

# Legislative Assembly,

Tuesday, 31st October, 1922.

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

## PETITION—PRIVATE BILL.

Hon. T. WALKER presented a petition praying for leave to introduce a Bill to amend the Western Australian Bank Act, 1896.

Petition received and read.

## QUESTION—RAILWAYS' COMMISSIONERSHIP.

### Mr. G. W. Stead's Application.

1. Mr. MARSHALL asked the Minister for Railways: 1, Is it a fact that Mr. G. W. Stead, an applicant for the position of Commissioner of Railways at the time of Colonel Pope's appointment, asked by means of correspondence to be allowed to withdraw his application for the position? 2, If so, did he agree to the request?

The MINISTER FOR RAILWAYS replied: The correspondence cannot be traced, but Ministers who dealt with the question agree that Mr. Stead's application was withdrawn, in consequence of which Mr. Stead was not considered as an applicant for the appointment.

## BILL—CLOSER SETTLEMENT.

Report of Committee adopted.

## BILL—HOSPITALS.

### Message.

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

### Second Reading.

The COLONIAL SECRETARY (Hon. B. S. Sampson—Swan) (4.38) in moving the second reading said: I move this Bill with some degree of pleasure, but with a full sense of the need for legislation of this description. It has long been recognised that legislation with regard to Government hospitals was required.

At present there is but one Act, which was passed in 1894. This Act is obsolete and of little, if any, use. Last year a Bill was introduced in this House and passed the second reading, but at that stage a select committee was appointed to consider the measure, and upon the rising of Parliament the select committee was converted into a Royal Commission. The Royal Commission consisted of Messrs. Gibson (Chairman), Clydesdale, Heron, Latham and Mullany, and it is no exaggeration to say that valuable work was done. Evidence was taken in many parts of the State. The Commission proceeded as far north as Carnarvon and south to Albany; many other centres were visited, including Collie, the goldfields and Meekatharra. Objection to the 1921 Bill was largely raised by the local authorities upon whom would have devolved the responsibility of securing the necessary financial returns. The protests lodged were many. The Commission, following upon their labours, submitted to the Government a series of recommendations which are embodied in the Bill now before the House. With one exception, namely, the number of members of the trust to be constituted, no variation has been made to the recommendations of the Commission. I desire to pay a tribute to the work of the Commission. They were very thorough in their inquiries and the evidence taken embraced a very wide range. The comprehensive nature of the inquiries and the information gleaned will, I believe, make possible the very full consideration and, I hope, the early passing of this measure. The three main objects of the Bill may be said to be, (a) the co-ordination of the diverse hospital authorities in the State, (b) the placing of the hospitals generally on a much better financial footing than can be afforded by the very depleted Consolidated Revenue account, and (c) the provision of some statutory authority in respect of hospitals generally. The main feature of the Bill is one of finance. The need for finance is not felt in any avenue more than in connection with our hospitals. In the country particularly the need for hospital facilities for the treatment of the sick poor is always with us, and the department has always found it difficult to provide the necessary funds. This Bill will go a long way towards providing a great need. Better hospital facilities are undoubtedly required, and in that connection I may refer to the urgent need for x-ray apparatus in many of our country hospitals. That need has been frequently voiced in this House, especially by the member for Avon (Mr. Harrison). Then there is also the need for ambulances. In the country districts the great distance from established hospitals unfortunately renders it easily possible that death may take place before a sick person or the victim of an accident can reach the hospital which would afford the necessary relief. The Bill, if passed, will enable assistance to be given in respect of provision of x-ray apparatus, ambulance facilities, and many other matters. The contribu-

tion contemplated under the Bill is the very small one of one penny in the pound of income. That tax it is proposed to levy without graduation and without exemption, with the sole exception of old age and invalid pensioners. The worker receiving a sum, however small, so long as it is not below 12s. 6d. per week, will pay a contribution under this Bill; and the person who is receiving hundreds, or possibly thousands, per annum will pay at the same rate. There is to be no variation, the charge is to be uniform, and is to be made without any deduction at the source. As regards wage and salary earners, the tax of one penny in the pound will be payable either by stamps affixed to the pay-sheet, or, alternatively, a deduction column may be arranged and the aggregate amount paid by the employing firm or company who distribute the wages and salaries. Fortunately this Bill, since it is the outcome of the deliberations of the Royal Commission, has the support of all sections of the House.

Hon. W. C. Angwin: Don't be too sure of that!

Hon. P. Collier: Don't bet on that!

The COLONIAL SECRETARY: I venture to believe it.

Hon. P. Collier: You are making a great mistake.

The COLONIAL SECRETARY: I look to the Leader of the Opposition to support me in this splendid measure.

Hon. P. Collier: You look in vain.

Mr. Willcock: You have the optimism of the Premier.

The COLONIAL SECRETARY: It requires very little imagination to picture the Leader of the Opposition rising to advocate the claims of this Bill with warmth and conviction and enthusiasm. That I fully expect.

Hon. P. Collier: You will be sadly disappointed.

The COLONIAL SECRETARY: Every member who votes for the Bill will have the pleasing knowledge that he is doing something which will help to bring relief to the sick poor.

Mr. Underwood: It will not.

Hon. P. Collier: I notice that this year, like last year, the Press has been given information of the contents of the Bill before information is given to the House.

The COLONIAL SECRETARY: So far as I know, nothing beyond what appears in the Royal Commission's recommendations has been given to the Press.

Mr. Corboy: You say that that is what the Bill contains.

The COLONIAL SECRETARY: Exactly. I am disclosing that to the House now.

Hon. P. Collier: You gave it to the Press previously.

The COLONIAL SECRETARY: Not at all. This Bill reflects the wishes, arrived at after the taking of much evidence, and also after mature consideration, of the Royal Commission.

Hon. P. Collier: We were told that last week in the Press.

The COLONIAL SECRETARY: It seems, then, that in this case the anticipations of the Press were well founded. The earners or bread-winners in this State number approximately 140,000. The direct payers of income tax number less than 28,000. Should this Bill become an Act, over 100,000 earners hitherto not directly reached will have the satisfaction—and it will be a satisfaction—of contributing towards the medical assistance afforded to the sick poor.

Mr. O'Loughlen: The south-western workers contribute already.

Capt. Carter: And then we won't be stuck up at every street corner to buy a sixpenny button.

The COLONIAL SECRETARY: The member for Leederville (Capt. Carter) has referred to what some consider the pernicious system of street begging. In my opinion, if this Bill passes, there will certainly not be the need for that system being maintained to its present extent.

Hon. M. F. Troy: It will be maintained though, all the same.

The COLONIAL SECRETARY: The member for Forrest (Mr. O'Loughlen) made a remark touching the South-West. Of course, the South-West, in common with all other parts of the State, will contribute towards hospital funds under this Bill.

Mr. O'Loughlen: You said the south-western workers were not contributing directly now.

The COLONIAL SECRETARY: Those who are contributing to hospitals now will, I hope, continue to contribute.

Mr. Willcock: And pay the tax as well?

The COLONIAL SECRETARY: I think we should understand what it is the member for Forrest refers to.

Mr. Munsie: He refers to the fact that the timber workers are already paying directly towards the upkeep of hospitals.

The COLONIAL SECRETARY: Exactly, and so are lodge members. This Bill will not affect the position so far as they are concerned. The measure, if passed, will not give to anyone the right to free hospital attendance. That right is restricted to those who, in addition to being sick in health, are sick in pocket. No other section of the community has any right, under our public hospital system, to secure free treatment; nor do I think hon. members would have it otherwise. Our public hospitals are established for that purpose only. The passage of the Bill, will, of course, relieve the Consolidated Revenue. That must be acknowledged at once. If it were possible to continue to provide the necessary funds from Consolidated Revenue, this Bill would not have been brought down. If the measure passes, the average payable by each earner will amount to 16s. 10d. annually. Since there are many in this State whose incomes exceed that of the average wage earner, it will mean that in many cases of wage earners that annual amount of 16s. 10d. will not be reached. A person in receipt of an income of £1,000 will pay £1 3s.

4d. hospital tax, and consequently the amount payable by others will, to an extent, be reduced. That phase of the matter will be emphasised in the case of those who are receiving still larger incomes.

Hon. W. C. Angwin: The Bill merely represents a further increase of taxation.

The COLONIAL SECRETARY: But in this case there is the satisfaction of knowing that the money raised will be definitely applied to the object for which the Bill has been brought down.

Hon. W. C. Angwin: It is the same with the income tax.

The COLONIAL SECRETARY: This measure will reach a large section who so far have not contributed directly by way of income tax. The hospitals and institutions under the Medical Department at present cost the State £180,000 yearly. To this amount the Consolidated Revenue last year contributed £105,000. The passage of the measure will, it is hoped, relieve the Consolidated Revenue to the extent of at least £100,000. When hon. members contemplate the good work that will be possible under those conditions, the good work which this money will permit, the Bill must commend itself to them. I acknowledge, of course, that under the proposed system voluntary contributions may decrease to some extent. Nevertheless, the Consolidated Revenue will be relieved by at least £100,000 annually. The Bill makes provision for the creation of a hospital trust.

Hon. W. C. Angwin: The proposed trust is too large.

Hon. M. F. Troy: Another department!

The COLONIAL SECRETARY: Not another department. The present department will be utilised.

Hon. M. F. Troy: Does the Bill provide for that?

The COLONIAL SECRETARY: Yes. So far as I understand, an additional department will not be required under the measure.

Hon. W. C. Angwin: The Bill gives power to appoint inspectors.

The COLONIAL SECRETARY: That is so. It would be impossible to enforce a measure such as this without having some officers; but the number, I am advised, will be comparatively small and the expense low.

Hon. W. C. Angwin: You will have no control when the trust is appointed.

The COLONIAL SECRETARY: Yes. The Minister for Public Health will have power to veto any decision of the trust. The trust is subject to the will of the Minister. No radical changes in the administration or control of hospitals is anticipated as the result of the enactment of this measure. The trust is to consist of seven members. In this respect the Bill departs from the recommendations of the Royal Commission, who suggested a trust of six members.

Hon. W. C. Angwin: Three would be quite sufficient.

The COLONIAL SECRETARY: I do not know that. When the hon. member looks into

the matter, he will probably see that seven members would be better.

Hon. W. C. Angwin: I do not think any trust at all is required. I think the officers you have now are sufficient.

The COLONIAL SECRETARY: Let me explain how the trust is to be constituted. First of all there are three members to be elected by the local governing authorities; one member is to be appointed by local authorities within 50 miles of the Perth Town Hall, one member by the mining districts, and another by the agricultural and pastoral districts. However much we may advocate decentralisation it is impossible to set up a trust in every part of the State, but provision is made for the creation of boards. I have referred to the appointment of three representative to the trust. The British Medical Association will, under the Bill, have power to appoint a representative.

Hon. P. Collier: Non-union medical men will not have a vote.

The COLONIAL SECRETARY: The British Medical Association is representative of all medical men.

Hon. P. Collier: No unionists there.

The COLONIAL SECRETARY: I understand the Leader of the Opposition does not suggest that there should be such an undesirable state of affairs in existence. Let us have them all under the one control.

Hon. P. Collier: One big union.

The COLONIAL SECRETARY: Every professional man should be in this union, and so far as I understand the position they are. But if I enlarge on that question the Speaker may direct my attention to the fact that I am not discussing the Bill.

Mr. O'Loughlen: He has not pulled you up yet.

The COLONIAL SECRETARY: But he has his eyes on me.

Hon. T. Walker: Eyes of admiration!

The COLONIAL SECRETARY: I have referred to four representatives on the trust. The fifth is to be one who has a knowledge of hospital control and management, and he will not be a medical man.

Mr. Latham: By whom will he be nominated?

The COLONIAL SECRETARY: He will be appointed by the Governor-in-Council.

Hon. W. C. Angwin: It does not say in the Bill that he is not to be a doctor.

The COLONIAL SECRETARY: He may be a doctor. The clause reads, "One of the members shall be a person having knowledge and experience of hospital administration, but not being an officer in the public service."

Hon. W. C. Angwin: But it does not say he shall not be a doctor.

The COLONIAL SECRETARY: That is so. The other two members it is proposed to appoint will be administrative officers of the Medical Department, who may be the executive officers of the trust. One of these

will be a medical man, and the other will represent the commercial or the financial side.

Mr. Latham: The Principal Medical Officer will be one?

The COLONIAL SECRETARY: I take it he will be the officer representing the professional side. In the hands of these two officers will rest the carrying out of the instructions of the trust. It has been suggested that women should be represented on the trust, and I dare say that hon. members have received a circular letter on the subject. There is nothing in the Bill to preclude the appointment of women on the trust. It is possible that the three representatives of the local governing bodies shall be women. It only remains for those women who may desire to have a seat on the trust to manifest their qualities to such an extent that they will be elected. I venture the opinion that since it is possible for women to be elected to the trust there will be no need to move in that direction when the Bill is in Committee. The members of the trust apart from the two representatives of the Medical Department will receive payment for their services. The payment to be made is limited to an amount of £350 per annum in the aggregate. The chairman will be paid £3 3s. per sitting and the members £2 2s. each. I am assured that there is no possibility of the amount of £350 being exceeded. In fact the Bill does not make provision for the payment of a sum larger than this.

Hon. W. C. Angwin: It is only £50 per annum, and there is nothing about "in the aggregate."

The COLONIAL SECRETARY: I can assure the hon. member that if the language of the Bill is faulty in that respect it will be amended. There is no intention to exceed the expenditure of £350 in this direction. Of course travelling expenses will be paid.

Mr. Latham: The Bill says, "The total amount paid by fees shall not exceed £350."

The COLONIAL SECRETARY: As I have said, fees will not be paid to the representatives of the Medical Department.

Hon. P. Collier: It is vague. You may pay £350 to one man.

The COLONIAL SECRETARY: It is set out that the chairman shall be paid £3 3s. and that the members shall receive £2 2s. each per sitting.

Hon. W. C. Angwin: And travelling expenses.

The COLONIAL SECRETARY: And travelling expenses to be prescribed. It would be unreasonable to expect a member of the trust to journey, say from Meekatharra, sit a day in Perth on hospital business, and be paid only £2 2s. In order that each outback district may be properly represented, and its claims brought before the trust, members from distant parts must be paid reasonable travelling expenses. The main idea of the trust is to co-ordinate administrative services, control finance and all other phases of hospital management. Hitherto hospital committees or boards, though they have done

good work, have proceeded along their own sweet way. There has been lack of co-ordination and lack of statutory authority. These advantages will follow if the House give approval to the Bill now before members. It will be agreed that uniform administration of Government and assisted hospitals, as well as those controlled by boards, should be approved. One of the first acts of the trust will be to call a conference of representatives of all public hospitals and committee hospitals throughout the State. The conference will discuss hospital management and control in every way possible, and regulations will be framed. These will be submitted to the House in the usual way. Apart from the trust it is intended to establish local boards, but it is not proposed that these boards shall materially interfere with the control of hospitals, as at present many of our country hospitals have an excellent record in regard to economical and generally good management. Many country hospitals, it may be said, have performed deeds of valour. But perhaps I am now going beyond what I am permitted to say on the second reading of the Bill, and I will content myself by remarking that they have done and are still doing wonderful work. In many districts there is shown a commendable hospital spirit. Entertainments, fêtes, and carnivals are organised, and fair sums of money are realised in aid of the institutions. There is no intention to interfere with that good work. Hitherto there has been no regular election of members. Under the Bill it will be competent for hospitals to have a regularly elected board. The Bill makes it competent for the subscribers in any district to elect the members of the board. A subscriber is a person who pays any amount over £1 to the local hospital fund. That payment will entitle the person so contributing to exercise a vote in connection with the election of members of the board. If there are 100 subscribers or over, four members will be elected; 75 subscribers, three members; 50 subscribers, two members, and 25 subscribers, one member.

Mr. Chesson: Subscribers already elect the boards on the Murchison.

The COLONIAL SECRETARY: I hope it will be possible in all centres where there are Government hospitals for the board of management to be elected by subscribers.

Hon. W. C. Angwin: All persons will be subscribers under the Bill.

The COLONIAL SECRETARY: The Bill will make subscription mandatory. At the present time it is voluntary.

Mr. Lutey: This will come on top of that.

The COLONIAL SECRETARY: Not necessarily. It is competent for anyone making a donation of over £1 to apply to the trust for consideration to that extent in respect of the tax payable by him. A person called upon to pay tax on an income of £2,000 or, say, £8 6s. 8d., and who has donated £20 to the local hospital, would be allowed a rebate to the extent of his tax for that year, namely £8 6s. 8d. But the balance would not

le in credit to him for the following year. Each year will stand alone. This is a recommendation by the Royal Commission, and it will commend itself to the House. In the Bill, uniform constitution of local hospital boards is definitely provided, and a further aim is to make more uniform the varying constitutions. Subscribers will elect their representatives on the board. This method, I hope, will be readily availed of. It is a splendid thing for a hospital to have a local committee in control, for the committee is able to devise various means for improving the general treatment of patients, the raising of additional funds, the provision of luxuries, and many other things in the interests of the hospital inmates. There are 20 hospitals under Government control. In those instances, of course, there will be no election to a board. However, provision is made in the Bill for the appointment of visiting and advisory committees, and it is hoped that local boards for those hospitals will be elected in the near future; because it will give a sense of greater independence and self-reliance, and the patients will know that they have the sympathy and assistance of those taking an interest in the hospital. The Bill provides for the establishment of intermediate hospitals. At present only the indigent may receive relief at a public hospital. When a patient who is able to pay goes into a public hospital an injury may be done thereby to an indigent patient. There are many people who, while not in a position to pay the fees charged by private hospitals, are still able to pay something. In an intermediate hospital they will be charged something like 6s. or 8s. a day, and will be permitted to have their own doctors follow them into the hospital. This is a step in the right direction. Obviously the State cannot be expected to provide medical attention and hospital facilities for those who are able to pay in a lessened degree.

Mr. Pickering: Is there much chance of that being given effect to?

The COLONIAL SECRETARY: Yes, it is being given effect to in many countries. It has long been recognised that a man receiving £6 or £7 a week and having a wife and family to support may not be able to pay even the fees charged by a private hospital, yet nevertheless is able to pay something. Thus, intermediate hospitals are growing in favour in other countries and States.

Mr. Pickering: Where?

The COLONIAL SECRETARY: I understand there is an intermediate hospital in South Australia and another in New South Wales, while in the old world they are becoming numerous. The Bill does not give to any contributor the right to enter a public hospital, but anybody has the right of entry to an intermediate hospital.

Mr. Pickering: Which does not exist.

The COLONIAL SECRETARY: But it will exist. Provision is made for the establishment of intermediate hospitals and, if the Bill be passed, those hospitals will be established.

Mr. Underwood: Meaning so many additional hospitals?

The COLONIAL SECRETARY: No, it will be competent to have intermediate wards in existing hospitals, or even beds occupied by intermediate patients, who will pay the required fees. There will be no differential treatment. It is only right that those who can pay shall pay.

Hon. W. C. Angwin: What do the medical profession say to this?

The COLONIAL SECRETARY: They are in favour of it, because it provides for a patient arranging to have his own doctor follow him into hospital, whereas at present hospital patients have to be treated by the hospital staff. Fees for intermediate patients will be based on an amount which, while returning no profit to the hospital, will protect the community from the burden of the treatment. The Bill will prove a blessing to the people of the State. Hospitals will be placed in a much better position than they are today. They will have more money to work upon, and it will be competent to provide necessary appliances for hospitals which at present cannot have them. It will be possible to establish hospitals in far outback centres.

Hon. W. C. Angwin: To-day 100,00 people are paying to doctors through friendly societies.

The COLONIAL SECRETARY: The point does not affect the position at all.

Hon. W. C. Angwin: The only thing the Bill effects is increased taxation.

Hon. P. Collier: Why don't you call it a taxation measure, not a Hospitals Bill?

The COLONIAL SECRETARY: The Bill, when it becomes an Act, will give to the hospitals that necessary authority which they should have had long ago. The financial side is one phase of the Bill; the spirit of co-ordination which the Bill seeks to introduce, and the support it will give to hospitals, constitute another phase. The payment of the tax gives no person the right to say a hospital shall provide him with treatment.

Hon. W. C. Angwin: There is nothing wrong with the management now; it is only the want of money.

The COLONIAL SECRETARY: I admit the need for money.

Hon. W. C. Angwin: Well, why don't you increase the income tax?

Mr. Chesson: This is only setting up another board.

Hon. P. Collier: Why not increase the income tax?

The COLONIAL SECRETARY: It is generally recognised that those countries which give consideration to the requirements of the sick poor are the most advanced in civilisation.

Mr. Pickering: Do they do it this way?

The COLONIAL SECRETARY: This State has taken the lead in many things. The Bill is one of the finest legislative moves in connection with hospital control ever submitted to any Parliament.

Hon. P. Collier: Who told you that?

The COLONIAL SECRETARY: If the Bill passes, the sick poor will be better looked after, and every wage-earner will be able to lay to his breast the flattering unction that he has paid something towards the alleviation of the sickness of his poor brother.

Hon. P. Collier: And can go to bed hungry.

Mr. McCallum: He will sleep soundly on that.

The COLONIAL SECRETARY: The Bill is the outcome of the deliberations of a Royal Commission whose recommendations, with one exception, have been given effect to in the Bill. That one exception is but a minor matter. I hope the result will be an excellent Bill and a very great improvement in the control, management and general administration of hospitals and, further, the establishment of additional hospitals throughout the State. I move—

That the Bill be now read a second time.

On motion by Hon. W. C. Angwin, debate adjourned.

#### BILLS (2)—RETURNED.

1, Wyalcatchem-Mt. Marshall Railway (Extension No. 2).

2, Geraldton Racecourse.

Without amendment.

#### BILL—LIGHT AND AIR ACT AMENDMENT.

Second Reading.

Debate resumed from 24th October.

Hon. W. C. ANGWIN (North-East Fremantle) [5.30]: The main provision in this Bill constitutes a considerable improvement upon the Act now in force. It is necessary, where buildings are being erected, that light and air shafts should be provided. That being so, I cannot see why permission cannot be granted for all time from one person to another to permit of a light and air shaft being made available without the permission of the Governor-in-Council. The present Act provides for a period of only 21 years. I cannot imagine a person putting up a large building and being satisfied with arrangements with the adjoining property owner for the necessary light and air for a period of only 21 years. That is a blot upon our legislation and should be removed. There is one portion of the Bill that is not quite clear. I refer to the proviso. I have endeavoured, by reading the discussion in another place, to find out why it was worded in this way, but I cannot discover the reason. The proviso says—

No such grant shall have effect or be enforced so as to prevent the erection of any building on the alignment of a street to a depth of not exceeding 12 feet.

That is a very indefinite and a layman cannot see through it. The intention is that the area granted for light and air shall not ex-

ceed 12 feet from the alignment of the street. It appears to me from the wording of the proviso that it prevents any building from being erected to a depth not exceeding 12 feet from the alignment of the street. There is no doubt that if the light and air shaft were allowed to be left on the alignment of the street it might become a nuisance. People might congregate there at certain times and commit nuisances. In order to make the proviso clear I think the word "exceeding" should be struck out and "not less than" inserted in lieu. This Bill will apply to all properties, particularly those in the city, where high buildings are being erected; for that reason we can safely pass it. When two owners arrange amongst themselves in regard to light and air, I do not see why the arrangements should have to receive the endorsement of the Governor-in-Council. As the Premier used to say, however, it will not do any harm. The question is really one between the health authorities or the municipal authorities and the owners of the properties, so that it may be laid down that sufficient light and air are admitted between the buildings. I support the second reading of the Bill.

The MINISTER FOR MINES (Hon. J. Scaddan—Albany—in reply) [5.35]: The proviso to which the member for North-East Fremantle (Hon. W. C. Angwin) refers is, I think, correctly worded.

Hon. W. C. Angwin: I do not like the word "exceeding."

The MINISTER FOR MINES: The proviso will apply to a depth of 12 feet and no more. It is, however, a matter to be dealt with in Committee. It is desirable that we should have a provision of this sort that may be enforced in connection with the erection of all buildings, not only in the city but elsewhere, with the object of securing light and air conditions on a permanent basis. A person who is putting up a building may purchase sufficient land from the adjoining owner to permit of there being a light and air shaft.

Hon. P. Collier: Many people who propose to build will not spend money in this way.

The MINISTER FOR MINES: No. We ought not to discourage them by saying that after 21 years they may be deprived of this right to light and air.

Mr. Lutey: Twelve feet from the street is rather close is it not?

The MINISTER FOR MINES: In the case in point it does not apply for a matter of 40 feet. Not only will this provision be made permanent in the case of the building that is being erected, but it will also ensure that similar light and air provisions shall appertain so far as any building that may be erected on the adjoining block is concerned.

Question put and passed.

Bill read a second time.

## In Committee.

Mr. Stubbs in the Chair, the Minister for Mines in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 2:

Hon. W. C. ANGWIN: I move an amendment—

That in the proviso the word "exceeding" be struck out and "less than" inserted in lieu.

This will mean that a man can put up a building as far back as he likes from the street. It would be a waste of money for a man to erect a building if he could not go back more than 12 feet.

The MINISTER FOR MINES: We are in agreement as to what is intended, but there is a difference between us as to how it will apply, according to the reading of the subclause. There is ample protection in the stipulation that the consent of the Governor-in-Council must be received. By that means, the interests concerned will be protected. Then again it must be remembered that this is to apply against the grant and not against the building. I do not think the amendment is necessary.

Hon. P. Collier: It is not always safe to leave a thing to the Governor-in-Council as, quite unwittingly, something may be done contrary to what was intended.

The MINISTER FOR MINES: We can agree to the amendment and look into the matter. If it is not necessary, the Council can disagree with it. The matter is urgent, as the passage of the Bill is holding up the construction of a large building costing upwards of £20,000. Tenders have been called for the work and they were hoping that the Bill would be passed quickly so that they could accept a tender and proceed with the work.

Hon. W. C. Angwin: They know it is all right.

The MINISTER FOR MINES: Yes, it is only this one point.

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

Clause 3—agreed to.

Title—agreed to.

Bill reported with an amendment.

## BILL—COMPANIES ACT AMENDMENT.

Received from the Council and read a first time.

## BILL—PEARLING ACT AMENDMENT.

## Second Reading.

Debate resumed from the 24th October.

Hon. W. C. ANGWIN (North-East Fremantle) [5.51]: I do not intend to delay the second reading of the Bill. There is no doubt in my mind that the Government have taken the proper course in an endeavour to prevent,

if possible, pearl culture. Western Australia has the name to-day of being the only part of the world which is regarded as safe for the purchase of natural pearls. Anything that tends towards the loss of our good name will be detrimental to the pearling industry, and the House should take advantage of this, the first opportunity to prevent the cultivation of the pearl. I congratulate the member for Kimberley (Mr. Durack) on his speech regarding the Bill. I will not follow his line of argument and delve into ancient history, but I will deal with one or two aspects of present day politics. Rightly or wrongly, the hon. member has a reputation of being a great supporter of black labour. One of the reasons he brought forward in support of the Bill was that there were a number of returned soldiers who were participating in the pearling industry. He told us that those men found it almost impossible to compete against coloured labour, which shows conclusively that the member for Kimberley realises the difficulties regarding competition likely to occur in Australia, if coloured labour is introduced in opposition to white labour.

Mr. Willecock In any industry.

Hon. W. C. ANGWIN: Of course; what applies to one industry applies to the lot. It applies to other industries more so than to the pearling industry.

The Minister for Mines: They objected to it at one time; you remember that, don't you?

Hon. W. C. ANGWIN: The hon. member has shown conclusively how this affects white labour in the one industry that is very largely adaptable for coloured labour, regarding diving and so on.

The Premier: The whites do not dive.

Hon. W. C. ANGWIN: Some white men were brought out to engage in diving.

The Premier: But they could not do it.

Hon. W. C. ANGWIN: At any rate, the member for Kimberley has asked us to pass the Bill, and one of the principal reasons he advanced was that the returned men could not compete against coloured labour.

Mr. Durack: That is, as divers.

Hon. W. C. ANGWIN: Quite so.

The Colonial Secretary: There are other aspects besides diving.

Hon. W. C. ANGWIN: Yes, some have to open the shells and some have to protect the pearls. In any case, I wish to congratulate the member for Kimberley on the attitude he has taken up, for he has shown the people of Western Australia that it is necessary to protect white labour against black labour in this industry.

Mr. PICKERING (Sussex) [5.55]: When the measure was introduced, and in its later discussion, an element of levity was imported which is apt to obscure the main principle of the Bill, which is of importance to Western Australia. Such an attitude is likely to obscure the more vital issues for which the Bill stands. Western Australia is one of the few countries in the world which produces

pearls which can go on the market unquestioned as to their value. That is a big asset to those who are carrying on the industry. It would be a serious thing if any feature were allowed to be introduced which would rob the State of that reputation which no other part of the world possesses to-day. In other parts of the world where pearls are produced, the practice of cultivating pearls is common. The consequence is that the value of pearls from those sources is to a certain extent shrouded in doubt. The detection of the difference between the natural pearl and the culture pearl is very difficult. At the present time, there is no reason for doubt as to the origin of pearls we put on the market. We have a very valuable industry, and the member for Kimberley has shown that it is employing a number of returned soldiers. It would be ridiculous if we allowed that industry to be ruined and its reputation destroyed by the practice of cultivating pearls. I support the second reading of the Bill.

Mr. UNDERWOOD (Pilbara) [5.57]: I intend to support the Bill and in doing so I will not quote historians or poets. I recognise that both are unreliable witnesses.

The Minister for Mines: Treat them as hostile.

Mr. Lambert: They have been too long dead.

Mr. UNDERWOOD: There is a considerable amount of wealth in the pearling industry. At one time I did not think it mattered if we lost the industry. Times have changed and we want all the wealth we can possibly get. That being so, we should endeavour to do the best we can to produce wealth from our pearl shell supplies, which are drawn from the seas in the northern portions of the State.

Hon. W. C. Angwin: The Government went down pretty heavily last year on account of this industry.

Mr. UNDERWOOD: Yes, but they went down on many other industries as well.

The Premier: There was certainly not much in pearshell last year at any rate.

Mr. UNDERWOOD: It is a fact that Western Australia produces about two-thirds if not three-fourths of the gold-edged pearl shell of the world, and I think it is an industry to which we should pay a little attention in order to look after it. The Minister in introducing the Bill said it was essential to tighten up the law. We have heard a good deal about tightening up lately. We heard about it in connection with the Licensing Act Amendment Bill.

Hon. P. Collier: That tightens up others.

Mr. UNDERWOOD: When the Minister was speaking I asked him what he meant by "dummying." He went on to speak about glittering pearls and beautiful women.

Hon. P. Collier: And Cleopatra and all the rest.

Mr. UNDERWOOD: It does not matter what Cleopatra said to Brutus. It does not matter whether she said it to Brutus or An-

tony. It is necessary to have some definition of dummying. When in office I had to deal with this question to a considerable extent. We endeavoured to prevent dummying which was understood to mean that an Asiatic owned a boat for which a white man took out the license. We prevented that to the greatest possible extent by introducing a regulation providing that a declaration had to be made to the inspector, that all the papers had to be put before him, and that every license was granted at the discretion of the Minister. This I think, prevented that system of dummying. Then there arose another position. When shell was high and pearls were selling well, it became a practice to pay the diver, who, of course, is the principal man, an advance and a percentage on the shell and stones obtained. When the industry was in a pretty bad way a system of what might be called contract diving was evolved, under which the diver took a boat, employed the labour and was responsible for all costs in the way of provisions and gear, and the owner of the boat took the shell at a given price. The question then arose as to whether that was dummying. I want the Minister to answer that question now. Would that be dummying under this measure? We have some good inspectors on whom we can absolutely rely, but we must set out in the Act what we want them to do. Unless we define dummying, the officers will be unable to give effect to our wishes. This is the most important question with regard to pearling to-day. Yet the Bill does not touch upon it.

The Colonial Secretary: There will be a greater opportunity now to check dummying.

Mr. UNDERWOOD: Can the Minister say whether contract diving such as I have described is dummying?

Mr. Durack: Yes, if the diver is participating in the profits.

Mr. UNDERWOOD: The diver has always participated in the profits.

The Colonial Secretary: It is not competent for him to do so.

Mr. UNDERWOOD: It is, and the Bill does not prohibit it. The diver is merely prohibited from taking a percentage with regard to the pearls, but not with regard to the pearshell.

Mr. Durack: He is there for a certain purpose, that purpose being diving.

Mr. UNDERWOOD: How is he paid for diving?

Mr. Durack: He is paid a certain wage.

Mr. UNDERWOOD: Under the existing system, which the Bill does not alter, a diver does not receive a certain wage. He has always been a contract worker like a whaler. The amount he draws is in accordance with the amount of shell fished. It is absolutely necessary to define in the Bill what dummying is. When I was in office I found out that there was dummying, but the dummying spoken of could not be prevented under the Act, and there is no provision in this Bill which will prevent it.



The Colonial Secretary: What about Clause 7?

Mr. UNDERWOOD: I doubt very much whether that will meet the case.

The Premier: No law will meet every case.

Mr. UNDERWOOD: But it might try.

The Colonial Secretary: An attempt is made here to meet the case and to prevent dummying.

Mr. UNDERWOOD: Clause 7 deals with what is contained in the existing Act. Provision is made for the forfeiture of the ship in the event of a conviction for dummying, but dummying is making a false declaration in regard to the ownership of the boat. It has nothing to do with the question of what might be termed contract diving, and it is contract diving that the people in the industry are complaining of to-day. This is not dealt with in the Bill.

The Colonial Secretary: Dummying might be described as the act of a person ineligible to hold a license continuing to be interested financially or otherwise in the operating of a boat.

Mr. UNDERWOOD: Clause 7 may aim at the suppression of dummying, as I understood it under the existing Act, but it does not prohibit it under this new system.

The Colonial Secretary: What do you suggest? It is a very difficult problem.

Mr. UNDERWOOD: I admit it is a difficult problem. One requires to be in touch with the officers of the department as regards the possibility of giving effect to an amendment, and with the Solicitor General as regards the drafting of such an amendment. An effort should be made to prohibit contract diving.

Mr. Durack: Does not Section 31 cover it?

Mr. UNDERWOOD: The officers of the department found that there was no power to prohibit contract diving.

The Colonial Secretary: I am anxious to prohibit it and make this provision effective.

Mr. UNDERWOOD: That is the point about which there are complaints all along the coast. Though most of the boats are registered at Broome, pearl fishing is not confined to Broome. Regarding culture pearls, I agree with the member for North-East Fremantle (Hon. W. C. Angwin). We have a reputation to maintain, and the fact of pearls being sent from Western Australia should be a guarantee that they are pure pearls. Without the Bill it is possible to prevent the culture of pearls. Pearls could only be cultured where an exclusive license existed. If a man started on pearl culture where every pearler could fish them, he would not carry on for long as he would lose his harvest. The existing law, if administered, would thoroughly protect the industry against the culture of pearls. An exclusive license need not be granted and it can be cancelled after having been granted. One important matter which cannot be dealt with in this Bill was referred to by the member for Kimberley (Mr. Durack). We should seek the co-operation of the Federal Government to prevent the importation of culture

pearls. It would be an easy matter to import culture pearls and then send them away as Western Australian pearls, thus securing the advantage of the State's good name. I trust the Minister will endeavour to prevent anything of this kind occurring.

Question put and passed.

Bill read a second time.

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

In Committee.

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

Hon. P. Collier called attention to the state of the Committee.

Bells rung; a quorum formed.

Clause 1—Short Title:

Hon. P. COLLIER: The short Title does not fully express the scope of the Bill. I went nearly to the end of the measure before discovering that it also amends the Act of 1919. That discovery I made as the result of being unable to reconcile some of the amendments in the Bill with the Act of 1912. The Bill makes no reference to the amendment Act of 1919, though it is true that Act is incorporated with the Act of 1912. It would not be amiss to mention the Act of 1919 in the short Title of this Bill, which otherwise is misleading.

The Premier: The last sentence in the Bill covers that.

Hon. P. COLLIER: But one does not look at the last sentence of the last clause of a Bill for information as to the legislation which the Bill amends. The insertion of the figures "19" after "1912" in the short Title would meet the difficulty.

The PREMIER: I can quite understand that confusion might arise, but this is the usual way to frame amending Bills. Subsequent printed copies of our pearling legislation would make the matter quite clear, as they would cover all the Acts. Consideration of this clause might be postponed.

Mr. UNDERWOOD: The difficulty here is really a misprint. The Title of the principal Act is "The Pearling Act, 1912-19."

The COLONIAL SECRETARY: I move—

That consideration of the clause be postponed.

Motion put and passed.

Clause 2—agreed to.

Clause 3—Amendment of Section 10:

Hon. P. COLLIER: What is the reason for this amendment, which increases the number of licenses from five to nine? There are licenses for beachcomber, diver's tender, shell buyer, and pearl cleaner.

The COLONIAL SECRETARY: The principal Act does not refer to the beachcomber; hence the addition here.

Hon. P. Collier: But why is the addition necessary?

The COLONIAL SECRETARY: Nor does the principal Act refer to the diver's tender. Those are the main reasons for this Bill. Or rather I find that the beach comber is referred to in the principal Act.

Hon. P. Collier: But not as regards a license.

The COLONIAL SECRETARY: It is essential that the beach comber be licensed, since he is engaged in the work of collecting pearlshell, and generally in connection with the industry.

Hon. P. COLLIER: At the present time it is not necessary for a diver's tender to have a license. The Bill seeks to make that a calling where everyone engaged in it must be licensed. Why is it necessary now that a diver's tender should have a license? What are the reasons that make this necessary? In all the years that the industry has been carried out the work has been done by men without a license. Why is there need for one now?

The COLONIAL SECRETARY: The license is necessary so that there may be greater control over this class of worker. It is considered necessary that a diver's tender should be controlled.

Mr. DURACK: So far as I can understand, the object of the license is to enable the inspector to have some control over the man who is superintending the diver. I understand there is a possibility of collusion between the diver and the man who is attending him.

The PREMIER: I was in Broome some time ago and discussed pearling questions with representatives of the industry there, and it seemed to me then that the employment of these men ought to be controlled. We know that the coloured men who are engaged in the industry are there practically under permit, and we know that they get big money for the work they do.

Hon. P. Collier: Is the diver's tender a coloured man?

The PREMIER: Yes. The diver is a Japanese and the tender may also be a Japanese. But on these boats the crew is not made up of men of one nationality.

Mr. Marshall: They play one nationality off against the other.

The PREMIER: A diver may bring up 2½ tons of shell and if he is especially good he may bring up five tons, and then he says to the employer, "I want more money."

Hon. P. Collier: That is the diver.

The PREMIER: The tender too. The ship is entirely in charge of the diver and the tender. They are the men who run the whole business of the boat. If they are allowed to exact more money, year after year, then the industry must go. We must control these people or the industry will be of no benefit to the State.

Hon. P. Collier: Why?

The PREMIER: Because they get so much money.

Hon. P. Collier: Do they steal it?

The PREMIER: Oh no. They can either fish well or fish badly.

Hon. P. Collier: How will the license make them work?

The PREMIER: They can be told that if they do not work honestly they will not get a license.

Hon. P. Collier: Then you will have no divers.

The PREMIER: We have heard a great deal about dummyming. The clause will have some effect on that, too. The Bill has been framed as the result of experience gained on the spot.

Hon. P. Collier: Do these men work for wages?

The PREMIER: Nominally, but they compel the owners to pay them a considerable sum before they go out, and they are making that payment very hot indeed. Generally the industry is drifting to such an extent that the profits are disappearing. The position is far more serious than the hon. member imagines.

Mr. MANN: On three occasions I was sent to Broome and to the Dutch East Indies to investigate certain matters in connection with pearling. Dealing first with the licensing of the divers: When I was in Broome in 1908, the divers had such control of the industry that they were getting anything up to £200 in advance before they would go out. In addition to that, they drew commission on the pearls. The tender is the second in charge, and to a great extent the diver's life depends upon the tender's skill. Therefore that tender ought to be licensed, if only to assure his skillfulness, without which the diver might develop paralysis. Secondly I take it the desire in licensing the tender is to prevent collusion. It is generally contended that not more than 60 per cent. of the pearls fished go through legitimate channels.

Hon. P. Collier: Licensing would not prevent collusion.

Mr. MANN: Yes it would. Usually the diver is a Japanese or a Manilaman. He prefers one of his own countrymen as tender. The crews are Koepangers, Javanese, and Malays. They constitute the indentured labour. Such control had the divers over the industry at one time, that their mail bags were made up in the Japanese Club at Broome, and taken sealed to the boat, instead of going to the Post Office, and so the authorities did not know what mail matter was contained in the bag. Probably that does not exist to-day, but that was the state of affairs in 1908. If the tender and the diver are working in collusion, the owner of the boat, even if there be a shell-opener on board, gets but a very small percentage of the pearls fished. The diver and tender occupy one end of the boat, and the crew the other end. The shell-opener, when there is one on board, lives with the diver and the tender, who hold themselves superior to the crew, never speaking to them except by way of an order. The Chinese clerks on the Singapore boats are all buyers of snide pearls and agents for Chinese traders in Singapore. So the State gets no return whatever from snide pearls, for they are passed direct from

the diver or tender or shell-opener to the men on the Singapore boats. Another point: if the diver gets a big commission, it is to his interest to fish, not for shell, but for pearls, and consequently he may waste half a season looking for pearls, during which time he is not getting the shell which, after all, is what the owner wants. If the industry is to be of use to the State and the Commonwealth, the principal men in the boats should be licensed. It is the only way to control those men. While coloured men have to be used in the industry, they should be under such control that the industry will be of benefit to the State. The advances paid to the Japanese divers are all sent away to Japan before the divers go out in the boats. The Manilaman does not indulge in dummying, nearly so much as do the Japanese.

Hon. P. Collier: The Manilaman has not the brains of the Japanese.

Mr. Chesson: He has not the same financial backing.

Mr. MANN: Certainly the Manilamen have not the business acumen of the Japanese. Licensing provides the only means of controlling the industry.

Mr. CHESSON: The object of the clause is to secure control over the divers and tenders. There is a great deal of competition amongst boat owners for the coloured divers, and enormous sums are paid in advance. Pearlising is a black man's industry. A little while ago 300 luggers were operating, and among them they employed 2,100 coloured hands. There is a great deal of dummying, but it is difficult of detection. Mostly the dummyer is a white man, the Japanese doing the financing. There will always be strong competition amongst owners for able divers. The owner wants those men licensed, so that he can control them and get their services at a lesser rate.

Hon. W. C. ANGWIN: After listening to the Colonial Secretary and to the Premier, it seems to me this is a very dangerous provision. I do not object to a coloured man paying a license fee to be allowed to work, but the Premier has told us that the desire is to control the business. The member for Perth says there is collusion between the diver and the tender. If so, what is to prevent the boat owner dismissing either or both of them?

Mr. Willcock: The boat owner could not get anybody else.

Hon. W. C. ANGWIN: But that is not the point. The boat owners want to put the responsibility on the Government officer. It will be, "If you do anything wrong, we will get the Government officer to withhold the renewal of your license." This may be taken as a precedent, and presently a miner may require a license before he can work underground. Also, it means building up staffs in Government departments.

Mr. Mann: Oh no!

Hon. W. C. ANGWIN: Oh yes. Increase the work, and you increase the staff. In this case it is not only the issue of a license,

but the Government have to take control. Those are the Premier's own words.

The Premier: Control is provided in the existing Act.

Hon. W. C. ANGWIN: But this is going too far. Under the existing Act it is not compulsory for the beachcomber to have a license. It is at the discretion of the inspector.

The Premier: This will alter that.

Hon. W. C. ANGWIN: I do not think we have yet had the actual reason for this proposed licensing of tenders. The Premier and the Colonial Secretary have given no reason why this provision is necessary. If the industry is to be controlled in this way let it be made a State enterprise.

Mr. Willcock: That will frighten them.

Hon. W. C. ANGWIN: I am surprised that this should have been asked for by the pearlers themselves. Evidently they are satisfied as long as the Government pay the piper. The pearlers took the money from the Government for the shell, but dropped the Government afterwards.

The Premier: Not at all!

Hon. W. C. ANGWIN: They dropped the Government in regard to the advances they received last year when the price of shell was low. They entered into an honourable undertaking to repay the Government, but did not do so.

The Premier: That is not so.

Hon. W. C. ANGWIN: This Bill is an interference with private enterprise, and the liberty of the individual. The position set up is a dangerous one, and an attempt may be made to apply it to other industries. There is plenty of competition for good divers.

The Colonial Secretary: The nigger must be controlled.

Hon. W. C. ANGWIN: The Minister wants the Government to control these men, to take charge of the business, to see that the work is properly carried out, and to hold these men in a kind of bondage.

The Colonial Secretary: If it is considered that a diver's tender is working illegally his license can be refused.

Hon. W. C. ANGWIN: Then there is no need for the Government to step in.

The Colonial Secretary: It is essential that a Japanese diver or his tender should not be allowed to control the industry.

Hon. W. C. ANGWIN: Will a fee of 6s. 8d. a quarter make a diver honest?

The Colonial Secretary: It is a question of his inability to get another license unless he conforms to the regulations.

Mr. Heron: To the employer's regulations.

Hon. W. C. ANGWIN: This is a question between a man and his employer. If a man is working illegally his services can be dispensed with.

The Colonial Secretary: The employer may be in collusion with the diver or his tender, or both.

Hon. W. C. ANGWIN: That is not likely. I do not think the employers are asking for

something that is likely to be turned against them.

The Premier: They want some protection for themselves.

Hon. W. C. ANGWIN: The protection lies in their own hands, in the way of dispensing with the services of the men who are unsatisfactory.

Mr. Mann: But they cannot be replaced.

Hon. W. C. ANGWIN: If private people cannot control their own business the Government should step in and do so.

The Premier: We cannot control it either.

Hon. W. C. ANGWIN: The Premier has made the position look worse than it is. I hope the Committee will not agree to this principle being embodied in the Bill.

The COLONIAL SECRETARY: There is great difficulty in controlling divers and divers' tenders. The intention of the department was to enable them, where reasonable suspicion existed as to the action of the men, to refuse to issue another license.

Hon. P. Collier: That argument will not help you very much.

Mr. WILLCOCK: There is something at the back of this request.

Mr. Pickering: The unseen hand.

Mr. WILLCOCK: The Premier practically suggested that someone was stealing pearls, but he did not like to say so.

The Premier: Thousands of people are licensed down here, but when it comes to licensing Japanese there is all this talk.

Mr. WILLCOCK: It is suggested that there is collusion. Does this mean collusion in the matter of stealing pearls? It is time the owner looked after his own business on his own lugger. If a nigger fails to carry out his duties, in the way his employer wishes him to, he is to be deprived of his license and of his employment in any other capacity in the industry.

The Premier: He can look after himself.

Mr. WILLCOCK: The Premier had a conference with the heads in Broome and they decided upon this Bill. We do not know what is behind it.

The Premier: If you think there is anything wrong behind it, you are mistaken.

Mr. WILLCOCK: I do not say that, but I think the obvious remedy regarding pearl stealing and so forth is in the hands of the owner, who should look after his own interests. This clause practically says that the divers do not go where they are told.

Mr. Mann: That is so. They go down, but will not bring back any shell. Only the diver knows what is below and a white man on top can only tell the diver where to go.

The Minister for Mines: But the diver knows where the shell is.

Mr. WILLCOCK: It seems to me that the license is to be used as a bludgeon concerning these men. There is something behind it and I do not believe in licensing like this. If we cannot get a working proposition to deal with a few Japanese and a few "niggers," I think it is time the owners looked after their own

business and did not call upon the majesty of the law to control these people—

Mr. Heron: At a lower wage.

Mr. MARSHALL: I have had nine years' experience in Asia amongst this particular class of worker. I know the attitude of the white workers and the employers towards them, because I was employed in looking after these men. The clause shows a keen desire to enforce a certain system of slavery within the State, such as applies in the southern parts of Asia. It appears to me remarkable that members on the Ministerial side wax eloquent whenever occasion arises on the law of supply and demand, but when it comes to the question of a few workers, they step in and block those employees from taking advantage of the position in their own interests. The whole trouble with the pearling industry is due to the fact that there is keen competition amongst the employers themselves. Whenever a diver stands out as a skilled and workmanlike individual, the employers endeavour to secure his services. For that reason they are responsible for the necessity for paying big prices to get good divers. The clause seeks to hand over to the Government inspectors the right to dictate to these men as to what they shall get. They will be in the position to say to the workers, "Irrespective of whether you are a good diver or not, you shall work for a certain premium and no more. If you do not accept that, you will be deprived of your livelihood, and you will be as a stranger in a strange land."

Mr. Pickering: Is there not difficulty in getting good divers?

Mr. MARSHALL: If there is that difficulty and there is the keen competition to secure the services of the good divers available, it is only a waste of time for the Committee to license those people, because they will still be in the position to extract tribute from the employers. This legislation will not have any effect whatever.

The Colonial Secretary: We must not encourage an undue number of Japanese to come to Western Australia.

Hon. P. Collier: I thought the argument was that there were not enough of them.

Mr. MARSHALL: I do not think the Colonial Secretary is sincere nor do I think other members desire this position.

Mr. Pickering: Is that fair?

Mr. MARSHALL: It is, and I have here extracts to show how some of the members of the Country Party have advocated the employment of indentured labour.

Mr. Pickering: One of the planks of our platform is the maintenance of a White Australia!

Hon. P. Collier: And there are two on your side who spoke in favour of black labour.

Mr. MARSHALL: That is true. I have the cuttings here and can give them to the Committee. There is a doubt about some of the members of the Country Party and their attitude regarding a White Australia. I believe the clause is merely in the inter-

ests of these people so that they can bring economic pressure to bear to make the coloured men work for a mere pittance..

Mr. UNDERWOOD: No explanation has been given as to the necessity for the new license. The only reason that I know of for the licensing of a diver's tender is that he should be a reasonably able and reliable man. A lot has been said about the advances to divers. All this arose at the commencement of the war and owners of boats could not afford to pay the advances, with the result that the system of dummyning, which I described before, took its place. The owners would not advance at all to divers. At the present time there is no lack of divers nor are any considerable advances paid. Another system has come into vogue of paying the divers on what is really contract diving, much the same as share farming is carried out in connection with agriculture. The only reason that I can see for licensing the diver's attendant will be to ensure the employment of reliable men who will not leave the diver below.

Mr. Durack: That is so.

Mr. UNDERWOOD: So far as the question of collusion and preventing stealing of pearls is concerned, I do not think the license is worth anything at all. I cannot conceive how the officers of the department would insert such a clause for that purpose. The member for Murchison and others suggested that this license could be used to effect the dismissal of divers' tenders. To do that, one would require to have collusion with Government officers, and so far as my experience of the inspectors goes, I do not believe they would be liable to be influenced by boat owners to get rid of anyone unless there was good reason for it. I have confidence in the officers we have there.

Hon. P. COLLIER: The only explanation that we have had in justification for the license is that advanced by the member for Pilbara. No such explanation was given by the Minister in charge of the Bill, the Premier, or the member for Kimberley, who should know something about this matter. The member for Kimberley rapidly endorsed the view advanced by the member for Pilbara, but it is significant that the officers of the department did not see fit to give that explanation to the Minister. Apparently they did not do so and, of course, I do not expect the Minister to know the whole of the reasons for such a clause. It undoubtedly establishes a new principle in that the Government, through its officers, will be stepping in and interfering with private enterprise. The employers have at their disposal all the remedies that other employers have in connection with other industries, and they can exercise those privileges to the fullest extent. The Minister, if he was dissatisfied with the services rendered by one of his employees, would merely dismiss him and would not prevent him from getting work with anyone else who chose to employ him. In this instance the man is to be deprived of

his opportunity to work for anyone else because his license will be withdrawn.

The Colonial Secretary: But these are Japanese!

Hon. P. COLLIER: That is the reason I am opposing this clause. The Minister apparently does not know his own Bill, for there is provision to limit the workers to white people. The latter clause shows that is so.

The Colonial Secretary: Where is the limitation?

Hon. P. COLLIER: In Clause 45, which amends Section 11 of the principal Act. It seems to indicate that that is so.

The Premier: The 1912 Act was amended in 1919.

The Colonial Secretary: That refers to "other than divers."

Hon. P. COLLIER: Then it is proposed to allow a diver's tender to be a coloured man. Why do the Government step in and protect the employer? The Minister said it is intended to prevent collusion between the tender and the diver; in other words, the object is to minimise dishonesty.

The Premier: And dummyning.

Hon. P. COLLIER: There might be justification for the issue of a license to ensure that those on whom the lives of others depend are reliable and careful, but the only ground suggested is that of collusion or dishonesty. If it is proposed to cancel a tender's license on the ground of dishonesty, the Government are embarking upon an entirely new policy. There are other laws to deal with these matters. If an employer suspects an employee, he is free to get rid of him.

Mr. Durack: If an employer suspected a tender of dishonesty and suspended him, the employer would have to go out of the industry, because the diver also would leave.

Hon. P. COLLIER: Does the hon. member think that in the event of a Government officer refusing a license, the diver would not take the same action? It would be of no advantage to the employer to have a license withdrawn. It is an entirely wrong principle to lay down that a man shall obtain a license before he is permitted to work. Employers in other walks of life select men for certain positions because they are reliable and careful.

Mr. Mann: We license engine-drivers and this is on all-fours.

Hon. P. COLLIER: An engine-driver receives a certificate setting forth that he is qualified in certain directions, but his certificate of qualification is not affected by any collusion or dishonesty of which the holder might be guilty. There is no analogy between the two cases. Why not leave it to the pearl owners to select men suitable for the particular job? Why say that a man must have a certificate, and, when that certificate is withdrawn, he shall obtain no more work? That will be stopping only one step short of the stage of requiring every worker to have a certificate and, if he displeases his boss, his right to earn a living will be withdrawn from him. I cannot see how the member for Kimberley can support this proposal, because he

hopes to see realised his ideal of the introduction of coloured labour to develop the North. How can he expect the coloured races to come here in numbers and develop the North if everyone who goes shearing, cotton planting, or engaging in station work has to hold from the Government a certificate which may be withdrawn at any time?

Mr. Durack: You would be able to overcome that.

Hon. P. COLLIER: The hon. member has proclaimed his belief in the advisability of introducing coloured labour for the North, and he should stand up to what he has advocated.

Mr. Durack: Under limited conditions.

Hon. P. COLLIER: Of course, the limitation which the hon. member would impose is that the coloured races should compete with the white wage-earners, but not with the white pastoralists or the white pearl owners. The hon. member would bring them here in hordes to compete with the wage-earners.

Mr. Durack: I suggest a limitation of a period of years to do the pioneering work.

Hon. P. COLLIER: How can the hon. member expect them to engage in pioneering work if they are required to hold a certificate from the Government? The hon. member should oppose any restriction which would hamper the progress of the policy he stands for. I would also expect the member for Gascoyne to oppose this clause.

Mr. Chesson: And Mr. George Miles, too.

Hon. P. COLLIER: Yes. We are favoured with the presence of three vigorous supporters of coloured labour for the North.

The Colonial Secretary: We want to stop dummyming.

Mr. Marshall: You don't know what dummyming is.

Hon. P. COLLIER: The member for Kimberley would let the nigger come in to oust the white worker, but he must not get any footing which would enable him to participate in the profits. If there should be any scarcity of divers' tenders, instead of the employer having to take his own medicine, which is freedom of contract and the beneficent law of supply and demand—

The Colonial Secretary: The Bill does not suggest scarcity of labour, but this labour must be controlled.

Hon. P. COLLIER: In the event of a scarcity of labour, the tender will be compelled to work under conditions satisfactory to the boss or not at all.

The Colonial Secretary: There is no suggestion of bad conditions; I believe the men are well looked after.

Hon. P. COLLIER: From my reading of the history of the employment of coloured labour, employers have always been very kind in their treatment.

The Colonial Secretary: The workers in the pearling industry are very well paid.

Hon. P. COLLIER: Because the peculiar nature of their calling enables them to extract a fairly high remuneration for their labour. The Minister has given no reason

in support of the clause. That is what makes me believe there is something behind it. I suspect a substantial and solid reason from the point of view of the pearl owners. Apparently it is considered diplomatic or tactful to keep the object in the background. A private member helped the Government by suggesting the only reason which has a semblance of reason in it. The enthusiastic manner in which the employers have received the Bill assures me that there is some ground for it other than has been stated to the Chamber. We should not be asked to pass anything in the dark. For my part I will always question legislation which embarks upon a new principle, unless very satisfactory reasons are given for such a departure. I move an amendment—

That paragraph (f) be struck out.

Let the employers concerned have the full benefit of their own politico-industrial theory that there should be no interference with the law of supply and demand. I personally do not believe in that theory, but let those who believe in it apply it to themselves, instead of demanding the fullest measure of Government interference when their own personal interests are to be advanced. Why not allow freedom of contract between employer and employee in this instance?

Mr. O'Loughlen: Why should any man have to get a license to work? The keeping of a record is all that is wanted.

Mr. DURACK: I hope the paragraph will not be struck out. The whole clause might as well be struck out. The people engaged in the industry have realised that there is a good deal of dummyming in connection with pearling at Broome, and therefore they desire that the superintendent should be given fuller control over the business. The diver and the diver's tender are two very responsible persons. There may be, I do not say there is, collusion between them.

Hon. P. COLLIER: How will the issue of the license prevent the dummyming?

Mr. DURACK: If the diver and the diver's tender have to take out their licenses every four months, the superintendent will have a closer control over them than under the annual license. They would be more cautious as regards collusion, or getting rid of pearls.

Hon. P. COLLIER: The tender may have his license refused if he is thought to be dummyming?

Mr. DURACK: Yes.

Hon. P. COLLIER: In such a case cannot the employer sack him?

Mr. DURACK: Yes, but in that case the tender can go to another boat and continue dummyming.

Hon. P. COLLIER: If we sack a man for dishonesty, we do not prevent him from getting work somewhere else.

Mr. DURACK: A Japanese diver will insist on one of his own countrymen attending to him. He will not work under a white man. There is greater possibility of collusion between a Japanese diver and a Japanese ten-

der. If the superintendent has the opportunity of cancelling the license, there is closer control. We want the owners of the boats to get all the pearls, and this paragraph represents one of the means of protecting the owners. The association have expressed the opinion that the superintendent should have more power.

Mr. CHESSON: I fail to see that giving the superintendent power over the tender will stop dummying.

Mr. Durack: It will tighten up the law.

Mr. CHESSON: As regards the issue of the four-monthly license, every time a diver's or tender's contract is up, he asks for a big advance. The reason given by the member for Pilbara was one we all could follow. If the tender had to hold a certificate of competency, there would be some ground for the paragraph.

Mr. PICKERING: There seems to be a difficulty in securing the services of efficient divers and tenders. That being so, one would suppose that they would dominate the industry more or less. If it is true, as stated by the Premier, that a large proportion of the pearls are going out of the State—

The Premier: No, I did not say that. I said that a large proportion of the profits was going out of the State, owing to divers and tenders demanding such large fees.

Mr. PICKERING: But it has been suggested that a considerable proportion of the pearls go out through snide buyers. It cannot be the desire of Parliament that that sort of trade should go on. If the industry is of value to the State, it is so only because of such benefits as accrue remaining in the State. If the industry benefits none but Asiatics, let it go.

The COLONIAL SECRETARY: The object of licensing the diver's tender is to attempt, at any rate, to control the industry. Dummying is a very serious evil, and dummying can best be controlled through the diver and the diver's tender. That is also the object of varying the period of the license from 12 months to four. There is nothing in the suggestion as to limiting labour.

Hon. W. C. ANGWIN: How will this clause prevent dummying?

The COLONIAL SECRETARY: I admit that I am doubtful whether it is possible entirely to prevent dummying. The opinion is held, however, that by the issue of the four-monthly license it will be possible to check it. If there is any suspicion in regard to the diver's tender or the diver, the issue of another license will be refused. There is no suggestion that a man shall be thrown out of work and left to starve. The object is to preserve the pearling industry of Western Australia.

Mr. Heron: What will a man do if you refuse his license?

The COLONIAL SECRETARY: He will probably go back to his own country.

Mr. Heron: Will you send him back?

The Premier: That is not our responsibility.

The COLONIAL SECRETARY: If the diver's tender enters into collusion, becomes a party to dummying, and otherwise acts detrimentally to the industry, then we can refuse to license him at all. It is difficult to prove the existence of dummying. Because of that, the period of the license is limited to four months and the cost of the quarterly license does not involve any extra expense.

Hon. W. C. ANGWIN: The statement made by the member for Kimberley was one of the most remarkable I have heard in this Chamber.

Mr. Durack: And you have been here for 18 years!

Hon. W. C. ANGWIN: We have heard members say that the unsatisfactory position of trade in Australia is due to too much Government interference, yet the member for Kimberley says that they want more Government interference. It is an open confession that the private traders cannot carry on their own businesses and they want the Government to appoint an official to enable them to do so.

Mr. Durack: They have an official there already.

Hon. W. C. ANGWIN: I know that, but the pearlers will want us to appoint another one.

Mr. Durack: Just to issue another license!

Hon. W. C. ANGWIN: That is nothing. That is only a slip of paper. The issue of the license will do no good, as the member for Pilbara admits, except as a certificate of competency of a man carrying out a job for which he could be trained in one day.

The Premier: No fear.

The Colonial Secretary: A diver's tender has a responsible position.

Mr. Heron: If you refuse to license him, you will have to train another one.

Hon. W. C. ANGWIN: These men are under a guarantee to have their passages back paid by the pearlers.

The Premier: Of course they are.

Hon. W. C. ANGWIN: But that is under certain conditions, and if the Government refuse to issue a license, the boat owners will say that, as they have not dismissed the man, the Government should pay the man's fare back to his country.

The Premier: Oh no.

Hon. W. C. ANGWIN: That will be the position. The same thing applied when station owners were compelled to provide proper medical attention if natives employed on their stations became ill. The result of that legislation was that as soon as a man became ill, he was sent outside the boundaries of the station property and had to be taken to the hospital at the Government's expense.

Mr. Heron: And the native was told he was not to say for whom he was working.

Hon. W. C. ANGWIN: The Government had to threaten some of these people with prosecution so as to get the fees.

Mr. Durack: Why does not this objection apply to divers' licenses as well?

Hon. W. C. ANGWIN: The tender's license is the only new one in the Bill. It

shows conclusively that these people want the Government to provide for an improvement without cost to themselves, instead of these people being compelled to look after their own business. We will next be asked to have policemen on the boats to see that the tenders do their work properly. This is only the commencement.

The Premier: Poor old chaps, let them go!

Hon. W. C. ANGWIN: That is all very well. We have to look after the finances of the State if other members do not do so.

The Premier: We got 6s. 8d. a quarter for the license.

Hon. W. C. ANGWIN: We want to see that the payment of 6s. 8d. a quarter does not mean that the Government will have to spend £300 a year. If the pearlers want this control, they should pay an officer to do the work for them.

Mr. Durack: They paid for it one year.

Hon. W. C. ANGWIN: I ask the hon. member to shut up on that point, for he knows something about it. If he does not do so, he will find out something about the thousands the Government lost last year.

The Premier: We did not lose thousands. I will give you the exact figures.

Hon. W. C. ANGWIN: I am surprised at the member for Kimberley putting up such a proposition. He is the last man I would have expected to do such a thing. Is this done in the interests of the Government or the State, or a few private people who drafted the Bill?

Mr. Chesson: Yes, the Pearlers' Association!

Hon. W. C. ANGWIN: As to dummying, that means that persons run boats of which they are not owners. The actual owner is not known and the person who is running it may be—

Mr. Mann: A coloured man; that is the point.

Hon. W. C. ANGWIN: It does not matter. He may be a white man and he may be a jolly sight worse.

Mr. Durack: Quite true.

Hon. W. C. ANGWIN: How can it be said that the provision for a diver's tender's license will enable anyone to prevent dummying? It is a matter of impossibility.

Mr. MANN: The member for North-East Fremantle has asked how this provision will prevent dummying. I will explain the position. There are cases where the tender and the diver own a boat and a white man is on board as the dummy. Instead of following the vocation of fishing for pearls and pearl-shell, these people roam about the fleet looking for a chance to purchase snide pearls. Such cases are not rare; there are numbers of them. These men constitute a menace to the industry. It is cases of this kind that the clause seeks to prevent, and by this means, if an inspector can procure sufficient evidence, he can cancel the license of the diver and of the tender, and those individuals will not be able to continue with their work, while the

white man on board will not have an opportunity of going to sea again in that boat.

Hon. W. C. ANGWIN: He can have a boat of his own.

Mr. MANN: I have been in Broome on several occasions investigating matters connected with this industry. I do not think conditions have changed much since I was last there and I could probably startle members of the Committee with cases I have been able to prove, where murder has been involved in connection with snide pearl buying.

Hon. P. Collier: How is it that the diver's license has not prevented these things going on?

Mr. MANN: A diver's license will not prevent it. If there is provision for the cancellation of the diver's license and the tender's license as well, the white man, who is dummying, will be got rid of as well and the boat will have to be sold. That is the only way to control the industry. If we cancel the tender's license, we will still have the diver licensed; if we cancel the diver's license, we will still have the tender. If we have power to cancel both licenses, the white man will go as well because a coloured man cannot own a boat, although we have white men who will play the game so low as to dummy for coloured men.

Mr. MARSHALL: Apparently the object of the proposed licensing of the tender is, not to ensure efficiency in him, but merely to get control of labour.

The Premier: Oh no!

Mr. MARSHALL: But it must be so. You are going to force these men to do things they do not want to do. It is clear that the intention is to reduce the premium which the divers and tenders extract from their employers. The existing position is based on the law of supply and demand.

Mr. Latham: Licensing will not affect their wages.

Mr. MARSHALL: Yes, it will, because if they are licensed they can be dismissed on refusing to obey orders. The Bill is a Bill to grant exclusive rights to a section of employers.

The Premier: The owners cannot refuse to issue a license. The license will be issued by the Government.

Mr. MARSHALL: Yes, with a view to enforcing the wishes of the employers.

The Premier: It was a Labour Government which first licensed the divers. What is the difference between licensing divers and licensing tenders?

Mr. MARSHALL: At all events, the object is neither to prevent collusion nor to ensure efficiency, but to provide for the employers enforcing their wishes on the men. The real object is to reduce these coloured divers and tenders to a condition of slavery.

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

Ayes	..	..	..	..	13
Noes	..	..	..	..	20
Majority against					7



## AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Collier	Mr. O'Loghlen
Mr. Corboy	Mr. Troy
Mr. Heron	Mr. Willcock
Mr. Lambert	Mr. Munsie
Mr. Lutey	(Teller.)

## NOES.

Mr. Carter	Sir James Mitchell
Mr. Davies	Mr. Pickering
Mr. Durack	Mr. Piesse
Mr. George	Mr. Richardson
Mr. Gibson	Mr. Sampson
Mr. Harrison	Mr. Scaddan
Mr. Hickmott	Mr. J. H. Smith
Mr. Johnston	Mr. A. Thomson
Mr. Latham	Mr. Underwood
Mr. Mann	Mr. Mullany
	(Teller.)

Amendment thus negatived.

Hon. W. C. ANGWIN: Does the Minister intend to add beachcombers' licenses to the list of compulsory licenses?

The COLONIAL SECRETARY: I am advised it is necessary that those licenses be insisted upon.

Clause put and passed.

Clauses 4 to 6—agreed to.

Clause 7—Amendment of Section 31:

Mr. PICKERING: This is pure confiscation. Will the Minister give us some explanation?

The COLONIAL SECRETARY: This is a proviso to Section 31 of the existing Act, which prescribes that if any unqualified person acquires an interest in a licensed vessel, the license of that vessel shall be null and void. The proviso adds that the ship shall be forfeited to His Majesty.

Hon. P. COLLIER: When asked for an explanation, the Minister obliged by reading, first the section of the Act, and afterwards the clause in the Bill; but he failed to give any reasons whatever for the clause.

The COLONIAL SECRETARY: The object is to suppress dummying. If an unqualified person has acquired an interest in a licensed ship, it is proposed that the ship shall be forfeited. This is a justifiable penal clause, and I know of no better way to ensure that the provisions of the Bill shall be carried into effect.

Hon. P. COLLIER: It is an extraordinary reversion of British justice. If an unqualified person acquires an interest in a licensed ship engaged in pearling, not only shall his license be withdrawn, but his ship shall be forfeited to His Majesty. And that, too, on the declaration of two justices of the peace. Here is confiscation, if you like!

Mr. Durack: He has the right of appeal in the ordinary way.

Hon. P. COLLIER: But what an extraordinary power to confer on two justices! Surely this is confiscation!

Mr. O'Loghlen: The Minister is a pirate.

Hon. P. COLLIER: It takes us right back to the days of the Spanish main. Surely it is sufficient to put a ship out of the business! Why should it be necessary also to confiscate the ship?

Mr. Chesson: The Government might intend to go into the business.

Hon. P. COLLIER: Is it proposed by the Government to acquire some cheap ships for the North-West shipping service?

Mr. PICKERING: I am not satisfied with the Minister's explanation.

The Colonial Secretary: I did not expect you to be.

Mr. PICKERING: It is one of the most drastic clauses which has ever come before Parliament. Most penalty clauses stipulate an amount not exceeding a stated sum. To suggest taking the whole ship is certainly extraordinary. The Government might have started by forfeiting the dinghy or the life-belts. What does the Minister propose to do with the ships when he gets them?

Hon. W. C. ANGWIN: I do not believe in confiscation, but I do not see why we should confiscate a man's means of livelihood by depriving him of his license and permit the owner of the ship, who has been encouraging the other man in his unlawful acts, to go clear. This provision is only in keeping with the previous clauses of the Bill. If it is right to deprive a man of his license, it is only right that the ship owner, who encourages him, should also lose something. The member for Kimberley has had nothing to say on this clause. Probably he hoped it would be struck out. I can only conclude that it was not inserted at the request of the pearlery. If an owner can retain his ship, he will still possess the means of dummying. The important profits are made by the ship owner, not by the worker. Yet the member for Sussex would stop the worker but would allow the ship owner to continue.

Mr. Pickering: No, I merely asked for an explanation.

Hon. W. C. ANGWIN: Now that we have embarked on a system of confiscation, why not continue it? The Minister, in addition to providing for the confiscation of the ship, might have added a pecuniary penalty in order to secure revenue for the Government.

Mr. UNDERWOOD: The Minister should agree to postpone this clause in order to secure another definition. The clause does not meet requirements. To take away a license represents serious punishment, but to confiscate a ship is altogether too severe a penalty. At the same time, this will not deal with the crux of the question. The crux of a question is whether a ship is owned by an unqualified person and dummyed by a white man. This clause relates to an unqualified person acquiring an interest, and that is where the definition of dummying should be inserted. It is not the unqualified person who would be punished, but the owner of the boat.

The COLONIAL SECRETARY: Where an unqualified person is proved to have acquired an interest in a boat, then the penalty will be the forfeiture of the boat. When a man fishes in prohibited waters his gear is forfeited to the Crown. When a man shoots game in a prohibited area, his arms and ammunition are forfeited and he loses his license. The reasons given are sufficient to justify the penalty. To prove dummying is difficult and, when it is proved, this penalty should be imposed.

Mr. PICKERING: The penalty involves a big sum, probably £750 to £1,000. This is a very drastic penalty. If the vessel is taken away the man will be deprived of his livelihood.

Hon. W. C. Angwin: His dummying business.

Mr. PICKERING: To take away the vessel for this offence is too severe a penalty.

Hon. P. COLLIER: I do not know that we are justified in recklessly embarking upon a policy of confiscation, merely because some man engaged in this industry is carrying on an illegal business.

Mr. Underwood: We are not competent down here to make laws to meet the situation.

Hon. P. COLLIER: That is about right. I was amazed to hear the Colonial Secretary advocate such a policy. Apparently members opposite are prepared to support it, merely because it means depriving a coloured man of his property. It is said that white men are merely dummying for the coloured owners.

Mr. Chesson: That is so.

Hon. P. COLLIER: We know that dummying takes place in regard to our pastoral areas in the North.

Mr. Durack: But they are not unqualified persons.

Hon. P. COLLIER: They are. Would the hon. member say that if two justices of the peace were satisfied that a pastoral lease was being dummyed they should have the right to take away 2,000,000 acres of pastoral country? Why such hypocrisy in this matter! This House and this Parliament are guilty of hypocrisy. Displays have been shown in this building of the products of Western Australia, and we are sending round the country a travelling exhibition and endeavouring to induce people to purchase only Western Australian products. Notwithstanding this, in our own cloak room here I have found a comb labelled "Unbreakable, made in Japan."

The Minister for Mines: That is some old stock we are working off.

Hon. P. COLLIER: It is new stock. I am given to understand that so popular is this class of comb that out of the entire stock only one is left. I mention this to illustrate my remarks about hypocrisy. We talk about preference to Western Australian goods over those from the Eastern States, but nothing would satisfy us except a Japanese comb. If members opposite are prepared to adopt this policy of confiscation let them do so.

Mr. UNDERWOOD: The clause will not meet the case that affects the pearlers. Boats are generally owned by qualified persons, who contract with divers to fish shell from these boats, and arrange to buy the shell at a given price. The contract diver no more hires the lugger than does a miner hire a mine.

Mr. Lutey called attention to the state of the House.

Bells rung: a quorum formed.

Mr. UNDERWOOD: The provisions of the Bill may operate very unjustly. We should not act unjustly, either to Asiatics or to Europeans. I shall vote against the clause, unless the Minister will consent to adjourn it with a view to consulting his officers and arriving at a provision which will meet the actual situation. It was mentioned that returned soldiers could not get a fair deal because of the dummying. A Japanese diver, who is really a contract diver, would sooner take a boat on contract than work for a returned soldier or anybody else. If we wish to prohibit contract diving, we should say so expressly here, instead of leaving the matter vague. The idea of allowing a boat, worth possibly £1,000, to be confiscated at the discretion of a justice of the peace does not appeal to me.

The COLONIAL SECRETARY: In view of the arguments adduced by the member for Pilbara, and in view of the absence of a right of appeal, I move—

That consideration of the clause be postponed.

Motion put and passed.

Clauses 8 to 13—agreed to.

Clause 14—Amendment of Section 58:

Mr. JOHNSTON: Apparently we are legislating on different lines for that area of the State which is north of the 27th parallel of south latitude. What is the reason?

The COLONIAL SECRETARY: The possibilities north of that parallel for trading are much greater than those south of it. In fact, the business south of the parallel is comparatively small. Nevertheless it is considered desirable to have a license for that area in order to prevent trafficking in pearls illegally obtained.

Mr. WILLCOCK: Would the southern division with regard to licensing include Shark Bay?

The Colonial Secretary: I understand the 27th parallel is south of Shark Bay.

Mr. WILLCOCK: That does not convey much. A considerable amount of money was spent by the Government in depositing pearl shell on Egg Island, south of Shark Bay, some 20 years ago, and some of the leases there are now to be thrown open for the benefit of returned soldiers. Therefore the question of whether Shark Bay is above or below the 27th parallel assumes considerable importance.

The COLONIAL SECRETARY: The license here in question is to enable trading

in pearls to be carried on. It has no reference to the raising of pearl shell. The 27th parallel is some distance south of Shark Bay, and comparatively little trading in pearls is done south of that line. The clause in no way affects the raising of shell by returned soldiers or others except as regards disposing of pearls.

Mr. WILLCOCK: Egg Island, where the deposits are, is south of Shark Bay. There is no possibility of Japanese engaging in pearl buying there. The line should be drawn north of Shark Bay. White men will be operating almost exclusively around Shark Bay, as the water there is very shallow. If a dealer at Shark Bay is charged a high license fee, he will reduce his price for pearls. We know that license fees are always passed on to the producers, who in this instance will be white men.

The COLONIAL SECRETARY: There is nothing to prevent dealers at Shark Bay from going further north. They would have the whole of the northern area to operate in.

Mr. LUTEY: I think Shark Bay is mentioned in the principal Act with reference to license fees, the fee being fixed at £20. If this parallel is north of Shark Bay, the present Bill will be contradictory to the principal Act.

Mr. UNDERWOOD: If we strike out the words "of any magisterial district lying wholly or partially to the north of the 27th parallel of south latitude," where do we get to? It takes us all over Western Australia. We should have some clear understanding on the point.

The COLONIAL SECRETARY: Previously a license embraced the whole of the pearling area, but now two licenses are issued, one being for north of the 27th parallel, and the other for south of that parallel. For the former the fee is £50, and for the latter £5.

Mr. DURACK: It is necessary to have this provision in order to make the limited license apply.

Mr. UNDERWOOD: Where is there a provision to make the limited license apply as suggested?

The Colonial Secretary: It applies south of the 27th parallel.

Mr. UNDERWOOD: There is nothing to say that it does so.

Mr. Durack: Clause 17 deals with that.

Mr. UNDERWOOD: It should be more clearly stated in the Bill so as to define the position.

Hon. W. C. Angwin: It is clear.

Clause put and passed.

Clauses 15 to 17—agreed to.

Clause 18—Amendment of Section 71:

Mr. DURACK: I move an amendment—

That the words "a subsection is hereby added to Section 71 of the principal Act as follows" be struck out and the following be inserted in lieu:—

"Section 71 of the principal Act is amended by omitting the words 'North of the 27th parallel of south latitude' and the words 'north of the said parallel,' and by adding to the section a subsection as follows:—"

Then will follow the subsection appearing in the Bill. I consulted the Chief Parliamentary Draftsman regarding this matter and he said it was clearly an omission from the Bill as it stands. The amendment is consequential on the one we dealt with in Clause 15. The amendment deals with the limited licenses and if the clause be agreed to as printed it will mean that the license will not have the application intended. If the amendment be not agreed to, illicit trading in pearls could continue, seeing that the purchaser could come to Perth and dispose of pearls without the necessity for the jeweller or buyer in the metropolitan area taking out a license, thereby obviating the necessity for taking particulars such as the name of the seller and a general description of the pearl. Without some precautionary provision, we cannot deal with illicit pearl buying.

Hon. P. COLLIER: I am not clear as to the amendment. Do I understand that the Parliamentary Draftsman says that the amendment really means what it was intended to include in the Bill?

Mr. DURACK: Yes. He says that the striking out of those words is necessary in order to rectify an oversight. Without the amendment the limited dealers' license would not have any effect. The buyer in the North should take out his license, which costs £50 at Broome. They evade that responsibility by coming down to Perth and disposing of their pearls. The amendment will require jewellers and pearl buyers here to take out a license, which will assist in the tracing of the purchase of the pearls which are disposed of down here.

Mr. Underwood: And if we agree to the amendment, the purchasers will go to Melbourne or Sydney to sell their pearls!

Mr. DURACK: I have already pointed that out, but the fact remains that it will make it more difficult for them to dispose of the pearls.

The Colonial Secretary: I have no objection to the amendment.

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

Clause 19—agreed to.

Clause 20—Amendment of Section 83:

Hon. P. COLLIER: This, again, seems to be an extraordinary interference with the rights of the employer and the employee. It is provided that no employer shall pay or allow to the diver or the diver's tender any commission on pearls. The clause runs directly counter to all the principles which members on that side of the House profess to stand for. The diver's tender is not to work on commission; neither is the diver. Why should the Government step in and say that the employer and the employee shall not have an understanding as to payment? Surely it is an extraordinary attitude on the part of a

Government who always contend that payment should be by results! And the Bill is supported by men who are always standing for piece work, for contract work, for payment by result. There are to be no more contracts between the employer and the employee. In future the diver is to get the same payment, whether he raises one ton or 10 tons of shell. It is a direct incentive to the men to go slow, and entirely contrary to the system recognised in the industry in which the Colonial Secretary is privately engaged.

The Colonial Secretary: No, that only obtains in the newspaper offices. Will you let me explain?

Hon. P. COLLIER: Certainly, I shall be glad to hear it.

The COLONIAL SECRETARY: The clause aims at the exercise of greater control over the men engaged in the industry. It is intended to prohibit the payment of commission on pearls fished, but not on pearl shell. I move an amendment—

That after "tender" in line 2 of Sub-clause 2A the words "or pearl fisher other than the person authorised by the licensing officer to open shell," be inserted.

It is competent for the shell opener to be paid a bonus, but it is not competent to pay any bonus to the diver or the diver's tender.

Hon. W. C. ANGWIN: I suggest that progress be reported to enable us to consider the amendment.

Progress reported.

*House adjourned at 10.51 p.m.*

## Legislative Council,

*Wednesday, 1st November, 1922.*

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## STANDING ORDERS AMENDMENT.

Report of Committee.

Hon. A. LOVEKIN (Metropolitan) [4.33]: I am instructed by the Standing Orders Committee to report as follows:—

The committee held a meeting to-day to consider the resolution passed at yesterday's sitting and decided to recommend that a new Standing Order be adopted by the House as follows:—"Suggested new Standing Order 186a. Notices of amendments to a Bill when in Committee will not be receivable at the Table until a Bill has been read a second time. In special cases, however, with the authority of the President, they may be printed as an addendum to the Notice Paper before the second reading debate is concluded."

I move—

That the consideration of the report be made an order of the day for to-morrow.

Question put and passed.

## RETURN—STATE CHILDREN'S COURT.

*Education cases.*

Hon. A. LOVEKIN (Metropolitan) [4.35]: I move—

That a return be laid upon the Table of the House showing—(a) the number of education cases brought before the Perth Children's Court from January, 1922, to date; (b) the number of convictions, together with the penalties imposed; (c) the number of cases dismissed, and the reasons therefor; (d) any special facts connected with any of such cases.

I have been asked to move for this return for the purpose of getting facts, mainly on account of a statement which the Minister for Education made to a body of school teachers recently. Within the last week or two, a lady member of a parents' association made a statement to the effect that the Children's Court had dealt harshly with poor parents who failed to send their children to school. She cited a case and, on investigation, it has been proved that there was absolutely no foundation for the statement made. In the case quoted, no fine at all was inflicted; yet she condemned the court for acting harshly and imposing a heavy penalty. No notice would have been taken of that had it not been that later on a deputation of school teachers waited upon the Minister who, in his reply, made a statement that he agreed with the teachers and disagreed with the action of the Children's Court. A Press report of the teachers' interview with the Minister stated:—

The first question dealt with the problem of irregular school attendance and the attitude of the Children's Court bench towards parents brought before it for breaches of the compulsory clauses of the Education Act. The depu-

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