

contrary" with a view to inserting "provisions of Section 35." I move an amendment—

That the words inserted by a previous Committee "any direction or provision in any deed, writing or will to the contrary" be struck out, and "provisions of Section 35" be inserted in lieu.

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

Bill again reported with further amendments.

*House adjourned at 11 p.m.*

## Legislative Assembly,

*Tuesday, 11th December, 1934.*

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

### BILL—LICENSING ACT AMENDMENT.

Introduced by the Minister for Justice and read a first time: the second reading being made an Order of the Day for a later stage of the sitting.

### MOTION—TRAMWAYS CLOSURE.

*Claremont Station to Waratah Avenue.*

### THE MINISTER FOR RAILWAYS

(Hon. J. C. Willcock—Geraldton) [4.35]: I move—

That this House endorses the recommendation of the Western Australian Transport Board for the closure of the tramway from the

Claremont railway station to and including Waratah Avenue, and sanctions the closure of the said line.

When the measure which became the Transport Co-ordination Act was under consideration in this House, the existing order in regard to transport matters was allowed to continue on the then basis, which was that all forms of transport by train and trams were under the control of the Government, and the bus services were controlled by private enterprise. With the passing of the Act, the Transport Board took over the control of all motor vehicles used for the purpose of carrying passengers, with regard to fares, timetables, routes and licenses. The interests of the travelling public were to be the predominating factor. In cases where those interests were not conserved, stringent conditions were laid down with regard to the granting and renewal of licenses. If the conditions under which a license is held are not such as will serve the interests of the public, when the time comes for a renewal, or before a license is granted, the board may refuse the application. It is provided in Section 11 of the Act that if, in the opinion of the board, the service of any tramway is inadequate for the requirements of the district, or these requirements can be better served by road transport, the board may recommend the closure or part-suspension of the service by the tram, but any such recommendation must be brought before Parliament for sanction or otherwise. Members are familiar with the provisions of the Act and will know what the powers of the board are. The board has recommended that the interests of the travelling public who desire transport in the Claremont district can be better served by motor transport than by the tramway. The board has considered the whole aspect and put recommendations up to the Minister. This recommendation was subsequently adopted by Cabinet, and was to the effect that tenders should be called for a motor transport service. Tenders have been called, and it appears that the service which will be rendered by the successful tenderer will be more adequate and more convenient than the present tramway service. The board recommends that in the interests and for the convenience of the public of Claremont the tramway be closed and a motor transport service substituted. The peculiar features of the district no doubt influenced the board in this recommendation.

There is already a motor bus service that goes around the Old Men's Home and Westana-road, and terminates at the commencement of the tramway. Anyone who desires to travel from the Old Men's Home, or anywhere in that locality, or along the Westana-road, can take the bus to the terminal point of the tramway, then change into the tram and proceed to the Perth-Fremantle-road or the railway station.

Hon. C. G. Latham: Will not that be perpetuated by your proposal?

The MINISTER FOR RAILWAYS: No. The bus service will go through, and, instead of ending at the tramway terminus at Westana-road, will pass on to the railway station.

Hon. C. G. Latham: Will it go through to Perth?

The MINISTER FOR RAILWAYS: It will go through to Perth the other way, as it does now. It will start at the railway station, pass along the existing route of the tramway in Westana-road, or pass around the Old Men's Home, and then proceed to Perth along Mount's Bay-road. Instead of there being two services, there will be one through service starting from the Claremont railway station. The Act gives permission to the board to make recommendations of this kind, but before the recommendation can be carried into effect, Parliament must give its sanction. We are therefore taking steps in accordance with the Act to bring down a motion for the adoption of the recommendation of the board with regard to the transport of passengers in this particular locality.

Hon. W. D. Johnson: Will the recommendation be placed on the Table of the House?

The MINISTER FOR RAILWAYS: It is contained in the motion.

Hon. W. D. Johnson: What is the recommendation?

Hon. N. Keenan: To close the tramway.

The MINISTER FOR RAILWAYS: The board reported that, after having made exhaustive inquiries, it was of opinion that the services of the tramway which is operating between the Claremont railway station and Waratah-avenue are more or less inadequate for the requirements of the district, and that these could be better served by motor omnibus transport. The Act provides that on receipt of a recommendation of the board, the Minister may direct it to

call tenders. That has been done. The result of the tenders must be ascertained before the recommendation can be submitted to Parliament. No tender can be accepted without parliamentary approval. The board reports that the tramway was opened for traffic on the 26th April, 1924. The capital cost was £16,700. The interest charges amounted to £760, and the sinking fund, if based on 33 years' life, would come to £500, making a total of £1,260. The total receipts amounted to £11,952, and the actual operating expenses came to £13,504. The actual loss incurred, without taking into consideration interest and sinking fund, was £1,652.

Mr. Marshall: Who takes over this liability in the event of the change being made?

The MINISTER FOR RAILWAYS: The successful tenderer puts up a certain amount and that amount is paid into Consolidated Revenue. That goes towards liquidating the liability.

Mr. Marshall: And the taxpayers pay the difference.

The MINISTER FOR RAILWAYS: The taxpayers are already finding £450 a year, which is the loss on the working of the tramway. The service is totally inadequate for the transport requirements of the district. It is not a question whether the Government are losing £400 or £500 a year, but that the service is inadequate. The board thinks the people of the district would be more adequately catered for by a bus service. The loss on the existing service is £450 per annum.

Hon. C. G. Latham: Does that include interest?

The MINISTER FOR RAILWAYS: That is the actual working cost. If interest and sinking fund were included on a 33-years life an additional £500 would have to be added for sinking fund and £760 per annum for interest. The conclusion arrived at by the board is that the existing transport system is inadequate for the requirements of the people of Claremont.

Mr. Stubbs: Do the board think that the traffic in future will not warrant the continuance of the tramline?

The MINISTER FOR RAILWAYS: Yes. The district is fairly thickly settled now, and owing to the existing bus facilities, which operate over a route between the terminus of the tramway and the Claremont railway station, the United Buses

Ltd. can operate very cheaply the extension to the station. The bus operates over two routes, namely Perth-Stirling Highway-Bruce-street, and the river-side road past the Old Men's Home to Waratah-avenue, which is the terminus of the tramway: and also from the tramway terminus along Westana-road into Perth, joining up with their main route at the corner of Westana-road and Birdwood Parade.

Mr. Marshall: The bus service gives the best facilities over that route now.

The MINISTER FOR RAILWAYS: It starts at Westana-road now, but if the motion be agreed to, it will mean that a bus service will start from the railway station, which is the natural point of embarkation and disembarkation. Should anyone who lives near the Old Men's Home desire to go to Midland Junction, he can now get on a bus and travel to the terminus of the tram, where he must wait for some time, and then journey by tram to the Claremont railway station, where he can join a train for Midland Junction. If the motion be agreed to, that person will be able to join the bus and travel direct to the railway station, and join the train.

Mr. Marshall: What about the traffic from Claremont to Perth?

The MINISTER FOR RAILWAYS: They would travel to the Claremont railway station by bus, whereas now the people must travel by bus and tram.

Mr. Hegney: They could come from the centre of Claremont and not get out of the bus at all.

The MINISTER FOR RAILWAYS: That would be another advantage. If they wanted to go to Nedlands, for instance, they could join the bus and go straight through to their destination, whereas now they have to take the tram as well.

Hon. W. D. Johnson: Suppose a person joined a bus at Waratah Avenue and wanted to go to the city?

The MINISTER FOR RAILWAYS: He can travel over the bus route licensed by the Transport Board from the tram terminus at Westana-road. Under existing circumstances, many have to take the tram part of the way.

Mr. Rodoreda: In view of existing circumstances, the Government are confining tenders to one bus-owner only.

The MINISTER FOR RAILWAYS: That bus-owner has been operating in the district for the past five or six years.

Mr. Rodoreda: Yes, but you will practically confine the tender to the one man who has been operating.

The MINISTER FOR RAILWAYS: We called for open tenders, but the tender from that particular bus-owner was so advantageous that the Transport Board recommended its acceptance.

Hon. W. D. Johnson: That is not mentioned in the motion.

The MINISTER FOR RAILWAYS: No. The board dealt with the tenders from the standpoint of the best interests of the travelling public, and considered the convenience and adequacy of the service to be provided for people in the district concerned. Those were the dominating features.

Hon. W. D. Johnson: The motion will not authorise the Government to accept any tender.

The MINISTER FOR RAILWAYS: No, it does not actually set out that we must accept that tender, but it authorises the closing down of the tramway and permits us to operate the transport facilities over the route by means of a bus service. The natural sequence to the carrying of the motion and the closing of the tramline will be the acceptance of a tender, and the tender that provides the most reasonable facilities for the travelling public will be the one recommended by the Transport Board. Naturally the Government have no hesitation in accepting the recommendation of the board in such circumstances. The Transport Board was deliberately appointed by Parliament, who said that the board would have to consider what constituted adequate transport facilities for the residents in given districts. The board considered the position thoroughly, and reported that the tramway service was inadequate. I was drawn off the track by interjections at a point when I was going to say that the bus company will provide 63 services per day, as against 34 by means of the tram under existing conditions. In those circumstances, the residents affected will be provided with double the transport facilities they enjoy now. I do not desire to go into the history of the construction of the Claremont branch tram: but if I did, I would say there was

never in any circumstances any warrant for the expenditure on the construction of this particular line.

Mr. North: Especially that section.

The MINISTER FOR RAILWAYS: What members will have to determine, in agreeing to the motion, is whether it provides adequate transport facilities for residents in this particular part of the metropolitan-suburban area. The recommendation of the board is in favour of a bus service that will provide double the facilities that now exist, with no extra cost to the Government, whereas the Government, in addition, will save the loss of £450 on the actual working of the tramline, and will receive a premium of £220 per annum from the bus company for the right to operate over the route. Because it is possible for United Buses Ltd. to run a continuous service without transfer, they have agreed to co-operate with the railways with regard to season ticket holders who travel by rail, and to charge 4s. 4d. per month only for the conveyance of passengers by bus to and from a point near the Old Men's Home and, on the other route, to and from a point about two-thirds of the way between Victoria-avenue and Dalkeith-road. Hitherto, by co-ordination between the railways and the tramways, the monthly charge for transport by tram has been 4s. 4d. in respect of the season ticket holders, but that has applied only as far as Waratah-avenue. Perhaps a knowledge of the district is necessary before members can really understand the references to the different routes, but the member for Nedlands (Hon. N. Keenan), the member for Claremont (Mr. North), and other members besides myself have a full knowledge of the district and can readily understand what the change will mean. Under the altered conditions, the fares charged will be the same, but there will be double the service and the bus company will pay a premium to the Government for the right to operate over the route and, as I have already pointed out, the Government will save the annual loss on the running of the tramway. Another thing in which respect the company propose to act in contradistinction from services in any other part of the metropolitan area is that they undertake to convey school children from the intersection of Stirling Highway and Bruce-street right through to Claremont,

and to charge a 2d. return fare only as compared with 4d. now charged when those children have to be transported by bus to Waratah-avenue and by tram for the rest of the distance. The Transport Board are very definitely of opinion that the tender submitted by United Buses Ltd. should be accepted. Apart from the reasons already given, the board, in arriving at this conclusion, had in mind the fact that United Buses Ltd. can and will render a through service, thus affording better transport facilities for the residents than could possibly be provided by bus and tram together. I mentioned before the improved services that will be rendered, but I would like to emphasise the point that the bus will provide 63 services from Monday to Friday inclusive as against 34 services by the tram, and on Saturday 53 services against 30 by tram, while the same number of services will be provided on Sundays and holidays. From the financial aspect, the bus company will pay a premium of £220 per annum, which will be paid to the Treasurer and will be used towards liquidating the cost of the tramway, whereas the position with regard to the tramway last year was that a loss of £450 was recorded. In view of the fact that, owing to the peculiar position of the district with its existing bus service, a better service will be provided by the buses at no extra cost and that a loss of over £400 per annum will be saved to the State, I think members should welcome the motion. I am pleased to be able to move the motion which will give effect to a principle with which the House was in accord when the State Transport Co-ordination Act was under consideration. Members agreed that there were transport facilities operating in various parts of the State that were inadequate, expensive, and inconvenient, and, in the interests of the public affected, should be closed down. The Claremont district, owing to the peculiar circumstances that exist, is one in which the bus service can cater much more adequately than a tramway for the requirements of the residents. In addition, the Transport Board made a thorough investigation into the whole position and reported to the Government that the existing transport facilities were totally inadequate. The board called for tenders for a bus service, and also alternative tenders for a bus service in conjunction with the other facilities. As a

result of their investigations, the board have been able to place a recommendation before the Government that will mean better facilities for the travelling public and a general improvement in the transport conditions, together with a saving to the Treasury. With that end in view, they have recommended the closing down of this particular tramway line, and the acceptance of United Buses Ltd.'s tender.

**HON. N. KEENAN** (Nedlands) [4.58]: I desire to confirm what has been stated by the Minister. I am fully aware of the facts and of the wishes of the residents who will be affected by this change. I can assure the House that, so far as I know, all the residents there are anxious that effect should be given to this proposal. Not only are the residents anxious for the change, but the business people as well.

**Mr. Marshall:** Are they the same people who desired the construction of a tramway?

**Hon. N. KEENAN:** Which tramway?

**Mr. Marshall:** The tramway that is to be closed.

**Hon. N. KEENAN:** No. The people I refer to, who will use the extended bus service, were not living at Dalkeith then. There were no houses there when the tramline was constructed. The people who now live at Dalkeith desire this convenience in order that they may shop in Claremont. They cannot do so now, because they have to travel a part of the way by bus and then by tram, after having to wait for considerable periods of time before the tram arrives at the terminus. That has been a great deterrent against shopping in Claremont. Since the tramline was constructed, there has been great development in the Dalkeith area.

**Mr. Marshall:** Because of the tram service?

**Hon. N. KEENAN:** No, because of the bus facilities and the use of motor cars.

**Mr. Hegney:** I suppose those residents will be asking for the removal of the Old Men's Home next?

**Hon. N. KEENAN:** They may, but for the moment they are asking for something that is most reasonable, namely, that this tramway service, which is absolutely useless and does not pay, should give way to a service that will be useful and will return revenue. Then there are the school children

to be considered. Owing to the Nedlands school not being able to accommodate all the children in the district, many of them are obliged to go to Claremont. At present they have to be taken part of the way by the existing bus service at a cost of a penny each, and from Waratah-avenue they are conveyed by the tramway at a cost of another penny. In future they will be carried the whole way by the bus. I therefore assure the House that the passage of this motion will meet with the approval of everyone in the Nedlands district.

**MR. MOLONEY** (Subiaco) [5.1]: The Minister rightly said that before speaking on this matter it is necessary that one should understand the topography of the locality. I happen to understand that, as I understand also the significance of any Government, particularly this Government, doing something that will perpetuate the anomalies that characterised the necessity for the Transport Board to be brought into operation. Now it seems we are going to institute something which is a perpetuation of that which operated previously. I agree with the member for Nedlands in the view-point that possibly it is a reasonable request that facilities should be given these people concerned, and the school children. We have only to carry back our minds to the clamant need that was voiced by the people of Claremont for the institution of the existing tramway system. We know that as time goes on the much overworked word "obsolescent" is applied to many things which have done good service. In this case that word possibly could be used in regard to the tramway it is proposed to pull up. If the Government desire to live up to the standard which I desire to see them comply with, they should display that vision and that initiative which should be the characteristics of any Government. We have to-day operating in another part of the metropolitan area one of the finest types of road transport in the trolley buses, which are doing extremely fine work. If the Government are going to do away with the tramway referred to in the motion, why do they not retain control and institute a trolley bus service? If it be said that expenditure will be involved, I retort that the first cost is the least. But what we are going to do is to give away a State instrumentality. And in doing so we shall be putting off a number

of members of the Tramway Union. I am only instancing that as a natural corollary, for if private enterprise comes in they will certainly employ those men whom they wish to employ, and will not take any of the discarded Government employees.

Mr. Patrick: Why not abolish the Transport Board, if we are to take no notice of their recommendations?

Mr. MOLONEY: This only perpetuates that which the Transport Board was created to abolish. It may be said that this is a subsidiary service, that it will act as a feeder. But after having had control of that section, we are going to allow private people to come in; and later we shall have the residents declaring that those private people are not doing as they ought to do, and so complaints will be made to the Transport Board. The principle involved is not right, and from an industrial point of view it will not be favourably viewed. If this tramway service is to be abolished, its abolition will afford a splendid opportunity for the Government to put into operation those things that we stand for.

MR. NORTH (Claremont) [5.7]: I will support the motion. Even if the tramway service under review were the best in the world, it would be foolish to perpetuate the existing break in the route. The proposed change is supported by the Claremont residents, by the business section of the community, and by the Claremont Municipal Council, as has been demonstrated at several deputations. The general question of tramways is not involved in the motion. It should be recalled that the Claremont tramway was first put down in accordance with the recommendations of a Royal Commission. It was not through any whim of the people of Claremont.

Mr. Lambert: You are incorrect. The Royal Commission did not recommend that route.

Mr. NORTH: I did not say they did. But they recommended a tramway service to Claremont. If there was any fault, it was due to the experts of the Tramway Department, not to the people. Those experts selected a wrong route. The people of Claremont were within their rights in asking for improved transport facilities, and the Royal Commission was appointed, and eventually the tramway experts put down the line included in this motion.

The Minister for Railways: The recommendations of the Royal Commission were not adopted.

Mr. NORTH: The point is that the line was not put down as set out by the people of Claremont. What they asked for was an improved service.

Mr. Moloney: Did they oppose this line?

Mr. NORTH: It was not their business to interfere with the experts. Personally I did not ask for tramway construction for Claremont, although I would not be ashamed if I had done so, because at that time a tramway was the right thing to ask for. Later I did ask for a line from the Swanbourne Station to the beach, but that was not adopted. The existing line is not a success from the tramway point of view, but the question of tramways is not for the people, but for the experts.

The Acting Premier: I do not think anybody asked for this route.

Mr. NORTH: That is so; it was selected by the department. The Government can still stand by the tramway system, for it has a great future in certain circumstances. Therefore I believe that the only solution of this problem will be to leave the bus in operation to the Claremont station, and have the other tramway line, from Claremont to Perth, operated by trolley buses.

Mr. Cross: Why not put a trolley bus on this Waratah-avenue route?

Mr. NORTH: The people have a bus service from Perth round the river, and there is no need that it should stop at that inconvenient place. There is no suggestion that a tramway should follow the river bank round to Perth, and the obvious thing is to run a bus up to the station.

MR. LAMBERT (Yilgarn-Coolgardie) [5.11]: The line under question was never asked for and it has never been justified. It has been a white elephant ever since it was put down.

Mr. Hegney: Are you opposed to its being pulled up?

Mr. LAMBERT: No, it should never have been put down there.

Mr. Raphael: It is like the big railway line out to the iron deposits.

Mr. LAMBERT: There was more justification for that line than there is for your presence here. In 1922 the then Government appointed a Royal Commission as the result of a suggestion that certain tramway

routes should be extended. Mr. Angwin was chairman of the Commission, and I was one of its members. Many people of Nedlands and Claremont desired a route direct from the Subiaco connection. However, certain members of the Commission thought the strong influence of the Railway Department would be brought into competition with the tramway system, and the majority report recommended the route round Westana-road, where there was no settlement whatever. Then as a compromise with the Railway Department this loop-line from Waratah-avenue to the Claremont railway station was built, which was a shocking waste of money. It is pleasing to know the Government are going to root up this line. In the minority report of the Royal Commission I recommended that a line be constructed direct through from Mount's Bay-road to Claremont. I had at the back of my mind the competition of our tramway system with the railway system, but the chairman and other members did not hold the view that the tramways and railways should be run in competition. I have for long held that for short distance passenger traffic the railways are out-of-date, and cannot meet the requirements.

Mr. Moloney: Do you believe in handing them over to private control?

Mr. LAMBERT: No.

Mr. Moloney: That is what the motion amounts to.

Mr. LAMBERT: If I had had my way, tramways would have been operating between Perth and Fremantle. I can understand how members representing Fremantle would view the possibility of fast direct transport between the port and the city. From a parochial standpoint one could hardly find fault with the view taken by the chairman in 1922. The recommendation of the majority of the Commission was never carried out. The time will undoubtedly come, with the evolution of transport, when we shall have trolley buses running between Perth and Fremantle, unless our Fremantle friends have sufficient influence to prevent it. The predominating idea when the Commission sat was that the railways were paramount. That is why I have always advocated separate control for railways and tramways. They are totally different; they have practically nothing in common. No matter how efficiently the Railway Depart-

ment may desire to run their passenger transport, it will always conflict with the tramway system. I support the motion and hope that it will mark the beginning of the elimination of much unnecessary and expensive transport, whether rail transport or otherwise, which cannot serve any very useful purpose. No one asked for a tram line along the Waratah-avenue route. The railway authorities asked for a feeder line to feed the railways through the Claremont station. People did not use the tram line and are not likely to use it.

Mr. Moloney: Yet we are told that the volume of traffic warrants a bus service.

Mr. LAMBERT: That is another matter. That this line was not justified is evident from the fact that it has not been much used. The main street of Claremont is not safe for a tramway route. It is a more or less glorified lane.

Mr. North: I hope you will withdraw that statement.

Mr. LAMBERT: It is so narrow as to be unsuitable for tram lines. The sooner that service is abandoned the better it will be for the district and for the railways.

MR. NEEDHAM (Perth) [5.19]: I do not favour the motion as it stands. It is inconclusive. The member for Nedlands agrees that it is necessary to pull up the line and so does the member for Claremont. It is a recommendation of the Transport Board. Parliament authorised the constitution of the Transport Board, who have power to recommend that certain lines be closed or taken up. I am not concerned with that aspect, but I am concerned with the statement of the member for Yilgarn-Coolgardie that the line should never have been laid. If the line is to be closed, some other arrangement should be made for the conveyance of passenger traffic, and that arrangement should be in the hands of the Government. That is the only point I wish to make. The Minister for Railways has assured the House, in response to the member for Subiaco, that none of the men at present engaged in the tramway service will be dismissed.

Mr. Raphael: But no more will be taken on for a time.

Mr. NEEDHAM: The Minister's statement does not satisfy me. It is the policy of the Government to own the transport

services of the State. They own the railways and the tramways. When they propose to close a line on the recommendation of the Transport Board, some provision should be made for transport in the locality concerned. If there are no passengers to be transported, there will be no need for a motor bus, trolley bus or other kind of vehicle, but I have yet to learn that there are not people living in the locality that the tramway serves. They will have to go somewhere. As the member for Nedlands said, people have to go shopping and children have to attend school. Why should not the Government undertake the transport of the people in the area served by the tramline that is now to be closed? A suggestion has been made that trolley buses should be installed. I care not what kind of transport is provided so long as it is owned and controlled by the Government. I am not satisfied that trolley buses are the best vehicles to cater for passenger traffic. We live in a mobile age and the most expeditious type of vehicle is the motor vehicle. The trolley bus is limited to a certain route because of its overhead fixtures, which are costly to instal. True, it is free from lines on which to run and the maintenance therein involved, but it needs overhead fixtures that motor buses do not need. However, I am not concerned about the type of transport, but I am concerned about the Government's proposal to hand over to a private company the transport of people which, in the past, was the responsibility of the Government. If the motion had concluded by setting forth that an arrangement be made by the Government for the transport of the people concerned, I would have had no objection to it but we are simply asked to endorse the recommendation of the Transport Board for the closure of the line. For members on the Government side of the House to agree to the motion would be to set a wrong precedent. I do not know whether private buses will undertake the work, but there are some people to be transported and the Government should undertake their transportation. If we follow the course now suggested, the Transport Board might in the near future discover other lines that should be closed because they are non-paying—not only tramway lines, but railway lines. I would be the last member to blame the Transport Board for recommending the closing of a

railway or tramway line that was not paying, but I do object to handing over any part of our transport to a private company. The mistake made was in allowing private transport people to get such a big hold before the Government awoke to the danger. Had the Government taken action much earlier, the transport service between Fremantle and Perth would not have been in the hands of a private company. As soon as that service was started, it came into competition with the Government railways. Other State Governments realised the importance of the competition of private companies, and the Victorian Government went so far as to establish bus services to run to Geelong and such like places. We are not responsible for the delay that occurred, but we can guard against buttressing private transport further. Because of the danger of buttressing private transport and encouraging it when the Government should undertake the work, I must oppose the motion. I fear that the passing of the motion would lead to our handing over to private enterprise something that should be done by the Government.

**HON. W. D. JOHNSON** (Guildford-Midland) [5.27]: The motion proposes to adopt a recommendation of the Transport Board for the closing down of a tram line, nothing more. It sets forth definitely that the House agrees to the closing of the line. It is true that other recommendations are attached, but as the motion does not definitely deal with them, we need not worry about them. The Transport Board, after investigation, have decided that the tram line from the Claremont railway station to Waratah-avenue is not a paying proposition.

The Minister for Railways: And that it is inadequate for the needs of the district.

**Hon. W. D. JOHNSON:** Yes. We appointed the Transport Board to advise us on such questions, but what should be substituted in lieu of the line to be closed is a matter for the House to determine.

**Mr. Moloney:** You ought to know what is to be substituted.

**Hon. W. D. JOHNSON:** This will prove to be the acid test of Parliament's attitude to the question of substituting other means where the existing facilities, in the opinion of the Transport Board, do not meet public requirements. The Transport Board, I con-



sider, have functioned remarkably well. They have questioned the utility of quite a lot of the existing facilities, but in every case so far the closing down of facilities has been in the interests of the people's control of transport. In other words, they have closed down private control in order to feed and strengthen the instrumentalities controlled by the people. Until now the people's control has been upheld by the administration of the board, and railways and to an extent tramways, have profited by that administration. Now, however, the board propose to go further and have recommended that a certain portion of a Government-controlled activity be closed and that private enterprise be called in to supply a service. There is grave danger in that. It represents a policy of reaction. Definitely throughout Australia, and in fact throughout the world, there has been a growing tendency to strengthen the people's control of transport. Therefore I regret that the Government have not realised that while it may be economically sound to close down this line, it is equally necessary that the transport to be substituted for that already in existence shall also be under the control of the State.

Mr. Moloney: That is the point.

Hon. W. D. JOHNSON: Accordingly I propose to move an amendment to the effect that the following words be added to the motion:—"and directs the Government to provide immediately, as part of the tramway system, a motor bus or other such service in lieu thereof." The amendment will make it quite clear that the House is not prepared to agree to tenders being called for private enterprise to provide that which the State, in its service as at present constituted, cannot provide. Still, we agree that the service which to-day is inadequate for the district, and uneconomical in operation, shall be closed down. However, that which is to be placed in lieu of the present service should be under the control of our tramway system. On that I am definite, because I appreciate that if the motion is passed without the amendment we are definitely declaring for a policy of private enterprise. We shall be giving a direction of that nature to the Transport Board. While agreeing to the board's suggestion, we should do wrong in permitting them to define policy. They can advise, but the re-

sponsibility for policy must rest with Parliament. I admit that the board have power to close down private enterprise, and the closing down of private enterprise will always be in the interests of State control; but when it comes to closing down the people's facilities, the people's asset, it is not for the board to declare what shall be placed in lieu thereof. I have no objection to the Transport Board. I have a great appreciation of the board's administration up to date. I believe the board have done all that Parliament expected them to do. I consider that the board have correctly interpreted the desires of Parliament in passing the Act. However, this is a new departure. It is the acid test for Parliament to say exactly what view it holds in regard to the replacing of a State-owned activity by private enterprise on the basis of tenders for other facilities. I wish to emphasise the danger in the proposal. The Claremont tramway service lends an argument which is fortunate for those who believe in private enterprise. They have been able to get hold of a tramway extension which we agree should never have been constructed. The trouble is that if we agree to the motion as it stands, we convey to the board that they can go ahead. The Claremont tramway gives a certain basis of argument and of calculation in that respect—something upon which to justify closing down. Then it would simply expand, and so the thing would go on. If we introduce such a principle, Parliament will become the supporter of a policy which in the future might prove disastrous. I do not want the thin end of the wedge to be inserted by means of the Claremont tramway system. True, there is an argument for closing that system down; but there is no argument for inserting the thin end of the wedge for the transfer of State control over transport to private ownership. I want the House to realise, as emphasised by the member for Perth (Mr. Needham), that the railways in Western Australia, with the exception of a small proportion, are owned and controlled by the State. We all know that it would be in the interests of the people if the whole of the railways were owned and controlled by the State. That section of our people who are served by a short line privately owned have made many appeals for the railway in question to be taken over by the

State. Similarly, as regards the tramway system the policy of the State has always been to provide transport facilities. If that is not done by direct State control, it is done by municipalisation, as at Fremantle. Therefore we must appreciate that what may be called the public policy of the State is for transport generally to be controlled by the State. When competition by private enterprise became a danger in Western Australia, Parliament passed a Transport Act to protect State instrumentalities against unfair and destructive competition. So far the Transport Board have functioned rightly by closing down unfair competition from privately-owned services, and by transferring these activities to the quarter from which they should never have been removed—the railway system. I hope that in the circumstances the Government will appreciate the danger of introducing a system of transfer from State to private ownership. For such transfer a case might be made in these special circumstances; but if the principle is allowed to be introduced even in this minor way, it will grow, and will eventually prove disastrous to the transport facilities owned by the State to-day.

**MR. THORN** (Toodyay) [5.40]: I fail to follow the reasoning of the previous speaker. The Minister is merely trying to keep faith with the House. When introducing the Transport Bill last session, he promised that the measure would be used for the co-ordination of transport. Now he is trying to put that principle into effect by doing away with an obsolete tramway service and allowing private enterprise to take over the work. Members on this side of the Chamber complained bitterly last session of the manner in which most of the transport was being taken off the roads in order that the traffic might revert to the Railway Department. The member for Guildford-Midland (Hon. W. D. Johnson) did not object to that. In this case the Minister is reversing the operation and establishing co-ordination of transport. To that proposal strong objection is being raised. I fail to understand the objection. If members on this side proposed the electrification of the suburban railway system, there would be a great outcry from members opposite, "Look at the men you are going to put out of work!"

**Mr. Wansbrough**: You must be seeing things!

**Mr. THORN**: I am not seeing things except such as we always see.

**Mr. Marshall**: We had to establish the principle before you came into the House.

**Mr. THORN**: There would be a howl and a cry about putting men out of work. The member for Guildford-Midland asks why the Minister for Railways should hand over this section of transport to private enterprise. Why should not the Minister do so? This side of the Chamber has been promised co-ordination of transport. The Minister is doing the right thing.

**Hon. W. D. Johnson**: The amendment is not against that.

**Mr. THORN**: All that the member for Victoria Park (Mr. Raphael) is trying to do—

**Mr. Raphael**: I have not said anything yet.

**Mr. THORN**: The hon. member is merely playing up to a few of his electors in Victoria Park. He will not face the position as it affects the country. The Minister has the opportunity of making a considerable saving, and of bringing further into effect a service that is already established. I fail to understand the objection raised by members opposite. If the boot had been on the other foot, they would be glorifying the proposal. However, the position is reversed, and so the fat is in the fire.

**Mr. Hegney**: Your Government tried to close down that line.

**Mr. THORN**: The hon. member is mistaken. I support the motion. Surely we should be fair to each other. When the Act was introduced, we were promised co-ordination of transport. Now objection is raised to co-ordination.

**Mr. SPEAKER**: I have considered the amendment, and am afraid I shall have to rule it out of order. The motion undoubtedly relates to the Transport Act, but the amendment reads—

That the following words be added to the motion:—"and directs the Government to provide immediately, as part of the tramway system, a motor bus or other such service in lieu thereof."

Undoubtedly the carrying of the amendment would mean that expenditure would have to be incurred. It is not within the province of a private member to move for ex-

penditure by the Government. So far as I see at the moment, I must rule the amendment out of order.

Hon. W. D. Johnson: I shall not move to disagree with your ruling, Mr. Speaker; but I suggest that the insertion of a few words will convey the expression of my opinion.

Mr. Raphael: I do not wish to disagree with your ruling, either, Mr. Speaker.

Mr. SPEAKER: Then the hon. member cannot discuss it.

Mr. Raphael: Then I shall move that it be disagreed with.

Mr. SPEAKER: The hon. member can move to that effect.

Mr. Raphael: On further consideration, I shall speak against the motion.

Hon. W. D. JOHNSON: I move an amendment—

That the following words be added to the motion:—"and suggest that the Government take into consideration the provision, as part of the tramway system, of a motor bus or other such service in lieu thereof."

### THE MINISTER FOR RAILWAYS

Hon. J. C. Willcock—Geraldton—on amendment) [5.48]: I hope the amendment will not be carried. The line is one that should never have been built, a fact which has been demonstrated during its 14 years of existence. Events have proved this. The Government are prepared to deal with private enterprise and have given evidence of that. Whatever tramway extensions have been required, if they have been justified, they have been built. Many of them have been more than justified by results. The closing of the line in question does not mean that the Government will never again be able to operate in the same district a tramway or trolley buses or motor buses. The municipality itself can at any time, if it desires to do so, operate any system of transport in that area. Nobody would expect the present Government or any other Government to continue an isolated service which is entirely uncommercial and inadequate, and inconvenient as well. It was a mistake to build it in the first place, and there is no reason at all now why that mistake should be perpetuated. If the municipal authorities, or any other authority, desire to provide transport facilities, the Government will give them every assistance. All we desire is that whatever is to be done will be

done in the best interests of the public and in a reasonable way. The Transport Board was properly created by Parliament to see that the public got a fair deal. The board is still controlled by Parliament and that is the very antithesis of private enterprise. If anyone desires to provide transport facilities, they must go before the board who, in considering the application, will weigh the predominating factors and decide whether the application should be granted or refused. What is now proposed has been done in a commonsense way, and if the convenience of the public is to be served, it is the only way in which that convenience can be provided. The Transport Board was created for a specific purpose, and if they recommend that an isolated tramway system should be abolished and that another form of transport be provided, a form which will better serve the community, why should we not take the advice of the board?

Mr. Warner: You will be falling down on your job if you do not do it.

The MINISTER FOR RAILWAYS: A mistake was made in building the line, and now we are endeavouring to rectify that error. If it becomes apparent in future that it is necessary that the Government should cater for the people in this or any other district, with trolley or motor buses, or any other form of transport, and a recommendation is made by the Transport Board to that effect, then we shall not hesitate to act on that advice. Every form of public transport must now be operated in the public interest. Hitherto any person or body could do whatever they liked, but now we have a system, to which Parliament has agreed, that whatever form of transport is instituted, it must be in the interests of the community. Are we to say that because the Government may not be able to provide money for transport facilities because our other needs are greater, we should stop all development in the suburbs? We have created a transport board and it has a definite sense of responsibility. Its members have done wonderful work for the people of the State in the way of controlling transport matters. They have insisted that certain people who desired to have licenses should not operate just when they wanted to, but when the public interest demanded that they should operate. With a full sense of their responsibility the members of the board

went thoroughly into the question of the Waratah Avenue tramway and agreed that the mistake made in building it should now be rectified and a better form of transport provided for the people, a form of transport under the control of the board. If all the recommendations made by the board in future are dictated by the same commonsense and by as much economic responsibility as this one is, we shall not go far wrong in connection with our transport. The board has given wonderful protection to our public utilities. It is well imbued with that idea, and is not subject to any control by any Minister. It sets out to do the job laid down for it in the Act, but notwithstanding this we find members quibbling about Parliament adopting its recommendation. I hope that so long as the board makes recommendations as sensible as this one Parliament will never turn it down.

**MR. TONKIN** (North-East Fremantle) on amendment) [6.0]: When the State operates transport service for any district without loss it provides facilities without expense to any other portion of the State. If it operates a transport service at a loss it means that every taxpayer has to make up the deficiency, even though the facilities have been provided for only a section. I do not stand for that, and for that reason I am obliged to support the recommendation. I want to stop there, however. I have always looked forward to the time when muddling private enterprise under the capitalist system would pass out, and the people would be running their own business in their own interests.

**Mr. Thorn**: That is a wonderful statement!

**Mr. TONKIN**: This is a retrograde step.

**Mr. Sampson**: Still dreaming!

**Mr. TONKIN**: The State has progressed so far as to provide transport facilities in many directions. We are now proposing to take away from the control of the State a transport service, and hand it over to private enterprise, which I hold to be responsible for the present chaotic position in the world. That principle I cannot support. I am surprised at the attitude of the member for Nedlands. His support of the recommendation of the board is remarkable. I could not support the recommendation of any board in which I had no con-

fidence. The hon. member has said he has no confidence in this board. How can he bring himself to support its recommendation? At a public meeting held in the Perth Town Hall the hon. member made a statement about the Transport Board and its personnel. He declared that the unfitness of the persons chosen to decide highly technical matters was obvious, that the Act required that the persons appointed should be experts, and he asked who in his wildest dreams would regard any of the present members of the board as experts. He went on to say that the Act provided that the Governor might remove any member of the board for incompetence. He said that if that official had done his duty all three members would have been sacked by now. It is strange that the hon. member should support the recommendation of men who, in his opinion, should have been sacked for incompetence.

**Hon. C. G. Latham**: Every man is right sometimes; on this occasion the board is right.

**Mr. TONKIN**: I am not prepared to subscribe to the sentiments of the member for Nedlands. He has a high standing in the political world, and many people place a great deal of credence in what he says. When he suggests that members of the board should be sacked, we must be careful when we come to act upon a recommendation of this kind. I support the amendment because it is more in keeping with the idea of the party to which I belong. I do not want to do anything that savours of a backward step along the track which every man ought to travel in the interests of his fellows.

**MR. CROSS** (Canning—on amendment) [6.5]: I support the amendment although it is not entirely what I desire.

**Mr. Thorn**: With your knowledge of tramways you ought to know better.

**Mr. CROSS**: As I told the Minister for Railways at the time, the Westana-road tramline should never have been laid. I suggested that a small portion of the line be built from the Crawley end along Fremantle-road to the Nedlands line so as to save mileage, and give a quicker tramway service to Claremont. The best way to have dealt with this problem would have been to close the Westana-road tramline and establish a direct trolley bus service from the Claremont station by way of Bay View-ter-

race, Westana-road, and Bruce-street, through to the city. That would have given the requisite through service as well. At present the district has not the best facilities for reaching the city.

The Minister for Railways: That may be done at some future time.

Mr. CROSS: Wherever possible a service should be established, whether by the Government or private enterprise, that can be run on power produced in this State. That is why I favour the trolley buses. Motor buses run on foreign or imported petrol or oil, but a trolley bus runs on current generated by means of coal produced in the State.

The Acting Premier: We can run a trolley bus there at any time if we have the money.

Mr. CROSS: According to figures supplied by the late Mr. Scaddan, when Minister for Railways, the cost of a trolley bus service is about £1,000 a mile. If a trolley bus service were established along this route we would have an opportunity of trying out that transport system. It is an indisputable fact that the trolley bus service along Kensington-street and to Wembley is labouring under extremely difficult conditions, and it is hard to make a success of it.

Mr. SPEAKER: I should be glad if the hon. member would discuss the amendment rather than the Leederville-Kensington trolley bus service.

Mr. CROSS: I was merely drawing attention to the opportunity offered for trying out the trolley bus service under better conditions. If we did this, the desires of the people would be met by a fast and frequent service. No one would advocate a single tramline along that route to the city. It is well known that a single tramline is too slow, but trolley buses are able to pass each other, have greater speed than trams, can start more quickly, and can give the people a more efficient service. Because the amendment is nearer to what I desire than the motion, I intend to support it.

MR. HAWKE (Northam—on amendment) [6.10]: Before we are able to judge as to the merits of the motion or the amendment, we should have information concerning the conditions of the tenders. According to the Act tenders must be called for the service before a motion for closing down an existing tramline or railway service is

brought before Parliament. Tenders in this case have been called, and are in hand. It may be that the board has decided which tender should be accepted if Parliament approves of the motion. We should know the conditions associated with the tenders. If we had that information, we would be in a better position to judge between the motion and the amendment.

The Minister for Railways: I have already given particulars about the tenders.

Mr. HAWKE: Every member on this side is anxious that public transport facilities should be extended, and not diminished. I do not know for what period the tender to be accepted will endure. It may run for two years, five years, or ten years. Although the Government may not be in a position to-day to provide transport in this district, they may be in a position to do so in two years' time.

The Acting Premier: The tenders are all for a yearly service.

Mr. HAWKE: If that is so, that overcomes much of the difficulty I have in mind. One cannot imagine, however, that a private company would tender for the right to operate a service if that right were to be withdrawn after one year.

Mr. Moloney: And without compensation.

Mr. HAWKE: Unless compensation were provided in the event of the service being terminated.

The Minister for Railways: All these licenses are for one year only.

Mr. HAWKE: If a board issued a license to a private company to establish this service it would be lost at the end of the year to refuse to renew the license without compensation or some consideration.

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

Mr. HAWKE: In the district to be served by the bus company, there is still a lot of vacant land. In fact, it is one of the few districts near the city where land is available for building purposes. Therefore it seems reasonable to suppose that during the next year or two much additional building operations will be undertaken with the result that the company will be required to increase the number of buses in order to maintain the service. The company may now be operating in a small way only, but under such conditions the concern will increase in importance and strength. When

the time arrives for the Government to take over the route and provide their own transport service, there will, no doubt, be a great outcry and much argument about it. If the company are prepared to take that risk and build up a big service with the knowledge that their right to operate over the route may be terminated at the end of a year, that represents a problem about which the company themselves can worry. There is no doubt that something better than the existing service is necessary, and therefore the motion can be agreed to. As the amendment is merely in the form of a suggestion to the Government, I see no harm in its being agreed to as well. It is my intention to support the amendment.

**MR. MARSHALL** (Murchison) [7.32] I move—

That the debate be adjourned.

Motion put and negatived.

**Mr. MARSHALL** (on amendment): I confess I am more or less nonplussed. I have listened attentively to the speech by the Minister in moving the motion and to the discussion that ensued. I am not quite convinced as to the accuracy of the statement of the Minister that no demand had been made for the construction of this particular tram line.

The Minister for Railways: That statement was made by the member for Yilgarn-Coolgardie.

**Mr. MARSHALL**: Yes, and by other members, but I thought the Minister made a similar statement.

The Minister for Railways: No, the line was built about 14 years ago and I do not remember the circumstances.

**Mr. MARSHALL**: The Minister was a member of this Chamber at the time and so was I. The Minister must remember that demands were received from all quarters of the city for extensions of the then existing tramway facilities, and so great was the demand that a Royal Commission was appointed. The reason for that move was that the Government argued that they had not the money to spend on extensions or new tram lines and the solution they arrived at was to appoint a Royal Commission to say just what lines were necessary. Lines that were demanded were those to Como, to Claremont, the extension of the Beaufort-street line and others. Those works were

urged by members from time to time, and deputations waited upon Ministers. About the same time the line that it is now proposed to close, was constructed, so there must have been a demand from some one to influence the department to construct the line at all. Irrespective of whether there was a demand, the fact remains that it was constructed and has been operated under State control, so that it forms portion of the nationalised system of transport facilities. To close it down is to commit a breach of principle to that degree. The argument advanced that the line has never paid might appear all right to some members, but if we are to continue under State control such portions of the tramway system and, perhaps, of the railway system as well, for that too is in jeopardy, as are profitable, then the time is not far distant when we will have no State tramways or railways at all.

The Minister for Railways: No.

**Mr. MARSHALL**: That is the position. It is useless to argue that the fact that a tramway or railway does not pay is sufficient ground for considering closing it down.

**Mr. Sampson**: That should surely justify something along those lines.

**Mr. MARSHALL**: If we endorse that principle, it will be difficult for the Minister to tell us what section of the railways or tramways will remain under State control. I do not accept that argument as a basis, and it is certainly not sufficient to say that the line should not have been constructed. That latter contention is quite true, now that we know the position. Following the same reasoning, some of our roads should never have been constructed where they are. The Minister will agree that we have made competition by motor transport possible by constructing up-to-date roads parallel to our railways and tramways, and that those roads should never have been constructed under such a system. That argument is just as logical as the contention that the Claremont spur line should not have been laid down. There are certain tramways and railways that, in the light of experience and results, we now know should not have been built. It is surprising to me how the tramway authorities could supply the Minister, or the Transport Board, with figures to show that

the spur line at Claremont is a losing proposition.

The Minister for Railways: It is an isolated line.

Mr. MARSHALL: If a question is asked regarding a spur line, the railway authorities inform us that as the particular line is part of the system, separate figures cannot be ascertained.

The Minister for Railways: The figures can be given regarding separate lines, but not in respect of lines that are connected with the main system.

Mr. MARSHALL: The Claremont spur line is connected with the main tramway system.

The Minister for Railways: But it practically runs along one street.

Mr. MARSHALL: I understand what the Minister means, but the fact remains that the line is part and parcel of the main system. In view of our experience when asking for figures regarding other parts of the railway system or tramway system, it seems to me that the Claremont spur line has been singled out for special consideration. Some members contend we are opposing unfairly the right of private enterprise against that of a State instrumentality. I am astounded that such an argument should be advanced, particularly by Country Party members.

Hon. C. G. Latham: One Country Party member only has spoken.

Mr. MARSHALL: From a logical point of view, that member is the Country Party. We have the spectacle of Country Party members struggling to maintain the right of private enterprise as against State control, and yet not one of them, including the member for Toodyay (Mr. Thorn), the Country Party member who has spoken, would agree to the Government closing down one of their railways.

Mr. Patrick: If the Transport Board considered it in the interests of the public, we would agree.

Mr. MARSHALL: If the dog had not stopped to have a drink, it would have caught the hare! I agree with those members who say that motor transport has come to stay and also that it will serve the State well in certain circumstances. On the other hand, is there any form of motor transport anywhere in the world that could be introduced into Western Aus-

tralia and haul wheat and super as cheaply as do the State railways?

Mr. Thorn: I thought we were discussing a tram line!

Mr. MARSHALL: It is all linked up. If this line goes, the railways may be the next to go, because the principle is just the same. The Transport Board will have just as much right to recommend that, as the portion of the railway system that passes through Toodyay was not paying, the line should be closed down and motor transport substituted in lieu. Then we would hear quite a different tale. When millions of the taxpayers' money have been invested in tramways and railways to develop the country, it is not fair now to ask the taxpayers to throw aside all that expenditure in order to allow private enterprise to come in and take that business. Let me give an example of what has happened under private enterprise in motor transport: From the Perth Town Hall to Como is seven miles, and one can do the journey by tramway for 5d. I live only six miles from the old post office, yet to get to my home by bus costs me 8d. In other words, I travel a distance of one mile less, and have to pay 3d. more. So one can readily appreciate how much private enterprise considers the individual passenger.

The Minister for Railways: But the prices to be charged by these buses will be controlled.

Mr. MARSHALL: We have control over motor transport now, inasmuch as we regulate their prices. Give the bus proprietors an opportunity, and we see the result on certain days along certain routes, more particularly those leading to racecourses. On Saturday afternoons the regular patrons of those buses are ignored and the customary timetable is discarded. What would happen if the railways or tramways did that? Yet that is what is happening with the bus service. I cannot agree that we should get away from State control, and so I will support the amendment. It will be a sad day for the State when private enterprise secures the free right to the transport of passengers in the metropolitan area. To-day there is nothing so efficient as the trolley-bus service, the only thing wrong about it being the route. What could be better than to replace the tramway under discussion with a trolley-bus service, to be extended ultimately right up to the city? That would

be far better than handing over the transport to private enterprise. We must not call upon the taxpayers to assist private enterprise to make profits. The people of Claremont should be grateful to Parliament for having provided essential railway and tramway transport. We have a population of only 400,000, yet one would think we had many millions of revenue available for putting in every modern type of transport. In the past, private enterprise has been permitted to indulge in unfair competition on the roads and thus establish popularity with unthinking people, but when those people realise what they are called upon to pay ultimately, they will not be so eager for private services. I will support the amendment, for there is involved in the motion a principle with which I disagree. I am altogether in favour of State control.

**MR. MOLONEY** (Subiaco—on amendment) [7.52]: I will support the amendment and, incidentally, I think the member for Claremont also could well support it. There is in the amendment nothing inimical to the securing of transport, but there is in it that which appeals to me, namely, that it emanates from Parliament, which is the premier body of the State and which does not allow any other body to take precedence over it. It has been said that the Transport Board have arrogated to themselves the right to do certain things. At all events, they have not the right to do what they propose in this instance, for if they had we should not be asked to ratify it. We have given to the Transport Board certain powers, and to members opposite the Transport Board are anathema. The member for Nedlands never lacks opportunity to declare that these people are always wrong.

**MR. SPEAKER**: The hon. member is getting well away from the amendment.

**MR. MOLONEY**: We are asked to agree to something which is not contained in the motion, but which is a corollary to the motion, namely, that tenders shall be called inviting private enterprise to operate these proposed buses.

**The Minister for Railways**: To give a better service to the people.

**MR. MOLONEY**: In other words, a responsible Labour Minister is telling us that private enterprise can provide a better service than can the State.

**Mr. Thorn**: No, he is not; but this State tramway is making a loss.

**MR. MOLONEY**: I thank the hon. member for his assistance, but I prefer to get along without it. I agree that the tramline itself requires pulling up.

**Mr. Patrick**: You only want more money spent in the metropolitan area.

**MR. MOLONEY**: But before I agree to the pulling up of the line, I want to know what is to take its place, and I am told its place will be taken by a line of private buses. I do not subscribe to that. Until such time as it is competent for the State to improve upon their utility, it should remain where it is.

**Mr. Stubbs**: You have no confidence in your Ministers.

**MR. MOLONEY**: The line was placed there at the behest of the people, and probably those who to-day oppose it opposed the introduction of the State instrumentality.

**Mr. Thorn**: The Minister has said that nobody asked for it.

**MR. MOLONEY**: Probably that is why it is there. As a supporter of the present Government, I am going to be true to those principles for which I stand. I certainly do not stand for scrapping the line and substituting for it buses run by private enterprise, who at all times we are opposing when we say that we as a State are competent to handle those things of national importance, such as railways and tramways. The only buses that should be run along that route are the State trolley buses. Once we allow private enterprise to take over this transport, we shall find that at the end of 12 months, as the result of possible extension of the district, there will be, not one bus, but three or four buses operated by private enterprise, and then this increase will be used as a lever to demand compensation; we shall be told the Government were losing money on the State tramway, and that since the buses have made a success of it their owners should be compensated before the State trolley buses are introduced. I will support the amendment.

**MR. NORTH** (Claremont—on amendment) [8.0]: I oppose the amendment because I feel that the Government quite logically can support their policy. There are many reasons why the motion should be supported and the amendment negatived.



There is a legal maxim which interpreted means, "The law does not worry over trifles." I consider this a trifle. It is very foolish to endeavour to drive home a general policy of State transport to the last ditch. There can be no connection between the general policy so ably espoused by the member for Subiaco and the closing of a small section of tramline which concerns chiefly the residents of Claremont. The hon. member must appreciate the difficulty of raising funds. If he had been able to show the Government where they could obtain the money with which to instal a new scheme, it would have been quite a different matter. The whole question resolves itself to this: that a small bus company will provide £250 per annum to reduce the loss that the Government have been making on the line. At a time like the present when we are so short of money and so overloaded with indebtedness and taxation, we cannot afford to ignore a sum of £250. If by some extraordinary change in the economic situation there were suddenly made available thousands of pounds to invest in tramways or other forms of transport, there would be nothing to prevent the Government from laying down a new line from the Claremont station to Perth. I question whether the Government would be so rash as to do so if private enterprise would meet the need. The residents of Claremont should receive consideration after due regard has been paid to the fact that the company will contribute £250 for the right to run the service.

**MR. RAPHAEL** (Victoria Park—on amendment) [8.2]: I support the amendment. It is difficult to understand the complete somersault attempted by the Government in suggesting the disposal of a State enterprise. When the Nationalist Party were in office, the representatives of Labour spent many hours in opposing a Bill introduced to give the Government the right to dispose of State trading concerns at any time. Now we have a Labour Ministry attempting to insert the thin end of the wedge in support of that proposal sponsored by a Nationalist Government. If we agree to the motion, I fear it will prove to be like a cancerous growth that will continue to develop. As time goes on, and probably when the Labour Party leave office, that may be something to be contended with.

We shall again be called upon to oppose the disposal of State-owned concerns.

**Hon. W. D. Johnson:** It is you who are supporting that policy.

**Mr. RAPHAEL:** The Nationalist Government paved the way for the disposal of State-owned concerns, and this motion looks like the thin end of the wedge to enable Labour's representatives to carry that object to a successful issue. Let me point out that the present Government have done much to ensure that the importance of patronising local products should be kept before the notice of the public. Yet the Government propose that this tram route should be catered for by a private concern whose vehicles would be propelled by imported petrol. If the integrity of the Government is all they have claimed, at least they should inform the House that a trolley bus service will be installed in place of the trams. Given that assurance, we could rest satisfied that the Government were not preparing to embark upon what might prove to be an avalanche of selling State concerns. Another matter which should have received consideration by the Government is that of the employees on motor buses. I believe the Federal Government are catering for the employment of girls in preference to men. Though the motor buses employ men as drivers, young girls are engaged to collect the fares. No Labour Government has a right to see married men displaced in that way. The Minister said the men engaged on the Waratah Avenue trams would not be dismissed. As the tramways system expands, so does the need arise to employ more men. If, as the Minister said, the men from Claremont would be transferred to other jobs, it is patent that vacancies for men exist at present. I hope the time has not yet arrived when Labour will depend upon the Opposition to carry any question in this House. The Minister should realise from the discussion, particularly by members on this side of the House, that it is not our intention to support the proposal. I hope the time will never come when we shall witness the spectacle of a Labour Government relying on Nationalist and Country Party votes to carry a question. The Minister should reconsider the position, and allow the matter to remain in abeyance for the time being.

Mr. SLEEMAN: I move—  
That the debate be adjourned.

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

|      |    |    |    |    |    |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 8  |
| Noes | .. | .. | .. | .. | 32 |

|                  |    |    |    |
|------------------|----|----|----|
| Majority against | .. | .. | 24 |
|------------------|----|----|----|

## AYES.

Mr. Cross  
Mr. Johnson  
Mr. Marshall  
Mr. Needham

Mr. Tonkin  
Mr. Wilson  
Mr. Wise  
Mr. Raphael

(Teller.)

## NOES.

Mr. Brockman  
Mr. Coverley  
Mr. Ferguson  
Mr. Hawke  
Miss Holman  
Mr. Keenan  
Mr. Kenneally  
Mr. Lambert  
Mr. Latham  
Mr. McCallum  
Mr. McDonald  
Mr. McLarty  
Mr. Mann  
Mr. Millington  
Mr. Moloney  
Mr. North

Mr. Nulsen  
Mr. Patrick  
Mr. Piesse  
Mr. Rodoreda  
Mr. Sampson  
Mr. Seward  
Mr. Sleeman  
Mr. F. C. L. Smith  
Mr. J. H. Smith  
Mr. Stubbs  
Mr. Thorn  
Mr. Wansbrough  
Mr. Warner  
Mr. Wilcock  
Mr. Withers  
Mr. Doney

(Teller.)

Motion (adjournment) thus negatived.

MR. J. H. SMITH (Nelson—on amendment) [8.13]: I oppose the amendment, though in speaking I have no desire to stonewall the motion. Members on this side of the House feel sure that the Minister is acting in the best interests of the State by following the advice of the Transport Board. I cannot understand the opposition that has been offered from his own side of the House.

Mr. Moloney: You would not.

Mr. J. H. SMITH: It appears that members are trying to get behind the backs of their own Ministers. If the question were put to an issue and we decided to vote against the Minister, what would happen? The object of the motion is to save the State a considerable sum of money. The section of tramway in question is a losing proposition to the extent of £400 a year, and the private company that will cater for the traffic have offered to pay £250 a year. That means a difference of nearly £700 a year.

Mr. Raphael: And if the men have to go on the dole, it will cost the State more.

Mr. J. H. SMITH: The member for Guildford-Midland has always been a stickler for State enterprise. Surely to

goodness we should not carry a principle so far as that. The case put up by the Minister on the advice of his experts is entitled to be heard. If members opposite had their way, there would be State enterprises in every direction. The Minister ought to be supported in this laudable proposal, which is recommended by the experts. I am astonished at the amendment which has been moved. Even at the cost of penalising the State, the mover is anxious to persist in his principle of State enterprise.

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

|      |    |    |    |    |    |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 10 |
| Noes | .. | .. | .. | .. | 29 |

|                  |    |    |    |
|------------------|----|----|----|
| Majority against | .. | .. | 19 |
|------------------|----|----|----|

## AYES.

Mr. Coverley  
Mr. Cross  
Mr. Hawke  
Mr. Johnson  
Mr. Marshall

Mr. Moloney  
Mr. Needham  
Mr. Sleeman  
Mr. Tonkin  
Mr. Raphael

(Teller.)

## NOES.

Mr. Brockman  
Mr. Ferguson  
Miss Holman  
Mr. Keenan  
Mr. Kenneally  
Mr. Lambert  
Mr. Latham  
Mr. McCallum  
Mr. McDonald  
Mr. McLarty  
Mr. Mann  
Mr. Millington  
Mr. North  
Mr. Nulsen  
Mr. Patrick

Mr. Piesse  
Mr. Rodoreda  
Mr. Sampson  
Mr. Seward  
Mr. F. C. L. Smith  
Mr. J. H. Smith  
Mr. Stubbs  
Mr. Thorn  
Mr. Wansbrough  
Mr. Warner  
Mr. Wilcock  
Mr. Wilson  
Mr. Withers  
Mr. Doney

(Teller.)

Amendment thus negatived.

## THE MINISTER FOR RAILWAYS

(Hon. J. C. Wilcock—Geraldton—in reply) [8.20]: The House in all seriousness last session passed a Transport Act which provided that a board should be appointed for the purpose of recommending to Parliament what would be the best means of controlling transportation and what would be the most suitable facilities for transport in various districts. The question now is, did we mean to say we should have a board wasting time and money in making reports which were to be disregarded? The board have shown themselves to be a responsible body, but directly they make a recommendation we are urged not to agree to it. While the decisions of the board are such as they have been, we should support them in their efforts to control transport facilities in the interests

of the public, especially as the Act was passed so recently.

Hon. C. G. Latham: It does not necessarily follow that Parliament should adopt the board's recommendations.

The MINISTER FOR RAILWAYS: No, not necessarily. I rather object to some of the criticisms from this side of the House, questioning the sincerity of the Government regarding State control of transport. There seems to be some feeling on the subject. Why vent opinions if they are not really entertained? No member need fear that any member of the Government will do anything against the principles on which he was elected, and on which the Labour movement is founded. If it appeared that members of the Government were not standing up to their principles, they should not hold office.

Hon. W. D. Johnson: You will, of course, be judged by actions and not by words.

The MINISTER FOR RAILWAYS: It has been asserted that this is the thin end of the wedge to supersede Government control of transport matters and to work in private capitalism for control of transport. It is nothing of the kind. During the passage of the Transport Act this very tramway was discussed. It was then said that probably the Transport Board would recommend alterations in connection with this and similar lines. The very item we are now discussing was so outstanding in its inadequacy to the transport requirements of the district that no exception was taken to its condemnation. The House agreed that where it could be proved that a district had not adequate transport facilities, the board should make a recommendation. If this line had not been built, if there were now a proposal before the House to build the line, and if it was proved that the line would not serve the needs of the district but would make a loss every year, what justification would there be for supporting the proposal? I venture to say that the House in its entirety would reject such a proposal. Now, when there is a proposal to correct a piece of misjudgment or something done without due consideration, it is alleged that we are twisting on our principles. The merits or demerits of the tramway should govern the decision now. I resent the insinuations made against the Government regarding transport matters. The making of such insinuations

does not add to the prestige of the Government or the party. I hope the motion will be carried.

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

|              |    |    |    |    |
|--------------|----|----|----|----|
| Ayes         | .. | .. | .. | 31 |
| Noes         | .. | .. | .. | 7  |
| Majority for |    |    |    | 24 |

## AYES.

|                |                    |
|----------------|--------------------|
| Mr. Brockman   | Mr. Patrick        |
| Mr. Coverley   | Mr. Piesse         |
| Mr. Ferguson   | Mr. Rodoreda       |
| Mr. Hawke      | Mr. Sainsbury      |
| Miss Holman    | Mr. Seward         |
| Mr. Keenan     | Mr. F. G. L. Smith |
| Mr. Kennelly   | Mr. J. H. Smith    |
| Mr. Lambert    | Mr. Stubbs         |
| Mr. Latham     | Mr. Thorn          |
| Mr. McCallum   | Mr. Tonkin         |
| Mr. McDonald   | Mr. Wansbrough     |
| Mr. McLarty    | Mr. Warner         |
| Mr. Mann       | Mr. Willcock       |
| Mr. Millington | Mr. Withers        |
| Mr. North      | Mr. Doney          |
| Mr. Nulsen     | (Teller.)          |

## NOES.

|              |             |
|--------------|-------------|
| Mr. Cross    | Mr. Needham |
| Mr. Johnson  | Mr. Steeman |
| Mr. Marshall | Mr. Raphael |
| Mr. Moloney  | (Teller.)   |

Question thus passed.

On motion by the Minister for Railways, resolution transmitted to the Council and its concurrence desired therein.

## BILL—LICENSING ACT AMENDMENT.

### Second Reading.

**THE MINISTER FOR JUSTICE** (Hon. J. C. Willcock—Geraldton) [8.29] in moving the second reading said: The Licensing Act of 1923 provided for a referendum on prohibition in the year 1925 and every five years thereafter. The first referendum was held in 1925. From the conditions appertaining to the poll it was evident that there would be no alteration in the position regarding prohibition. When the poll had been taken, that forecast proved to be right. The same position still holds good. In 1928 an amendment was made in the Licensing Act putting off the referendum which was to be held in 1930 until 1935. The purpose of the present Bill is to postpone the taking of a referendum from 1935 to 1940. There will be no alteration in the existing position. A poll would cost the State between £6,000 and £7,000 and

the expenditure might result in no alteration at all. Temperance and other bodies interested in the licensing laws are not desirous of having a prohibition poll under existing conditions. In fact, I do not think anyone wants such a poll, but the provision for it is in the Act, and at any time when there is considerable agitation for an alteration or revision, a poll can be held. Holding a poll at the present time would be a waste of the State's money as well as that of the organisations who would feel it to be their duty to place their views before the people. There is another aspect and it is that the licensing bench have been very successful in their control of the liquor trade. They have cleaned up many of the abuses that existed before the 1923 Amendment Act was passed. There seems now to be effective control of the trade and when the Bench grant new licenses they impose stringent conditions in respect of accommodation to be provided, and other matters. Moreover, when the erection of new hotels are in contemplation the possibility of a poll in the near future would have a disturbing effect on those who might have courage enough to embark on the expenditure of a considerable amount of money that the erection of such premises would involve. As I have said, there is no demand from any quarter for a poll and it would be just a waste of money to conduct one. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Sleeman in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 98:

Hon. W. D. JOHNSON: I do not know that we are justified in denying people the right to voice their opinion over such a long period as five years. There has been no opportunity of testing public opinion in regard to this matter and I suggest that instead of extending the period from 1936 to 1940, we should extend it to 1937. The next Parliament could then deal with the matter and in the meantime those interested in the liquor trade would have an opportunity of deciding whether a referendum

should or should not be taken. When we are denying people a certain right, it is wrong to assume that we can postpone that right for a period of five years.

Hon. C. G. LATHAM: If I thought there was likely to be an agitation for a local option poll to be taken in the near future I would oppose the Bill.

The Minister for Justice: It would not have been introduced.

Hon. C. G. LATHAM: I do not think either side is desirous of conducting a poll and spending a lot of money from which there could be no tangible results. I feel sure that there is a desire on the part of the anti-liquor people to amend the licensing laws, but not in this manner. For instance, there is a difference of opinion regarding the hours of trading but the Bill before us will not affect that.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

#### *Third Reading.*

Bill read a third time and transmitted to the Council.

### **BILL—ROAD CLOSURE.**

#### *First Reading.*

Introduced by the Minister for Agriculture and read a first time.

#### *Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. H. Millington—Mt. Hawthorn) [8.40] in moving the second reading said: This is the type of Bill presented annually to confirm the closing of certain streets and rights-of-way in certain municipalities. Clause 2 provides for the closure of portion of Falcon-street, Narrogin. It is the desire of the Public Works Department to enlarge the hospital site, Lot 803, by taking in the portion of Falcon-street shown coloured blue on the litho which I shall place on the Table of the House, and to provide additional land for street purposes out of the recreation reserve to the south. The municipal council agreed to the proposal. Clause 3 deals with the closing of the right-of-way between Kalgoorlie lots 3026 and 3072, formerly portions of Lot 3031. Lot 3031 originally ran right through from Piccadilly-street to Wittenoom-street, thus breaking the continuity of the right-of-way running through this

section between Arthur-street and Keenan-street. The Kalgoorlie Municipal Council, with the concurrence of the Town Planning Board, entered into negotiations with the holder of this lot, and she agreed to give up the land required for the continuance of the right-of-way subject to the condition that she was allowed to acquire the land contained within the right-of-way it is desired to close. There is no objection to this and the necessary provision has been made in the Bill. Clause 4 deals with the closure of portion of Morrison-crescent, Midland Junction. This closure is desired by the municipal council for the improvement of that portion of the municipality and for making provision for a small park. It appears that the lots fronting the main York-road are of very shallow depth and the outhouses abut right on to Morrison-crescent. The council desire that the street, with the exception of the portion hatched blue on the tracing, be closed, to allow the holders in the subdivision to acquire the portion hatched red adjoining their lots, and thus increase the depth of the blocks. The council are purchasing the land coloured green, and intend to plant it and the portion of the street not required for access with trees, and otherwise improve it as a small park. The portion hatched red will be retained as Crown land, and will be similarly treated by the council until such time as negotiations are completed with the holders of the lots to purchase the respective portions adjoining their blocks. I will place lithographs on the Table so that members interested may look them over before we proceed any further with the measure. I move—

That the Bill be now read a second time.

On motion by Mr. F. C. L. Smith, debate adjourned.

### BILL—RESERVES.

Introduced by the Minister for Agriculture and read a first time.

#### *Second Reading.*

#### THE MINISTER FOR AGRICULTURE

(Hon. H. Millington—Mt. Hawthorn) [8.47] in moving the second reading said: This is the usual Bill that is brought down to Parliament every year dealing with certain reserves. Clause 2 refers to reserve

8330. The Crown grant for this issued to certain trustees in trust for a mechanics' institute at Armadale. The trustees desire to transfer the site to the Armadale-Kelmscott Road Board in trust for the same purpose. The department offer no objection, but legislative authority is necessary. The site is shown in green on the lithograph marked "A." The next clause deals with reserve 6904 near Mt. Magnet. This is a 99 years' lease, used for the Morning Star Mechanics Institute. The lease was issued many years ago to certain trustees, who are now either dead or have left the State. The building was demolished many years ago, and the site is no longer required. Legislative authority is necessary to revest the land in His Majesty. In the Reserves Act, 1928, provision was made for Kondinin lots 31 and 63 to be granted to the Kondinin Road Board in fee simple. Power was granted to sell, provided that the proceeds of the sale were applied to the improvement of the portion of reserve 16731 (recreation ground) set apart for the agricultural hall and road board offices. The road board are now unable to finance the scheme they had in view, and desire to expend the money on the erection of a hall and offices on Lot 19. There is no objection to this, as it only means a transfer of sites. The lithograph marked "C" shows the various lots referred to. Clause 5 deals with an exchange with the Railway Department of certain land set apart near Swan View for cottages for railway employees—this is included in the boundaries of the National Park—for another piece of land within the park that will equally suit the purpose. The present site interferes with the improvements being made by the State Gardens Board, who control National Park. The area now set apart for employees' cottages is hatched red, and the area it is proposed to exclude from the park and grant to the Railway Department is coloured blue on the lithograph marked "D." When the Bill becomes law, the site hatched red will be included in the park and classed "A." Clause 6 deals with portion of Class A Reserve 9299, Claremont Lot 162. This land was held in fee simple by the secondary educational endowment trustees. It is required for the outlet of sewage at Swanbourne. Portion is required to be excluded as at present it is used for a road from Swanbourne to the rifle range. Legislative authority is

necessary to enable the Public Works Department to resume these two portions of land for their respective purposes. The portion required for the sewage works is hatched blue and the portion required for the road is hatched red on the lithograph marked "E." Clause 7 deals with Norseman Lot 49, the Crown grant of which was issued to certain trustees who are now either dead or have left the State. It is desired to revest the land in His Majesty and grant it to the Norseman mechanics' institute, when incorporated, for the same purpose. Legislative authority is required for this action. The lot is coloured green on the lithograph marked "F." In each case the local authority has agreed to the proposals and the Lands Department offer no objection. I move—

That the Bill be now read a second time.

On motion by Mr. Sampson, debate adjourned.

### **BILL—KING'S PARK AND UNIVERSITY LAND EXCHANGE.**

#### *First Reading.*

Introduced by the Minister for Agriculture and read a first time.

#### *Second Reading.*

**THE MINISTER FOR AGRICULTURE**  
(Hon. H. Millington—Mount Hawthorn [8.55] in moving the second reading said: The object of the Bill is to ratify an agreement which has been arrived at between the University Senate and the King's Park Board, in order to provide for a picturesque entrance to the park via Winthrop-avenue, and to ensure that a more imposing view of the University may be obtained by persons travelling in that direction. This will necessitate portion of Location 3087 on the west side of Winthrop-avenue being transferred by the University Endowment Trustees as an addition to the park, and in consideration the University Endowment Trustees are to receive in exchange the eastern portion of Lot 490, which is situated on the east side of Winthrop-avenue, and which at present forms portion of King's Park. There is no doubt that under the arrangement a much finer entrance to the park can be provided. Provision is made for the inclusion of the truncated corners in the street. The lithograph shows in green the area to be trans-

ferred by the University to King's Park, and in blue the portion to be transferred to the University, which already owns the adjoining land. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

(*The Deputy Speaker took the Chair.*)

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

#### *Second Reading.*

**THE MINISTER FOR AGRICULTURE**  
(Hon. H. Millington—Mt. Hawthorn [8.57] in moving the second reading said: The purpose of the Bill is to give additional powers to the Metropolitan Market Trust. When the matter was discussed some 12 months ago, the question of fidelity bonds was raised. Since then the matter has received further consideration. The Metropolitan Market Trust recommended in January last that legislation be brought down providing that bonds be taken out to protect growers. Similar bonds are already provided for in this State under the Land Agents Act, 1921-31. The trust considered that the growers should be protected in a similar manner. The position of the agents has never yet been defined in this State. They receive goods on behalf of the producers for sale by auction or private treaty. Some auctioneers consider the term "agents" is not quite correct. They maintain they are not necessarily the agents for the producers only. The producer is returned the full proceeds of the sale less commission, cartage and other disbursements, and in the majority of cases an account sales fee of 6d. is charged for each consignment.

Mr. Thorn: The producer pays everything.

**THE MINISTER FOR AGRICULTURE:** In Queensland, New South Wales, and Victoria the position is met by the Farm Produce Agents Acts, which provide for the licensing of all farm produce agents, and specify the charges they can make. At present there is nothing to prevent a firm from accepting produce for disposal and trading on the proceeds. Several consignments may

be received before the producers realise the position. If the speculation is a failure, the agent goes into liquidation or absconds. There will probably be no assets from which the producer can recover, and he bears the loss. The position is met in Queensland and New South Wales, where the Farm Produce Agents Acts provide that agents must take out a bond with an approved insurance company, each for £1,000. This bond guarantees payment to the producers in case of default. The premium is £1 per cent. The Bill before the House meets the position as far as the Metropolitan Markets are concerned by providing for by-laws prescribing the following:—

1, Maximum fees, etc., or other remuneration which auctioneers shall be entitled to receive. 2, Form and particulars of accounts to be kept, and providing for prompt payment to the producers. 3, That it shall be compulsory to enter into a security. 4, The security shall not exceed £1,000. 5, That auctioneers shall not in any way be concerned in the purchase of goods consigned to them for sale without the written consent of the producer.

In the past there have been suggestions that certain auctioneers have been interested in retail premises.

Mr. Sampson: That is frequently stated.

The MINISTER FOR AGRICULTURE: If that were so, there would be a tendency to knock goods down at cheap prices.

6, All sales must be for cash unless with the written consent of the producer.

If the auctioneer cares to take the risk of allowing credit, it then becomes his own responsibility. When the introduction of this measure was requested by the Metropolitan Markets Trust, no firm trading in the markets had actually defaulted. The measure was requested as a matter of principle, to protect the producers. We usually say it is the responsibility of the person dealing with the agent to protect himself, but in this instance it must be remembered that the establishment of the Metropolitan Markets Trust was initiated by the Government, and naturally the producers thought they would be protected. They have found that they are not protected, and, therefore, these additional powers are necessary to ensure that the producers shall receive payment for their goods. With that object in view, a fidelity bond must be

taken out. Recently one firm failed, or at least defaulted, and a firm of accountants are carrying on their business.

Hon. C. G. Latham: Have you in mind the Egg Pool?

The MINISTER FOR AGRICULTURE: Yes.

Hon. C. G. Latham: I doubt if this will cover that position.

The MINISTER FOR AGRICULTURE: The effect of the Bill will be that an individual will not be permitted to act as an agent in the market for any producer until the necessary provision is included in the terms of his lease, and without the taking out of a fidelity bond for £1,000. That is the position in the Eastern States, and if that be enacted here, too, the producers will be protected to that extent. In the instance I have mentioned, I think the liability would have been practically covered. Only recently, since the preparation of the Bill, another firm failed. I have not particulars with me, and do not care to mention them. The firm failed and unfortunately the producers have little redress. In fact, it is a moot point whether they have a first claim on the assets of the firm. A Bill of this description needs no special pleading. It is unfortunate that the necessity for taking out a fidelity bond was not recognised and provision accordingly made in the original Act. The Bill will enable the board to insert the necessary clause in the terms of the lease, and ensure that the fidelity bond is taken out. That can be done by way of regulations, and the power to issue such regulations is limited to the purposes of the Act. This appears to us to be the most expeditious way in which to protect the interests of the producers. I trust the Bill will receive the approval of the House. Its provisions are not objected to by responsible agents operating in the markets, and they will be accepted with satisfaction by the producers whose interests will be protected. The Bill is considered necessary and, in view of what has happened recently, its passage has become urgently necessary. I move—

That the Bill be now read a second time.

On motion by Mr. Sampson, debate adjourned.

# **BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.**

## *Second Reading.*

Debate resumed from the 6th December.

**MR. McDONALD** (West Perth) [9.5]: I propose to deal with the Bill perhaps rather more briefly than its importance would possibly require. The first principle it embodies is that where a union desire to extend the scope of their influence, they shall do so by application to the Arbitration Court; upon which the court can examine the proposed amendments to the constitution and satisfy themselves that the proposed extension of the union's sphere of operations will not interfere with that of any other union. I am in accord with that provision; it appears to be quite desirable. As a result of the passage of this measure, when application is made for approval of the amendments to a union's constitution, notice has to be given to people interested and, in conjunction with the provisions of the parent Act, an advertisement has to be inserted in the newspapers giving notice of the intended application to the court. The Bill goes on to say that, with regard to unions that have previously extended the scope of their constitution by amendments without the approval of the court, those extensions shall be automatically confirmed by virtue of this Bill.

The Minister for Employment: That is, subject to any condition imposed by the President of the court.

**MR. McDONALD**: Yes, that provision is certainly included. I am inclined to think it would be desirable if those unions that illegally extended their sphere of operations in the past and did not follow the ordinary procedure and advertise their intention to make application, should be compelled to give some notice. The reason for that is that not only are other unions involved in matters of this description, but employers are also vitally concerned. If we validate such extensions by an Act of Parliament, it may be that obligations may be legally cast upon employers of which they may not be aware at present.

**MR. Marshall**: How could that come about?

**MR. McDONALD**: Quite easily. If a union, by a mere domestic resolution, extended their operations to take in a new

class of workers, or workers involved in some other calling, it might be—I speak subject to correction—that employers might not be aware of the extension of the operations of that union. While I approve of the amendment the Minister proposes, I suggest to him that the necessary notice should be given, not only to other unions that may be concerned but to any employers who may be interested. If there are employers not concerned, or if they have received proper notice, then the point I mention has no importance.

**MR. Marshall**: They could give notice under the existing law.

**MR. McDONALD**: Yes, but if we validate, by means of the Bill, all amendments to constitutions made in the past without notice or without advertisement, then I ask the Minister to consider whether it is possible for employers to be made legally liable and yet not be aware of their obligations. The next point relates to the special clause inserted in the Bill with the intention of allowing the A.W.U. to register in the State Arbitration Court under the State Act. I have not yet been able to satisfy myself that that course is entirely desirable, because I am not certain what the full extent of such a provision may be. If the inclusion of the clause is to facilitate the principle of arbitration, as the Minister said it was, then I agree with him that anything that can be done to ensure that the principle of arbitration operates in industry so as to avoid stoppages of work and so forth, is a proposal of which everyone will approve. Without going into the details of the Arbitration Act, of which many members possibly know a good deal more than I do, I would point out that the general principle so far has been that unions take their members from a particular kind of business or vocation. The membership in general, but not always, affects employers and employees who have a certain association arising out of their business activities. For that reason the A.W.U. so far has not been able to register as a union under the State Act, although branches, such as the mining branch, have registered and have approached the State Arbitration Court. As a union, however, the A.W.U. has not been eligible for registration because the membership has included men following a variety of widely different occupations. The A.W.U. at present appears to be mainly



composed of men employed by the Government in the various amelioration schemes. They represent between three-quarters and seven-eighths of the total membership of the union.

The Minister for Employment: No.

Mr. McDONALD: I took the Minister's figures, and I thought he said that several thousand of the members were Government employees.

The Minister for Employment: I said there were between 7,000 and 8,000 members of the union, and of those between 3,000 and 4,000 were miners.

Mr. McDONALD: I accept the correction.

The Minister for Employment: There would be several thousand men employed as the hon. member suggests, but they would not constitute seven-eighths of the union membership.

Mr. McDONALD: Then I will accept the statement that several thousand members of the union are employed on Government works and there are several thousand in other industries. At any rate the union at the present time represents very largely the employees on Government works. It appears to me that the union to-day is a rather artificial kind of body. I hope it is temporarily such in the sense that its membership will be reduced when conditions revive by the elimination of that very large body of men who are members of the A.W.U. by virtue of their work of governmental activities. It seems to me that that particular section of the union membership could safely be left to a fair and reasonable arrangement respecting remuneration and conditions being decided upon by the Government, who normally desire to set an example to employers with regard to employees. In bringing in this union, which contains such a variety of workers not connected by any common interest, we seem to be making an exception to the general principle which has hitherto been behind the Arbitration Act and which has had some association with crafts and vocations. I am not able to see the desirability of making an exception, in regard to a very large body of our unionists, to the principle which has been contained in this Act for so many years and which apparently has operated with success. The third principle in the Bill involves two or three matters. One is that

whereas the present Act says that in industrial prosecutions where the worker has been paid less than the award rates, the magistrate may order the employer to pay the difference in wages, the Bill proposes to say that the magistrate shall make that order. I hope the House will retain that word "may" with its discretionary power. As far as my knowledge goes, in the vast majority of cases the magistrate makes an order on the employer to pay up the difference between the wages actually paid and the amount payable according to the award. I think members with any experience of the industrial court will recall to mind cases where the discretion of the magistrate might reasonably be exercised. Let me give one or two examples: A firm advertises for an employee of, say, 18 years of age. Two or three applicants turn up and say they are 18 years of age, and one is taken on. After a year it turns out that he misrepresented his age, that he was really 19 years. The firm is prosecuted and fined and ordered to pay the difference between the rate of wages it was paying to the boy alleged to be 18 years, and the rate payable to a boy of 19 years. The lad in getting that position kept out by his misrepresentation another boy of the required age. That is a case where the magistrate might well exercise discretion and say, "I will not give all the wages to this lad who misrepresented his age, but will give him a part only." Such a case has come within my own knowledge. Take another case. An organisation takes up a man, say an incapacitated returned soldier in very poor financial position, a married man with children, and says to him, "There are a couple of rooms on these premises which you shall sweep out in the morning, and we will give you 5s. a week. Then you can get any other work you may find around the district." The man goes in on those terms, but ultimately it is found that he comes under the caretakers' award, and that the organisation is liable for a substantial sum, a responsibility it would never have accepted, if it had thought it would be liable to the man at an award rate. Moreover, it could have done without the man. That is a case where the magistrate might reasonably say the man had agreed to take 15s. a week and that the organisation had gone out of its way to help him, and that in the cir-

cumstances it was not reasonable that the organisation should be called upon to pay a large amount of money for having done a philanthropic act. In one such case the amount the organisation was ordered to pay was £100. I hope the House will bear in mind that in the great majority of cases the magistrate makes an order for the difference in wages, and I hope the House will not take away the discretion the magistrate can exercise where it is fair that it should be exercised. The Bill also provides that the amount of wages ordered to be paid shall not be part of the penalty. At present if the penalty, which includes the wages payable under the Act, is £20 or more, the convicted employer has the right of appeal. But the Bill proposes that the wages shall not be part of the penalty, and that there shall be no right of appeal unless the fine itself is £20 or more in addition to the amount of wages ordered to be paid. I hope the House will reject that amendment, because it seems only fair that if the employer is convicted—very often on a difficult point in the interpretation of an award, and often after having behaved with complete *bona fides*—it seems fair that it should not be made too hard for him to get the matter reviewed by a court of appeal. To insist that the fine or penalty must be £20 in addition to the amount of wages he has to pay, would be to prevent a great many employers from appealing, even in cases where possibly they would succeed on appeal. I approve of machinery in the Bill to enable unions to extend their constitution in a way that will not unfairly interfere with other unions, but I do suggest to the House that no case has been made out sufficiently convincing to warrant the alteration of the other sections of the Act which hitherto have worked, on the whole, well, and to the satisfaction of both employers and employees.

**HON. W. D. JOHNSON** (Guildford-Midland) [9.24]: Generally I approve of the Bill, but in regard to that portion dealing with the registration of the A.W.U. I counsel great care. It is quite a serious thing for Parliament to take political action to interfere either directly or indirectly in a case of an industrial nature which is associated with organised labour. The proposal to register the A.W.U. is quite in order.

but we have to see to it that we do not give facilities for registration which may or may not cause a tremendous lot of irritation and opposition from other industrial organisations. Parliament should be particularly careful that it creates no division of that kind. Therefore such a clause as we have in the Bill should be subject to negotiation and complete understanding between all sections of organised labour. At a meeting of the Midland District Council last night, essentially an industrial organisation, opposition was expressed to conceding this proposed amendment until it had received more direct consideration by the organisations already registered. I have in my hand a view expressed by a legal firm well versed in industrial laws, and I propose to read for the benefit of the House the opinion of that firm. They say as follows:—

We have been asked to consider the effect of the proposed amendment to the Industrial Arbitration Act in respect to the registration under the Act of the Australian Workers' Union, and the draft Bill is now before us. Section 3 of the amendment proposes to amend Section 14 of the principal Act by extending its provisions by Subclause 5 to expressly permit the Australian Workers' Union to be registered similarly to other unions. The subclause has a proviso—"Provided that before registering the said union the Registrar shall refer the matter to the President, who may require the Registrar to obtain from the said union a satisfactory undertaking to confine its activities to those industries or branches of industry which cannot be served or which are not conveniently served by any registered craft union." This legislation if passed will have the effect of permitting the Australian Workers' Union to become registered similarly to any other union provided the union gives the "satisfactory undertaking." The "satisfactory undertaking" required is significant in itself for the Union has only to pledge itself to confine its activities "to those industries or branches of industry which cannot be served or which are not conveniently served by any registered craft union." Firstly, by expressed words and undoubted inference the Australian Workers' Union is to be allowed to cover craft unionists as well as unskilled workers. Secondly, the union can cover skilled and unskilled workers engaged in an industry which cannot be served by any registered craft union. Thirdly, the union can cover skilled and unskilled workers engaged in an industry which is not conveniently served by any registered craft union. Thus, apparently when there is a registered union in existence covering a particular industry for which the Australian Workers Union requires registration, the Australian Workers' Union may obtain registra-

tion if it can satisfy the Registrar that the registered union does not conveniently serve the industry. The proposed Subsection 5 will also have the effect of permitting the Australian Workers' Union to become registered without the Registrar having to take into effect the provisions of Section 19 of the Industrial Arbitration Act. On application for registration by the Australian Workers' Union it is imperative for the Registrar to submit the matter to the President, who has the option of deciding whether or not the "satisfactory undertaking" shall be given. If the "satisfactory undertaking" is given there is nothing to prevent the Registrar immediately registering the Australian Workers' Union.

It is a rule of legal interpretation that where two sections of a statute conflict, the first is to be the rule. Consequently as Subsection 5 is going to allow the Australian Workers' Union to be registered in respect to an industry which is already covered by a craft union, provided the Australian Workers' Union gives a satisfactory undertaking, the Registrar will be no longer bound to inquire whether in the same locality there exists an industrial union to which the members or the bulk of the members of such union can conveniently belong.

That is sufficient to cause us to hesitate before we declare for one union against another. I have no hesitation in saying that I believe in one union in each industry. I quite recognise that to make progress industrially and bring about reform for the working class, their organisations will have to be strengthened and re-modelled to a great extent, but that re-modelling and that reconstruction must be done by organised Labour. If any political party attempted to take sides, we would be turning back the clock instead of making for progress. When we arrive at that clause in Committee, I want consideration postponed in order that the unions directly interested might have an opportunity to voice opinions which were very definitely stated at an important gathering of industrial organisations last night. I support the rest of the Bill. I only ask that the clause referred to be considered in relation to its importance and the damage that might be done if we attempted hastily to come to conclusions on matters of this kind and grant to one organisation something that is denied other organisations. On the legal opinion I have read, it would appear that a short cut is proposed in regard to the registration of the A.W.U. as compared with other organisations. We in this House need to be extremely careful; otherwise we shall be doing more harm than good.

**MR. DONEY** (Williams - Narrogin) [9.33] rose to speak.

Mr. Marshall: What do you know about arbitration?

The DEPUTY SPEAKER: Order!

Mr. DONEY: There is a natural retort to that interjection, but I shall refrain from uttering it. This is an occasion when even the Minister for Employment is a secessionist. Apparently what he has set out to do by this Bill is to divorce the A.W.U. of Western Australia from its attachments to the Eastern States with the object of that union functioning independently to its own better advantage. That is quite a desirable aim. If the motive behind this move is equally desirable and if the men who make the contributions to the big funds behind the union approve, the Minister, I imagine, will not have much difficulty in getting his Bill through this House and another place. Since its birth, the A.W.U. of Western Australia has been under the sway of the executive union domiciled, I imagine, in New South Wales. That means, I take it, that the local members may be required to take any extreme step, even to the length of striking, in sympathy with a quarrel that may have arisen in New South Wales, whereof they know very little and wherein probably they have no part whatever. That is not wise. Regarding purely domestic matters, I take it they have some independence. In general, the principle is plainly wrong, for often a situation would arise in which the interests and sympathies of the two States concerned would have nothing in common. The Waterside Workers' Union in this State, previous to securing autonomy by registration here, took their orders from the Eastern States, a fact which, as the House knows, led to this State being involved in some very unsavoury happenings at Fremantle a few years ago. We certainly do not want a recurrence of such happenings. It has been pointed out that the A.W.U. absorbs most of the labour not catered for by the specialised unions. Thus the union, as a consequence, is fairly large and wealthy. The Minister, when moving the second reading, indicated in reply to an interjection that the paid-up members total some 7,000 or 8,000. Most of them, I take it, pay up voluntarily, but there would be a few thousand, I imagine,

who pay up because if they did not, they would be separated from their jobs.

The Minister for Employment: They would adopt the Primary Producers' Association resolution about compulsory unionism.

Mr. DONEY: But there is a material difference between the two positions. Here compulsory unionism has been put into actual practice, whereas in the association mentioned by the Minister, it was but a pious resolution which has possibly not a chance in a hundred of being put into effect.

The Minister for Employment: You are repudiating your own organisation.

Mr. DONEY: I am not.

The Minister for Employment: Be careful.

Mr. DONEY: I am about as careful as the situation requires. The income from the 8,000 members at 25s. per head would be £10,000, perhaps slightly less. A very substantial portion of that large sum, perhaps one-half, one-third or one-quarter—anyhow more than there should be—goes from here to the parent union in the East. I would be glad to hear from the Minister what the proportion is.

The Minister for Employment: If the hon. member shows how that affects the Bill, I will give him the information.

*[The Speaker took the Chair.]*

Mr. DONEY: I intend to make that point clear. A large sum of money which is borrowed by the Government for the relief of distress is certainly side-tracked annually to New South Wales or one of the Eastern States to assist a body who, likely as not, will use the money to our own undoing. It is bad enough that men whose families get insufficient for the needs of life should be forced by the Government to contribute 25s. every year to the A.W.U., but that a big proportion of the sum should be sent to the Eastern States to people in whom we have very little interest is extremely unpalatable. We may regard it as a fact that a considerable portion of the £9,000 or £10,000 annually finds its way into a fund handled by the Labour Party of this State. So long as that course is consented to by the men who make the contributions, I have no criticism to offer. I do not say that the attempt by the Minister to secure registration for the

union has any intentional bearing on that aspect thought it may have a bearing. I do not know quite sufficient about the union to assert that that is so. In any event it seems likely that if registration does ensue, there will result a certain very substantial saving in the more obvious expenses of the union. If those savings go back to the workers in the form of a lessened annual fee, or by means of some other tangible benefit, I would consider supporting the clause, but if they do not and if the effect is to increase the contributions to the funds of the party, clearly I shall have to vote against the clause. I certainly cannot believe in the principle of forcing men in distress to contribute to a fund of that kind. Such a principle is thoroughly bad, particularly so when the money concerned has been earmarked by this House for an entirely different purpose. Although I dislike compulsory unionism so much, I agree that voluntary unionism is entirely different and quite justifiable. Voluntary unionism constitutes sound tactics and is a very healthy method of securing fair play.

The Minister for Employment: The volunteer principle always did appeal to you.

Mr. DONEY: What is at the back of the Minister's mind?

The Minister for Employment: I said the volunteer principle.

Mr. DONEY: That is so; it does appeal to me. What has the Minister to say now?

The Minister for Employment: That is all right.

Mr. DONEY: I have never on any occasion to my knowledge opposed the principle of voluntary unionism.

The Minister for Employment: Even the principle of volunteering to work on the wharf.

Mr. DONEY: I thought the Minister was coming to that. I am prepared to agree, when the occasion demands it, as it has done in the past, to the principle of voluntary labour on the wharf.

The Minister for Employment: I say it would appeal to you—scabbing.

Mr. DONEY: I do not dispute the fairness generally of voluntary unionism. There are many occasions when it is justifiable. It is in operation the world over.

The Minister for Employment: All scabs can be justified.

Mr. DONEY: I would be very stupid to disagree with voluntary unionism and to

do so would be quite futile. When the Registrar comes to review the constitution of the A.W.U., I hope he will discountenance any attempt at compulsory unionism. There are one or two other unsatisfactory features that he might, with wisdom, discourage. I believe that in their attempt to enlarge their membership the A.W.U. have been in the habit of poaching upon the preserves of other unions—the W.A.A.S.R.E., for instance. I know that the latter union show a good deal of disfavour to the A.W.U. on account of that particular habit. I agree with the member for West Perth that Clause 7 of the Bill is of somewhat doubtful wisdom. It seeks to determine a matter which properly should be one for the courts. Certainly it does not seem to be consistent that we should seek to limit the discretion of the court while yet we profess a certain admiration for its decisions. I can easily conceive, nevertheless, that in perhaps nine cases out of ten it would be quite proper for the magistrate to order restitution of the whole amount underpaid as wages; but equally there will arise a case, say the tenth, in which there may be circumstances requiring the magistrate to vary his decision. In those cases where it would appear to us to be wise to restore the full amount, equally would it be likely to appear in the same way to a man upon the bench, whose mind is quite naturally attuned to justice. This little Bill may be quite as innocent as it looks; I do not know, but I put it to the House that large sums of money will be involved annually, and I just recommend hon. members, when considering the point, to regard it from the aspect of those men who make their contributions to the large funds handled by the union.

#### THE MINISTER FOR EMPLOYMENT:

(Hon. J. J. Kenneally—East Perth—in reply) [9.45]: Generally speaking, the Bill has been received in the right spirit. I desire merely to reply to a few remarks which have been made on it. The member for West Perth (Mr. McDonald) mentioned that in connection with the proposal to validate the registration of unions which purported to have altered their constitution, the matter should go before the court in the ordinary way of an original application for registration. While he was speaking I interjected, and will now carry the

interjection a little further, that in the Bill provision is made whereby the validation of any such union shall be subject to any condition which may be imposed by the President of the Arbitration Court, who may go, if he sees necessity for doing so, to the full extent indicated by the member for West Perth. He may even decide that the application shall take the form of a completely new application for registration. Thus the objection raised by the hon. member to a large extent is met. The hon. member also said he was not quite certain what the effect of the clause dealing with registration of the A.W.U. might be. In my opinion, his subsequent remarks rendered that observation itself altogether unnecessary, because the references made to the A.W.U.'s State constitution indicate, to my way of thinking, that the hon. member is not altogether conversant with that union and how its present constitution would affect an application for registration by the court. The A.W.U. is what is known as a composite organisation. The hon. member dealt with the aspect of numerous A.W.U. members being engaged in Government relief work and therefore in Government employ. He supplemented those remarks by saying that their conditions of employment could easily be left to the Government, who would naturally be anxious to improve conditions of industrial employment. I would like to remind the hon. member that there are large numbers of union members in Government employment who are members of organisations registered under the Arbitration Court. Take the Railway Department, both the salaried and the wages staffs. Members of the wages staff are all registered, whether they are locomotive engine-drivers and firemen or ordinary railway men outside the locomotive branch. All of them are registered. In a question of arbitration it cannot be left to any employer, even if that employer be the Government, to determine fairly what the conditions of employment shall be. This State has definitely declared that the Government shall be subject to the same laws regarding the observance of industrial conditions as the Government themselves impose upon private employers. Therefore the argument that because there are a fair number of men at present engaged in Government relief work who are members of

the A.W.U., the A.W.U. should not be registered, is not valid. If that argument held good, it would hold good with regard to numerous unions—the Locomotive Engine-drivers' Union, the Docks, Rivers and Harbours Union, and other unions which have been mentioned. In fact, one could hardly name a union that would not come under that category because of having some of its members in the Government service. Therefore to yield to the hon. member's argument would mean creating an altogether different attitude with regard to arbitration from that which has hitherto been adopted in this State. Dealing with a clause which would compel a magistrate, in addition to imposing a fine, to order the payment of the whole amount of back wages due to the employee concerned, the hon. member said that a firm might employ a man at, say, 15s. per week to do cleaning or caretaking, as the case might be, and that ultimately such a firm might find themselves called upon to observe the conditions of the relevant industrial award. Exactly; they should be compelled. I would point out to the hon. member that to the extent the firm pay below the wage stipulated by the award, they would be in unfair competition with firms paying the proper wage. If we allow the magistrate to give a decision which would mean a saving of £2 10s. to the under-paying firm, say by giving the magistrate the option of deciding that only £2 10s. out of £5 should be paid by way of back money, the firm would be placed in the position of enjoying a £2 10s. favourable handicap as compared with a firm paying the standard rate of wages.

Mr. McDonald: I did not speak of trading firms. I was referring mostly to organisations such as road boards and charitable institutions.

**The MINISTER FOR EMPLOYMENT:** Road boards do trade. Road boards are in competition with other road boards. There are Arbitration Court awards directly and distinctly referring to road boards.

Hon. C. G. Latham: But not outside a certain radius.

**The MINISTER FOR EMPLOYMENT:** I have not mentioned radius. I have mentioned road boards, to which the member for West Perth referred.

Mr. McDonald: I mentioned non-trading organisations.

**The MINISTER FOR EMPLOYMENT:** Even those it would not be fair to place in a more favourable position simply because they did not observe the conditions of an award which other organisations did observe. I think it will be agreed that in this State, which is pledged to arbitration, there should be only fair competition, and that under our arbitration methods there should not be an advantage to one of two firms, and especially not to a firm not prepared to observe the laws of the country. The member for Guildford-Midland (Hon. W. D. Johnson) said he was opposed to certain aspects of the registration of the A.W.U. The hon. member further said that if Parliament attempted to take sides, chaos would ensue. I wish to point out for the benefit of the House generally and that of the hon. member particularly that if Parliament had not taken sides in order to have an Arbitration Act placed on the statute-book, we would have no Arbitration Act at all. As a matter of fact, it is the function of Parliament, and particularly of Governments, to initiate legislation. It is because of the fact that Parliaments and Governments have been prepared to do so, that we have an Arbitration Act governing industrial conditions in Western Australia at the present time. Therefore it is ridiculous for any hon. member to say that Parliament should not take sides with regard to legislation. Parliament has to introduce measures and pass them. When Parliament has passed them, the people concerned have to be governed by the provisions of those measures. The member for Williams-Narrogin (Mr. Doney) made some very wild statements, statements utterly wide of the mark. He said that the A.W.U. had its executive domiciled in New South Wales, and that therefore if it were granted registration here it might be involved in a strike in that State.

Mr. Doney: I did not say that at all.

**The MINISTER FOR EMPLOYMENT:** The member for Williams-Narrogin said that the A.W.U. had its executive domiciled in New South Wales. Does he deny that?

Mr. Doney: I said I understood so, and I do understand so. I may be wrong.

**The MINISTER FOR EMPLOYMENT:** The hon. member's understanding is to blame.

Mr. Doney: That is so.

**THE MINISTER FOR EMPLOYMENT:** We have had a good idea of that here for many years, but I have never heard of the hon. member mentioning it before. The position is that the executive is composed of an equal number of representatives from all the States of Australia, so that Western Australia has as many representatives as any other State has. In point of fact, dealing with the prospect of that feature causing a stoppage in Western Australia, the suggestion does not affect the question one iota.

Mr. Doney: Where are the headquarters of the A.W.U.?

**THE MINISTER FOR EMPLOYMENT:** It does not affect the matter one iota. Where the organisation is registered has no bearing. That condition prevails now. If there was power for the executive, if domiciled in New South Wales—

Mr. Doney: Where is it domiciled?

**THE MINISTER FOR EMPLOYMENT:** It may be possible for the executive to cause a stoppage here, if domiciled in New South Wales; but that does not affect the position in any way. The liability is neither diminished nor increased by the fact of this organisation being registered in our local Arbitration Court.

The Acting Premier: Some registered local unions have headquarters in London.

**THE MINISTER FOR EMPLOYMENT:** Yes, and there are numbers of our local unions which, being Federally registered, are governed by Federal executives in the same way as the A.W.U. The Bill introduces no new principle in that regard.

Mr. Doney: Where are the headquarters of this union?

**THE MINISTER FOR EMPLOYMENT:** Generally speaking, those unions are on the same basis as the A.W.U. They have representatives from each of the States to constitute the governing body.

Mr. Doney: Nevertheless, is there no such thing as the headquarters of the union?

Hon. C. G. Latham: The head office is in New South Wales.

**THE MINISTER FOR EMPLOYMENT:** It is where the union may determine.

Mr. Doney: But it nevertheless is in New South Wales.

**THE MINISTER FOR EMPLOYMENT:** I am dealing with the hon. member's state-

ment that their executive is domiciled in New South Wales.

Hon. C. G. Latham: Of course it is not. Each State has its own headquarters.

**THE MINISTER FOR EMPLOYMENT:** The hon. member also pointed out that we had a lumpers' trouble on the wharf and that we did not want a repetition of it.

Hon. C. G. Latham: It was the waterside workers that had that dispute.

**THE MINISTER FOR EMPLOYMENT:** The hon. member need not apologise for the member for Williams-Narrogin. Let him stand up to his own statements. The Leader of the Opposition will find his own time fully occupied in defending his own statements.

Hon. C. G. Latham: You look after yourself.

**THE MINISTER FOR EMPLOYMENT:** Well, the hon. member can attend to his own affairs.

Hon. C. G. Latham: I would not be Leader of the Opposition if I did otherwise.

**THE MINISTER FOR EMPLOYMENT:** The member for Williams-Narrogin said we had had a lumpers' trouble, and that a repetition of it was not wanted. He forgot to mention that the Lumpers' Union was a federated body.

Mr. Doney: Did I mention the Lumpers' Union? I did not.

**THE MINISTER FOR EMPLOYMENT:** Those who were involved in the trouble the hon. member referred to were members of the federated body.

Mr. Doney: But I have told you I did not mention the lumpers.

**THE MINISTER FOR EMPLOYMENT:** This organisation is a federated body, just the same as the other organisation was.

Mr. Doney: It is stupid following that line of argument.

**THE MINISTER FOR EMPLOYMENT:** Let me put it down to the hon. member's understanding, because he told us that he understood it was so.

Mr. Doney: Now you are simply being stupid.

**THE MINISTER FOR EMPLOYMENT:** Possibly with the desire of not allowing the hon. member to have a monopoly of stupidity.

Mr. Marshall: Who is making this speech?

**THE MINISTER FOR EMPLOYMENT:** The position is not altered one iota by the arguments of the hon. member.

**Mr. Doney:** Particularly those misquoted by you.

**THE MINISTER FOR EMPLOYMENT:** He laid particular emphasis on another statement, and possibly he will deny that too.

**Mr. Doney:** Very likely.

**THE MINISTER FOR EMPLOYMENT:** He said that the majority of the funds went over to the East.

**Mr. Doney:** I did not.

**THE MINISTER FOR EMPLOYMENT:** Then he altered it by saying that in any case it was a large amount.

**Mr. Doney:** You are making another blunder.

**THE MINISTER FOR EMPLOYMENT:** I ask the hon. member how it is possible to deal with statements such as those.

**Mr. Hegney:** Produce "Hansard."

**THE MINISTER FOR EMPLOYMENT:** Will the hon. member deny that he said in any case a large amount went over East. He said it several times.

**Mr. Doney:** I said a large proportion.

**THE MINISTER FOR EMPLOYMENT:** He said a very large amount. I may tell him that of the 25s., actually 1s. 6d. goes to the East.

**Mr. Doney:** That is the information I wanted.

**THE MINISTER FOR EMPLOYMENT:** First of all, it is the greater portion of it and then we find that the amount is actually 1s. 6d. that finds its way over East. Possibly the hon. member's apology can now be accepted.

**Mr. Doney:** Don't be stupid.

**THE MINISTER FOR EMPLOYMENT:** The hon. member also said that men were being forced to join the A.W.U. Again, may I repeat the Government's policy with regard to compulsory unionism. No man is told that he must of necessity join the A.W.U. unless the A.W.U. is the union governing the particular work.

**Hon. C. G. Latham:** Do they govern the work?

**THE MINISTER FOR EMPLOYMENT:** As a matter of fact, the position in that respect is that if a man gets work, say on the wharf, he is not told he has to join the A.W.U. but he is told he must join the union catering for the work involved. The same

position arises in respect of a man who is engaged on water and sewerage work; he must join the organisation catering for that.

**Mr. Doney:** Suppose it is the A.W.U. that is carrying out that work; is he not compelled to join the A.W.U.?

**THE MINISTER FOR EMPLOYMENT:** I thought I made the position clear to everyone. Apparently I have succeeded except in respect of the member for Williams-Narrogin. I said that the position was that the man had to join the union catering for the work on which he was engaged. Possibly the hon. member has been reading the "Sunday Times" in which it was stated that the Minister for Employment, who was president of the A.W.U., was compelling men to join the A.W.U. in order to put additional funds into the pockets of the union of which he was president.

**Mr. Doney:** I never read the "Sunday Times."

**THE MINISTER FOR EMPLOYMENT:** Of course, to a paper like the "Sunday Times," it does not matter a hang that the Minister for Employment has not even been a member of the A.W.U., let alone president. That would be a mere bagatelle to a paper like the "Sunday Times"; but when it publishes that information, it is only members like the member for Williams-Narrogin that the statement captures.

**Mr. Doney:** Oh, don't be stupid again!

**THE MINISTER FOR EMPLOYMENT:** Most hon. members have sufficient common-sense to realise that statements such as that made by a newspaper get either the paper or the party that sponsors it really nowhere. I repeat with regard to the Government's policy of compulsory unionism that a man who obtains employment must join the union catering for work on which he is engaged.

**Mr. Doney:** That is the assertion I made.

**THE MINISTER FOR EMPLOYMENT:** The hon. member mentioned no union other than the A.W.U.

**Mr. Doney:** I said there was compulsion on men to join the A.W.U., and you are admitting that.

**THE MINISTER FOR EMPLOYMENT:** The policy of compelling men to join unions catering for the particular work is going to be continued. If by some bad stroke of fortune there happened to be a change of Government, it is quite possible that the



hon. member would be told by the Primary Producers' Association that he would have to put into force the resolution carried by that organisation.

Mr. Doney: Don't you worry about that.

The MINISTER FOR EMPLOYMENT: Of course, it may be that he would repudiate his own organisation.

Mr. Doney: That would be my trouble.

The MINISTER FOR EMPLOYMENT: I hope I have given sufficient reasons for the introduction of the Bill, and that I have convinced members that the principles involved are absolutely essential.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Sleeman in the Chair; the Minister for Employment in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 14 of the principal Act:

Hon. W. D. JOHNSON: The great danger here is where an unskilled worker, a general labourer, dominates many particular callings. If we pass this clause as it is, the A.W.U. can become registered because the big bulk of the work is for a particular calling, and those eligible for it have joined the A.W.U., and carpenters, engineers and plumbers and other organisations cannot do anything with regard to the control of the industry because of the insignificance of their numbers. That is where the danger comes in. We have to be particularly careful that what is done is done by negotiation. Already we have had trouble regarding these matters, and I counsel caution. I regret that the Government have not consulted organised labour before doing something that might create disorganisation and irritation. I hope this will not arise, but I am afraid as a result of representations made by responsible bodies there is danger of irritation being caused that will do more harm than good.

Mr. Stubbs: Are you opposing the clause?

Hon. W. D. JOHNSON: We should not persevere with a clause like this until negotiations have been carried out.

Mr. McDONALD: This clause should stand over for further consideration. I

appreciate what the Minister said about the unions which cater for certain classes of employees, but the point I desire to make is that the A.W.U. at the present time seems to be in a state of flux. More consideration should be given to the general industrial effect that the clause is likely to have before it is passed into law.

The MINISTER FOR EMPLOYMENT: The clause is not intended, nor will it permit the A.W.U. to usurp the functions of any craft organisation. There has been a question raised regarding the possible permissive aspect of the word "may" in the fourth line of the proposed subsection, and so as to remove any doubt I intend to ask the Committee to substitute the word "shall." I am advised that under the Interpretation Act the word "may" also means "shall."

Hon. C. G. Latham: The Interpretation Act says that "may" means "may," and "shall" means "shall."

The MINISTER FOR EMPLOYMENT: I propose to make sure of the position by asking the Committee to agree to an amendment so that the President shall require the Registrar to obtain from the A.W.U. an undertaking in the terms mentioned. The non-observance of the undertaking will be sufficient cause for the deregistration of the body. I move an amendment—

That in line 4 of the proposed Subsection 5 the word "may" be struck out and the word "shall" be inserted in lieu.

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

Clause 4 agreed to.

Clause 5—Amendment of Section 97 of the principal Act.

Mr. McDONALD: I hope the Committee will not take away the discretionary power of the magistrate with regard to the wages paid in certain cases. There are occasions when a man would give work to another for philanthropic motives only, but if this clause is passed the result of the philanthropy may be that he will have to pay a substantial penalty. The matter is one that could well be left to the discretion of the magistrate. I move an amendment—

That in proposed paragraph (b) the words "by substituting the word 'shall' for the word 'may,' in the first line of Subsection 5 and" be struck out.

**THE MINISTER FOR EMPLOYMENT:** This is one of the vital parts of the Bill. If it is required to have the industrial conditions observed we must protect those employers who are prepared to carry them out. If it is not compulsory for an employer to pay the wages laid down, he will have the advantage over the employer who does pay the right wages.

Amendment put and negatived.

**MR. McDONALD:** I move an amendment—

That in proposed paragraph (b) the following words be struck out:—"and by deleting all the words after the word 'award,' in the fifth line of the subsection."

This deals with the right of appeal. As the clause is worded an employer will have no right to appeal against the decision of the magistrate unless the penalty is at least £20. It is proposed that the arrears of wages shall not constitute part of that penalty. Many employers are extremely anxious to observe the conditions of the award under which they are working, and are very sensitive if they are found to have committed a technical breach. It may be that they have observed the conditions of the award on legal advice, and, if the magistrate takes a different view, they want that view tested by a higher court. It should not be made too difficult to lodge appeals.

**THE MINISTER FOR EMPLOYMENT:** I cannot understand the argument that arrears of wages should constitute part of the penalty. One man may have owed arrears amounting to £10, and another may have owed arrears amounting to £20, the fine being 10s. in each case. The man who owed the most money would have the right of appeal if the arrears constituted part of the penalty, whereas the man who had not taken down his employee to the same extent as the other would have no right of appeal.

**MR. McDONALD:** I do not desire to prevent the recovery of arrears of wages. In cases where the penalty including the arrears does not reach £20 the magistrate will sometimes be asked to increase the penalty to £20 so that an appeal may be lodged. If the clause is passed as printed the employer may have to ask for a fine of £19 more before he can appeal against the decision. It is fair that the arrears of wages should

be added to the fine so that the employer may take the necessary steps should he desire to lodge an appeal.

Amendment put and negatived.

Clause put and passed.

Clause 6—agreed to.

Title—

**THE MINISTER FOR EMPLOYMENT:** I move an amendment—

That the title be amended by striking out "six," in the first line.

The intention was to amend Section 6 of the Act but that was not proceeded with, so it is necessary to amend the Title by striking out the reference to Section 6.

Question put and passed: the Title, as amended, agreed to.

Bill reported with amendments and the report adopted.

### *Third Reading.*

Bill read a third time and transmitted to the Council.

## **BILL—BREAD.**

### *Message.*

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

### *Second Reading.*

Debate resumed from the 6th December.

**MR. NORTH** (Claremont) [10.33]: The Bill proposes to consolidate the law regarding the baking trade and to set up a board to fix prices, to register bakers and to provide areas where certain conditions may obtain. The board will operate over a section of the State and provision is made for local governing bodies elsewhere to elect inspectors to police the Act. The former conditions will apply within a radius of 50 miles and the latter outside that radius. The Bill also seeks to abolish night baking. Then there is the question of the fixation of hours for the sale and delivery of bread. The Bill must be looked at from two points of view. In the first place we must consider whether the present industrial crisis will, in the long run, tend to lower the standard of living and make it a greater

scramble than at present to secure a position in industry or elsewhere. We must also consider whether the crisis will lead to a tremendous improvement in the standard of living, lessening competition and making things easier all round. If the former prophecy be correct, then I can quite understand opposition to the Bill because if it is true that the present crisis will lower the standard of living and make it possible for the small men in industry to collar the trade by means of undercutting and bake at hours that enable them to satisfy requirements, then those people will get the business that is available. On the other hand, if the existing crisis is to lead to an improvement in the conditions, then all the Acts of Parliament aimed at tightening up control and regulations having the same effect should be adopted. Obviously in those circumstances there will be either a combination of the small men to form new firms, or else they will have to go into some other kind of industry. With regard to the board that is to be established, I notice that the price-fixing provisions are somewhat complex. I am not quite sure whether it is intended that the Minister shall have the final say regarding the price to be fixed, or whether that will rest with the board. If members look through the Bill they will find that in one part it provides that the Minister shall control the administration of the Act and the board shall be subject to the Minister. In another part of the Bill, however, it is set out that certain investigations must be made by the board and a decision as to prices arrived at by them. The board will then propose to the Minister what the price shall be and if the Minister does not agree, he has to refer the recommendation back to the board. The clause sets out that if the board adheres to their original proposal, then the Minister, under another clause earlier in the Bill, comes into it and it is not clear whether the final say shall rest with the Minister or the board. If the Minister is to have the final say, it means that the whole industry will be entirely dependent upon his decision. On the other hand, if the Bill means that the board shall have the final say, it places a different complexion upon the whole measure. For my part, I would prefer the Minister to have the final say because he represents the people of the State. If a differ-

ence of opinion should arise and the board should have the say, the members of that body could flout the Minister. The question of the price of bread must be considered from the standpoint of the public. The master bakers require this legislation and there is an idea abroad—I hope the impression is correct—that if the Bill is passed, the price of bread will tend to fall to some extent.

Hon. C. G. Latham: You can bet your bottom dollar the price of bread will go up.

Mr. Sampson: It has fallen.

Hon. C. G. Latham: Yes, before the Bill was presented to Parliament.

Mr. NORTH: As to the question of night baking, I do not think anyone wishes that system to be continued.

Hon. C. G. Latham: It has continued under an Arbitration Court award.

Mr. NORTH: The Bill will prevent the small baker from flouting the provisions of the present law. It is intended to make the position absolutely water-tight and no baking shall be allowed before 4 a.m. within a radius of 50 miles of the city, or before 5 a.m. in bakeries outside the 50 miles radius.

Mr. Sampson: I suppose there is no objection to a man making damper inland?

Mr. NORTH: There are other provisions in the Bill that represent machinery clauses. I do not see that there need be much discussion in a general way at the second-reading stage. The vital question is whether members will agree to the tightening up process. We have it already in the dairying industry with the provision of a Milk Board with price-fixing powers and now we have the proposal to establish a board to deal with the bread-making industry. The question arises as to whether the introduction of such legislation will increase or lower the standard of living. If the present crisis results in improved conditions, then measures of this description seem to be on right lines. Unless that position arises, we must consider the alternative that has been reached in various countries, including the United States of America. There is no country more advanced in an industrial sense than the United States, yet conditions that obtained there have led to one of the greatest depressions ever known in the history of the country. As a result, we have read of the legislation that has been presented under the regime of

President Roosevelt to tighten up the position, prevent laxity and eliminate undercutting in the various trades. The tendency there, and I believe here too, is for big corporations and big firms to get all the business, and the small men will probably be thrown out of existence. We must further analyse the position to ascertain whether that is the best thing in the long run. I do not think we will gain anything from the present developments, unless we decide to benefit from the fact that science has made provision for an increase in our standard of living. In the light of experience there should not be any suggestion of the scarcity of anything. The inference to be drawn from the Bill is that the small men are interfering with, and undermining, the big firms, and that would suggest that there is a difficulty in producing our requirements. Such a position is no longer necessary. The time has come when there must be a large number of persons whose presence is not required in existing industries. Progress will definitely show that that is the position. I would cite the position with regard to Japanese trade in this country and the efforts made by people to undersell various lines. The other point I wish to raise is that the position of bread has undergone a slight alteration during the last 20 years. It has decreased in popularity. Bread used to be regarded as the staple diet of our race, but its importance is not now regarded as so vital as formerly. There is a tendency on the part of the Health Department to encourage the increased use of milk, vegetables, fruit and eggs and not to regard bread as so vital. It is considered that bread, without the liberal use of milk, is liable to affect the teeth. That is a point we must consider. I am anxious to see this very valuable staple item of diet take an honoured place but not the vital place it enjoyed in the past. The tendency all over the world is to increase the use of other forms of diet and that is backed up by the opinion of scientists. From that point of view, we must realise there is good reason why the consumption of bread has fallen off in various parts of the world. I admit that that is not directly concerned with the objects of the Bill under discussion. Although it may be necessary to amend some of the clauses, I shall support the second reading of the Bill.

**MR. SAMPSON** (Swan) [10.45]: I wish to express disapproval of the principle enunciated by the Bill. This is the same old tale, the same old statement of the advantages that will follow if only certain things are done. It is an unwarranted interference with the liberty of those engaged in the baking trade, and personally I think even those bakers who favour it are making a great error. It is a species of coddling which must have a very bad effect, and the unholy alliance whereby certain men get together and decide what shall be done without reference to the public is certainly not in the interests of this industry. The fact that the Bill, if passed, will operate in that portion of the State within a radius of 50 miles from the G.P.O., Perth, surely cannot be supported. If a person living at North Dandalup is a baker, he will come within the control of the Bill, while another man living at Spencer's Brook will still be within the prescribed area. It is a great pity the Bill has been brought down. It does not require an angel from Heaven to say it will never become an Act. To bring it forward is merely to cause a lot of discussion, and ultimately the measure will reside where previous measures on the same lines have found a permanent resting place. I will vote against the second reading.

**HON. W. D. JOHNSON** (Guildford-Midland) [10.47]: It is wrong for the member for Claremont to suggest the Bill is interfering with the extension of night baking. What it does is to regulate the time at which bakers shall start. To-day the Arbitration Court regulates the hours of employees, and the one-man baker is able to start at any time he likes, with the result that he becomes an unfair competitor against those whose hours are regulated. To me this is a sad measure, inasmuch as the employer and the employee have agreed to a definite statute framed to fix night baking. The Labour section of the League of Nations in the early stages of that great organisation picked out night baking as one of the urgent reforms, and appealed to the world to pass legislation compelling baking to be done by day. A struggle has been going on, particularly in the British Dominions, to get legislation passed, or an understanding arrived at, by which baking shall be done by day. For years we have been struggling to get day baking,

and at one stage we did induce the Arbitration Court to fix it. There was no other period in my experience during which there was more general satisfaction, until the single-man baker discovered that he could get an advantage by baking at night, and so have bread a little fresher than was possible under day baking. By the competition of small bakers who became established during that period, day baking was broken down, and the next time the employers went to the court they were told to produce evidence of unfair competition in those small bakeries and so get the hours changed. The hours to-day are not the hours proposed in the Bill. The Bill does not improve the conditions of the employees. The Bill is an employers' measure. I am not complaining of the Minister's attitude, nor do I hold him responsible in any way. He has simply framed legislation to meet a common understanding, an agreement reached as the result of numerous conferences between employers and the union representatives. But I want to make it clear that what is proposed in the Bill has been the objective of the Master Bakers' Union for many years, and the unions have always resisted night baking until the present Bill was launched. The union would never be a party to a Bill like this until economic pressure brought about the general despair that we find in otherwise militant organisations who to-day are succumbing to the pressure brought to bear upon them and losing their previous powers of resistance. This union was 100 per cent. strong, and is so to-day, but the number employed has been reduced considerably, and it is the unemployed baker who has felt the economic pressure of unemployment and realised that the Yugo Slavs and others referred to by the Minister as coming into the industry have undermined it. Those men now appreciate that so long as that goes on, fewer men will be employed, and in their desire to get back into the industry, they have agreed to the compromise represented by the Bill. As one very keen on industrial strength, I deplore this evidence of weakness. It is all very well to say it has been agreed to by the employer and the employee, but it is our duty to protect men who are compelled by economic pressure to agree to something of this kind which may cause a great deal of concern in the future. By this Bill we are definitely

taking from the Arbitration Court the power to regulate the time of baking. We direct that baking shall start at 3 a.m. on certain days and at 4 a.m. on other days. If the men work on an 8-hour basis, those starting at 4 a.m. will finish at noon and will start again on the same day not earlier than 8 p.m. and work a night shift. There are other provisions for treble days and holidays, when they are permitted to start at midnight. So, by no stretch of the imagination can we call this a Bill extending day baking. Actually it is reducing the amount of day baking practised to-day. It will give more employment to unemployed bakers, but those unemployed bakers are doing something which will injure the employed bakers; in other words the unemployed have been strong enough to influence reform in such a way as will extend employment and give them opportunity to earn a livelihood. I have the utmost sympathy with those men who have been out for so long, but I have always anticipated that when the final agreement was arrived at, and when we do respond to the repeated requests of the Arbitration Court for reform, that reform would be in the nature of day baking rather than an agreement by which so much night work is provided for. We are doing this by statute; Western Australia is coming right out into the open and declaring for night baking. We have not profited from the operations of the League of Nations and the spread of propaganda that has been indulged in. We have not heard the appeal, and we are going to allow local economic circumstances to encourage us to do something of the kind represented in the Bill. I am not opposing the Bill, I am simply voicing my regret that a one-time 100 per cent. militant union, keen on maintaining industrial standards, always ready to co-operate with others for the general improvement of the standard of living, should now be so depleted and weak in their industrial standing as to compromise in the way this Bill proposes. I want to utter this warning: If we are going to have unions disregarding the idealism that has been the guiding star in industrial organisations, and succumbing to the economic pressure; if we accept the propaganda that a man who compromises is a moderate, and that the man who sticks out for principles is a communist, we shall go on for a good time in the

strength and determination of organised Labour. But mark my words, something else will be created and when it is created this State and other parts of Australia will wake up. It is wrong to try to encourage compromise all the time. It is quite wrong for the Press to encourage Governments that fail to give consideration to principles and idealism. By so doing a state of society is being created that ultimately will become a very grave danger. We must have determination; we must have a desire to improve standards, and we should not by measures of this kind encourage those who entertain a policy of despair because of unemployment, distress in their homes and the want of clothing and boots. Yet we find an organisation so depressed that it agrees to a measure of this kind. I am closely associated with the union. I spent a good many years of my life in building it up. Possibly the Minister will recollect that the union was complimented in the Trades Hall more than once on the manner in which its members responded when a meeting was called, and the manner in which they conducted themselves. It was a credit to them. They were men who took a pride in their calling and were determined to improve its standing. At one time there was night baking in this State and a more deplorable condition of affairs I never experienced in all my industrial organising. The men engaged in the industry were ostracised; they were not part of the social system at all. They never had opportunity to mix with their fellow men because, when others were available for social intercourse, they had to work. It was a common practice for sections of them to become associated with certain hotels. In those days hotels actually catered for those unfortunate men, who had to get their enjoyment as best they could during the day and then toil night after night without any change of shift. Then day baking came and immediately there followed the elevation to which I have referred. So far from being one of the unions that was the regret of the Trades Hall it became a proud feature, a union elevated from obscurity and degradation, the result of the abolition of night baking, to a position of prestige. After a fine union has been built up the cursed economic pressure, the insistent propaganda and the fear that anyone who sticks up for his rights will be branded

as a communist, are breaking down that prestige. To-day a man is liable to be victimised because he has the courage of his convictions. A man with convictions is to-day a marked man, not because he is a danger to society, but because he is not working in with the accepted order of things. This Bill is a danger to society and we cannot pass it without feeling that we are slipping back. The cursed unemployment prevailing is knocking the vitality out of men, weakening organisation and creating in the industrial sphere a feeling of despair. Men in their despair will grasp at anything. They are accepting this shadow and expecting wonderful results from it. What they will gain will be a denial of the Arbitration Court to protect them. I know the limitations of the court, but surely there is a way to interpret the desires of the court more faithfully than is provided for in this Bill. The union is losing its grip, losing its right to control industrial standards. We are accepting a compromise and are not even regulating the hours of work. True, we provide that there shall be a spread of 15 hours in one case and generally a spread of 13 hours, but we do not say what hours shall be worked inside that spread. We merely specify a starting time within the spread, leaving the union to go to the court to ascertain what hours shall be worked. Within recent times the court awarded a ten-hour day for the double day. If the employers had been reasonable they would not have taken the last pound of flesh. They would not have been Shylock-like in their negotiations but would have said, "If you give us a spread of 13 hours, we will guarantee you a maximum working week of 44 hours." We would then have felt that the employers were giving something, but the employers have used Yugo-Slavs and certain undermining influences with the result that degrading conditions have been imported into the trade. There has been established a rotten system of marketing hot bread to the detriment of the health of the community, and that has been used to gain an advantage over the organised union. Bills of this kind make me sad. All our vitality, strength and organisation are slipping from us, and the day is fast approaching when we shall have to start afresh and build up. When that time comes we shall be less advantageous to Australia than we would be

if under the present system we got our fair deserts and the encouragement we deserve. Organised labour has accomplished all reform that has been instituted throughout Australia. No reform for the general improvement of humanity has been achieved apart from that initiated and in many instances passed by the strength of industrial organisations as reflected in their political representation. Australia is proud of its standard, and that is due to organised labour having been encouraged to function with strength and determination to improve standards. The economic pressure has been applied. The propaganda goes forward. Let us not try to maintain that which we have accomplished. Let us compromise and give way. Let us be marked down as moderates in the general social structure. Let us not maintain anything of an extreme nature, because if we stick too closely to our principles we become marked men and dangerous, and we will be branded as communists. That is the cry! I have been branded all kinds of things ever since I have been in the Labour movement, but I have never lost my self-respect. I always feel that so long as one can go straight ahead, sticking to one's principles, maintaining them even if one is referred to as extreme, and is in danger of being branded as undesirable and as an outcast, because of one's extreme views, and one can still maintain one's self-respect, that is worth all the applause and all the patronage of the capitalistic Press.

**HON. C. G. LATHAM** (York) [11.11]: For the reason that I opposed other legislation of this kind, I oppose this Bill. It is extraordinary that members of the Labour Party should set out to represent vested interests, and leave this side of the House to protect the people. That is what is proposed shall happen under this measure. The Bill, as the member for Guildford-Midland said, is to protect the master bakers. The public will have to pay for that protection. Generally speaking, the public is the wage-earner, his wife and his family. I am surprised that this Bill is being brought down at all, let alone at the last hours of the session, when even members of the Labour Party cannot give time to consider what its effect may be upon the wage-earner. Here we are at 11 o'clock at night,

two nights before the Government propose to close down.

The Minister for Justice: We are going to sit on Friday.

**HON. C. G. LATHAM**: Friday is booked. If the Minister wanted to do the right thing, he would start at the right end. If he had fixed the price of wheat for milling purposes, he would probably have done some good and have assisted those engaged in the industry. Now we have a Bill to assist the master bakers in their purchase of flour, so that they may fix a price that will be profitable to them. The Minister will probably say we supported a Bill to fix the price of milk and butter. That is fixing the price at the right end, at the source, but in this case we are not doing so.

**Mr. Wise**: Would you support a general price-fixing commission?

**HON. C. G. LATHAM**: We had one once, but it was absolutely useless.

**HON. W. D. JOHNSON**: It did wonderful work.

**HON. C. G. LATHAM**: Not in this State. All we did was to pay substantial salaries for no purpose.

**HON. W. D. JOHNSON**: That is not correct.

**HON. C. G. LATHAM**: It is. It is extraordinary that the Minister should propose to usurp the functions of the Arbitration Court. When he was on this side of the House he was always saying it was not the function of the Government to interfere with hours of labour and wages paid. By this Bill he desires to fix the hours of labour and the hours at which bread shall be baked and sold. If a country person comes to town at 8 o'clock at night, he will not be able to buy any bread.

The Minister for Employment: Is not the hon. member neglecting to notice that the Arbitration Court asked for this legislation?

**HON. C. G. LATHAM**: The court asks for a lot of things, but that is not to say we should give them.

The Minister for Employment: We are not interfering with the court, but enabling that tribunal to function.

**HON. C. G. LATHAM**: If the court had not the necessary power, all we had to do was to give it, but the court has all the power necessary to fix the hours for the baking of bread in this State.

Hon. W. D. Johnson: Only for those who employ labour.

Hon. C. G. LATHAM: We have heard that before. The big man can buy his flour at a cheaper rate by buying larger quantities than can the small man. By turning out his bread in mass production, he can do so cheaper than the man who moulds his bread by hand. Machine-made bread must be cheaper than the hand-made article. The member for Guildford-Midland knows that machinery has displaced a lot of labour in bakehouses.

Hon. W. D. Johnson: No.

Hon. C. G. LATHAM: Bread is being turned out by machinery, and that is taking the place of many men who were previously employed. Furthermore, consumers are fetching their own bread at the shops instead of having it delivered, and are thus avoiding the extra charge. That is another reason why a certain number of people are out of employment in the trade. Everything is profit to the small man. He gets his wages out of his work, and is satisfied with a small profit. That is not the case with the big man. If this legislation goes through, a price for bread will be fixed that will remunerate the big man, but the public will pay for it. I am surprised that there are members prepared to support legislation that will force people to pay more for their bread. The person principally affected will be the worker.

Mr. Hegney: Are you referring to the flour tax?

Hon. C. G. LATHAM: That will maintain industries on which the city depends. That is vastly different from giving profits to master bakers. There is no profit attached to wheatgrowing, as the hon. member knows. If one section of the community is to receive a return for its labour, the wheatgrower is entitled to the same consideration. If this were going to add to his profits, I would oppose it, but when he is producing wheat at a loss to meet our overseas payments, it is quite a different matter.

Mr. Hegney: The man with a large family will pay the most.

Hon. C. G. LATHAM: So he will in this case. The Bill merely enables the master bakers to make a better deal for themselves. It will compel wives to bake their own bread. The price of bread fell  $\frac{1}{2}$ d. this morning.

The Minister for Employment: The bakers could see this coming. That is why they reduced the price.

Hon. C. G. LATHAM: It will soon go back. When the last flour tax was put on to assist the wheatgrower, the price of bread rose 1d., but when the tax came off it only receded by  $\frac{1}{2}$ d. The Minister is being made use of.

The Minister for Employment: The Bill will prevent that.

Hon. C. G. LATHAM: They will soon pull the wool over the Minister's eyes. I hope this side of the House at all events will realise its responsibilities to the people, rather than to vested interests.

Mr. Wansbrough: What about the dagoes who produce cheap bread?

Hon. C. G. LATHAM: They are members of the hon. member's organisation. I like this dago business! The dagoes are quite good enough to be comrades in the organisations, but when it comes to baking bread there is something alien about them. It is absolutely belittling ourselves to say we suffer from inferiority to that extent. I will not allow that any foreigner is any better than I am; and I do not want hon. members opposite to make any such admission, which would imply an inferiority complex. Foreigners belong to the Miners' Union. In that union they are comrades. The woodcutters on the goldfields are members of a union. In the South-West these foreigners are members of the Timber Workers' Union. But immediately they set out to show how cheaply they can produce goods—

Mr. Moloney: Without paying Arbitration Court award rates.

Hon. C. G. LATHAM: If they employ labour, they have to pay Arbitration Court wages.

Mr. Moloney: When they are caught.

Hon. C. G. LATHAM: I do not notice that foreigners are brought before the courts on that score any more frequently than the hon. member's friends.

Mr. F. C. L. Smith: They are no worse than a lot of others.

Hon. C. G. LATHAM: No worse at all. Do not let that gag be uttered here. It is simply a plausible excuse for rushing this class of legislation through in the dying hours of the session. Let us see how much of the contents of the Bill belongs



to the existing legislation. A mere two pages. This is an utterly new measure introduced to be bludgeoned through the House in the dying hours of the session. If passed it is going to have the effect of making people pay unnecessarily high prices for their bread. No one will benefit from the measure. The wheatgrower will not benefit in any way. I would have applauded the Minister if he had started at the right end and said, "The man now producing wheat at a loss is to receive something in return for having carried on the industry for the benefit of the State." But no. At the other end of the ladder the master baker is to receive the benefit. If statements made by hon. members opposite were to be credited, this class of legislation would have been introduced by our Government. We were asked to pass such a Bill, but we refused to do so because we did not want to force the people to pay more for their bread than was necessary. I am told that to-day the price of bread is  $4\frac{1}{2}$ d.

Mr. North: It has gone down a half-penny.

Hon. C. G. LATHAM: It has gone down because a man outside the ring has reduced the price. The other master bakers had to fall into line. Immediately this Bill goes through, vested interests will be empowered to fix the price of bread and up the price will go a penny a loaf.

Mr. Hawke: The Bill does not give vested interests the right to fix the price.

Hon. C. G. LATHAM: Does it not? Let the hon. member have a look at the board. All sorts of excuses will be put up for raising the price.

The Minister for Employment: Have a look at the board when the board does not exist!

Hon. C. G. LATHAM: I know what master bakers will put up to the Minister. When they cannot get enough influence brought to bear from here, they will get members of trade unions to come along. I know the scheme.

The Minister for Employment: You would!

Hon. C. G. LATHAM: Of course I know it. I know very well that here is another unholy alliance between employer and employee. That is what it is. However, I fear that those who are members of unions

will not derive much benefit. The unemployed bakers referred to by the member for Guildford-Midland (Hon. W. D. Johnson) will not be absorbed.

The Minister for Employment: That would concern the Leader of the Opposition!

Hon. C. G. LATHAM: At least I have a little more consideration for those men than the Minister has. He holds out one hand and says, "We will give you some additional work for Christmas." Then he proceeds—

The DEPUTY SPEAKER: Order! There is nothing about work in the Bill.

Hon. C. G. LATHAM: I shall give the Minister something about the way he is treating the employees. At least nothing of that sort has been done by our side of the House.

Miss Holman: Nothing was ever done by you.

Hon. C. G. LATHAM: When a man has paid for a union ticket—

The DEPUTY SPEAKER: Order! I must ask the Leader of the Opposition to confine his remarks to the Bill.

Hon. C. G. LATHAM: If the Minister did not put me off the Bill—

The DEPUTY SPEAKER: I shall see that the Minister does not put the hon. member off again.

Hon. C. G. LATHAM: I shall have an opportunity at a later stage to say what I want to say on that aspect. After all, the public have to pay. It is the duty of this Chamber to protect the people, and not look after vested interests, which can look after themselves.

Mr. Hawke: Will you explain how vested interests can put up the price of bread under the Bill?

Hon. C. G. LATHAM: What is the Bill introduced for? Let it be passed; and the hon. member will find out quickly enough. I know what will happen. The master bakers will come along with their books to show what they are doing. We know what that means. I am not supporting the Bill. I hope this side of the Chamber will represent the public, and not vested interests.

The Minister for Employment: That would be an unusual procedure on their part.

Hon. C. G. LATHAM: We have always represented the public. The only time the

public have not realised that we represented them was when——

Mr. Moloney: What about the "Work for all" cry?

Hon. C. G. LATHAM: This is a very easy policy. We shall hear a nice lot of cat-cries in the near future. There will not be work for all. This Bill will not mean work for all. It will deprive some people of work and make all the people pay more for their bread, without producing any material benefit except to vested interests.

### THE MINISTER FOR EMPLOYMENT

(Hon. J. J. Kenneally—East Perth—in reply) [11.29]: The member for Claremont (Mr. North) asked whether we were going to raise the standard of living or lower it? The class of competition at present operating in the baking trade means the lowering of our standard of living. The Leader of the Opposition expressed himself as surprised that some people should regard foreign competitors as their equals, and occasionally, as a consequence, develop an inferiority complex and view them as superiors. The Bill represents the necessary effort to prevent that unfair competition, competition which has made it necessary for the Government to protect the standard of living. The member for Swan (Mr. Sampson) said the Bill represented an unnecessary interference with those engaged in the baking business. It is an interference with those engaged in the business, but is not unnecessary. It is an interference because those the Leader of the Opposition says are our equals, are not working under Arbitration Court conditions, but can operate as they think fit.

Hon. C. G. Latham: You know I said they were not our equals.

The MINISTER FOR EMPLOYMENT: The hon. member said that people seemed to have developed an inferiority complex and considered the foreigners were our equals.

Hon. C. G. Latham: That is quite different.

The MINISTER FOR EMPLOYMENT: If it comes to a consideration of the interests of foreigners as against those of our nationals, the Labour Party stand for our nationals.

Hon. C. G. Latham: Then see that they get bread at a reasonable price.

The MINISTER FOR EMPLOYMENT: We must protect the industry in which our nationals are working. The people will not accept in too kindly a manner the statement of the Leader of the Opposition that he and his supporters represent the workers.

Hon. C. G. Latham: It is certain that you are not representing them.

The MINISTER FOR EMPLOYMENT: The people gave an indication of their idea of it at the last election, when they very politely told the Leader of the Opposition to take a seat on the Opposition side of the House.

Mr. Seward: What about crossword puzzles?

Hon. C. G. Latham: There is another election coming along.

The MINISTER FOR EMPLOYMENT: And if I am not greatly mistaken, you will be told to remain where you are. The member for Guildford-Midland (Hon. W. D. Johnson) damned the Bill with faint praise.

Hon. C. G. Latham: He can see through it; he knows the position.

The MINISTER FOR EMPLOYMENT: He found many faults with the Bill and very little to praise. He said it would increase night work; it will do nothing of the kind. The Bill will establish a system under which certain work will be done by night, and it will effect alterations with regard to certain hours. Apparently, he says that, because the employers and the employees cannot get everything they want, they must not sit down at the round-table conference to determine what they can do to relieve people who are suffering. Rather than do that, he would condemn the agreement that the employers and the employees have arrived at. Apparently, he is against the system of employers and employees meeting together to solve their problems. I will not condemn the union of employees because they could not get all they wanted and because they refused to remain in the industrial dead-end in which they found themselves placed. To do that would be a policy of despair. Such a policy is exemplified by a union sitting down under their existing industrial conditions, without being prepared to make an effort to protect some of the standards of living for their members. No one knows better than the member for Guild-

ford-Midland that if the present-day competition continues for many years, it will not be long before there will be no master bakers at all, and the baking trade will be handed over to people who will not observe industrial standards or the conditions of employment imposed by the Arbitration Court. When I moved the second reading of the Bill, I submitted some figures that are eloquent. Are we to stand by and allow such a position to continue? I showed that in 1927 there were 51 bakeries that observed Arbitration Court award conditions, whereas in 1933 the number had been reduced to 40. As against that, whereas there were 27 bakeries where Arbitration Court award conditions were not observed in 1927, there were in 1933, 63 bakeries where those conditions were not observed. That means that, whereas in 1927, of the 78 bakeries established, 51 were subject to Arbitration Court awards and 27 were not, in 1933, of the 103 bakeries in existence, 40 were subject to the Arbitration Court awards and 63 were not. Obviously, the present conditions require to continue for a little while longer and then there will be very few employees in the trade who will be subject to Arbitration Court awards. The so-called partnership agreements and one-man bakeries will have control of the industry and while there will be an Arbitration Court award in existence, there will be few to whom its provisions will apply. Yet the member for Guildford-Midland condemned the union for that position. We must realise that the union have the interests of their members at heart and desire to improve their conditions. Yet the member for Guildford-Midland said that this decision represented a compromise. If one does not compromise, one is called a communist. I do not know about that, but it would be easier and more cowardly for the union officials to sit down and say, "No, we will have the lot or nothing." If they adopted that attitude, they would merely sacrifice the industrial standards of the workers they are supposed to represent.

Mr. North: Do you say the Minister has the right to fix the price of bread, or will the board have that right?

The MINISTER FOR EMPLOYMENT: The board have the right to fix the price, and if the Minister does not approve he can refer the matter back to the board, but if the latter should insist upon the price, the

board will fix it. The member for Guildford-Midland said that the Bill was dangerous. If it is a danger, it is as well to remember that the hon. member was formerly the secretary of the union and will he say that the union is a danger to society? He is not prepared to say that, but he does it in a back-handed way by stating in this House that the Bill represents a danger to society. Let him go and tell the members of the union that.

Hon. W. D. Johnson: If the Minister does not understand the position, it is not worth worrying about.

The MINISTER FOR EMPLOYMENT: Of course not.

Hon. W. D. Johnson: You go on compromising and that course will become a very grave danger.

The MINISTER FOR EMPLOYMENT: The hon. member also said that we could not pass the Bill without slipping back. Let him tell the members of the union that, too.

Hon. W. D. Johnson: They will know.

The MINISTER FOR EMPLOYMENT: The Leader of the Opposition said the Government were protecting vested interests, and leaving it to Opposition members to help the consumers. Lord help the consumers if the task of looking after their interests were to rest with the Opposition. The Leader of the Opposition was asked several times to say where the provision was in the Bill that indicated the Government were protecting vested interests. He had nothing to say to that. He evaded the point adroitly to suit his own ends. He replied by asking us to look at the board. The board has not yet been constituted, therefore how could we look at it?

Hon. C. G. Latham: If we knew who the members of the board were to be, it might make the position easier.

The MINISTER FOR EMPLOYMENT: If the hon. member would look through the Bill—his remarks would indicate that he has not looked through it very carefully—he would find that the board will be constituted of three members to be appointed by the Governor.

Hon. C. G. Latham: They will be three more Trades Hall secretaries.

The MINISTER FOR EMPLOYMENT: The people that the Leader of the Opposition refers to can do just as well as some of the people the hon. member, when

a Minister of the Crown, placed in responsible positions.

Hon. C. G. Latham: That may be so.

The MINISTER FOR EMPLOYMENT: They have proved themselves before. His talk about Trades Hall secretaries will not get him very far. The hon. member said the throwing of people out of work was accounted for by the introduction of machinery into baking. If that is so, I ask why the number of factories which were subject to an award of the Arbitration Court in 1927 were subsequently reduced from 51 to 40. Also, if the introduction of machinery accounted for men thrown out of work, why were the factories not under an award increased from 27 to 63? The men were thrown out of work, not because of the introduction of machinery, but because of the tremendous increase in the number of factories not subject to the Arbitration Court. The Leader of the Opposition said that when the flour tax was imposed, the price of bread rose by one penny, and when the tax was taken off, the price of bread came down by a halfpenny. This measure is designed to prevent just that sort of thing. The hon. member is going to arrange for cheap bread by leaving it to the master bakers to fix the price. He would not give the responsibility to a board appointed by the Government. This move now being made is to see that the consumers shall get their bread at a reasonable price consistent with the observance of quality and of the standard of living. If the board functions as I think it will, it cannot mean any increase in the price of bread, but will mean a reduction in the price of bread. The Leader of the Opposition, who claims he is representing the workers and consumers as against vested interests, cannot show that there is a vestige of truth in his statement that we on this side represent vested interests. When we analyse the hon. member's claim to represent the workers we find he represents them in this way, that while he complains of people who now fix the price of bread raising it a penny when the flour tax is imposed, and reducing it a halfpenny when the flour tax is repealed, he would give the master bakers the right to fix the price of bread. He declares that the appointment of the board will interfere with those in business. We propose that

the board shall interfere with those in business, in order to maintain a reasonable price for bread. The Leader of the Opposition said that foreigners are not any better than we are. If they are not any better than we are, where is the objection to making them observe the same industrial standards as we do and the same standards of competition?

Hon. C. G. Latham: Is it only foreigners being considered in the Bill?

The MINISTER FOR EMPLOYMENT: No, it is not. After all, whether it be foreigners or our own nationals who are prepared to lower standards and refuse to observe industrial conditions, is it too much for us to say we are going to determine that those people are not to be permitted to undercut and thereby take the trade which rightly belongs to those who will observe the standards? This is not only a Labour Government's proposal; it has been agreed to by the League of Nations, which is representative, not only of employers and employees, but of all the Governments members of the League of Nations. And even though it takes a two-thirds majority vote to carry a convention, that assembly has carried this convention.

Hon. C. G. Latham: Have you noticed the price of bread in those countries?

The MINISTER FOR EMPLOYMENT: The interjection is pointless, because in France wheat is subsidised to the extent of 6s. to 8s. per bushel. The hon. member knows that is the reason for the price of bread in France, because of growing wheat under those conditions rather than taking Australian wheat. But that assembly carried the convention, not only in favour of reduction of night work in baking, but also carried it to the effect that it shall apply to the employers themselves as well as to the employees. Yet my friend thinks only of his friend the foreigner and the man not prepared to observe ordinary standards of living. He says it should not be extended to them, it should be made applicable to the employees who come within the purview of the Arbitration Act. If that is permitted to continue, I repeat that the position will be that there will be very few engaged as employees in the industry at all, and so it will be left to foreigners, one-man factories and partnerships. The Leader of the Opposition said the Bill will make people pay an unnecessary high price for bread. That

statement is simply for public consumption. I can visualise him on the platform at the next elections declaring that he and his party had fought for cheap bread for the people, and had pointed out that this board would fix an unnecessarily high price for bread. The reason why the Government have moved is because at present they have no control over the price that certain people may fix for bread. We cannot bring about reform in that respect by saying it shall continue; we say it shall not continue, and a board shall be appointed with power to fix the price at which bread shall be sold. We are not mindful to any large extent of those represented by the Leader of the Opposition. We want to ensure that the vast majority of the people are benefited. A board will be appointed to fix the price of bread, and no longer will the price be fixed in the haphazard fashion of years past. We will not permit to continue the system whereby those who make the bread will fix the price, but the people will get bread at a price suitable to them.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Sleeman in the Chair; the Minister for Employment in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Interpretation:

Hon. C. G. LATHAM: Bread includes rolls (other than Vienna rolls), and pastry, but does not include fancy bread. Is Vienna bread the bread that is being made by foreigners?

The MINISTER FOR EMPLOYMENT: Some foreigners are making Vienna bread and some other bread, but we propose to control all bread.

Hon. C. G. Latham: What is Vienna bread?

The MINISTER FOR EMPLOYMENT: It includes the addition of milk and other ingredients. It is marked and shaped and baked in a separate oven, and takes longer in the baking.

Mr. SAMPSON: "Inspector" is defined as any inspector under the Health Act, a municipal or road board inspector, an inspector under the Arbitration Act, an inspector under the Factories and Shops Act, an inspector appointed by the board,

and every member of the board. Surely it is unnecessary to have such a number.

Hon. C. G. Latham: Traffic inspectors should be included.

Mr. SAMPSON: Inspectors under the Factories and Shops Act could be excluded. To that end I move an amendment—

That paragraph (iv) be struck out.

The MINISTER FOR EMPLOYMENT: The hon. member is unfortunate in selecting that paragraph. Inspectors under the Factories and Shops Act have to ensure that adequate protection is provided where machinery is used. In view of the hon. member's remarks the other night, I feel sure that he will not pursue an amendment that would remove the protection afforded to employees.

Amendment put and negatived.

Mr. SAMPSON: Vienna bread means standard wheaten bread in the making of which butter or lard or margarine, etc., are included. I move an amendment—

That in line 2 of the definition the words "or lard or margarine" be struck out.

One of the disabilities suffered by the butter industry is the use of substitutes such as margarine. This matter has been particularly referred to by the butter producers of Queensland. I have been reading of the grave disability imposed upon the butter industry through the increasing use of margarine. From the standpoint of food values there is no comparison between that commodity and butter. I hope the Minister will accept the amendment.

The MINISTER FOR EMPLOYMENT: I cannot accept the amendment. This definition does not fix the ingredients that go to make up Vienna bread, but indicates some of the commodities of which it will consist.

Mr. SAMPSON: If the Minister will not accept my amendment my faith in him will be shaken. I shall know that he is not a true friend of those who engage in the butter industry. In effect he will be supporting the sale of a product that is marketed by coloured races of the South Sea Islands.

Mr. Wise: Margarine is chiefly made in Australia.

Mr. SAMPSON: But the ingredients consist mainly of nut products which are imported.

The MINISTER FOR EMPLOYMENT: Vienna bread is a particular kind of bread, and with this definition purchasers will know of what it is chiefly made up. Consumers will be able to tell the difference between what household bread should be and what this special kind of bread should be.

Mr. Sampson: The paragraph does not say anything of the sort.

The MINISTER FOR EMPLOYMENT: Evidently the hon. member has not read the paragraph.

Mr. SAMPSON: To say, because one differs from the Minister's interpretation, that one has not read the paragraph is no argument at all. The paragraph is not a recipe for the making of Vienna bread, which may be made with butter, or lard, or margarine.

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

|                  |    |    |    |    |    |
|------------------|----|----|----|----|----|
| Ayes             | .. | .. | .. | .. | 11 |
| Noes             | .. | .. | .. | .. | 19 |
| Majority against |    |    |    |    | 8  |

## AYES.

|              |             |
|--------------|-------------|
| Mr. Brockman | Mr. Patrick |
| Mr. Ferguson | Mr. Sampson |
| Mr. Hawke    | Mr. Seward  |
| Mr. McDonald | Mr. Warner  |
| Mr. Mann     | Mr. Doney   |
| Mr. North    |             |

(Teller.)

## NOES.

|                |                    |
|----------------|--------------------|
| Mr. Coverley   | Mr. Rodoreda       |
| Mr. Cross      | Mr. F. O. L. Smith |
| Mr. Cunningham | Mr. Tonkin         |
| Miss Holman    | Mr. Wansbrough     |
| Mr. Kenneally  | Mr. Wiltcock       |
| Mr. Lambert    | Mr. Wilson         |
| Mr. McCallum   | Mr. Wise           |
| Mr. Moloney    | Mr. Withers        |
| Mr. Nulsen     | Mr. Hegney         |
| Mr. Raphael    |                    |

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 6—Operation of this part:

Mr. SAMPSON: The clause specifies a radius of 50 miles from Perth, so the measure would apply at, say, North Dandalup to some unfortunate baker who had never read the Bill. The measure should apply only within reasonable limits. I move an amendment—

That the word "fifty" be struck out.

The MINISTER FOR EMPLOYMENT: I hope the amendment will not be carried. The entire Bill is based on the idea of extending its provisions to a reasonable area

of the State. The area specified by the clause would include about 150 bakeries. With the amendment the Bill would be ineffective for its purpose.

Amendment put and negatived.

Mr. HAWKE: Is there in some other part of the Bill power to include other parts of the State within the price-fixing arrangement?

The MINISTER FOR EMPLOYMENT: Power is taken to exempt certain portions of the State from the operation of the Bill. On application to the Minister, the conditions as to hours of baking could be altered in a place where there was, say, only one bakery, and a limited train service. That would enable us to provide for the requirements of people in view of the transport facilities available.

Clause put and passed.

Clauses 7 to 11—agreed to.

Clause 12—Board subject to the Minister:

Mr. NORTH: The clause makes the Minister all-powerful and the board subject to him. Does that not conflict with another clause relating to price-fixing, which would seem to make the board all-powerful?

The MINISTER FOR EMPLOYMENT: I do not think the clause is in conflict with the later provision. It means that in the exercise of all their ordinary functions the board will be subject to the Minister, but when dealing with price-fixing the board will not be subject to the Minister.

Clause put and passed.

Clauses 13, 14—agreed to.

Clause 15—Contribution by bakers to expenditure:

Mr. SAMPSON: I move an amendment—

That in line 2 of the proviso to Subclause 1 "gross" be struck out and the word "net" inserted in lieu.

To force the bakers to contribute up to five per cent. of their gross proceeds on the year's working might easily mean the difference between bankruptcy and solvency.

Mr. McDONALD: I cannot support the amendment. It would be rather difficult to levy on the net proceeds and that might not provide the sum required. Has the Minister been able to estimate what will be received from a levy of five per cent. on

the gross proceeds? I agree with the member for Swan that that contribution is a tremendous one and might mean all the difference between bankruptcy and solvency. I have to take into consideration, too, that the board will bear in mind the basis upon which the contribution is made. It seems to me that a contribution of five per cent. might provide a revenue of £13,000.

The Minister for Employment: Of course that is the maximum contribution, beyond which the board cannot go.

Mr. McDONALD: I think the maximum should not be fixed at a percentage that will provide more than is required. If we legislated for a revenue of £3,000 or £1,000, that should be sufficient.

Mr. SAMPSON: If the member for West Perth desires to move an amendment to substitute some other percentage, I shall withdraw my amendment.

Mr. McDONALD: I do not propose to move an amendment because I have not the necessary information at my disposal.

The MINISTER FOR EMPLOYMENT: Provision is made not only for the payment of salaries for the members of the board, but for the appointment of officers to carry out the necessary work. The salaries of members of the staff must be approved by the Governor, so that control over expenditure is maintained. Officers will not be allowed to run amok with the funds. It is doubtful what five per cent. on the gross turnover will return, but, after consultation with those concerned, that figure was fixed to cover administration and other costs. It will all depend on the number of bakeries registered. It is estimated that there will be 158 bakeries registered within the 50-mile radius and if the registration fee is £2 2s., the amount involved will be small.

Amendment put and negatived.

Clause put and passed.

Clauses 16 to 22—agreed to.

Clause 23—Operation of this part.

Mr. HAWKE: The operations of the Bill are to be limited to a radius of 50 miles from Perth. If the principle of fixing the price of bread is good and will protect the consumers, it seems to me a discretionary provision should exist to apply the vital clauses of the measure to places beyond the

50-mile radius from Perth. At Kalgoorlie the price of bread is higher than in the metropolitan area, and price-fixing would serve to protect the consumers. Again, in some country towns occasionally there is a crazy price-cutting war, and eventually the people who suffer from it are the consumers.

The MINISTER FOR EMPLOYMENT: The measure does not provide power to proclaim districts outside the 50-mile radius from Perth. It was thought that, given a beginning within the 50-mile radius, we might subsequently get power by an amending Bill to extend the area if necessary.

[Mr. Hegney took the Chair.]

Mr. HAWKE: The Committee would be wise to include the discretionary power I have indicated. If the Bill becomes law and works satisfactorily, there is sure to be a strong demand from many parts of the State for the provisions of the measure to be extended beyond the 50-mile radius. An amending Bill would mean delay, and indeed there is no guarantee that it would be passed; so it would be better to include this discretionary power in this Bill.

The MINISTER FOR EMPLOYMENT: Attention has been given to the practicability of taking this power, but it was found to be fraught with difficulties. However, I will look into it again, in view of what the hon. member has said and, if it is required, I will have the amendment inserted in another place.

Clause put and passed.

Clauses 24 to 31—agreed to.

Clause 32—No bread to be sold if made of impure flour:

Mr. HAWKE: Will the Minister tell us why certain clauses of the Bill are printed in heavy type, and the remainder in lighter type?

The MINISTER FOR EMPLOYMENT: In moving the second reading I explained to the House that it was a consolidating measure, and that in consequence I had the clauses of the old measure set up in heavy type and the new clauses in lighter type, so that members could readily see which was new and which was old.

Mr. HAWKE: I think all clauses of every Bill should be printed in this clear,

heavy type, which is so much easier to follow.

Clause put and passed.

Clauses 33 to 42—agreed to.

Clause 43—Bread to be sold separately:

Mr. NORTH: Some addition is necessary to Subclause 2 to provide for a party ordering a hamper or sandwiches, such words as "whether to be taken on the premises or otherwise."

The MINISTER FOR EMPLOYMENT: If the hon. member will adopt the words "whether such meal is to be taken on the premises or otherwise," I will agree.

Mr. NORTH: I will adopt that wording. I move—

That the following be added to Subclause 2:—"whether such meal is to be taken on the premises or otherwise."

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

Clauses 44 to 46—agreed to.

Clause 47—Manufacture of bread at certain times prohibited:

Mr. F. C. L. SMITH: Apparently this clause, which is designed to eliminate night baking as far as possible, gives preference to the baker of Vienna bread in that he is allowed to start at 1 a.m., whereas a baker of ordinary bread may not start until 3 a.m.

The MINISTER FOR EMPLOYMENT: Vienna bread takes two hours longer to bake than does ordinary bread, and therefore it is necessary to permit an earlier start in order that the bread may be ready at the same hour.

Clause put and passed.

Clauses 48 to 50—agreed to.

Clause 51—Determination that no bread shall be baked on a certain day:

Mr. F. C. L. SMITH: The clause provides that a majority of the bakers in a municipal or road district shall determine whether bread shall be baked on Saturday or Sunday. On the goldfields there are three municipalities and a road district adjoining and bakers operate in all districts. A determination by bakers whose bake-houses were in one district might influence

the sale and delivery of bread in other districts. When Saturday is the day the next baking is done at 5 a.m. on Monday, and miners going to work on that day have to take stale bread for their midday meal. Sunday baking was allowed so that miners would have fresh bread for their Monday meal. I understand the present practice is that when there is a conflict between the master bakers a board can be appointed, and that a board was recently appointed and came to a decision. This clause seems to alter that principle. What protection will the miners have?

The MINISTER FOR EMPLOYMENT: In cases where a demand for bread exists it will be produced. The name and place of business of the baker will be recorded in the register in the district in which he is carrying on business. Registration will entitle the baker to a vote, and by their votes the registered bakers in a particular district can decide on which of the seven days in the week there shall be no baking.

Clause put and passed.

Clauses 52 to 69, Schedule, Title—agreed to.

Bill reported with amendments, and the report adopted.

### *Third Reading.*

Bill read a third time and transmitted to the Council.

*House adjourned at 12.58 a.m. (Wednesday).*