forfeited. That would not mean of course that they would lose the lease; it would mean that they must answer for their methods in holding their lease out of operation.

Mr. TROY: Will the amendment apply to such mines as those at Wiluna and Lawlers?

The MINISTER FOR MINES: Those are the very mines I have in view. The position there has been most unsatisfactory. In one case the property has been held up for six years.

Mr. Marshall: For 12 years.

The MINISTER FOR MINES: It is astonishing that it should be possible for such a position to exist. The Crown permits a person, a syndicate, or a company to take up a piece of ground and operate it subject to certain conditions. It has happened that a company has, soon after, gone into liquidation, and there is no law under which that company can be compelled to comply with the conditions unless one first applies to a judge in the Supreme Court and obtains an order permitting him in turn to apply to the Warden's Court to compel the company to show cause why the operations should not be continued. If the company can show satisfactory reasons, the warden may refuse to grant the forfeiture. On the other hand he may impose conditions such as the reduction of the labour requirements, but the company should be liable to the forfeiture of the lease just as any other leaseholder from the Crown in the event of failure to comply with the conditions.

Mr. CHESON: I support the new clause; it is long overdue. It should have been introduced years ago. When a company is being wound up, either voluntarily or by an order of the Supreme Court, the lessees should apply to the warden and get exemption if they can establish a sufficiently good case. We know what has happened on the Murchison where a big number of mining tenements have been locked up for years to the detriment of the district. There are people who are anxious to develop some of these properties, but of course it is useless for them to think of applying to the warden for forfeiture. Under existing conditions they must first apply to the Supreme Court. We know what expense this procedure involves. There should be no occasion for it at all.

Mr. MARSHALL: I support the amendment. As a matter of fact I have been urging the Minister to introduce some such amendment ever since I have been elected to Parliament, my object being principally to ease the position which exists at Wiluna. Mines have been held up in that district by one individual, and the payable ore channel there has not been worked for 12 years.

Mr. Willcock: Are you referring to De Bernalles?

Mr. MARSHALL: Yes; he is well known. It is pleasing to find that the Minister has considered it worth while to take this stand. Another matter that should receive consideration is legislation in the direction of limiting the period of liquidation. I got into touch with the Crown Law Department on this matter and found that there is no limit to the time in which a company can remain in liquidation. I drew the Minister's attention to the fact, and the amendment before the Committee is the outcome of it. The amendment will relieve the position at Wiluna and should result in the resumption of mining operations there. It is a serious matter that individuals should be allowed to take advantage of the loopholes in the law and hold up payable ore channels for years at a time.

Mr. TROY: As one who represents a constituency which has suffered as the result of the liquidation of companies, I welcome the amendment if it will do that which the Minister hopes. There has been a tendency on the part of certain individuals in this State to float companies, and on the exhaustion of the capital to wind up those companies. Those people who raise the capital are the managers of the companies and then they become the liquidators, and the liquidation remains in process for years. One individual in this State is notorious in this regard.

Mr. Pickering: Shall he be nameless?

Mr. TROY: He is well known to members of the Government party.

Mr. Pickering: He is not.

Mr. TROY: I know of three companies which are being held up, and I trust the amendment will have the effect of in those cases bringing about an end to that state of affairs.

Mr. PICKERING: The suggested amendment is wide and far reaching. I have not had considerable experience in mining, but I should like to know whether the amendment will take effect immediately on a company going into liquidation, or whether some period must elapse between the contemplated winding up of a company and the operation of the law?

The MINISTER FOR MINES: The effect of the amendment will be to put a company in liquidation in the same position as any other company or an individual holding a lease and failing to comply with the conditions under which the lease is held. The company or the individual must appear before the warden to answer a claim which

may be made for forfeiture. The hon. member can rest assured that no Minister would accept a recommendation for the forfeiture of a lease held by a company in process of winding up so long as the company was taking the action in the best interests of the creditors. The trouble is that in some cases an individual comes along and buys up the interests of the creditors and holds up the lease in the form of a company in liquidation, and carries on operations whenever it suits him. The individual to whom reference has been made went to the court with a long and plausible story and the judge dismissed the application with costs against the applicant. The result is now that no one is prepared to take the risk of applying to the court for forfeiture. It has been sufficient risk in itself to go before the warden and apply for forfeiture.

Mr. MUNSIE: There is no doubt about it that the Commission was absolutely of the opinion that the suggested amendment was necessary. The Commission heard evidence for and against. A company in liquidation should have no privilege over any other company that is operating in the State. If the warden is considered a sufficient authority to protect either a creditor or a lessee or the Crown, where a company is in actual operation, that same warden should be sufficient authority to protect a creditor when a company is in liquidation. That is all that the amendment asks.

New clause put and passed.

New clause—Conditions of contracts for treatment of ore:

Mr. MUNSIE: I move an amendment—

That the following be inserted to stand as Clause 9:—"A section is inserted in the said Act and shall have effect as follows:—34a. In all contracts between a tributer and the owner of a treatment plant (whether the lessee of the mine under tribute or not) relating to the treatment of gold ore, the following provisions shall apply:—(a) It shall be obligatory on the part of the owner of such plant, when the ore is purchased on assay value, to account for all ores received by him from the tributer for treatment on the basis of not less than ninety per centum extraction of the assayed value of the ore; unless on an application to the warden it shall be otherwise determined, on proof to his satisfaction, that the ore is of so refractory a nature that ninety per centum of the assayed value cannot be extracted; and (b) The owner of the treatment plant shall also account for and pay to the tributer not less than fifty per centum of any premium received by such owner on the sale of the gold obtained from the ore treated."

I wish to be absolutely candid in this matter. During the discussion of the Royal Commission's report I could not get the other members of the Commission to agree to an addition that mining companies should be compelled to pay on an extraction of 90 per

cent. The principal argument against it was that a company might get ore of such a refractory nature as to make a 90 per cent. extraction impossible. I have realised that this may occur, and I have provided for the contingency, in the power to apply to the warden to allow a lesser rate of extraction than 90 per cent. My honest belief is that if this clause is added to the Bill, the plants now treating ore for tributers will be able to continue to do so and to make handsome profits. The Act as it stands gives to tributers the whole of the gold premium or bonus, and this was one thing to which the lessees took exception. They argued that paying the whole of the gold premium to the tributers involved the necessity of increasing the treatment charges. After hearing all the evidence I came to the conclusion that possibly this might prove to be so. However, I ask for only 50 per cent. of the gold premium. At the present charges for crushing, the batteries can afford to grant that. My firm conviction in moving the new clause is that under it the mines will be able to carry on without increasing their present charges for treatment. I acknowledge that any increase in those charges would not be in the interests of either the mining industry or of this State.

Mr. Troy: Can 90 per cent. extraction be got?

Mr. MUNSIE: On the battery figures, I say it can. The Commission reported that rates of extraction varied from 85 to 95 per cent. However, figures supplied by the mine owners themselves prove that 90 per cent. extractions can be got. Let me point out that in the case of a sulphide plant the prospector has nothing further to do with the ore once it has been delivered to the plant. The Perseverance people are to-day paying on 90 per cent. extraction irrespective of the value of the ore. If they have any doubt that under such conditions the ore will pay to treat, they exercise their right of sampling the ore beforehand. If the sampling shows that the ore is not likely to pay to treat under the conditions, they refuse to treat it. The average grade of ore being treated by the whole of the treatment plants in Western Australia that operate for tributers is just about one ounce per ton. It was given in evidence before the Commission that the grade of the ore being treated by the Perseverance mine, approximately 4,000 tons per month, averages over one ounce per ton. The Oroya company have submitted a statement covering the whole of the period that they have let any portion of their lease on tribute, and that statement shows a value of £3 17s. 3d. per ton, which is just on the ounce per ton. With ordinary average treatment, and with a fair deal, the plant gets 90 per cent. extraction. However, the new clause provides an appeal to the warden in the case of refractory ore. The figures which I am about to quote refer to the year 1911, and they are the latest I could obtain for this particular purpose. I do not think

any member will argue that the process of treatment has deteriorated since 1911. I am perfectly satisfied that if there is any difference, that difference will be in favour of the 1921 process. These figures have been obtained from four companies operating on the Golden Mile. The Associated mine in 1911 treated 105,000 tons of ore, and the cost was 13s. 5d.—the total cost of mining, treatment, and ore being 22s. 7d. The grade of the ore treated for the year averaged only 6.5 dwts. The extraction was 92.57 per cent.

Mr. Pickering: Is that based on the assays?

Mr. MUNSIE: Yes. The Oroya Links, which is to-day entirely on tribute, and has not been worked except by tributers for the last 2½ years, treated in 1911 100,000 tons of ore, of an average grade of only 5.6 dwts. The extraction was 92.96 per cent. The Kalgurli mine, now closed down, in 1911 treated 127,000 tons of ore of an average grade of 10 dwts., and the extraction was 94.75 per cent. The Perseverance lease, which is now wholly on tribute, in 1911 treated 243,000 tons of ore of an average grade of only 6 dwts., and the average extraction was 90.15 per cent. Seeing that the average grade of ore treated for tributers is in the vicinity of one ounce per ton, it is not too much to ask that the companies shall pay on a 90 per cent. extraction and give the tributers half of the gold premium or bonus. I realised from the evidence submitted to the Royal Commission that the matter of the gold premium was first raised by the mining magnates of Victoria. Then the Chamber of Mines of this State moved in the matter, and it was principally through their advocacy to the Federal Government that the Federal Government permitted the export of gold and so made it possible for them to get the world's price for it. Every producer is entitled to become a member of the Gold Producers' Association. But tributers, particularly where the company purchase the ore at assay value, have no chance, inasmuch as there is 4,000 tons of ore going through the Perseverance plant month by month, and, after sampling, it is all lumped together and so, at the end of the treatment, nobody can say from which of the 60 or 70 different parties the gold came. Then the companies say that the lessee is the producer. As I see it, the man who produces the ore is the producer. They argue that tributers are not entitled to any of the gold bonus.

Mr. Harrison: Does it not make a difference to the price?

Mr. MUNSIE: No, they purchase at £4 per fine ounce, and so they are getting an advantage of 4s. 11½d. there. The company charge 20 per cent. royalty on the gold won from the lease. If a man is crushing 100 tons for 100 ozs. he has approximately £100 in premium. The company first of all takes off the 20 per cent. from the £100, leaving £80 to be divided fifty-fifty with the tributer and the treatment plant owner. I am asking only a fair thing when I say they should return to the tributers 50 per cent. of the gold

bonus. For the past 10 years, until five months ago, every one of the plants treating ore for tributers on the Golden Mile paid on a 90 per cent. extraction. Then the Lake View and Boulder Star Company started to treat for tributers, and erected a place for sampling tributers' ore. After sampling, it was taken and bulked with their own ore. The company said that for any ore under one ounce they would pay only on an 85 per cent. extraction. Shortly afterwards the Oroya Links said, "We will pay on a 90 per cent. extraction for 16 dwts. and over, but for sulphide ore under 16 dwts. we will pay only on an 85 per cent. extraction." I want to know why, after so many years of payment on a 90 per cent. extraction, they should have reduced it to an 85 per cent. extraction. I have heard on good authority that within the last three weeks a party tributing on the Lake View and Boulder Star lease worked in oxidised ore for a fortnight and produced a certain tonnage which went a shade over 7 dwts. They were paid on an 80 per cent. extraction, which meant that the two men worked for a fortnight, produced ore valued at over £100, and got less than £5 out of it. That was on an 80 per cent. extraction. All along the Minister has advocated that the State should be considered. I agree with that. It will be in the interests of the State and of the mining industry as well if we can make it profitable to work ore from 12 dwts. upwards. No man can make it pay on the basis of an 85 per cent. extraction. Let me quote an instance of a parcel of 100 tons of 15 dwt. dirt. Two of the companies pay on an 85 per cent. extraction, and one on a 90 per cent. extraction. The Lake View and the Oroya Links charge 25s. per ton for treating the ore; the Perseverance pays on a 90 per cent. extraction. My figures in respect of the Perseverance are not correct, being based on a treatment charge of 22s. per ton, whereas I have since learnt that their charge is £1 per ton. However, the ore is worth £412 10s. At either of the first two mines the tributer will receive £120 3s. 6d., whereas at the Perseverance he will get £152 12s. 6d. My advocacy of the amendment is strengthened by another system in vogue on the fields. People ask why does not the tributer, when he breaks his ore, take it to the Perseverance, which pays on a 90 per cent. extraction, instead of to those plants which pay on an extraction of 85 per cent.? The reason is that the man is compelled to take his stone to the treatment plant on the lease where he is working.

Mr. Marshall: There is a motive behind that.

Mr. MUNSIE: Yes, so that he will be keeping the plant going. But the system is carried even further. We had an instance before the Commission. A man was tributing in an isolated spot on the Associated Northern mine. To get to the ore, he used an abandoned shaft belonging to the Oroya Links, and drove a crosscut out into the Associated Northern. The Oroya Links had

not worked that shaft for many years before. The tributer provided his own hauling plant, and took his first crushing to the Kalgurli, close to where he was working, the Kalgurli paying on a 90 per cent. extraction and treating for £1 per ton. But at the second crushing the Oroya Links people came along and said, "No you don't. You bring your ore to us." He said, "But I am being paid on a 90 per cent. extraction and charged only £1 for treatment." Just the same, he was compelled to take his stuff to the Oroya Links, failing which he was told he would have to sink a new shaft. If the Perseverance, with ore just as refractory as that of any other company, can make a success of it on a basis of 90 per cent. extraction, then all the others can do the same, except in certain cases, for which the amendment provides.

THE MINISTER FOR MINES: I admit the hon. member has placed me in rather a difficult position. I might easily, in accordance with my own views, express the opinion he has expressed and have made such provision in the Bill. There are, however, many things which ought to be provided in the Bill for the proper protection, not only of the tributer and the lessee, but of the State as well. The Act now on the statute-book is fair as between the three parties that are particularly concerned, namely the State as the owner, the leaseholder as lessee from the Crown, and the tributer as sub-lessee from the leaseholder. A difficulty, however, arose and the leaseholder refused to let tributaries on his lease unless some alteration was made to the existing Act. The only way out of the difficulty was to appoint a Royal Commission and ask that Commission to hear evidence from all parties concerned, and see if a compromise could be arrived at so as to enable tributaries to continue. The Commission was appointed and the member for Hannans was one of the members of it. I can only ask the Committee to accept the recommendations made by that Commission. They may not be in accordance with my views, but as evidence has been taken from all parties, and as no objection has yet been lodged to the recommendations of the Commission, I suggest that, in view of the difficulties as to the letting of tributaries and the serious effect it may have upon the mining operations of Western Australia, if the system is interfered with, and the loss that would accrue in the event of a continuance of the dispute, it would be better to accept the recommendations without alteration rather than take the risk of having one party or the other raising objections at this stage. The Commission made a report to which the hon. member has attached his name, but he submitted an addendum explaining that his concurrence with the report was subject to certain provisos. The other members of the Commission did not endorse that addendum. My desire is to have the matter settled. I believe the present Act is satisfactory. It was not given a trial because the lessees

from the Crown would not give it one. Now that the Commission has made its recommendations I am prepared to give more recommendations a trial.

Mr. Mullany: Did the Commission make any recommendations as to the percentage of extraction?

THE MINISTER FOR MINES: Not in that way, but the Commission suggested that certain sections of the Act should be deleted and did not suggest anything in their place. The Commission said—

The usual practice of lessees and treatment plant owners is to pay on the basis of 90 per cent. extraction. Most of the tributaries' ore is sulphide and the extraction varies from 85 to 95 per cent.

The Commission had in mind that a tributer voluntarily makes an agreement with a leaseholder. If he is foolish enough to accept conditions which provide that he shall only obtain an 80 per cent. extraction he must accept the position as he finds it. I am not sure that there is any strong evidence submitted to the Commission against what is recognised as the custom of extraction, and the Commission made no recommendations except for the deletion of the section dealing with the question of payment. On the question of the gold premium the Commission said—

The practice at present in operation as to the apportionment of the gold premium is that the lessees deduct royalty from the grade of ore treated at the rate agreed upon in the tribute agreement, and the balance is equally divided between the tributaries and the owners of the treatment plant.

It is recommended by the Commission that the sections dealing with this should be deleted. This then left the voluntary arrangement between the tributer and the leaseholder. I have been trying to handle this question for years. We do not desire to bring in any legislation that will throw tributaries out of employment and be the means of losing to the State a great amount of the wealth now lying in the mines. If the Perseverance were to sell their assets and plant it is a question whether anyone could continue operations on the mine in a satisfactory way. The plant on the mine is of great value, but to replace it in order to enable tributaries to work at the deep levels would cost a great deal. I was asked by a deputation in Kalgoorlie to find the money from the Treasury for the purchase of the Perseverance plant, and to make it available to the tributaries. If this deadlock continues, we shall have exactly the same sort of claim made upon us again. The State would have to find anything from £60,000 to £200,000 for the purchase of plant which is at present actually available to the tributaries. So long as fair conditions apply as between the leaseholder and the tributer the State should not be

called upon to find any money at all. In the circumstances I am prepared to give away a little.

Mr. Munsie: We have given away pretty well everything under this Bill.

The MINISTER FOR MINES: The hon. member was a member of the Royal Commission.

Mr. Munsie: I put in an addendum showing what I wanted.

The MINISTER FOR MINES: The Committee must decide as between the minority and the majority. The Act which is now in operation should have been given a trial.

Mr. Munsie: So it should.

The MINISTER FOR MINES: I think it would then have been found equitable. I do not believe either the Commission, the leaseholders or the general public realise that the important party to these agreements is the Crown, and neither the leaseholder nor the tributer. If we amend the conditions under which the leaseholder is granted the exclusive right to take precious metals from Crown lands, we ought to insist upon conditions under which he shall sublet these rights in such a way as will safeguard the interests of the State, by providing that the gold which could under proper conditions be taken out of the mine should be made available in the form of wealth. I have not attempted in this Bill to insist upon my own opinions. If the Committee decide to amend the Bill I ask them to realise what may occur. If it is not suitable the Committee should take the responsibilities I have had to carry in regard to the existing Act. I have based the Bill entirely upon the recommendations of the Commission, and have not changed them even to the extent of a comma or a dot. I hope, therefore, the Committee will accept them. If it is found subsequently that conditions are imposed by leaseholders which override the wishes of Parliament, I shall not hesitate to make such amendments and impose such restrictions as will enable the State to be properly protected as well as the leaseholder.

Mr. PICKERING: The onus of adjudicating between the Minister and the member for Hannans rests with the Committee. The hon. member has been a member of the Commission, and the Minister has had the advantage of perusing the report of that Commission. It would only be reasonable that the Committee should have an equal opportunity of thoroughly understanding the whole question. We have not had the advantage of even perusing the evidence.

The Minister for Mines: I have not got it myself.

Mr. PICKERING: I asked that the report should be placed on the Table of the House, and this was done.

The Minister for Mines: The report was published long ago.

Mr. PICKERING: I have no recollection of seeing it in print. Had it been placed upon the Table of the House—

The Minister for Mines: You would not have understood it.

Mr. PICKERING: I am just as capable of understanding it as the Minister.

The Minister for Mines: Quite possibly; that is your own opinion.

Mr. PICKERING: It is not fair to ask the Committee to decide upon such an important matter without a little more time.

The Minister for Mines: I do not mind what you do.

Mr. PICKERING: Progress should be reported and we should have an opportunity of reading the report of the Royal Commission.

Mr. CHESSON: I support the amendment. If the Perseverance mine can pay on a 90 per cent. extraction, I do not see why the other up-to-date treatment plants in the district should not do likewise. I admit that where small mills are concerned, difficulty may be experienced in getting the same extractions compared with the bigger mills with their up-to-date plants. The member for Hannans has explained the operations of the small batteries and there the handling charges, in consequence of the use of cyanide vats, make treatment more costly than is the case with the more up-to-date and larger plants. If one mine can pay 90 per cent. extraction, the same thing should apply to other plants in the district. The gold premium is calculated after royalty is deducted and the proposal to let the company have 50 per cent., errs on the side of liberality. I do not think a company is entitled to more than 20 per cent. of the gold premium, but as the member for Hannans has provided for 50 per cent., I will support the amendment.

Mr. BOYLAND: I support the amendment. The Committee should consider what is equitable and I cannot see anything but equity in the amendment. The figures quoted by the member for Hannans regarding the extractions between 85 and 95 per cent., should open the eyes of members and indicate that there is something to be investigated. Although the Royal Commission did not make any recommendation on the point, it is for Parliament to see that the tributers get a fair deal on Crown lands. The companies are the original lessees of the land and they sublet to the tributers. The companies should not impose conditions more harsh upon the tributers than they themselves receive from the Crown. If the Committee permit present conditions to continue, I shall be surprised. Some companies on the Eastern Goldfields have allowed 85 per cent. of the gold bonus to the tributers. An ordinary tributer can join the Gold Buyers' Association and reap the benefits of the increased price of gold, but the tributer who works a mine, when it has reached the state at which the company cannot make a profit,

is blocked from reaping the same benefits because he is a sub-lessee. That certainly is not a fair position for such a man to be placed in. The Committee should be fair to the tributers in seeing that the mines keep operating. The Perseverance mine was about to be closed down when, at the last moment, it was decided to let tributers operate on the lease. The result was the saving of the mine, which is now paying dividends. I appeal to the primary producers in this Chamber to see that justice is done to the tributers who are the producers of the gold from the mines at the present time. They should give every encouragement to the men who go down into what I have referred to as the hells in the underground workings of the mines. The Country Party members should support the amendment which is fair, just and equitable.

Mr. J. THOMSON: In order to allow the member for Sussex and one or two other members of the Country Party to give the matter more consideration, it would be as well to adjourn the debate.

The Minister for Mines: They have not got their directions from the executive.

Mr. J. THOMSON: I move—

That progress be reported.

Motion put and negatived.

Mr. MUNSIE: The Minister, in his reply, stated I placed him in an awkward position. I hope the Minister realises that his advocacy of the adoption of the Commission's report and his ignoring of my addendum, has placed me in an awkward position.

Mr. Pickering: You are not the only one in an awkward position.

The Minister for Mines: The member for Sussex is never out of such a position.

Mr. MUNSIE: I was placed on the Commission to represent the tributers. As the Minister has indicated, the Commission was constituted so as to represent both sides, with the warden as chairman, to look after the interests of the State. I could not support the motion for the adjournment of the debate, because if members read the report of the Commission without the evidence, they would not be much better off.

The Minister for Mines: There are only 274 closely typed pages of evidence.

Mr. MUNSIE: That is all. We could not incorporate all the evidence in the report and the reading of the report alone will not assist members to appreciate the full strength of my arguments.

Mr. Pickering: Do you not think we should see the report?

Mr. MUNSIE: Yes I do.

Mr. Mann: Was there any reason why the Commission did not make a recommendation regarding the 90 per cent. extractions?

Mr. MUNSIE: I do not think I am giving away confidences when I say that the other representatives of the Commission said that

they did not think it advisable to legislate in any directions as to what the percentages should be, what the crushings should be, what royalty should be deducted, or anything else—

The Minister for Mines: As it was a matter of agreement between the parties.

Mr. MUNSIE: That is so. We have the largest plant treating 4,000 tons per month, which is more than the rest of the plants of Western Australia put together are treating—

Mr. J. Thomson: You do not want the plants closed down.

Mr. MUNSIE: No, I do not, but the largest plant I am referring to pays on 90 per cent. extraction. It was only within the last four months that two other plants decided they would not pay on 90 per cent. extraction any longer. If the Committee does not agree to my amendment, what will happen regarding this company? They will adopt the same attitude as the other and say that on ore under 16 dwts., they will pay only 85 per cent extraction. If that should happen 100 men on the Perseverance mine will be out of work in a very short time.

Mr. Mann: Does the Oroya Links company, which paid five per cent. dividend a few weeks back, pay on 90 per cent. extraction?

Mr. MUNSIE: No. The company pays on 90 per cent. extraction from oxidised ore, but 85 per cent. on sulphide ore, going 16dwts. and under. The companies argue that if the ore goes less than 16dwts., they cannot get 90 per cent. extraction. I admit that on 12dwts. ore they could not do so.

Mr. Mann: Why not make your amendment fit that position?

Mr. MUNSIE: These companies buy all ore on assay values and if it is 10oz. dirt, they can get 90 per cent. extraction easily. They get up to 97 per cent. extraction. Let members consider the figures supplied by the companies and the Minister can verify what I say by looking at exhibit No. 22 which was placed before the Royal Commission. In this case the Oroya Links company supplied the figures. The ore won by tributers from the beginning of the letting of tributaries up to July 1914 totalled 575,006 tons valued at £129,401. From July 1914 to 30th June 1921 they produced 88,601 tons of ore valued at £342,244 or an average of 77s. 3d. per ton. Members will not say that the companies cannot get 90 per cent. extraction from ore worth 77s. 3d. per ton.

Mr. Mann: Do you suggest that the companies have the right to refuse to crush ore?

Mr. MUNSIE: Yes.

Mr. Mann: Would it not be better if the companies crushed it and made the terms a little bit more suitable?

Mr. MUNSIE: No. The member for Perth misses the point. I desire to give all credit to the Perseverance mine.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MUNSIE: Exhibit 22 shows that from 1914 to the 30th June, 1921, tributers on the Oroya Links produced 88,601 tons of ore. I am stressing this because the general manager of the company, Mr. Fitzgerald, in evidence before the Commission, admitted that it would not have been possible for the company to have raised one ton of that ore successfully. Therefore the company should show some consideration for the tributers who are holding their leases for them. By the amendment I do not consider that I am asking for anything which will seriously interfere with the mining companies, particularly those letting tributates. It is only a fair compromise. I am giving away the cost of haulage, cartage, and everything like that.

Mr. Pickering: But the tributers must get their wages.

Mr. MUNSIE: No; I have given way to the extent of accepting £3 10s. per week instead of the ruling rate of wages.

Mr. Underwood: Suppose you had a mine where you could not get 90 per cent. extraction.

Mr. MUNSIE: The amendment provides for that.

Mr. Underwood: But there would be all the trouble of going to the warden. There are other places besides Kalgoorlie.

Mr. MUNSIE: In other parts of Western Australia the ore in 99 cases out of 100 is taken to a battery for treatment and this amendment will not apply. The amendment will apply only to mills where ore is purchased on assay value.

Mr. PICKERING: Without the evidence taken by the Royal Commission, the argument put up by the member for Hannans is the stronger of the two and has the weight of justice and reason behind it. It is not fair to place us in the position of having to judge between the expression of opinion of two members. The Minister said the onus of adopting the amendment would rest upon us. He did not assert that strong belief in the arguments of the majority of the Commission which we would expect from one advocating a certain line of policy. On the contrary, he seemed inclined to go a bit of the way with the member for Hannans rather than follow the lead of the Royal Commission. Members are, therefore, in a somewhat unenviable position in that they have not had an opportunity to study in detail the evidence and report of the Royal Commission. The majority decision of the Commission might perchance be biased; even the minority is sometimes more nearly correct. The member for Hannans has brought evidence of figures which I am unable to refute; yet I may be so led by him as to record a vote which will be injurious to the industry, and, as the Minister has said, might prejudice the position of the tributers to such an extent that the Perseverance mine will be compelled to close down. The member for Hannans said that the average yield

of the Perseverance mine has been about one ounce. That is a payable proposition and it would be a calamity if we passed an amendment which would bring about the position indicated by the Minister for Mines. I wonder whether members are prepared to commit themselves to a decision which might lead to the closing down of the Perseverance mine or inflict an injustice on the tributers. I am not prepared to follow the argument of the Minister, or of the member for Hannans, and I therefore move—

That progress be reported.

Hon. P. Collier: Jove! That is hot.

The CHAIRMAN: The hon. member, after having addressed the Chair for several minutes, cannot conclude by moving that progress be reported.

The MINISTER FOR MINES: I assure the member for Sussex (Mr. Pickering) that he has the deepest sympathy of every member. If there is one member who has a complete knowledge of all subjects, it is the member for Sussex. This is the first time that I have heard him admit that he was unable to form a judgment on a question after it had been debated for two hours. Usually it would be to our advantage if we assumed the attitude of asking what the member for Sussex thought and then came to a conclusion accordingly. On this occasion the hon. member admits a shortcoming, which is unfortunate in that it is not possessed by any other member. On many matters the hon. member should be able to speak with authority. The trouble is that he speaks so frequently on all subjects that we are wondering on just what subjects he is an authority. The time will come when he will be like the boy who cried "Wolf" for, by raising his voice on so many subjects, no one will know just when to believe him. I have not read the evidence submitted to the Royal Commission and I do not propose to read it. It consists of 274 closely typewritten pages. Had I intended to read the evidence, I would not have asked the Commission to arrive at a decision. As soon as I received the report it was published in the newspapers; therefore it was available to the hon. member. Does the hon. member, who talks so much about economy, suggest that I should have asked the Treasurer for funds to publish this evidence, which would not have been read by the hon. member or anyone else? We have got what we sought. The evidence was submitted on oath by those interested to a Royal Commission composed of men who should be competent to frame a recommendation. I agree with the member for Hannans to this extent, that if the amendment would not have the effect of preventing tributating and thus reducing the production of wealth, I would agree to it. On the other hand, I would not agree to submit any Act on our statute-book to a Royal Commission for revision, except as a last resort when a deadlock had been reached. It is because we reached a deadlock that I tried to find a

compromise so that the industry might be able to carry on. In view of the fact that not an single individual has submitted to me any objection to the recommendations made by the Commission, I consider I am justified in telling the House that as a means of getting over the deadlock we might accept the recommendations of the Commission without any alteration.

Mr. Latham: Did the commission have authority to inquire into the matter that these further amendments deal with?

The MINISTER FOR MINES. Of course they did. I do not know whether hon. members suggest that in connection with every action I take, not only shall I publish the fact in the Press but that I shall buttonhole each hon. member and say "Will you read this and try to understand, and if you do not understand, come along and see me at my office and I will try to explain it to you." Of course I would not say such a thing to the member for York. I have in mind the member for Sussex particularly. Hon. members not having a technical knowledge of the industry would not take much notice of what might be explained to them; it might quickly pass out of their minds. It is not many days since the report of the Commission was published. The terms of the Commission were also published and they were very definite and understandable by everybody. The questions which were contained in the Commission were answered. I embodied the recommendations of the Commission in the amending Bill with one exception. There was some doubt existing, and I asked the Crown Solicitor whether there was a possibility of a court case arising out of such a recommendation. As there was, I had the amendment altered in such a way as to avoid that possibility and to meet the desires of the Commission.

Mr. MULLANY: I regret that the Minister should take the attitude that the House must accept entirely the recommendations of the Royal Commission. The usual procedure is for both the report of the Commission and the evidence taken by it to be submitted for the consideration of members. I would have been much more interested if the opportunity had been given to me of reading the evidence as well as the report of the Commission. Although the Commission were asked to make recommendations, the House, and the House only are asked to legislate, and I do not for one moment accept the Minister's recommendation in this way that the House is bound to accept entirely the recommendations of this or any other Commission. Whilst the Commission had the opportunity of gaining knowledge of this question, there are members here who are deeply interested in it. The Minister has stated that he wishes to see the mining industry advance. We all do. I do not think, however, that mine owners are entitled to get exactly what they desire. I believe that in a vast majority of cases the

treatment plants on the Golden Mile are capable of recovering 90 per cent. extraction from the ore sent to them. I believe that the treatment plants there are pleased to accept ore from leases held, owned and worked by private individuals and pay on a 90 per cent. extraction. I am not accepting the figures quoted by the member for Hannans, who gave us figures of some of the treatment plants, and who stated that some of them operating on 5 dwts. and 6 dwt. ore get up to 94 per cent. extraction. But the hon. member is well aware that there is a vast difference between running a treatment plant on ore coming from one mine and running it on mixed ore. In running a treatment plant continuously upon one class of ore, the metallurgist will know exactly what ore he has to treat, and what treatment is the most effective in recovering the gold contents of the ore. But when he has to purchase small quantities of ore, a great number of different parcels will come in in the course of a month and he will be out altogether. A metallurgist cannot be expected to get the same extractions under those conditions as he can get by treating his own ore. As to whether we should continue the debate now, I regret the Minister will not agree to report progress. I believe we would be acting wisely if we reported progress, so that the matter might be thoroughly discussed. But if we take a vote on the question to-night I shall feel disposed to support the amendment moved by the member for Hannans. There is only one thing that would influence me in voting otherwise, and it is that I am not entirely convinced that it is altogether wise to embody matters such as this in an Act of Parliament, and it is my desire to be fair to members. Under the Act which was passed last year the warden in each particular goldfield was appointed to inquire into all tribute agreements before registering those agreements, and it is now a part of the warden's duty to know exactly the terms under which the ore is to be purchased and the charges that are to be made for treatment.

Mr. A. THOMSON: I move—

That progress be reported.

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

Ayes	12
Noes	27

Majority against .. 15

AYES.

Mrs. Cowan	Mr. Sampson
Mr. Durack	Mr. A. Thomson
Mr. Latham	Mr. J. Thomson
Mr. Mann	Mr. Underwood
Mr. Munste	Mr. Mullany
Mr. Pickering	(Teller.)
Mr. Piesse	

NOMS.

Mr. Angelo	Mr. H. K. Maley
Mr. Angwin	Mr. Marshall
Mr. Boyland	Mr. McCallum
Mr. Broun	Sir James Mitchell
Mr. Chesson	Mr. O'Loughlin
Mr. Clydesdale	Mr. Richardson
Mr. Collier	Mr. Scaddan
Mr. Corboy	Mr. Simons
Mr. Denton	Mr. J. M. Smith
Mr. Gibson	Mr. Teesdale
Mr. Heron	Mr. Troy
Mr. Lambert	Mr. Wilson
Mr. Lutey	Mr. Willcock
Mr. C. C. Maley	(Teller.)

Motion thus negatived.

Mr. A. THOMSON: Without desiring to reflect on the Committee in any way, I regret that progress has not been reported at this stage, seeing that the new clause has only appeared on the Notice Paper to-day. Members should have an opportunity of considering the effect of the proposed clause. To me it seems that the clause is something in the nature of price fixing. Probably the result of passing it would be to inflict hardship on the tributer, instead of benefiting him.

Mr. MUNSIE: The Minister and other members have stressed the possibility of some of the mining companies refusing to let tributaries if we go beyond the recommendations of the Royal Commission as a body. I do not believe that would be the effect even in the case of one single mine. In my addendum to the Royal Commission's report I included the following:—

Finally I submit that the Minister should be empowered by amendment of existing legislation to frame regulations for the enforcement of the Act in whole or in part. I attach more importance to that particular suggestion than to all the rest of the report. Are we going to let a small section of the community say to Parliament, "Pass legislation if you like, but we will defy you to carry it out"? The Tasmanian Government, not a Labour Government, passed legislation giving power of this kind to the Minister for Mines.

The Minister for Mines: Within a very limited sphere, though.

Mr. MUNSIE: If we had a similar provision here, the hon. gentleman could put 400 tributaries on that little sheep station which exists on the goldfields.

The MINISTER FOR MINES: I do not want the statements of the last speaker to be accepted at full face value. The hon. member must realise that to-day the leaseholders are in full possession of their leaseholds under an Act of Parliament.

Mr. Munsie: That was so in Tasmania.

The MINISTER FOR MINES: Subject to their complying with the conditions under which they hold their leases, we have no right to dispossess them.

Mr. Munsie: I do not want you to do that, either.

The MINISTER FOR MINES: The lease contains a covenant that the lessee shall not sublet without first obtaining the approval of the Minister. By our tributary legislation, however, we have empowered the lessees to sublet without first obtaining the approval. But there is nothing in the Act under which the leases are held, or in the covenants of the leases, which compels the lessees to let tributaries if they do not feel disposed to do so. The Tasmanian legislation to which reference has been made applies only within a radius of three miles from the Zeehan post office, and even there only in a restricted form.

Mr. Underwood: It takes the mining companies off the box seat, though.

The MINISTER FOR MINES: I do not know that it does. It merely gives the Government power to prospect a lease, or portion of a lease, if the lessee fails to do it.

Mr. Munsie: It goes further than that.

The MINISTER FOR MINES: Not very much further. It gives the company a prior right in respect of prospecting on that particular portion of the lease. It would not affect things here to any extent. The only place where compulsory tributary could be applied is on leases where tributaries are being used for the purpose of fulfilling the labour covenants. Some of those mines producing the most gold by tributary are down to great depths, and without expensive and elaborate plant the tributaries could not operate in those places. So, there would be no advantage in adopting an attitude which would force a company in the course of liquidation to wind up its affairs, remove its plant and leave a number of tributaries lamenting.

Mr. Munsie: After making £132,000!

The MINISTER FOR MINES: The hon. member himself has mentioned that the Perseverance pays on a 90 per cent. extraction. It would not affect that. Still, I admit there is the general principle to be considered. However, I have asked the Commission to recommend to me a basis upon which we can get over the existing deadlock, and if this is their recommendation I am prepared to accept it.

Mr. LAMBERT: I am inclined to support the amendment. As the Minister points out, there are difficulties connected with the extraction of the ore they are dealing with at Kalgoorlie. Still, if it be compulsory for the tributaries to sell their ore to the company, it is only reasonable that we should prescribe these conditions and insist upon the company paying a certain percentage of the gold content. If the companies object to this, they can continue to work their mines on tribute and allow the tributaries to dispose of their ore at any other treatment plant. Most of the big mines are getting the specified extraction, and so there would not be any hardship in the proposal. The companies get their costs and their percentages, and therefore the tributaries are entitled to a reasonable extraction. It is true, as the Minister

pointed out, that some of these mines are down to a considerable depth, and so if once they were to dismantle their machinery the re-opening of the mines would involve a considerable expenditure. It is regrettable that the Mining Act does not make more stringent provision for the proper exploiting of lower levels and lower values before any machinery can be dismantled. The amendment is reasonable and equitable. We have to arrive at a basis of settlement which will be satisfactory to both the tributers and the mine-owners. If the tributer could go outside and make the best bargain, it would be another matter.

New clause put and a division taken with the following result:—

Ayes	23
Noes	15

Majority for	..	8
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AYES.

Mr. Angwin	Mr. Marshall
Mr. Boyland	Mr. McCallum
Mr. Chesson	Mr. Munzie
Mr. Clydesdale	Mr. O'Loghlen
Mr. Collier	Mr. Pickering
Mr. Corboy	Mr. Richardson
Mr. Gibson	Mr. Simons
Mr. Heron	Mr. Troy
Mr. Lambert	Mr. Willcock.
Mr. Latham	Mr. Willson
Mr. Lutey	Mr. Mullany
Mr. Mann	(Teller.)

NOES.

Mr. Broun	Mr. Scaddan
Mrs. Cowan	Mr. J. M. Smith
Mr. Denton	Mr. Teesdale
Mr. C. G. Maley	Mr. A. Thomson
Mr. H. K. Maley	Mr. J. Thomson
Sir James Mitchell	Mr. Underwood
Mr. Plesse	Mr. Durack
Mr. Sampson	(Teller.)

New clause thus passed.

Postponed Clause 5—Amendment of Section 27:

Mr. MUNSIE: I was responsible for having the clause postponed. I then believed it would be feasible to amend that clause, but on consultation with the Solicitor General I was advised to accept the new clause which we have just passed.

Postponed clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

In Committee.

Resumed from 5th October; Hon. G. Taylor in the Chair, the Colonial Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 5, amendment of Section 42, to which an amendment had been moved to strike out Subclause 2.

The COLONIAL SECRETARY: The other evening the member for North-East Fremantle moved to strike out the proviso to Subclause 2. He thought it would be depriving the women and boys of a holiday which they would otherwise have enjoyed. I have since gone into the matter and have placed on the Notice Paper an amendment which I think will cover the point raised.

Hon. W. C. ANGWIN: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: I move an amendment—

That the following words be added to Subclause 2: "unless he or she is entitled, by virtue of such award or agreement, to a holiday on both Foundation Day and the King's Birthday."

Amendment put and passed.

The COLONIAL SECRETARY: I move a further amendment—

That a new subclause, to stand as Subclause 3, be added as follows: The said section forty-two is hereby further amended by the addition of a paragraph, as follows: "When owing to or as a result of the provisions of any industrial award or agreement, it is impracticable for a woman or boy to work on any day, such woman or boy shall be deemed to be granted a holiday on full pay on that day and shall be entitled to be paid in respect thereof accordingly."

It has happened that women and boys have had a holiday and the other employees did not get one. This has occurred in connection with some agreements and awards that have been made. A great deal of inconvenience has thus been caused. This amendment is to meet the case where the adult employees are given a holiday and the women and boys do not get one.

Mr. MCCALLUM: This amendment will overcome the objection I raised the other evening and I will support it.

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

Clause 6—Amendment of the Section 53:

The COLONIAL SECRETARY: I move an amendment—

That the following words be added:—"The said section fifty-three is further amended by the addition of a proviso, as follows: Provided that in case any child was at any time heretofore lawfully employed in a factory, shop, or warehouse, and continued to be so employed at or immediately prior to the commencement of this Act or the coming into operation of this proviso, nothing in this section

shall prevent the employment of such child in the same factory, shop, or warehouse by the same employer."

The member for South Fremantle the other evening said that when the Factories and Shops Act was passed it was laid down that boys and girls could not be employed in a factory under a certain age, and that if this was applied to shops and warehouses it would inflict a good deal of hardship. By this amendment I make it possible that boys and girls who are at present employed in a shop or warehouse under the age limits may continue to be in such employment.

Mr. McCALLUM: This meets the objection I raised the other evening. I did not think this should be made to apply to shops and warehouses in the same way as it applied to factories. The addition of these words will mean that the clause will only apply to those at present in employment.

The Colonial Secretary: That is so, under the same employer.

Mr. McCALLUM: I only want it to apply to those who are at present in employment.

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

Clauses 7 to 12—agreed to.

Clause 13—Amendment to Section 117:

The COLONIAL SECRETARY: I move an amendment—

That all the words after "line" in line 3 be struck out.

An agreement is now in course of preparation between the Master Butchers' Association and the members of the Butchers' Union, and it is inadvisable that this proviso should be allowed to stand, as it may affect the hours which will be fixed for employees working under that agreement.

Mr. McCALLUM: I am glad the Minister has moved this amendment. The union is at present in conference with the employers. Most of the points have been settled between them, and one or two other points will be submitted to arbitration and cleaned up. This particular matter is not in dispute at all.

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

Clauses 14 and 15—agreed to.

Clause 16—Amendment of Section 133:

Hon. W. C. ANGWIN: Why is there any necessity to include Australian wine licenses in the schedule.

The Colonial Secretary: They are under the Licensing Act.

Hon. W. C. ANGWIN: Why were they left out of the original Act?

The Colonial Secretary: It was through an oversight.

Hon. W. C. ANGWIN: Is there any reason why they should be included. The larger shops have to close at 6 o'clock and the small shops at 8 o'clock. The Licensing Act enables houses to keep open to 9 p.m. Many of these wine shops sell tobacco and cigars, and tobacco shops close at 8 o'clock, thus giving them an advantage over the other shops. There should be some reason why the Australian wine licenses should be included in the schedule.

The COLONIAL SECRETARY: It was understood at the time the Act was passed that firms under the Licensing Act who paid a licensing fee would be exempt from the provisions of the Factories and Shops Act. The clause means that Australian wine licenses, which already have to pay a fee under the Licensing Act, will be exempt from paying fees under the Factories and Shops Act. It was never intended that they should pay fees under both Acts.

Clause put and passed.

Clauses 17, 18—agreed to.

New clause—Amendment to Section 62:

The COLONIAL SECRETARY: I move—

That the following new clause be inserted to stand as Clause 7: Section sixty-two of the principal Act is hereby amended by the insertion of the words "shop or warehouse" immediately after the word "factory," wherever that word occurs therein.

This provision was overlooked when the Bill was drafted, and I have to thank the member for South Fremantle for pointing out the omission. It was necessary to bring shops and factories under Section 62 which imposes penalties for a breach of the Act. We impose penalties where warehouses are concerned, and by the insertion of the words "shops and factories" we will bring them into line with warehouses.

New clause put and passed.

New clause—Operations of Amendment to Sections 102 and 106:

The COLONIAL SECRETARY: I move—

That the following new clause be inserted to stand as Clause 12:—The amendment made by this Act in section one hundred and two and in subsections four and six of section one hundred and six of the principal Act shall have effect as from the commencement of the principal Act.

The new clause will provide that polls taken under the original Act will stand until such time as a petition is received for an alteration regarding holidays in the country districts. The clause will remove the contradictory references in the Act regarding the taking of polls.

New clause put and passed.

New Clause:

Mr. MacCallum SMITH: I move—

That the following new clause be inserted to stand as Clause 13: "Section one hundred and seven of the principal Act is hereby amended by striking out the words 'at six' in the last line of paragraph (a) of sub-clause 1, and inserting in lieu thereof the words 'not later than eight.'"

The original Act sets out that the provisions of Sections 102 to 106 shall apply to chemists and druggists subject to provisions, including one, among others, that on any day when other shops subject to those sections are required to close not later than 6 o'clock, druggists and chemists shall close not later than 6 o'clock as well. The proposed new clause will enable chemists' shops to remain open till 8 o'clock. The present Act has worked considerable hardship and inconvenience to many people in the suburbs. It is possible to obtain medicines in case of emergency by ringing up a chemist or by going into a shop which remains open at night in the city. It is not always convenient for citizens to adopt that course, and as a result many people have experienced great inconvenience and in some cases hardship. We shall not place restrictions upon people who require medicine in case of emergency. It is extraordinary that hotelkeepers and others selling liquor can keep open till 9 whereas chemists whose services may be required for the purpose of saving life must close at 6 o'clock. A large number of chemists have requested that this amendment should be made.

Hon. P. Collier: How many?

Mr. MacCallum SMITH: I have a letter with 12 signatures. The Minister has the same letter, too.

Mr. McCallum: We all have had that letter.

Mr. MacCallum SMITH: The Minister has had it, but he said there were six. If he reads the letter again he will see there are 12 signatures. Naturally the chemists in the city do not want the shops in the suburbs to remain open, for they want to continue the night shops which are highly profitable. We should not consider the question of profits which these people are making but we should consider the convenience of the people living in the suburbs.

[Mr. Stubbs resumed the Chair.]

Hon. W. C. Angwin: Do not the chemists in the suburbs live on the premises.

Mr. MacCallum SMITH: Not in all cases, but of course some of them do. The amendment will still permit any chemist to close at any hour earlier than 8 p.m. It would be a great convenience to the public if they could get medicines up to 8 p.m.

The COLONIAL SECRETARY: I hope the amendment will not be agreed to. Last year a referendum, by a four to one vote,

favoured 6 o'clock closing. A chemist now may make up a prescription at any time of the night or day. There is also a night pharmacy in Perth. Twelve chemists have signed the letter. The Master Chemists' Association has 56 financial members and has requested that the Act remain as at present. Mr. Latham: Then make it apply to the metropolitan area only.

The COLONIAL SECRETARY: Those who have signed the letter are in the metropolitan area.

Mr. MacCallum Smith: They are the owners of the night pharmacy.

Mr. Mann: Would you exclude the Friendly Societies Dispensary?

The COLONIAL SECRETARY: Certainly not. Why should we? The amendment would create great difficulty. The Government could not be expected to appoint an army of inspectors to see that various chemists observed different hours. Uniformity is essential. I do not know whether members opposite have been approached by the poorer people on the ground that the present provision inflicts a hardship upon them.

Mr. Mann: I have.

The COLONIAL SECRETARY: It seems to me that some chemists desire to keep open in order to sell other lines apart from dispensing prescriptions.

Mr. GIBSON: I oppose the amendment. If it is carried, it will take away from chemists a boon for which they had to fight for years. It was customary for chemists to keep open until all hours of the night, entailing the presence of owners and assistants. No hardship at all is inflicted by the earlier closing hour. There is no difficulty in getting a prescription dispensed at any hour. The referendum of chemists favoured 6 o'clock closing by an overwhelming majority and a night pharmacy was established. That night pharmacy is still in existence.

Hon. W. C. Angwin: It is a long way from Mount Hawthorn.

Mr. Latham: It is a long way from York.

Mr. GIBSON: If the gentlemen who signed the letter are so much concerned about the hardship, all they need do is to sit in their own shops after 6 o'clock and nothing will be done to prevent them from dispensing any prescription.

Mr. Teesdale: But they will not be permitted to supply any proprietary article.

Mr. GIBSON: If it is necessary, it may be supplied. The member for Perth said he had been informed that a hardship did exist. I have a copy of the document sent out by the Perth United Friendly Societies' Dispensary.

Mr. Mann: It has 3,000 members.

Mr. McCallum: I'll bet you they do not speak for their members.

Mr. GIBSON: There is no hardship with regard to them. No member would be prevented from getting medicines dispensed at any hour of the day or night if the friendly societies are prepared to pay for a man to remain in attendance at all times. I hope

we shall retain the benefits which have been won for chemists. It will be a retrograde step if we agree to the amendment.

Mr. SIMONS: I oppose the amendment. There is not an argument put up in favour of reverting to 8 o'clock closing which has not been used every time any early closing reform has been proposed. The public are fully served by the present provisions. It is the rule throughout the country for chemists to live at their shops and, in an emergency, they can dispense at any hour. If we revert to 8 o'clock closing it will give a license to bring juniors and assistants back to the old hours. If there is to be any alteration, it should be in the direction of making it illegal for any but master chemists to be on the premises after 6 o'clock.

Mr. Latham: Or for anybody to take ill.

Mr. SIMONS: There might be emergency cases to which a master chemist could attend. I have not heard any protest from any responsible body against the present hours. Last year not more than 25 per cent. voted in favour of a later closing hour than 6 o'clock. If it could be said that the referendum of last year had been reversed that would be a strong argument, but from whom have we a mandate to revert to the old hours? From 12 Perth chemists with Asiatic instincts who have not the brains to know when to knock off work. Chemists should not be put in the same category as Chinese market gardeners.

The Minister for Mines: You are reflecting on the House. We do not know when to knock off.

Mr. SIMONS: Our consciences are making slaves of us, but there is no higher body to keep us from working ourselves to death. I hope nothing will be done to increase the present hours under which the public are well served.

The Minister for Mines: They are the same old signatures.

Mr. LATHAM: A good deal has been said about prescriptions, but many a parent might need necessary proprietary medicines after closing hours.

Hon. P. Collier: And the Act permits them to get them.

Mr. LATHAM: I am not satisfied that it does.

Hon. W. C. Angwin: If you could block proprietary medicines, I would vote for 5 o'clock closing. They are the curse of the country.

Mr. LATHAM: Though I do not advocate long hours, I would sooner have the shops kept open until 8 o'clock than inflict any hardship on the people. The metropolitan area is very well served. Outside the metropolitan area we frequently find that chemists' shops are closed. Great inconvenience is thus caused. If the proprietor desires to keep his shop open there is no reason for refusing him permission to do so.

Mr. McCALLUM: Fully 95 per cent. of the members of the friendly societies are members of trades unions, and not one has

asked for any such amendment. If the members of these friendly societies had any grievance, they would soon ventilate it.

Mr. Mann: What answer do you give to the friendly societies' request?

Mr. McCALLUM: What they ask is provided for in the existing law. Any prescription may be dispensed after 6 p.m. The law as it is provides for what they ask. I know of course that it is the desire of the member for North Perth to keep employees on the premises in the evenings without extra remuneration. There has been no complaint so far as the public are concerned, and all the evidence we have before us is that 12 individuals signed the letter read by the member for North Perth. Of course those 12 are thinking of the poor worker, but not one workers' organisation has asked for the alteration. When these organisations want reform they will not be slow in coming forward to ask for it. In all the suburbs the chemists live on the premises and they dispense whatever prescriptions are required.

Mr. MANN: I support the amendment, because if there is a necessity that we should provide for, that necessity is medicine. I have received a letter from a responsible body, the Perth United Friendly Societies, the membership of which institution is 3,300. They desire that they should be permitted to remain open until 8 o'clock so as to make up prescriptions. By being compelled to close at six o'clock most of the members, who are of the working class are not able to avail themselves of the advantage of belonging to the society. It does not seem right that they should be compelled to walk all the way to Perth to a night chemist.

Hon. W. C. ANGWIN: I am surprised to find the member for Perth supporting the new clause. It is the first time that the representative of Perth ever supported a clause to extend the hours of trading to benefit those living in the suburbs. It has been the practice of the members representing the city of Fremantle and the city of Perth to endeavour as far as possible to close down the suburban shops. I may also point out that the member for Perth has been led astray by the circular he has received. The people who wrote to him are not familiar with the provisions of the existing law. If they had been, they would not have sent him the communication he has read. They claim that it is impossible for a member of a society after visiting a medical officer to reach the institution by 6 p.m. in order to have a prescription dispensed. Power is given the societies under the Act to dispense prescriptions all night long, provided that the prescription is ordered by a doctor. Therefore, the societies are not affected. They also claim that there is only one institution in the State. We have one at Fremantle. That institution approached me, but as soon as they found out that they could dispense their own doctors' prescriptions at any hour there were no further complaints.

Hon. members opposite run away with the idea that because 12 persons signed the letter which was read, all the others want six o'clock closing. Of the 102 chemists in the metropolitan area only 52 signed the petition in favour of six o'clock closing. The select committee last year recommended 6 o'clock as the closing hour, and the Bill left this Chamber with the hour fixed at 6.30. The other House, however, which is generally dominated by Perth members, altered the hour to 6 o'clock. I hope that nothing will be done under this Bill to extend hours, unless there has been complaint by the people regarding shortness of existing hours. I knew of no complaint whatever on the part of the friendly societies until I received this letter. The amendment should not be carried.

Mrs. COWAN: I support the amendment, having been spoken to by many persons on this subject in the same way as on the subject of the small suburban shops. The existing position in both respects presses heavily on many people. A referendum on the question now under consideration might yield a different result from that of the ballot of chemists alone. If the people were asked, the result would be different. Wives have frequently to wait for their husbands to return home with money before they can send for medicines, these being rarely supplied on credit except to people well known to the chemist. I can quite understand that chemists in general want their shops closed at the earlier hour; but I do not think the present closing hour has resulted in benefit to the community generally. In Melbourne the suggestion has been made that some chemists' shops should be allowed to keep open from 8 a.m. to 6 p.m. and others from 10 a.m. to 8 p.m. The early closing of suburban grocery and other shops presses hardly on many members of the poorer classes, as I amply learnt during my election campaign.

Mr. SAMPSON: I shall vote against the amendment, for which I see no justification whatever. Certain communications have reached me, but they do not seem based on sound reasons. It seems to be argued that owing to some unfortunate dispensation of Providence, sickness invariably swoops down upon people after the setting of the sun. The carrying of the amendment would mean that not only chemists in the suburbs, but also those in the city, would remain open for unnecessarily long hours. No great degree of foresight is needed for the laying in of a moderate stock of ordinary household remedies.

The MINISTER FOR MINES: The member for North Perth should produce evidence that the effect of existing legislation on this point has been to prevent people from obtaining medicines when they were ill. Nothing of the kind has been proved. On the contrary, a doctor's prescription can be dispensed by a chemist at any hour,

irrespective of his shop being open or closed. One can even get sticking plaster if he wants it. I wish members would bring some of it here.

Member: What would you do with it?

The MINISTER FOR MINES: I would put it on the member for Sussex. The select committee which dealt with last session's measure took a great deal of evidence in this connection, and the overwhelming majority of the chemists who appeared as witnesses expressed themselves in favour of closing at 6 p.m. Nevertheless, the select committee recommended the hour of 6.30 p.m. in order to prevent chemists well established in particular suburban localities from losing their business—suburban chemists who did a large proportion of their trade with persons returning in the evening from employment in the city. The 12 months' experience we have had of the law shows that it involves practically no inconvenience whatever to the public. The select committee requested the Western Australian branch of the British Medical Association to call a meeting to discuss this particular question, and then appoint a representative to give evidence before the committee. Dr. Holland was appointed a representative, and he, speaking on behalf of the medical men, said that a meeting attended by 24 members of the local branch of the British Medical Association unanimously passed a resolution in favour of the closing of chemists' shops at 6 p.m. Dr. Holland further said that the medical men did not think the early closing of chemists would in any way interfere with their, the doctors', work. Under the law as it stands, one can obtain a prescription at any time and get it dispensed at any time. The object of chemists who desire to remain open for longer hours is to sell proprietary medicines, and soaps and perfumes—particularly perfumes. The United Friendly Societies' Dispensary sent along a representative to the select committee to protest against 6 o'clock closing. Eventually that representative said to the committee that 6 o'clock closing would suit his people. He added, "I understood you were going to force us to close at 6 o'clock and do no more dispensing after that hour. I have no objection whatever if we are to be allowed to continue dispensing until 8 o'clock. If that is understood, I am finished." However, the friendly societies were raising objection to this provision last session, and they are still raising objection. As regards the country chemists, I think the member for York would take a different attitude now if he had sat on that select committee. The metropolitan chemists, who were opposed to 6 p.m. closing, violently objected to ballot papers being distributed among the country chemists. They said, "What do the country chemists care about metropolitan hours?" It was the country chemists who carried the 6 o'clock closing.

It was they who carried the resolution to close at 6 o'clock. Now the member for York and others want to support the amendment in order to assist the country chemists. The country chemists prefer to close at 6 o'clock. The trouble has been with one or two suburban chemists who are fearful that they might lose the sale of certain side lines, such as toilet requisites, soaps, etc. The Act has proved successful, and there is no reason why chemists should remain open longer hours than any other shop, so long as they can dispense medical prescriptions after 6 o'clock.

New clause put and negatived.

New clause:

Mr. McCALLUM: I move—

That the following new clause be added: "Section 155 of the principal Act is hereby amended by adding a new subsection as follows: 'The provisions of Subsections (1) and (2) of this section shall not apply to the working hours of women and young persons as provided in Section 125.'"

Section 125 limits the hours for young persons under 16 and for women to 44 per week, but Section 155 provides that an award of the court, or an agreement which has been made a common rule, shall override the Act. That gives the court power to make an award, and the organisations power to make an agreement, to extend the hours from 44 to 48. The position is that certain current agreements will expire between this and Christmas, and if the organisations decline to negotiate fresh agreements, this section will then apply and they will work only 44 hours, whereas if they consent to negotiate they will run the risk of being compelled to work 48 hours. I judge that it was intended that young persons under 16 years of age and women should work only 44 hours. This State is behind all others in respect of the 44-hour week. I ask that the section be so amended that the court shall not have power to override the provisions under Section 144 in respect of women and young persons. I aim at making Section 144 binding. This will tend to smoothen working in the industries, and the industrial organisations will not be tempted to decline to enter into negotiations with the employers.

Mr. SAMPSON: The proposed new clause will have the effect of differentiating the hours. Young persons and women will not be permitted to work more than 44 hours per week. This will entail serious inconvenience in factories where the men are working 48 hours per week.

Hon. P. Collier: That applies to women and young persons now, where there is no Arbitration Court award.

Mr. SAMPSON: It will cause a great deal of inconvenience in factories where the men work 48 hours. Further argument will be needed from the hon. member before I agree to the new clause.

The MINISTER FOR MINES: In any case, the proposed new clause is not practicable. This matter was fully discussed by the select committee. It was explained that in some cases it was not possible to work women and young persons different hours from those worked by the men, because in most instances the women and boys were attending on the men, who could not carry on after the women and boys went off. Eventually the committee decided to fix the general hours, with the proviso that an award of the court or an agreement made a common rule should override the general provision. This was done largely at the instance of representatives of the unions. So far as I know, there has been no serious objection to it. It is news to me that the unions, by standing out from negotiations, hope to secure an abatement of hours. The sequel might be a reduction in wages.

Mr. McCallum: That would lead to a lock-out.

The MINISTER FOR MINES: The employer could close up for a time, and resume on reduced wages. It is as well for the hon. member to recognise what might happen. The select committee considered this question very thoroughly and were unanimously of opinion that the best thing to do was to fix the hours and allow the Arbitration Court, or the unions by getting an agreement made a common rule, to vary those hours.

Mr. McCallum: I do not know of any factory where the objection raised by the member for Swan is likely to apply. I had the distinction of taking the first case, that of the girls employed in the printing trade, in which 44 hours were awarded by the Arbitration Court. On that occasion the same plea was put up by the employers as is raised to-night by the member for Swan, namely, that it was impossible to run the industry with girls working 44 hours while the men were working 48 hours.

Mr. Sampson: It is very inconvenient.

Mr. McCallum: Every employee in the printing trade is now working 44 hours a week.

Mr. Sampson: All with the exception of females are working 48 hours.

Mr. McCallum: But they have to be paid for the extra four hours.

Mr. Sampson: Certainly.

Mr. McCallum: It is overtime, and does not that explode the argument of the member for Swan? He said it would be impossible to have two sections working different hours, and now he admits that the girls are working 44 hours and the men 48 hours!

Mr. Sampson: I said inconvenient, not impossible.

Mr. McCallum: If that is the only objection it applies to every Act of Parliament.

Mrs. Cowan: Will not this be a distinct handicap to the employment of women?

Mr. McCallum: There is the same old argument.

Mrs. Cowan: I speak from the women's point of view.

Hon. W. C. Angwin: I would like to see them all married.

Mrs. Cowan: Yes, and you would not legislate to give them only 44 hours' work a week.

Mr. McCALLUM: Every time we try to get a reform for the women, the cry goes up that we are trying to prejudice the employment of women.

Mr. Sampson: That is the effect.

Mr. McCALLUM: Can the hon. member say that it has limited the number of girls in the printing industry? One firm threatened to dismiss all the girls and went so far as to put off half the staff, but there are now more girls employed in the industry than ever before.

The Minister for Mines: Does not that prove that the Court could award different hours if it thought fit?

Mr. McCALLUM: Yes. The Arbitration Act does not differentiate between the registered and unregistered organisations. All are referred to as workers. Therefore, the Minister's point does not apply. The tea room girls' award is about to expire. They are working 48 hours. They decline to go to the court or to meet the employers. Immediately their award expires, they must get the 44 hours. No alteration can be made in the rate of pay without application to the court. Suppose the award expired at the end of the year, the court could not be approached till the middle of next year.

The Minister for Mines: Is that what they propose to do in order to get the shorter hours?

Mr. McCALLUM: I have no authority to say what they propose to do. I am just pointing out how it would be possible to secure the 44 hours a week, but one must not overlook the discontent and ill-feeling which would be occasioned. I think the intention was that the 44 hours should apply to all women and young persons. I hope the limitation of hours will be extended, because Western Australia is backward in this reform.

Mr. SAMPSON: The agreement in the printing trade was that employees should work 44 hours, but it was always competent to work 48 hours conditional upon the extra four hours being paid for at the ordinary time rate. Consequently the 48 hours principle is still retained in the trade, and it is in existence in South Australia, with which State we have to compete. It seems to be a habit to boo-hoo any objection raised by a champion of the female worker, but there is a good deal in the inference of the member for West Perth that the amendment must operate to the detriment of the female worker.

The COLONIAL SECRETARY: I hope the amendment will not be agreed to. The intention is that any agreement or award made by the Arbitration Court will have no effect so far as women and boys are con-

cerned. This would override any arbitration award already given, and prevent the court from fixing the hours for women and boys under any future award or agreement relating to shops and factories.

Hon. P. COLLIER: Why should we say that women and young persons, who are not organised and have not an agreement or award of the court, shall be protected by this House to the extent that they shall not work more than 44 hours a week? If we consider that 44 hours a week is sufficient, why not apply it all round? Is it consistent to say that it shall apply to some women and young people and not to others?

Mrs. Cowan: Does not it depend to some extent upon the nature of the occupation?

Mr. McCallum: Do not you think that 44 hours is long enough?

Hon. P. COLLIER: The question does not depend on the occupation.

Mrs. Cowan: The occupation is one where the employees have to stand.

Hon. P. COLLIER: Seats are provided in the shops. The definition of "shop" is very wide. To be consistent we must make the hours 44 all round.

The Minister for Mines: The Arbitration Court is given the right to make an award irrespective of anything laid down in the Act.

Hon. P. COLLIER: Parliament could take upon itself to fix the hours. I suggest that Section 155 should be repealed so far as women and young persons are concerned.

Mrs. Cowan: The women can get a hearing before the Arbitration Court, but are not allowed to plead at the bar of the House.

Hon. P. COLLIER: Does the hon. member say that any considerable section of women would be opposed to a 44-hour week?

Mrs. Cowan: I do not say that, but think it should be left open to women to work longer hours at certain occupations if they so desire.

Hon. P. COLLIER: Does the hon. member think that a 44-hour week is not long enough?

Mrs. Cowan: I do not think we can take the responsibility of fixing the hours. We do not know their wishes.

Hon. P. COLLIER: I understand the hon. member does not stand for a 44-hour week for women.

Mrs. Cowan: You have no right to fix the hours for women if you do not fix them for men.

Hon. P. COLLIER: The hon. member was returned to look after the interests of women, and yet she is one of the first to object to a 44-hour week for her sex instead of a 48-hour week!

The Minister for Mines: She came here to demand equality.

Mrs. Cowan: I do not want to see any handicap placed on employment for women.

Hon. P. COLLIER: When it was proposed to take the women out of coal mines in England the same argument was ad-

vanced. When children of 10 years were subjected to child slavery, the employers told a British Royal Commission that they did not want to see the parents deprived of the earnings of their children. Now the member for West Perth argues against a reduction in hours. It is always held that if the hours of labour are reduced the opportunities of labour are also reduced. As a matter of fact, it has been proved that a reduction in hours of labour increases the chances of employment.

Mrs. Cowan: I have no objection to a reduction in the hours.

Hon. P. COLLIER: The hon. member fears that it may limit the opportunities for employment.

Mrs. Cowan: Unless it is done by the Arbitration Court, before which women have an opportunity of placing their views.

Hon. P. COLLIER: I do not know that the court is better equipped to deal with the matter than is Parliament.

Mrs. Cowan: Take a referendum.

Hon. P. COLLIER: I am prepared to accept a referendum on all questions that affect the daily and social life of the people. In this matter Parliament should take upon itself the responsibility of saying that a 44-hour week is long enough for women and young people.

Hon. W. C. ANGWIN: I support the amendment. I am surprised that the first opposition to a reduction in the hours of labour for women should come from the only woman representative in the House.

Mrs. Cowan: I am not against fixing a reduction in the hours of labour by the Arbitration Court.

Hon. W. C. ANGWIN: It appears to me that if women want proper representation in Parliament, they should have men to represent them. Apparently they will receive more sympathy from men than from women.

The Colonial Secretary: This amendment will not reduce the hours.

Hon. W. C. ANGWIN: It will prevent the Arbitration Court from increasing them. I do not believe in women working as long as men. The argument may be advanced that it is inconvenient for women to work shorter hours than men, and their hours may be brought up to accord with the hours for men.

The Minister for Mines: Nothing contained in the Bill must influence the Arbitration Court or affect its awards.

Hon. W. C. ANGWIN: The clause says that women and children must not work longer than 44 hours a week.

The Minister for Mines: Why not repeal Section 155 and allow the Act to remain?

Hon. W. C. ANGWIN: I am in favour of that portion of the Act which provides for women working shorter hours than men. If women have to go to the court, on a question of convenience their hours may be increased to conform to those worked by men. I should have thought the member for West Perth would have jumped at the

amendment, and that any argument tending to benefit the conditions as applied to women and children would have had her keenest support.

Mrs. Cowan: I am not so sure of the benefits. If you handicap women in their employment I cannot agree to assist you.

Hon. W. C. ANGWIN: I am almost driven to the conclusion that the member for West Perth is one of the biggest Tories in the Chamber.

New clause put and a division taken with the following result:—

Ayes ..	15
Noes ..	19

Majority against .. 4

AYES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Munro
Mr. Clydesdale	Mr. Simons
Mr. Collier	Mr. Teesdale
Mr. Corboy	Mr. J. Thomson
Mr. Heron	Mr. Willcock
Mr. Lambert	Mr. O'Loughlin
Mr. Marshall	(Teller.)

NOES.

Mr. Angelo	Sir James Mitchell
Mr. Boyland	Mr. Money
Mr. Broun	Mr. Pickering
Mrs. Cowan	Mr. Sampson
Mr. Denton	Mr. Scaddan
Mr. Durack	Mr. J. M. Smith
Mr. Latham	Mr. A. Thomson
Mr. C. C. Maley	Mr. Underwood
Mr. H. K. Maley	Mr. Mullany
Mr. Mann	(Teller.)

New clause thus negatived.

Title—agreed to.

Bill reported with amendments.

BILL—STALLIONS.

Second Reading.

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough) [10.37] in moving the second reading said: This Bill requires only a short introduction. During the early years of the war, when there was a great demand for horses for artillery purposes and remounts, it was found that a considerable number of animals throughout Australia had to be rejected by reason of unsoundness from either hereditary or other causes. Indeed, the proportion of rejects was so serious, and disclosed so marked a deterioration in the standard of the Australian horse, that a conference on the subject was convened by the Federal Minister for Defence during 1917. The outcome of that conference was the following resolution:—

That this conference recognises the urgent necessity for taking immediate steps towards placing the horse-breeding industry on a more satisfactory footing,

with a view to improving the type of horses raised in Australia; that the first step to be taken is to provide for the elimination of unfit stallions, mainly stallions affected with hereditary unsoundness, or defective in type or conformation; that this result can only be achieved by legislation, and that if such legislation be not within the powers of the Commonwealth Parliament steps should be taken to procure the enactment of uniform measures by the Parliaments of the States.

This resolution was referred to the various pastoralists' associations of Australia, among them that of Western Australia; and the committee of the local association emphatically endorsed the statement that the first step necessary for the improvement of the standard of horses throughout Australia was the registration of stallions. Western Australia is practically the only State in the Commonwealth which has not now a Stallions Registration Act. The natural corollary is that Western Australia has become the dumping ground for stallions rejected in the Eastern States on account of hereditary unsoundness or some similar cause. Our Royal Agricultural Society have from time to time made efforts towards the certification of stallions in this State, by the holding of an annual horse parade, all the stallions competing in which are examined by a veterinary officer appointed by the society for that purpose. Naturally, the certificate granted by the Royal Agricultural Society carries some weight when owners of mares in country districts are looking around for a suitable type of stallion, one which can be recommended for stud purposes. The member for North-East Fremantle (Hon. W. C. Angwin) will, I think, remember that last session he was instrumental in drawing attention to the fact that the Registration of Stallions Bill then laid before the House was out of order, inasmuch as it had been introduced in another place, and had not been introduced into this Assembly by a Message from the Governor, as required in connection with a money Bill. The Bill this year has been introduced by Message from His Excellency. I have taken advantage of the knowledge that last year the House objected to the creation of a new board, which practically amounted to a new department, when the Bill was before members. Under that Bill it was proposed to create a board. In conjunction with other members, I protested against the tendency to create another department. The Bill now before the House has been drafted so as to place the administration of the measure in the hands of the Chief Inspector of Stock, under the Agricultural Department.

Hon. P. Collier: Is there any appeal from his decisions?

The MINISTER FOR AGRICULTURE: Yes, there will be referees appointed to con-

sider appeals. The officers of the department will have power to grant certificates regarding the soundness of animals for registration. The measure only applies to the registration of animals used for stud purposes, which are travelled throughout the districts for hire. It does not apply to stallions used by the owner wholly on his own property. Any animal can be used by the owner, but if he uses it for travelling for stud purposes, he will come within the scope of the measure. That is all there is in the Bill, which will commend itself generally to members. It is drafted on the lines of the Victorian Act and we propose to make it reciprocal as between the various States, regarding the acceptance of certificates. It is not proposed to apply the measure throughout the State generally. It can be proclaimed and applied to any particular part of the State. I move—

That the Bill be now read a second time.
Question put and passed.

In Committee.

Mr. Stubbs in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Mr. LATHAM: The term "owner" which, under the clause, includes part owner, should also include lessees of animals imported from the Eastern States. I move an amendment—

That in line 5 after "owner," the words "or lessee" be inserted.

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

Mr. A. THOMSON: I move—

That progress be reported.

Question put and negatived.

Clauses 3 to 11—agreed to.

Clause 12—Offences and penalties:

Mr. LATHAM: The penalty provided for offences for which no specific penalty is mentioned, is fixed at not exceeding £50. This is a new measure, which is being pushed through and members have not had an opportunity of studying it. I move an amendment—

That in line 3 of Subclause 2, the word "fifty" be struck out and "twenty" inserted.

Mr. SAMPSON: I hope the amendment will not be agreed to. It is important that power should be provided to make the penalty severe. Travelling inferior stallions throughout the country has a bad effect on stock.

Amendment put and negatived.

Clause put and passed.

Clauses 13 to 17—agreed to.

Title—agreed to.

Bill reported with an amendment.

MESSAGE—FEDERATION AND THE STATE, JOINT SELECT COMMITTEE.

Message from the Council received and read notifying that Thursday, the 13th October, at 2.30 p.m., had been named as the time, and the Committee room of the Council as the place, for the first meeting of the joint select committee.

House adjourned at 10.53 p.m.

Legislative Council.

Wednesday, 12th October, 1921.

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

QUESTION—JAVA TRADE, "KANGAROO" EXPEDITION.

Hon. A. SANDERSON (without notice) asked the Minister for Education: In connection with the "Kangaroo" expedition to Java and Singapore, has any official invitation been received here from any Government in the near East, and if so, will the correspondence be laid on the Table of the House?

The MINISTER FOR EDUCATION replied: I will endeavour to get the correspondence and lay it on the Table of the House. There has been an invitation issued, but I am not prepared offhand to give the hon. member the details.

QUESTION—WHEAT CERTIFICATES, PAYMENTS.

Hon. C. F. BAXTER asked the Minister for Education: When will final payments be made of amounts due on wheat certificates covering the years 1915-16 to 1919-20?

The MINISTER FOR EDUCATION replied: According to advices received from the Australian Wheat Board, it is anticipated that the 1915-16 wheat pool will be finalised almost immediately, payment following shortly after. No information is available as to when the other pools are likely to be wound up.

QUESTION—OLD WOMEN'S HOME.

Hon. J. DUFFELL asked the Minister for Education: Will he lay on the Table of the House the files relating to the appointment of the official visitors to the Old Women's Home?

The MINISTER FOR EDUCATION replied: Yes. I will now lay the papers on the Table.

BILL—BUILDING SOCIETIES ACT AMENDMENT.

In Committee.

Resumed from the previous day; Hon. J. Ewing in the Chair, the Minister for Education in charge of the Bill.

The CHAIRMAN: Progress was reported yesterday on an amendment to Clause 2, Subclause 3, moved by the Minister for Education as follows: That the words previously inserted, "the same fees as for the time being are payable on a transmission under the Transfer of Land Act," be struck out, and the words "and on payment of such fees (if any) as may be prescribed by the Governor, but not to exceed such fees as for the time being are payable on transmissions under the Transfer of Land Act" inserted in lieu.

Hon. A. SANDERSON: I thank the Leader of the House for postponing this matter yesterday, but seeing that Mr. Nicholson is not here I have no further opposition to offer.

The MINISTER FOR EDUCATION: I assure the hon. member it is all right.

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

Bill reported with an amendment.

BILL—INSPECTION OF MACHINERY.

Second Reading.

Debate resumed from the previous day.

Hon. J. J. HOLMES (North) [4.40]: I wish to say a few words regarding this Bill. I have heard enough of the debate to justify me in coming to the conclusion that this measure requires very close scrutiny. It very vitally affects the North Province, seeing that the conditions that are going to apply to engines used on farms will apparently also apply to engines used in boats. The pearling industry has been a very important one, and will be an important one in the near future if the price of shell rises. The divers who get the shell from the bed of the