

girls are to be worked during those hours, one would hardly expect members of another place, or even of this House, to give exemption to boarding-house keepers to work girls for such hours. This being so, I think the managers would have had a very difficult task if they had attempted to force the position.

Hon. J. CORNELL (South) [8.14]: If the conference managers do not agree, that ends it; if they do agree, there too the matter ends. I compliment the managers on their decision. It is the only sane and logical conclusion which could be arrived at. The Assembly has given way on one amendment introduced by the Government, and our managers have given way on an amendment which was not introduced by the Government but which was inserted here as a new clause.

Hon. C. F. Baxter: What would happen if the report was not adopted?

The PRESIDENT: Nothing.

Hon. A. SANDERSON (Metropolitan-Suburban) [8.15]: If that is the result of these proceedings, it should make us uncommonly careful in the future as to what we are doing. We may have occasion not to adopt the report of our managers, as I think we had last session. It is to be remembered that these representatives, the managers, act only as our agents, and that we are the principals. I am not, of course, questioning any ruling; I am simply questioning the method of procedure, so that we may know exactly where we stand. It is of the utmost importance to know whether our managers go to a Conference as plenipotentiaries, to use diplomatic language—

Hon. J. Cornell: They are plenipotentiaries.

Hon. A. SANDERSON: They are not, I say. If they are plenipotentiaries, I for my part shall in future be extremely careful what I do. This is going to bring about a very important development in the appointment of future Conferences; we shall, in future, have to take care to see that the majority of the House are represented at Conferences.

Hon. J. Duffell: Yes, especially when men are jumping about all over the place.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [8.17]: Subject to your ruling, Mr. President, I take it that if the Council refuses to adopt the report of the managers, the position will be exactly the same as if the two bodies of managers had failed to come to an agreement.

Hon. A. Sanderson: No; that is not the position.

The PRESIDENT: I do not think so.

The MINISTER FOR EDUCATION: The matter might be looked into. But, subject to your ruling, Mr. President, if your

ruling should become necessary, I take it that some act of the Council is necessary. I have no doubt that, should a ruling become necessary, you, Sir, would look carefully into the matter.

The PRESIDENT: That is so.

The MINISTER FOR EDUCATION: I am only expressing my opinion, that some act of the Council is necessary to confirm what its managers do. I simply express that opinion. Now, had the managers failed to come to an agreement, that would not have helped the position at all as regards the boarding-house keepers, because it would simply have meant the laying aside of the Bill, with the result that the whole of the existing provisions covering boarding-houses would still be the law, because Parliament would not be altering those provisions. On the other hand, this Bill contains a number of important clauses, particularly those relating to the closing hours of shops in country districts. All that the managers have done is to say that it is better for us to accept this measure than to disagree with the Legislative Assembly, in which case we should get nothing whatever of what we want.

Question put and passed.

House adjourned at 8.20 p.m.

## Legislative Assembly,

Thursday, 5th January, 1922.

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

### QUESTION—I.A.B. CLIENTS AND LOCAL HALLS.

Mr. O'LOGHLEN asked the Premier: 1, Is he aware that in several districts clients

of the I.A.B. are anxious to contribute a small percentage of their crop towards the erection of local halls? 2, Is he aware that the department disapprove of this course, as private creditors have a prior claim? 3, As the popularising of rural life is essential, will the Premier arrange that these clients be allowed to help in this laudable object?

The PREMIER replied: 1, Yes. 2, Yes. 3, So far as the Act permits, the board will give sympathetic consideration to each application.

#### QUESTION—WORKERS' COMPENSATION ACT.

Mr. O'LOGHLEN asked the Premier: 1, Is he aware that the decision in the Eley case under the Workers' Compensation Act is having a far reaching effect in depriving pieceworkers of compensation? 2, Seeing that the Crown is fighting the appeal, can the Premier say how long it will take to get a decision? 3, Is he prepared to introduce the necessary amendments?

The PREMIER replied: 1, The decision apparently excludes pieceworkers from the operation of the Act, and if upheld on appeal may have a far reaching effect on this class of workers. 2, The plaintiff is the appellant. The Crown is not engaged in the appeal. It should, however, be reached as soon as the courts sit after the vacation. 3, The matter will be considered when the appeal is disposed of.

#### QUESTIONS (2)—RAILWAYS.

##### *H.H.D. Spark Arrester.*

Mr. JOHNSTON asked the Minister for Railways: 1, How many locomotive engines have been fitted with the H.H.D. spark arresters and retarders? 2, Has the success of these spark arresters been established to the satisfaction of the department? 3, Is it true that through the use of this invention the fire risk of Collie coal has been reduced to the extent appertaining to the use of Newcastle coal under the conditions existing in this State prior to the use of this invention? 4, Is it intended to place these spark arresters and retarders on all locomotive engines used in the agricultural districts? 5, What reward or other mark of appreciation has the Railway Department given to the inventors of this spark arrester and retarder?

The MINISTER FOR RAILWAYS replied: 1, 89 in service at present. 2, No; but the results obtained in conjunction with the standard wire mesh warrants further application of the device and encouragement of further research. 3, Experience does not justify such an unqualified assertion. 4, Yes. That is the present intention and in conjunction with wire mesh. 5, £150, as an appreciation of work done and incentive to further effort towards its perfection.

##### *Fruit Case Shooks, Freight.*

Mr. PICKERING asked the Minister for Railways: 1, Has the freight on fruit case shoos been raised? 2, In view of the serious disabilities under which the fruit industry has been struggling for the last four years, will he have this rate reconsidered with a view to reversion to old rate?

The MINISTER FOR RAILWAYS replied: 1, Yes. Fruit case shoos are now carried at "A" class rate, minimum 6d. per consignment. Prior to 1st December, 1921, a consignment weighing 5cwt. would be conveyed a distance of 60 miles for 2s. 1d. A similar quantity for a like distance would be rated now at 3s. 3d. 2, The rate on fruit case shoos had remained unaltered for 20 years, and was increased in view of the serious disabilities under which the railway industry was struggling. The matter is receiving further consideration.

#### QUESTION—KENDENUP ESTATE, ASSISTANCE.

Mr. PICKERING asked the Premier: 1, Has he received an application for financial assistance from C. J. De Garis in connection with the Kendenup estate? 2, Is it his intention to place the papers upon the Table of the House?

The PREMIER replied: 1 and 2, Yes.

#### BILL—RAILWAY SIDING (NORTH FREMANTLE).

##### *All Stages.*

Introduced by the Minister for Works and read a first time.

##### *Second Reading.*

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [4.40] in moving the second reading, said: This is only a short Bill. It appears that the North Fremantle Municipality, believing that they had the power to grant the Great Southern Roller Flour Mills, or any other person, the right to cross the Fremantle-road with a set of rails to form a siding to connect with the Government railways, gave their consent because they saw that the erection of the mills would provide employment for a large number of persons, and that the mills could not be carried on unless connected up with the Government railways. Subsequently it was discovered that their permission had been granted in error. The local authority had been misled. The latest Road Districts Act of 1919, in Section 160 empowers road boards to grant permission for the construction of sidings across roads. The municipality thought similar powers lay with them under the Municipal Corporations Act of 1906. However, that Act gives no such power to the municipality. In the consolidating Bill which has been on

the stocks for some years past, this power is to be given to municipalities. Probably next session that Bill will form part of the legislation to be considered. In the meantime, in order to legalise the construction of this siding, the Bill before us is necessary. I move—

That the Bill be now read a second time.

Hon. W. C. ANGWIN (North-East Fremantle) [4.43]: I cannot add anything to what the Minister has said. I know the mill has been erected and that the siding is already there. I know also that in many municipalities there are sidings running across main roads; yet this is the first time I have seen a Bill of this description in the Chamber. Possibly all these sidings are being illegally operated.

The Minister for Mines: You are always legalising this sort of thing at North Fremantle.

Hon. W. C. ANGWIN: No. It is the lawyers who raise these questions. At present this siding at North Fremantle cannot be legally worked. I was under the impression that the local authority had the right to grant permission for the crossing of a street by a siding. This new siding has been erected by the Great Southern Roller Flour Mills Ltd. The solicitor who found this little flaw thought it necessary to have a Bill to enable the company to work its siding. It was not thought before that such legislation was necessary. There is the siding in connection with the Gas works and another one serving Ockerby's Mills at Cottesloe. There are several other sidings in the State where main roads are crossed, but whether they have been legalised or not I do not know. I was not aware that any local authority thought it necessary to come to Parliament until this particular case arose.

The Premier: Have they been carrying grain over the siding?

Hon. W. C. ANGWIN: They have been carrying bricks and other materials required for the construction of the mill. According to the legal authority it is necessary under the law at present that this permission should be granted.

Question put and passed.

Bill read a second time.

In Committee, etc.

Mr. Stubbs in the Chair: the Minister for Works in charge of the Bill.

Clause 1—agreed to.

(Clause 2—Authority to construct siding:

Mr. HARRISON: Who will be responsible for the traffic crossing the road at this siding? It is a principal road of the State, but I see no provision in the Bill with regard to the safety of the traffic. Who will be in charge of it?

The Minister for Works: The working must be in the hands of the Commissioner of Railways, who is responsible for the safety of the traffic.

Mr. HARRISON: That was not the case in the Old Country with regard to brewery crossings.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and report adopted.

Read a third time and transmitted to the Council.

## BILL—APPROPRIATION.

All stages.

Message from the Governor received and read recommending appropriation in connection with the Bill.

In accordance with resolutions adopted in Committees of Supply and Ways and Means, leave obtained to introduce the Appropriation Bill which was read a first time.

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [4.55]: I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee etc.

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

Read a third time and transmitted to the Council.

## BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Council's Pressed Requests.

Message from the Council notifying the Assembly that it insisted on its amendments Nos. 1 and 2 now considered.

In Committee—Conference requested.

Mr. Stubbs in the Chair; the Colonial Secretary in charge of the Bill.

The COLONIAL SECRETARY: The amendments insisted on by the Council are to strike out Clause 2, and insert a new Clause 2 amending Section 4 of the principal Act, by striking out, in the definition of boarding-house the words "and any place in which ten or more boarders or lodgers apart from members of the family are in residence." We have three alternatives, either to agree to the amendment insisted upon by the Council, or to disagree

with it, and lose the measure, or to ask for a conference with the Council. One of the amendments insisted upon is rather important, that which deals with boarding-houses, and which provides for the striking out in the definition of boarding-house the words "and any place in which ten or more boarders or lodgers apart from members of the family are in residence." Rather than agree to the Council's amendments I think we should have a conference. I therefore move—

That a conference be requested with the Legislative Council on the Factories and Shops Bill and that at such conference the managers to represent the Assembly be Mr.

McCallum, Mr. Harrison, and the mover.

Question put and passed.

Resolution reported, the report adopted, and the message accordingly returned to the Council.

## BILL—HEALTH ACT AMENDMENT.

### Council's Amendments.

Schedule of two amendments made by the Council now considered.

#### In Committee.

Mr. Stubbs in the Chair, the Colonial Secretary in charge of the Bill.

No. 1. Add a clause to stand as No. 3: Amendment of Section 207.—Section two hundred and seven of the Health Act, 1911-1919, is hereby amended by inserting a subsection, as follows: (17a) He may direct and cause to be held a post mortem examination of the body of any person who has died or is supposed to have died of a dangerous infectious disease, and may give such direction as he may think fit for the disposal of such body.

The COLONIAL SECRETARY: This amendment will give the Commissioner of Health power to conduct a post mortem examination on a body if he so desires. At the present time there are certain cases that come before the medical profession about which there is some doubt as to the actual cause of death, and if the relatives object to a post mortem examination being held there is no alternative but to bury the body. The amendment will give the Commissioner power to order a post mortem to be held whether the relatives object or not. In certain cases of infectious disease it is difficult to determine the cause of death and it is important that a post mortem examination should be held. I move—

That the Council's amendment be agreed to.

Hon. W. C. ANGWIN: A somewhat similar amendment came from the Council twelve months ago and it was rejected by this House. Sometimes it is necessary that post mortem examinations should be held, but I am doubtful as to whether relatives object.

The Colonial Secretary: They do.

Hon. W. C. ANGWIN: We also know that in the case of a dangerous or infectious disease the body is taken away from the relatives.

The Colonial Secretary: Not always.

Hon. W. C. ANGWIN: It is so, and the relatives have no further say in the matter. This power should be contained in the Coroners Act. Why should we give increased powers to the Commissioner of Health? The Coroners Act has only lately been consolidated and increased powers have been given in that measure, and before agreeing to an amendment such as the one before the Committee, we should give the Coroners Act every trial. Some medical men want the universe.

Question put and passed: the Council's amendment agreed to.

No. 2. Add a clause to stand as No. 5: Amendment of Section 256.—Section two hundred and fifty-six of the Health Act, 1911-1919, is hereby amended, as follows: Strike out the following words in the third, fourth and fifth lines: "stating that any person is suffering from venereal disease, and whenever the Commissioner has reason to believe that such person is suffering from such," and insert in lieu the following: "which gives the Commissioner reason to believe that any person is suffering from venereal."

The COLONIAL SECRETARY: This amendment deals with the Section 256 of the Health Act and refers to what is known as the signed statement. It will be remembered that when the Bill was before this House previously it contained a provision for the continuation of that portion of the section of the Health Act appearing in italics. The Assembly, however, refused to allow the provision to be continued. The proposal of another place will make the clause read, "Whenever the Commissioner has received a signed statement in which shall be set forth the full name and address of the informant, which gives the Commissioner reason to believe that any person is suffering from venereal disease, he may give notice in writing to such person requiring him to consult a medical practitioner . . ." If a man finds himself suffering from the disease and consults a doctor for examination, the medical officer naturally secures certain information. He will request a signed statement from the individual embodying his name and address, and, from the contents of that statement, the Commissioner may have good reason to believe that a certain person may be suffering from venereal disease. In that case, the Commissioner will make similar inquiries to those which have proceeded under the Act in the past, and he will ask the individual concerned to submit himself or herself for examination. This applies to both sexes and does not do away with the signed statement.

Hon. W. C. Angwin: It is no good! It is merely a subterfuge!

The COLONIAL SECRETARY: But the signed statement is provided.

Hon. W. C. Angwin: You are very clever!

Mr. Marshall: It is merely aimed to get outside the decision of Parliament.

The CHAIRMAN: Order! Hon members will have an opportunity of discussing the matter later.

The COLONIAL SECRETARY: The individual who is asked by the Commissioner to submit to examination has the right to demand a certified copy of the statement made by the informant. That individual also has the right to see the signed statement made by the informant. That is all the amendment means, and I cannot see any harm in it. If the position remained as last determined by this Chamber, no person would make a signed statement that another person was suffering from venereal disease. In any case, very few would sign such a statement.

Hon. W. C. Angwin: Bunkum! There was only one case last year, so what is the good of talking?

The COLONIAL SECRETARY: It is no argument against the amendment to say that we only had one case last year. It was because of the legislation that that position arose.

Hon. W. C. Angwin: No. It shows there is no necessity for this.

The COLONIAL SECRETARY: Nonsense! It is because there are clinics where persons suffering from venereal disease may receive attention. Persons go there to receive attention rather than run the risk of being compelled to submit themselves to an examination.

Hon. W. C. Angwin: This does not compel them to do so.

The COLONIAL SECRETARY: If information is laid against the individual, the Bill enables him to be compelled to secure attention.

Mr. Latham: Will the accused person be allowed to see the statement of the accuser?

The COLONIAL SECRETARY: Certainly, and a copy of the statement will be furnished.

Hon. W. C. ANGWIN: I compliment the Minister upon getting someone else to bring in this subterfuge.

The Colonial Secretary: You are wrong! I had nothing to do with it.

Hon. W. C. ANGWIN: I do not know so much about that.

The Colonial Secretary: You should take my word for it. I flatly contradict your statement. I knew nothing about it.

Hon. W. C. ANGWIN: I will take the Minister's word.

Mr. Angelo: The amendment was introduced by a doctor in another place.

The CHAIRMAN: Order! There are a number of members speaking at once.

Hon. W. C. ANGWIN: At the outset, the Minister was anxious that there should be no

signed statement whatever and he asserted that if there was a signed statement, it would make the Act useless. On top of that he stated that there had only been two reports during the year.

The Colonial Secretary: That is no reason why we should not have the provision.

Mr. Underwood: That simply shows the power of the Act.

Hon. W. C. ANGWIN: It does not affect the power of the Act at all.

Mr. Mann: If there were only one case, would that not be worth while?

Hon. W. C. ANGWIN: Will the hon. member hold his tongue? I read one or two of his statements which were most ridiculous because they did not apply to the position at all. The amendment proposes that a signed statement shall be made: but what does it mean? The statement has to be such that the Commissioner of Public Health shall have reason to believe that someone is suffering from venereal disease. The statement can be drawn up in such a way that the individual making the statement will be relieved of any responsibility in the event of the person accused seeking redress in court.

The Colonial Secretary: If the statement were such as you suggest, the Commissioner would not act upon it.

Hon. W. C. ANGWIN: The amendment does not say so.

The Colonial Secretary: It states specifically that the Commissioner must have good reason to believe.

Mr. Underwood: Has not the Commissioner some reason?

Hon. W. C. ANGWIN: If he has, the hon. member has not much.

The Minister for Mines: There are fireworks about!

Mr. Underwood interjected.

Hon. W. C. ANGWIN: That is all very well, but on one occasion the hon. member refused to discuss a Bill, and he knows the result.

Mr. Underwood: You are not stating facts.

Hon. W. C. ANGWIN: The Act originally set out that whenever the Commissioner has received a signed statement, on which shall be set out the full name and address of the informant, stating that any person "is suffering from venereal disease," and so on. If the amendment be carried, there is no necessity to state that the person "is suffering from venereal disease."

Mr. Money: How can the informant make that statement, without that knowledge?

Hon. W. C. ANGWIN: The informant would make the statement in such a way that there would be no protection for the person accused. The Act is drafted to get at women.

The Colonial Secretary: You are wrong.

Hon. W. C. ANGWIN: It is a fact, for out of all the cases dealt with so far, not one man has been affected.

Mr. Latham: The Act does not discriminate.

Hon. W. C. ANGWIN: That may be so. It will be impossible for the person affected to take action for libel or damages against the informant, owing to the manner in which the statement will be drawn up.

Mr. Money: The informant may not necessarily make the statement set out in the form.

Hon. W. C. ANGWIN: I admit that, but if the hon. member knew as much as I do about Government departments, he would know that these statements are set out in a printed form.

Mr. Money: But that will not prevent the person making other statement.

Hon. W. C. ANGWIN: That is so, but it is not likely that that would happen. Under the proposed amendment, we are in exactly the same position as we were last year.

The Colonial Secretary: No, because you will now have the signed statement.

Hon. W. C. ANGWIN: That is no good.

Mr. Sampson: It is what you asked for.

Hon. W. C. ANGWIN: I asked for the signed statement on definite lines, but all definiteness is cut out of it under the amendment. The old section was more open.

Hon. P. Collier: It was more honest, too.

Hon. W. C. ANGWIN: Yes, because we knew what the position was then. Now we do not know, because an individual can make a statement without rendering himself liable. I believe the public are strongly opposed to legislation of this kind.

Mr. Underwood: They are not.

Hon. W. C. ANGWIN: Wherever I have heard the question raised, it has been so.

Mr. SAMPSON: Previously I voted in favour of the signed statement, but the possible victims of an unsigned statement now appear to be properly protected. An informant, if a layman would not be able to diagnose the disease.

Hon. W. C. Angwin: You are very innocent over this.

Mr. SAMPSON: I regret that the hon. member cannot also claim to be innocent. I support the amendment.

Mrs. COWAN: I support the amendment. Those who have always asked for the signed statement are getting exactly what they want. At the same time we are not asking the public to make perjurers of themselves as previously. No one could say that he knew a thing which only a medical man could know, and had the Act not been altered the point would undoubtedly have been tested. This amendment provides ample protection. When dealing with such a cruel and devastating disease, we cannot do too much to protect the women and children. Opponents of the amendment apparently do not want any compulsion at all. We must put aside the idea that venereal disease is a crime, because it is often innocently contracted. Those who go amongst

the people suffering from this disease should realise the necessity for doing our best to eradicate it. The member for North East Fremantle, if he would, could speak of its effects as seen at the Hospital for the Insane.

Hon. W. C. Angwin: That is not so.

Mrs. COWAN: The hon. member knows that it is so; the children there and the cases of G.P.I. prove it. The person informed against can go to his or her doctor. Surely it is in the interests of the race and of those pitiful cases which continually come under our notice that something should be done to prevent the disease. I cannot understand the inconsistency of some who object to this provision. Why do they not object to the boys and girls in the Children's Court being examined for infectious disease by the order of two justices.

Hon. W. C. Angwin: Their people have agreed to it.

Mrs. COWAN: It has not been voluntary; such examinations have been made by order of the court.

Mr. Pickering: Not for a specific disease.

Mrs. COWAN: Decidedly; and in the five years the court has had the power to order such examinations, no objection has been raised. Therefore, why object to the Commissioner having this power? Do members realise that we have 1,000 fresh cases of venereal disease every year.

Hon. W. C. Angwin: Are you sure of it?

Mrs. COWAN: I cannot be more sure than that it is stated in the statistics and by the health authorities and the Principal Medical Officer.

Hon. P. Collier: You have misread them.

Mrs. COWAN: It has been said in this House that women have been more manly than men in the matter of not informing on the opposite sex. This is not correct. I have made inquiries and find that women are womanly enough to wish to protect the race, and have informed on men. This provision cannot possibly operate harshly against women; it will engender confidence and help them to come for treatment. The whole community would be better if every member of it could be examined from time to time. The idea that disease is a "crime" should be got rid of. Whether the diseases is acquired innocently, or as the result of what is a generally considered, and what I for my part consider, to be immoral conduct, the disease should be cured. I welcome Dr. Saw's amendment because it seems to me to meet the whole difficulty. To say that any policeman will have power to take action under the amendment any more than he could before seems to me nonsense. This measure will never be worked as a Police Act and it is not a police measure. Mention has been made in this connection of "the accused." But nobody is accused. A great deal of nonsense has been talked on the question from time to time, because it has been looked at from an utterly wrong

aspect. As far as possible, the Bill makes the position absolutely fair between men and women. I do not think it ever will be or can be used wrongfully against women. The position now is very different from what it was in the days of Josephine Butler. We must do something to reach those who refuse to be treated; we must reach them for the sake of the race, for the sake of the poor little suffering children one sees, and for the sake of the grown-ups whom one sees carrying a legacy of sorrow all their lives. Let us not go on beating the air and making this legislation ineffective. I represent a very great number of women on the National Council of Women, and we supported the original measure. We knew that we were talking about, and we know what we wanted. The medical women of Western Australia support the measure; I have not heard of one medical woman in this State who does not support it. Dr. Saw's amendment has my support because I feel that it is a safeguard against the possibility of any objectionable action being taken under the measure. The Red Cross Society of Geneva hold that legislation for the treatment of this disease is essential. The society advocate the same kind of law as we have here being ultimately needed. The British National Council for Venereal Diseases also support this same idea and America has gone in for it very strongly, and I understand with good effect.

Hon. W. C. Angwin: That is because they have all been fooled by the Western Australian law. Our Act has been trumpeted throughout the world as an ideal Act of Parliament. That is an absolute fact.

Mrs. COWAN: I support the Bill because there is no registration of women possible under it, and because there is possible under it no periodical examination of women such as obtained in the days of the Contagious Diseases Acts which Mrs. Butler fought, and because there is no segregation of women possible under it. We should do all we can to make the measure a success, with a view to preventing the dreadful suffering and misery that some of us have seen. On one occasion there was brought before the Justices at the Children's Court a girl whose state was obviously so bad that we at once ordered her to the hospital for medical examination. A few days later she was brought to the court to give evidence. So dreadful was the girl's condition that the table on which she leaned and the chair on which she sat were ordered by the medical authorities to be disinfected before anybody else should sit there; and that disinfecting was done in the court before the case went on. The girl was in a terrible, a hopeless condition; and yet she was only 16 years of age. I would not mind if under the measure a mistake were made in the case of even someone related to myself, so long as steps were taken to combat effectively this terrible disease and safeguard little children.

Capt. CARTER: After the very able speech just delivered by one who has made

a study of the subject, I shall not go further into the matter than to state that I welcome the amendment as a safeguard—a safeguard which the most zealous member of this Chamber should also welcome in the interests of the general public. I may point out that there is another safeguard which has not been stressed, and does not seem to have been thought of by some members. The member for North-East Fremantle appears to presuppose that the Commissioner for Public Health, who after all is the deciding factor in this case, has very little to do but act upon every piece of information that is placed before him. Apart from the safeguard of having full information regarding the informant, there is a safeguard in the discretionary power of the Commissioner. The measure says that the Commissioner "may" give notice; not that he "shall" give notice. The Commissioner's professional training is such as entitles him to be vested with discretionary power. In voting for this amendment I shall still be voting on the same line of principle as induced me to vote with the member for North-East Fremantle previously. The member for West Perth referred to inspection, and I heartily agree with her in view of what I have learned as the result of about four years' experience in the army. I have seen the system adopted by the army medical authorities, and the wonderful results accruing from that system. Some of us have not realised the seriousness of the scourge, otherwise doubt would not be cast upon the statements of responsible persons regarding the prevalence of the disease. It should not be necessary for the member for West Perth to stress its prevalence. According to the best medical authorities, the disease is well nigh rampant in the land. The white plague of tuberculosis is regarded with grave concern, but we rarely hear of this disease, which is doing so much injury throughout the Commonwealth. I hope the eventual result of this measure will be the bringing down of legislation recognising the disease, and the need for dealing with it in the same way as in the army. If one consults one's own doctor, one is faced with the responsibility of providing one's own medicines; and these medicines are said to be very expensive, and beyond the financial reach of the everyday person. True, medicines are available free throughout the country, but only on condition that one takes what may be described as public treatment. That, in my opinion, is not the best means of combating the disease. I consider that medical practitioners throughout the State should have authority to indent upon the Health Department for supplies of the remedies used in the treatment of the diseases. Then one could consult one's own doctor, and yet obtain the aid of the Health Department in the matter of supplies of medicine. I hope the amendment will be agreed to.

Mr. PICKERING: In 1917 the original Health Act Amendment Act was introduced by the member for Pilbara. I remember the agitation at that time with regard to the

signed statement; I think nearly every member of Parliament received protests from the women's organisations throughout the State against the acceptance of anything but signed statements. It is news to me that the member for West Perth (Mrs. Cowan) speaks for the whole of the women of Western Australia. I cannot accept that statement, for I believe a large section of the women would be opposed to any but the signed statement. The amendment before us is simply an evasion of what this Committee desires. If we are to have a signed statement, we want it on the lines laid down in the Act, and not in the proposed form. The member for West Perth said she would advocate a general inspection of the whole of the community. That would involve placing all women in a most unfortunate position, say, once a year. Certainly I could not agree to subject any feminine relative of mine to such humiliation. The Committee will be well advised to stick to its previous decision.

Mr. MONEY: I have never heard any great demand that the statement should contain a certain formula the truth of which could not be affirmed by the person making the statement. Fancy a layman being asked to say that somebody else has a particular disease! Yet that specific statement has to be made. It is absurd to expect it of a layman. One of my own children was diagnosed by a medical man as suffering from typhoid fever; yet the next few days served to completely disprove the diagnosis. How, then, can we ask from a layman a statement in explicit words that a third party has a certain disease? The amendment retains the signed statement, and if there is anything wrong in that statement a penalty is provided.

The Minister for Mines: And the statement must be satisfactory from the Commissioner's point of view.

Mr. MONEY: Would it not be far better to ask a layman merely to give the details of what has happened to him, and where he has been, and leave it to the Commissioner to say whether it is likely that somebody is suffering from a specific disease? It has been said that this amendment comes from Dr. Saw, an independent medical man. If so, then the greater reason why we should defer.

Hon. W. C. Angwin: I do not believe it comes from Dr. Saw.

Mr. MONEY: It is a wise provision, and I will support it. It is time the veil was torn aside and this disease vigorously combated.

Progress reported.

#### BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Request for Conference granted.

Message received from the Council notifying that it had agreed to the Assembly's

request for a conference, and had appointed the Minister for Education and Mr. Lovekin and Mr. Panton as managers, and had fixed 7.30 as the time and the President's room as the place for the conference.

On motion by the Colonial Secretary, message transmitted to the Council notifying the Assembly's acceptance of the Council's message.

#### BILLS (2) RETURNED.

- 1, Agricultural Bank Act Amendment.
  - 2, Industries Assistance Act Continuance.
- Without amendment.

#### BILLS (2) COUNCIL'S AMENDMENTS.

- 1, Permanent Reserves (No. 2).
- 2, Nurses Registration.

Returned from the Council with amendments.

*Sitting suspended from 6.15 to 8 p.m.*

#### BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Conference Managers' Report.

The COLONIAL SECRETARY: The Managers' Report is as follows:—

The Conference has agreed (1) that the Assembly will agree to the amendment made by the Council to strike out Clause 2 of the Bill; (2) That the Council will not further insist on the proposed new clause to stand as Clause 2.

That now leaves things as they were in the original Act. I move—

That the report be adopted.

Question put and passed, and a message accordingly transmitted to the Council.

#### BILL—HEALTH ACT AMENDMENT.

Council's Amendment.

Consideration resumed from an earlier stage of the sitting of Council's amendment. No. 2.

In Committee.

Mr. Stubbs in the Chair; the Colonial Secretary in charge of the Bill.

Mr. MONEY: The amendment makes it possible for the person making the statement to make a statement of fact about which he can speak. Without the amendment it makes him make a statement upon something he cannot know.

Hon. T. WALKER: I would draw attention to the false reasoning of the member for Barbary. I deny that the amendment enables a person to do something which he could not do without it. A person can make any statement he likes which gives the Commissioner reason to believe that another person is suffering from venereal disease.



Mr. Money: The amendment makes it possible for the informant to make a signed statement.

Hon. T. WALKER: And the original provision enables the informant to make a statement his own way.

Mr. Money: He has to do it in accordance with the Act.

Hon. T. WALKER: It implies that the Commissioner must get some statement beyond a mere signed statement. He must have some information which will give him some reason to believe in the first instance.

Mr. Money: It does not say so.

Hon. T. WALKER: Yes, it does. The words are clear, "stating that any person is suffering from venereal disease, and whenever the Commissioner has reason to believe (on that statement) that such person is suffering from such (disease, etc.)."

Capt. Carter: Even there it is left to the discretion of the Commissioner, and that is another safeguard.

Hon. T. WALKER: There is no safeguard in it at all, though there is in the original.

Capt. Carter: There is a safeguard in the discretion of the Commissioner.

Hon. T. WALKER: I am defending the main Act, and asking what the amendment does. All it does is to make it possible for a man to give a less substantive statement to induce belief in the mind of the Commissioner.

Capt. Carter: And to back that up by signing the statement.

Hon. T. WALKER: What the member for Bunbury says is that by the amendment a man is enabled to make a circumstantial statement of the symptoms he has observed.

Mr. Money: That is all he can make of his own knowledge.

Hon. T. WALKER: What the amendment enables a man to do is to state that from his observation he has reason to believe that a person is suffering from such and such a disease. Where has the case been strengthened? The hon. member contends that no one can say when such a disease is affecting another person.

Mr. Money: If he cannot say it, why set it out in the Act that he shall say it?

Hon. T. WALKER: In every instance some evidence must be given to the Commissioner before action is taken, and that evidence may be worthless. A person's character may be ruined for life because of the suspicion cast upon that person. Under this Bill it will be no crime to accuse a woman of unchastity.

Mr. Underwood: You are wrong.

Hon. T. WALKER: There is no excuse in law for accusing a woman of such a thing. Here it is only a question of knowingly making a false statement, and this enables people almost to cover themselves by saying "I did not know; I was not sure; I suspected; I sincerely believe." There is the excuse, and the law cannot touch them. This is derogatory to our liberties and will not achieve any good purpose. The only cure for this terrible evil is to impart education to the people. Knowledge is the only thing that will save us. This kind of law will never save us. We must get rid of the ignorance that exists, and when we do that we shall get rid of the disease. The amendment will not help us to do it.

Mr. MANN: I trust members will never attempt to pass any law which will cast a reflection on the good name of good women. I take it that this is intended to deal not only with women, but with men who may be leading a more or less loose life. Take a man who comes to the city and conducts himself loosely for a few days. He develops the disease and consults the doctor who gives him certain advice. The man is not able to say definitely where he contracted the disease, but he relates a circumstantial story and on that story the Commissioner may take action. This is a precautionary measure, and it is meant to deal with that class of case. For that reason I am going to support the amendment.

Mr. ANGELO: Every member is desirous of seeing this disease stamped out from our midst. The amendment of the Legislative Council is one that we should agree to. Under that amendment a man will go to the Commissioner and say that a certain trouble has developed, and that will be the end of the statement. He does not accuse anyone, and it is left to the Commissioner to form his own conclusions. As we have a Commissioner who is chosen for his integrity and knowledge, we can leave it to him to make the necessary inquiries before taking action. The member for North-East Fremantle has said that in America they are following in our footsteps in regard to the health laws, but I would remind him that in America they have gone to far greater lengths.

Hon. W. C. Angwin: They have not.

Mr. ANGELO: In many States of America they have a measure which, as the father of marriageable children, I should like to see introduced here, that is, that each party to the marriage contract must be examined before the marriage takes place.

Mr. Corboy: That has never been passed.

Mr. Underwood: Yes it has.

Mr. ANGELO: I quoted the States where that law is in force. Let me quote this too. Suppose a lady desired to insure her life for the small amount of £100. She has to prove to the satisfaction of the insurance society that she is not suffering from venereal disease. If that should be considered necessary in a paltry money contract of £100, it should also be necessary where the welfare of her children is concerned. What are the opponents of the clause afraid of? That some innocent woman might be degraded by being examined? I remind hon. members of the thousands of noble women who during the war not only risked death, but what was considered a great dishonour, that of being captured by the enemy and outraged. Now it is up to the women of Western Australia to think nothing of this trivial risk, if it is a risk, to assist in getting rid of a disease which, if allowed to spread and become rampant, will eat away the nobility of the race.

Hon. W. C. ANGWIN: The member for Gascoyne referred to the fact that a woman who desired to insure her life must prove that she is not suffering from venereal disease. All I can say is that insurance companies have altered their methods from what they were two years ago.

Mr. Angelo: That is one of the questions they ask.

Hon. W. C. ANGWIN: But it is not like the laying of a charge which may result in the woman being examined compulsorily and not voluntarily.

Mr. Underwood: If you cannot keep your back yard clean voluntarily, you must do it compulsorily.

Hon. W. C. ANGWIN: The member for Leederville said that the disease was rampant. Only a thousand cases were reported last year and we have a population of over 330,000 people. How therefore can it be said that the disease is rampant? We do not know how many of those cases are not new.

The Colonial Secretary: A great number of cases are not reported.

Hon. W. C. ANGWIN: That is merely supposition. The hon. member can always fall back on that argument when there is none better to bring forward. No one can contradict it and no one can prove it. If those cases are not reported, where are the medicines obtained?

The Colonial Secretary: The infected get the ingredients and make up the medicine themselves.

Hon. W. C. ANGWIN: There is a provision that chemists must not supply medicine for this disease. If they do supply it why not take action? If a publican sells a glass of beer after hours he will quickly be prosecuted; yet the authorities shut their eyes to the fact in this other direction and do not compel the law to be carried out. The Government know that the Act is not being violated. When the Act was passed there was a great deal of exaggeration as to what was going to happen. It was thought that owing to the return of large numbers of soldiers venereal disease would be very bad in Australia. The Commonwealth expert, in a book which he published, said that probably 25 per cent. of the population was suffering from syphilis. Yet when the actual figures came out it was found to be scarcely one per cent. The alleged success of the Act in Western Australia and the pretended advantages conferred by it have been broadcasted in America and England and other parts of the world. It was all wilful lies. We did not have the disease here to anything like the extent which certain people tried to make out. A similar attempt is being made to impress New Zealand to-day. We are not suffering from this disease in our thousands, as some people would like the world to believe. As for the lodging of statements, women may be said to be more manly than men; they do not take advantage of this provision.

Mrs. Cowan: But they do. I have made inquiries lately.

Hon. W. C. ANGWIN: There is not a single instance of a report by a woman. The whole of the 40 cases dealt with were reported by men.

Mrs. Cowan: You are quite wrong. I would not think much of the women if they did not report.

Hon. W. C. ANGWIN: If what I say is wrong, it can only be because of an incorrect answer given by the Minister in Parliament.

Mr. Underwood: Would that be the first? Have you as Minister never put up an incorrect answer?

Hon. W. C. ANGWIN: No, certainly not. As a matter of fact, in this case it would be to the advantage of the Minister to show that both sexes were availing themselves of the provision.

The member for Bunbury (Mr. Money) said that under the existing Act a person wishing to report has to make a statement of fact which he could not prove, whereas if the amendment were agreed to it would be only necessary for the person making a report to state what he knew. Any sensible person suffering from the disease would go to a medical man.

Mr. Money: It would not be sensible in him to contract the disease.

Hon. W. C. ANGWIN: The member for West Perth answered that question, when she was speaking. He would be told that he was suffering from the disease, and he would be questioned in regard to it. Then he could make an evasive reply, and fill out his statement accordingly.

Mr. Underwood: Why should he do that?

Mr. Money: Why not assume that he will speak the truth?

Hon. W. C. ANGWIN: I have to assume that wrong can be done, for we know that it has been done. Of what use would it be to demand the name of the person who made the report if the statement be drawn up in such a way as to preclude all redress, since the Act provides no penalty for libel?

Mr. Mann: Would it not be a deterrent to the making of a false statement if the man knew that his name could be secured?

Hon. W. C. ANGWIN: It might deter some, but it would not deter one who wanted to do an injury to another. If we cannot prevent the making of false statements, at all events we can provide punishment for such an offence. It must not be thought that I have any desire to see venereal disease spread broadcast.

Mr. Underwood: It would seem like it, for you have opposed every provision in the Bill.

Hon. W. C. ANGWIN: Nothing of the kind! I admit I have always fought the provision for the making of a statement. The member for West Perth has told us something of what is done in the Children's Court. She knows that if the court is of opinion that a certain child ought to be examined, the court asks the parents' consent.

Mrs. Cowan: Certainly not.

Hon. W. C. ANGWIN: I say the court does.

Mrs. Cowan: I say the court does not.

Hon. W. C. ANGWIN: But the court does, and the parents give permission. The hon. member is not the only justice to sit on that bench. There are there other justices who do not believe in compulsion, who prefer the voluntary system.

Mrs. Cowan: The Act gives the court power to use compulsion.

Hon. W. C. ANGWIN: Some of the justices of the children's court ask and obtain permission of the parents to have certain children examined. The only compulsion exercised has been where the State is concerned with State children, and even then, the State has given consent before the examination has been made. If any woman or man uses the compulsory clause in the Children's Court, the sooner she or he is removed from the bench the better.

The CHAIRMAN: Will the hon. member deal with the amendment?

Hon. W. C. ANGWIN: You, Mr. Chairman have allowed arguments to be used and I should be allowed to reply to them.

The CHAIRMAN : I will give the hon. member every latitude.

Hon. W. C. ANGWIN : I try to respect the Chair, but some members have discussed the old Act and have not been pulled up. If the amendment be agreed to, we will not be in a much better position than under the old Act.

Mr. Pickering : It is a sheer evasion of responsibility.

Hon. W. C. ANGWIN : I do not want to cast any reflection upon the Commissioner of Public Health. Attempts have been made to induce me to reflect upon that official. The member for West Perth agrees with me, however, that the Commissioner is only one individual.

The Colonial Secretary : Only the Commissioner is given this power.

Hon. W. C. ANGWIN : There is a possibility that the Commissioner himself—he is not infallible—may, owing to the statements made to him, and, of course, not wilfully, cause innocent women or girls to be compulsorily examined.

Mr. Mann : There is no record of that having been done up to date.

Hon. W. C. ANGWIN : There is a record that nine persons were brought up for examination who were not suffering from the disease.

Mr. Mann : That is not so.

Hon. W. C. ANGWIN : If the hon. member says that Ministers are liars, I will not argue the question with him.

Mr. Mann : A negative result did not show that they were not suffering from the disease.

Hon. W. C. ANGWIN : Upon what are we to judge, then, if the doctors show a negative result, following on their examinations ?

Mr. UNDERWOOD : I have great respect for the member for North-East Fremantle, but on this occasion he has strained greatly after effect. In his first references—he said all he had to say in a short space at the outset—that hon. member repeated a statement that has been made on many occasions by many people in different parts of Australia, a statement which is quite incorrect. He said that I originally endeavoured to push the Act through without discussion. That is utterly and absolutely—

Hon. W. C. ANGWIN : I did not say that. I said you tried to adjourn it, but the discussion went on.

Mr. UNDERWOOD : When I got the consent of my chief to introduce the Bill, I immediately published the fact in all the newspapers with which I could come in contact. I broke the Standing Orders of the House insofar that I distributed copies of the Bill weeks before the day upon which the first reading was moved in this Chamber. I sent them particularly to women's organisations. My object in doing so was to bring this question before the public. I wanted to get a public discussion on it to remove, as far as we could, the secrecy which has tended so much to spread this disease. When the hon. member suggests that I endeavoured to push the measure through without discussion, he is wrong.

Hon. W. C. Angwin : I never said any such thing in my life.

Mr. UNDERWOOD : Dealing with the aspect of compulsion, it has been asserted that this only applies to women. The reason that it is

largely so, is easily explainable. When men have been concerned, the department has chased them over the greater part of this State. When a man receives a notice, he does not require the exercise of compulsion but goes to a doctor and receives attention. In that, the man is different from the woman. There is a difference in sex but no difference in the administration of the Act by the Commissioner who follows up men as well as women. References have been made to the fact that a man can make a statement and no penalty attaches to his action ; that he can swear away the good character even, it has been asserted, of the Governor's daughter.

Hon. W. C. Angwin : Who asserted that ?

Mr. UNDERWOOD : It was mentioned on a previous occasion.

Hon. W. C. Angwin : It was never mentioned at all.

Mr. UNDERWOOD : Yes, it was. There are penalty clauses provided in the Act and it is set out that any person who knowingly gives false information to the Commissioner with the intention that action shall be taken by the Commissioner, shall be guilty of an offence. The penalty provided is £50 or imprisonment, with or without hard labour, for 12 months. Yet it is asserted that action can be taken with impunity and the character of the young chaste woman may be taken away ! There is another provision that where a person knowingly infects another person with venereal disease, and so on, a penalty of £50 or imprisonment for six months may be imposed. To the member for Murchison (Mr. Marshall) who has been interjecting, I would say that the object of the legislation is to do everything possible to eradicate the disease from our midst. He is a young member of this House and possibly does not know the intention regarding this legislation. I am quite prepared to go into his constituency and defend the Act. There would be at least a ten to one vote in his district in favour of any attempt to eradicate this disease.

Mr. Lutey : He is in favour of that action.

Mr. UNDERWOOD : I want to hear more from the member for Murchison than nasty interjections.

Mr. Marshall : They would not hear you much in my electorate. They know you too well, Underwood.

Mr. UNDERWOOD : The member for Murchison should do more than make nasty interjections.

Mr. Marshall : They know you too well for you to go there.

Mr. UNDERWOOD : The member for Murchison might attempt to show us how this legislation can be improved. As for going to his constituency—

Mr. Marshall : You know them too well, old bloke. You will stop here.

Mr. UNDERWOOD : They treated me very well there. I would like to inform some of these young members the reason why the original Act was introduced. Knowing this disease—it is not to my credit or discredit to have come into contact with it almost all my life, so that I know the terrible disease it is—if I had not taken every step to endeavour

to eradicate it, I should not have been doing my duty. While I was attempting with others to draft the original measure, I asked the Secretary of the Public Health Department, Mr. Huelin, to go round the various institutions and the leading medical practitioners and, in confidence or otherwise, obtain from them their opinion of the effect of venereal diseases. He presented me with his report, most of which was in confidence, for the majority of the medical men did not think it wise that the information should be published. I did not break that confidence, but the consensus of opinion was that in the Perth Public Hospital, the Children's Hospital, the Hospital for the Insane, and in the Old Men's Home, there were a great number of patients who, although possibly not suffering from venereal disease, were suffering from diseases to which the effects of venereal disease had predisposed them.

The Minister for Works: It weakened their defences.

MR. UNDERWOOD: This disease predisposes individuals to all the ills human flesh is heir to. Dr. Mitchell—he did not make any stipulation regarding the confidential nature of his assertion—assures me that a good percentage of those who are admitted to the sanatorium have originally been weakened by venereal disease. I said that the member for Collie squealed. That was the wrong word to use, for a man who squeals is generally a coward. I meant that the member for Collie protested vigorously, and rightly too, regarding the treatment of soldiers at the outbreak of war, and directed his criticism at the then Minister for Defence, Senator Pearce. I agreed with the hon. member and lent him two or three adjectives to assist him in his protest. At that time, men suffering from venereal disease were kept behind a barbed wire entanglement for all the people to look at. Some of the men came back from Egypt having contracted the disease and the Minister for Defence thought he was doing right in publishing their names and rank. That was why the hon. member spoke so loudly. When I said he squealed I meant that he sang out loudly, and I appreciated it when I heard him do so. It is our duty to endeavour to remedy this position. We altered it entirely in regard to the soldiers. I have consulted the best medical men and the officers who have to administer this Act. They have tried the Act without this, and have given me an assurance that in order to get the full benefit of the Act they want some clause such as that contained in the amendment made by the Council. We give infinitely greater power to every policeman who walks his beat. If the police can use that power with discretion, how much more ought we to rely upon our principal medical officer, whose training has led him never to betray a confidence? Should we not trust such a man with sufficient power to enable him to do his best to wipe out this disease?

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

Ayes	..	..	..	19
Noes	..	..	..	17
Majority for				2

#### AYES.

Mr. Angelo	Mr. H. K. Maley
Mr. Broun	Mr. Mann
Mr. Carter	Sir James Mitchell
Mr. Chesson	Mr. Money
Mrs. Cowan	Mr. Plesse
Mr. Davies	Mr. Sampson
Mr. George	Mr. J. M. Smith
Mr. Harrison	Mr. Underwood
Mr. Lambert	Mr. Mullany
Mr. Latham	(Teller.)

#### NOES.

Mr. Angwin	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Pickering
Mr. Corboy	Mr. J. Thomson
Mr. Gibson	Mr. Walker
Mr. Heron	Mr. Willcock
Mr. Hickmott	Mr. Wilson
Mr. Johnston	Mr. O'Loghlin
Mr. Lutey	(Teller.)

Question thus passed; the Council's amendment agreed to.

Resolutions reported and the report adopted, and a message accordingly returned to the Council.

### BILL—GRAIN.

#### Council's Amendments.

Schedule of 10 amendments made by the Council now considered.

#### In Committee.

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

No. 1. Clause 1.—Strike out the words "and shall come into operation on a day to be fixed by proclamation."

The PREMIER: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2. Strike out Clauses 2 to 18 inclusive:

The PREMIER: I move—

That the amendment be agreed to.

MR. JOHNSTON: Why have the Government decided to accept these amendments? We passed a bill designed to assist the company in the bulk-handling movement, and the Upper House has mutilated it. Ever since the producers have tried to establish the principle of bulk handling it has been blocked. Now that the Council has knocked the Bill kite high, the Government agree to this action.

The Premier: The company agreed to this.

Mr. JOHNSTON: The company say that with the Bill in its present state they would be better off without it. Apparently it is the intention of the Premier to accept the Bill in its mutilated form. I could understand the attitude of the Government in not having any Bill at all.

The Premier: You need not bother about the Government. The company agreed to the clauses going out.

Mr. JOHNSTON: The company would rather have no Bill at all. There is nothing left in it except a few obligations and liabilities imposed on the company. Every concession which was to have been given to it has been thrown out, so that a Bill is left which will confer no benefit whatever. Indeed, fresh liabilities have been placed upon the company.

The Premier: You destroyed the monopoly clause.

Mr. JOHNSTON: In a direction that was welcomed everywhere. I move—

That progress be reported.

The CHAIRMAN: I cannot accept that motion.

Mr. PICKERING: I support the member for Williams-Narrogin. The Bill as here introduced was alleged to have been submitted to the company and to have met with their approval. In another Chamber every possible right that one would extend to a company consisting of respectable citizens has been cut away, and the company have been treated almost as if they were vagabonds. I shall strongly oppose every amendment to the Bill coming from the Upper House, and I hope this Chamber will discharge the measure from the Notice Paper. With regard to the main provision of the measure, namely the lease, another place has imposed conditions which are utterly unreasonable, conditions such as no self-respecting company should be asked to accept, conditions implying that the directors of the company are not fit for their positions. On the next amendment I shall move that progress be reported.

Mr. LATHAM: I sincerely hope this Chamber will not agree to the amendments of another place. There are the shareholders to be considered, and the Bill as it now stands does not provide any safeguard for them. The one requirement which induced the introduction of the measure has been struck out by another place. I trust the Bill will be laid aside.

Mr. SAMPSON: I move—

That progress be reported.

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

Ayes	..	..	11
Noes	..	..	24
Majority against	..	13	—

# AYES.

Mr. Angelo	Mr. McCallum
Mr. Harrison	Mr. Pickering
Mr. Hickmott	Mr. Sampson
Mr. Johnston	Mr. Willson
Mr. Latham	Mr. Lambert
Mr. H. K. Maley	(Teller.)

# NOES.

Mr. Angwin	Mr. Mann
Mr. Broun	Mr. Marshall
Mr. Carter	Sir James Mitchell
Mr. Chesson	Mr. Money
Mr. Clydesdale	Mr. Mullany
Mr. Collier	Mr. O'Loughlin
Mrs. Cowan	Mr. Piesse
Mr. Davies	Mr. J. M. Smith
Mr. George	Mr. J. Thomson
Mr. Gibson	Mr. Underwood
Mr. Heron	Mr. Willcock
Mr. Lutey	Mr. Corboy
	(Teller.)

Motion (progress) thus negatived.

Mr. SAMPSON: The members of the Council have unworthily emulated the leading sub-editor of a newspaper in the case of this Bill. They have given it back to us with over fourteen of its pages struck out, and with less than two pages remaining—that is, two pages plus the Schedule and the Title. The farmers of this country are intensely desirous of establishing bulk handling, and I have a vivid recollection of the many hours during which the Bill engaged the attention of this Chamber. Now it comes back to us with its vitals removed. The Council's action is a reflection on the work of this Chamber.

Hon. W. C. Angwin: The Minister in the Upper House stated that these amendments were requested by Mr. Basil Murray.

Mr. SAMPSON: We want to see bulk handling instituted. This Committee should reconsider the Bill clause by clause, but here we have two amendments deleting a total of 25 clauses. We should not agree to the striking out of clauses en bloc.

[Mr. Angelo took the Chair.]

Mr. LAMBERT: I hope the Committee will not accept the Council's vital amendments without serious consideration. The farmers of Western Australia should not be deprived of this opportunity of gaining the management of their own business affairs. I fear that the influences which prompted these amendments are influences operating in behalf of private vested interests, and in opposition to the best interests of the farmers. Possibly some of the minor amendments made by the Council might be accepted, but in the main the measure as it left this Chamber was fair, conserving equally the interests of the State and those of the farmers. I regret that members elsewhere representing agricultural interests did not offer a more strenuous opposition to many of these amendments. To relieve the farmers of a burden

means to relieve the State in the same degree. Members elsewhere went as far as they dared to go. I would have respected their action had they rejected the Bill absolutely.

Hon. W. C. Angwin: The amendments were made in accordance with the wishes of the chairman of the company.

Mr. LAMBERT: I have not yet heard the chairman's statement. No doubt the Committee would be glad to hear such a statement.

Mr. MacCallum Smith: Give the company what they want.

Mr. LAMBERT: Is what the company require the amended Bill, or the Bill as it left this Chamber?

Mr. MacCallum Smith: The Bill as originally introduced into this Chamber.

Mr. LAMBERT: If the company are serious in their expressed desire to embark upon bulk handling, it ill becomes either this Chamber or another Chamber to place obstacles in the company's way. I am not blind to my obvious duty to ensure that every section of the community be permitted, as far as possible, to manage its affairs co-operatively. It is to be hoped that members who form the backbone of the Government will assist the farmers. The Government should stand firm and refuse to budge from the attitude they have adopted of allowing the farmers to conduct their own business.

Mr. HARRISON: The all-important clause of the Bill, (clause 3, giving the company the right to construct elevators, has been struck out by the Council.

Mr. MacCallum Smith: Anyone has the right, without legislation, to construct elevators.

Mr. HARRISON: So far as I know the Country Party have no information as to how the company regard these amendments. All that was necessary was to strike out of (clause 3 the word "sole," so that the company would not have the sole right to construct elevators. I would like the member for North Perth to tell us what is left in the Bill if that clause is struck out.

#### Point of Order.

Mr. Johnston: On a point of order, cannot we deal with these 17 clauses separately? I do not remember a case of a single amendment by another place involving the striking out of several clauses. These clauses deal with different subjects.

The Premier: They are the same.

Mr. Johnston: No, they are not. They deal with the interpretation, the right of the company to construct elevators, warehouse receipts, identity of grain, storage, samples, delivery of grain, etc.

Hon. W. C. Angwin: Do you want to kill the Bill?

Mr. Pickering: It is no good now.

Mr. Johnston: We should have the right to deal with these clauses separately.

Probably we could agree to the excision of some of them.

The Premier: You want the Bill to go out.

Mr. Johnston: I do not, but I would rather have no Bill than the few mutilated clauses which the Council have sent back.

The Premier: You know what Mr. Murray said.

Mr. Johnston: Yes, I rang him up, but I have my views on the subject, apart from what he said.

The Chairman: The amendment proposes to strike out Clauses 2 to 18 inclusive. I rule that we must deal with all those clauses as one amendment.

#### Dissent from Chairman's ruling.

Mr. Johnston: Then I dissent from your ruling.

Mr. O'Loughlen: A little bit of stonewalling.

Mr. Pickering: The Bill will not go through if I can help it.

Hon. W. C. Angwin: I am going to vote for every one of the Council's amendments. I want the Bill to go through.

#### [The Speaker resumed the Chair.]

Mr. Angelo having reported the dissent, Mr. Johnston: This House, after careful deliberation, passed a measure containing 19 pages. The Council now proposes to strike out 18 clauses, covering seven pages of the Bill. Members of this Committee may desire to retain some of those clauses, while agreeing to delete others. Under the ruling of the Chairman, we have to accept or reject them en bloc. The Committee should have the right to decide upon the clauses one by one.

The Premier: The Committee have not yet had an opportunity for considering the Council's amendment. If the hon. member desires that the 18 clauses shall be retained, let him ask the Committee to retain them. The hon. member, if he wishes, can move amendment after amendment.

Mr. SPEAKER: The amendment from another place is to strike out Clauses 2 to 18, inclusive. I am bound to uphold the ruling of the deputy Chairman in that respect. But there is nothing to prevent hon. members moving modifications of the Council's amendment. However, the clauses cannot be considered seriatim, because they are not sent to us in that form. We can only deal with the specific amendments sent up by the Council, but there is nothing to prevent hon. members moving to accept or reject each of the clauses, or moving amendments to them.

The Minister for Agriculture: We do not wish to amend the clauses we sent to the Council.

Mr. Speaker: Hon. members can accept or reject or modify the Council's amendments, but cannot deal with the clauses seriatim.

Committee resumed.

**Mr. PICKERING:** The Council's amendment is to strike out Clauses 2 to 18, inclusive. Yet I find that Clause 2 of the new Bill is identical with the Clause 2 which the Council proposes to strike out. Is that in order?

**Hon. W. C. ANGWIN:** I resent the statement of the member for Sussex (Mr. Pickering) who blames me for the manner in which the Bill has been amended by the Council. The Bill was amended in another place, at the request of the company. Clearly, then, I had nothing to do with the amendment of the Bill in the Council.

**Mr. Pickering:** I am glad of the explanation.

**Hon. W. C. ANGWIN:** I was pleased to hear members on the cross benches to-night say that the Bill we sent to the Council was a good Bill. It was flattering to me, because nearly all the amendments made here were made at my instigation.

**The PREMIER:** I scarcely understand the position. The Bill I brought down originally was in accordance with the desires of the company.

**Mr. Johnston:** We want the seven pages struck out by the Council.

**The PREMIER:** Nothing of the sort; they were struck out at the request of the company. If the hon. member thinks he can kill the company by defeating the Bill he is mistaken, for the company can erect elevators whether the Bill goes through or is defeated.

**Hon. W. C. Angwin:** Subject to amendment of the lease by Parliament, as shown in the agreement.

**The PREMIER:** I do not propose to ask the Committee to agree to more than three or four of the Council's amendments. If this Committee agrees to the Council's amendments, the lease will remain as at present, whereas if the Council's amendments are not agreed to, the lease must be altered. No man in his senses would ask the Committee to agree to the amendments to the lease.

**Mr. Johnston:** We are glad to hear that; we did not know of it.

**The PREMIER:** I understood that the company wanted these amendments.

**Mr. Pickering:** They do not know what they want.

**Mr. Johnston:** We thought you were going to ask us to accept all the amendments.

**The PREMIER:** Of course legislative control of the company will have to be faced when the company begins to take grain. The lease as it stands is a good one, and I do not propose to amend it as suggested by another place.

**Mr. MacCallum SMITH:** I am sorry to see that a good deal of misconception exists in regard to the Bill, and that some of the alleged friends of the grain-growers are very ready with their carrying criticisms at a stage when it is desirable that the Bill should go through with as little opposition as possible.

**The Minister for Agriculture:** It has had a good deal already.

**Mr. MacCallum SMITH:** Yes, from the Minister's department it has had the most damnable obstruction imaginable.

**The Premier:** You have no right to say that.

**Mr. MacCallum SMITH:** Yes I have. To put it in the mildest possible way, we have had no assistance whatever either from the Minister or from his department.

**The Minister for Agriculture:** I give that an unqualified denial.

**Mr. MacCallum SMITH:** Well, we will let it go at that. The Bill originally introduced by the Premier, was drafted by the company after consulting all the grain elevator measures in operation in various parts of the world, and we brought forward a Bill which we considered would meet the requirements in Western Australia. That Bill was not agreed to.

**Mr. Pickering:** You agreed to its mutilation.

**Mr. MacCallum SMITH:** I did not. For instance, I did not agree to the amendment which set out that our property should be confiscated if we did not erect elevators at Geraldton, Bunbury, and Albany.

**The Minister for Agriculture:** You are trying to find a way out.

**Mr. MacCallum SMITH:** We were given the right to erect elevators at Fremantle, and provision was made for the erection of elevators at the outer ports. Failing the erection of the elevators at the latter ports, the clause gave the Government power to confiscate the company's property running into half a million pounds worth; yet the company had no redress.

**The Premier:** You had the monopoly.

**Mr. MacCallum SMITH:** But under that amendment the Government have the right to confiscate the whole of our property. From the discussion which took place in the Upper House, it was recognised that the Bill would not go through. The company being anxious to make a start with bulk handling of wheat, which had been talked about for the last 10 or 12 years, decided that it would be better to drop the clauses to which objection was taken and get a Bill of some sort.

**Mr. Pickering:** You wanted a Bill at any price.

**Mr. MacCallum SMITH:** I remind hon. members that under our agreement with the Federal Government who are lending us £500,000, there is the condition that we shall get statutory authority to erect grain elevators. In the circumstances, we felt it was better to have a Bill containing one clause embodying the agreement, and allow the machinery clauses to go, seeing that they only dealt with matters affecting the handling of grain and the appointment of secretaries and so on.

**The Minister for Agriculture:** What is the scheme for but to handle grain?

Mr. MacCallum SMITH: That is quite correct, but in dropping those clauses, we had in mind that a proper Grain Bill would have to be introduced in 18 months or two years when we would be practically ready to operate the elevators. That would be time enough for the introduction of a Bill to provide the necessary machinery clauses. Hence the reason for the company agreeing to the deletion of the clauses referred to. As to the clauses up to Clause 18, we would rather have left them in the Bill, but we were agreeable to have a statutory authority for the lease.

The Premier: I am afraid you will not get the lease.

Mr. MacCallum SMITH: But we will have the lease, even without the sanction of Parliament.

Hon. W. C. Angwin: Nothing of the kind; it is subject to amendment by Parliament—

Mr. MacCallum SMITH: Within 12 months.

Hon. W. C. Angwin: If the Bill goes through, there will be amendments to the lease.

Mr. MacCallum SMITH: If the lease is not altered within 12 months by Parliament, the lease will stand. This House and the Legislative Council have made amendments but neither can agree.

Hon. W. C. Angwin: The Premier cannot close down the session until there is an agreement.

The Premier: Can't I?

Hon. W. C. Angwin: The Premier will not be honest with Parliament if he does.

The Minister for Agriculture: Have the company the necessary number of shares yet?

Mr. MacCallum SMITH: I do not think we are indebted to the Minister for any assistance in that direction.

The Minister for Agriculture: Will you answer a simple question?

Mr. MacCallum SMITH: If the company have not the necessary number of shares, I put it down to the active assistance which the Minister for Agriculture has not given to us.

The Minister for Agriculture: You will try to do everything you can, to find a scapegoat for this business.

Mr. MacCallum SMITH: No one mentioned anything about a scapegoat until the Minister referred to it himself.

The Minister for Works: What do you want a scapegoat for?

Mr. MacCallum SMITH: I do not know. The Minister for Agriculture has a bee in his bonnet. The Leader of the Country Party referred to Clause 3 and contended that the deletion of that portion of the Bill meant that the whole company went by the board. If the company have a lease of a block of land from the Government, it is not necessary to have a Bill to erect elevators.

Mr. Hickmott: Then, what have you been waiting for during the last 12 months?

Mr. MacCallum SMITH: If we have the money to build the elevators it is not necessary to have a Bill and, therefore, there is no objection to wiping out Clause 3. If hon. members on the cross benches are sincere in their anxiety that bulk handling shall be introduced, they should assist the company.

Mr. Johnston: You do not doubt that?

Mr. Latham: I don't think the company know what they want.

Mr. MacCallum SMITH: We know what we want, but have not been able to get it.

Mr. Latham: You threw down the sponge in the Legislative Council.

Mr. MacCallum SMITH: We must take what is offered. It is unfortunate that this Bill has had such a rocky passage. That, however, is beyond the power of the company to prevent.

Mr. Pickering: You gave way on every point.

Mr. MacCallum SMITH: The company are quite agreeable to those clauses struck out by the Upper House being deleted from the Bill.

Mr. Johnston: What, all of them?

Mr. MacCallum SMITH: Yes, with the idea that in two years' time, the necessary machinery Bill will be introduced. Rather than have a protracted discussion at this stage, we are agreeable to those clauses going by the board, as they are not immediately required. We are not going to agree to all the suggested alterations that follow No. 2.

Mr. Pickering: What about Clauses 22 to 46 inclusive?

Mr. MacCallum SMITH: We are willing to strike them out when we come to them. If we cannot get this Bill through, I am afraid bulk handling will be thrown back for many a long day.

Mr. PICKERING: I have listened with interest to the explanation by the Premier regarding his attitude, and if he had consented to give a preliminary explanation—

Hon. W. C. Angwin: He could not do so.

Mr. PICKERING: He could have done so. It has been done before. We have the Bill sent back in an emasculated form, and we are now asked to consider it without reporting progress to look into these amendments.

The Premier: They have been here for days.

Mr. PICKERING: We have had a fullsome explanation by the real Minister for this measure, the member for North Perth. In the course of a stormy passage, we find the member for North Perth willing to concede anything that cropped up.

Hon. W. C. Angwin: He fought me for two days.

Mr. PICKERING: I take a different view regarding the importance of this measure. When the company brought forward the Bill originally, obviously they wanted it. The House gave reasonable consideration to the



measure, but now we are told that Clauses 2 to 15 inclusive are valueless.

Mr. MacCallum Smith: For the time being.

Mr. PICKERING: The directors of the company do not seem to be united as to the value of this Bill. One of them told me the company would rather not have it in its present form, and yet another director to-night says that so long as they get the shadow of the original Bill they are satisfied. Why did not the company realise at the outset that they did not want the Bill?

The Premier: Half a loaf is better than no bread.

Mr. PICKERING: This only amounts to a crumb. The conditions imposed in other parts of the Bill are ridiculous.

Mr. Money: Were not the clauses cut out at the request of the company?

Mr. PICKERING: That is said to be the case, but I have no evidence of it. If it is so, we might reconsider the position.

Hon. W. C. ANGWIN: I was surprised to hear the member for North Perth say that all he wanted was the agreement. He partly reminded the House that any alteration that was made to the agreement would have to be made within 12 months.

The Premier: They have to pay full value.

Hon. W. C. ANGWIN: The Government have given the company a lease of a certain area of land and that lease has been registered. The conditions can be altered but not the lease. The directors are hoping that Parliament will rise during the next few days and that there may be no alteration in the lease.

The Premier: We have altered it.

Hon. W. C. ANGWIN: An error was made by the Government from the beginning. They had no right to introduce this Bill as a Government measure.

The Premier: We had a perfect right to do so.

Hon. W. C. ANGWIN: It was against the Standing Orders to introduce it as a Government measure. If it had been introduced as a private Bill it would have been referred to a select committee and all persons interested would have been considered.

The Premier: Every amendment you want in the lease is there now.

Hon. W. C. ANGWIN: The position to-day is that one director wants one thing, another director wants another, and the Country Party want another thing. Where are we?

The Premier: Your Royal Commission might inquire into it.

Hon. W. C. ANGWIN: We have been inquiring into the question of insanity. I cannot understand the Government allowing outside people to interfere with the procedure of Parliament. For three nights members were kept here on the monopoly clause, but because someone outside Parliament writes a letter to the Minister, all that labour goes by the board.

The Premier: The monopoly part of the Bill was all right when it left here.

Hon. W. C. ANGWIN: There was no monopoly in it when it left here. The Government accepted an innocent amendment moved by the member for Williams-Narrogin wiping out the monopoly, and did not care whether the Upper House insisted on its staying in or not. The company would not have agreed to these clauses being wiped out if it had not been that Parliament said that it must construct elevators at Bunbury, Albany, and Geraldton. I am going to save the Bill and support the amendment made by the Council.

Mr. LATHAM: The hon. member is going to assist outside people to use their influence in this Chamber to deal with the Bill.

Mr. O'Loughlen: Do you want it?

Mr. LATHAM: No. It defeats the object intended. I hope the amendment will not be agreed to.

Question put and the Committee divided.

The MINISTER FOR WORKS: Before the vote is taken I would point out that the chairman of the company (the member for North Perth) is here, and has to vote because he is in the Chamber. He is therefore in an awkward position.

Mr. Lambert: He cannot shelter himself behind the Constitution.

The MINISTER FOR WORKS: He is interested in this company and cannot legally vote. He ought to be allowed to leave the Chamber.

Mr. CHAIRMAN: The division will have to proceed, and notice can be given afterwards.

Mr. Underwood: I may say that, as teller, I did not count in the member for Wagin.

Hon. P. Collier: The whole discussion is out of order. The division will have to go on and the matter can then be dealt with in the proper way.

Mr. CHAIRMAN: The division must be taken first.

Result of division:—

Ayes	...	...	...	15
Noes	...	...	...	17

Majority against	...	2
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#### AYES.

Mr. Angwin	Mr. Mann
Mr. Carter	Sir James Mitchell
Mr. Clydesdale	Mr. Money
Mr. Collier	Mr. O'Loughlen
Mr. Corboy	Mr. J. M. Smith
Mrs. Cowan	Mr. Willcock
Mr. George	Mr. Mullany
Mr. Gibson	(Teller.)

#### NOES.

Mr. Broun	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Harrison	Mr. Pickering
Mr. Heron	Mr. Plesse
Mr. Hickmott	Mr. Sampson
Mr. Johnston	Mr. Stubb
Mr. Lambert	Mr. Wilson
Mr. Latham	Mr. Underwood
Mr. H. K. Maley	(Teller.)

Question thus negatived; the Council's amendment not agreed to.

No. 3—Clause 10, after the word "titles," in line 4, insert the words "and set out in the Schedule":

On motion by the Premier, the Council's amendment agreed to.

No. 4—Clause 21, insert a new paragraph, to stand as (1b), as follows:—"Any person who has applied for shares in the company prior to the 15th day of December, 1921, and whose wheat-growing lands are situate nearer by rail to the port of either Albany, Bunbury, or Geraldton than to the port of Fremantle, shall, if he so desires, be relieved of all obligation to pay for any such shares or any calls in respect thereof":

The PREMIER: As a later amendment requires the company to erect elevators at Albany, Bunbury, and Geraldton, I move—

That the amendment be not agreed to.

Mr. MONEY: This matter concerns an undertaking which was given at the inception of the bulk handling scheme. It was then clearly stated that no canvass for shares would be made outside the settled zones interested in the bulk handling proposition.

Mr. MacCallum Smith: That is not in the prospectus.

Mr. MONEY: I do not care about the prospectus. A statement to that effect has been published, and has also been made in this Chamber. I consider that the amendment should be agreed to.

Mr. MacCallum Smith: No. You do not know the effect of it.

Mr. MONEY: I do know the effect of it.

Mr. Johnston: You care about nothing but the elevators to be erected at Bunbury.

Mr. MONEY: The idea is that the cost of constructing elevators at the various ports should be met out of shares taken up in the various zones. This anxiety to get the Council's amendment knocked out convinces me that every effort will be made to place shares in outside districts for the benefit of the Fremantle elevator. Milling the wheat growers dry for the construction of the first elevator at Fremantle will mean preventing the construction of elevators at any other port, and will also mean that wheat will be drawn from outside the Fremantle zone to feed the Fremantle elevator. That is contrary to the spirit of the undertaking as put forward by those who originally proposed bulk handling for Western Australia. It was always understood that zone rights should be respected.

The MINISTER FOR WORKS: We must be fair, even if we do not agree with some of the proposals put forward. Clause 3 of the prospectus makes the intention clear, inasmuch as it says—

If sufficient support from the growers is immediately forthcoming, it is expected that bulk handling can be established in the Fremantle zone in time for the crop after next. There is not a word in the prospectus about the putting up of elevators at Bunbury or Geraldton or Albany.

Hon. W. C. Angwin: According to the Minister for Agriculture, that undertaking was given.

The MINISTER FOR WORKS: I can only say how the matter appears to me. As regards the desire to have an elevator established at Bunbury, I am at one with the member for Bunbury; but I want the Committee to consider what the people who applied for shares had in their minds. With the prospectus before them, they would know they were subscribing for the establishment of an elevator at Fremantle, with the hope of getting additional elevators established elsewhere later on. If that is so, I fail to see why the amendment should not be agreed to, though I am aware that the Premier has moved that it be not agreed to.

Mr. LAMBERT: I doubt very much whether the amendment would have any legal effect. If a grower applied for shares in the company in accordance with the company's memorandum and articles of association, he would be legally bound by his application, irrespective of any legislation passed subsequently.

Hon. W. C. Angwin: No fear!

Mr. LAMBERT: But I say "Yes."

Mr. Johnston: Some of the applicants have paid up 10s. per share.

Mr. LAMBERT: Irrespective of what has been paid on the shares, the shares were applied for in accordance with the memorandum and articles of association of the company.

The Minister for Agriculture: If an applicant has paid the application money, he is liable for the remainder.

Mr. LAMBERT: The member for Bunbury should take a wider view. The parochial interests of Bunbury must be subordinated to the general policy of starting bulk handling in this State.

Mr. Willcock: Let it be started with the money from that zone.

Mr. LAMBERT: Surely there are bigger considerations than the parochial interests of the three ports. Are we going to give the farmers a fair opportunity to deal with their business co-operatively or not? Another place has gone as far as it dared to put harriers in their way. I hope the amendment will not be agreed to. It is designed to wreck the Bill. Let us first get elevators started at the main port.

Mr. MacCallum Smith: Fremantle deals with 75 per cent. of the wheat.

Mr. LAMBERT: If it dealt with only 25 per cent., the first elevators should be erected there. The members for Bunbury and Geraldton should recognise that a start must be made at the chief seaport.

Mr. PICKERING: I support the member for Coolgardie. In establishing bulk handling, one of the main considerations is to secure sufficient funds to obtain the Commonwealth assistance, and the members for Bunbury and Geraldton should realise the importance to wheat growers generally of attaining that end. It is pitiable that members should take a parochial view of the matter. It is the considered opinion of a majority of wheat growers that bulk handling will best meet their requirements.

Mr. Lambert: If they do not adopt it, they will be starving in a few years.

Mr. PICKERING: That may be so.

Hon. W. C. Angwin: Bunkum!

Mr. PICKERING: A subsequent amendment provides for the construction of elevators at Geraldton, Bunbury, and Albany. Busselton is not mentioned. The member for Bunbury should recognise the public spiritedness I am exhibiting by agreeing to forego the claims of Busselton.

Mr. MacCallum: How much wheat is grown around Busselton?

Mr. PICKERING: It is not a question of what is grown there to-day. In the early days all that was required for that district was grown there, and there are two mills which gristed flour for the South-West. I hope this ridiculous amendment will be emphatically rejected.

Mr. WILLCOCK: I am inclined to support the amendment, although I am not sure of the legality of the thing. Under the prospectus it would be difficult to legally enforce something done prior to the passing of the Act. I am in agreement with the principle of the amendment, because if all the money subscribed outside the zone of Fremantle is absorbed by the Fremantle elevator, how can sufficient further money be raised for the erection of elevators in the other zones? If the farmers in the Fremantle zone have bulk handling facilities provided at their port, they will not feel themselves under any obligation to subscribe to the erection of other elevators.

[Mr. Stubbs resumed the Chair.]

Mr. MacCallum Smith: They will not be compelled to do so.

Mr. WILLCOCK: And therefore they will not do so, and so there will be no money for elevators other than that at Fremantle. Again, if bulk handling reduces the handling charges by nearly 3d. per bushel, it will pay farmers within a few miles of some other natural port to make use of the bulk handling facilities at Fremantle.

The Premier: Are you going to support me?

Mr. WILLCOCK: I am going to support the amendment. The farmers will not subscribe money merely to provide a convenience for those who purchase wheat; they will subscribe because they are told that the elevators will result in a reduction of the handling charges to the extent of nearly 3d. per bushel. If that be correct, the company will be in a position to successfully quote for the handling at Fremantle of wheat from places within a few miles of Bunbury or of Geraldton. I do not feel inclined to give the company power to do that. The money subscribed for the erection of elevators should be utilised at the natural port of the subscribers. I will support the amendment.

The PREMIER: Although some wheat will go away in bulk, a good deal must still be exported in bags, because there are but few importing ports which can accept wheat in bulk.

Hon. W. C. Angwin: When I said that, I was told I was making an incorrect statement.

The PREMIER: But it is a fact. There need be no fear that Geraldton and Bunbury and Albany will lose their natural trade in wheat because of the elevators at Fremantle. That is not likely to eventuate. If many who reside outside the Fremantle zone and have applied for shares, are given the opportunity to withdraw their money, I do not know how the company can go on.

Mr. Willcock: We were told that very few people in the other zones have taken up shares.

Mr. Money: We were told there were none.

The PREMIER: I hear that a great many people have taken up shares.

Mr. Money: That was denied in this House.

The PREMIER: I am advised that if this money is withdrawn, the company cannot carry on.

Hon. W. C. Angwin: Is that a fact?

The PREMIER: I am told so.

Hon. W. C. Angwin: Then I will vote for this.

Mr. MacCallum SMITH: I hope the Committee will not agree to the Council's proposal. If we do, the company will be wrecked.

Mr. Willcock: Do you say that seriously?

Mr. MacCallum SMITH: Yes. We have gone into this matter very carefully, and find that 30,000 shares have been taken up which may be regarded as from outside the Fremantle zone.

Mr. Money: That is a jolly shame. It was advertised that you would not go outside that zone.

Mr. MacCallum SMITH: There was no compulsion in the matter at all. These people took up the shares of their own volition. The prospectus was issued by the company and it was on the statements contained therein that the people took up the shares.

Mr. Willcock: Yes, but canvassers made various other statements to induce people to take up shares.

Mr. MacCallum SMITH: It should be realised that 30,000 is really a very small number of shares when divided among the three subsidiary ports of Geraldton, Bunbury and Albany. These people applied for shares and they were allotted to them.

Hon. W. C. Angwin: They need not withdraw unless they desire to do so.

Mr. MacCallum SMITH: They cannot withdraw once the shares are allotted. What company could carry on under such conditions?

Mr. Willcock: In effect, you tell the Committee that we must not pass this.

Mr. MacCallum SMITH: I say that if the Committee pass this amendment, we will wreck not only the Bill, but the company as well. I say that, without fear of contra-

diction. The Fremantle zone includes certain districts which may be a little closer to Bunbury than Fremantle, and if the bulk handling system is installed, it may be cheaper to send the wheat to Bunbury. On the other hand, the saving would be greater in the handling of the wheat at Fremantle and thus more than make up for the extra cost of haulage. If the amendment be agreed to, it will give some of these people an opportunity to withdraw, and that may mean that the company cannot go ahead.

Mr. Willcock: The trouble is that we in the outports do not want to be robbed of our legitimate trade.

Mr. MacCallum SMITH: That will not be so, but the company cannot erect elevators at all four ports at once.

Hon. W. C. Angwin: You have to do so under the Bill.

Mr. Money: In any case, the company do not intend to do so.

Mr. MacCallum SMITH: The member for Bunbury is judging me by his own standard.

Mr. Money: Will you support the Council's amendment regarding the erection of elevators at the outports?

Mr. MacCallum SMITH: I will oppose that amendment for reasons I will give later on. I trust members will pause before they decide to support these amendments.

Mr. Money: You agreed to this provision before.

Mr. MacCallum SMITH: I do not think that applicants for shares are so unpatriotic as some members of this House, but, at the same time, they may be. I am not going to take any risk which would enable 30,000 shares to be withdrawn. It should be clearly understood that if those shares are withdrawn, we will not have sufficient to secure the advance from the Federal Government, and, in fact, we may lose the Federal advance altogether. The Federal Government agreed to give us £350,000 if we have £300,000 worth of shares taken up. Later they agreed to the latter amount being fixed at £240,000. We cannot go to them again and ask for the sum to be further reduced to £200,000. From what I can hear, the Federal Government would be glad to get out of this contract if possible.

Mr. Pickering: You deserve it too.

Mr. MacCallum SMITH: I say the State deserves it, judging by some of its Parliamentary representatives and by the way the Bill has been badgered from pillar to post.

Hon. W. C. ANGWIN: I cannot see why this should break the company. Does the hon. member think that those people who went into it voluntarily will withdraw?

Mr. MacCallum SMITH: If you give them the opportunity under this Bill, the company has had a lot of detractors since it started.

Hon. W. C. ANGWIN: I have not disavowed my position in regard to the elevators. I have always said it was a job for the State. I am afraid the best zone will be looked after by the company, and the worst zones will be left to the State.

Mr. MacCallum Smith: Where is the State to get the money?

Hon. W. C. ANGWIN: Surely the hon. member does not suggest that the company has a greater amount of credit than the State. I want the State to do the work and will vote accordingly.

Mr. MONEY: In the event of the amendment being lost will the Premier insist upon amendment No. 8?

Hon. W. C. Angwin: That has already been put back into the Bill.

Mr. MONEY: We should do all we can in favour of decentralisation, and yet members of the Country Party have been getting in shares from outside the central zone for the purpose of establishing elevators at Fremantle. I think the company has no intention of going outside Fremantle, if it is able to have its way. Those shareholders who have been misled into subscribing to the company should be given a chance to get their money back.

Mr. PICKERING: Unless the company are placed in a position to get the money that is promised to them the whole question of bulk handling of wheat will be shelved. It certainly is the intention of the company to establish the system at other suitable ports in the State, and I am surprised that the member for Bunbury has cast doubts upon the sincerity of the directors.

Question put and passed: the Council's amendment not agreed to.

No. 5—Strike out (clauses 22 to 46 inclusive).

The PREMIER: I move—

That the amendment be agreed to.

Mr. PICKERING: Is that the only explanation the Premier will offer?

The Premier: Yes.

Mr. PICKERING: This really means striking out the rest of the Bill.

The Premier: Yes.

Mr. PICKERING: We should have some explanation from the chairman of directors.

Mr. MacCallum SMITH: Most of these clauses have to do with the handling of the grain, about which the company is not much concerned at the present moment.

Mr. LATHAM: I hope the Committee will not agree to the amendment. No good purpose will be served by mutilating the Bill in this way.

Question put and negative; the Council's amendment not agreed to.

No. 6. Add a new clause, to stand as Clause 5 (to be inserted after Clause 21 of the Bill): "Paragraph (g) of Clause 2 of the lease is modified by adding at the end, 'Provided always that section four of the Landlord and Tenant Act, 1912, is hereby expressly excluded.'"

The PREMIER: I move—

That the amendment be not agreed to.

The member for Bunbury will, I think, say that this new clause cannot apply. Person-

ally I fail to see its purpose. The new clause is quite unnecessary.

Mr. Money: I do not know exactly what the clause means.

The PREMIER: If the new clause is inserted, the lease will be expressly excluded. In any case, Section 4 of the Landlord and Tenant Act does not apply to Crown leases.

Question put and passed; the Council's amendment not agreed to.

No. 7.—Add a new clause, to stand as Clause 6, as follows: "Clause 2 of the lease is modified as follows: In paragraph (i) the words 'on the like conditions and' are inserted after the word 'grain.' Paragraph (l) of Clause 2 of the lease is omitted, and the following inserted in lieu thereof: '(l) That until an Act has been passed by Parliament declaring the rates, tolls, and charges for handling, storage, and transport of grain, all directors' fees and reserve fund appropriations shall be subject to the approval of the Governor in Council. After paying such dividend as aforesaid, the net profits shall be distributed among all persons for whom the company has handled grain during 12 months prior to the making up of the balance sheet and profit and loss account, on the basis of the quantity of grain delivered by them to an elevator. Any grain grower shall have the right at any time to acquire shares in the company, on the same terms and conditions as the original shareholders.' Paragraph (m) of Clause 2 of the lease is omitted, and the following inserted: '(m) That neither the company nor any of its directors, officers, or servants shall directly or indirectly deal or traffic in grain.' That a new clause, to stand as (n), be added to Clause 2 of the lease, as follows: '(n) That notwithstanding any of the terms or conditions of this indenture it will faithfully comply with each and every provision of any Act or regulation promulgated by authority of such Act hereafter passed by Parliament, having for its object the control and regulation of the bulk handling of grain and the fixing of the rates, tolls, and charges in respect thereto'."

The PREMIER: I move a modification on the Council's amendment—

That all the words of the Council's amendment after "'grain,'" in paragraph (i) be struck out.

Hon. W. C. Angwin: I consider that the paragraph proposed to be substituted for paragraph (m) of Clause 2 of the lease should be substituted, as desired by the Council.

Mr. MacCallum Smith: That matter is already provided for in the lease.

Mr. MONEY: The paragraph in question is not so full as the proposed new paragraph.

Mr. Pickering: The proposed new paragraph is ridiculous.

Mr. MONEY: No. The new provision is ampler than the original one, and should go in. It will not prevent the directors, officers, and servants of the company from selling their own grain, but only from trafficking in

grain. To sell one's own product is not to traffic in that product. I move an amendment to the Premier's modification of the Council's amendment—

That the following words be added: "Except the words 'Paragraph (m) of Clause 2 of the lease is omitted, and the following inserted: '(m) That neither the company nor any of its directors, officers, or servants shall directly or indirectly deal or traffic in grain.'"

Mr. PICKERING: I protest against the amendment. One of the conditions under which the company was formed is that the directors must be farmers producing wheat, and directors are servants of the company.

Hon. W. C. Angwin: That would not amount to dealing in grain.

Mr. PICKERING: It would, if I sell anything, I am dealing in that article.

Mr. MacCallum SMITH: Under the lease the company is especially prevented from dealing or trafficking in grain. The Council's amendment goes further and says that the directors, officers or servants shall not directly or indirectly deal or traffic in grain. It is laid down that the directors must be grain growers, a very desirable provision, and several provisional directors who were not grain growers had to drop out on account of this condition. If the amendment is accepted any director who is a grain grower will have to resign because he will be dealing in wheat. A grain grower produces wheat not for himself to eat, but to sell. Why should officers and servants of the company be bound in this way? The company will not be trafficking in grain, but will be merely handling grain.

Hon. W. C. Angwin: They might get over that by getting their officers to do it.

Mr. MacCallum SMITH: But officers of the company will not be able to obtain any advantage by reason of their position.

Mr. Mann: Of course they will.

Mr. MacCallum SMITH: They will not, because the company cannot traffic in grain.

Mr. MONEY: I ask leave to withdraw my proposed modification of the Council's amendment.

Modification of Council's amendment (Mr. Money's) by leave withdrawn.

Modification of Council's amendment (the Premier's) put and passed; the Council's amendment as modified agreed to.

No. 8. Add a new clause, to stand as No. 7, as follows:—"7. Paragraph (h) of Clause 2 of the lease in the schedule shall be altered by adding to the end of the paragraph the following words: 'and elevators shall be constructed at each of the following places, namely, Geraldton, Bunbury, and Albany, on sites and of a capacity to be approved by the Governor, within five years from the commencement of this lease.'"

Mr. MacCallum SMITH: This amendment is not necessary because it is included in Clauses 2 to 18 which make it compul-

sory for the company to erect elevators at these particular ports. Wheat is not now grown in the Albany district. Attention there is being confined to the growing of oats and wool, and the production of butter, etc. In the course of a few years no more wheat will be grown in the Albany district than is grown in the Busselton district today. There is no obligation on the part of farmers in those zones to contribute any money for the erection of elevators at those places. If the Council insist on their proposed new clause, it should be conditional on a certain quantity of wheat being produced within those zones, on the Government providing suitable sites for elevators at those ports, and on the farmers in those districts subscribing sufficient money. I move—

That the Council's amendment be not agreed to.

Hon. W. C. ANGWIN: Clause 3 of the Bill as passed by the Assembly says it shall be lawful for elevators to be constructed at these ports.

Mr. Johnston: That is sufficient safeguard.

Hon. W. C. ANGWIN: But there is another provision making it lawful for the Governor, after at least three months' notice to the company, to revoke the right conferred if these conditions are not carried out. If the new clause proposed by the Council is accepted, it will mean that the right may be revoked if the company fail to construct elevators at any one of those ports. If the Great Southern districts cannot grow wheat—

Mr. Latham: It is too wet down there.

Hon. W. C. ANGWIN: Good Lord! They can grow wheat in England, where it is much wetter. Doubtless the Council have realised that the Government are not strong enough to stand up against the Country Party.

The Premier: They are supporting you to-night.

Hon. W. C. ANGWIN: No, we have not yet voted together. The Council realise how weak are the Government, and so they lay it down that the lease must be forfeited unless the conditions are complied with. The chairman of the company has acted fairly by the Committee to-night, and has told us that the outports are not to get any consideration from the company.

Mr. Johnston: We have put back the compulsion into the Bill.

Hon. W. C. ANGWIN: But the Council will not trust the Government. However, I am in a minority on this, because the chairman of the company and his friends will work together.

Question put and passed; the Council's amendment not agreed to.

No. 9.—Add a new clause, to stand as Clause 8, as follows:—"8. Clause 2 of said lease is hereby further modified or altered by adding the following paragraphs after paragraph (n): "(o) That the company will

execute or carry out all such works and comply with all such orders hereafter as may from time to time be made under or in pursuance of any Act or Acts of Parliament or by-laws or regulations already passed or hereafter to be passed and which may be directed or required by any local, public, or statutory authority to be executed at any time or times during the said term upon or in respect of the said demised premises or any part thereof whether by the landlord or tenant thereof. (p) That the company will permit such persons or person from time to time authorised or appointed by the Governor-in-Council or Minister for Lands for the time being of the Government of the said State at all reasonable times throughout the said term to enter on the said land and premises and to inspect or view the state of repair and condition of all buildings and improvements hereafter erected thereon and forthwith after notice to the company signed by the Governor-in-Council or said Minister for Lands to repair and make good defects and wants of reparation which the company shall be liable to make good under the covenants herein contained or implied."

The PREMIER: I move—

That the Council's amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 10.—Add a new clause to stand as Clause 9 as follows:—"9. Clause 3 of said lease is hereby modified or altered by adding the following subclause:—(4) If and whenever the company shall commit a breach of or fail to observe and perform any covenant, condition, or agreement herein contained or implied, and on its part to be observed and performed, and without prejudice to all or any powers or authorities hereby conferred or agreements herein contained or implied, it shall be lawful for but not obligatory on the said Minister for Lands for the time being for and on behalf of His Majesty the King to do or cause to be done all or any such acts, deeds, matters, and things, and to make such payments, and to enter upon said land and premises with or without workmen and others to carry out such works and operations as he the said Minister or any person appointed by him may think proper for the purpose of remedying or attempting to remedy every or any such breach or failure aforesaid, and all moneys expended, paid, or incurred in connection with the foregoing, with the interest thereon at the rate of six pounds per centum computed from date of payment thereof respectively, shall be paid by company on demand."

The PREMIER: I move—

That the Council's amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported, the report adopted and a message accordingly transmitted to the Council.

### BILL.—ARCHITECTS.

Council's amendments.

Schedule of 5 amendments made by the Council now considered.

In Committee.

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

No. 1. Clause 3, Subclause (1), line 3.—Strike out "persons engaged in practice as."

No. 2. Clause 27, Subclause (1), line 4.—Strike out "twenty" and insert "eighteen" in lieu thereof.

On motion by the Minister for Works, the above amendments were agreed to.

No. 3. Clause 27, Subclause (3), line 2.—Strike out "one-third" and insert "one-sixth," in lieu thereof. Line 3.—Strike out "or represented by proxy."

The MINISTER FOR WORKS: I move—

That the Council's amendment be agreed to.

The amendment deals with the quorum at meetings and the second half means that there will be no proxies, but only live representation.

Hon. W. C. ANGWIN: I move a modification on the Council's amendment:

That the Council's amendment to strike out the words "or represented by proxy," be not agreed to.

Some of the people affected may live 200 miles away and it is only fair that they should be given a voice in the work of the board. We should retain the provision for proxy votes.

Modification put and passed; the Council's amendment, as modified, agreed to.

No. 4. Clause 29, Subclause (2).—Insert at the beginning "Subject to Subsection (1) of this section," and in line 2, after the word "engineer," insert "builder or other person." Strike out all words after "building" in line 3.

On motion by the Minister for Works, the above amendment was agreed to.

No. 5. Insert the following new clause, to stand as Clause 34:—"The provision of this Act shall apply only to the metropolitan area."

The MINISTER FOR WORKS: I move—

That the Council's amendment be not agreed to.

If the amendment were carried, it would render the efforts of this Chamber nugatory and make a farce of what is a serious matter dealing with an important and respectable profession.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported, the report adopted and a message returned to the Council accordingly.

House adjourned at 11.59 p.m.

## Legislative Council,

Friday, 6th January, 1922.

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The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

### SELECT COMMITTEE—TRAFFIC ACT AMENDMENT BILL.

Attendance of Member of Assembly.

Hon. A. SANDERSON: I move—

That the Assembly be requested to grant leave to the Hon. W. J. George to give evidence before the select committee of the Council on the Traffic Act Amendment Bill.

There is no explanation to make beyond saying that it seems fair to the Minister, and advisable from the point of view of the Chamber, that the Minister should be given an opportunity to come before the select committee.

The PRESIDENT: Is it the pleasure of the Council that this motion be moved without notice? I understand the matter is one of urgency.

Mr. Sanderson: It is.

Leave given.

Question put and passed.