Legislative Council.

Wednesday, 2nd December, 1936.

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

QUESTION—COUNTRY WATER SUPPLIES.

Boring Plants.

Hon. A. THOMSON asked the Chief Secretary,—On 21st October the Minister, in replying to questions, informed the House that boring plants were available to local authorities and individual farmers on application: 1, Is he aware that replies to such applications are that they are needed for the wheat areas? 2, Will the Minister urge the immediate necessity for more boring plants being made available for use on the Great Southern?

The CHIEF SECRETARY replied: 1, On the 21st October, the Minister's reply was that hand boring plants, effective to a depth of 100 feet, are available to local authorities and to Agricultural Bank Commissioners for the use of individual farmers in the dry Wheat Belt area. 2, Yes.

QUESTION—CAVE HOUSE, YALLINGUP.

Hon. W. J. MANN asked the Chief Secretary: 1, Are the Government aware that at the recent sitting of the Licensing Court the wayside-house license for Cave House, Yallingup, was renewed for a period of six months only? 2, If so, in view of the urgent necessity for additional and more modern accommodation, is it the intention of the Government without delay, to proceed with the proposed rebuilding scheme in its entirety?

The CHIEF SECRETARY replied: 1, Yes. 2, In view of the serious financial position, it cannot at present be stated definitely what action will be taken.

QUESTION—STATE'S FINANCES.

Supplementary Estimates.

Hon. H. SEDDON asked the Chief Secretary: 1, In view of the loss of £300,000, due to reduction of the Federal grant and also increased expenditure, do the Government intend to bring down supplementary Estimates with a view to balancing the Budget? 2, If not, what steps, if any, will the Government take to avoid incurring a deficit at the end of the curent financial year?

The CHIEF SECRETARY replied: 1, No. 2, It is not possible to avoid incurring a deficit when the State is afflicted by a calamity such as the present drought, but every effort will be made to curtail expenditure and collect revenue.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Second Reading.

Debate resumed from the 26th November.

HON. A. THOMSON (South-East) [4.36]: This Act was introduced in 1914 when I had the privilege of being a member of another place. I well remember that in my youthful exuberance I condemned this Bill because in my opinion, it was binding the farmers body and soul and not giving them much opportunity of exercising any initiative. While we have passed this Bill annually for quite a number of years, we have looked upon it as dealing with those people who were already under the provisions of the Act, and believing that the Government or the Agricultural Bank were not making any further advances through the Industries Assistance Act. We find now that, prior to last year, according to the statements of the Chief Secretary, and the Minister in another place, 319 settlers were originally obtaining assistance or carrying on under the provisions of the Industries Assistance Act. In 1935-36, owing to abnormal conditions, there were then 747 additional clients who had come under the provisions of the Act and had to obtain relief by way of sustenance and advances for their seasonal requirements.

Then we find at the 31st October, 1936, no fewer than 1,374 additional settlers were obtaining drought relief, or a total of 2,121. Up to 31st October, the sum of £78,615 had been advanced by way of drought relief. I would like to draw the attention of members to the statement made by the Minister in another place. When the renewal of the Act was being dealt with, attention was drawn to some of its provisions and the Minister for Lands, in reply, said, "So far as the Bank is concerned, it must deal with its own clients in its own way." If the original 319 settlers were the only settlers that were carrying on under this Act, I would raise no objection to the renewal for another period of 12 months. But I want to draw attention to several sections in the Act which require serious amendment. We have to bear in mind that the farming community, particularly in the drier areas, are up against more than an abnormal season; they are up against a disastrous season, and whether they like it or not they are compelled to obtain relief from the Government to assist in putting in their next season's crop so as to come under the provisions of the Industries Assistance Act. The position in which we now find ourselves is that the Government are able to say, under the provisions of the Act, that a section of the community owe them a certain sum for land rent, and so forth, and though the Government do not actually pay any money as regards those rents, certain book entries have been made; in effect, the bookkeeping has been faked. I am not saying that was done with the idea of falsifying the accounts, but certainly there was credited to the Lands Department hundreds of pounds owing. The settlers were given credit for the amount owing and charged at the rate of not less than 6 per cent. as set down in the Act. I feel confident that the Minister in charge of the Bill has no desire that such conditions shall continue, and I shall crave the indulgence of the House at a later stage in moving for the elimination of certain clauses so as to prevent the Government from imposing a charge against the settlers as far as interest is concerned on land rents which may be in arrears. Some members may say that the Government have no intention of imposing these conditions, but I draw attention again to the reply made by the Minister in charge of the Bill in another place. We have given the Agricultural Bank Commissioners complete control of the Agricultural Bank, and the Industries Assistance Act is now also administered by the Bank Commissioners. If we pass the Bill as it stands, the Commissioners will say that they have no option, that it is definitely laid down that the rate of interest shall be not less than 6 per cent., and, secondly, that in view of the fact that the rents are in arrears, they must pay them and charge settlers interest upon them. We all realise that the year has been a most disastrous one for the farming community. I have no desire to labour the question at this stage; these matters can be discussed in Committee, and I hope members will support the amendments that appear on the notice paper. There are two amendments I particularly wish to have made, one to the provision enabling the Agricultural Bank to pay land rents and charge 6 per cent. interest on the amounts, and another to ensure that not more than 5 per cent. interest shall be charged. I move—

That it be an instruction from this House to the Committee to insert the following new clauses.

The PRESIDENT: The hon. member has given notice of proposed amendments, but they cannot be moved until after the second reading has been disposed of. They are matters for consideration in Committee.

Hon. A. THOMSON: Very well. I support the second reading. It is essential that the Act should be renewed, but I hope the amendments I have indicated will be included.

HON. C. H. WITTENOOM (South-East) [4.47]: I support the second reading. Obviously the time has not yet arrived when the Act can be dispensed with.

Hon. J. Cornell: It is more necessary now than ever.

Hon. C. H. WITTENOOM: Unfortunately, instead of conditions being brighter for the farming community, they have grown worse. Many crops have been ruined, and many of the primary producers, especially in my province, have neither food nor water for their stock. It is therefore more necessary than before that assistance should be granted to them. It is likewise necessary that assistance should be given immediately. The provisions of the Act enable assistance to be given immediately, and this must be done before the condition

of the primary producers becomes still worse.

On motion by the Chief Secretary, debate adjourned.

BILLS (3)—FIRST READING.

1, Appropriation.

2, Geraldton Health Authority Loan.

3, Loan, £3,212,000.

Received from the Assembly.

BILL—PURCHASERS' PROTECTION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. Cornell in the Chair; Hon. G. Fraser in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 2.

Clause 2—Amendment of Section 2:

Hon. H. V. PIESSE: I move an amendment—

That the following proviso be added to the proposed new Subsection 2:—"Provided that no such relief shall be granted after judgment, unless the court be satisfied—(a) that the proceedings in which judgment was obtained were not contested by the purchaser because of poverty; or (b) that evidence which the purchaser for any reason was unable to produce when judgment was given against him, is available; or (c) that the purchaser had not a reasonable opportunity of contesting the proceedings on which judgment was given against him by reason that—(i) he was in ill-health; or (ii) he resided at such distance from the court that the court was not reasonably accessible to him; or (iii) for any other reason, which the court deems sufficient, he had not had a full and reasonable opportunity of contesting the proceedings"

The object is to provide opportunity for genuine cases of land sales to be dealt with fairly. I had prepared a further amendment to provide a time limit, but on further consideration have deemed it rather stringent.

The CHAIRMAN: We will deal with that when we reach it.

Hon. H. V. PIESSE: The amendment will protect genuine people of whom go-getters have taken advantage. This legislation has been introduced in three stages. It gave the vendor an opportunity to obtain judgment against the purchaser, and once a judgment was obtained, the purchaser could not secure relief from the court. The Act was amended last year to overcome that difficulty. Now we find that where judgments have been obtained, purchasers cannot have them set aside unless this Bill be passed. There is no reason why a purchaser should have the right to approach the court, entailing costs for the defence, unless the case is justified. As a land and commission agent, my practice has been that when a property has been re-sold at a higher price, a return has been made of the amounts paid by the original purchaser. Of course, rate charges have to be considered. A vendor who sold property seven years ago rated on a value of £100 a block was approached by the road board to pay the overdue rates amounting to £28, which was £24 more than the purchaser had paid. Every case must be considered on its merits. The provision should not be made so open as to enable every purchaser to approach the court.

Hon. E. M. HEENAN: I do not think the Committee would do any harm by passing the amendment. Apparently, if proceedings are taken under the existing Act, the purchaser can obtain relief. As a matter of practice, what happens is that proceedings are taken under the existing Act, the purably a Perth company. The land has been purchased by some individual in the country, who gets a summons and just lets the matter go by default. Then the time arrives when he has secured a job and is in a position to pay. The vendor seizes the opportunity to enforce his judgment. At present the purchaser has no relief from the ordinary process of the Court. In this connection one reads about men being imprisoned. The same procedure applies here as in the case of an ordinary debt. If the magistrate is of the opinion that the debtor is earning sufficient to pay weekly instalments, he orders them to be paid, at the same time fixing a default order, perhaps seven days' imprisonment. It works out unfairly in this way: judgments are often obtained by default by the land company in Perth, who have sold through an agent in, say, Northam or Bunbury; and if proceedings are taken, it is the Perth court that has jurisdiction, and the unfortunate purchaser, once he gets a summons, has to come to Perth to defend the case. Usually he does not come down, but lets the case go by default. The judgment may lie dormant for 12 months or two years, or even longer; but when the company learns that the purchaser's position has improved, it pounces upon him to en-

force the judgment. Mr. Piesse's amendment has some merits, but it is not sufficiently vital to destroy the possibility of relief, though affording a measure of protection against a purchaser who unfairly tries to evade his just obligation. I can honestly support the amendment.

Hon. G. FRASER: I hope the Committee will not adopt the amendment. Though the proviso is liberal, there is a possibility that for some reason not stipulated in the amendment, the person desiring relief may be refused it. I move an amendment on the amendment—

That in paragraph (c), subparagraph (iii), the words "he had not a full and reasonable opportunity of contesting the proceedings" be struck out.

I have sufficient confidence in the Court to let it decide whether the reason advanced is sufficient.

Hon. H. V. PIESSE: I am not a lawyer, but the proviso seems to me to leave the decision with the right quarter—the Court. I hope the amendment on the amendment will not be carried.

Hon. G. FRASER: I am seeking to leave the decision to the Court. I am not sure that there is not a mistake in the drafting of Mr. Piesse's amendment.

Hon. H. V. PIESSE: Perhaps there is a mistake in the draftsmanship of the amendment.

The CHAIRMAN: The amendment seems to me not readable.

Hon. G. Fraser: The word "he" seems to be omitted.

Amendment on the amendment put and passed.

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

New clause:

Hon. G. FRASER: I move—

That the following new clause be added to the Bill:—"The principal Act is amended by this Act shall be cited as the Purchasers' Protection Act, 1933-1936."

A similar clause is contained in the Act of 1934.

New clause put and passed.

Bill reported with amendments.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.11] in moving the second reading said: The Bill seeks to continue the operation of the Lotteries (Control) Act for a further period of 12 months as from the 1st January, 1937. The Bill differs slightly from last session's measure owing to the insertion by another place of an amending clause. Under this new proposal all lotteries conducted by the Commission will be subject to continuous audit by the Auditor General, whose monthly reports shall be tabled in both Houses of Parliament. To date, 12 consultations have been promoted by the Commission; and these have met with a uniform measure of support from the public generally, as can be gauged from figures which I am about to quote. In connection with the nine consultations which have been audited and finalised, the total amount subscribed by the public was £169,163. From this amount was allocated prize money amounting to £84,579, or 49.99 per cent. of the total. The percentage of expenses, excluding the 10 per cent. commission paid on the sale of tickets, has been 4.68, which I consider remarkably low, and a great credit to the Commission.

Hon. G. W. Miles: But 10 per cent. is too high a commission to pay on the sale of tickets.

The HONORARY MINISTER: That point was raised in another place. I doubt whether business men regard 10 per cent. commission as excessive. When the position is analysed, we find that the average ticket-seller gets little indeed out of the business. In my opinion, to lower the rate of commission would be difficult. It would be hard to persuade an ordinary business man to accept any lower rate. However, this is a matter of opinion. Speaking dispassionately, when we come to consider the manner in which the sweeps are conducted and compare them with what took place in previous years, when sweeps were run by a chartered accountant whose expenses came to 51 per cent., members will realise that the Commission are to-day giving the people a far more generous deal. From my long experience I consider that the very low working ratio of 4.6 per cent. is remarkable and compares more than favourably with the expenses connected with the conduct of other sweeps and charitable efforts conducted in Western Australia. I have been associated with many of them, and I think the lowest ratio of expenditure was in the case of the "Daily News" charitable effort

several years ago, when the cost amounted to only a little over 2 per cent. In that instance, however, no one received payment. The cost of conducting sweeps and charitable efforts has always been the bugbear, and if it is possible to keep expenses to below 5 per cent. it is considered that the appeal has been well organised. Therefore with a business concern like the Lotteries Commission, where everyone receives payment, we can confidently say that the work carried out by the Commission is well and cheaply managed. After meeting expenses totalling £24,839 15s. 10d. (which included the 10 per cent. commission paid to agents), there was left available for distribution a profit of £59,744 4s. 2d., or 35.32 per cent. of total subscriptions. This, together with a balance of £63,679 13s. 9d. carried over from the previous year, made a total of £123,423 17s. 11d. The addition of bank interest at the 30th June last, and a refund on account of an unneeded refrigerator, further advanced the total to £124,598 3s. 10d. When this sum is offset by donations and commitments totalling £62,980 14s. 11d. and £59,912 9s. 8d. respectively, there is left a balance for further distribution of £1,704 19s. 3d. The profits of the Commission have been distributed amongst the various hospitals and charitable institutions, and, in most cases, the donations have provided funds for the purchase of necessaries that would otherwise not have been available. So far as possible the urgent needs of country hospitals have been supplied by the Commission. Besides providing 25 hospitals in this State with refrigerators costing £2,258 5s. 5d., the Commission installed two X-ray plants at a cost of £438 11s. 8d. Apart from these items, however, hospitals received further financial assistance from the Commission, including over £9,000 for nurses' quarters. In all, donations to hospitals totalled £34,154 4s. 4d. The indigent and needy in the care of charitable organisations have been given 2,008 pairs of blankets, and 1,198 pairs of sheets, through the medium of the various committees concerned, while, in addition, the Commission disbursed £1,505 for the relief of distress through the same agencies. A sum of £250 was also made available to the Child Welfare Department to purchase furniture for the homes of destitute widows with children. The hospital social service which was inaugurated last year with the aid of the Lotteries Commission, has already been allocated £1,650 during the current twelve months. I should like to elaborate the last few remarks. This is a new scheme as far as Western Australia is concerned, and it was only with the backing of the Lotteries Commission that it was possible to make the service available to the community. The idea of the social service department which operates in connection with the Perth, Children's and Fremantle Hospitals, is the employment of a fully qualified social service sister, qualified in every branch of nursing. The duty of this sister is to follow up cases after they have left the hospital, particularly those who are not able to look after themselves. Many patients after leaving the hospital are stranded financially, and but for the attention they are now receiving from the social service department, would be forced to return to the hospital for further treatment. Experience has taught us that many people without means soon after having been discharged from the hospital are forced to return to receive further treatment. This all means additional expense for the institution. I look upon the social service department as one of the most valuable schemes established in Western Australia, and but for the assistance rendered by the Lotteries Commission it would not have been possible not only not to launch the service, but to carry it on. Considerable assistance, too, has been given to the various orphanages; donations totalling £6,727 2s. 6d. having been distributed amongst the following institutions:—Anglican Girls'; Swan Boys'; Castledare; Clontarf; Parkerville Homes; St. Joseph's, Subiaco; St. Joseph's, New Norcia, and Sister Kate's Cottage Home at Queen's Park. Amongst the other institutions which received assistance, were the following:—

	£
Beagle Bay Mission	800
Chandler Boys' Farm	500
Children's Protection Society	254
Convalescent Home	540
Drysdale River Mission	665
Housing Trust	1,200
Infant Health Centres	894
Kindergartens	287
Metropolitan Council of Unemployment Relief Committee	1,250
Returned Soldiers' League	1,500
School for the Blind	2,250
School Books	405
Silver Chain League	1,200
St. John Ambulance Centres	2,362
Surf Life Saving Association	350
Tardun Farm School	2,000

Ugly Men's Association	500
Wokalup Farm School	650
W.A. School for Deaf and Dumb ..	500
Young Australia League	750

I should like to make reference to one or two of the items appearing in the list that I have just read. In connection with the Infant Health Centres for which £894 was granted by the Commission, had it not been for that generous support the life of the centres would have been imperilled. In fact, I think they would have had to close their doors. The Lotteries Commission has been most generous in support of this valuable movement. With regard to the Surf Life Saving Association grant of £350, I should like to add my meed of praise to the good work done by the various life saving bodies at our beaches. If any organisation is rendering a valuable service to the community it is certainly the life saving clubs who, every week, in an honorary capacity patrol our beaches and render bathing safe for all, swimmers and non-swimmers alike. Personally I consider the Commission would be justified in increasing the amount of the grant knowing the value of the work carried out in an honorary capacity by the fine body of young men who patrol our beaches. I think that, at present, the Commissioners are functioning to the satisfaction of most people, and it is again the desire of the Government to continue the operations of this body. In accordance, however, with the wish expressed in this Chamber, the Bill provides that the term of the Commission's activities shall again be limited to a period of twelve months, expiring on the 31st December, 1937. It is with great pleasure that I submit the second reading of the Bill, because I have to acknowledge the good work that has been carried out by the Lotteries Commission. I am aware that there is great need for controlling gambling, and also need for relieving distress and assisting the charitable organisations and the public hospitals of the State. Anyone who has had anything to do with hospital work will be aware of the difficulties that have been experienced in many cases in carrying on the management of those institutions because of the lack of funds. That it has been possible to manage the hospitals with success in recent years is due entirely to the assistance rendered by the Lotteries Commission. Very good work has been carried out by the Commission and we are fully justified in asking the House to pass the control Bill for another 12 months. I move—

That the Bill be now read a second time.

HON. J. J. HOLMES (North) [5.29]: In view of what the Honorary Minister has said and in view of what has happened, members of this House should congratulate themselves on not having given the Commission a life of five years, as was proposed, but limited the period of the existence of the lotteries to 12 months. It will be remembered the difficulty that was experienced in getting the report of the auditors on the work of the Commission, and it has come as a surprise to us to know that the Auditor General investigated the affairs of the Commission. The report was written a considerable time ago, and was withheld until a week or two ago when the Government were practicaly forced to lay it on the Table of the House. Since this money is for charity, it behoves everybody concerned to be particularly active, and particularly just in the distribution of the money. I do not propose to go into details, but I gather from the Press and elsewhere that the responsibility of the Commission has been well discussed in another place, and, judging by reports, I am afraid the Commission have not viewed the position quite as seriously as most people might have expected. I am hopeful that now that it has been arranged for the Auditor General's department to investigate the books of the Commission, there will be no need for me to proceed any further on those lines. But this money provided for charities has turned out to be for some people one of the best bits of business to be found in Perth. They have books of tickets supplied to them and they equip themselves with a chair in a doorway, or better still they get some attractive young lady to sit there. And I understand that the officers of the Commission come around and collect the money when the tickets are sold. And for what little he has to do, the agent gets 10 per cent. commission. It is not right that these agents should get so large a commission out of money provided for charity. They do not have to invest any money themselves, do not even have to pay for the tickets in advance, but simply get some attractive young person to sell the tickets so that the agents can collect 10 per cent.

Another thing: when the original Bill was brought down, we were told it would do away with all the street appeals. Yet, after all this time, each Friday morning one can scarcely get down the street for persons engaged soliciting patrons for some appeal. The Bill was passed on the distinct understanding that those street appeals would be wiped out. Again, we were given to understand that the money, the proceeds of these lotteries, would be used for charitable purposes only. Yet the Honorary Minister, when moving the second reading a few minutes ago, referred to a donation of £750 to the Young Australia League. Is that league a charitable institution? I do not wish to say a word against that league, but I think there are many other institutions more deserving of charity than is the Young Australia League. Then the Minister referred to social services in connection with hospitals, the idea being that when patients are discharged from a hospital someone follows them around to see that they are taken care of. But the Minister explained that this social service is confined to Perth and Fremantle. What happens between Wyndham and Esperance? Is this social service to be performed only at the seat of Government and the centres of population, where people requiring assistance can get it from other sources? I am at a loss to understand why money used for a social service scheme should be confined to Perth and Fremantle. It appears to me that the Government—I do not say it offensively—are polling on the Lotteries Commission. Surely it is the first duty of the Government to look after the health of the people. Law and order, of course, is one of the first functions of Government, but the very next function is to look after the health and education of the people. But we find that huge sums of money are going out from the Lotteries Commission to hospitals. One would like to ask, what happened to those hospitals before we had the Lotteries Commission? The hospitals were then a charge on the Government. Now that the Government have been relieved of their responsibility to a great extent by the Lotteries Commission, one would expect to see the difference reflected in the Budget that comes before us each year. But so far as I have examined the Budget, I cannot see anything there to show that the Government have been relieved of one of their essential duties, namely, looking after the welfare of the people. I do not propose to say more. The Bill will come up again in 12 months' time. It provides for a special audit of the Commission's accounts by the Auditor General. That was not provided before. It is a step in the right direction. As another opportunity will be given to the House in 12 months' time further to review the legislation, I shall be satisfied to vote for the second reading, now that the question of audit has been put on a more satisfactory basis.

On motion by Hon. A. M. Clydesdale, debate adjourned.

BILL—DAIRY INDUSTRY ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.40] in moving the second reading said: This Bill seeks to effect certain amendments of a machinery character to the Dairy Industry Act, 1922. That legislation was brought down with a view to providing a certain measure of control over the purchase, manufacture and sale of dairy produce. At that time experience in this and other States had shown that the conditions obtaining in respect of the various processes connected with the purchase, manufacture, and sale of dairy produce rendered necessary the exercise of legislative control in order to preserve an equitable balance as between the interests of the farmer, the manufacturer, and the consumer. One of the conditions to which I have referred is peculiar to the dairy industry, in that in no other industry does the manufacturer purchase his raw material outright from the producer, promising him payment at a date after the processing of the raw material has been completed. In effect, the farmer is paid the difference between the manufacturer's selling price for the finished product, and the costs incurred in manufacture and sale. Then, again, the farmer is paid according to the butter fat content of his milk or cream, and, while it is not suggested that, in the absence of legislative control, manufacturers would take advantage of the producer, nevertheless, there would always be a tendency for some factory to give incorrect tests in order to attract custom. Such

practices would naturally react to the detriment of the whole industry. Further, it is in the interests of the farmer and consumer to ensure that the farmer producing a quality product receives the highest possible return for his milk or cream. This condition can be achieved only if butter and cheese of the highest quality are manufactured, and the charges for manufacture and sale kept as low as possible. Here, again, the necessity for the exercise of an adequate measure of supervision to ensure the best interests of all parties connected with the industry has been proved by experience. Since the enactment of the principal measure in 1922, considerable changes have taken place in the dairy industry. Not only has the production of butter increased some 800 per cent., but, further, other dairy produce such as condensed milk and cheese, are now being manufactured in this State. These products, although embraced by the definition of the term "dairy produce" in the Act, are not covered by its regulations, owing to the omission of the term in many essential sections of the Act, where the word "butter" has been used instead of "dairy produce." It is now proposed to amend those sections that were intended to relate to all "dairy produce" by inserting that term in lieu of "butter" wherever it appears, and replacing the word "cream" by "milk or cream." The Bill also makes provision for annual registration of dairy-produce factories. At present these establishments operate under a permanent certificate of registration, and once registration is granted it cannot be taken away. Under the proposed system, any applicant who has been refused registration shall have the right of appeal against the decision of an inspector, to the board constituted for that purpose. Another amendment in the Bill seeks to rectify an omission in the original Act. While that measure empowers inspectors to examine equipment in factories, and issue instructions for their correction when such plant is found to be unsatisfactory, no provision is made for the enforcement of the inspector's orders. It is now proposed to vest power in the inspector to enable him to enforce his instructions. Nevertheless, it is provided that aggrieved persons shall have the right of appeal to a board of three. Another point dealt with in the Bill is in respect to the payment by dairy companies for milk. It appears that dairy produce companies have been paying for milk according to the regulations laid down in respect to payment for cream. They have been doing this in the belief that this provision is already embodied in the Act. That is not so. The Bill proposes that milk which has been purchased for the manufacture of butter or cheese shall be brought within the scope of the Act.

Hon. J. Nicholson: I thought that was in the Act already.

The CHIEF SECRETARY: Apparently not. At the same time, a new provision has been made at the request both of manufacturers and producers, which stipulates that factory managers shall pay for milk or cream according to its grade, and that the differential rates shall be prescribed from time to time. This provision has already been included in legislation that exists in Victoria and Queensland, where it has been recognised that upon this basis any improvement in the quality of butter production is dependent. Manufacturers have also been desirous of ensuring that persons engaged as butter and cheese-makers shall possess the necessary technical qualifications. We have made provision in the Bill to that effect. Somewhat similar provisions are already embodied in the enactment governing the conduct of dairy industries in other States. If this Bill is agreed to, the butter and cheese makers in this State will also be required to pass an examination as to their proficiency. The Bill provides that those persons who have been engaged in this industry in that capacity for at least one year prior to the enactment of the proposed new section shall be exempt from the operations of that provision. Another important part of the Bill relates to the manufacture and sale of margarine. It was considered at the time of the enactment of the principal measure that margarine was a wholesome food. It was also recognised that because of its lack of certain nutritional qualities present in butter it should not be sold in such condition as to be indistinguishable from the latter. It was provided further that no colouring matter should be added to margarine to make it resemble butter. The natural colour of margarine at that time, I believe, was white. Manufacturers subsequently found that by blending certain vegetable oils they were able without the addition of any colour-

ing matter to make a product having the natural colour of butter. It is desired by the Bill to make the position more clear from the point of view of the consumer.

Hon. J. Cornell: Margarine ought to be wiped out altogether in a country like this.

The CHIEF SECRETARY: I remember the time when margarine was regarded as an excellent substitute for the butter we were then getting.

Hon. J. Cornell: I always preferred dripping.

The CHIEF SECRETARY: The hon. member is entitled to his own taste.

Hon. T. Moore: You are a good judge.

The CHIEF SECRETARY: Quite recently a meeting of the Council of Agriculture was held at Canberra. It was decided at that meeting by the whole of the States represented there to introduce uniform legislation for the control and sale of margarine, such control to be along the lines of that which has been adopted by Victoria. It is therefore provided in the Bill that margarine shall not be sold unless it has a distinctive colouring that will distinguish it from butter. The actual colour will be a matter for regulation. It has been proposed that saffron, which has a deep yellow colour, easily distinguishable from that of butter, should be used for the purpose.

Hon. J. J. Holmes: When you get over that hurdle, you will have to amend the Act again next year.

The CHIEF SECRETARY: That may be so. If the Councils of Agriculture of the Commonwealth consider it desirable to do that, I expect we would bring down a measure for the purpose, and that this House would pass it. I do not think there is anything else of importance for me to say, and I move—

That the Bill be now read a second time.

HON. L. CRAIG (South-West) [5.50]: This Bill is not a contentious one, and there was no opposition to it in another place. It is merely bringing the old Act up to modern times. When the Act was introduced in 1922, I think there was one butter factory, operating in Bunbury.

Hon. J. M. Macfarlane: There were more than that.

Hon. L. CRAIG: There were very few at that time, but to-day there are 16 factories at work. It is desirable that these factories should be modernised, their equipment brought up to date, and that they should be everything one would expect of a modern factory. The Chief Secretary stated that the purchase of dairy produce from a farm was different from the purchase of any other goods, the price being arrived at after deducting the manufactured costs and the selling costs. According to the selling price of the manufactured article, so is the price of the raw material that comes from the farm fixed. It is very desirable, therefore, that the manufacturing and marketing costs should be kept down as low as possible. The Bill provides for that. At present when a factory is registered that registration holds until cancelled. Under the Bill it will be necessary for a factory to register annually. That will give inspectors an opportunity to see that the factory is up to date, with the threat, I presume, that if it is not, the factory may be deregistered. Many producers in my province would like to see factories licensed, so that the Government may have power to prevent the erection of too many of them in one locality. We have found as a result of years of experience that no matter how many factories are established, the producer always pays. It is a fact that the 16 factories in this State produce very little more than one factory produces in New Zealand. Members can imagine the overhead charges imposed upon the producers by reason of the duplication of transport, managers, secretaries, staff, machinery, etc. It is desirable that the number of factories allowed in one particular district should be limited. By the system of registration the Government will be able, if desired, to prevent additional factories from being established. It will be necessary only to stipulate that a factory shall be of a certain size or kind before it can be registered to ensure keeping the number of factories within bounds.

Hon. T. Moore: Do you approve of such restrictions upon private enterprise?

Hon. L. CRAIG: I do, and so does the hon. member. The Bill also provides that people handling the farmers' products shall be qualified men. That is very desirable. A tremendous responsibility rests upon the tester and grader of cream. When the farmer sends his cream to a factory, he has finished with it. Upon its arrival it is weighed. It then goes to the testing room, where samples are taken from the cans. The

tester himself decides what quantity of butter fat there is in the cream. A margin of error of one or two per cent. makes an enormous difference to the returns the producer gets. Cream averages about 40 per cent. of butter fat. If that is tested at, say, 38 per cent. instead of 40, members can imagine what difference that will make to the producer in the course of 12 months.

Hon. T. Moore: Does not the farmer see that the cream is tested?

Hon. L. CRAIG: It is tested in the factory. It is sent in by lorry or train every second day or so, and when it leaves the hands of the farmer he loses all control over it.

Hon. T. Moore: Why does not he have a check made that will constitute a check for all suppliers?

Hon. L. CRAIG: Farmers may do that if they like.

Hon. J. M. Macfarlane: No manufacturer objects to any supplier seeing his cream tested.

Hon. L. CRAIG: That is of no advantage to the farmer if he does not know anything about the testing appliance.

Hon. J. M. Macfarlane: Then of what use is it that he should see the testing done?

Hon. L. CRAIG: That is a job for the experts. The Bill provides that the tester shall be an expert, and that the work shall not be left to any Tom, Dick or Harry.

Hon. J. M. Macfarlane: That is the case to-day.

Hon. L. CRAIG: The Bill provides that these men shall pass an examination.

Hon. J. M. Macfarlane: They have to be fully qualified to-day.

Hon. L. CRAIG: The Bill provides that testers and graders shall pass an examination. That is very desirable.

Hon. J. M. Macfarlane: So it is; but it is nothing new.

Hon. T. Moore: Experts make mistakes.

Hon. L. CRAIG: And so do politicians. No one will object to experts being employed on this work. It is most important that the cream shall be accurately tested for butter fat. A man may be milking 50 cows and supplying an average from each one of 250 lbs. of butter fat per annum. If the test is one or two per cent. out, that amounts to a lot of money in the year.

Hon. J. J. Holmes: You will have 16 experts doing the work of one.

The PRESIDENT: All this discussion might well be left to the Committee stage.

Hon. L. CRAIG: Each factory has its own tester to-day, so that the Bill will not increase the number of testers. Qualifications are required in lawyers and members of other professions, and it is quite right that testers and graders should also be qualified, and prove their qualifications by examination. The Bill also deals with margarine. No one will object to those provisions. Dairymen are very conservative. They say that anyone has a right to sell margarine, but claim that it should be sold as such, and not as butter. The Act provides that it shall be coloured differently so that it shall not be sold as butter. When I was in America I went to the Armour-Swift Meat Combine works, where I saw thousands of pounds weight of margarine produced per day. That margarine was white. It had to be left white. In the bottom of each 10-lb. block of margarine was inserted a little bottle containing saffron of a deep yellow colour. This colour had to be added to the margarine by the retailer. The factory itself had no right to colour the product, but to overcome the difficulty it inserted this little bottle of colouring matter in each block, and this the retailer was allowed to use. Not long ago we passed a Bill providing that woollen goods should not be called woollen goods unless they were in fact made of wool. This Bill provides that margarine shall not be sold as butter but as margarine. There is nothing unreasonable in that.

Hon. G. W. Miles: Does that come within the Title of the Bill?

Hon. L. CRAIG: The definition of "dairy produce" has been changed. Margarine is covered by the Bill, although I do not propose to look up the reference. Margarine can be made up from all sorts of materials including whale oil, beef fat and pork fat and a certain quantity of milk. I do not desire to speak at any length on the Bill, but I would stress the fact that there is nothing contentious in it. The Bill merely brings the old Act up to date and makes it more suitable to modern times, so that the industry as a whole may be adequately protected. I support the second reading.

Hon. W. J. MANN: I move—

That the debate be adjourned.

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

Ayes	10
Noes	15
Majority against ..	5

AYES.

Hon. A. M. Clydesdale	Hon. H. V. Piesse
Hon. J. Cornell	Hon. H. Seddon
Hon. L. Craig	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. G. B. Wood
Hon. W. J. Mann	Hon. H. Tuckey (*Teller.*)

NOES.

Hon. E. H. Angelo	Hon. E. M. Heenan
Hon. L. B. Bolton	Hon. J. J. Holmes
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. C. G. Elliott	Hon. J. M. Macfarlane
Hon. J. T. Franklin	Hon. G. W. Miles
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. E. H. Gray	Hon. T. Moore (*Teller.*)
Hon. V. Hamersley	

Motion thus negatived.

HON. W. J. MANN (South-West) [6.5]: I am sorry that members denied me the adjournment of the debate because I would have been able to produce some very interesting matter regarding the dairy industry. As members, in their wisdom, are evidently in a violent hurry to get through the business, I shall take this opportunity to make some remarks. The dairy industry has given successive Governments in this State a great deal of thought. Mr. Craig a little while ago said that the first butter factory in the State had been established at Bunbury. I am sorry he was a little astray in his facts because the first butter factory was a co-operative concern established by farmers in the Busselton district. It was carried on for some time and subsequently was taken over by Mr. Macfarlane. In those days the industry was very small, and farmers were in need of much instruction regarding various phases. At that time the industry in the Eastern States was beginning to boom and manufacturers quickly realised that there was a wonderful field for trade in Western Australia. The result was that huge quantities of buttter were landed in Western Australia week by week, which did not prove conducive to the building up of the dairy industry in Western Australia. Nevertheless there were a number of enthusiastic dairy farmers, particularly in the South-West, who determined to go ahead with their project and, by means of the introduction of pure-bred stock from the Eastern States and the grading of herds, they endeavoured to produce a high grade article. They steadily progressed until the industry was placed on a fairly substantial footing. Then the Government of the day decided, in order to give a fillip to the industry, to embark upon the Group Settlement Scheme, which was a very courageous proposition.

Hon. A. Thomson: And expensive.

Hon. W. J. MANN: Yes, but the ideal behind it all was most laudable. The inauguration of that scheme, with all its subsequent faults, did much towards building up the dairy industry. It should be realised that in Australia dairying is about the second largest industry. It provides work for an enormous number of people and results in the introduction of much new money each year into Western Australia. From time to time the necessity for legislation to deal with various phases of the industry became apparent. Certainly that legislation was somewhat tardy in its presentation. Some attempts were made to assist the industry in its early stages, but later the need for more substantial legislation found favour in the eyes of the producers. During the past ten years, butter production has increased more than at any previous period of the State's history. The Minister for Agriculture, when dealing with the Bill in another place, said that ten years ago little more than 2,000 people were engaged in the industry, whereas to-day there were approximately 7,000, and the number was steadily increasing. I believe that will continue because, although we are confronted with some marketing difficulties, there are other avenues that have yet to be exploited for the sale of our dairy products. When those difficulties are properly tackled, I am sure there will be a still further increase in our butter production. The amount of money invested in the industry in this State is much more than many people appreciate. Recently I perused figures that indicated that if a valuation were made of the whole of the plant, property, herds and other essentials of the industry, it would be found that it had involved an expenditure so far of about £2,000,000. That is a very substantial outlay. Unlike other industries dairying will continue for all time; there is no chance of it petering out or of the demand ceasing. In addition, new country is being opened up all the time and fresh pastures are being laid down. Our herds are increasing and the importation of high-grade stock

still continues. Only this year a member of another place imported from England an animal of the very highest possible breeding from the stud of His Majesty the King. I mention that fact in passing although I am not prepared to say that that particular animal was really better than any other that might have been obtained elsewhere but it is indicative of the interest taken in the industry and the determination of four people to build it up.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. J. MANN: I was referring to the early history of the dairy industry and passed to the stage wherein I pointed out that in the last ten years there has been a very marked increase in its importance. For many years the number of butter factories in the State remained at four or five. In the last few years further factories have been established, until there are now 16 operating. There has been a suggestion that some legislation should be enacted that would have the effect of limiting the establishment of further factories. I think that might be dangerous. At the same time I feel that there are quite sufficient factories in Western Australia for the volume of production. There would be a certain danger if we were to say that as a factory is already located in one area there should not be another established there. The existing factory might be altogether indifferent to the interests of the producers who might be suffering great disadvantages, and it might be quite essential and for the good of the industry that another factory be established. Generally that is not so. One might almost say that without exception the factories existing to-day are carried on fairly well, but competition is very keen, and there is a tendency—or there has been a tendency in the past—to resort to practices not in the best interests of the industry. For instance it has been a longstanding grievance amongst factories that certain of their numbers are in the habit, in order to get new suppliers, of paying for second-grade cream the price of choice cream. That statement has been made many times in regard to quality butter. It has been pointed out frequently that we will never get the highest grade butter so long as the practice is permitted. That is a matter largely for the factories. We say that we should tighten up the qualifications of the men who make the butter, but at the same time it seems a great pity we cannot provide a heavy penalty for any factory paying for choice cream when the article supplied is definitely inferior. I do not propose to deal any further in a general way with the industry, but I want to draw attention to one or two matters which I think might be taken into consideration when the Bill is in Committee. Clause 4, Subclause 1, deals with the date of registration. It is provided that—

> all dairy produce factories and stores registered under the provisions of the Act prior to the commencement of this subsection shall be deemed to be registered (subject to Subsection 2 of this section) until the 31st day of December, 1936.

That, at first glance, seems wrong. I think it is all right provided that prior to the next registration—the registration is only for 12 months—the department will not interfere with the factories and make demands that will put them to unlimited expense. It would be possible, if the Bill is passed, for the department to interfere and say that before registration can be effected next year, certain things shall be done. I hope that will not be so, and that the factories will be allowed to register next year without any let or hindrance. If there are to be any improvements, the factories should be given ample notice so that they might provide the funds necessary to set about making the improvements desired. To Subclause 2 of Clause 5, I take a little exception. It says—

> Every inspector appointed for the purposes of this Act may exercise in relation to dairy produce factories, stores, and depots, all the powers of an inspector of factories under the Factories and Shops Act, 1920, and its amendments, and all the powers of an inspector under the Inspection of Machinery Act, 1931, other than such powers specified in the last-mentioned Act as relate to the registration and inspection of boilers.

This is giving inspectors a tremendous lot of power. In an industry of this description these inspectors should be dairy specialists—largely, anyway. They should concentrate on making the factories, depots, and so on, conform to the necessities of the particular industry. There is a lot of difference between these places and the ordinary business that comes under the Factories and Shops Act. Under this clause rather great power is given to the inspectors. If they can stick to one thing at a time and make a good job of that they will do something worth while. Clause 11 provides—

> No person shall be employed whether as a servant or by contract to test or grade milk

or cream supplied to a dairy produce factory, or to carry out the duties of a butter-maker or cheesemaker in a dairy produce factory unless he has the qualifications and has passed the examination prescribed in that behalf and holds a certificate to that effect.

My contention is that it is just as essential, seeing that the inspectors are going to have a good deal of power, that they should be highly qualified too. The Bill gives practically unlimited power to the inspectors who as a rule are not practical men. We may assume they are not practical dairymen. That power is likely to be abused, though perhaps not consciously. I do not suggest they are going to abuse it in any vindictive sense, but without a full knowledge of the industry of butter-making and testing and grading and of cheese-making, it seems to me that it will be difficult for inspectors to be in a position effectively to police the industry. In Clause 12, Subclause 2, it is provided—

The manager of every dairy produce factory shall forward to suppliers of milk or cream within two months after the expiration of the 31st day of December in each year an account in the prescribed form showing the charge levied for manufacture and sale of all dairy produce manufactured during the 12 months preceding the 31st day of December, and the quantity and value of milk or cream of each grade for which suppliers have been paid during that period.

Farmers already receive monthly statements that contain all those particulars. I contend it is quite unnecessary for the factories to have to provide them all over again. It must be remembered that the suppliers of some of the big factories number hundreds. I am open to correction, but I think that one dairy factory company operating in this State has something like 1,400 suppliers. To send out that information again after it has already been supplied is, in my estimation, unnecessary, and I would suggest that the words "and the quantity and value of milk or cream of each grade for which suppliers have been paid during that period" should be excised. There is no necessity for that to be done. Another point, the necessity for not harassing the butter manufacturers, but for assisting them in every possible way. There are many ways in which that can be done. There is only need to go to meetings of butter-factory managers to hear from them the disabilities they frequently have to contend with in connection with what they term mischievous interference. I am not in a position to give instances such as I could have supplied in other circumstanes, but I hope that the departmental officials will do all in their power to assist the factories and the industry to make greater progress. During the past year the Eastern States have recorded a definite fall in the manufacture of choice-grade butter for export. If my memory serves me aright, the fall amounted to 35 per cent., while the decrease in the quantity of cream supplied to factories there was about 9 per cent. In this State there has been a remarkable improvement; the quantity of choice butter produced has risen from negligible to respectable proportions, and this is our opportunity to do everything possible to help the factories to produce an article that will bear the most severe test. I believe that choice Western Australian butter is equal to any butter manufactured, and I make that statement after having sampled butter in other countries. We can make high-grade butter and we want to give our people every opportunity to make it. We should not pass any amendment that will in any way hamper or embarrass the factories. I support the second reading.

HON. H. TUCKEY (South-West) [7.47]: I congratulate the Government on having introduced the Bill. Not the slightest opposition has been offered to it, and I feel sure that all concerned appreciate the action of the Government. Dairying is one of the most important industries of the State, and one and all appreciate the effort being made to place the industry on a sound basis. There is no need for a long debate on the Bill. The Minister has fully explained its provisions, and we have listened to fairly lengthy speeches by Mr. Craig and Mr. Mann. In the circumstances I shall content myself by supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1, 2, 3—agreed to.

Clause 4—Amendment of Section 5:

Hon. W. J. MANN: What will be the position of factories after the end of this month? The Bill provides that dairy produce factories and stores shall be deemed to be registered until the 31st December, 1936. There must be a period between the

1st January and the time when registration is effected during which interval the factories will be unregistered.

The CHIEF SECRETARY: Provision is made in the Act whereby anyone aggrieved by a decision of the department may appeal, and until the appeal is heard operations may be carried on.

Hon. W. J. Mann: But factories would be operating as unregistered factories.

The CHIEF SECRETARY: That would be unavoidable. There is no desire on the part of the department to do as the hon. member suggested.

Hon. W. J. MANN: Unless registration can be effected before the end of the month, the factories must be unregistered, and I wish to ensure that they will not be disadvantaged because insufficient time is being allowed for them to register. I suggest that the date be made the 30th June, 1937, which would allow ample time to effect registration.

Hon. G. Fraser: Half a year to effect registration!

The CHIEF SECRETARY: I have no strong objection to offer to the proposal, though the hon. member should be content with a shorter period.

Hon. W. J. MANN: I have no objection to stipulating three months. I move an amendment—

That in the proviso the words "December, one thousand nine hundred and thirty-six" be struck out and the words "March, one thousand nine hundred and thirty-seven" inserted in lieu.

Hon. C. F. BAXTER: Where is the necessity for the amendment? Subsection 2 of Section 5 provides that the registration shall remain in force until cancelled.

The CHAIRMAN: Paragraph (b) of the clause proposes to delete that provision.

Hon. C. F. BAXTER: That is right.

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

Clauses 5 to 11—agreed to.

Clause 12—Amendment to Section 15 of the principal Act:

Hon. G. FRASER: Proposed Subsection 2 first allows three months for the doing of certain things and then allows only two months as the period within which accounts must be furnished. Originally the Bill allowed three months in each case. I propose to move an amendment on the point.

Hon. W. J. MANN: I move an amendment—

That in proposed Subsection 2 the following words be struck out:—"and the quantity and value of milk or cream of each grade for which suppliers have been paid during that period."

As the supplier has already received one statement of accounts this provision is quite unnecessary.

The CHIEF SECRETARY: My information is that the provision is highly desirable. Butter fat is not purchased from farmers, but is solicited by butter companies, which, after deducting a charge for manufacturing the same, return the proceeds to the farmer. I have not had practical experience of how this works, but I understand that the provision in the proposed subsection is almost essential. Suppliers will be dissatisfied if they are not able to obtain information to which they are fully entitled.

Hon. W. J. Mann: You do not mean the aggregate quantity, but the supplier's own portion?

The CHIEF SECRETARY: That is so.

Hon. H. TUCKEY: I support the Minister. I fail to grasp Mr. Mann's viewpoint.

Hon. W. J. MANN: I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. G. FRASER: Following my remarks earlier, I move an amendment—

That in the last line but one of proposed Subsection 2 the word "two" be struck out, and "three" inserted in lieu.

The first part of the proposed subsection allows three months in cases where the factory's year ends on the 31st December. The concluding part of the proposed subsection allows only two months where the year ends on any other date than the 31st December. The object of the amendment is to make matters uniform.

Hon. L. CRAIG: I support Mr. Fraser. It is highly desirable that three months at least be allowed to factories. Two months may be enough for small factories; but in the case of a co-operative concern controlling many factories the business takes a considerable period—at the very least two months and two weeks, I am authoritatively informed.

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

Clauses 13, 14—agreed to.

Clause 15—Amendment of Section 19 of the principal Act:

Hon. C. F. BAXTER: I do not propose to move an amendment. I desire to congratulate the Government on the whole Bill, and more especially on this clause. I would like to impress upon the Minister, in the hope that he will communicate the impression to the department concerned, the extreme need for ensuring that the covering of margarine is such that the article will stand out prominently as margarine, in contrast to butter. Margarine is not really good for health. Margarine takes the place of butter, and is sold at a substantial profit, and should be readily distinguishable from butter.

Clause put and passed.

Clauses 16, 17, 18, Schedule, Title—agreed to.

Bill reported with amendments.

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.15] in moving the second reading said: The purpose of this small Bill is to ensure the universal adoption of the "bank-to-bank" system in Western Australian mines. Under the proposal set forth in the Bill, persons employed underground will be lowered to their work at the commencement of their shift, and raised again to the surface by the time the whistle blows for its completion. There is nothing new in this "bank-to-bank" system. Actually, it is being at present voluntarily operated by the companies controlling the Perseverance, Hannans North, Paringa, New North Boulder, Gold Mines of Australia, Lake View South and North Kalgurli mines, while the Norseman, Wiluna and South Kalgoorlie mines work on a system which is virtually bank-to-bank. I am informed, moreover, that almost every small outback mine has adopted the bank-to-bank principle. It is submitted, therefore, that, if this measure becomes law, only about 10 per cent. of the mines will be affected by the new legislation. Members acquainted with the mining industry will know that firing nowadays is generally undertaken twenty minutes before the shift ends. During that interval the men have nothing to do but wait for the whistle to blow in order to be raised to the surface. After firing, fumes, smoke and dust are prevalent. All these are inimical to health, and, consequently, the men are not expected to work after blasting operations have been carried out. The men, while waiting for the completion of the shift, come out on to the plat, but even here, however, the air is not free from fumes and dust. Then, too, apart from the dangers to health from the inhalation of fumes and dust, the men are exposed to the risk of contracting chills or pneumonia when possibly sitting about in cold air, wet to the skin with perspiration or salt water. In the bigger mines, it takes a considerable time to raise all the men to the surface, and there seems to be no valid reason why the men should not be raised to the surface immediately following the firing. After all, the men who will be affected by this proposed legislation only remain below idle at the present time. In commending this measure to the favourable consideration of hon. members, I would like to point out that, since no ore is pulled once firing takes place, the companies would not sustain any loss in this regard as a result of the adoption of the bank-to-bank system. There is one other point, also, to which hon. members might direct their attention, and that is the question of safety in mines. It has been contended that accidents in ground which is baulky or drummy can often be mitigated when a miner going off shift is able to meet his mate and explain the conditions at the working face he has just left. There can be no doubt that the general enforcement of the bank-to-bank system would be of no disadvantage to the companies, and of considerable benefit to the men.

Hon. J. Nicholson: Do the companies say it will not be a disadvantage to them?

The CHIEF SECRETARY: So I am advised by the department.

Hon. J. Nicholson: Has such advice been given to the department?

The CHIEF SECRETARY: I cannot say, but we know from practical experience that that is the position. The men simply have to wait at the bottom of the shaft after firing has taken place. They do no work while they are below. No ore is pulled to the surface during that period and the cage is available for the purpose of bringing the men to the surface. There is a principle in-

volved in this which, as I say, is being recognised by a large majority of the mines.

Hon. H. Tuckey: What time do the men start to go below?

The CHIEF SECRETARY: The whistle blows at 8 a.m. If the Bill is agreed to, most men will be on the surface at the time the others knock off. That is all there is in the Bill. It seems to me to be a reasonable proposal and as there will be no disadvantage from the point of view of the companies and will be of some little benefit to the men who do not have the bank-to-bank system at the present time, I think it is a measure that we can all agree to. I move—

That the Bill be now read a second time.

HON. C. G. ELLIOTT (North-East) [8.22]: The object of the Bill is to amend Section 41 of the principal Act by striking out Subsection 2 and substituting the following:—

> For the purpose of this section a person shall be deemed to be employed below ground from the time when such person commences to descend the mine until the time when such person actually returns to the surface.

It simply means that men have to be ready to go below, say, at 8 o'clock in the morning, and immediately the whistle blows they are sent below. The idea of the Bill is that they should arrive at the surface at 4 o'clock in the afternoon after having completed their eight hours. This practice—bank to bank or whistle to whistle—is in operation in practically all the mining centres in the British Empire, and further, it is really in operation in all the principal mines in Western Australia with the exception of about two.

Hon. L. Craig: The Sons of Gwalia?

Hon. C. G. ELLIOTT: No, because on that mine there is an underlay shaft.

Hon. J. Nicholson: At Wiluna?

Hon. C. G. ELLIOTT: Yes, Wiluna has a big shaft and every time the skip goes down, the company can move 40 men. Thus it does not take long to bring the men to the surface or take them down. In the majority of the mines it only requires about 20 minutes to raise or lower the men. As far as the time is concerned, that is practically negligible. There is one thing we must realise and that is the march of progress. We cannot stop progress; it is foolish to attempt to do so. To show members that we have progressed in connection with mining, I might mention that a few weeks ago I was reading an English newspaper which contained an illustration of boys from seven to ten years of age being harnessed to trucks in coal mines in England.

Hon. L. Craig: That was a hundred years ago.

Hon. C. G. ELLIOTT: No, it was not so long ago. The boys were harnessed to trucks and they had to pull the loaded trucks on their hands and knees to the plats. It is needless to say that nobody would dream of declaring otherwise than that such conditions were most inhumane. We have certainly progressed since then and in my opinion, although the conditions prevailing are considerably in advance of what I have just related, there is still room for progress, and there is not the slightest doubt to my mind that the conditions in the mining industry will continue to improve as the years go by.

Hon. L. B. Bolton: Is this not one of the points that the Arbitration Court has been asked to decide?

Hon. C. G. ELLIOTT: That may be so, but the Arbitration Court cannot settle such questions immediately. The Arbitration Court certainly has power to provide this, but so has Parliament, and Parliament proposes now to exercise the power.

Hon. L. B. Bolton: It is a dangerous power.

Hon. C. G. ELLIOTT: Section 41 of the Mines Regulation Act, 1906, says—

> No person shall be employed to work below ground in a mine except in cases of special emergency, for more than 48 hours in any one week or for a longer period than eight hours on any day. For the purpose of this section a person shall be deemed to be employed below ground from the time he commences to descend a mine until he is relieved of his work and commences to return to the surface.

That has been in operation for 30 years, so it is only going a step further by saying that "until such time as the person actually returns to the surface." The amendment is very necessary. Talking about progress, and reverting to the time when small boys were harnessed to trucks, it is not so long ago since mothers of children also worked in the coal mines of England, and they took with them their infant children and planked them in corners underground to remain there until such time as the shifts were completed.

Hon. W. J. Mann: We live in Australia.

Hon. C. G. ELLIOTT: I can visualise the time, and it may be in the near future, when we may hear members in this House declare how pleased they are that mining conditions have improved considerably since 1906. I

repeat we cannot stop the march of progress. As to the whistle-to-whistle system, I consider it will go a long way towards creating a much better feeling between the men engaged underground and the mine managers. I am sure of that. During the last 12 months or so there has been a certain amount of feeling over the very matter now before the House. I am quite sure that if this Chamber passes this measure it will be a big factor in bringing about what we all so much desire, namely, peace in the mines. I have had a long experience of working in mines, and in my opinion the time lost by the mining companies in sending the men underground and bringing the shift back to the surface, is practically negligible in cost. I say therefore this amendment will certainly improve the conditions in respect of the health of the miners, which is something we ought seriously to consider. As to raising the men to the surface at 4 o'clock, the usual practice and custom is to start firing-out about half an hour before knock-off time, which would make it about 3.30 p.m. In most cases the firing out is completed about 20 minutes to 4 o'clock. Then the men come along to the plat, and they are there for, say, 20 minutes. They have finished their shift work, and to all intents and purposes they are ready to be raised to the surface. I have had a lot of experience of that, and I can assure you, Mr. President, the plat is not the most comfortable place in the world at which to wait for a quarter-of-an-hour or 20 minutes. I myself have had to wait there for three-quarters of an hour. I have known instances of men not being raised to the surface until a quarter to five o'clock; and the plat is a very draughty place in the mine and frequently wet. So why not pull up these men without keeping them waiting? There is no reason why they should not be pulled to the surface during that 20 minutes, because the cages are then idle.

Hon. E. H. H. Hall: Why?

Hon. C. G. ELLIOTT: Because there is nothing for them to do just then. In some shafts the custom is to send the timber men down before the whistle. That is one of the customs of the mines. So, as I said before, the cost to the company of moving the shift is practically nil.

Hon. H. V. Piesse: Do the men to be taken up have to wait until the relief comes down?

Hon. C. G. ELLIOTT: The custom is that one lot of men descend in the one cage and the other lot are simultaneously brought up in the other cage. It is the waiting on a wet and draughty plat for 15 or 20 minutes that should be avoided. There is no real obstacle in the way of raising those men to the surface as soon as they have finished their shift. Then there is another factor: Men contracting fire the face or leave the face in a certain condition. If those men could go to the surface and see the relief shift before they go below much could be explained about the position of the particular face. Possibly that conference, however brief, would be instrumental in averting accidents. When all is said and done, it cannot be explained on a plod how the face is, and whether there are any dangers.

Hon. C. H. Wittenoom: How long does it take for the smoke to get away from the working place?

Hon. C. G. ELLIOTT: It all depends. If there is a good draught the smoke will blow away in half-an-hour, but in some instances it will take two hours.

Hon. C. H. Wittenoom: It would take 10 minutes for the miners to get from the working place to the plat, and another 10 minutes for the newcomers to get from the plat back to the face.

Hon. C. G. ELLIOTT: The face is fired at 3.30. Then 20 minutes is required for the men to go down. I cannot see for the life of me why this amendment cannot be put into operation. As I have said, all the mines on the Golden Mile, with the exception of about two, already have this system, and there is no earthly reason why those two should not conform to the practice of the other mines. This is what this amendment to the Act is for, to make it compulsory. I cannot see anything against that. We must remember that as well as facilitating the working of the mine, there is another most important factor to consider, namely, the health of the men working below. After all, the only asset that the miner has is his physical strength. Once he loses that he soon loses his job. So we can see how necessary it is for those men to be contented, for after all they are directly responsible for the production of gold in our mining industry. I admit that shareholders put their money into mining propositions, and of course they take a risk. Unless the mines are opened up by

capital, there can be no employment for the miners. But let us not forget that on the one hand the shareholders may lose some of their money; there is a chance of that, but it many cases they receive large amounts in dividends.

Hon. C. F. Baxter: How many mines in Western Australia are paying dividends?

Hon. C. G. ELLIOTT: Up-to-date, £32,000,000 has been paid in dividends by the mines of Western Australia.

Hon. C. F. Baxter: Very few mines pay dividends.

Hon. C. G. ELLIOTT: No, there is quite a number, the names of which I could give the hon. member. And in future there will be, I hope, an additional number. But let us not forget that while the shareholder who puts in his money to open up a mine has a chance of losing some of that money, the man who goes below and produces the gold has to give his all, and if he stays there long enough he will give his life. That is the position as between the shareholder and the miner. The shareholders put in their money, of course, with the idea of getting a return. The man who works below to produce the gold has to risk his all. Any man who goes below becomes at once a potential silicotic case, and certainly if he remains in the mines for eight or ten years, or even less than that in some mines, he will become silicotic.

Hon. G. B. Wood: There is the dust.

Hon. C. G. ELLIOTT: Yes, there is dust everywhere. Not only has a man to contend with the dread disease, silicosis, but a man on going below never knows that he will ever return to the surface. There is always the possibility of accidents.

Hon. H. V. Piesse: So there is in a lift.

Hon. C. F. Baxter: And in the street.

Hon. C. G. ELLIOTT: That cannot be compared with the risks down below. The miner has a good chance of being crippled for life, and knows for certain that if he remains in the industry long enough he will be crippled with silicosis and incapacitated 100 per cent. I know that members are prepared to go a fair distance in seeing that the conditions of mine workers are reasonably good. I am sure we can rely upon them for that. This Bill is asking for a very small thing. So far as the cost to the mining industry is concerned, it is asking for practically nothing. Before members give their vote, I hope they will consider this question fully and favourably. I support the second reading.

HON. J. J. HOLMES (North) [8.46]: I have heard many tall stories relating to the mining industry, and have also heard some tall stories concerning the effects of this little Bill upon those engaged in the industry. We had one from Mr. Elliott. If it did nothing else, it confirmed what I said on the State Government Insurance Bill, namely that this State will sooner or later be incurring a liability of 7½ million pounds for compensation, and £1,000,000 for the doctors.

Hon. C. G. Elliott: Nothing of the kind.

Hon. J. J. HOLMES: That was worked out by one of the best authorities in the House, namely, Mr. Williams. I certainly took 33-1/3 per cent. off what he told me, and this was the net State liability. The information I have is entirely opposite to what Mr. Elliott has given us. I am not a mining expert, but I propose to apply a little common sense to this Bill. The Minister says there is nothing new in the bank-to-bank proposal. I am told by representatives of the mining industry that it is new. When we look at the mines that are working the bank-to-bank system we find they are chiefly the small ones employing only a few men. The employees can be sent down in a few minutes. In the case of the big mines, however, these are working three shifts. These mines lose an hour a day per man on each shift, half an hour in going down and half an hour in coming up. The men want to reach the surface by 4 o'clock. They have to be rushed up. The men on the surface cannot be sent down because they will not start until 4 o'clock. The men below have to finish by 4 o'clock. The men below have to be brought up before 4 o'clock and half an hour is lost there, and the men on top are sent down after 4 o'clock and another half an hour is lost there. Members may figure out what one hour per day per man on the three shifts will mean to the mining community. That is only one aspect of the situation. I view the Bill from another standpoint. Its object is to grant something the Arbitration Court has refused. I ask myself why the court has refused to do this. The answer must be that it will be a charge upon the mines that the mines cannot carry. I am advised that the court at present is considering in Kalgoorlie an amendment of the award and of the conditions under which the men are employed.

I am also advised that the bank-to-bank issue has not been raised and will not be dealt with by the court. The issues are already set out for the court to consider. I understand that the issue of bank-to-bank has not been raised by the miners and is not before the court. The only answer I can find is that they have put up their case before, the evidence was against them, and they are not proceeding with that aspect of their employment any more. They are now turning to the Government and are saying, "This is something the court has refused to grant, after having heard all the evidence. We ask you to induce Parliament to agree to it." Parliament, however, has not heard the evidence and knows nothing about the subject. The slogan of the party in power, particularly when Mr. McCallum dealt with arbitration, was "Hands off the Arbitration Court." That, unfortunately for the party, has been abandoned. It therefore becomes our duty to say, "Hands off the Arbitration Court; this is a matter for the court to decide on the evidence and not for us." I would be a party to abolishing the Arbitration Court to-morrow. We have no right to establish a tribunal which cannot enforce its judgments and awards. The fact that this court has been set at defiance is undermining our other courts of justice. I do not think anyone will disagree with me when I say that the courts of British justice have done more to keep the Empire together than has either the army or the navy. Only by enforcing justice can we retain what we have secured.

Hon. E. M. Heenan: It was not the court which fixed Section 41 of the Act.

Hon. J. J. HOLMES: Of course not, but it was the court which heard the evidence, which has the power to fix the bank-to-bank system if it wishes, but has not fixed it. The men abandoned the issue before the court, presumably because they had no case, and they have come to Parliament in an attempt to clip the wings of the court.

Hon. L. Craig: It is a deliberate attempt to over-ride the decision of the court.

Hon. J. J. HOLMES: We have to consider another aspect, that of imposing penalties upon the mining industry. We have heard a good deal from Mr. Elliott about the life of the miners. They have my fullest sympathy. They, however, chose the occupation of mining. If it were not for the capital which has been subscribed for the industry, there would be no work for the miners.

Hon. E. H. H. Hall: They are forced into it in these times.

Hon. J. J. HOLMES: What we have to consider is the effect upon the mining industry.. Only a small percentage of our mines are paying their way. Some of the big mines are paying handsomely, but a number of small ones are not doing so. Unless strict economy in all respects is adhered to, and unless we ease the situation where we can, many of these mines will be unable to carry on. We are handling low-grade mines that it was thought could not be handled profitably, and could not be handled profitably to-day but for the increase in the value of gold and the use of up-to-date and expensive machinery and plant. With every penalty we impose upon our mines, we exclude a certain percentage of low-grade ore. The higher the costs, the smaller the quantity of low-grade ore can the mines profitably handle. I do not need to stress that point. The ore is of low grade, the mines are using highly improved and expensive machinery, and with proper management and working the hours provided by the court—44 per week —they can, many of them, pay their way. We now learn there is an hour a day to come off for the bank-to-bank system. If we are going to impose further conditions upon low-grade mines, they will handle less ore and fewer men will be employed. We have heard since the days of our youth to be careful lest we kill the goose that lays the golden egg. Mr. Elliott referred to a conference of men at the top of the shaft, that is a conference with the men who have just come up the shaft with those who are just going down. That would mean further delay in transferring the men from above to below. I am advised by mining men that the way to secure economic working and proper working is for this conference to be held where the work is being performed. The men on top should go down first, and the men down below should tell them where they have left off, and they in turn should then be brought to the surface. Presumably that is what the court had in view when it refused to grant the request of the men. Mr. Elliott talks about stopping the march of progress. What we have to be careful about is not to stop the mining industry, and the development that is going on in our low-grade propositions. The only other point I wish

to make is that, despite what the Minister has told us about the bank-to-bank proposal, my opinion is that only in the smaller mines, where there are compartively few men employed and where small depths have been attained, is the bank-to-bank system being worked. It must be borne in mind that the court has dealt with the question and declined to agree to the proposition. If Parliament is to step in to do now what the court refused to do, then I am certain we will do the mining industry an injustice. I oppose the second reading of the Bill.

HON. G. B. WOOD (East) [9.1]: I do not intend to take up much time in dealing with the Bill. Previous speakers have said most of what I proposed to say. I intend to vote against the Bill for one reason. I do not think it is competent for this House to decide such a question, which is a matter for the Arbitration Court to deal with. Even the Minister who introduced the Bill did not know very much about it. The Arbitration Court has facilities to collect evidence. The members of that court are on the spot, and no doubt they decided that what was applicable to one mine might not be applicable to another. It is all according to depths, and circumstances alter the position even in localities. One member stated that this proposal had already been turned down by the Arbitration Court, and another said it had not. The point is that the Arbitration Court can decide the issue. I understand that a deputation left the goldfields for Perth to see the Minister for Mines about this matter, because they could not get what they wanted from the court. We appear to be reaching the stage where if employees cannot get what they want from the court, they seek to secure their requirements through Parliament. That is not desirable. We should not approve of such a course. Last night we were asked to override the will of the people as expressed by way of referendum, and now we are being asked to override the Arbitration Court. Mr. Elliott spoke about the march of progress. I am not against progress when it is a matter of making the lot of the workers a little better. In my opinion, the time is coming when we must accept the fact that there must be a shorter working week in all industries; but this Parliament is not the place where such a matter should be decided. It is a world wide matter.

Hon. G. Fraser: There is no time like the present.

Hon. G. B. WOOD: One member of this House promised the miners the other day that they would have a 40-hour week. How could he make such a promise? If that member's name is required, members can have it.

Hon. E. M. Heenan: You just said what was tantamount to the same thing. You said the time was coming when we must accept a 40-hour week.

Hon. G. B. WOOD: I think we shall have to accept that, but it is not for this House to do it.

Hon. E. M. Heenan: Then what was wrong with the member's remarks to which you have referred?

The PRESIDENT: Order!

Hon. G. B. WOOD: The Minister said he had heard no objection by the employers to this proposition. Mr. Elliott said it would make little difference to the employers, and that already most of the mines employ the system. If that is so, why not allow this matter to go to the Arbitration Court, where no objection will be raised to the proposal? Why deal with it in Parliament, if there is no diversity of opinion? I shall vote against the Bill, because I regard it as a direct attempt to override the Arbitration Court.

HON. J. M. DREW (Central) [9.5]: I had intended simply to listen to the remarks of those who have at least some acquaintance with the mining industry, and to profit by their remarks. On the other hand, I cannot sit down in patience and listen to the statement first promulgated by Mr. Holmes that the Bill seeks to override the Arbitration Court. It does nothing of the kind, unless I am utterly incapable of interpreting legislation. It simply seeks to amend legislation introduced by, I think, the Moore Government, in 1906. That Act made provision, in effect, that the miner would go down the mine in his employer's time and come up in his own time. Section 41 of the Mines Regulation Act, which was passed in 1906, reads as follows:—

(1) No person shall be employed to work below ground in a mine, except in cases of special emergency, for more than 48 hours in any one week, or for a longer period than eight hours on any one day.

(2) For the purposes of this section a person shall be deemed to be employed below ground from the time that he commences to descend a

mine until he is relieved of his work and commences to return to the surface..

What we are asked to do is simply to amend the Mines Regulation Act, not the Arbitration Act. We are asked to take no power out of the hands of the President of the Arbitration Court, so far as I can judge. It seems to me that the President of the Arbitration Court cannot sit and give a decision adverse to legislation that appears on the Statute-book. How could he do so? That is what I want to know. Can the Arbitration Court override a definite statute? Certainly it cannot. It would be necessary to introduce legislation in order to override the Arbitration Act. The Mines Regulation Act was passed at a time when there was an Arbitration Court in existence. The passing of that Act, and particularly the provision regarding miners not being permitted to work more than eight hours a day and going down in the employer's time and coming up in their own, caused a great deal of resentment. It was said that it did not go far enough. With the decline in the mining industry, that resentment ceased. The resentment is here again, and has revived with the expansion of the industry. On investigation I find—after hearing Mr. Elliott, I believe it is true—that there are just a few mines in Western Australia that will be affected adversely by the Bill. I have had a little experience of Mr. Elliott in this House. He is a keen observer, and weighs his statements cautiously. I have never known him to make a statement that was unfounded. He informed us that almost throughout all the British Dominions there was legislation on their statute-books making provision similar to that embodied in the Bill under discussion. He also confirmed an impression I had gained that there are only a very few mines in this State that do not already comply with the proposals embodied in the legislation. Mr. Holmes said that there was no need for the Bill, on the ground that the Arbitration Court had refused to agree to such a course. I do not know on what ground the Arbitration Court refused their approval. I read in the Press that the court had refused to grant the concession, but, in view of the law of the land, I cannot see how the Arbitration Court could have acted otherwise. If anything be necessary, it is that the Mines Regulation Act should be amended and that should be done by Parliament. Is there anything wrong in Parliament deciding to make this concession to those who are working in the mining industry? That is the point. There is no question of tying the hands of the Arbitration Court. Their hands are already tied. They cannot act in contravention of the provisions of the Mines Regulation Act, which were endorsed by Parliament in 1906.

HON. E. H. H. HALL (Central) [9.11]: I listened with great interest to the remarks of Mr. Elliott because he is a man who knows something about the subject he dealt with, as he has had a personal acquaintance with the mining industry for many years. I also paid due regard to the statements made by Mr. Holmes. Listening to Mr. Elliott, however, I recognised I was listening to a man who knew something about the industry with which he has been associated for a considerable period. In listening to the statements made by Mr. Holmes, I recognised I was listening to one who was making a statement regarding something that he had been told by someone else—I am willing to accept his word for it—who had a personal acquaintance with the industry. Following on that, we had the privilege of listening to Mr. Drew. I am very glad that Mr. Drew decided to speak because he has enabled me to determine how I shall cast my vote. With other members, I would have been very reluctant to do anything that would override the functions of the Arbitration Court. I admit frankly that, in view of the construction placed on this measure by Mr. Drew, I cannot see that the Arbitration Court would be justified in overriding an Act of Parliament.

Hon. H. S. W. Parker: It has been done before.

Hon. E. H. H. HALL: Parliament would not be justified in interfering with the functions of the Arbitration Court. After listening to Mr. Drew, it seems to me that the Arbitration Court has no power in this matter and it is essentially a question to be dealt with by Parliament. That is how it appears to me, and that is how I shall vote. During the course of his remarks, Mr. Holmes stated that he had the greatest sympathy with the miners who suffered disabilities arising out of their calling, but, he asserted, the miners had entered that occupation from choice. I

have lived on the goldfields and my experience is that that is not correct. I am personally acquainted with at least a dozen men who have actually been driven from Geraldton to seek work on the mines. Those men did not leave the Geraldton district from choice. They were compelled to go away and seek work on the mines in order to secure the necessary money to enable them to live. For any member to get up and say that the miners have taken on that work from choice is all very well, but I cannot accept that statement.

Hon. C. F. Baxter: You cannot drag some of them away from the industry.

Hon. E. H. H. HALL: If the hon. member likes to believe that he can, but I cannot.

Hon. C. F. Baxter interjected.

Hon. E. H. H. HALL: Perhaps the hon. member has. He is not the only one who has paid for it. I am not one of those who participate in millions of dividends earned from these mines.

Hon. C. F. Baxter: You don't suggest that I have?

Hon. E. H. H. HALL: I have always looked upon statements that Mr. Elliott makes as statements which can be relied upon and he tells us that this practice obtains in most parts of the Empire to which we belong, and not only that but in most of the mines in this State. If that is true, and I believe the hon. member, there are only a couple of mines that will be affected by the Bill. Why should they not come into line with the majority of mines in the State?

Hon. L. Craig: Is that correct?

Hon. E. H. H. HALL: I am taking the hon. member's statement as correct. Here is another point. The men assemble at the shaft to go down to work underground but I understand they go to the change house to change, prior to going down and, upon coming up, return to the change house. Does that apply to any other avocation any member knows of? When a man goes to work in other occupations, when the doors open he starts work. Why in the name of all that is fair should men arrive at their place of employment and yet not be considered to start work until about half an hour afterwards? Suppose anything happened to the men descending or ascending, who would be liable for insurance?

Hon. H. S. W. Parker: I will bite; who?

Hon. E. H. H. HALL: The hon. member knows as well as I do. It is his job to know. I am of the opinion that the mine would be liable, so that it would be taken that the man was in the employ of his employer at the time. The construction put on the matter by Mr. Drew has decided me how to vote. He has stated that we are not interfering with the Arbitration Court. Therefore I shall support the second reading.

HON. E. M. HEENAN (North-East) [9.18]: It has been very conclusively proved from the remarks of the Minister in introducing the Bill and of Mr. Elliott that the Bill has considerable merit. I assure hon. members it is the unanimous wish of all men engaged in the industry that the bank to bank system should come into operation. It has been pointed out that in a considerable number of important mines the system is operating, but unfortunately on two or three of the major mines in Kalgoorlie it does not operate and it is to bring those mines into line with the others that the Bill has been introduced. The system which will come into being if the Bill is passed was clearly explained by the Minister. It will mean that when the whistle blows at 8 o'clock the men will go underground and will remain until they come to the surface at 4 o'clock. One of the merits, as the Chief Secretary has pointed out, is that it will prevent the men catching cold, a danger to which they are exposed by remaining on the plat after finishing firing at 20 to 4 until they are taken to the surface.

Hon. L. Craig: They do not have to wait on the plat.

Hon. E. HEENAN: The smoke and fumes drive them towards the plat, and they go to the plat to have a talk before the cage takes them to the surface. That is one point the men and their advocates put forward as one of the merits which will accrue from the bank to bank system. Another fact is that actually they will not be wasting any time. They have to fire out under the present Act and finish by 20 minutes to four and then they are waiting for some considerable time before being taken to the surface. If they are taken to the surface and reach there by four, the company will not lose anything that is not

being lost at the present time. The Chief Secretary has mentioned, and Mr. Elliott has also drawn attention to another fact, that rightly or wrongly, the miners—and I have discussed it with many of them also—feel that when they have been working in dangerous ground, it is a good thing to be able to meet their mates on the surface a few minutes before four to discuss the nature of the locality in which they have been working. I have not worked underground but my knowledge has been gathered from fairly close contact with mining men, and discussions I have had with them from time to time. I am sure that hon. members will feel sympathetically towards men engaged in this industry. It is one that takes great toll of the health of the men engaged in it. It is very well known to everyone that since the revival has taken place in the industry and the work has been speeded up, there has been an appalling list of accidents and all people interested in the industry have exercised their minds and drawn upon their experience in an effort to minimise the accidents. I am advised, and the opinion is very generally held on the goldfields, that the bank to bank system would make for greater safety. I do not think the mining companies are opposed to it. A great number have it in operation at the present time and if the Act is amended, will all come into line. Apparently the chief objection some members have to the Bill—I do not think they could have any objection to the Bill on its merits—is that the Government are trying to over-ride the powers of the Arbitration Court. No person holding a responsible public position would subscribe to that at all. Here is the subsection of the Act which it is proposed to amend.

> No person shall be employed to work below ground in a mine except in cases of special emergency for more than 48 hours in any one week, or for a longer period than eight hours on any day. For the purposes of this section a person shall be deemed to be employed below ground from the time he commences to descend a mine until he is relieved of his work and commences to return to the surface.

Hon. J. J. Holmes: The court altered that to 44 hours.

The Chief Secretary: That only refers to the maximum hours.

Hon. E. M. HEENAN: I am not quarrelling with the reference to a recent interpretation that the court made regarding the Mines Regulation Act. I am not complaining about that interpretation and never have, simply because I realise that courts interpret the law according to the evidence and the practice and procedure which they have to assist them. But very often legislation which is intended by the Legislature to have a certain effect is drafted in such a way that the courts cannot give it the effect the Legislature intended it to convey. I do not think we are trespassing in any way on the powers of the Arbitration Court. If the House in its wisdom decides that the bank-to-bank system is likely to improve the condition of the miners——

Hon. C. F. Baxter: Has the Arbitration Court ever adjusted the hours of labour in the mining industry?

Hon. E. M. HEENAN: I think it has.

Hon. C. F. Baxter: I know it has.

Hon. E. M. HEENAN: I want to be fair. With reference to the amendment of this section I argue, and I think rightly, that we are not trespassing on the province of the court in any manner.

Hon. J. J. Holmes: If a case in which you were interested were before the court and the law was altered during the hearing, what would you say?

Hon. E. M. HEENAN: Surely we are not going to wait for the court to amend the Mines Regulation Act?

Hon. H. Seddon: Did not the court deal with this particular point?

Hon. E. M. HEENAN: No, there was a case on the Ivanhoe mine——

Hon. H. Seddon: No; long before that.

Hon. E. M. HEENAN: I could not say offhand, but the Ivanhoe case was not analogous.

Hon. H. Seddon: I am referring to 1927.

Hon. E. M. HEENAN: The opinion I hold is held generally. Mr. Elliott represents people I do not represent, but I am sure he will support any remarks I have made that this system is regarded by the majority of people as being justified and a step forward towards the goal of much greater safety in the mines. I am not going to allow the opportunity to pass without replying to Mr. Wood. If a member quotes a remark of mine, I do not want him to be afraid to mention my name. He referred directly to me, but without mentioning my name. The remark was made on a public occasion, and I have no intention of retracting it in any shape or form. The effect of the remark, speaking from memory, was that the time was coming when we could

almost promise the working man a 40-hour week. I think that is only expressing in better words what the hon. member himself said, because he told us he did not wish to stand in the way of progress, and the introduction of a shorter working week was surely coming. If ever again he has occasion to quote any remark I have made, I should like him to mention my name.

Hon. A. Thomson: It is well reported in "Hansard."

Hon. E. M. HEENAN: I support the second reading.

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

RESOLUTION—BETTING CONTROL BILL.

To Inquire by Joint Select Committee.

Debate resumed from the 26th November on the following motion by Hon. G. Fraser (West):—

That in accordance with the request contained in Message No. 31 from the Legislative Assembly, a select committee of five members be appointed, by ballot, to consider the Betting Control Bill, the committee to have power to—(i) confer with the committee of the Legislative Assembly; (ii) call for persons, papers, and records; (iii) sit on days over which the House stands adjourned; and (iv) adjourn from place to place.

HON. J. NICHOLSON (Metropolitan) [9.34]: I was reminded by a remark made by Mr. Holmes when he spoke to this motion of a ruling given a good many years ago that, even if a member of Parliament accepted a position as a member of a Royal Commission and received remuneration or even expenses, he was liable to the penalties of disqualification provided for in the Constitution Act.

Hon. J. J. Holmes: Even if he did not receive any.

Hon. J. NICHOLSON: I believe it was so ruled. If other members received payment and one member refused to accept the remuneration, he was still subject to the disqualification.

Hon. A. M. Clydesdale: It was ruled to be an office of profit.

Hon. J. NICHOLSON: Yes. With a view to overcoming the difficulty, an amending Bill came before us and was referred to a select committee. The select committee furnished a report, and as a result a fresh Bill was introduced.

Hon. J. J. Holmes: That Bill provided that a committee of three members from each House should fix the remuneration that a member could receive without being liable to disqualification.

Hon. J. NICHOLSON: That is so. The Bill made provision to overcome the disqualifications to which a member would be subject if he found himself in the position that I venture to say members would be placed in if appointment to the select committee were accepted and if, as is proposed, that select committee were made a Royal Commission. If members refer to the Parliamentary Debates of last session they will find at page 1509 a report of the discussion when the Bill recommended by the select committee was moved by the then Chief Secretary, Mr. Drew. In the course of his speech on the Bill, which was in accordance with the recommendations of the select committee, Mr. Drew said—

The proviso at the end of the Bill contains an important amendment. It removes some doubt that exists as to whether a member of Parliament can lawfully accept travelling expenses incurred by him in his capacity, for instance, as a member of a Royal Commission. Paragraph (iii) of the proviso goes further. It permits of payment being made as remuneration for service rendered to the State, subject to the payment being approved by a committee consisting of three members of the Legislative Council and three members of the Legislative Assembly, whose duty it would be to determine whether payments of such a nature should be authorised. Cases may occur where there is some special work to be done and where a member of Parliament may, owing to his expert knowledge, be the best man available.

The interesting part of that introductory speech occurs a little later when Mr. Drew said—

Let me quote an instance from my own experience. Many years ago I was Minister for Lands and in charge of forests. A Royal Commission had to be appointed to report on forestry. My Under-Secretary recommended Mr. (afterwards Sir) Newton Moore as a member, and the recommendation was supported by the Surveyor-General. I made further inquiries and the general opinion was that Sir Newton's services were essential to the successful operations of the Commission. Then I remembered that he was a member of Parliament—he had been elected only about six weeks before—so I placed the matter before the then Solicitor-General, Mr. Sayer. He ruled that not only could Sir Newton Moore not receive any payment for his services, but that if he accepted the office when other

members of the Commission were to be paid, he would be guilty of a violation of the Constitution.

Hon. G. Fraser: Do not forget that part of it.

Hon. J. NICHOLSON: I am not overlooking it.

Hon. G. Fraser: No member on the proposed Commission will be paid.

Hon. J. NICHOLSON: But members of the proposed Commission will receive expenses. That makes it an office of profit, whichever way we regard it. Mr. Drew continued—

> Sir Newton afterwards accepted the position and refused to take even his expenses. He rendered excellent service to the country, but the position in which he was placed was very unfair to him. Three or four years ago I made further investigations, and the Crown Law authorities turned up a ruling by Mr. Septimus Burt, given long before Mr. Sayer gave his ruling, and it confirmed the ruling of Mr. Sayer. Thus there are dangers for members who even accept seats on a Royal Commission, dangers such as could not be anticipated by them.

I shall not quote what the select committee sought to do to overcome those difficulties with which members of Parliament are confronted. I believe the matter is sufficiently fresh in our minds and that in view of the experiences of which we are aware, it would be unwise of the House to concur in the Assembly's resolution. We appreciate the courtesy of another place in asking us to meet them and form a joint select committee to solve a very important question, but at the same time, having regard to the circumstances, we would be unwise to accede to the request or support the motion.

Hon. G. Fraser: In other words, you have the wind up.

HON. C. F. BAXTER (East) [9.44]: I agree with the remarks of Mr. Nicholson in setting out the constitutional aspect. For a very long period this disability has been suffered in silence. The Constitution has been broken in many directions. Apart from that, however, another place has agreed to the appointment of a select committee who eventually will be converted into an honorary Royal Commission. The select committee consist of five members of another place, and we have been asked to appoint a similar committee to co-operate with another place. That co-operation would have been all right, but the Assembly in the first place should have brought about the selection of three members from each House. Six members on any committee or Royal Commission are quite sufficient. Large bodies are not satisfactory. Another place started off with a select committee of five. Five members are ample to make all the inquiries needed and to submit recommendations. Doubtless there may be trips and expenses, but even apart from those aspects I do not think there is any need whatever for this Chamber to join in the inquiry, forming a Royal Commission of ten. Another place has appointed a representative committee which will become an honorary Royal Commission later. Let that body make the inquiries, and report next session. If the recommendations are sound, we may adopt them. If the members of the select committee are supermen, they may find some way out of the starting-price bookmakers tangle. I have studied the problem for years without finding any solution. My advice to the Chamber is not to agree to add to the number selected by another place a further five. Accordingly I oppose the motion.

HON. A. M. CLYDESDALE (Metropolitan-Suburban) [9.47]: Speaking with some experience of this subject, I heartily support Mr. Nicholson. A very high authority has laid down that acceptance of an office, whether paid or unremunerated, is to accept an office of profit under the Crown. It makes not the slightest difference whether there is any remuneration or none. Take my own case. Before accepting the position as chairman of the Lotteries Commission I was advised by three eminent gentlemen that there was no possible chance of anything happening to me, because no remuneration whatsoever attached to the position.

Hon. G. Fraser: Not even expenses.

Hon. A. M. CLYDESDALE: Not even expenses. In order to be perfectly sure of myself, I did not draw any salary till the last day of the year. That circumstance made not the slightest difference. I warn hon. members that if they accept a position on the proposed honorary Royal Commission, they will find themselves in the same situation as I was in. I can visualise £200 per member—a nice little dividend when unscrupulous people are about. Even if those people did not move in the matter.

somebody else would probably do it for them. If hon. members wish to be relieved of £2,000, I recommend them to accept seats on the proposed Royal Commission. To my mind there is no need for a select committee, as all the evidence required is in the possession of our departmental officers. They know what is going on in Adelaide and Brisbane, and all over Australia. There is no occasion whatever for a select committee or a Royal Commission to leave Western Australia in search of evidence. And, in any case, what decision will the committee or Commission arrive at? Minority reports. About seven-tenths of the people giving evidence will know nothing whatever of the subject. The other three-tenths will probably be interested parties. If hon. members accept my advice, they will not take seats on the Commission. I assure hon. members that I do not desire a seat on it.

HON. T. MOORE (Central) [9.50]: If the rulings quoted by Mr. Nicholson and Mr. Clydesdale are correct, Parliament should set about altering the law. Select committees converted into honorary Royal Commissions have done useful work for this State. The Royal Commission which investigated the licensing laws is one instance, and I could quote others.

Hon. J. Nicholson: Last year's efforts were directed towards overcoming the difficulty generally.

Hon. T. MOORE: Parliament should see that the proposed Royal Commission is not hamstrung, so that it may secure useful information. A select committee can sit only while Parliament is in session. All that members of a select committee receive is travelling expenses. They are not paid otherwise. I repeat, much good work has been done in Western Australia by honorary Royal Commissions. It is utterly wrong if we cannot have such bodies. The legal position should be amended so that a system of high utility to the country may be preserved. It is rather remarkable if Parliament cannot draft a Bill to alter the situation.

Hon. J. Nicholson: You should study the report of that select committee.

Hon. T. MOORE: The hon. member must admit that the situation is remarkable if we cannot alter what appears to be the existing law.

Hon. G. Fraser: We did alter it.

Hon. T. MOORE: If it has been altered, that is all right.

Member: Another place would not agree.

Hon. T. MOORE: The position is most unfortunate. I hope the two Houses will arrive at an understanding. Certainly the situation should be clarified. I agree with Mr. Clydesdale and other members that a Royal Commission of ten would be unwieldy. At Christmas Parliament merely adjourns, it is not prorogued until later. I should mention that I have not consulted anybody on this subject. What I put forward is merely my own reasoning. A report should be obtained enabling Parliament to go into the question of street betting, which is becoming obnoxious. If we are to have a continuation of the present system of street betting, it should at all events be controlled. I hope it will be possible for the select committee to remain a select committee.

Hon. J. J. Holmes: How can a select committee report to a House that is not sitting?

Hon. T. MOORE: The understanding is that the report will be submitted next year. If the select committee were turned into a Royal Commission, the report would not be available until next year.

Hon. J. J. Holmes: A Royal Commission reports to the Governor, and not to Parliament.

Hon. T. MOORE: But it all comes back to Parliament. Being a busy man, I am not anxious for a seat on the Royal Commission. At any rate, I do hope it will be possible to have an investigation so that we may know whether this system of street betting should be carried on, even under control.

Hon. J. Nicholson: If Parliament is prorogued, there can be no select committee.

Hon. T. MOORE: The select committee will have six or seven weeks available after Christmas.

On motion by Hon. G. Fraser, debate adjourned.

BILL—PEARLING CREWS ACCIDENT ASSURANCE FUND.

Assembly's Message.

Schedule of two amendments made by the Council in the Bill to which the Assembly had disagreed, giving reasons, now considered.

In Committee.

Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

No. 1—Clause 4: Subclause (2), paragraph (d):—Delete the words "with the State Accident Insurance Office or with any other insurer, being a company or underwriters who have complied with the provisions of the Insurance Companies Act, 1932 (Commonwealth)" in lines 1 to 5, on page 4.

The CHAIRMAN: The Assembly's reason for disagreeing to the amendment is—

They should have the widest choice.

The CHIEF SECRETARY: I move—

That the amendment be not insisted upon.

My reason is that which is given by the Assembly.

Hon. H. S. W. PARKER: I trust that the Chamber will insist on its amendment. The reason given by another place is somewhat extraordinary. Another place desires to have the words "State Accident Insurance Office" included. I feel inclined to ask for your ruling, Mr. Chairman, whether such words can be included in an Act of Parliament when no such place exists. Your ruling, Sir, I believe would be that those words cannot be inserted, since they have no meaning. I moved originally the deletion of the words in question. It was pointed out that the effect of their deletion would be to tie the board to insure with any insurer being any company or underwriters that had complied with the Insurance Companies Act. The effect will be that it will be possible to insure wherever they like. We know that we cannot insure with the State office because, legally, there is no such office. The Minister in charge of the Bill in another place said that without those words it would not be possible to insure where they liked. That is entirely wrong; the Minister must be mistaken. He can go anywhere he likes inside or outside Australia, to effect insurance. It is as broad and as open as it could possibly be. We must not stultify this House by putting "State Insurance Office" in the Bill after our having thrown out the State Insurance Office Bill.

Hon. J. J. HOLMES: I hope the Committee will insist upon the amendment. As Mr. Parker has said, we made it as wide as possible so that insurance could be effected with any company or person; yet another place sends the Bill back to us with the reason that the board should have the widest possible choice. We have had some queer messages from another place, but we have never had anything to equal that.

Hon. E. H. ANGELO: I, too, hope that the amendment will be insisted on. I cannot see how we can allow the State Insurance Office to come into the Bill, seeing that this House rejected that measure a little while ago. I want to see the widest possible choice given to the board. At the same time I have no wish to see the Bill lost.

Hon. H. S. W. PARKER: If the Bill had remained as it was originally drawn, Lloyds would not have been able to quote. As it is amended, Lloyds' representatives in Perth will have the opportunity to compete for this business. Therefore it is wider than originally drawn.

The CHIEF SECRETARY: It is interesting to hear the views of members opposite on this question. There is only one office that would quote for the business, and that is the State Insurance Office. Not one member has said anything to justify the rejection of the request of another place, and therefore I hope the amendment made by the Council will not be insisted on.

Hon. J. J. HOLMES: I cannot let the statement of the Minister go unchallenged. It came under my notice that it had been said that the only concern that would quote for this insurance was the State office. I immediately got into touch with one of the principal insurance companies in Perth. I did not interview the office boy; I interviewed the manager, and said to him, "Have you been asked to quote for this insurance?" He replied in the negative, and then I asked him if he would quote if he were invited to do so, and his reply was, "Yes, decidedly."

Question put, and a division called for.

The CHAIRMAN: Before tellers are appointed, I shall cast my vote with the Ayes.

Division resulted as follows:—

Ayes	8
Noes	16
Majority against	8

AYES.

Hon. A. M. Clydesdale	Hon. E. H. Gray
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. C. G. Elliott	Hon. T. Moore
Hon. G. Fraser	Hon. E. M. Heenan (*Teller.*)

Noes.	
Hon. E. H. Angelo	Hon. J. Nicholson
Hon. C. F. Baxter	Hon. H. S. W. Parker
Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. L. Craig	Hon. H. Seddon
Hon. V. Hamersley	Hon. A. Thomson
Hon. J. J. Holmes	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. G. B. Wood
Hon. G. W. Miles	Hon. E. H. H. Hall (*Teller.*)

Question thus negatived; the Council's amendment insisted on.

No. 2: New Clause 14:—Insert a new clause, to stand as Clause 14:—

14. No individual member of the Board or any officer or servant of the Board shall as such be under any personal liability to any creditor or person having any claim against the Board beyond the property of the Board in his hands.

The CHAIRMAN: The Assembly's reason for disagreeing to the amendment is:—"It is not considered to be necessary."

THE CHIEF SECRETARY: I move—

That the amendment be not insisted upon.

My reason for asking the Committee not to insist on the amendment is set forth in the Assembly's message to this House.

Hon. J. NICHOLSON: It is stated by another place that this amendment is not considered necessary. I suggest it is necessary because it is found necessary from day to day in connection with the various societies or associations incorporated under the Associations Incorporation Act. That would be a sufficient answer in itself. But I go further and say that whilst the Bill states that this Board will be created a body corporate, that fact does not relieve the members of the board from personal liability. And they can be shot at. Why should people who voluntarily take on duties on a board such as this be exposed to even the risk of a liability? Registered or incorporated under the Companies Act we have different classes of companies; we may have one incorporated with unlimited liability and another incorporated with a limited liability. Here we are asked to pass a Bill after striking out the very clause that limits the liability of members to the amount of the property of the board that they have in hand. I propose that we insist on the amendment.

Hon. G. W. MILES: I hope the Council will insist on this amendment. Since the passing of this Bill we have passed the West Australian Bush Nursing Trust Bill, and the very words of this amendment before the Committee have been incorporated in that Bill and both Houses have agreed to that. Yet the Assembly wants to delete that provision from this Bill. We must insist on the amendment.

The CHIEF SECRETARY: One of the legal members of this House has decided this question. I do not know that it matters very much after all. This clause was inserted because Mr. Nicholson said it would be very nice to put it in. That hon. member has said the same about other provisions in other Bills. I am advised by the responsible legal advisers of the Government that there is no necessity for the amendment. For that reason, another place has come to the conclusion that there is no need to retain it.

Hon. J. Nicholson: Then why is it in the Associations Incorporation Act?

The CHIEF SECRETARY: I am not going to argue that with the hon. member. I ask the Committee seriously to consider that our legal advisers say this amendment is not necessary.

Hon. G. W. MILES: I cannot understand the Chief Secretary. The Western Australian Bush Nursing Trust Bill was introduced by the Minister himself with this very clause in it. Yet he now says that his legal advisers declare that the provision is not necessary.

Question put and negatived; the Council's amendment insisted on.

Resolutions reported and the report adopted.

House adjourned at 10.23 p.m.