

prospect of a shack, involving an interest debt round the owner-tenant's neck. Therefore I hope the hon. member will not accuse the Government of turning down a practical proposal put up by him to us whereby unemployed or partially employed men can own their homes. That is an illusion, and no one knows it better than the hon. member. Therefore I must oppose the motion. I have spoken to it in order to demonstrate what is being done by the Government in a practical way to provide homes in the various grades I have mentioned. Our objective has been to meet the financial possibilities of the workers, whether they are fully or partially employed. In common with others, I regret very much the difficulties confronting those who are struggling, particularly those who are unemployed, to secure a home over their heads, but I am afraid the proposal of the hon. member will not solve that problem. If someone should discover how cheaper money could be provided for the Government, effect could be given to what the hon. member desires. Under existing conditions the Government must make certain that reasonable security is available, for we have to pay for the money we obtain whether by loan or other means. As I said before, the hon. member could very well reconsider the whole question prior to placing it before members again.

On motion by Mr. Triat, debate adjourned.

*House adjourned at 9.42 p.m.*

## Legislative Assembly,

*Thursday, 14th September, 1939.*

	PAGE
Questions: War with Germany—1, Public servants' superannuation benefits; 2, Air raid precautions	627
Bills: Life Assurance Companies Act Amendment, 3a.	
Rights in Water and Irrigation Act Amendment, Com.	628
Reserves (No. 1), 2a., Com. report	630
Metropolitan Milk Act Amendment, 2a.	631
Inspection of Machinery Act Amendment, Com.	635

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

### QUESTIONS (2)—WAR WITH GERMANY.

#### *Public Servants' Superannuation Benefits.*

Mr. SHEARN asked the Premier:—1, Has the question of the rights of civil servants and others under the provisions of the Superannuation and Family Benefits Act been considered in relation to those who may serve with the military forces? 2, If so, what action has been or will be taken to protect their rights?

The DEPUTY PREMIER (for the Premier) replied: 1 and 2, The matter is now under consideration.

#### *Air Raid Precautions.*

Mr. NORTH asked the Premier:—1, Does the policy governing air raid precautions emanate from Federal, State or local authorities? 2, Is any plan being worked out for the evacuation of civilians from the whole or portions of the metropolitan area? 3, What is the position regarding the stock, quality, and distribution of effective gas masks? 4, If undesirable, in the opinion of those responsible, that answers to 1, 2 and 3 be published, will the Premier make the same available to the Cottesloe Citizens and Parents' Association?

The DEPUTY PREMIER (for the Premier) replied: 1, The policy emanates from the Federal Government. The plans for A.R.P. are evolved by the State Government in co-operation with local authorities. 2, Preliminary planning for evacuation has been and is being considered by the State authorities. Actual evacuation depends

upon the direction from the Commonwealth Government, guided by conditions varying from time to time. 3, General distribution is not a necessity at the present moment. Those available in the State are being used for training. Meanwhile the matter of stocks and standards is the subject of active correspondence with the Commonwealth Government. 4, Answered by 1-3.

### **BILL—LIFE ASSURANCE COMPANIES ACT AMENDMENT.**

Read a third time and transmitted to the Council.

### **BILL—RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT.**

*In Committee.*

Resumed from the 12th September. Mr. Marshall in the Chair; the Minister for Water Supplies in charge of the Bill.

Clause 2—Amendment of Section 27:

The CHAIRMAN: Progress was reported on clause 2 to which Mr. Sampson had moved an amendment as follows:—

That at the end of proposed Subsection 7 the following words be added:—“Provided that the relative subsections of this section shall not become operative until a petition requesting that such shall be done and signed by a majority of the settlers on any river, stream, watercourse, lagoon, lake, swamp, or marsh is received by the Minister.”

The MINISTER FOR WATER SUPPLIES: I moved to report progress when the measure was last being considered in order to ascertain what the procedure is. I have now been informed. Subclause 5 of the proposed new Section 27 provides that, before seeking the Governor's approval of the issue of a proclamation bringing a specified watercourse, or a specified portion of the State, under Part III. of the Act the Minister must act with the advice of the commissioners. Representations would be made to the Minister and to the Irrigation Commissioners. The Minister must act on the advice of the commissioners, who are appointed under Section 3 of the Act to advise him with respect to the administration of the Act, the creation of or alterations of irrigation districts, the determination of what is irrigable land

within the meaning of the Act, and the issue of licenses to private persons to take water from watercourses in declared irrigation areas. The commissioners have so far successfully administered the present irrigation areas. The appointment of a local person to be a member of the commission is material, because he would have local knowledge. In fact, many disputes have been settled by the commissioners with the assistance of such a representative. The commissioners comprise five departmental officers and three settlers' representatives. The commissioners act in an honorary capacity, and have discharged their duties in an eminently satisfactory manner. The Act is administered by the commission. On representations being made to the department, or upon its becoming apparent to the department that consideration should be given to proclaiming any stream, the commissioners will be asked to investigate and recommend whether Part III. of the Act should be implemented. If the commissioners are in favour of the stream being brought under control, notice will be given to the local authorities and reasonable time allowed for the submission of their views. That is why I accepted the amendment of the member for Williams-Narrogin (Mr. Doney); because ample notice will be given. This business will not be carried out in a surreptitious manner. The people concerned will have to be satisfied. If any objections are lodged by the local authorities, the Minister will be required to determine whether such objections are sufficient to justify the Governor's approval being withheld. Upon a watercourse being proclaimed it will be incumbent upon all persons desiring to take, use, or dispose of water from such stream to apply for a license in accordance with Section 16 of the Act. Section 25 gives the Governor power to make regulations governing the issue of licenses. The whole point is that after a stream has been brought within the provisions of the Act, individuals entitled to take water from it must apply to the commissioners for a license. The ability of the commissioners has been tested for a number of years—in fact, since 1914—and they have undeniably carried out their duties with credit. Section 16 stipulates that a license can be issued by the Minister only on the advice of the commission.

Regulations relating to declared irrigation districts and approved in 1915 provided—

(a) for the free use of water granted under Section 14 of the Act;

(b) for the submission of applications with appropriate information as to proposed use of water and quantity required;

(c) that the Minister should advertise the receipt of applications and serve notice of same on such persons as he thinks fit;

(d) for the receipt of objections within one month from any owner or occupier of land contiguous to the watercourse or within a distance of three miles thereof;

(e) the investigation of objections by the commissioner;

(f) for the payment of fees, etc.

The question has arisen as to the constitution of the commission in regard to any proclaimed water course—that is outside the present irrigation areas, which are in each instance represented by a commissioner nominated by the actual users of the water. In this case it would not be practicable to appoint an additional member for each proclaimed water course, but the suggestion is that the interests of local settlers could be adequately safeguarded by the Minister's appointing a representative settler in each instance to confer with the commissioner. That representative would be in a position, on account of his local knowledge, to give satisfactory services to settlers. In any event each settler applying for a license would have his case dealt with on its merits. I explain these facts because there is a belief that these matters are decided by vote. That is not so. The idea is that even minorities are entitled to justice. In one case that came under notice the last settler in the district, and not the pioneers, was the man responsible for all the difficulty in relation to a certain stream. He was near the source of the stream and assumed the right to prevent the water from reaching others lower down who may have been the pioneers of the area. He succeeded in bluffing the other settlers. Even when our officer inspected the locality he found that everything was all right, because the man had allowed a certain amount of water to run overnight. But as soon as the irrigation officer left, the settler again blocked the stream. Members will thus appreciate the difficulty experienced by individuals who are not in a position to approach the court to secure justice. Such men will be able to put their case before the irrigation commission. I do not propose to accept the amendment. For my own part I certainly

favour including on the board a representative of the settlers concerned, even if only temporarily. The amendment proposes that the matter shall be determined by means of a democratic vote, but there are different areas and interests and we would have to decide whether a man, who might be located some distance from a stream but still be entitled to a share of the water should be permitted to vote. The present procedure can be applied justly and equitably to the proposal contained in the Bill. There is no suggestion of rating; it will simply be a matter of licensing the people entitled to take water from the stream.

Mr. SAMPSON: The Commission would have power to rate, and therefore I regret that the Minister has not accepted the amendment. Unquestionably settlers of long-standing have acquired certain rights and, if the Bill becomes law, their position will be altered and they will be subject to Part III of the Act. As regards the Canning River, no objection was raised at the two meetings referred to.

Mr. Cross: What about the other meeting?

Mr. SAMPSON: I cannot say what happened there. The hon. member desires the construction of a weir, but that is another matter. I regret that discontent is being created, and I believe it would be ended if the amendment were accepted, because a majority of the settlers could then petition the Minister to take action against a proposal to create an irrigation area and bring the district under control.

Mr. CROSS: The amendment appears to be democratic but will not bear scrutiny. Even the member for Swan has had to exercise his ingenuity to frame the amendment. Assume that there were 50 settlers along the course of a river, 30 of them not actually working their blocks and the other 20 desirous of having irrigation works to enable them to make a living. The Government could not construct a weir or other works because the 30 would be unlikely, for the benefit of the other 20, to approve of works that might necessitate rating. Further, a fairly large landowner might own blocks on the higher reaches as well as lower down, and he could construct a temporary weir at the top end of his property and prevent settlers who leased the lower blocks from getting water.

Mr. Sampson: Your imagination is too vivid.

The CHAIRMAN: Order!

Mr. CROSS: There is no imagination about that.

The CHAIRMAN: Order! The hon. member will proceed with his speech.

Mr. CROSS: Settlers on the higher reaches could dam the river temporarily by using bags filled with clay.

Mr. Sampson: Has that been done?

Mr. CROSS: Yes, and the hon. member knows it.

Mr. Sampson: I know nothing of the sort.

Mr. CROSS: That is the reason for introducing the Bill.

Mr. Sampson: It is not so. That is more imagination.

Mr. CROSS: If the amendment is accepted, we might as well reject the Bill.

Mr. McLARTY: The other evening I said I agreed with the member for Swan, but having considered the matter further, I am now inclined to support the Minister. An arrangement to allow a majority of the settlers along a stream to decide whether it should come under control would not be satisfactory. A very small majority of settlers might inflict grievous harm upon the minority, and probably the settlers at the head of the stream, who could get all the water they wanted, would not favour control.

Mr. Cross: Of course they would not.

Mr. McLARTY: The settlers lower down the stream, however, would probably desire that control be exercised. I have had a great deal of experience of these matters, and have attended many meetings of the settlers concerned. The Minister is right to point out that one or two people have been able to take as much water as they wished, whilst those further down the stream have been able to get only a small quantity. Some settlers have been able to get wholly insufficient water for their stock in the middle of the summer, whereas others higher up the stream have been able to get an unlimited supply. The Minister said he would be prepared to co-opt local advice in any district. That would be a wise step to take.

The Minister for Water Supplies: The Act provides for that already.

Mr. Sampson: That would be a representative of the local authority.

Mr. McLARTY: Members of the Irrigation Commission come from the Collie, the

Harvey and the Waroona irrigation areas. They have an intimate knowledge of the districts they represent, but would know very little about other areas. The Minister should co-opt local advice in the districts concerned. Many settlers are worried about this Bill. They are afraid they are going to be rated, although they hold riparian rights along the stream on which they have settled. I would not agree to such people being rated. The Minister, however, said there was no intention to do that. Some settlers in my district have agreed to the payment of rates if the Government will exercise some control.

Mr. Cross: If it will construct certain works.

Mr. McLARTY: No, merely exercise control. If the Government constructed works it would feel compelled to declare an irrigation area, and to provide the necessary water. I support the Minister.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 3, Title—agreed to.

Bill reported with amendments.

## BILL—RESERVES (No. 1).

### *Second Reading.*

Debate resumed from the 12th September.

MR. THORN (Toodyay) [5.5]: This is the usual Bill that comes before the Chamber each year. I find on looking through it that most of its provisions, under which lands are being excised from certain reserves, have been embodied in the measure at the request of local authorities. I also notice that in most instances, where excisions are being made, the land has been set aside for laudable purposes.

Mr. Cross: This is not the Bill that came down last session.

Mr. Doney: Who said it was?

Mr. Cross: The hon. member said so. I suppose he meant it was a similar Bill.

Mr. THORN: The sooner the hon. member is transferred to the zoo the better.

Mr. Cross: Speak for yourself.

MR. SPEAKER: Order!

Mr. THORN: The Leader of the Opposition has also perused the Bill. I know it is his opinion that there is no need to raise any objection to it. Members on this side

of the House may desire to address themselves to certain clauses in Committee, but I am convinced that they are all in accord with the measure as presented to us.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Marshall in the Chair; the Minister for Lands in charge of the Bill.

Clause 1—Short Title.

Mr. LAMBERT: Some years ago, when a Bill of this nature came before the House, I stated that prior to such legislation being brought down the Minister for Lands should exhibit a properly drawn plan showing exactly what portion of any reserve the Government desired to excise. Possibly very few members have any knowledge of the reserves in question, or of the portions thereof that require to be excised.

The CHAIRMAN: Order! The hon. member would be more in order if he addressed himself on that point when we reach the next clause.

Clause put and passed.

Clause 2—Reserves "A" 13012, "A" 12510, "A" 13376, "A" 17826, and "A" 17615:

Mr. LAMBERT: I need not repeat what I have just said. Time after time during the last quarter of a century Ministers for Lands, doubtless well-intentioned, on the strength of representations made to them by local governing bodies have brought down Bills of this nature, in which the effective legislation is dealt with in schedules following the machinery clauses. May I give a striking instance which occurred in a well-populated suburb, where a road board desired a few acres to be excised from a Class "A" reserve so that the friends of members of the road board could lay down tennis courts thereon. That proposal was put up by the Peppermint Grove Road Board. The excision was included in the relevant schedule, and I doubt whether one member of the Chamber knew anything about the realities of the proposal. The reserve, a beautiful one vested in trustees, was disfigured by the excision. Had members known the true nature of the proposal, they certainly would not have agreed to it. Here was a

10-acre square intended for recreation purposes. The Peppermint Grove Road Board induced a former Minister for Lands to submit the proposal I have outlined. Upon the Bill having been passed, £1,400 or £1,500 was spent on the making of four tennis courts; but those courts were not used for recreation purposes.

The CHAIRMAN: I was waiting to see whether the hon. member would link up his argument with the clause under discussion. The clause says nothing about a reserve at Peppermint Grove.

Mr. LAMBERT: I am merely drawing an analogy between what was done in the past and what is contemplated now. Sectional interests desire to encroach on public estates created as Class "A" reserves. Before the Bill passes through Committee the Minister should produce plans showing exactly what is proposed.

The MINISTER FOR LANDS: I regret that I did not lay those plans on the Table during one of the hon. member's infrequent visits to the Chamber. The plan which I laid on the Table a week ago are plans exactly identical with those submitted by my predecessor a year ago in connection with a Bill similar to this.

Clause put and passed.

Clauses 3 to 12, First Schedule, Second Schedule, Third Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

## **BILL—METROPOLITAN MILK ACT AMENDMENT.**

### *Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. F. J. S. Wise—Gascoyne) [5.20] is moving the second reading said: The Bill is short and is intended to continue the operation of the Metropolitan Milk Act for a further term of three years.

Mr. Tonkin: Have you received a letter from Mr. Crooks about this matter?

The MINISTER FOR AGRICULTURE: No, I have not. I have received a statement that is unsigned.

Hon. P. Collier: I had one of them, too.

The MINISTER FOR AGRICULTURE: I submit that the document is, more or less anonymous, although I notice that the name

of Mr. Crooks appears at the top. The communication is unsigned, and therefore I regard it as anonymous. Some of the statements embodied in it are obviously inaccurate.

Hon. P. Coillier: And it is alleged to contain facts only.

**THE MINISTER FOR AGRICULTURE:** Perhaps Mr. Crooks himself will be pleased to know that the statements are incorrect. I am prepared to refer to the document if members desire enlightenment on the statements contained in it, but, from every point of view, I suggest it deserves the treatment generally accorded anonymous documents. As I have already stated, the object of the Bill is simply to provide for the continuation of an Act that is in reality a relic of another Administration. I mentioned last evening that the Milk Act was introduced originally by the Hon. P. D. Ferguson, and it provided for a term of three years during which the board would operate. Since then the legislation has been amended three times. The Act was first continued for one year and then, when it was last before the House, for three years. Recently I read the remarks of Mr. Ferguson when he introduced the Bill, and I noticed that he claimed the milk producers were on the lowest rung of the producers' ladder. He also suggested that the supply and conditions then obtaining were parlous, that no one was satisfied, and that the quality of milk in some instances was questionable. Many people will be disappointed to learn that the Bill provides for the continuance of the legislation for a further term of only three years.

Hon. W. D. Johnson: Very many will be disappointed.

**THE MINISTER FOR AGRICULTURE:** That is so. This morning a deputation waited upon me, and requested that the term should be extended to five or seven years. Many people suggest that the Act should remain permanently on the statute-book. I stress the point that this is not legislation initiated by the party now in power. Although marketing and home consumption legislation have undeniably helped in many directions, I am certain that all such enactments should press towards diminishing the costs of production and distribution. In all instances those charged with authority to administer such legislation as that under consideration, inevitably must accept great responsibility in reducing those charges.

That is one of the professed primary purposes of legislation of this description, namely, that encouragement will be lent to a high rate of consumption of the best possible quality of the commodity affected. In my view, the all-important question of quality production should be the major objective, instead of being regarded as subsidiary to the desire to secure higher prices for primary producers. I listened to the remarks of the member for Murray-Wellington (Mr. McLarty) on that point last night. He expressed the hope that whatever the outcome of any alteration in the Metropolitan Milk Act, more benefits would be conferred on the producer. That is only part of the story, and only part of the responsibilities to be shouldered by those charged with the administration of the Act. I claim very definitely that the board has to accept great responsibilities in seeing that no particular section is advantaged in consequence of this legislation.

Mr. Thorn: I think we agree with you.

**THE MINISTER FOR AGRICULTURE:** Objection has been raised to the legislation, in respect of which the Minister and those charged with the administration of the Act often receive abuse on the score that the measure tends to create vested interests. Undeniably there is that tendency, but I also suggest that the Minister and the board, or either, should not be blamed, taxed or abused because vested interests are created. They must be so created. Any form of licensing tends to establish a vested interest, which has some real value. Further, the fact cannot be denied that if an endeavour is made to remove from the statute-book legislation such as that under consideration, after it has been in operation for some extended period, inevitably hardships result. We cannot remove such legislation without creating new hardships. Once people are concerned in an industry, whether as producers, consumers, or retailers, and have organised their business, should any form of control be set up and the responsibility to give service be fixed in any particular, serious responsibilities are imposed upon those affected in living up to the vested interests that are created. Bearing that in mind, I consider generosity should be displayed towards those associated with the administrative side of the problem, rather than that blame should be attached to those charged with the working out of the

principles involved in such legislation. From time to time, much is heard from members on the Opposition side of the House regarding marketing reforms or what is popularly referred to as "orderly marketing." On the other hand, few suggestions are ever heard from those members for effecting better marketing conditions regarding any stated commodity. When reviewing the Bill, members opposite should be reasonable on that point and concede that no matter what the commodity may be there are tangible and ever-present difficulties associated with marketing control. The more perishable the commodity, the greater the difficulty.

Mr. Thorn: Most people are afraid to tackle the problem.

The MINISTER FOR AGRICULTURE: The problem is most difficult. In the present instance while the parent Act conferred extended powers on the board because of the necessity to educate all shades of public opinion respecting the legislation, effect has not been given to many of the powers so conferred. As the operations of the board increase, so will the activities and responsibilities of the board be augmented, and, to a reasonable extent, the benefits of such legislation be increased. The gradual improvement in matters relating to the supply of whole milk in the metropolis very definitely arises from the activities of the board since its inception. I mentioned that the parent Act conferred very wide powers on the board. If I may refer to a motion that was defeated in the House last night, I would point out that it represented part of a progressive plan to be put into operation during the current term of the life of the Milk Board.

Mr. SPEAKER: The Minister is not in order in discussing what took place in the House last night.

The MINISTER FOR AGRICULTURE: An ordered plan is being put into operation. Part of it is in operation and the extension of the plan will involve the Milk Board in further activities during the next three years, activities that will confer benefits on those associated with the industry; and in spite of all the complaints and the comments of those who have an axe to grind, in spite of the allegations made that the Milk Board is not functioning properly or successfully, there is no doubt whatever about the progress being made by the in-

dustry. There is no doubt, too, that since the board has been established, there has been a very marked improvement in the quality and quantity of milk consumed in the city; and it is to that end that the board will be directing its further attention. The operations of the board will increase in importance, particularly now that all sections are satisfied. As the member for Murray Wellington (Mr. McLarty) has suggested this body should be of a permanent nature therefore the legislation applying to the commodity has come to stay.

Mr. Tonkin: If what Mr. Crooks has set out in his circular is true, it would be advisable to make the Act permanent.

The MINISTER FOR AGRICULTURE: I have already said that although I have had two copies of this document sent to me, there is nothing to suggest that it is a communication that the public should acknowledge, for the important reason that it is unsigned; moreover I would not like the document to create a wrong impression in the minds of members.

Mr. Cross: There is too much of that sort of propaganda going on.

Mr. Thorn: You are the one who put it up.

Mr. Cross: Speak for yourself.

The MINISTER FOR AGRICULTURE: I mentioned before that since Mr. Crooks is in a position to know that a lot of the statements contained in the document are incorrect, I am sure he will not mind their being contradicted. There are 18 points set out and I hope members will not be influenced by any of them. If we take any of them, we can show just how fallacious they are, and how they cannot be subjected to a close scrutiny. I suppose all members are in possession of the document. In the second point, it is suggested that "the existing board is definitely under the producers' interests' influence." Let us see how the board is constituted. It is composed of two producers' representatives, two consumers' representatives and an independent chairman. One of the producers' representatives has been a retailer ever since he has been a producer. How, therefore, can it be claimed that "the board is definitely under the producers' interests' influence"? There are many such inaccuracies in the document. The next paragraph claims that the Milk Board has taken £65,000 out of the industry. That is not

correct: the board has taken nothing approaching that figure. Then it is claimed by the same gentleman that the board is costing £8,000 per annum in administrative costs. That also is incorrect. I should point out also that although there is a complaint in the same paragraph about accumulated funds, those funds have actually been reduced to £3,530, and the board is of opinion that further reserves are not necessary for future operations and plans.

Mrs. Cardell-Oliver: Does the board produce a balance sheet?

The MINISTER FOR AGRICULTURE:

Yes. If we continue to examine the document, we find that not one clause will bear scrutiny. The document is not dissimilar in this respect to any other anonymous statement that a person sometimes receives. We all at various times receive communications of this description—anonymous communications—containing allegations either direct or by inference, and often they contain charges that are entirely unfounded. So it is with the document I have before me. If we take paragraph 6, we find that it suggests that there appears no reason why milk provisions cannot be regulated by an honorary price-fixing board, and so save over £1,000 per annum. I am wondering what any section interested in this industry would say to a proposal of that kind. I do not think it would suit the retailers, and it certainly would not suit the producers. As a matter of fact, all hon. members who have traced the history of this industry know that an attempt at control was made by an honorary board. That was prior to the introduction of the present Act. Many anomalies were discovered, with the result that statutory authority and statutory protection were provided. Even with an honorary price-fixing board operating, statutory control would be necessary, and authority also, to bring that board into proper being and to enable it to function. So there is nothing in that proposal. Paragraph 8 of the document is also quite fallacious; there is no overlapping, but there is co-operation. We know that four years ago in this State there was lack of co-ordination between the health officers of one department and similar officers of another. We do not hear anything about that difficulty now, but we do know that the departments concerned are successfully functioning, the interests of one being the concern of the interests of the

other. The member for Subiaco (Mrs. Cardell-Oliver) last night described the Act as an undemocratic piece of legislation.

Mr. SPEAKER: The Minister should not deal with a debate that has already taken place this session.

The MINISTER FOR AGRICULTURE: What I desired to point out was that the opposite was really the position, that it was in every way a democratic piece of legislation, and that if what was contained in one of the paragraphs of the document was carried into effect, the retailers would be robbed of their life's earnings. The function of the board and its operations extend to all those who have made contributions to its funds, and they have received protection to the extent that if a license is refused, the refusal can be contested, and if it can be shown that compensation is necessary or that the person concerned is entitled to it, it must be paid from the fund. Thus, instead of being undemocratic legislation, the very reverse is the fact. Taking the document piece by piece we find that the only request it contains is that the board should be abolished. I ask members who represent country interests or even city interests whether they think any section of the community would be advantaged by the abolition of the Milk Board. Some persons with a grudge are complaining—particularly against authority—because they consider it would be to their advantage if the Act were abolished. I have made it clear that the Government merely accepts responsibility for continuing this legislation.

Mr. Sampson: The continuance is well justified.

The MINISTER FOR AGRICULTURE: Whether it is or not, or whether the Act should not have been introduced at all, is a matter for the decision of this House. I suggest that those persons who criticise both the Act and those in authority, whether they be members of the board or not, have some underlying grudge that actuates them in the propaganda in which they indulge.

Mr. Cross: The producers want representation on the board.

The MINISTER FOR AGRICULTURE: That point has been dealt with in more than one session; and it is amply answered by the fact that, if the allegation be examined, it will be found that there is but one producer concerned, and his major interest



is that of a retailer. Farmers, consumers and retailers have all adapted themselves to the operations of the Milk Board. In spite of all its disabilities, in spite of vested interests, in spite of the monopoly which it is suggested might be created by this type of legislation, to abolish the board would be—to say the least—a step in the wrong direction.

Mr. Stubbs: A great improvement in the milk supply has resulted since the board was created.

The MINISTER FOR AGRICULTURE: The activities of the board are many and diverse in character. The board does not merely fix prices and attend to the issuing of licenses. Close attention is being paid by it to all aspects of the industry which will make for a better and speedier supply to the consumers in the city and the metropolitan area. Plans are now being prepared to enable the board to do even better work during the extension of its term. Illicit milk is being sold and, in all ways imaginable, some people who like to evade the law—and who get away with it sometimes—are exploiting further avenues for the illicit sale of milk. These avenues will be closed. It is only fair that those who obey the law should derive some benefit, and they will do so now that these malpractices have been discovered. I referred to zoning and said it would be applied to the distribution of milk in the metropolitan area. An analogy was made by an interjector on another occasion. He said that the cost of distribution of newspapers was lowered because of the system that had been introduced under which only one agent may supply papers in a given locality. When zoning is introduced into this industry, an entirely different practice will operate. In one suburb of Perth, 34 vehicles are engaged in delivering milk in one street; and, although it is hoped to give consumers a wide range in their choice of a retailer, obviously some alteration is necessary. The number of those vehicles might be reduced to six.

Mr. Raphael: The Minister needs to be careful in saying that. He will not get much support from me.

The MINISTER FOR AGRICULTURE: I am not concerned with parochial interests.

Mr. Sampson: The member for Victoria Park (Mr. Raphael) has uttered a dire threat!

The MINISTER FOR AGRICULTURE: If consumers are to reap the benefit of reduced costs and the complete reorganisation of the industry, special attention must be given to this point. We might perhaps give the member for Victoria Park (Mr. Raphael) the opportunity to secure a little overlapping, and have only 20 vehicles in his street. Members will no doubt agree that that is a reasonable number!

Mr. Raphael: That is all right.

The MINISTER FOR AGRICULTURE: Another point is that the compensation fund will be available in connection with the allocation of gallanage in uneconomic areas, where exchanges are not possible between vendors. Such vendors will be compensated for any sacrifice they might have to make in their businesses.

At a later stage, the annual report of the board will be laid on the Table of the House. It will be shown that the publicity given by the board has had some excellent results. It is unnecessary to dilate on the activities of the board to any great extent in dealing with a Bill which is printed on one sheet of paper. I submit the Bill to the House confidently feeling that most of the complaints about the board are imaginary rather than real, and that, by and large, the operations of the Milk Board in this State have conferred great benefits on the community. I move—

That the Bill be now read a second time.

On motion by Mr. McLarty, debate adjourned.

## BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

*In Committee.*

Mr. Withers in the Chair; the Minister for Mines in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 2:

The MINISTER FOR MINES: I regret that, owing to some typographical errors it will be necessary to delete the table appearing in paragraph (c). I therefore move an amendment—

That the table appearing in paragraph (c) be deleted with a view to substituting a corrected table.

Amendment put and passed.

The MINISTER FOR MINES: I move an amendment—

That the following be inserted in lieu of the table struck out:—

Refrigerant.	Chemical Symbol.	Divisor.
Ammonia ... ..	$\text{NH}_3$	4.3
Butane ... ..	$\text{C}_4\text{H}_{10}$	16.8
Carbon dioxide ... ..	$\text{CO}_2$	1.0
Dichlorodifluoromethane	$\text{CCl}_2\text{F}_2$	7.2
Ethyl chloride ... ..	$\text{C}_2\text{H}_5\text{Cl}$	28.4
Isobutane ... ..	$\text{C}_4\text{H}_{10}$	14.4
Methyl chloride ... ..	$\text{CH}_3\text{Cl}$	8.1
Methylene chloride ... ..	$\text{CH}_2\text{Cl}_2$	92.0
Propane ... ..	$\text{C}_3\text{H}_8$	4.2
Sulphur dioxide ... ..	$\text{SO}_2$	11.3

Amendment put and passed.

Mr. McDONALD: I should like the Minister to give me some information as to how the Bill will affect the community in general. I notice, for instance, that the definition of "boiler" is to include "any boiler or vessel in which steam is generated above atmospheric pressure." That appears likely to include many boilers that might be associated with machinery but which would not be dangerous. Again, the Act is being extended to cover refrigerating machinery. That might be justified by one accident which occurred recently owing to some defect in the machinery, and as a result of which life was lost. I should also like the Minister to inform the Committee whether the amendment will involve any considerable extension of the inspection now undertaken by the department. Will many more people who have boilers or machinery of some kind in use in their businesses be brought under the control of the department and be subject to the regulations issued by the department? I understand, for instance, that some sort of boiler is used in hospitals to generate steam for sterilising instruments. Do those boilers come under the provisions of the Act, and will people with small machinery be obliged to comply with the various regulations regarding inspections and registrations? Again, will the Bill involve any great increase in the number of inspectors employed by the department?

The MINISTER FOR MINES: Refrigeration machinery is not provided for in the present Act, nor are air-compressors. These machines have been inspected since 1922, and nothing has been said about the matter. The fact remains that there is no legal right for such inspections, and the Bill merely proposes to legalise what we have been doing since 1922.

Mr. J. Hegný: We are merely safeguarding the interests of the public.

The MINISTER FOR MINES: That is so. Quite a number of air-compressors have exploded. One such accident occurred at Bunbury and caused great damage. Had anyone been in the vicinity there would undoubtedly have been loss of life. The Act at present defines "boiler" as meaning and including—

Any boiler or vessel in which steam is generated above atmospheric pressure for working any kind of machinery or for any manufacturing or other like purposes.

We are proposing to delete all the words after "pressure," because there are scores of boilers in existence that are used for other than manufacturing purposes. The member for West Perth (Mr. McDonald) referred to hospitals. In several hospitals where what might be called kettle boilers were once used, very big boilers have been installed, and they are not used for manufacturing purposes. They are, however, just as dangerous as those employed in manufacturing industries, and should be just as thoroughly inspected. The number of inspectors is not to be increased.

Clause, as amended, put and passed.

Clauses 3 to 10—agreed to.

Clause 11—Amendment of Section 54:

Hon. W. D. JOHNSON: The clause provides for a board of examiners, and paragraph (c) of Subsection (2) of the proposed new Section 54 states that one of the members of the board "shall be a person holding a winding engine-driver's certificate under this Act, or a certificate equivalent thereto, and who is a member of the Federated Enginedrivers and Firemen's Association of Australasia, West Australian Branch, Association of Workers." To put into legislation of this kind provisions covering special organisations is not desirable. If the inclusion of these words is justified, the engineers and other employees will have a like claim. I have always been opposed to legislation that specially mentions any particular organisation. I have as much regard for one organisation as for another, so long as each follows sound trade union principles and gives proper service in its calling, but this paragraph proposes to give one organisation certain rights, although that organisation might not comply with general industrial standards. The union specified

might be maintaining industrial standards, but I have had experience of a good union becoming a bad union, and of its continuing loosely because of enjoying some special right. I like to see a union militant, strong, well-administered and capable of looking after its calling, but I want a union to secure recognition by internal merit rather than by external patronage. It is the administration that gives a union strength and enables it to command the respect of the public and the goodwill of employers. Let the unions show by internal strength that they merit such a privilege. To mention one union specially and to exclude another is quite wrong in principle. The Amalgamated Engineering Union is a world-wide organisation and possibly could claim consideration of this kind with greater justification than can the Federated Engine-drivers and Firemen's Association. At any rate, it is able to command representation where warranted and does not ask Parliament for special provision of this kind. I move an amendment—

That in paragraph (c) of Subclause (2) the words "and who is a member of the Federated Engine-drivers and Firemen's Association of Australasia, West Australian Branch Association of Workers" be struck out.

As one who has devoted his life to trade union work I move the amendment, because I do not want Parliament to interfere and confer a right that a union can demonstrate its capacity to command.

**THE MINISTER FOR MINES:** During the last 20 years the representative of the Engine-drivers' Union has been Mr. Breydon, who holds a winding engine-driver's certificate and has been secretary of the union. The department has always recognised the right of the union to have a representative on the Board of Examiners. Mr. Breydon has retired on account of ill-health, and I am not aware whether the present secretary has the qualifications prescribed, or whether the organisation desires him to be its representative. Since it was implied that the representative should be a member of the Engine-drivers' Union, we desired to give that organisation the opportunity to recommend its own member.

**Hon. W. D. Johnson:** That sort of thing can go on for ever if these words are left in.

**THE MINISTER FOR MINES:** The Act can be amended at any time.

**Hon. W. D. Johnson:** It would be difficult to secure an amendment to that provision.

**THE MINISTER FOR MINES:** I do not think so. Deletions from sections can always be made. This particular organisation is the only one that caters for the type of engine-driver with which we are now dealing.

**Mr. Wilson:** It is the only one.

**THE MINISTER FOR MINES:** Yes, I think so.

**Mr. Thorn:** Then it would make no difference whether these words were left in or not.

**THE MINISTER FOR MINES:** Some men may not be members of the organisation, but may hold a winding driver's certificate. I think the member for Murchison has such a certificate.

**Mr. Thorn:** I would not like to go down below with him in charge.

**Mr. Marshall:** One of these times I will let you down more suddenly than you think.

**THE MINISTER FOR MINES:** I do not agree with the remarks of the member for Guildford-Midland. The organisation that caters for these drivers has the best opportunity of knowing who would be most capable of dealing with this question. Its representative would be only one of a board of three. I hope the amendment will not be accepted.

**Mr. TRIAT:** I support the clause as printed. The remarks of the member for Guildford-Midland somewhat surprised me. The possession of a winding driver's certificate by the man above is very important to those working down below. Upon the efficiency of the driver depends the welfare and safety of many others. For a number of years the engine-drivers in this State have obtained and held their certificates, and have proved themselves to be highly qualified for the work they have been called upon to do. Very few accidents of a serious nature have occurred, and for many years there has been no loss of life through the inefficiency of the engine-driver. Possibly numbers of men who have qualified as first-class drivers have had no experience of the type of engine that is being used very extensively to-day. A board of examiners made up of men who had not for many years driven an engine

would probably not be able to give the necessary attention to an applicant for a certificate. This question affects the lives of numbers of people. Connected with this particular class of work there is only one Engine-drivers' Union in Western Australia, namely the Federated Engine-drivers. It would be wrong for anyone who does not possess the necessary experience or qualifications to sit as a member of a board of examiners. I trust the Committee will not interfere with the clause. On the goldfields we have such organisations as the Miners' Union, which assists in the selection of inspectors of mines. These officers are appointed by representatives of the Chamber of Mines, the Government and the union concerned. If the member for Guildford-Midland were to suggest that the union to which I belong had no right to representation on the board, he would soon know what to expect. It is essential that the organisation concerned should be represented on the board.

Hon. C. G. LATHAM: In this question a principle is involved. Suppose legislation were brought down for the benefit of the agricultural industry, and the Government insisted upon the appointment to a particular board of a man who happened to be a member of the Primary Producers' Association! That is a political organisation.

The Minister for Mines: You are on the wrong side of the Chamber.

Mr. Cross: This is not a political organisation.

Hon. C. G. LATHAM: Every union is political, and every union subscribes to the funds that effect the return of members to this Chamber.

The CHAIRMAN: Order!

The Minister for Mines: This union is not affiliated with the goldfields body.

Mr. Triat: On a point of order, the Engine-drivers' Union on the goldfields is not affiliated with the A.L.P. and does not contribute any funds to it.

Hon. C. G. LATHAM: That is not a point of order.

Mr. Triat: It is a point of order. The union does not pay into the funds of the A.L.P.

Hon. C. G. LATHAM: I repeat that every union is political, and subscribes to the funds that enable members to be returned to this Chamber. Such a principle

should never be allowed to enter into legislation. It is too dangerous. Were we to bring down a Bill to provide that a particular board should have upon it a representative of the National Party or the Primary Producers' Association, we would have no chance of getting it through. I hope the Minister will see wisdom in this matter. If this is the only organisation interested, why state in the Bill that a particular member of the board must belong to it? It is the right of the Minister to appoint the members of the board. Should his opinion be that the best man to determine the qualifications of engine-drivers and issue certificates is a member of the union, he will choose him as a member of the board. I will never agree that legislation passed in this Chamber should lay down that a member of the union, and only such a man, can be appointed.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. C. G. LATHAM: I have dealt with the question fully. The principle proposed is bad.

Hon. W. D. JOHNSON: I subscribe to everything advanced by the Minister as to the highly valuable work done by Mr. Breydon while associated with the administration of the Act and with the Certificated Engine Drivers' Union. I have known Mr. Breydon for at least 40 years, and we are strong friends. Mr. Breydon obtained his position by reason of his association with the union now under discussion. The fact that he obtained the position is sufficient evidence that if the union maintains its standards, there is no danger that it will not again be called upon to suggest a name or that the Minister will not select one of its members. The fact that the union's claim has been recognised is a clear indication that the usual practice has been to select from a registered union representing the industry men required for the general administration of the affairs of the industry. I somewhat regret the Leader of the Opposition's introduction of matter foreign to this discussion. I will not descend to that level. The Leader of the Opposition must acknowledge that trade unionism is recognised and registered. We should not get down to political matters in this discussion. The Federated Engine Drivers' Union and all other unions, if they are to share in the

right of industrial organisations to negotiate with employers under the Arbitration Act, must be registered under that Act. Many of them are registered under the Trade Union Act—which is not so necessary to-day. I have raised the question from a purely industrial standpoint. My wish is that strong and respectable industrialism shall get its right without any patronage from politicians or from Parliament. There is no danger that if the words are not retained the union will not be consulted. I challenge contradiction when I say that right through the representative boards for which special men are selected for industrial activities and administration, they are selected invariably from the ranks of representative unions. But there have been occasions during the period Mr. Breydon has been on the board when other unions—not this union—have descended to positions where their responsibility was no longer recognised by the general public. Unfortunately that does happen at times, and therefore it is undesirable to say by Act of Parliament that irrespective of what may happen in the future this particular union shall have a definite right granted to it by statute. I have no objection to the union; I have the highest regard for Mr. Breydon's administration. I guarantee that the present Minister, and any future Minister, will always go to that union for representation, as Mr. Breydon was selected because of his association with the union. But I object to the principle. Let trade unionism stand on its own strength. I hate this gerrymandering business of introducing weaknesses that lead to distinction without qualification. Trade union doctrines that are observed throughout the world should be strictly observed by those who claim to be trade unionists. Then their very strength will command respect. From a purely industrial and trade union point of view, I appeal to the Minister to allow the words to be deleted. An alternative has been suggested to me—to substitute the words "Amalgamated Engineers Union." That proposal does not appeal to me. If the words appearing in the clause were "Amalgamated Engineers' Union" I would equally move for their deletion. The principle is unsound, and the practice is not one that the trade union movement as a movement endorses.

Mr. LAMBERT: Gilbertian conduct should not be introduced into the Com-

mittee stages of Bills. I disagree with the idea of Hitlerising the Committee stages of some measures. I hope there will be a definite sense of responsibility on the part of the Chairman of Committees and Deputy Chairmen of Committees as regards the passage of Bills through Committee. The idea of the member for Guildford-Midland is to raise industrialism and industrial legislation to a higher plane. The Bill sponsored by the Minister makes provision for a representative of the Federated Engine-drivers and Firemen's Association of Australasia to be a member of the board of examiners. I am the only first-class certified engine-driver in this House.

Mr. J. Hegney: I thought you were a dentist!

The Minister for Mines: I don't think!

Mr. LAMBERT: I cannot understand the mental attitude of the member for Guildford-Midland when he speaks about eliminating the provision for representation of the organisation. Who else does he suggest should have representation? The member for Guildford-Midland had one eye on the enginedrivers and four or five eyes on the 400 or 500 engineers at the Midland Junction workshops. That is what has unbalanced his judgment.

The Minister for Mines: What about dealing with the amendment?

Mr. LAMBERT: I do not know that I need say much more about the clause. The Enginedrivers' Association has a legitimate claim for representation on the board of examiners. For my part, I shall watch every clause affecting the interests of the Enginedrivers' Association as against those of other organisations that the member for Guildford-Midland has in mind. There was a time when he urged the claims of weaker unions and advocated their incorporation in stronger organisations. Contrast his present attitude with that which he adopted regarding the Bakers' Union.

The CHAIRMAN: Will the hon. member connect his remarks with the amendment?

Mr. LAMBERT: Definitely.

Hon. P. Collier: He will connect anything.

Mr. LAMBERT: Let members contrast the attitude of the member for Guildford-Midland to-night with that which he adopted

when introducing other legislation at a time when he was associated with the Bakers' Union.

Hon. W. D. Johnson: I am very proud of my association with that organisation.

Mr. LAMBERT: No section can advance a better claim for representation on the board of examiners than the Federated Enginedrivers and Firemen's Association.

Hon. W. D. Johnson: Hear, hear!

Mr. LAMBERT: The board of examiners has functioned for over 20 years, and it is extraordinary that only now does the member for Guildford-Midland take exception to an arrangement that has operated for so long. I deplore the hon. member's attitude. I fail to see that anyone can take exception to the representation to be accorded the association unless it be that moneyed or vested interests concerned are definitely stacked against the claims of the employees, who possess the necessary technical knowledge. No legitimate claim can be made against the justifiable aspirations of the enginedrivers' organisation.

Mr. MARSHALL: I cannot support the amendment. Members should understand that an entirely different outlook obtains to-day from that adopted yesterday regarding the examination of enginedrivers. If I may deviate for a moment, I desire to make clear that I strongly object to the amendment, the clause and, in fact, the whole Bill, because the measure represents an attempt to deal in piecemeal fashion with a subject that should be tackled more comprehensively. Members need not seriously consider the argument advanced by the member for Guildford-Midland. He stated definitely that he could guarantee that the present Minister, and every Minister, would select a member of the Enginedrivers and Firemen's Association for a position on the board of examiners. What, then, is the hon. member's objection?

Hon. W. D. Johnson: I want industrial unionism as it is now.

Mr. MARSHALL: The hon. member does not wish industrialism to be meddled with politically. Has he forgotten that the basis of industrialism is politics? Without politics there would be no industrialism.

Mr. McDonald: What nonsense!

Hon. W. D. Johnson: I was a member of a union before there was a Parliamentary party.

Mr. MARSHALL: In those days industrialism made but little progress.

Hon. W. D. Johnson: Nonsense!

Mr. MARSHALL: We have many Acts on the statute-book protecting industries.

Hon. W. D. Johnson: Every industry.

Mr. MARSHALL: Yet the member for Guildford-Midland claims that industrialism should not be patronised by politicians. A revolution has taken place on the goldfields in the methods of generating power for the purpose of treating gold-bearing ore. What was appropriate yesterday is obsolete to-day, and we should endeavour to keep in step with the march of progress. If the Minister chooses a member of this organisation—

Hon. W. D. Johnson: As long as it keeps where it is to-day.

Mr. MARSHALL: It would not stay there very long if the hon. member could prevent it.

Hon. W. D. Johnson: That is unfair.

Mr. MARSHALL: Quite fair. The hon. member's desire is that this organisation shall not have representation on the board. His amendment would prevent the Minister from choosing a representative from the union.

Hon. W. D. Johnson: That is a different thing.

Mr. MARSHALL: That is the effect of the amendment. The board will be empowered to issue ten different kinds of certificates, yet only one union will have representation. I am concerned for the safety of our miners. Years ago, the maximum number of men permitted to ride in a cage was four. To-day, it is 80—40 on a deck. The greatest caution should therefore be exercised in the selection of men for driving winding engines. I ask the member for Guildford-Midland where he would look for a competent driver. To-day men must be experienced not only in steam engines and internal combustion engines, but also in Diesel and electric engines. Can such a man be picked up anywhere? An incompetent driver might easily cause the death of 40, 50 or 60 miners, and the hon. member would not mind in the slightest!

The CHAIRMAN: Order!

Mr. MARSHALL: The work of the miner is much more dangerous than that of the engineer employed at Midland Junction. In my opinion, we cannot get a competent representative except from among the members of this organisation. I would not like

the Minister for Mines, who will administer this Act, to pick up a man in a haphazard way, a man probably holding a first-class engine-driver's certificate, such as is held by the member for Yilgarn-Coolgardie, who probably has not driven an engine for 40 years.

Mr. Lambert: Oh!

Member: Fifty years!

Mr. MARSHALL: The point is that if such a person were appointed, he would not have had experience of modern types of engines. I am not now referring to the member for Yilgarn-Coolgardie. The obligation rests upon the Minister to make the appointment, and I maintain that a suitable appointee can only be obtained from among the members of this organisation. And the organisation should have direct representation on the board. On other boards, direct representation of parties concerned is given. I oppose the amendment.

Mr. McDONALD: I support the amendment. If it is passed, the member for Yilgarn-Coolgardie, who is probably eligible for the appointment, can be excluded.

The Minister for Mines: He might be a member of the union.

Mr. McDONALD: The board is required to appoint as an examiner a person holding a winding engine-driver's certificate under the Act, or a certificate equivalent thereto. So we begin with a requirement that an examiner shall hold a certificate of qualification. The paragraph then goes on to state that he shall be a member of a certain union. But there is nothing to indicate that the Minister is bound to accept the recommendation of the union. He is entitled to appoint any man who has a certificate of qualification and belongs to the union. A perverse Minister might appoint an examiner who was a member of the union but who might not have been actually engaged in his trade for a considerable time, or he might appoint the oldest member of the union. The Bill does not provide the safeguard suggested by the member for Murchison. If this particular union is the only source from which a qualified examiner can be drawn then the words are quite unnecessary. If the union is not, or in the future will not be, the only source, it appears to be unfair to grant to that union a monopoly of supplying examiners. If there are or will be other sources from which equally competent examiners can be obtained,

then those bodies should also be in a position to supply their candidates for this particular appointment. Parliament should act upon the principle that a man's qualifications, and not his membership of an organisation, should be the deciding factor. That refers not only to organisations of employees but also to organisations of employers. A precedent is suggested in the Bill that Parliament would be wise not to agree to.

Mr. J. HEGNEY: I support the amendment and I base my support on the argument advanced by the member for Yilgarn-Coolgardie, who submitted that the standard of competency of engine-drivers had improved during the last 25 years. The existing Act contains no such provision as is suggested in the Bill, yet the board has been constituted and has conducted these examinations with ability. The argument of the member for Murchison in respect of the need for caring for the lives of miners has no substance. Whether the amendment is carried or defeated, that position will not be affected one iota. In the preceding paragraph dealing with the granting of engineers' certificates the Minister has not seen fit to include the provision that the examiner shall be a member of an engineering union. That would have been redundant, as it is in the succeeding paragraph, because there are few engineers who are not members of one or another engineering union. In both instances the man appointed to the board must have a certificate of qualification. No one supposes that a person would qualify for such a certificate unless he were keenly interested in the industry; the Minister could not appoint any Tom, Dick or Harry. No matter who is the Minister, he must take cognisance of the candidate's qualifications. I think that members of the association will be appointed if the Bill becomes an Act. The words it is proposed to include are therefore redundant, and I see no reason for members fighting so vigorously for their insertion. The Leader of the Opposition introduced extraneous matter, suggesting that the provision had a political bias, but it is a matter of opinion as to whether the words should be included or deleted.

Mr. MARSHALL: I thought I had explained the position particularly fully but the member for West Perth and the member for Middle Swan have not grasped the point.

I remind the member for West Perth once again that there are men holding winding engine-drivers' certificates who have been out of the industry for 20 years or more. Their qualifications cannot be challenged but they are completely out of touch with modern machinery.

Mr. J. Hegney: They might still belong to the union.

Mr. MARSHALL: But members desire that the choice be left open to ensure that an incompetent man possessing the qualifications is not appointed to the board. Nobody knows better than the head of the union where the most competent man can be secured.

Hon. W. D. Johnson: The Minister would consult him.

Mr. MARSHALL: As to that, the Minister could please himself.

Hon. W. D. Johnson: In the past he has always done so.

Mr. MARSHALL: I am not concerned about that. The point is that a certificate obtained 20 years ago counts for nothing to-day because the machinery used has meanwhile been revolutionised.

Mr. Lambert: That argument would apply to solicitors and other professional men.

Mr. MARSHALL: No; I believe that solicitors endeavour to keep pace with any changes that occur in the profession. An engine-driver who retired many years ago would not understand the machinery now used on a mine.

Hon. P. Collier: He is mid-Victorian in point of qualifications.

Mr. MARSHALL: Yes. If a man had secured his certificate within recent years, I would not feel so concerned. The organisation alone is in a position to advise the Minister as to the most suitable man to be appointed.

Mr. LAMBERT: The Federated Engine-Drivers' Union is a responsible body which, if asked to submit the name of a representative qualified to act on the board, would do so with a due sense of responsibility to the Minister and to the men. The greatest possible care would be exercised in making the choice. If the union nominated a man who was not acceptable to the Minister, he could reject the nomination. This practice has been followed for more than 20 years, and the absence of any complaint shows that the arrangement has worked satisfactorily.

Mr. J. Hegney: Mr. Breydon has been out of the industry for a long time.

Mr. Marshall: But he has kept in touch with it.

Mr. LAMBERT: Yes, and he was competent to act. One might as well say that a barrister or doctor who qualified 25 years ago should not be appointed to the board governing the legal or medical profession. I hope that members who are not conversant with the industry and its requirements will take a broad and commonsense view of the provision.

The MINISTER FOR MINES: The engineers are not implicated in any way and I cannot understand why they should have been dragged into the discussion. I can appreciate the action of the Leader of the Opposition and the Leader of the National Party in opposing the provision. In their view a principle is involved, and I have no quarrel with them for urging its observance. But I cannot follow the reason for the attitude adopted by some members on this side of the House.

Mr. Sampson: They are not necessarily unprincipled.

The MINISTER FOR MINES: The Labour Party stands for the representation upon all boards and boards of management of the people engaged in industry. I think that will be found in Plank 8 of the fighting platform of the party.

Hon. W. D. Johnson: Do not single out one organisation for special patronage.

The MINISTER FOR MINES: I have singled out the only organisation that is industrially in control of this matter. I am an ardent believer in those unions, which are responsible for the conditions, wages, and other things connected with their industry, being represented on boards of this kind.

Hon. W. D. Johnson: So am I.

The MINISTER FOR MINES: For that reason I hope this clause will not be amended. Much of the argument that has been used in favour of the amendment has been unnecessary. As has been said, if we want the best man, let us obtain the individual most active in the organisation to which he belongs, the man who is most actively engaged in the work for which it caters.

Mr. Sampson: Suppose some candidate is not a member of the organisation?

The MINISTER FOR MINES: Then he would not be chosen by me. The clause



merely carries into effect a custom that has been followed for the last 20 years. Only one organisation is concerned in this.

Hon. C. G. Latham: Then why mention it in the Bill?

The MINISTER FOR MINES: Because I think it is the right thing to do.

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

Ayes .. . . .	15
Noes .. . . .	16

Majority against .. . . . 1

#### AYES.

Mrs. Cardell-Oliver	Mr. Seward
Mr. J. Hegney	Mr. Shearn
Mr. Johnson	Mr. J. H. Smith
Mr. Keenan	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. North	Mr. Doney
Mr. Sampson	

(Teller.)

#### NOES.

Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Fox	Mr. Raphael
Mr. W. Hegney	Mr. Tonkin
Mr. Lambert	Mr. Triant
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Wilson

(Teller.)

#### PAIRS.

AYES.	NOES.
Mr. Abbott	Mr. Holman
Mr. Hill	Mr. Rodoreda
Mr. Latham	Mr. Willcock
Mr. Mann	Mr. Styants
Mr. Patrick	Mr. Hawke
Mr. Stubbs	Mr. Leahy

Amendment thus negatived.

Clause put and passed.

Clause 12—agreed to.

Clause 13—Amendment of Section 56; Repeal and new section; Privileges of certificates:

Mr. MARSHALL: I move an amendment—

That all the words after "applies" in line 5 of Subsection 1 of proposed new Section 56 be struck out.

Under Clause 10, provision is made for the compulsory possession of a certificate before anyone can be employed either as a driver or as an acting driver. An obligation is thus cast upon the person concerned to hold the requisite certificate. If an engineer wishes to provide himself with a certificate for the driving of an engine, he must first pass an examination, and he can then hold a dual certificate, one as an engineer and the other as an engine-driver. An engineer may be ever so good technically at erecting machinery, and be an excellent man with

regard to the technical mechanism of machines; but unless he has had experience in running engines, I doubt whether he should have the right to drive them. An engineer who wishes to be a driver can qualify by entering for an examination, involving a fee of 10s., and thus obtain a certificate. However, he should not be certificated for the dual position by one examination. One clause of the Bill says that every person driving or acting as driver shall have a certificate; but this clause, unless amended as I propose, says that an engineer may also be a driver.

The MINISTER FOR MINES: This seems purely a fight between the engineers' union and the engine-drivers' union, with both of which bodies I have had several conferences. Although for years there has been agitation for an engineer's certificate, such a certificate is proposed for the first time by this Bill. The engineering fraternity have for a long time been requesting legislation for a governmental certificate, which they believe will give them a higher status in the engineering world than that which at present they possess. Hearing the member for Murchison, one might think that the board of examiners would indiscriminately issue engineers' certificates enabling holders to drive all kinds of engines except a winding engine or a locomotive. Even a first-class engineer, however qualified, should not be allowed to drive a hauling engine unless he has practical knowledge, which he can obtain only by studying to qualify for an engine-driver's certificate. Take the Wiluna plant, or any other big engineering plant. There one sees the spectacle of an engineer in charge who has been responsible for erecting the plant, which probably comprises an entirely novel class of engine. Having erected the engine, the engineer is not even allowed to start it, though I believe he does so in order to give the engine-driver an opportunity to see how it works. But he is no longer permitted to touch the engine in the capacity of driver. Under the Act as it stands, unless he puts in a certain time in tuition under an engine-driver—who probably has never seen the engine I have alluded to—he is not allowed to apply for a certificate entitling him to drive that engine. In the first place, a board of examiners will be responsible for the issue of an engineer's certificate. As I stated in moving the second reading, the board of examiners

is a responsible body of men. It comprises either a chief inspector of machinery or his deputy, a qualified engineer, and if necessary a representative of the engine-drivers as well. That board, under the Bill, will be asked to examine engineers as to their qualifications before granting them certificates of competency to drive. The board will realise that the mere fact of holding a first-class engineer's certificate will give an applicant the right to erect, maintain and drive certain classes of machinery. Surely a board of examiners may reasonably be expected to discover the qualifications of even a high-class engineer to drive certain engines. Engineers have to be apprenticed. Probably our engineers are the most strictly apprenticed in the world. Indeed, I understand that one cannot become a member of the engineers' union unless one has been apprenticed. A young apprentice is put into the Midland Junction workshops, where he gets a first-class grounding in engineering; and then he goes to the Technical School and to the University to obtain diplomas. The engineers say—in my opinion rightly—that they are entitled to some governmental recognition in the form of a State certificate, in the same way as engine-drivers. However, an engineer will not receive an engine-driver's certificate unless he has the necessary qualifications. Section 57 of the Act, which section we do not propose to alter, provides—

(1) Notwithstanding anything contained in this Act, the board may restrict or extend the privileges conferred by any certificate as it may deem advisable; such restriction or extension shall be endorsed on the face of the certificate.

A man with excellent qualifications as an engineer applies for an engineer's certificate. Then the board of examiners, having convinced themselves that he is not qualified to drive certain classes of machinery, may probably grant a certificate to drive a refrigerating plant or some minor machinery. Such extension would be endorsed on his certificate, which would be a restricted certificate. I cannot imagine a responsible body of men granting in such circumstances the right to drive any kind of engine mentioned in the clause. Under Section 57, the board of examiners must satisfy themselves as to the actual qualification of the man as a driver. No engineer, whatever his qualifications, can secure a certificate that will permit him to drive a winding engine or a

locomotive without complying with requirements of the Act. Sub-section 2 of Section 57 reads—

Any such restriction may be cancelled by the board upon production of satisfactory evidence of further experience, and payment of the prescribed fees. No application for a higher-grade certificate shall be entertained until such restriction has been cancelled.

That means that if a man has his engineering certificate which is endorsed to permit him to drive certain types of engines, then at the end of six months or 12 months he may have gained sufficient experience to enable him to submit to a further examination. Should he pass the test, the restrictions will be cancelled and he will be given the higher certificate. That provision is to remain intact, and that applies also to Section 58. Members will see that the board is surrounded by safeguards. The contention may be raised that enginedrivers are the only men who will get practical experience. The man who has proved himself a capable and efficient engineer, and can satisfy the board of examiners—the whole matter hinges on that consideration—that he possesses qualifications enabling him to drive an engine, will be able to secure a certificate that will entitle him to drive the engines referred to in the clause. Enginedrivers are entitled to recognition. I do not want the Committee to believe that the granting of certificates means that only certificated engineers may be employed to do any of this work. That is not so. The requirements respecting the various certificates are set out and uncertificated men may be employed under the direction of holders of certificates. I cannot imagine why the existing position has been allowed to continue for so long, nor can I understand the objection raised now to a highly qualified engineer, who is able to satisfy the board of examiners that he is not only qualified as an engineer but as an enginedriver, being granted a certificate.

Mr. LAMBERT: I regard the clause as definitely callous in its disregard of the interests of the State's enginedrivers who have been, and are, performing useful service in all branches of industry. With every good intention, the Minister suggests that because a man can design and erect a certain piece of machinery, he must be competent to handle it. Theoretically that is so, but the proposal in the clause undermines not only the status of enginedrivers but their

very livelihood. In every branch of industrial unionism, a line of demarcation is drawn where one section may step in and the others must keep out. On the goldfields today there are men who, for many years, have been engaged in the nerve-racking job of driving huge winding engines.

Mr. J. H. Smith: And they will continue to drive them.

Mr. LAMBERT: But many of them are reaching an age when nervous disabilities or other considerations suggest the advisability of their seeking work that makes fewer demands upon them, such as the driving of stationary engines, in connection with which the mental strain is not so great. The provision in the Bill means that the contemplated certificated engineers will overlap the older men and the latter will not have opportunities to secure other jobs. Certainly the proposal will not exalt the status of engineers here. Our engineers today enjoy a status equal to that of engineers in the other States. I call to mind that a boy, for whom I secured a position in the Public Service, was later able to secure a Hackett bursary and he is now back in Perth with the degree of doctor of philosophy. I hope members will not treat this Bill as a party measure. We ought to consider the pioneers in the industry who, when they are unable any longer to grip the reverse lever to take the men to the bottom level of a mine, should be allowed to secure positions driving compressors or ice-making machines. You, Mr. Chairman, are a first-class locomotive engine driver. Recently, a locomotive driver was retired at the age of 60 years. He still had 10 or 15 years of useful service ahead of him; why should he not be permitted to drive a stationary engine? Soon it will be suggested that members of Parliament must retire at the age of 60 years. I daresay that, with the exception of myself, 75 per cent. of the members would be in retreat.

Mr. Cross: You should have gone years ago.

Mr. LAMBERT: Proper recognition should be given of the Engine-drivers' Union. If drivers are required to have the higher status of an engineer, employers will be advertising for a first-class engineer, one with an engine-driver's certificate preferred.

The Minister for Mines: An employer can do that to-day.

Mr. LAMBERT: Yes. Surely, an engineer capable of designing, constructing and supervising the installation of a modern plant should be permitted, if necessary, to drive the plant. I have said my last word on the Bill.

Hon. W. D. JOHNSON: I cannot say whether the remarks of the member for Yilgarn-Coolgardie have application to the amendment or to the clause. In my opinion, he has not addressed himself to the clause. The object of the clause is to register and give a document to a person who is qualified to do certain work, in which he has passed an examination. The Committee does not take exception to that, I am pleased to say. The clause would encourage young men to continue their studies after they have served their apprenticeship. They can take advantage of instruction to be obtained in technical schools and at the University. When highly qualified, they are fitted to secure positions as engineers in charge of important plants. The East Perth power house is one of the largest machinery units—if not the largest—south of the line. An engineer is in charge of it, and has supervision of the engine-drivers. Yet, under existing conditions, if he attempted to drive the engine, the driver could object and say, "You are not qualified." The object of the clause is simply to ensure that a man who is in charge of a plant shall be eligible to do any work connected with it, provided he passes the necessary examinations. It is a common-sense proposal and I hope the amendment will be passed.

Mr. J. H. SMITH: I propose to support the Minister. I cannot understand the opposition that has come from the member for Murchison and the member for Yilgarn-Coolgardie. I listened to the heart-rending plea of the latter on behalf of the engine-drivers. He spoke of their reaching an age when they become nervous. I suppose senile decay has come upon many of us. Then he topped his remarks by saying that after a man had retired from engaged driving at the age of 60 or so, he was yet good enough for another 10 or 15 years as a driver of one of the stationary engines. This appears to me to be a fight between the engaged drivers and the engineers. I see no reason why a man responsible for the construction, assembling and dismantling of a machine, and for every nut and bolt, and who understands the intricate workings of that piece of me-

chanism, should not be permitted to drive it. The member for Murchison was quite concerned about the lives of men who go up and down in cages, but they are not affected by this clause at all. The Minister has provided that an individual holding a first-class engineer's certificate shall not be entitled to drive locomotives and winding machines. Consequently I cannot see any reason for the amendment. The member for Murchison apparently has something in view, but I do not know how the matter affects his area. In my district, there are industrial centres containing large mills, and I do not know what would happen if the men in question were not allowed to drive the machinery.

Mr. TRIAT: I cannot agree with the amendment, nor do I feel disposed to accept the clause as it stands. If we delete all the words after "applies," we shall remove a right that we have given to men who become first-class engineers, because we shall deprive them of having charge of any refrigerating machinery. A man qualified by the passing of an examination should have the right to take charge of machinery and to drive it, but not to the detriment of another worker whose job it is. From conversations I have had with members of both organisations, I gather that engineers have no intention to take away the positions of enginedrivers, but they do desire the right to start up any engine which they assemble. I therefore move an amendment—

That in line 4 of Subsection 1 of proposed new Section 56 after the word "drive" the words "in emergency only" be inserted.

That would give the engineer responsible for the erection of a machine the right to start it to see how it worked and, in the event of a breakdown or of unavailability of an enginedriver, to drive it, but not to continue driving the machine while still an engineer. Enginedrivers have no desire to prevent engineers from obtaining certificates or from driving an engine for the purpose of starting it.

The CHAIRMAN: The member for Mt. Magnet cannot move that amendment until after the amendment of the member for Murchison has been disposed of.

Mr. TRIAT: Then I give notice that I will move the amendment I have read.

Mr. MARSHALL: I want to correct some statements that have been made. There is no desire to interfere with the granting of

certificates to engineers. That should have been made possible long ago. No one wishes to prevent a man being a qualified driver and an engineer if he so wishes; but this clause provides that if a man receives a first-class engineer's certificate, he is automatically entitled to drive. I do not think Section 56 of the parent Act applies, as the Minister indicated. Section 57 applies only to certificated drivers and not to engineers. There is nothing in the parent Act concerning engineers. At Wiluna a special man was employed to run the engines in.

Member: He was breaking the law.

Mr. MARSHALL: He was not. An engineer would lose his status if he continued to drive an engine. Every engineer under whom I worked was in full control of the machinery, and was never denied the right to instruct drivers as to what they should do. He was the man to supervise, and under my amendment he could continue to supervise. If that is not so, why have winding engines and locomotives been excluded?

The Minister for Mines: I have already told you that.

Mr. MARSHALL: Why should not an engineer, who had erected a winding engine, have the right to run it in, just as he would have the right to run in a stationary engine? He would have his driver there and would tell the driver what to do. An engineer is always in charge and whatever he requires is done for him. The engines at the Big Bell, Wiluna and Reedy Mines are run under supervision and there has been no trouble. If my amendment is not carried, an engineer will be able to take charge of an engine and drive it on shifts, just as can a driver.

The MINISTER FOR MINES: I do not agree with the member for Murchison that Section 57 of the Act does not apply. The Board of Examiners would have the right under Section 57 to endorse an engineer's certificate with particulars of the class of engine he was capable of driving. An engine-driver who knew little about erecting machinery could qualify for a third-class certificate in nine months, a second-class certificate in another nine months, and a first-class certificate in a further nine months—27 months in all. An engineer has to serve five and sometimes seven years' apprenticeship, and understand the practical work of erecting and designing machinery, apart from attending the technical school and

University to learn the handling of machinery. Yet we are told that a man who has had this training has no right to drive an engine, whereas another man can qualify as a first-class engine-driver in 27 months. The engineers should be the best judges of any question of status, and this provision represents the earnest desire of the engineers of this State. They received a definite promise from the late Mr. Munsie two years ago that when the Act was amended they would be given this right, and I am honouring that promise. I have discussed the matter over and over again with the departmental officials, with engineers, and with representatives of the Chamber of Mines and the Chamber of Manufactures. Boiled down, the engine-driver seems to fear that the engineer at some time might undertake the job of driving to his detriment. Of course the engineer could do that if he chose to serve 12 months as an engine-driver. I always thought the engine-drivers were the aristocrats of the trade union movement, but now we are told that they rank second to the engineers. I have a high opinion of both sections. When a miner I was often hauled up and down shafts by engine-drivers, and I say that while an engineer might well be permitted to run an engine in, a driver should be in charge of the engine when the cage is hauling men. The man who does that should be thoroughly qualified and experienced. I would not agree to any individual being put in control of a cage full of men unless he had gained previous practical experience. When an engineer is qualified as an engine-driver, he can drive an engine at any time, as well as engage in his particular profession. All we ask is that these men should have a status they have not hitherto enjoyed.

Amendment put and negatived.

The CHAIRMAN: I cannot accept the amendment indicated by the member for Mt. Magnet. As the words proposed to be struck out of the clause have, on the voices of members, been retained, I cannot accept any amendment that means going back over that ground.

Clause put and passed.

Clauses 14, 15—agreed to.

Clause 16—Amendment of Section 70; repeal and new Section; notice of removal of boiler and of setting boiler in brickwork:

Mr. MARSHALL: Is the owner of a portable boiler, which has been moved from one place to another, expected to notify the department within seven days after its removal?

The MINISTER FOR MINES: Our desire in this connection is to make provision for portable or semi-portable boilers. When a boiler is removed from the brickwork that may have surrounded it for a long time, and is transferred elsewhere, before it is re-erected it should be inspected and hydraulically tested for defects.

Mr. LAMBERT: The clause is a stupid one. No one but a novice would neglect to care for a boiler, if only for his own protection. The only type of boiler affected would be a Cornish or Lancashire boiler. These are not set in brickwork but on some non-corrosive material. The only purpose of the clause is to ensure the appointment of additional inspectors.

Hon. C. G. Latham: What about a portable engine used for chaffcutting?

Mr. LAMBERT: That would be affected if moved from place to place. I see no merit in the clause as it concerns the hydraulic testing of a boiler that has been moved from one place to another. I do not know who drafted the Bill. A Cornish or a Lancashire boiler is given a thorough coating of non-corrosive like asbestos or fireclay, and therefore never comes in contact with brickwork. Some clauses of the Bill have been framed by officials desirous of glorifying their departments. Departmental heads who have little or nothing to do and perhaps desire to create an additional sub-branch propose such absurd legislation. The clause should be struck out.

The MINISTER FOR MINES: It is a pity that some members, and especially the member for Yilgarn-Coolgardie, cannot discuss a Bill without vilifying departmental officers. Those officers are doing their work just as well as the member for Yilgarn-Coolgardie does his job here, and a great deal better. The object of the clause is to safeguard the people, and not to glorify anybody. These departmental officers have forgotten more than the hon. member ever learnt.

Clause put and passed.

Clause 17—Amendment of Section 82:

Mr. TRIAT: What is intended by paragraph (b), which reads:—"Providing for the periodical medical examination of

drivers of engines, cranes and locomotives"? Will there be reasonable provision for drivers of winding engines who may suffer from failing eyesight?

**The MINISTER FOR MINES:** The parent Act provides for examination of certain classes of engine-drivers, particularly drivers of winding engines. Locomotive drivers are examined every two years. Men driving big cranes on the Fremantle wharf or on top of high buildings should be examined every two years at least. The member for North-East Fremantle in conversation, not in the Chamber, gave good reason for that. His father was a winding engine driver. He knocked off work at 4 o'clock. One day, having been relieved by his mate he got on his bike and rode away, but was called back almost immediately because his mate had dropped dead from heart failure. It was not known that the mate suffered from weakness of heart. A driver such as mentioned by the member for Mt. Magnet could leave the winding engine to drive some other kind of engine.

Clause put and passed.

Clauses 18 to 20, Title—agreed to.

Bill reported with an amendment.

*House adjourned at 9.35 p.m.*

## Legislative Council,

*Tuesday, 19th September, 1939.*

	PAGE
Address-in-reply, presentation .....	648
Question: Relief workers, Geraldton .....	648
Motions: Workers' Compensation Act, to disallow regulation .....	648
Metropolitan Milk Act, to disallow regulations .....	649
Bills: Contraceptives, 1R. ....	657
Plant Diseases Act Amendment, 1R. ....	657
Life Assurance Companies Act Amendment, 1R. ....	657
Reserves (No. 1), 1R. ....	657
Swan River Improvement Act Amendment, 2R. ....	657
Geraldton Harbour Works Railway Extension, 2R., Com. report .....	660

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

### ADDRESS-IN-REPLY.

#### *Presentation.*

The PRESIDENT: I desire to announce that I waited on His Excellency the Lieutenant-Governor last week, and presented to him

the Address-in-reply passed by the House. His Excellency has been pleased to make the following reply:—

Mr. President and hon. members of the Legislative Council—I thank you for your expressions of loyalty to His Most Gracious Majesty the King, and for your Address-in-reply to the Speech with which I opened Parliament. (Sgn.) James Mitchell, Lieut.-Governor.

### QUESTION—RELIEF WORKERS, GERALDTON.

Hon. A. THOMSON (for Hon. E. H. H. Hall) asked the Chief Secretary: 1, What are the reasons for the standing down of large numbers of relief workers in the Geraldton district and the instructions for them to submit fresh applications? 2, How long is it expected before these men will be restarted in employment?

The CHIEF SECRETARY replied: 1, Authority for expenditure on the work in question had cut out and the men concerned were paid off pending the approval of the expenditure of further money, and instructed to apply in the usual way for further relief work. Fresh applications were taken for purposes of review. 2, Some of the men have already been re-engaged. The remainder will be absorbed as soon as possible.

### MOTION—WORKERS' COMPENSATION ACT.

#### *To Disallow Regulation.*

HON. C. F. BAXTER (East) [4.36]: I move—

That Regulation 19 made under the Workers' Compensation Act, 1912-1938, as published in the "Government Gazette" on the 12th May, 1939, and laid on the Table of the House on the 8th August, 1939, be and is hereby disallowed.

In submitting this motion I deem it advisable to draw the attention of members to a similar regulation, but dressed in a different style, which was before the House last November and was disallowed. Though the wording of the regulation under discussion is different from that of the one disallowed, in some respects it is even more drastic. Hon. members will find the previous regulation in the "Government Gazette" of the 30th November, 1938, and the one that is the subject of my motion in the "Government Gazette" of the 12th May,