

complaint to prove that the offence was committed within the railway authority and against the railway regulations. It should not be sufficient on an averment to say the offence was committed on the University grounds; and thus throw the onus of proof of innocence on the defendant.

The Premier: Well, knock it out. I do not care whether it is there or not, but I do not see anything wrong with it, just the same.

Mr. MANN: The Premier would take a different view if he were over here criticising the Bill.

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

Title—agreed to.

Bill reported with an amendment.

BILL—AGRICULTURAL PRODUCTS.

In Committee.

Mr. Panton in the Chair; the Minister for Railways (for the Minister for Agriculture) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. Sir JAMES MITCHELL: I want to know why all agricultural products should be brought under the Bill. The Minister for Agriculture seemed to think that if we had the Bill we would eat more eggs. Possibly we eat too many now, so I do not see that that is a good reason for passing the Bill. If we leave in the definition of "agricultural products," as given here, we shall bring under the Bill all products of farm, garden, orchard and dairy. It is not necessary. Most people who buy, see what they are buying; certainly the housewives do. All the time we seem to think people are rogues trying to defraud everybody else. If this is done in respect of eggs, then it should be enough to restrict the scope of the Bill to eggs alone. Why should we include in the Bill all farm products, as is contemplated by this definition? I suppose that under this, even the grains of wheat will have to be properly displayed.

The Premier: With a fair sample on top.

Hon. Sir JAMES MITCHELL: Yes. So, too, with chaff, the poorest sample will have to be displayed. Of course the greatest damage occasioned chaff is caused by the leaking tarpaulins over the trucks of the

Minister for Railways. What is the use of our making laws that may press heavily on a number of people without doing any good at all? Most of the commodities offered for sale are exposed, and can be examined.

The Minister for Railways: What about case goods?

Hon. Sir JAMES MITCHELL: They also can be seen. I do not know that we require to legislate, even for that class of commodity. If a man puts pumpkins into a bag, those pumpkins vary in size and quality, and if that man opens the bag and shows the prospective purchaser the largest pumpkin in the package, he will be committing an offence under this measure. The Minister has a fad for this class of legislation. I think producers are the most honest people in the world. Why should we legislate because of one dishonest man in a hundred? It is not worth while. I do not suppose the Bill will cover bananas, but if it did, could we have a guarantee that the flesh of a banana within its unbroken skin is all perfectly good?

Progress reported.

House adjourned at 6.15 p.m.

Legislative Council,

Tuesday, 24th September, 1929.

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

QUESTION—MINING.

Southern Europeans and Miner's Phthisis.

Hon. H. SEDDON asked the Chief Secretary: 1, How many of the men who have been examined by the Commonwealth Laboratory under the Miner's Phthisis

Act were Southern Europeans? 2, How many of them were found at each annual examination to be suffering from—(a) T.B.; (b) miner's phthisis, plus T.B.; (c) miner's phthisis (advanced); (d) miner's phthisis (early)?

The CHIEF SECRETARY replied: 1, 1,499. 2, (a) 1925-6 examination, 1; 1927 examination 10; 1928 examination, 7; 1929 examination, 8. (b) 1925-6 examination, 14; 1927 examination, 11; 1928 examination, 12; 1929 examination, 6. (c) 1925-6 examination, 15; 1927 examination, 9; 1928 examination, 13; 1929 examination, 12. (d) 1925-6 examination, 50; 1927 examination, 39; 1928 examination, 43; 1929 examination, 51. It may be pointed out that the figures furnished in reply to questions (c) and (d) include both new cases and cases re-examined. Attention is also directed to the fact that the examination of the mines in the outlying goldfields this year has been postponed until the cool weather next year, owing to the inability of the Commonwealth Health Department to secure a suitable Medical Officer to relieve the Medical Officer in charge of the Commonwealth Health Laboratory, Kalgoorlie.

QUESTION—SOLDIER SETTLERS.

Hon. E. H. H. HALL asked the Chief Secretary: 1, What is the percentage of soldier settlers who are up to date with their interest payments? 2, What is the amount of interest payments outstanding, if any, on soldier settlers' properties?

The CHIEF SECRETARY replied: 1, Information not ascertainable without an analysis of the ledger accounts at the various district offices. 2, £380,694 10s. 7d. as at the 30th June, 1929.

BILL—MAIN ROADS ACT AMENDMENT.

Second Reading.

Debate resumed from the 18th September.

HON. H. SEDDON (North-East) [4.37]: Speaking as a member of two select committees which have had to deal with the question of the Main Roads Act, I have taken more than ordinary interest in this

Bill. Last session the select committee appointed during that period was unfortunately unable to complete its work. We had hoped that the opportunity might be extended to us to do this by the appointment of the select committee as a Royal Commission. That course, however, was not taken; therefore a part of the work we desired to finalise was not brought to a conclusion. I am pleased to see that a select committee in another place dealt with the Bill and went into certain aspects of it, more particularly into a consideration of Section 30 of the Act, with a view to determining what could be done in the matter. The report of that select committee has now been laid upon the Table of the House. Very little opportunity has been given to members to peruse the evidence contained in that report. It appears that there has been laid down a basis upon which it is proposed that allocations shall be made to the various local governing bodies. In the course of our investigations several defects in the Act were pointed out. Some of these have been dealt with in the Bill before us, but others have not been so dealt with. It was also shown that there was a considerable amount of friction, or inharmonious work, going on, and in many instances a very serious waste of funds was disclosed by the evidence placed before the select committee. There are several matters upon which I should have liked to see amendments introduced. I notice that reference has been made to deputations being received by the Main Roads Board. I should like to have seen amendments brought down dealing with the constitution of the board, and also with its operations, as well as the very important question of finance. The allocation of the proportional cost has already been dealt with, as has also the question of the appreciation by the local governing bodies of their responsibilities. We find in the evidence placed before us that in many instances the local governing bodies, while protesting against the allocations that had been made, were unable to give us any lead, or make any suggestions that would tend to the creation of a better basis upon which they could be charged for their proportional cost. In some cases we find that their rate was not commensurate with what should have been charged in order to discharge the duties necessary in the construc-

tion of main roads. We found that a considerable burden was being cast upon the local authorities, especially those who were in new districts, upon whom the burden fell very heavily. Those boards were faced with the necessity for constructing new roads. Many could not be described as developmental roads, either under the Federal Aid Roads Act, or under our own Main Roads Act. A considerable amount of domestic expenditure had to be incurred which made it very hard for them to bear their proportion of the allocation due to main roads. The most important amendment in the Bill is that affecting Section 30. The method of allocation adopted by the Main Roads Board met with almost universal disapproval. Much of that disapproval was due to the fact that the board did not understand the basis upon which the allocation was being made. If members will turn to the report of the select committee of another place they will find a statement made by Mr. Tindale in answer to Question 51. He was asked what method he would adopt in making the assessments, and he replied—

The first year basis and the second year basis were entirely different. By the second year we had gained experience. In the first year we adopted the scheme of charging 70 per cent. of the capital cost of construction to the local authorities through whose districts the main road passed, 25 per cent. to those local authorities benefiting but not traversed by the main road, and 5 per cent. to the local authorities at the terminals of the road where there were two terminals. Where there could be considered to be only one terminal, such as the Midland Junction-Merredin-road, the 25 per cent. became 27½ per cent., and the 5 per cent. became 2½ per cent. For the second year we adopted an entirely different scheme. We went on the basis of motor registrations in the first place. For the metropolitan area the motor registrations are lumped, and it was not possible to separate the local authorities within the metropolitan area. We then took their revenue figures. Thus, outside the metropolitan area we found we had the revenue received for registration, and inside the metropolitan area we took the general revenue of the various local authorities. They were the only figures we could get. We then worked out what the liabilities would be, taking as the basis set out in the Act one-half of the State's expenditure. We divided the districts into zones, and put the figure five against every local authority through whose territory the road passed. That represented the relative benefit. We put the figure three against contiguous districts, and we put the figure one against outside districts where benefited. On those two bases we worked out our present allocations. It was a pretty complicated calculation,

but that briefly explains the basis on which we worked it out.

Under the scheme outlined in this Bill it is proposed to divide the local authorities under three headings, one, two and three, and various allocations are to be made to them. In this case the revenue that has been raised under the Traffic Act is to be taken into consideration, and the metropolitan area will now contribute towards the expense of constructing main roads. Members will agree that this is an improvement on the previous method, insofar as the local authorities will know exactly for what they are being assessed. From the standpoint of fairness at any rate, it will do away with many of the objections that were raised from time to time merely because the local authorities did not know to what extent they would be liable under the assessments made. So far as those working under its provisions are concerned, the amenible substitutes for the present rather indefinite conditions outlined in Section 30, another set of conditions that will readily be worked out by the local authorities. It appears, from a cursory examination of the amending Bill, that the local authorities will contribute more under its provisions than they would have paid under the scheme I have read given in the chairman's evidence before the select committee.

Hon. H. Stewart: Over a 30-year period.

Hon. H. SEDDON: No, over a 10-year period. In connection with that amendment of the Act, the Government and the Assembly's select committee have done good work, and I feel sure it will meet with the approval of many of those who previously objected to the operations of the board. Under the old conditions the metropolitan area, with the exception of terminal charges, made no contribution whatever towards the maintenance and construction of main roads, and it was contended on many occasions that the greater proportion of the traffic over the main roads emanated from the metropolitan area, so that that objection has been overcome in the amendment proposed to the Act. In the course of our investigations, references were made again and again to the methods by which funds were raised. The tax on motor licenses was referred to and it was pointed out that it would be necessary to impose considerably heavier taxes under that heading if motor vehicles were to pay their just dues proportionate to the damage they cause to the

roads. Reference was also made from time to time to the fact that the introduction of motor traction had necessitated the reconditioning or rebuilding of the main roads. It was suggested that the petrol tax was the fairest method of levying a charge upon the owners of motor vehicles, and I must say, speaking for myself alone, it appealed to me as the fairest way of raising revenue towards the maintenance of our main roads. Unfortunately, however, there seems to be considerable doubt regarding the imposition of a petrol tax. The Federal Government contend that it is a province peculiarly their own, and the State Governments have not been able to take advantage of the imposition of that tax in order to raise the money necessary to meet the heavy charges involved. The question that arises, and it arose to a considerable extent during our investigations, is: Are the motor vehicles paying anything like an adequate proportion towards the cost of our main roads, especially those that carry heavy loads? The damage to the roads is undoubtedly considerable, and when we remember that we have so much of the State's money involved, a great percentage of it being invested in our railways, and that motor vehicles are competing in many instances unfairly against our railways, we are inclined to wonder whether something should not be done to increase the charges levied in respect of motor vehicles that have cast such a heavy burden on the State. I use the word "unfairly," and my reason for doing so is that I am quite satisfied many owners and users of motor vehicles, especially those used for the transport of goods, are not making anything like sound calculations of their costs. In many instances, I think they are content to merely assess their running costs. The damage done to motor vehicles must be considerable, and depreciation must be great indeed. I do not think that item is taken into account at all. If it were, I think the owners would be entitled to make heavier charges than those that they levy at present, and which enable them to operate to the detriment of the railways. That is an aspect that must be gone into because many of the owners of motor vehicles cannot be receiving the remuneration for their services that they should be entitled to if they adopted a sound accounting system upon which to work. There was one statement made in connection with the introduction of the Bill in another place to which

I shall refer. It was a statement relative to the work of the Main Roads Board having been considerably delayed and hampered, to quote the words that were used, by "the change over from day labour to contract work, which necessitated surveys and the preparation of specifications. In that way practically 12 months was lost." Further on the statement was made that this year we shall spend something like £1,250,000 in local road construction. That point cropped up in the course of our investigations and was a matter upon which contrary opinions were expressed. It might be well in order to remove wrong impressions that might be created, to read a paragraph from the agreement that was adopted as governing the methods which, according to arrangements made between the State and Federal Governments were to operate in connection with work undertaken on our main roads. If we refer to Section 9 of the agreement we find the following:—

9. (1.) Prior to the submission by the State of any proposals for expenditure of any moneys provided by the Commonwealth and the State in pursuance of this agreement, the State shall submit to the Minister for his approval full particulars of the roads proposed to be constructed or reconstructed during the period of five years commencing on the first day of July, 1926, and prior to the expiration of the said period of five years the State shall submit to the Minister for his approval full particulars of the roads proposed to be constructed or reconstructed during the period of five years commencing on the expiration of the first-mentioned period of five years. (2.) All proposals in connection with works to be carried out in any financial year in pursuance of this agreement shall be submitted by the State to the Minister for his approval, and the State shall not commence any proposed work without first obtaining the approval in writing of the Minister. (3.) When submitting any such proposals, the State shall specify by what method it is proposed the work shall be executed. (4.) The method of execution shall be by contract, except that where the Minister for Public Works of the State considers that tenders received for the execution of the work are unsatisfactory, or that execution by day labour would be more economical and/or expeditious and so informs the Minister, the Minister may if he is satisfied that action has been taken by the State to ensure that the work will be carried out according to approved methods of construction in which modern plant is utilised to the fullest extent, approve of the execution of the work in whole or in part by day labour.

I read that extract from the agreement in order to clarify the position entirely and to

point out that that condition existed from the very commencement of the operations under the agreement. Its requirements were known, and if there was any evasion or departure from the conditions laid down, then those responsible for making the departure or evasion must be held blameworthy. There is a clause in the Bill that refers to deputations being received by the board. That aspect was gone into in the course of the investigations of our select committee, and if hon. members will turn to Questions 230 to 232, they will find the following comments:—

230. By Hon. G. A. Kempton: The local authorities like to get in touch with Mr. Tindale, because he knows the position exactly?—Of course, there are some matters that the board can handle without reference to the Minister. We do not have to go to him with everything.

231. By Hon. E. H. Gray: But the practice of receiving those deputations must mean a lot to you?—There is one suggestion I would like to make. I wish to speak plainly about it. I would like to see a provision included similar to one embodied in the Government Railways Act.

232. By Hon. G. W. Miles: You refer to members of Parliament not being eligible to interfere in deputations?—Yes. It is not a matter of interference, but I think we now get deputations that we would not otherwise get, if that alteration were effected.

The reason I raised the point is that in the Bill as first introduced in the Legislative Assembly, provision was made that deputations accompanied by members of Parliament were not to be received by the board, the idea being, and rightly so, that in such instances the deputation should be taken to the Minister. In the Bill now before us, provision is made that no deputation shall be received by the board.

Hon. H. Stewart: That is wrong in principle.

Hon. H. SEDDON: That was on the recommendation of the Assembly's select committee, and when the Minister replies to the debate, I would like him to explain if there is any objection to the provision that existed in the Bill originally when introduced in the Assembly being re-inserted. My reason for asking that is that in the course of our investigation, it was pointed out that frequently deputations might deal with matters that were before the board and would enable points to be dealt with easily at a personal interview, thus saving a lot of correspondence that would inevitably be involved.

Moreover, it was pointed out that many of the matters dealt with would concern the board entirely and would not come within the purview of the Minister himself. The idea of establishing a board to control the main roads was that it should be, as largely as possible, free from any political influence whatever. In that respect, I think the Bill could well be restored to the form in which it was introduced in the Legislative Assembly by the Minister for Works.

Hon. H. Stewart: Hear, hear!

Hon. H. SEDDON: There is one point that came forward very prominently and that was the question of the constitution of the board and how it operated. Hon. members may remember that the main roads legislation that was first introduced provided for a board consisting of five members. Two of those members were to be representative of local governing bodies. As a result of the investigations made by the select committee of this House, the measure was amended and the board altered so as to be constituted by three members, two of whom were to be engineers and the third an administrative officer. We found, as a result of the inquiries we made, that method was not working to any extent as satisfactorily as might have been expected. To use the words of the chairman of the board when giving evidence at an early stage of our investigations, it was found to be cumbersome. In reply to questions, we had information that disclosed repeatedly that the board was not working as satisfactorily as I feel sure the House intended should be the position. Not only was there a considerable amount of disharmony, but members of the board were ignorant of what was going on. In one or two instances we had a member of the board giving evidence in which he said he was quite ignorant of action taken by another member of the board. That sort of thing showed up very badly. That led the committee to make reference to this state of affairs in the course of their interim report. If hon. members will turn to paragraphs 9 and 10 of that report, they will find these words—

9. The absence of the Chairman on a world tour of investigation at a critical period in the board's history—while it should ultimately prove of considerable value to the State—further resulted in serious loss of efficiency, neglect, and disregard for economy up to the end of 1927. Serious lack of co-operation between the remaining members of the board pointed

to by evidence, which states that works were put in hand without consultation, without adequate preliminary investigations, and without provision for scrutinising and checking costs, and little control of subordinate officers.

10. While convinced that the position in this respect has improved during the past few months, the Committee—bearing in mind the extensive programme proposed for several years to come—are agreed that better results than have obtained in the past would be secured if the Main Roads Administration was under the control of a suitable commissioner (on a similar basis to the Commissioner of Railways) with full authority to appoint his own officers, and be self-contained in all the functions.

I desire to emphasise the importance of that paragraph because the committee realised the need for the change they were advocating, and therefore had no hesitation in recommending that the system of governing should be by a commissioner instead of by a three-party board. In the opinion of the select committee the control by a commissioner would make for better results. Personally, I am thoroughly convinced that that would be the best method by which to manage main road affairs. As has been pointed out, in the other States the administration has been carried out by a commissioner. Again, one advantage of appointing a commissioner in the place of a board is that you get away from any question of the conflict of authority such as, for instance, two of the members carrying an opinion against that of the third member. At the same time, under the condition of affairs existing at present, there is no doubt that the chairman of the Main Roads Board carries the greater part of the responsibility for the actions of the board. In the case of a single commissioner, the position would be clarified; there would be no question of conflict of authority. The commissioner's authority would be unquestioned and he would take the whole responsibility for everything that was done. That under this system, where it exists, good work is being done, is manifested by the smoothness of the relationship between the Commissioner and the local authorities. That was fully borne out in the evidence given to the select committee that sat last year. I would refer members to the evidence taken by that select committee and particularly to questions 158 to 163, 175 to 180, 312 to 318, 322 to 329, 884 to 897, 903 to 908, 942 to 952, and 3273 to 3279. I quote these numbers because I have no wish to take up the time of the House in reading the evidence.

I have no doubt that many members have read the greater part of it. I should like to know exactly what the object of the Government was in deciding to continue the present method of controlling operations, and whether that is all the value that is placed on the suggestions made by the select committee of last year. In conclusion I wish to say that I intend to support the greater part of the Bill, but when considering the question of control, I propose to ask whether members are prepared to continue the present method, or whether they would not be justified, in view of the select committee's report, in appointing a single commissioner instead of retaining the three-party board. There is also the point I referred to of restoring the provision that existed in the Bill that was previously introduced in the Assembly, of permitting deputations to interview the chairman of the board, while retaining to the Minister the right of being consulted whenever members of Parliament are called upon to intervene in the case of relationships between the local authorities and the Main Roads Board.

HON. W. T. GLASHEEN (South-East) [5.5]: I intend to support the Bill though it is not all that we wish, but when we reach the Committee stage we may be able to shape it as we desire. One of the greatest factors in the original Act responsible for bringing about discontent was the question of allocations, the commitments that the local authorities had to shoulder for some imaginary benefit that might be in the minds of the Main Roads Board for road construction, perhaps 100 or 150 miles away from them. The Bill has the merit of disclosing the obligations of the local governing bodies; they will know exactly what they will have to pay, and furthermore they will know when they will have to pay it. That is far more desirable than the position as it exists at the present time. In spite of all that has been said with regard to the Main Roads Act and its administration from the commencement until now, it is apparent to even the most casual observer who travels through the country that since the Act was passed there has been a wonderful improvement in not only developmental roads, but in main roads generally. About £2,000 annually on the average has been made available to the local bodies for developmental roads, and wherever one travels, it is found that that

money has been expended wisely. I speak particularly of the districts about which I know something. At the same time there are still some anomalies and possibly hon. members will appreciate them if I read a communication I received from the Wagin Municipal Council showing how they are affected, and not only Wagin but other municipal authorities and road boards throughout the State. This is what the letter states --

In the amending Bill now before the House, Section 30 is to be repealed. The section to be inserted in its place provides that as from and inclusive of the first day of July, 1929, the Wagin Council shall pay to the Treasurer one-fourth of the amount collected under Section 10 of the Traffic Act, 1919-26. One-fourth will probably amount to £203. Since July we have collected in license fees, under Section 10, £711 9s. The council are not in a position to pay this amount. The money raised from licenses to be paid under the Traffic Act has already been spent. We are within eight weeks of the end of the financial year. Councils are on quite a different footing from road boards, whose financial year commences on the 1st July. The financial year of municipalities commences on the 1st November. It seems altogether unjust to ask the Council to pay £203 from July of the current year, when under the existing Act, upon which our estimates for the year were framed, we anticipated paying only the sum of £23 9s. 4d. from July, 1930. Should Section 30 of the amending Bill be passed, then the council shall be called upon to pay only one-sixth of the 25 per cent. in view of the fact that five-sixths of the financial year has expired, and the fees paid and to be paid under the Traffic Act have been spent.

That appears to me to be a difficulty that I would like the Minister to note. In a nutshell it is this: The Wagin Municipal Council's financial year begins and ends in November, and that being so, practically all their work that had to be done for the current financial year has been completed. The consequence is that the traffic fees or the greater portion of them have been spent, and under the Bill the Wagin council will be responsible for 22 per cent. of those fees collected during the current year. After the first year, of course, they will know their obligations and make provision for them. But having spent their traffic fees for the current year, they are to be made responsible for 22 per cent. of them. I hope we shall be able to get over the difficulty when the Bill is in Committee.

Hon. E. H. Harris: It will not be very easy.

Hon. W. T. GLASHEEN: I am aware of that, but still we can attempt to do something to get over it. It is just possible that under the Bill we might find ourselves paying a double tax. I congratulate the Government on the fact that they do not now propose to take 25 per cent. In that respect the select committee that sat recently showed that select committee's have their uses. That select committee had a practical outcome of its deliberations. The original intention was to collect a flat rate of 25 per cent., but the select committee amended that proposal to the extent of dividing the State into three sections. A, B, C, and instead of the flat rate operating everywhere, A will now contribute 20½ per cent., B 15 per cent., and C 10 per cent. That is a distinct advantage on the first proposal, but it is just possible that as time runs on the imposition of a petrol tax may be found to be possible. We know that under a ruling of the High Court a petrol tax, imposed by this State was declared ultra vires of the Commonwealth Constitution, but I am told that there is a possibility of the tax being imposed in another manner that will get round the previous difficulty. In that event we may find ourselves faced with the responsibility of paying a petrol tax and also having to pay the allotments under the Bill. I intend to place an amendment on the Notice Paper which I hope will have the effect of safeguarding the position. Under the provisions of the amending Bill we are going to collect a maximum of 22½ per cent., and then 15 and 10 per cent. irrespective of whether or not the Main Roads Board have any obligations or expenses to meet. We must try to amend that slightly in Committee. Possibly we shall find, after the measure has been in operation for some little time, that evolution of science will give us a cheaper method of road construction and maintenance. There are always great possibilities in that respect and if such possibilities should come about we shall find ourselves still paying this maximum. It is just possible, too, that we may be faced with a strike or a lockout which will suspend operations for six or twelve months. In such a crisis, naturally, the expenses would be proportionately less. I consider that in such a year, when it is not found necessary or possible to spend the money represented by the percentages,

the amount should not become part of the Main Roads Board's revenue but should go back to the contributing authorities. Under the Bill it is proposed to make them always contribute the maximum. These are a few little dangers I see to those least able to bear taxation. I hope we shall all keep our eyes on these considerations when the Bill is in Committee. I support the second reading.

HON. H. STEWART (South-East)
[5.16]: I regret that I have not been able to make the amount of preparation that is desirable before speaking on a Bill of this kind, but in order not to delay the passage of the measure I refrain from moving the adjournment of the debate. The principal Act has been in operation for a few years. At that time our endeavour was to provide for efficient road construction under modern conditions. With the finance then available, estimated at £80,000 annually, there was doubt whether justification existed for the creation of a board. Yet within a few years the board were handling between £600,000 and £700,000 annually. Although there has been a good deal of outcry regarding the financial and construction methods of the Main Roads Board, on the whole the people of Western Australia realise that it was a good thing to pass the Main Roads Act. They realise that it means a great deal to travellers throughout the State. The users of automobiles, though they may not fully appreciate the fact, have benefited considerably by the construction of roads, bringing about substantial reductions in running costs and depreciation. Consequently it is a matter for congratulation that the Government brought down the Bill in question and that Parliament enacted it. In the light of experience the Government are to be especially congratulated on having effected improvements shown to be desirable. The principal measure was substantially amended upon the recommendation of a select committee of this Chamber, more particularly in making the Main Roads Board free from political interest. Advantage was also taken of Eastern States experience, and the select committee recommended a board of three members. The board proposed by the Government was to comprise five members, elected on different bases. The astounding feature brought out by the investigations of the

select committee which this Chamber appointed last year, and which did not complete its labours, was the non-existence of any record showing that applications were ever called for the positions on the board. The evidence taken by the select committee further showed that the Main Roads Board then did not function efficiently. The whole trend of the evidence went to indicate that in the light of experience here, it would have been better if the Government in this amending Bill had provided for a commissioner instead of the existing board of three. It may be advisable for this Chamber to consider that suggestion with the evidence taken by the select committee available to hon. members. This House endeavoured to secure two things—that the Main Roads Board should be free from political interest, and that the board should function efficiently and economically. I shall not quote more of the evidence than I can help. In Question 2956 I asked Mr. Dibdin, the board's administrative officer—

Were any applications called for the positions on the Main Roads Board?—I never saw any applications.

The members of the board were simply appointed?—Yes.

In Question 3054 and succeeding questions the chairman of the select committee interrogated Mr. Dibdin concerning certain works started in January of 1927. Examination on that point continues down to Question 3069, which was asked by Mr. Stephenson. A perusal of these questions and answers shows that the works were started by the Minister for Works under the Federal Aid Roads agreement without obtaining the consent of the Federal authorities to proceed by day labour. Those works were begun after the chairman of the board had left for Europe, at the end of 1926. They had been suggested three months previously. All this is shown in the evidence. The chairman of the Main Roads Board had put up a minute to the effect that investigatory work was needed before the roads could be constructed. Such investigation was not made. The evidence shows that there was a lapse of two months, during which operations were carried on, and that the Minister did not apply to the Federal authorities for permission to proceed by day labour, with the result that £30,000 or £35,000, which would have come to this State from the Federal Government, has not been paid—

I believe there is no chance of its ever being paid. In Question 3059 the chairman asked Mr. Dibdin—

When you communicated with the Federal Government, through whom was the communication sent?—The Minister would make the communication.

The whole of the communications would go through the Minister?—They would go from the Minister to the Commonwealth.

Would the Minister be acquainted with the Federal Act?—Yes, because he is named in the Federal Act.

Should not he have known when these roads were being discussed that it would be necessary to obtain Federal approval?—He probably would know.

It is a rather remarkable thing that he waited until the 22nd February before communicating with the Federal authorities?—The Minister, no doubt, would rely on the Main Roads Board, as the road-constructing authority, to put forward whatever was necessary under the Act. That is the ordinary official administration. If the Minister in any Government department attempted to remember every section of an Act and meet all the requirements, he would soon be flustered. He depends on his responsible officers to advise him. Having been reminded, he would write his own letter.

By Hon. H. Stewart: You say that the board, in the ordinary course, would advise the Minister?—Yes.

You are the member charged with the administrative responsibility under the Act?—Yes.

Really you should be the Minister's right-hand man in making recommendations regarding the administration of Acts having a bearing on the work?—Yes.

Can you explain how it came to pass that you were quite ignorant of these proposals?—I was aware that certain works were put in hand, but as to whether the formalities and preliminaries had been put in train, I cannot say. I cannot explain why.

That evidence is given by the board's administrative officer. I presume the same thing could take place now. Certainly the evidence shows that the board were not then carrying out the functions intended by Parliament. On that aspect I refer hon. members to Clause 6 of the Bill, which proposes to amend Section 21 of the principal Act, dealing with main roads. Section 21 provides—

The Governor may on his own initiative or on the recommendation of the board declare any road to be a developmental road for the purposes of this Act, and authorise and empower the board to lay out and provide any such developmental road.

After the principal Act had passed this Chamber, it came back with an amendment from another place. The amendment was to alter the word "Governor" to "Minister." The Government's attitude was that it was unthinkable the Main Roads Board should be able to hold up the Government when they wanted to develop new country, that it was unthinkable the board should be in a position to refuse a recommendation for the construction of a developmental road where the Government wanted it to be constructed. At a conference it was decided that the word should be "Governor." The Government made the refusal of that amendment a vital point. Eventually the managers came back and reported that "Governor" had been inserted in lieu of "Minister." However, the words "on his own initiative" were retained. In Committee I shall test the feeling of hon. members by moving that those words be struck out. Had they not been inserted, certain roads which were begun without prior application to the Federal authorities could not have been undertaken unless the board had first authorised them. It would do what this House intended should be done, it would give the board the power to see that roads were constructed where needed. It is unthinkable that any board, or say the Railway Commissioner, or the Conservator of Forests, would take up the attitude of refusing to the Government a work that was really justified. The other amendment, Clause 4, which proposes to wipe out the proviso to Section 17 of the Act, is simply clarifying the position. At present the board have to obtain from the Minister permission to let a contract exceeding £1,000. So at present they have the power, without the authority of the Minister, to let contracts for road and other work really without limitation. It seems the putting in of the proviso did not make the position quite as clear as it should have been. Mr. Glasheen referred to the case of the Wagin Municipal Council. The information he has quoted to the House was put before the select committee of another place and is given in the report, page 46, where Mr. Stubbs, M.L.A., submitted the full information in a written statement. But the putting up of that information has been barren of result. It is a case where I think the Minister might make some suggestion which would meet the immediate difficulty

this year of the change-over of the various municipalities, whose financial year does not coincide with that of the road boards. Then there is the matter of the past allocations. I have here a letter from the Williams Road Board, who are called upon to make considerable contributions for work not actually done on main roads outside their own territory. When the estimates show that there may be quite a substantial surplus over and above the actual cost of construction and maintenance for the period covered by the Bill, I think, with this new method of operating coming in, in view of Section 30 of the Act the previous allocations might well be waived. The attitude of the Williams Road Board will be seen in this letter I have received from them—

I have to advise that my board are very much opposed to the payment of charges levied on boards for the last two years. The history of the workings of the Main Roads Act in regard to finances is now well known. The first apportionment of charges was very unfair to the country boards, and the second (when the metropolitan payments were raised to 20 per cent.) was not much better. Under the present proposal to pay $22\frac{1}{2}$ per cent. of the licenses into a main roads trust account, the metropolitan bodies will be contributing much more than they were required to do under the first scheme, and the adoption of this new basis goes to show that the old scheme was very unjust and unworkable. The proposal at present to wipe off one year's charges is an admission of fault, and if not for the above reasons at any rate for the following reason all charges up to date should be written off. The framers of the first basis of charges must, at the time they went into the matter, have had in mind the fact that a board (say, one whose debt was 5 per cent. of the total) must at some time during the period of ten years have had considerable money spent in its district to which other bodies were going to contribute 95 per cent. of the total. But when that term is cut short at a time when most of the construction work to date has been done in the metropolitan area, and to which the country boards are to contribute 80 per cent., the position then becomes unfair. To quote a case in point:—For 1926 £12,515 was spent in the Armadale district, and £539 in Williams. Armadale is debited with £435 and Williams £984 for their share of costs of construction works on the Perth-Albany road. Similar comparison applies to the Gosnells district. The proposal to wipe off the first year's costs only leaves Armadale Board with £25,000 of work done towards which they will only pay £435. The Williams board, with only £387 work done in their district, will be asked to pay £984. Other anomalies could be quoted showing the unfairness of dropping one and

retaining the other charge, in a scheme which was compiled to fit into a ten-year operation, but which, after a two-year trial, proved to be unsuitable. My board ask you to endeavour to get an amendment to the present amending Bill, so that all charges due under the Main Roads Act be written off. This is in effect the resolution which was passed at the Great Southern Conference recently held at Katanning.

Then there is the proposed deletion of Section 30 of the Act, which in spirit is excellent. I take it, no really serious attempt has been made to render it efficient. Even the road boards have not been told that the figures which the chairman of the Main Roads Board put before the select committee show that over a 30-year period it would take only 80 per cent. of the traffic fees, as they were 12 months ago, to pay the whole of the requirements for that 30-year period. Had the local authorities been told that, and had traffic census been taken at suitable times and places, and an attempt made for an efficient, scientific interpretation of the spirit of the Act not only I, but others, believe that a more equitable result would have been arrived at than by this compromise. But this appeals to the people, for they know they will not have to pay in construction and maintenance charges to the end of 1936 more than the amount stipulated in the Bill. The position, as is shown by the letter I have just read out from the Williams Road Board, if this is carried on is certainly a hardship and it cannot be provided for legislatively; indeed it cannot be done except by the Main Roads Board rebating some of their charges to certain local authorities, or by the Government foregoing the whole of the second allocation, which I think they could do in view of the revenue they are going to receive under the proposed amendment. And as this appeals to the people and to the Government, and as it is simple, there is no reason why it should not be put into operation. What will happen after 1936 will be matter for another arrangement. Certainly the effect has been that as a better attempt was made in the second allocation of Main Roads Board costs, there was a proportionately greater increase in satisfaction expressed by the local authorities. But this proposed amendment is not viewed with satisfaction by all the local authorities. Early in September a Great Southern road board conference was held at Katanning to consider this. No fewer than 15 roads boards were

represented, practically the whole of the Great Southern from Pingelly south, together with some of those to the eastward. That conference unanimously carried this resolution:—

That until such time as the construction and maintenance of main roads is a charge on Federal and State Governments, this conference does not accept the recommendation of the Road Boards Association regarding payment of 25 per cent. traffic registration fees, but in the event of having to provide funds from traffic fees, a sum not exceeding 25 per cent. shall be collected on motor vehicles and trucks, and 10 per cent. on motor trucks used by farmers for conveying their own produce to and from farms, and that cart and carriage licenses remain the property of the board.

That this may not seem parochial for a body such as that to have carried, I want to point out that in those road board areas in the far east, where in some instances the roads are not made, motor trucks are being used for what other people carry by rail, namely, the farmers' produce. It would be a heavy burden to place on the local authorities who are working under most disadvantageous conditions to provide roads in the outback places. A reduction of the percentage of license fees to be paid could be justified on the ground that the revenue is necessary to local authorities to finance the work of making new tracks for those destroyed by the heavy traffic. The new boards obtain very little revenue from their rating of the land because the settlers are not in a position to pay road board taxes. On the motion of the Kojonup Road Board it was resolved, "That conference favours the imposition of a petrol tax as the most equitable basis of financing the Main Roads Board. That the construction and maintenance of all main roads be a charge on the Federal and State Governments." When speaking on the first resolution, I omitted to state that no proportion of the revenue from cart and carriage licenses should be included in the deduction. That is purely domestic traffic and the revenue from it is required to maintain the local roads. It is the heavy motor traffic that plays up with the main roads and also with the developmental roads. Not only in the Great Southern has opposition been offered to this method of financing the Main Roads Board. A wheatbelt conference was held at Wyalcatchem on the 31st August, the heading of the Press report being, "Unanimous objection to Government's proposal; traffic census suggested." Among the

resolutions carried was the following.—"That a resolution be forwarded to the Road Boards Association to the effect that this conference passes a vote of censure and want of confidence in the executive of the association in connection with their action in agreeing to hand over 25 per cent. of the traffic fees to the Government, contrary to the expressed opinion of the conference in 1928." The Katanning conference also voiced a similar opinion. Although this expedient of taking a certain proportion of the traffic fees is a temporary solution of the difficulty, it is not marked by a spirit of equity. There will be anomalies and hardships. Mr. Glasheen has mentioned one municipality, and I could instance outback road boards that rely largely on their motor traffic fees for their revenue and will have to pay far more than they should. Those local authorities least able to bear the burden will be called upon to contribute simply because this is an easy method of arriving at a solution suitable to a majority of the local authorities that would be better able to meet the position under the system of allocations. If we could only get the Government and the local authorities to work in harmony, it would be realised what a heavy burden the outback districts are being asked to carry. I do not hold with the talk that outback boards would be rendered bankrupt, because no Government could persist in any scheme that would have the effect of crippling local authorities financially. I support the second reading, reserving to myself the right to move amendments in Committee.

On motion by Hon. C. F. Baxter, debate adjourned.

MENTAL DEFICIENCY BILL—SELECT COMMITTEE.

Attendance of Member.

Message from the Assembly received and read desiring the Council to grant leave to the Hon. A. J. H. Saw, M.L.C., to give evidence before the select committee on the Mental Deficiency Bill if he thought fit.

The CHIEF SECRETARY: I move—

That this House authorises the Hon. A. J. H. Saw, M.L.C., to attend if he thinks fit the Select Committee of the Legislative Assembly on the Mental Deficiency Bill.

Question put and passed.

BILLS (2)—FIRST READING.

1, Fair Rents.

2, Royal Agricultural Society Act Amendment.

Received from the Assembly.

BILL—EASTER.

Returned from the Assembly without amendment.

BILL—MINES REGULATION ACT AMENDMENT.*Second Reading.*

Debate resumed from the 18th September.

HON. E. H. HARRIS (North-East; [5.56]: If the employers were not patriotic enough to employ men of their own nationality and if it were necessary to legislate to protect such men in employment, I think we should add a further slogan to the popular one, "Wherever you trade, buy British made," such as, "Do not be a shirker; employ the British worker." That would be appropriate and it should apply to the State Government as well as to private employers.

Hon. J. J. Holmes: You do not suggest that the State Government employ shirkers, do you?

Hon. E. H. HARRIS: The mining companies say that all things being equal, they give preference to Britishers. The Minister for Mines, when moving the second reading of the Bill in another place, said that under-managers had instructions in that direction, but the Honorary Minister in this House denied the statement that preference is given to Britishers. On the goldfields is a Way and Works Department of the Government Railways whose supplies are obtained through the Government Tender Board. Amongst the articles supplied are enamelled billycans and dessert and tea spoons, which are stamped "Made in Germany." Recently this matter was brought under the notice of the department I believe through the Returned Soldiers' Association of Boulder, and the department said it was the policy to give preference to Australian or British material in all instances where the conditions were equal. Thus the department put themselves on exactly the same footing as the mining companies, and in fact used precisely similar words.

Hon. E. H. Gray: They want shaking up, too.

Hon. E. H. HARRIS: That is so. The subject matter of the Bill is not new. It has been before us for the past 20 years or thereabouts, and some of its history is worth relating. The present Government have been in power for 5½ years, and on the eve of an election they desire to revive it. The Honorary Minister said the Government had brought down the Bill in the interests of the people. He put that up as the reason for its introduction. I suggest to him that perhaps the Government can see a grave debacle that will take place in the not distant future, when there will be as many unemployed in Western Australia as there are in Queensland, namely 20,000. He said this measure will apply exclusively to the goldfields areas, as it applies to mining only. Naturally we ask what prompts the activities of the Government at this stage in bringing down the measure. The subject matter of the Bill has been before industrial unions for the last 20 years. I ask, is this because of any pressure brought to bear upon the Government by industrial unions in the mining areas? If so, the Honorary Minister should tell us. If not, we can assume that it has become the policy of the Government. My view is that they have set themselves out to celebrate the centenary in a political manner by introducing a series of Bills that are merely sham fights or pillow fights, in order to ingratiate themselves with the rank and file and their candidates in the forthcoming elections by leading them to believe that they are putting the boot into the foreigner. As I will endeavour to show, that is nothing of the kind. The first portion of the Bill relates to the 44 hours. In my opinion that is so much propaganda against the Legislative Council. Everyone here knows the attitude this Council has adopted when any measure has been brought before it to fix any wage, or hours of labour, over which the court itself has jurisdiction and has the necessary powers vested in it. We stipulated that under the Mines Regulation Act the maximum hours worked shall be 48 per week, and have given the court power to grant a lesser number of hours per week. In the Federal court 11 years ago and in the State court eight years ago the 44 hour week was granted to workers employed underground, because of the disabilities under which they

suffered in the mining industry. For the edification of members who are not acquainted with goldfields awards, I would point out that in the mining agreement made between mining companies and the Mining Industry branch of the Australian Workers' Union, and in the current agreement, 48 hours is provided exclusive of crib time, as a week's work for surface workers, that 44 hours constitute a week's work underground including crib time, and that six hours shall constitute a shift which is 36 hours a week, in specially wet places, and winzes, and in the case of men who are employed on the surface in scraping flues and boilers. The Honorary Minister, in introducing the Bill, suggested that everyone worked 44 hours a week. I think he said this because he was not quite au fait with the details. Clause 2 of the Bill seeks, according to him, to regulate the number of aliens who shall be employed in the mines. One alien to ten British by birth or naturalisation, may be allowed below, and one in 20 on the surface. If the principle of restricting or regulating alien labour is good in the case of the mining industry, why do not the Government show their sincerity by applying it to all other industries in the State? What virtue is there in restricting the employment of foreigners exclusively in the case of the mining industry? Underground work in mines has unanimously been declared to be one of the worst from the point of view of health and accident that it is possible to find. It is an occupation that has shattered the strongest of constitutions. Men who have gone to work in the industry have left it physical wrecks, and many have ended their days gasping for breath in the Wooroloo Sanatorium. During the debate on the Workers' Compensation Act in another place and in this Chamber, consideration was given to compensation for those who might be affected, and almost every member who spoke referred to the dread disease of miners' phthisis and the effect it had upon those employed in mining. They were impressed to the extent that they decided these men were entitled to compensation. When the Miners' Phthisis Act was about to be put into operation the insurance companies considered that the risk involved in that class of work was so great that they definitely declined to transact

the business. Arising out of that, a State insurance department was illegally constituted. This Bill provides even if it means the closing down of mines or the industry itself for that matter, that the men who are not naturalised shall be prohibited from working in the mines in the most unhealthy occupation known in the State. Mr. Williams quoted the whole of the report that is embodied in the mines report of this year showing the percentage of men affected by the disease, and stressed the very point that this is one of the worst industries a man can work in from a health point of view.

Hon. W. T. Glasheen: He said it was a rotten industry.

Hon. E. H. HARRIS: I think he said it was the lowest occupation a white man could find. I do not know if he meant that from the point of view of degradation, but I judge he meant it from that point of view because of the remarks he made at the time. This is how the workers' Government have looked after the interests of the Britisher. They say that only one man in ten of the aliens shall work in this industry, which makes wrecks of those engaged in it; but they do not limit the number in any other industry in the State. In other words, they decree that in 90 per cent. of this class of work the worst shall be reserved for the Britishers, thereby protecting the aliens from contracting miners' disease. By force of circumstances the Australian may be compelled to accept employment in an industry that is declared to be injurious to his health, whilst the despised alien will, by Act of Parliament, work in God's fresh air, because he will not be allowed to work down below. In practice the Bill provides that men of foreign extraction shall become naturalised before they can be employed in this industry. It follows that a number of men will be taken out of underground work, and will seek employment in other avenues. Mr. Williams spoke of the native-born, the young man who lived in Boulder, whom he suggests will be able to take the places of those who leave their work. I suggest that this may be expressed in another way. Scores of applications for naturalisation have been lodged since the Bill was brought down in another place. It is hardly possible to open the newspaper without seeing the advertisement of men

who lived in the country as long as 26 years applying for naturalisation papers in order that they may retain their employment, or may make themselves eligible to work in the mines to take the place of those, who will be discharged if they have not lived here for the necessary five years and have not become naturalised. The Honorary Minister said he had nothing against the alien as a worker, and that he was a most estimable citizen. There is an easy, if a very drastic method, whereby we can exclude aliens from the mines, if the Government want to get rid of them, without bothering about naturalisation. All they will have to do will be to provide in the Workers' Compensation Act that double the premium shall be paid on any man who is not a British subject. They could put that policy into operation at once.

Hon. A. Lovekin: I do not think that could be done.

Hon. E. H. HARRIS: If necessary, the premiums could be fixed by the insurance companies, just as has been done in the case of the timber workers. I think they said the premium was not enough, so they increased it considerably. If the rates were increased, all that the Government would have to do, if they are controlling the third schedule of the Workers' Compensation Act, would be to make the premium sufficiently high in the case of aliens.

Hon. A. Lovekin: I do not think we could differentiate between people who are domiciled in the same country.

Hon. E. H. HARRIS: If so, that bears out the statement that it is questionable whether this Bill could constitutionally be put into operation. I have a vivid recollection of a very ardent Labour councillor in Boulder who, some 20 years ago, decided that a number of widows in the town could very well do all the laundry work for the local citizens. He wanted to make a clean sweep of the Japanese laundries, but they are still in existence.

Hon. J. Cornell: And he has come back from Geneva.

Hon. E. H. HARRIS: Yes, where he has been representing the proletariat of Australia. The Government would thus be able to live up to their promise to make sure of the Britisher finding work. I suggest that the men would change from one avocation to the other. The foreigner who has been here the necessary time would

seek employment in the place of those who had been discharged. He would be a British subject and would be entitled to this work. There is no complaint about the man who is naturalised. The Government put him on the same plane as they do the others. There is another way to get necessary protection for the workers.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. H. HARRIS: Continuing my remarks concerning the means by which the Government could achieve their purpose to minimise the number of aliens to be employed in the mining industry, I have pointed out that it could be done by the Government, when insuring men under the Third Schedule, imposing double rates for aliens. There is another method and that is in connection with industrial unions, through applications to the court. Section 84 of the Industrial Arbitration Act 1912-25 prescribes that the court may fix the minimum wages and regulation of industries, together with the employment of members of unions. Under that section if an application were made to the court, it could give preference, if it thought fit, to Britishers, aliens or members of organisations, particularly to the last-mentioned, which has been done in the past, a matter to which I shall refer again. The Bill will not prohibit migration to the country, but will compel men who come here, to work for five years at other vocations before they can engage in mining operations. If aliens are hounded out of the mining industry, they cannot be deported easily, and we have no desire that they shall become a burden on the Charities Department. The aliens will naturally seek employment in other walks of life, and for each alien that succeeds, in all probability another Britisher will be deprived of his employment. I should think it would be well that the Britishers should be deprived, in many instances, of employment in the mining industry.

Hon. W. T. Glasheen: Because of the unhealthy conditions?

Hon. E. H. HARRIS: That is my point. It is unhealthy work and if Britishers are to be deprived of any form of employment, I think it could well be that in which they are engaged in the mines. Under the Bill we could not limit employment of Greeks in fish shops or Chinese in laundries. I

remember the storm that arose some time ago regarding the number of aliens in the mines. On that occasion a number of them were driven out. They did not leave the country. Some of them took up land and to-day are amongst the most successful farmers producing grain for food that the Britishers engaged in secondary industries may eat and live. The aliens will do that sort of thing again. Reference has been made to the inefficiency of the management of some of our mines. Mr. Williams stressed that point. Some time back the Government were so impressed with the desirability of something being done that they appointed Mr. Kingsley Thomas as a Royal Commissioner to investigate the mining industry. In due course he submitted his report and since then, the suggestion has been advanced by several hon. members, and others interested in the mining industry, that it was desirable for some new blood to be introduced into our mining industry. I understand that quite recently the company operating at Wiluna appointed Mr. Prior as the new manager, while Mr. Thorne has been appointed to succeed Mr. Vail as superintendent of the Lake View and Star gold mine. I understand that both those gentlemen are aliens; they are Americans! They are allowed to manage big mines to-day, but if the Bill be agreed to, it will not be possible to get an American to manage any of the smaller mines, because we will not allow more than one alien in every 20 Britishers to be employed on the surface. If there were 18 Britishers employed on the surface, it would not be possible for the company to employ an alien manager at all. Yet these men are said to be competent and capable, for which reason they have been able to secure engagement.

Hon. W. T. Glasheen: Do you call an American an alien?

Hon. E. H. HARRIS: Certainly; he is not a naturalised British subject, and under the provisions of the Bill, he would be excluded whether he be a mine manager or a trucker down below. There is another important phase that warrants consideration, and that is how the Bill will operate if it becomes an Act. Apparently, concurrently with the amendment of the Mines Regulation Act, we should be asked to amend the Industrial Arbitration Act. The latter Act should be amended to prohibit the enrolment of any alien in an industrial union,

for which I will advance reasons presently, and to prohibit the court from conceding a preference clause. A Bill to amend the Industrial Arbitration Act was forecasted in the Governor's speech. I suggest that that Bill be held in abeyance to be considered in conjunction with the Bill before us. I have referred to the preference clause that is embodied in industrial agreements. I called for a return the other day dealing with that point, and the Chief Secretary placed the desired return on the Table. It indicates that 30 agreements, in which preference clauses were included, have been registered in the Court of Arbitration. Those agreements include three made by the Government, one with the Wyndham Meat Works Union, and two with the Engine Drivers' Union. In addition to those, there are 27 other agreements made with 17 separate unions. In each of those agreements there is included a preference clause setting out that members of the particular union concerned shall have preference of employment in their particular vocation. I have already indicated that both Government and private agreements have been made and registered in the court. The provision of preference to members of a union gives that preference whether those unionists are Britishers or foreigners. So long as they are members of the industrial union concerned, they have the right of preference of employment irrespective of whether those seeking employment are British born or otherwise. Under that clause, aliens can demand work to the exclusion of Britishers and of native-born citizens of the State, even though those excluded may be returned soldiers who fought during the war to defend this country. By means of agreements or awards issued by the court, we provide that preference shall be granted to the members of the organisation concerned although some of them may be aliens. What will be the position that will arise if we agree to the Bill as it is before us? It will mean that Parliament will declare that only one in 10 of the members of the unions shall have the preference clause applied to him. Let me put it this way: If there were 100 members of a union that had an agreement registered with the court embodying a preference clause, and by the measure now before us Parliament declares that only one alien in 10 shall be employed, at least 10 members of that organisation affected by

this Bill will be excluded from employment. On the other hand, the award of the court would be registered and that would declare that those 10 aliens should receive preference. I want the Honorary Minister to understand clearly that that position will arise.

The Honorary Minister: Are you not a bit wrong in your figures?

Hon. E. H. HARRIS: No. Those 10 aliens would have the same right as the 90, under the provisions of the award. On the other hand, the Bill, if agreed to, would declare that preference could be enjoyed by only 90 of the members. Thus there would be a conflict between the Act and the award of the court. In the mining industry the industrial unions concerned cater for all forms of employment concerned. In the A.W.U. wages logs for 1924 and 1926, preference to members of the organisation was requested, irrespective of whether they were aliens or could speak English. That is an important point, because we know there are many men employed in the mines who belong to the mining industries branch of the A.W.U., which organisation caters for that class of work. Once a man is enrolled as a member of that organisation, he is entitled to all the privileges of membership and can seek employment. In its wisdom the court did not concede the preference clause, but had it done so, what position would we have been in? By passing the legislation now before us, members of Parliament would have defied the decision of the court. When he was speaking to the Bill, the Honorary Minister said there were hundreds of men employed in the mines who had no proper understanding of the English language, and that on occasions those men were a real danger.

Hon. W. T. Glasheen: And they are a danger in any industry.

Hon. E. H. HARRIS: I stress the point that the Honorary Minister said there were hundreds of those men in the mining industry who did not possess a proper understanding of the English language. We will probably concede that the Minister for Mines (Mr. Munsie) would speak with some authority as the Minister controlling the Mines Department. When introducing the Bill in the Lower House, he said—

District and workmen's inspectors repeatedly applied the language test to aliens, but

only on rare occasions did they come across an individual whom they considered they could conscientiously disqualify.

There is a conflict of opinion between the two Ministers who introduced the Bill! One stated that the language test had proved satisfactory, while the other said that there were hundreds of aliens in the mines who did not possess a proper understanding of the language.

The Honorary Minister: Are there not a considerable number?

Hon. E. H. HARRIS: I think there are and I shall ask the Minister to advance substantial facts to support the statement he has made. Mr. Munsie was a member of the Legislature in 1912 and, speaking at a conference of the Miners' Union on the abuse of the language test, said "Workmen's inspectors should have power to sue for breaches." And it is claimed even to-day that the power vested in the inspector should be passed on likewise to the workmen's inspector engaged in that industry. As he held those opinions as far back as 1912, and workmen's inspectors being in existence, I submit he would be the man qualified to sit with the inspector when the tests are made regarding those employed in the industry. If the tests are not applied, then the workmen's inspector could be charged with a dereliction of duty in the event of a man being found engaged who was not able to speak the language. I have placed on the Notice Paper an amendment the object of which will be to tighten up the language test. I suggest that in lieu of what exists in the Act, we should provide that no person should be employed underground in any mine unless he was able to speak the English language intelligibly, and read it whether printed or written. The latter words are taken from a section of the parent Act. For many years past the unions have been complaining that that section was loosely worded, and therefore I have suggested that when the Bill now before us is in Committee we may take the opportunity to amend it along the lines I propose. The Bill has an application to the mining industry; therefore let us tighten up the sections that are already in existence. Power is asked to exclude aliens, but the Minister who makes the agreement or a private employer, or even by order of the court, preference can be given to Britishers. The alien unionists—and the Minister has told us there are

hundreds of them unable to speak the English language—came to this country and the first words they learnt were "Choppa da wood" "Kurrawang" and "Lake View." Now the first words they learn are "A.W.U." and "Trades Hall." Previously also amongst the first words with which they became familiar were the names of the mines they intended to work on. The union people instruct them and do not allow them to obtain work until they produce a ticket. After having got the ticket these men have to subscribe to the union and later they must subscribe to the "Worker" newspaper even though they are not able to read a word of English. There is no preference clause. If the preference claim of the A.W.U. had been granted, an alien would have had preference over a non-union Britisher, even a returned soldier. I want members to realise that if we amend the existing Act along the lines indicated, it will also be necessary to amend the Industrial Arbitration Act. It is not a fair thing, by an Act of Parliament, to say that an alien shall not be employed in the gold-mining industry until he has been here five years, in other words, until he has been naturalised.

The Hon. Minister: The Bill does not say that.

Hon. E. H. HARRIS: It does say that. I will read the clause—

Persons other than British subjects shall not be employed in any mine underground working in any greater proportion than one of such persons to 10 British subjects, or on the surface in any greater proportion than one of such persons to 20 British subjects.

I say that this will apply to everyone and the Unions will take contributions from all and one poor beggar will not get work. His money will be taken and he will be made a member of the organisation, which will entitle him to employment, but unless he is naturalised he should not be asked to join an industrial union.

The Hon. Minister: Why will the hon. member misrepresent what is in the Bill?

Hon. E. H. HARRIS: I am not misrepresenting anything. When the Southern Europeans, whom it is desired to exclude and who, as far as numbers go, are numerous in this State, become class-conscious, they will form unions of their own and agreements will be entered into with employers in which agreements preference will be given to members of that union only.

In such circumstances I ask hon. members where would the Britisher be? Even in this State unions have gone on strike to enforce compulsory preference to unionists. If they will go as far as to demand such compulsory preference, they can go a little further. What kind of a conflict shall we have then? The cry about the aliens, to my knowledge dates back some 20 years. I have before me a copy of the Australian Labour Federation, West Australian Division, which held a gathering in Bunbury in 1910. Even in those days the alien subject was a burning question. There is a notice in the document I have that Sub-section 4 of Section 42 of the Mines Regulation Act be amended to provide that a representative of the mining union be present when the language test is being applied to aliens employed underground. It was also urged at the same time that members of Parliament should be requested to secure an amendment of the law to provide that 10 Britishers be employed to every Italian or Austrian. This dates back to 1910. It is good to revive memories sometimes. Unionists and the public have been hoodwinked ever since. The matter has been brought up from time to time and now is the time for the Government to redeem themselves in the eyes of the industrialists of the State. Shortly afterwards, in 1912, a conference of miners' unions was held in Kalgoorlie and the matter was again discussed there. Arising out of that a special meeting of the ratepayers of Kalgoorlie was called by requisition. That took place on the 8th June, 1912. The requisition of citizens complained about the number of aliens employed in the mining industry. During a recent week-end in Kalgoorlie I spent some time in searching the old files of the "Kalgoorlie Miner" and I came across a report of that meeting. The meeting turned out to be what might be commonly described as a dud. The report stated that the men who were mostly affected, those who were unable to obtain work, were present. To quote the words of the "Miner," "The remarkable thing was that no member of the industrial unions concerned was present at the meeting." That fact was commented upon by the chairman of the meeting, and subsequently a resolution was moved by Mr. McClintock, who expressed regret at the absence of the industrial leaders. The effect of the resolution was that the Government be urged to amend the Act to provide for the limiting

of aliens to the extent of one to every ten Britishers.

Hon. G. W. Miles: Who was McClintock.

Hon. E. H. HARRIS: He was a councillor in Kalgoorlie at the time and now he is a member of the licensing bench. The leaders of the industrial unions were absent from that meeting. They took the stand that the foreigners were good unionists, who paid their dues and who had the right to live. In fact they took up the attitude adopted by Mr. Lovekin. A resolution was also carried that the Government should give effect to the decision of the unionists of the goldfields, and that was attempted in the closing days of the session of 1912 when a Bill was introduced in this House. I was not a member at the time, but Mr. Cornell was. The Bill provided for the abolition of contract, the abolition of night shift, a reduction from 48 to 44 hours, the provision of certificates of competency to mine managers, foremen and mine surveyors, and the limitation of aliens to one to every ten Britishers by birth or naturalisation. That Bill went out in quick style. It was the last night of the session; the Bill was introduced in the early part of the evening and it went out during that sitting which terminated before breakfast.

Hon. J. Cornell: What happened in 1913?

Hon. E. H. HARRIS: I shall not miss anything. In 1913 the Government introduced a measure and again it failed to pass through this Chamber. Even in those days the gentleman now holding the position of Minister for Mines described mining as the most dangerous and most unhealthy occupation in the State, and he went on to say that in some mines there were employed 70 to 80 per cent. of aliens. He also said that workmen's inspectors should have power to sue companies for breaches of the Mines Regulation Act. I wonder that the Minister has not made an attempt to do so since he has been in power. The Honorary Minister in introducing the measure said that 50 per cent. of the alien migrants to the Commonwealth were located in Western Australia. This I questioned by interjecting, "Can you substantiate that statement by statistics?" The Honorary Minister replied, "Yes, I will do so later." Apparently he overlooked the matter. I do hope that in replying he will bring forward something further than the mere statement that 50 per cent. of the alien migrants com-

ing to the Commonwealth are in Western Australia. It is true that in later years quite a large section of aliens were employed on the sugar plantations of Queensland. I believe that owing to lack of employment there, they came to the conclusion that there was more "sugar" in Western Australia, and accordingly migrated to this State to compete with our own workers. The Honorary Minister also introduced by way of illustration some legislation passed in England prohibiting alien musicians from displacing local or British labour. I do not know that that is any parallel with the mining industry. It does not affect the musicians in Western Australia, who might be affected by alien musicians coming here. A possible exception would be the man swinging the banjo down below.

The Honorary Minister: I did not quote musicians only.

Hon. E. H. HARRIS: No. I noted that point.

The Honorary Minister: The hon. member might be fair and give the whole statement.

Hon. E. H. HARRIS: It is rather long, but its import was that Great Britain precluded alien musicians from being brought in to displace Britishers.

The Honorary Minister: In all industries.

Hon. E. H. HARRIS: The Honorary Minister might take a leaf out of the British book and do the same thing here. If it is a good argument that the Britisher in the mining industry should be protected by limiting the number of aliens who may be employed in that industry, the principle might be applied to other vocations. Now I wish to refer to the Bill, which provides that 10 per cent. shall be the limit of aliens employed below, and 20 per cent. the limit on the surface. Why differentiate in that industry between below and the surface? I wish to ask the Honorary Minister a few questions, which I hope he will be good enough to answer later. What is the meaning of the 10 per cent.? Is it by the day, by the week, or the average for the month or for the year? The Bill refers to mines. When I look up the definition of "mine" in the Mines Regulation Act, I find that it means a place within a mining district where any operation for the purpose of obtaining any metal or mineral has been or is being carried on, or where the products of any such place are being treated or dealt with.

"Mine" means a place, and we know the meaning of "place" when we get into a place and do a little illegal betting. Will the Honorary Minister tell us whether the 10 per cent. is on the average number employed? There might be ten men employed this week, or fifty, or 500, according to the happenings on the mine. Does the 10 per cent. cover a group of mines? For instance, if the Great Boulder Co. have a mine at Norseman and another mine at Cue, will the 10 per cent. be on each of the respective leases of the mine or would it cover the whole mine? Does the 10 per cent. cover a group of mines, that is to say each mine as it stands, or does it cover each respective lease? The mining companies are anxious to know these things. The Gwalia mine at Leonora, for example, is differently situated from the mines at Kalgoorlie, which draw their wood supplies from Kurrawang, which place has nothing to do with the mines. In the mining district of Leonora a mining company has a tramway from the mine to the area where it cuts its own wood. A number of aliens, whether naturalised or not I cannot say, are engaged there. Would the wood-cutting be deemed to be part of the mine? Would the 20 per cent. apply to the woodline in the Leonora district? It does not apply at Kurrawang. Again, take tributers. My reading of the definition of "mine" as a layman is that it covers the whole of the men working in the industry. What of the tributers? They have an arrangement with the company for six months, with perhaps the right of renewal for another six months. They are not employed by the company, but work in the industry for themselves. They pay tribute to the company in proportion to the gold they win. Is the one in ten to apply to the tributers as well as to workers for the companies? We have had here a Bill to amend the Licensing Act, which provided that if a hotel is closed there shall be compensation for the licensee and for the owner. Another Bill, aimed at the closing of certain hospitals, did not suggest that compensation should be paid in the event of a hospital being shut down. Say a tributer has a tribute worth 10 ounces to the ton. He asks, "Am I to be prohibited from working my tribute? Am I to forfeit this good thing to the company or not?" Further, there is the contractor who may be in the position of a tributer. Does the definition cover him also? Some time ago I asked a series of questions

to which the department have not yet been able to furnish replies—the total number of men employed in the mining industry; the number of them that are Southern Europeans; how many of the Southern Europeans are naturalised; how many of them are not naturalised; what are the respective percentages of naturalised and not naturalised Southern Europeans to the total number of men employed? I quote those questions because my object in asking them was to ascertain the exact number of men employed in the industry and the percentage of not naturalised workers, so that we might form a rough idea as to how many men would be excluded from the mining industry if the Bill should pass. The information is important, because the Minister for Mines in another place quoted a long list of figures from various mines, without, however, quoting the names of the mines. According to a paragraph published in the "Worker," a fairly reliable journal, 1,730 Britishers and 487 aliens are employed on a certain number of mines. I think the Honorary Minister said that about 250 or 270 men might be shut out, and he suggested Wiluna as an avenue of surplus labour to absorb them. In another place the Minister for Mines said that in view of the prospect of 400 or 500 men being employed at Wiluna, it was only fair to the State that action should be taken along the lines of the Bill. He also said that the Bill would not come into operation straight away. When is it proposed to proclaim the measure if it should be passed? If this is political propaganda, as I suggested at the outset of my speech, I presume the Government will proclaim the measure and put it into operation about a month before the election takes place. When the election is over, it will be discovered that the measure has not had the desired effect. Every man engaged in the mining industry now, provided he has been in it long enough, is enrolled. The men working on the woodlines are similarly becoming registered. I feel confident that if some of those men who have been brought here by their compatriots, probably relations, and are working in the industry are removed from it, it will be just a matter of exchanging places, and we shall discover that the Britisher who, it is alleged, will have the benefit of this employment is going to find that the position has not been alleviated for him one iota, that the same number of aliens will

be employed but will go from one calling to another.

Hon. A. Lovekin: We must let them live while they are in the country.

Hon. E. H. HARRIS: If we do not allow them to work in the worst industry we have, they will leave it for the best, becoming primary producers and producing food for the man who has been unfortunate enough, as I think, to be obliged to work in the mining industry. Perhaps, if the aliens get a taste of working on the land, they may be driven completely out of the mining industry, which will then be left entirely to the Britishers. I support the second reading of the Bill, and shall attempt to secure a small amendment or two in the Committee stage.

HON. E. H. H. HALL (Central) [8.15]: Having been circularised by the A.N.A. asking for my vote for the Bill, I do not intend to register that vote without giving my reasons for it. I have lived on the gold-fields, and although it was many years ago, even then we had a large number of Southern Europeans sending their money out of the country through the post office. I listened to Mr. Williams the other night and thought he made out a good case. He appealed to members on humanitarian grounds, and in every way it seemed to me he made out a good case. He was followed by Mr. Cornell, a member with a very long record in the legislative halls of this country, one whose opinion is entitled to some respect. Mr. Cornell remarked the other evening that he was sick and tired of listening to me. Just the same it is my duty to listen to arguments for and against every subject and to try to arrive at a correct decision. It is not for me to get tired; it is for me to try to arrive at a correct judgment. But when I find arguments put up such as were used by the hon. gentleman, it seems to me very difficult to follow them. Mr. Cornell, speaking of the Arbitration Court, gave us to understand that this Parliament previously had interfered with the hours of work.

Hon. E. H. Harris: I do not think he said that.

Hon. E. H. H. HALL: I have it written down here. I think I am right in saying that Mr. Cornell told the Chamber that Parliament had previously interfered with the hours of work. As a new member, one not expected to have any great idea of logic

or reasoning, I want to know if because the House has been misled on some past occasion it is any justification for our being again led away into a very dangerous practice. Long before I entered the Chamber, I in common with older and more experienced men, had given up a great deal of time to the study of arbitration. I am a firm believer in arbitration, and I think when members of Parliament to whom we younger members look for a lead suggest that Parliament should interfere with these matters which have been exclusively assigned to the Arbitration Court—

Hon. J. Cornell: I never suggested it. What I said was that we had interfered on a previous occasion.

Hon. E. H. H. HALL: I think the hon. member said that as we had interfered on a previous occasion he saw no very good reason why we should not interfere again.

Hon. A. Lovekin: Since then this House has laid it down that we shall not interfere with the Arbitration Court.

Hon. E. H. H. HALL: Then why should we have this suggestion from Mr. Cornell that we might well interfere with it again? It is very dangerous that this kind of thing should be brought into the political arena. It was decided years ago that all these matters should be left to the Arbitration Court. I shall always voice my opinion here, irrespective of whether it pleases. I must do it. I am not claiming any credit for it, but I must get up in my place and say what I think is right. It is not my desire to lecture members, but I think I should be allowed to voice my opinion as courteously as I can. Mr. Williams the other night pleaded very earnestly that we should give our own young fellows a chance. I asked myself what sort of a chance I should be given if I were to go to the countries of some of the foreigners in our midst. Mr. Williams pleaded so forcibly that I thought it was only right that my own fellow Australians should get a chance to earn a livelihood. I interjected that if this occupation was one of the worst, why condemn our young fellows to almost certain deaths in it? We have had it from Mr. Cornell also that in this regard prevention is better than cure. It is only right that we should try to compensate those men for the injuries they have suffered in following up the industry that has meant so much to Western Australia. But it is far more important

that we should save them from such injury. We had it from Mr. Cornell without any heat the other evening. After his years of experience of Parliament and in the mining industry, and knowing what the industry has meant to this country, he sized it all up and asked was the industry worth while. I wondered how the hon. member had brought himself to vote to spend the taxpayers' money in opening up the latest gold mine at Wiluna, if he really believed that mining is the worst industry in which men can earn a living.

Hon. J. Cornell: I have always advocated improving the working conditions of the miners.

Hon. E. H. H. HALL: Yes, long before I came to the Chamber the hon. member's name was familiar to me as that of one who had tried to do good work in that respect. But, as Mr. Holmes interjected the other night, other members have the right to look for a lead in the way of prevention instead of cure from those members connected with the industry.

Hon. J. Cornell: I have got so far out of it, that I cannot be seen now.

Hon. E. H. H. HALL: That is about all I want to say at present. It does not appeal to me that we should condemn the young men of Boulder and Kalgoorlie to employment in an occupation in which almost certainly they will become diseased. Mr. Harris to-night has made several points that appeal to me. I am very loth to condemn my fellow Australians to go underground to the bowels of the earth and so render themselves liable to end their days in Wooroloo. I am always ready to give credit where credit is due, and I think the present Government are to be commended as being the first Government to take any decisive action in getting men away from the goldfields. So well have they succeeded in establishing miners on farms that I saw in the newspaper the other day an intimation that they are endeavouring to extend that good work.

Hon. E. H. Harris interjected.

Hon. E. H. H. HALL: Then why in the name of all that is humane, have not these fine young men of Kalgoorlie and Boulder, of whom we heard the other evening from Mr. Williams, been provided with work in the country districts? For notwith-

standing the cry of no work, there is plenty of work waiting for them there. Recently it was my pleasure to spend a week end at Wubin. The Honorary Minister also was there and met a very old friend of his in Mr. Woodhouse. For some years they were together as members of the East Fremantle Municipal Council. From Mr. Woodhouse I have it that he told the Honorary Minister that he employed foreigners on clearing work, not because they were cheap, but because they did the work well. I am sure that Mr. Woodhouse would gladly provide employment for a few of those fine, strong young fellows from Kalgoorlie and Boulder.

The Honorary Minister: Is the hon. member correct in saying that Mr. Woodhouse told me that?

Hon. E. H. H. HALL: Yes, in the presence of two others yesterday Mr. Woodhouse told me he had the Honorary Minister out there, and I heard the Honorary Minister say that he had seen the property. Mr. Woodhouse said he was employing foreigners, not because they were cheap, but because they were doing the work well. Certainly there is work in the country districts, and I think it would be worth while if the Government made a more determined effort to save these young men of Kalgoorlie and Boulder, these fine young Australians, by getting them away from the mining industry which means, if not sure and certain death, at all events a very serious decline in health. Now we have had the Minister for Railways turning the first sod or laying the first sleeper of the Wiluna railway, and saying what a great thing it is going to be if we can successfully open up and develop the Wiluna mines. The Government, after many years experience of this question, are endeavouring to get Parliament to approve of something that should be left in the hands of those appointed to deal with these things, namely the Arbitration Court. The only man to whom I am prepared to give preference is the man who went away and fought for us and in consequence suffered physical disability. Next to him, preference should be given to the married man with a wife and children dependent on him.

On motion by Hon. H. Seddon, debate adjourned.

**BILL—TRANSFER OF LAND ACT
AMENDMENT (No. 1).**

In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 133:

The CHIEF SECRETARY: I move an amendment—

That the following proviso be added to Sub-clause 1:—“Provided that the Registrar shall give such notice of intention to register the transfer, at the cost of the transferee, and cause the same to be published, as in the case of the production of a duplicate certificate being dispensed with under Section 74.”

Mr. Nicholson placed a number of other amendments on the Notice Paper that were not antagonistic to the Bill, and has decided to withdraw them pending the introduction of a measure specially to deal with them. Although the amendment I am moving does not meet in full the objections raised by Mr. Seddon on the second reading, it could not go further without destroying some of the important principles in the original Act of 1893. The hon. member contended that if this Bill passed in its present form and a sale took place through a warrant of execution, it might happen that the holder of the duplicate certificate would raise money upon it, and consequently the lender of the money would be defrauded. Even now such a lender would not be protected as against a writ of fieri facias, as he should first search to ensure that the land is free from all encumbrances, and then protect himself by lodging a caveat. After the commencement of this measure no unregistered instrument, document or writing and no equitable mortgage or charge by depositor otherwise without writing affecting any land, lease, sub-lease, mortgage, annuity or other charge shall prevail against a sale by the sheriff under a writ of fieri facias unless a caveat in respect of such unregistered instrument, document or writing or equitable mortgage or charge shall have been lodged with the Registrar in pursuance of the provisions of Section 137 of the Act or the similar provisions of the Transfer of Land Act, 1874, before the service of the copy of the writ of fieri facias on the Registrar, but in the event of

absence of a caveat all the estate and interest in the land, lease, mortgage or charge, as well of the judgment debtor as of his unregistered purchaser, transferee, mortgagee or other person claiming through or under him, shall be extinguished and shall pass to the purchaser by virtue of a transfer under this provision. Upon production to the Commissioner of sufficient evidence of the satisfaction of any writ, a copy whereof shall have been served as aforesaid, he shall direct an entry to be made in the register book of a memorandum to that effect, and on such entry having been made, the writ shall be deemed to be satisfied. Section 133 definitely provides that no unregistered instrument or mortgage or charge on land, whether by deposit or otherwise, shall prevail against the sale of the sheriff unless a caveat has been lodged with the Registrar in accordance with the Act before the writ of fieri facias has been served on the Registrar. In the absence of such a caveat the Registrar, without regard to any secret dealings with the land that may have taken place, must transfer the land to the person who purchased it at the sale held under the writ of fieri facias. Hence, any sale of land, or any mortgage of land, is invalid as against a sale under a writ of fieri facias unless it has been registered or unless the person buying the land, or taking a mortgage over it, has registered the transaction or lodged a caveat against any dealing in the land. So the purchaser does get a title to a certain extent, but he cannot get a full title until the duplicate is produced, and it cannot be produced if the man against whom the warrant of execution was issued cleared to one of the other States and took the title with him.

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

Title—agreed to.

Bill reported with an amenduement.

House adjourned at 8.39 p.m.