

Legislative Council.

Thursday, 16th December, 1909.

| | PAUSE |
|--|-------|
| Question: Auditor General's Report, Illegal payments | 2240 |
| Papers presented | 2240 |
| Papers: Information Bureau, Ceylon | 2240 |
| Bills: Agricultural Bank Act Amendment, Assembly's Message | 2241 |
| Agricultural Lands Purchase, 2a. | 2250 |
| Settled Land Act Amendment, 1a. | 2252 |
| Cottlesloe Beach Rates Validation, 1a. | 2252 |

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

QUESTION—AUDITOR GENERAL'S REPORT, ILLEGAL PAYMENTS.

Hon. J. W. KIRWAN asked the Colonial Secretary: In connection with instances of financial irregularities, absence of vouchers for payments made, incorrect and misleading official returns and payment of money without proper Parliamentary authority, concerning which the Auditor General has complained in his latest as well as previous annual reports, do the Government intend to continue—(a.) To ignore his advice concerning alterations as to methods, and (b.) Go on paying money in circumstances that he declares to be contrary to law?

The COLONIAL SECRETARY replied: The Government do not ignore the advice of the Auditor General, and have recently appointed a special Commissioner to consider and report on methods, with a view to the adoption of an improved system of accounts. An Audit Bill has also been drafted on lines approved by the Auditor General, to enable the financial transactions of the Government to be carried out without committing what might be considered a technical breach of the law, and also providing for a Public Accounts Committee.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Report of the Governors of the High School for 1909. 2, Lands in course of alienation.—Return showing balances to be eventually paid to the Crown on all holdings sold under terms of deferred

payment (provided they continue to maturity) on the 15th December, 1909. Ordered on motion by Hon. G. Throssell.

PAPERS—INFORMATION BUREAU, CEYLON.

Debate resumed from the 13th December on the motion of the Hon. C. Sommers. "That all papers and correspondence in connection with the proposed establishment of a Western Australian Bureau in Ceylon be laid on the Table of the House."

The COLONIAL SECRETARY (Hon. J. D. Connolly): I moved the adjournment of the debate the other day in order to see what correspondence had taken place in regard to the opening of an agency in Ceylon. I knew there had been certain communications, but I should think it is hardly necessary to put them on the Table. The correspondence there is consists of letters from a gentleman in Ceylon, and a report by Mr. Wickens, who attended the Franco—British Exhibition. The Government are quite alive to the necessity of opening agencies not only in Ceylon but wherever it is likely they would do good in the direction of attracting people to this country. The reason that the scheme has not yet assumed a definite shape is that the Government have now under consideration the question of establishing a department to control immigration and tourist matters. Therefore this question has been allowed to remain in abeyance until the general one is settled. At present immigration is dealt with by the Colonial Secretary's Department, and to a certain extent, by the Lands Department. There are certain information officers and the question of tours is controlled by a board. The proposal under consideration now is that all these branches of the work should be controlled by one department who would set out the attractions of the State, endeavour to induce people to come here, show them the possibilities of Western Australia, and as a whole to control immigration and tourist affairs.

If the member desires to see the few papers they will be laid on the Table.

Question put and passed.

BILL- AGRICULTURAL BANK ACT AMENDMENT.

Assembly's Message.

The Assembly having agreed to the amendment made by the Council with a further amendment the Assembly's Message now considered.

In Committee.

The COLONIAL SECRETARY: It would be remembered that when the Bill was before the Committee previously provision was made that employees should be paid the ruling rate of wages. The proviso as it originally appeared in the Bill from the Assembly could be read as meaning that it applied not only to the manufacture of agricultural machinery, but also to such work as ring-barking, clearing, etcetera. Therefore, the proviso was redrafted. In the redrafting of the proviso, the wording had been altered from "prescribed wages" to "ruling rate of wage." Another place had not accepted that alteration for the reason that "the ruling rate of wage" would mean the wage as laid down by the Arbitration Court, and that as that tribunal had not made any award in respect to the manufacture of machinery, it would be difficult to say what the ruling rate of wage would resolve itself into. To get over that, members in another place had agreed to the amendment providing that the wages should be such as were approved by the Minister. He moved—

That the further amendment be agreed to.

Hon. M. L. MOSS: Surely the Committee would not for a moment accept the amendment. The proviso as first received from the Assembly had been altered by this Committee with the object of preventing political influence being exercised in the framing of regulations fixing the rate of wages to be paid to the employees. The inanswerable argument had been used that as a tribunal had been created for the

purpose of dealing with all industrial disputes and fixing the wages, it would be a wrong thing for a matter of this kind to be fixed by regulation made by the Governor in Council. There was no difference between the latest amendment of the Assembly and "prescribed wages," for wages approved by the Minister would, of course, be wages prescribed by regulation. The Committee had been well advised when they had come to the conclusion that the ruling rate of wage was the proper rate to provide for; surely the Committee would not now forsake that position. The Minister had said that there was no Arbitration Court award in existence in respect to this industry. However that was a matter of very little difficulty, because it was the simplest thing in the world for the employees to cite the employers before the Arbitration Court; indeed the award of the Court could be secured in much less time than could the decision of the Minister who, under the stress of political influence, would be bewildered with the importunities of the representatives, respectively, of masters and men. Until the Arbitration Act was repealed the Arbitration Court alone should be looked to for the fixing of wages.

Hon. J. F. CULLEN: The Minister had in effect said that in trying to meet the wishes of this Committee in respect of the construction of the proviso, he (the Minister) had accidentally put in the word "ruling" instead of "prescribed." The facts were that the House had purposely made the amendment, realising that the introduction of "prescribed" would mean the substitution of a political wages board for the non-political Arbitration Court. Of course certain people desired that. When first the Arbitration Court had been appointed, a certain section of the people had declared that it was a grand court. This had continued so long as the court's decisions had been in favour of those who had clamoured for the court; but when the change had come, and the court declared that wages had risen to the fullest limit, the court was no longer regarded by those people as an excellent tribunal.

The CHAIRMAN: The hon. member was straying from the point.

Hon. J. F. CULLEN: The point was that the amendment would substitute a political wages board, consisting of the Minister for Agriculture, for the Arbitration Court. It was astonishing that the Government should allow legislation of the sort to be assented to elsewhere and sent to the Council for approval. The Council's amendment had provided that instead of the Minister being made a political wages board the settlement of disputes between the employer and the employee should be left to the Arbitration Court. Now, however, the Minister had quietly swallowed the proposal that the Arbitration Court should be set aside in favour of the political wages board. It was all very well for the Minister to say that there was no arbitration award in existence in respect to this industry; but there would be no difficulty whatever in getting the Arbitration Court to lay down a standard rate of wage as soon as the industry came into being. The effect of the amendment would be to hand over the question of wages to political influence. If we were to constitute a Minister of the Crown a political wages board, not only would we be putting before him an enormous amount of detail work, but we would be placing him in a false position in which he would be liable to be accused of favouritism. To substitute a wages board for an impartial Arbitration Court would be an utterly unconstitutional and almost an immoral course to take. Having entered a protest he did not say there might not come a time in the see-saw between the Houses when the House that was in the right might not give way to the House that was in the wrong. At the close of a session it might be necessary, in order to save a good Bill, to allow an amendment like this to pass. He did not say he would vote against the Minister, but he was determined that the protest should go forth, and that the responsibility should be taken by the Ministry who had not shown a proper backbone in the matter. We could have easily carried the principle of non-political adjudication in all disputes of an industrial character. It

was a pity at the eleventh hour these questions of vital principles should sometimes have to be decided on mere grounds of expediency.

Hon. J. W. KIRWAN: Mr. Moss and Mr. Cullen had taken a rather exaggerated view of the amendment. The amendment suggested was a merely temporary provision to provide for circumstances where there might be no Arbitration Court award in existence. If an Arbitration Court award was in existence, there was no Minister who would not regard that award as the rate of wage which he would approve of. That award would be the law of the land, and he could not conceive how any Minister could do other than approve of the award or take that award as the rate of wage which was evidently referred to in the Bill.

Hon. J. F. Cullen: That is our amendment; the ruling wage.

Hon. J. W. KIRWAN: The amendment proposed in another place was, he was inclined to think, an improvement on the amendment made by this Chamber, and he did not think it was a question over which this House need enter into any dispute with another place. The clause as it stood, in his opinion and in the opinion of a number of persons to whom he had spoken who had a knowledge of constitutional law, was unconstitutional, and might never be given effect to. As regards this point Mr. Cullen took a very extreme view when he said this particular clause was the introduction of a political wages board. He could not view it in that light, because it was a power that would only be exercised by the Minister in special cases where there was no Arbitration Court award. This was not really an important matter, and at this stage of the session it would be a mistake to differ with the other Chamber on the question. It seemed a most exaggerated view that had been taken by both members who had spoken, and he asked members to pause before they failed to agree with the amendment.

Hon. M. L. MOSS knew of no more illogical speech than that delivered by Mr. Kirwan. The hon. member said this amendment was only to provide when the Arbitration Court had no award

in existence. The clause did not say that. If that were the effect of the clause we should see something like these words, "The rate of wages to be approved by the Minister provided there is no Arbitration Court award in force." But the clause did not say that. The hon. member asked if the Minister would decide differently from an Arbitration Court award. He (Mr. Moss) was at a loss to say what Ministers in times to come might do, but Mr. Kirwan pretended to answer for all Ministers in the future.

Hon. J. W. Kirwan : Has not the Arbitration Court award the effect of law ?

Hon. M. L. MOSS : Not in the face of the fact that there was on the statute-book a provision that the rate of wage should be provided in a particular way. During the session we had not been called on to discuss a more important provision than that contained in the proviso. We had elaborate machinery for dealing with industrial disputes, and it was to be regretted that at present thousands of men were out of work in another part of Australia ; and there was no telling when a calamity of that kind might overcome this community. For a long time he (Mr. Moss) had not been a believer in the Conciliation and Arbitration Act, for it had been a means of great oppression in the hands of the worker, and in the hands of the employer it had been of no value. The law of the land was that where there was a dispute as to wages or industrial conditions this impartial, unpolitical tribunal had to fix the matter up, and we were aiming by this proviso the greatest blow at the Arbitration Court that had ever been made. The last thing he wished was to see the Bill killed. But he would rather see the Bill killed a hundred times than see this provision agreed to. It was not necessary to kill the Bill for we could meet members of another place, and it would be with members of another place that the responsibility would rest if the Bill were thrown out.

Hon. R. W. PENNEFATHER : Mr. Kirwan made, inferentially, an observation which he did not think many members took much notice of but from the observation it was quite clear that the

amendment was a direct infringement of the constitutional principle of both Houses. The function known as administration belonging to the Government should be kept inseparably apart from the judicial. In this case an attempt was made to turn a political officer into a judicial officer. The judgment of this official would be questioned by the dissatisfied side. One would have thought the responsible advisers of the Government would have explained that such an amendment was strictly unconstitutional and was against the safety of the administration of justice. It might be said there was no other tribunal, but there was another tribunal in existence, and the fact that no judgment exactly on the lines would apply, still a ruling could be obtained in a very short time. He (Mr. Pennefather) did not share the strictures that Mr. Moss had made in regard to the Arbitration Court. He thought that Court had done a lot of good. The Arbitration Act was one of those measures which one could not view in the same light as an ordinary measure. One could not use force to drive the Act home ; it was only a pretence of force. If it did something which would be for the public good, then whether it would be completely satisfactory would be quite another question. The Arbitration Act was the proper measure to determine the question of wages between the employer and employee.

Hon. G. THROSSELL : There could be no opposition to this amendment ; its sole object was to secure what we were always ready to concede, that was a proper rate of wages for the workmen, and whether the words were "prescribed" or "ruling" that object should be attained. He would vote to support the amendment.

Hon. C. A. PIESSE : There were not many members who took this amendment more to heart than he did. Although the measure was a good one and one which was full of help for the farming community, he could not but say that he would be prepared to sacrifice it rather than agree to the amendment. He was just about tired of pandering to the section of the community which was

always asking from the people what was manifestly unfair in connection with the regulation of wages. The matter should never have been brought up in the Bill. This kind of thing meant that in many instances, in consequence of legislation which had been passed, wages were paid to men which were not earned by those men. If the Government were going to be persistent they should take steps to do away with the Arbitration Act, otherwise they would place themselves in a false position by attempting to force upon this country an amendment such as that which the Committee were considering. If the wages of the employees engaged in the manufacture of agricultural implements were not sufficiently good, these people had the remedy in their own hands. The Committee should stand firm.

Hon. J. W. KIRWAN: It was with regret that he heard Mr. Piesse say that he would sacrifice the Bill rather than agree to the amendment. The matter was one which did not directly affect the people he (Mr. Kirwan) represented in the Chamber, but he felt keenly interested in the measure because he believed it would be of benefit to the agricultural districts. These people were producers in the same way as the mining community and he would always do his best to assist the producers of the State. He felt a certain amount of confidence in saying that if the attitude which had been taken up by Mr. Moss and other members were persisted in it would unquestionably mean the wrecking of the Bill. It was only necessary to remind members of one particular matter to make certain upon that point, and that was that the measure was a money Bill. A resolution was passed in another place in which they declared they would refuse to receive messages from the Legislative Council containing amendments to Money Bills. This was of some importance and he would point out to members who were interested in agricultural districts the serious nature of their opposition to the proposal which came to the Legislative Council from another place. Those members took an exaggerated view of the proposal and it would be a great pity in

the interests of the country if the Bill were to be sacrificed as it certainly would be if they insisted upon their attitude.

Hon. M. L. MOSS: Hon members attention should be directed to our Standing Orders.

Hon. J. W. Kirwan: I referred to a resolution from another place.

Hon. M. L. MOSS was referring to the Standing Orders of the Legislative Council. We had passed Standing Orders and if they were to be disregarded by another place that was a matter which concerned them. The Legislative Council had machinery expressly provided for the purpose of dealing with a Bill of this character. If hon. members looked at Standing Order 244 they would find that it said—

“If the Bill is returned to the Council by the Assembly with any request not agreed to, or agreed to with modifications, any of the following motions may be moved:—1, That the request be pressed. 2, That the request be not pressed. 3, that the modifications be agreed to. 4. That the modifications be not agreed to. 5, That some other modification of the original request be made. 6, That the request be not pressed or be agreed to as modified, subject to a request on some other clause or item which the Committee may order to be reconsidered being complied with.”

Then there was a group of Standing Orders dealing with the holding of conferences between the two Houses. He had only drawn attention to the Standing Orders with the object of showing that it would not rest with the Legislative Council if this Bill met with a natural, or, as some members said, an unnatural death; it would rest with another place.

Hon. J. W. Kirwan: Are you going to wreck a useful Bill in order to maintain the dignity of the House?

Hon. M. L. MOSS: If the principle contained in this proviso was agreed to the next thing would be that we might expect the Minister for Railways to fix the rate of wages for all classes of labour employed in the Railway Department, instead of allowing the rate to be fixed by the Arbitration Court,

and instead of the salaries of the civil servants being fixed as prescribed by the Public Service Act, the duty would be thrown back upon the Minister. We had striven for years to divorce from the administration of the Government these matters dealing with the payment for services rendered by the public service with the idea of preventing political influence and political underground engineering. The pernicious character of the amendment was that the State, by Act of Parliament, was going to enforce upon a private individual starting a factory, certain conditions and wages and this private individual who ran a private concern was to be dictated to by the Minister, who was moved by superior numbers, what wages and conditions should exist. No member in the House could point to the existence of similar legislation anywhere else. The principle involved was highly pernicious and it could not be believed that members on reflection would agree to it.

The COLONIAL SECRETARY: There was no intention, as an hon. member had stated, to attempt to bluff the Committee.

Hon. J. F. Cullen: That is an alternative charge.

The CHAIRMAN: If an hon. member had used that expression he would have been called upon to withdraw it at once.

The COLONIAL SECRETARY: The hon. member had distinctly said "bluff."

Hon. J. F. Cullen: If the Minister would allow him he would repeat what he believed he told the Committee—it was that the Minister had apparently made a very innocent speech and that it could not be assumed that he had meant to bluff the House.

The COLONIAL SECRETARY: What was the difference? There was no bluff whatever in what he had told the Committee. What was all the fuss about? The amendment provided that the ruling or prescribed rate of wages, or a fair rate of wages, should be paid to employees engaged in the manufacture of agricultural machinery, and it had already been explained that it was only intended to apply that rate where there was no Arbitration Court award in existence.

That was the reason for the insertion of the amendment.

Hon. M. L. Moss: The clause does not say that.

The COLONIAL SECRETARY: Could it be imagined for one moment that the Minister would go out of his way to over-ride an Arbitration Court award? Where there was an award in the district the question would be settled. The reason that the amendment was inserted was that where there was no Arbitration Court award in existence the employees engaged in this industry should have their wages and conditions approved by the Minister. If an award came into existence then that award would be the rate. Notwithstanding what Mr. Moss had said about the Standing Orders of the Legislative Council, we had the Standing Orders of another place to consider, and it would be found that these would not allow what was proposed, and when the Speaker ruled there that it could not be received, what was the use of Mr. Moss quoting the Standing Orders?

Hon. M. L. Moss: The responsibility rested with the other House, not with the Legislative Council.

The COLONIAL SECRETARY: If the amendment were rejected the position would be that we would say that the Agricultural Bank was not to have any money with which to carry on operations for another 12 months. The whole machinery of the Agricultural Bank would have to stand still because there was an amendment put in the Bill that did not quite fit in with the ideas of hon. members. But, even if there was anything wrong with the amendment, it need only stand for 12 months. Rejecting the amendment, however, would mean rejecting the Bill. The measure could not be further considered. Rejecting the Bill meant stopping the operations of the bank for 12 months, simply because the wages to be paid were to be approved by the Minister instead of being the ruling wages.

Hon. W. PATRICK declined to take the responsibility of wrecking the Bill on account of this clause. He did not think the amendment was of any con-

sequence, because, first of all, Parliament had no business to pass such a provision seeing it was utterly unconstitutional, and, secondly, because no farmer would borrow £100 to buy agricultural machinery exclusively made in Western Australia. Farmers had their prejudices about machinery; they thought one implement was better than another; and the probability was the implements they particularly preferred would not be made in the State.

Hon. J. F. CULLEN: The Minister and those supporting the amendment would be the first to admit there was no logic in the case they put forward. The only ground on which they seemed to hope to bring pressure to bear on members was that of the expediency of saving the Bill. But if the Bill were lost the blame would rest on the want of staunchness and strength on the part of the Ministry. Ministers had failed to appreciate the enormous principle involved or had let principle go to the winds for the sake of a short cut. Members opposing the amendment did not do so on the ground that they did not want good wages paid; they simply wanted the wages to be fixed by a proper tribunal, and wanted to avoid the undesirable spectacle of Ministers or the two Houses of Parliament being turned into courts for fixing wages. However, the Bill was vital to the agricultural interests of a large number of settlers. Its passage within the next two or three days might mean success or failure to a number of settlers in the country. Therefore he would not take the responsibility of risking the Bill now that he had made his protest.

Hon. J. M. DREW: The arguments of those who disagreed with the amendment made by the Assembly were unanswerable. It would be most unfortunate if a Minister should be permanently appointed a sort of wages board. One Minister might conscientiously favour low wages, and in three months' time there might be another Minister in office who might conscientiously believe in high wages. However, we had the assurance of the Minister that the matter would come up again for con-

sideration in 12 months' time, and with that assurance we should agree to the amendment. He totally disagreed with the principle, it was very dangerous, and he objected to the unfortunate position the Minister would occupy; but seeing the matter would come up for consideration again, he would now agree to the Assembly's amendment.

Hon. M. L. MOSS: Once we get it on the statute-book we will never get it off.

Hon. C. A. PIESSE: The Assembly were asking from the Council more than should be asked. He had no desire to convey the impression that he was opposed to the labourer getting full pay, but what he objected to was the bad workman getting the same wage as the good workman. Here Parliament went out of its way to provide special legislation for the men employed in making agricultural machinery, but there was already on the statute-book a law providing that the men employed in the industry could take certain steps to get their wages rectified if they were considered insufficient. There was a big principle at stake in this amendment, and he must vote against it. It was a pity members should be called upon to set aside their principles to agree to a matter of this kind on the score of expediency.

Hon. R. LAURIE opposed the amendment. It would put the Minister in a false position. Arbitration Courts had done great service to Western Australia. They provided the ruling wage, which was what we should insist on. The ironworkers and blacksmiths, who were the principal men employed in the manufacture of agricultural machinery, could always approach the Arbitration Court. Certainly this Bill was one of the most unfederal Bills ever brought before an Australian Parliament. It was somewhat on a par with the recent proposition of the Government to increase the wharfage rates against goods from the other States in order to secure more revenue. Mr. Drew was to be admired. Mr. Drew, having been a Minister for some time, knew how easy it was for the Minister to be approached. We might have one

Minister in favour of the employers, and another Minister in favour of the employees. As for the Minister over-riding an arbitration award, this Bill would over-ride any arbitration law. The Minister should not interfere between the employer and employee. The moment there was interference from outside the mischief started between employer and employee. It was on record that Judges of our arbitration courts occupying positions for life had been accused of being biased. How much more so would that be said of a Minister who might go out of office in a month? If our Arbitration Act was insufficient, it should be amended. On the other hand let us keep away from political influence either from the Chamber of Commerce, the Employers' Federation, or the Trades Hall. The majority of the men employed at the work would be blacksmiths.

The Colonial Secretary: The rate is fixed for them so there is no necessity to trouble.

Hon. R. LAURIE: That was the reason why it would be unnecessary to accept the proposal from another place.

Hon. T. H. WILDING: Mr. Kirwan had said that the producers would be greatly benefited if the amendment were agreed to. That was not correct. If the clause as amended were agreed to it would have the result not of assisting the producer, but of establishing the industry. Certainly it would not do the producer any harm; but at the present time the agents gave the producers every assistance by letting them have machinery on long terms. He, however, admired the Minister for trying to establish the industry in the State. None would regret to see the Bill lost more than he, for if it were carried it would be the means of enabling those going on the land to receive more money, and so be in a better position to develop their property. There was, however, a principle at stake, and he could, therefore, not support the Minister in the matter. If the amendment were carried the Minister for Lands would be placed in a very false position.

Hon. G. RANDELL: The arguments which had been put forward against the proposal of the Colonial Secretary were

unanswerable. He could hardly conceive how the Government could have accepted this alteration to the amendment. Members of the other House were intelligent men, and surely must have realised the ultimate result. It was surprising to find Mr. Kirwan disposed to vote for the proposal of the Colonial Secretary. That gentleman had been a member of the Federal Parliament and was a journalist; and surely he must have carefully considered the far-reaching consequence on Federal legislation of this Bill. As a matter of fact that gentleman pronounced the opinion that if the Bill were passed it would not be allowed to become law as it was unconstitutional.

Hon. J. W. KIRWAN: Only one clause of it.

Hon. G. RANDELL: We were legislating for the good of the country, and if a principle were involved that was likely to be detrimental to any interests or to undermine the existing statute laws of the country we could refuse to sacrifice the principle for the matter of expediency. The arguments used by Mr. Moss and Mr. Pennefather had clearly defined the position. It had been suggested that if the clause as amended were agreed to the Minister would do this or do that. Upon what authority was that dictum declared? It was impossible to prophesy as to the future attitude of the Minister or any man. If the amendment were agreed to and the Bill became law the Minister would be substituted for a court of law constituted by statute. Although there might be a ruling on a wages question by the Arbitration Court the Minister would assuredly be asked, if the amendment were adopted, to go behind that ruling, as it would be urged that power to do so was given by the measure by which the Arbitration Court was superseded.

Hon. M. L. MOSS: They are doing that now with regard to the railways.

Hon. G. RANDELL: If that were done it would be a violation of one of the Acts in existence in the State for dealing with employers and employees. The Act had done a great deal of good, but the difficulty was to carry it into execution.

Power should be given to the Arbitration Court so that they could insist upon their decrees being observed on both sides. Every member was in favour of giving the employee a fair and proper wage for his services, but at the same time they desired that the employer should be protected against unreasonable or exorbitant rates. In the Arbitration Court there was a tribunal calculated to give a proper verdict independently of political feeling. If we gradually whittled away the safeguards a general spirit of disintegration would set in, which would be disastrous to the affairs of the State. The principle in the amendment was one of the most important the Committee could consider and whatever might be the result he believed it his duty to maintain the laws of the land, and to resist the introduction into those laws of a mere matter of expediency. We should preserve to the country all its rights and privileges and protect its interests.

Hon. F. CONNOR : What reason had the Colonial Secretary for saying that if the amendment were not agreed to the Bill would be lost ?

The COLONIAL SECRETARY : Although it could not be said definitely that the Bill would be lost if the amendment were not agreed to, he believed that would be the result and was constrained to that opinion by former rulings in another place. If the Bill were returned the point would be raised as to whether it could be received ; and according to past rulings, unquestionably, it would not be received. Therefore it came to the position he had stated. The Standing Orders of another place were not too explicit, and it was very questionable whether the Bill could go before members there a third time. He was not advocating the soundness of the principle involved in the amendment or the reverse, but it was a question of rejecting the Bill on the one hand or of allowing the Minister to fix the rate of wages, when there was no Arbitration Court award in force, on the other hand. No Minister would trouble about fixing a rate if one were already fixed by the Arbitration Court. Although the clause did not say that, it was unreasonable that any Minister would be so foolish, or do so

improper a thing, as to go outside an Arbitration Court award. It had been said that the employees would be blacksmiths and tinsmiths ; if that were so, the matter was settled, for there was an award concerning their wages. The amendment was inserted merely to ensure that a fair rate was paid if a rate had not been fixed by the Arbitration Court. In any event there would be an opportunity of amending the measure next year.

Hon. M. L. MOSS : The Colonial Secretary assumed that once a Bill got on the statute-book an amending measure leaving this proviso out would have no difficulty in receiving the sanction of Parliament. He was not at all certain that if an attempt were made to amend the Bill by omitting this measure it would be accepted by another place.

Hon. J. W. KIRWAN : The position was clear as to what would happen in the event of members opposing the proposal of the Colonial Secretary. In the other place legislation was passed by which they refused to receive any message pressing for an amendment to money Bills. This was a money Bill and the message sent from this Chamber, in the event of the Colonial Secretary's proposal being defeated, would not even be received. Therefore, the onus would not rest so much on that place as upon this. The position now was that if a division were taken on the proposal of the Minister those who voted in favour of it would be voting for the Bill, while those voting against it would be voting for the defeat of the measure with all the serious consequences that would be entailed to the agricultural community. As for the question of the unconstitutional character of the clause, there could be little doubt that it was unconstitutional ; but after all it was only a detail in the Bill. It was a question of making loans to farmers for the purchase of agricultural machinery made in Western Australia, which loans were not to exceed £100. As Mr. Patrick had pointed out, probably there were very few farmers in Western Australia who would avail themselves of the offer. In the first place £100 would go but a very little way towards the purchase of the necessary machinery, and for that

reason, and the fact that they would have the market of the world in which to purchase their machinery, the farmers would probably hesitate before availing themselves of the provision. The question was whether, for a comparatively trifling matter, a beneficent measure should be wrecked. It would be a serious matter for hon. members to take a course that would have that result. Members who might be prepared to take such a course were either paying too high a regard for their political views on matters of detail or were ready to uphold the dignity of the Chamber at the expense of the whole of the agricultural community. He was satisfied that the Bill was necessary in the interests of the agricultural industry and he sincerely hoped that hon. members would hesitate before taking a course absolutely certain to wreck the Bill.

Hon. M. L. MOSS: In the interests of Western Australia it was very desirable that the financial agreement between the Commonwealth and the States should be ratified. Under that agreement, it would be remembered, Western Australia was to have a special consideration of a quarter of a million per annum. Assuming the Bill before the House were passed into law and placed before the electors of New South Wales and Victoria, what effect would it be likely to have on that financial agreement which promised special consideration to Western Australia?

The CHAIRMAN: Hon. members should confine themselves to the question before the Committee. There had been many digressions. He had no desire to burke discussion, but he would ask hon. members to confine themselves to the question.

Hon. J. W. KIRWAN: Seeing that Mr. Moss had been allowed to touch upon an important aspect of the question he (Mr. Kirwan) might be allowed to make a brief explanation. When previously addressing the Committee he should have said that at one time it had been his intention to move an amendment to the clause in order to make it perfectly constitutional, and still serve the purpose intended, but that he had not been present when the matter came

before the Committee. He had been surprised to hear the remarks of Mr. Moss, because Mr. Moss had been present when the clause was considered by the Committee, and might have taken steps to amend the clause in such a way as to obviate any possibility of its being used as a lever during the campaign in respect to the financial agreement between the Commonwealth and the States.

Hon. B. C. O'BRIEN: Hon. members were taking a serious view of the clause, and their references to the great principle alleged to be involved were somewhat exaggerated. The Bill would have to come up again in 12 months time for reenactment. The principle involved was already established, although not by legislative enactment; it was practically established in that in all big railway contracts the Minister made arrangements for a certain rate of wages to be paid.

Hon. J. F. Cullen: The standard rate, but not his own.

Hon. B. C. O'BRIEN: In respect to the ordinary laying down of a permanent way there was no Arbitration Court award to fix the rate of wages, and the Minister when framing his regulations made provision that the contractor should pay not less than a certain rate of wage. There was no agricultural implement industry in the State, consequently there could be as yet no ruling rate of wage. When the Bill would come into operation many small firms would take advantage of it and set up little plants for implement making, and all that was asked was that the Minister should approve of the rate of wages to be paid. When in the fulness of time the industry developed, the Arbitration Court would be brought into play and would regulate the wages paid. He hoped that hon. members would hesitate before jeopardising the passage of the Bill.

Hon. S. J. HAYNES: Notwithstanding what had been said it was not a question of resisting the amendment on the grounds of dignity, or anything of that sort. Having listened attentively to the debate he had come to the conclusion that the arguments put forward by those opposing the motion were altogether unanswerable.

The amendment represented an attempt to substitute a political board for an impartial tribunal; if the amendment were to be agreed to the Arbitration Court would be overridden. Even if the clause were to be passed on the grounds of expediency, hon. members would have no guarantee that in 12 months it would be repealed. He felt bound to vote against the motion. If the Bill were to be returned to another place without the amendment having been agreed to, surely the Government were strong enough to save the Bill if they so desired.

Hon. F. CONNOR: Probably no more retrograde form of legislation than that embodied in the amendment had ever been put before the Committee. To carry the amendment would be to go back to the old feudal system and set up an autocrat to say what a man should earn. Then the Arbitration Court no better tribunal could be conceived for the fixing of wages. As for the question of the power of the Committee to make alterations in a Bill of this nature, it seemed to him that the time had come when this should be definitely decided. For his part he felt satisfied that under the Standing Orders the Committee could make alterations in such Bills.

(Sitting suspended from 6.15 to 7.30 p.m.)

Hon. F. CONNOR: The amendment involved a principle that should be settled. We should be able to say whether we had the right to suggest an amendment. It was said we had not that right. He did not care what the measure was, but if an alteration was desired by this Chamber we should insist upon it, although the Bill was lost. Did the Standing Orders allow this House to deal with such a question? Mr. Drew had stated that he was opposed to the principle involved, but to save the Bill he would vote for the amendment, and Mr. Kirwan who was an authority on constitutional questions said that the amendment was unconstitutional but that he would vote for it. Sound argument had been advanced against this amendment, yet members were asked to swallow it. He was heartily in favour of the prin-

ciple of the Bill, but he was opposed to retrograding, which we should do by accepting the amendment. The privileges of the House had been interfered with.

Hon. T. F. O. BRIMAGE took exception to the amendment. We were told by the leader of the House that if we voted against the amendment the measure would be lost. Members had not been treated very generously by the Government, inasmuch as Bills had been sent down in batches, and members were expected to pass them in one evening. He did not like being told that if members did not vote for the amendment the measure would be lost. However, he was informed by a member of another place that the Bill could be again considered in the Assembly, therefore he would vote against the amendment.

Progress reported.

BILL—AGRICULTURAL LANDS PURCHASE.

Received from the Legislative Assembly, and read a first time.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly): In moving the second reading of a Bill for an Act to make better provision for the purchase of land suitable for immediate settlement, and for facilitating settlement on the land, I may say that the measure is introduced for two reasons, to consolidate the law existing at present relating to the purchase of agricultural properties and for the purpose of increasing the capital. There are, as members will see if they turn to the first schedule of the Bill, four laws on the statute-book dealing with the purchase of agricultural lands. This Bill consolidates these four and makes some slight amendments, which I will mention later on. The Bill is also brought forward for the purpose of increasing the capital. The present capital stands at £200,000: that is almost exhausted and this Bill provides for increasing the capital, to £400,000. The operations of the Act in the past have been very satisfactory. The Act has been instrumental in settling

a large number of people on the land. It has enabled the Government to buy large estates, subdivide them, and sell them on extended payments. The settlement of the land means the bringing into operation of land that would otherwise remain as sheep walks. It also has to be remembered that there is no loss to the country in purchasing these estates, I mean any direct loss, because the purchasers have to pay the price it costs the Government together with the cost of subdividing and allowing for roads, etcetera, and interest on the money. At present the capital is, as I have already stated, £200,000. Of this over £190,000 has been expended, which leaves a balance in hand, of about £10,000. Up to date there have been 18 estates purchased under the Act, totalling 217,000 acres, the price paid being £131,372; including interest and other expenses the amount is £225,000. The price fixed for the whole of the land was £272,000, while the amount realised is £252,000, leaving unsold land to the amount of £22,800. Up to the present, the repurchased estates, as members are aware, have been very satisfactory indeed; they have not only been a direct gain to the State, a means of settling a large number of people on the land, but the State has made a direct profit. Out of 13 of the 18 estates disposed of, only £500 worth of land remains unsold consisting mainly of suburban blocks. The other five estates have only recently been purchased, and not sufficient time has elapsed to allow them to be sold. The estates that are not altogether sold are: Margidan, 1,349 acres; Dudawa, 939 acres; Brunswick, 1,599 acres, and Oakabella, 11,000 acres. This estate was only purchased and subdivided a few months ago and has not yet been offered for sale. The estates that were repurchased on the wheat lands and completely disposed of embrace, Coondle, Mount Hardy, Throssel, Warding, Norman, Cold Harbour, Woodlands, and Mount Erin. Generally, I may say that the Bill consolidates the existing legislation for the purchase of agricultural estates, and provides for increased capital. It also,

in many small particulars, brings this legislation into line with the Land Act. It provides the land may be sold as is provided in the Land Act with or without residential conditions. The minimum age of an applicant for land is reduced from 18 to 16 years. This too brings it into line with the Land Act, and it is provided that one person cannot hold more than 1,000 acres except in special cases. These special cases are provided for, such as in an instance like Oakabella where the homestead is a valuable one, and too extensive to be included in 1,000 acres. In such a case provision is made that 2,000 acres may be sold with the homestead. There is a similar instance in the Geraldton district in connection with the purchase of the Narra Tarra estate. There the homestead will be too extensive for 1,000 acres and provision for larger acreage not to exceed 2,000 acres is made. The Bill also provides that where an estate contains third-class land the provisions of the Land Act shall apply. Let me repeat that the measure has for its principal object the consolidating of the existing legislation and the increase in the capital. The present capital is £200,000 and that is practically exhausted. Parliament is now asked to increase the capital to £400,000, and that will leave £200,000 at the disposal of the Government with which to purchase any large holdings they may desire for the purpose of subdivision. I may say, for the information of members, that there is a Land Purchase Board, and it is only on their recommendation that the estates are bought. It is provided also that these estates shall be bought when suitable for close settlement, and when they are in close proximity to a railway which is built or which may be projected. The operations in the past have been successful inasmuch as the Government have not made any loss, in fact they have made a direct profit, and the country has benefited largely by bringing a large acreage of land under cultivation: land, too, which had previously been held as one large holding. I move—

That the Bill be now read a second time.

On motion by Hon. V. Hamersley debate adjourned.

BILLS (2)—FIRST READING.

1. Settled Land Act Amendment.
2. Cottesloe Beach Rates Validation.

Received from the Legislative Assembly.

House adjourned at 7:50 p.m.

Legislative Assembly,

Thursday, 16th December, 1909.

| | Page |
|---|------|
| Paper presented | 2252 |
| Privilege, House Typist | 2252 |
| Immigration Select Committee, Extension of time | 2253 |
| Bills: Settled Land Act Amendment, 2a.; Com., 3a. | 2253 |
| Leonora Tramways, 2a.; Com., 3a. | 2253 |
| Cottesloe Beach Rates Validation, 2a.; Com., 3a. | 2257 |
| Roads Act Amendment, 2a.; Com., 3a. | 2258 |
| Transfer of Land Act Amendment, 2a.; Com., 3a. | 2258 |
| Legitimation, 2a.; Com., 3a. | 2314 |
| Railway Employees' Grievances, statement | 2234 |
| Annual Estimates, Votes and Items discussed | 2287 |
| Notice of Motion, Industrial Conciliation and Arbitration Act Amendment | 2315 |

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

PAPER PRESENTED.

By the Premier: Report of the Board of Governors of the Perth High School for the year ended 30th June, 1909.

PRIVILEGE—HOUSE TYPIST.

MR. HUDSON: On a matter of privilege I want to draw your attention, Mr. Speaker, and the attention of hon. members to a notice which is posted on the door of the office of the typist, who is engaged to do the work of hon. members of both Houses of Parliament. It reads as follows:—

"The typist is engaged primarily to enable members to have their official correspondence typed, and he is in-

structed by the Committee not to do work for members other than such work as is connected with the carrying out of their duties as members of the Legislative Assembly or Legislative Council respectively.

Subject to doing the work for members as above, the typist will do work for the officials of both Houses in connection with their official duties.

The typist will keep a record of the time occupied by him each day, the name of the member who employs him, and the nature of the work on which he is engaged."

It is signed, "Bernard Parker, secretary Joint House Committee." I want to know whether this Bernard Parker has been authorised to post such a notice, which I consider to be a direct insult to hon. members of this Chamber. It is a gross piece of impertinence on the part of this officer if he has done it on his own account, and if he has done it by order of the House Committee, then that House Committee should be admonished by the Chamber. I do not employ that typist myself, but I am not going to admit that the work I may ask him to do shall first be submitted to Bernard Parker to know whether it is official business or not; neither shall I allow my business to be submitted either to the House Committee or to Bernard Parker to allow them to decide whether or not I am exceeding my duties or privileges as a member of Parliament. I would like to know from you, Mr. Speaker, as Chairman of the Committee, whether such a notice has been authorised.

MR. SPEAKER: I am not supposed to answer questions, but in this case I have much pleasure in informing the hon. member that I was unaware that such a notice had been posted, nor do I know whether it is the outcome of a decision of the House Committee. The House Committee is a joint committee, and I was not present at their last meeting. I shall, however, bring the matter under their notice; in fact, I shall endeavour to have a meeting called as early as possible for the purpose of bringing the matter forward.