LOAN ESTIMATES INTRODUCTION.

The PREMIER (Hon. J. Scaddan): I should like to announce before the House adjourns that I will introduce to-morrow the Loan Estimates for the year ending 30th June next, and a Bill for loan authorisation.

House adjourned at 8.40 p.m.

Legislative Council.

Thursday, 21st December, 1911.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Report by Dr. Moloney on leprosy among aborigines in the North-West. 2, Report of the Chief Inspector of Fisheries for 1910.

BILL—HEALTH ACT AMENDMENT.

Message from the Legislative Assembly received and read notifying that the amendments made by the Legislative Council had been agreed to.

BILL—EARLY CLOSING ACT AMENDMENT.

Message from the Legislative Assembly received and read notifying that the amendments made by the Legislative Council had been agreed to.

BILL—LICENSING ACT AMENDMENT.

Message from the Legislative Assembly received and read notifying that the amendments made by the Legislative Council had been agreed to.

BILL—VETERINARY.

Returned from the Legislative Assembly with amendments.

BILL—MARRINUP BRANCH RAILWAY.

Received from the Legislative Assembly and read a first time.

QUESTION—BETTING IN STREETS.

Hon. D. G. GAWLER asked the Colonial Secretary: 1, Whether, in the opinion of the Government, the present provisions of the law dealing with the suppression of street betting are effective? 2, If not, whether the Government will amend the law so as to make it effective for that purpose?

The COLONIAL SECRETARY replied: 1, No. 2, The advisability of introducing legislation on the lines of the Victorian Act on betting will receive consideration.

BILL—DIVORCE AMENDMENT.

Postponement.

Order of the Day for the third reading read.

Hon. M. L. MOSS: As the printer had not completed the necessary printing, he moved:—

"*That the Order of the Day be postponed.*"

Motion passed; the Order of the Day postponed.

MOTION—ELECTORAL ROLLS, LEGISLATIVE COUNCIL.

Debate resumed from the previous day on the motion by Hon. J. D. Connolly, "That in the opinion of this House the instructions issued to the Chief Electoral Officer, as published in the *West Australian* of 16th December and headed 'Purifying the Rolls,' will result in the disfranchisement of many entitled to vote; also that it is desirable that, before notice of intention to show cause is issued, the department should ascertain from the Titles' Office, Lands, Mines, and Land Taxation Departments, the names of those who are qualified to be electors and serve notice of intention to show cause only upon those who, after examination of the official records, do not appear to be entitled to the franchise; further, that claim cards should also be sent to those whose names after such inquiry appear to be entitled to be electors but whose names do not appear on the rolls."

The COLONIAL SECRETARY (Hon. J. M. Drew): I would like to have been in the position yesterday to make an announcement which would be acceptable to the House. I could have moved the adjournment of the debate at an early stage of the proceedings, and I am sure it would have been granted to me, but it was my desire that the House should have the fullest opportunity of expressing its views in connection with this subject, a matter which peculiarly and particularly affects this Chamber, so I did not interfere until I could see that no other members intended to speak upon it. For some time past the Electoral Department have been receiving letters requesting them to employ the police to place those qualified on the Council rolls. I have, in the past, been a strong advocate for that step, and I have received letters from different persons making that suggestion —those persons, no doubt, thinking I was in charge of the Electoral Department. I forwarded the communications to the Attorney General, and in connection with one request I received a minute from the Chief Electoral Officer to this effect—

Electoral Canvass.—The matter which I submit for first consideration is whether the election is to be preceded by a departmental canvass of the whole or any portion of the State. I assume that such canvass—the actual cost of which is dependent upon the extent to which police assistance may be relied upon—would entail an expense of between £1,500 and £2,000. In this connection it should be remembered that between December and March a large number of constables are engaged upon the collection of the crop and stock returns under the Statistics Act, and that therefore, either a very small number only could be spared for an electoral canvass which would, of course, increase the cost, or the statistical collection and the electoral canvass must be done simultaneously, which would be a somewhat unsatisfactory procedure, as the persons eligible for electoral enrolment for the Council, and those from whom statistical returns are due are not the same persons. A canvass for the purpose of enrolling electors for the Legislative Council has never been and never will be a satisfactory proceeding—at any rate, outside the metropolitan area. It is quite a different matter to a canvass for the Assembly, for which "actual residence" constitutes the qualification. At a Council canvass, in order that it may be effective, it would, of course, be desirable for the canvasser to personally interview each elector in order to explain the complications of the franchise provisions and elicit particulars about the various properties or other qualifications the elector may have in other provinces. For this reason, so far, for instance, as the North Province is concerned, an electoral canvass within that province entails an expenditure far beyond the result which may reasonably be expected, on account of the fact that a large percentage of the electors are non-resident, and this refers also to other provinces in a lesser degree. Moreover, with the present complicated qualifications, it would be necessary to

obtain the services of a staff of more than average intelligence in order to prevent serious mistakes being made. Under these circumstances it appears to me at any rate that possibly some other arrangement could be made for placing electors in a position to effect enrolment without necessitating such a costly and, at the same time, probably comparatively ineffective undertaking as a canvass for Legislative Council enrolment would be.

Hon. J. F. Cullen: What was the date of that minute?

The COLONIAL SECRETARY: The 13th November, 1911. Mr. Stenberg seemed to show that the rolls were in an unsatisfactory condition, and he subsequently undertook a process to purify the rolls, and against the steps he has taken there was a very emphatic protest here yesterday afternoon. What he decided to do in the first place was that any such names as were enrolled since 1907, should appear on the new rolls by automatically being transferred to those rolls, but that those enrolled before 1907 should not be automatically transferred.

Hon. J. D. Connolly: Which were to be automatically transferred?

The COLONIAL SECRETARY: Only those put on since 1907.

Hon. C. Sommers: How many do they number?

The COLONIAL SECRETARY: I could not say. Mr. Stenberg tells me, without going into the matter, about 50 per cent. Those not automatically transferred to the new rolls were to receive a circular letter, accompanied by a new claim form and a leaflet containing particulars re qualifications and instructions how to fill in claims etcetera, in order to enable those who still may retain the qualifications to claim afresh, and place the department in possession of a proper claim in the form prescribed by the present Act. He suggested that all municipalities and roads boards should be approached with a request to lend the office a copy of the latest rate list prepared under the Municipal and Roads Acts containing the names of ratepayers and that the names on such lists be compared with the names to be retained on the new rolls, and if not appearing thereon such ratepayers to be supplied with a special circular, claim card, etcetera, direct from the office.

Hon. M. L. Moss: Notwithstanding that people with average intelligence could not fill up the forms.

The COLONIAL SECRETARY: In addition he suggested that a large poster arrangement should be prepared, and printed and distributed for exhibition at all post offices, railway stations, police offices, court houses, Government schools, agricultural halls, and such like places in the State with a view to letting the people know that rolls were in process of formation, and thus furnishing them with an opportunity to apply for the franchise. There has been a very strong protest against this intended transfer, and I think the views of this House, especially in connection with a matter of this kind, are entitled to serious consideration. This morning I spent some time in the company of the Attorney General and the Chief Electoral Officer, and at length we came to a decision which I hope will be considered satisfactory to the House. It seemed to me to be a satisfactory arrangement. It is this: that no names shall be automatically removed from the rolls unless the electoral registrar of each district, or the town clerk, or the secretary of the roads board certifies that the person does not possess the necessary qualifications. The roll to be forwarded to each of these officers. For instance, the electoral registrar will send a roll, say, to the town clerk of York, asking him to examine it and certify that any person on the roll is not qualified. If the town clerk of York states that the name of Thomas Jones appeared on the roll 10 years ago, but that he does not now possess a town block; that he has sold out and he is no longer qualified, then Thomas Jones will get notice.

Hon. M. L. Moss: That is perfectly fair.

The COLONIAL SECRETARY: The same with regard to roads boards. There may be a person who had property in a roads board district eight years ago, but he may have sold that property and gone, say, from the Geraldton district to the Northam district, but his name is still on the list. The secretary of the Geraldton roads board would say that this man no longer possessed the qualifications and would notify the Chief Electoral Officer, and before the name is removed a letter will be sent to the address of the particular person.

Hon. J. D. Connolly: Together with a claim card?

The COLONIAL SECRETARY: We did not go right into the very particulars.

Hon. W. Patrick: That, of course, follows.

The COLONIAL SECRETARY: It will be a common sense kind of inquiry. It is intended to be so, to see if a person has the qualifications. Red tape will not be insisted on in any shape or form. I may state that the Attorney General intends to make a similar statement in another place this afternoon.

Hon. M. L. Moss: Do we understand that there will be no proclamation, but a purification in the way you state?

The COLONIAL SECRETARY: No action will be taken in the way that it was intended. All will be automatically transferred to the new rolls, except against whose names objection is raised by the town clerks, the electoral registrars, or the secretary of roads boards. In those cases the persons will be given an opportunity to claim.

Hon. J. D. Connolly: Before the names are removed, notice of objection will be sent to them?

The COLONIAL SECRETARY: Yes.

Hon. J. D. Connolly: So that they will have a chance to defend?

The COLONIAL SECRETARY: I think it is necessary under the Act.

Hon. J. F. Cullen: Will the Minister say if revision courts will be held throughout the provinces.

Hon. J. D. Connolly: There must be.

Hon. J. F. Cullen: Before the rolls are correct?

The COLONIAL SECRETARY: I should think so. I will make inquiry. It will take a considerable time to effect this.

Hon. J. D. CONNOLLY (in reply): In view of the satisfactory statement made by the Colonial Secretary, namely, that the procedure as set forth in the *West Australian* on a statement from the Attorney General will not be carried out, but in lieu thereof no names will be struck off the rolls automatically; but in any district where there is an electoral registrar, a town clerk, a secretary of a roads board, these persons will sign a statement showing that they believe certain persons do not now hold the qualifications, and then objection will be sent to the persons, and these persons will then have an opportunity of defending their claim, if they retain the qualification. In view of that statement I beg leave to withdraw the motion.

The Colonial Secretary: If a person does not successfully defend the position he will be struck off.

Hon. M. L. Moss: Is it competent for any person to speak now?

The PRESIDENT: The mover of the motion having replied, that ends the debate.

Motion by leave withdrawn.

BILL—WORKERS' HOMES.

In Committee.

Resumed from the previous day.

New Clause—Holdings may be surrendered and workers' dwellings acquired:

The CHAIRMAN: Progress was reported on the previous day on a new clause to stand as Clause 23, which formerly occupied a place in the Bill as Clause 44.

The COLONIAL SECRETARY: This was a new clause inserted in another place, and placed in Part IV. of the Bill instead of Part III. He was moving that the clause be transferred from its present position to its proper position.

New clause put and passed.

Postponed Clause 26—Advance to be secured by mortgage. [An amendment has been moved by Hon. W. Patrick to strike out Sub-clause 2.j:

The COLONIAL SECRETARY: The Solicitor General had been seen in reference to the points raised by Mr. Gawler. The object of the clause was to protect building material that might be on the ground during the process of the erection of a worker's home. The Solicitor General promised that he would forward a memorandum that would meet the case, confining the clause to building material.

Hon. M. L. MOSS: Members should direct their attention to Clause 42. Bills of sale could be given as collateral security, and then Clause 42 said that no judgment of a court should in any way affect the security for any advances made under the Act, and until all the instalments had been paid off no process of law could interfere with the property. A man might as collateral security mortgage personal chattels worth £500 for a £300 advance from the Board, and while a single fraction remained owing to the Board by that man no one who had a judgment against him could touch any of his possessions covered by the security.

Hon. D. G. GAWLER: If the amendment mentioned by the Colonial Secretary to confine the protection to building material on the ground, were made, it would remove the objection to this subclause, but Clause 42 was very wide. It was clearly intended that the worker should be able to give security over everything, including his furniture. If the clause under consideration and Clause 42 were amended, the Bill would be more satisfactory.

Hon. Sir E. H. WITTENOOM: The greatest objection to the clause was that a person who had incurred a debt on the strength of a little property which he possessed might give a mortgage to the Government over that property without any warning, thus depriving creditors of their security. If provision were made that notice should be given by everyone who wanted an advance under the Act, the creditors would have an opportunity of protecting themselves. The Government were right to protect the Board as much as possible, but they must not do it at the expense of other creditors.

The COLONIAL SECRETARY: The easier way to get over the difficulty was to remove the subclause altogether and oblige the Board to go to the extra expense of registering bills of sale He did not think that Clause 42 should be struck out so long as there was the responsibility placed on the Board of registering bills of sale the same as everyone else.

Hon. J. F. CULLEN: Would it not be a simpler and cheaper course to provide for notice to be given of intention to borrow? That proposition would be less offensive to the borrower, and would give both him and private creditors every protection.

Hon. R. D. McKENZIE: If the Minister for Lands took a mortgage over stock or machinery, he gave notice of it in the ordinary way, and the business people were able to know of it through the trade gazette. The same would be the case with mortgages under this Act, and there could be no inconvenience to the borrower and no injustice to other creditors.

The COLONIAL SECRETARY: It would not be necessary to interfere with Clause 42 if the subclause under consideration were struck out, because Clause 42 gave the Crown protection to the extent that it should be protected. If the board were compelled to register all bills of sale, that would be an abundant notification to everybody. So far as residential leases or miners' homestead leases were concerned, the Board should be protected, because these might be forfeited by the Minister for Lands and the Minister for Mines respectively. He could not see why an order of the court should be allowed to interfere with the security which the board held.

Hon. D. G. GAWLER: The striking out of the subclause would not get over the difficulty that presented itself in Clause 42, that if a creditor obtained judgment against a worker who came under this Act, so long as an instalment

remained owing to the Board, even though it were only a few pounds, that creditor would not be able to get any of the worker's property.

Amendment put and passed.

Clause as amended agreed to.

The Schedule:

On motion by the COLONIAL SECRETARY sub-paragraph (c) of paragraph 1 was amended by striking out the words "twenty" and inserting "thirty" in lieu; also the word "twenty" was struck out of sub-paragraph (c) of paragraph 1, and "thirty" inserted in lieu; also the word "debenture" was struck out of sub-paragraph (*d*) and "coupon for same" inserted in lieu.

The COLONIAL SECRETARY moved an amendment—

That the following be inserted to stand as sub-clause 4 of Clause 5:— So far as the funds applied to the execution of this Act are moneys appropriated by Parliament for the purpose, a proportionate part of the moneys for the time being standing to the credit of the Redemption Account shall be allocated by the Governor to such moneys appropriated by Parliament as aforesaid; and the interest on, and contribution to the sinking fund in respect of such moneys appropriated by Parliament as aforesaid, paid from time to time out of Consolidated Revenue shall be re-imbursed out of the Redemption Account accordingly.

There was no necessity to have two sinking funds. Loan moneys could be used in connection with the administration of this Bill, and if loan moneys were used, there would be a contribution to the Sinking Fund, and also to the Redemption Account. The matter would be so adjusted by the amendment that, instead of two contributions, there would be only one.

Amendment passed; the Schedule, as amended, agreed to.

Bill reported with amendments.

As to recommittal.

Hon. M. L. MOSS moved—

That the Bill be recommitted for the purpose of further considering Clause 19.

There were more members in the House that afternoon than there were on the previous day when the clause was considered. He was not satisfied to allow the clause to pass without making a further protest against Subclause 2. It might not be out of place to again explain where it would land the country if it were agreed to. It was a very remarkable piece of legislation. Not only did the Board, with the aid of Government money, put up a worker's home at a cost of £550 (the contribution of the worker being only £10), but the worker would live in the house and keep it as his own as long as it suited him. The building would be erected in a locality where the land might be practically valueless. We knew now that the measure would apply to the goldfields. The clause compelled the board to purchase back the property for the amount of money the lessee had paid, plus any amount of expenditure he had made for improvements, less an amount for deterioration, and deterioration merely alluded to the deterioration of the building, because the land did not deteriorate. He had never heard of such a thing before. The best that could be said for it was that a very charitably disposed Parliament was prepared to provide homes for people, finding the whole of the money. It was a most philanthropic piece of work for the country to embark upon. It might be an excellent thing if the country had millions of money at its back, but when we knew of the commitments of the country, to allow a principal like that to remain in the measure would not be right. To-day it would only mean an expenditure of a quarter of a million, but this would be an annually recurring thing, as was the case with the Agricultural Bank. Instead of being a quarter of a million, the capital would be increased from time to time. No person outside a lunatic asylum would think of conducting his business on such lines.

Hon. W. KINGSMILL: As he would not have the chance of speaking on this question in Committee, he would take that opportunity of supporting the

recommittal. The clause simply mentioned the deterioration of the building, nothing was allowed for the deterioration of the locality. Hon. members had instanced the deterioration of goldfields towns. There was no need to go so far as the goldfields. If hon. members knew anything about agricultural lands in the other States, they might remember that in South Australia there were townships to-day which were practically deserted, and of no value because the country had been found to have an inadequate rainfall for farming. The same thing was likely to happen to Western Australia.

Hon. V. Hamersley: What about Silverton, in South Australia?

Hon. W. KINGSMILL: Exactly. But he was quite prepared to leave the goldfields out of it altogether. If it were proposed to pay the lessee a fair value, there would be no objection, but when £550 had been advanced for the purpose of erecting a worker's dwelling, and the worker found the district such that it no longer paid him to live there, he took it that the Government would be carrying Quixotism to an absurd point if they paid that worker £550, less what trifling depreciation there might be for the dwelling, which might be worth a quarter or half that sum. The localities in which these places were erected often started out with the brightest prospects. It was a direct invitation for people to victimise the Government, and the clause as it stood was most dangerous.

Hon. E. M. CLARKE: The proposal to recommit the Bill met with his heartiest support.

Question put and passed.

Recommittal.

Clause 19—Conditions of disposal by lessee of his interest:

Hon. V. HAMERSLEY: This was a dangerous clause. Numbers of instances could be given of cases in agricultural areas where private individuals had thought it wise enough to spend their own money in putting up cottages and buildings. These places had deteriorated in value to such an extent that the homes had been abandoned. To-day they were falling to pieces, and were not worth one-fiftieth of what they cost some few years ago. He recognised from the remarks which had been made that the Board would be more likely to advance even more money on these structures than would a private individual.

Hon. J. F. CULLEN moved an amendment—

That all the words after "Board" in line 3 of Subclause 2 be struck out and "may purchase the same at a fair market value at the date of such purchase" be inserted in lieu.

There would be no trouble in ascertaining the fair market value of these properties.

Hon. M. L. MOSS: There was no occasion to hack the Government Bill about in the way proposed by Mr. Cullen. The desired alteration could be better achieved by striking out "shall" and substituting "may" and adding at the end of the subclause "less any allowance for depreciation in value." In the subclause as it stood this proviso read "less any allowance for deterioration that the Board may determine," but it would be simpler and altogether better to substitute for this "depreciation in value."

Hon. J. F. CULLEN: The common desire was to see the thing properly done, and in his opinion his own amendment was a shorter and better way of doing it.

Hon. M. L. Moss: Who is to decide the market value?

Hon. J. F. CULLEN: That could be done by agreement.

The COLONIAL SECRETARY: "Market value" was altogether too vague. Suppose the house were in a wilderness; how was its market value to be arrived at? Moreover, it was to be remembered that the land on which the house would stand belonged to the Crown.

Hon. J. F. CULLEN: Subclause 1 had been altogether overlooked. It was fatal alike to his amendment and to that suggested by Mr. Moss. If we were going to tie the lessee to the Government,

as was done in Subclause 1, we could not subsequently move to make the purchase by the board permissive. The question was as to whether there was any reason why we should tie the lessee to the Government.

Hon. F. DAVIS: The intention was to keep the house under the control of the Government. Would that principle not be vitiated if we were to allow the lessee to sell to other people? If we do not restrict the power of sale it would be possible to set up a traffic in these houses.

Hon. A. G. JENKINS: If it were desired to leave the board the sole buyer the clause could be made quite safe. It was only necessary to provide that the buyer should give only the fair market value, and not make the buyer refund the total amount of payments less deterioration. The value of the property might have fallen far below its original price less actual depreciation.

Hon. M. L. MOSS: It was possible to work out a fair compromise between the amendment and that proposed. He would suggest the insertion of the following:—"The buyer shall purchase at fair market value on the day of application to the Board for that purpose, and in case of dispute as to the amount the same shall be settled under the Arbitration Act, 1895."

Hon. D. G. GAWLER: The difficulty in using "market value" would lie in defining the market value of such a holding. It was to be remembered that it was not a freehold property, which could be easily valued.

Hon. M. L. MOSS: It might prove that the money paid by the leesse greatly exceeded the market price or fair value of the building when the lessee determined to sell. It would be wise to take away the power to compel the Government to buy the property back, and merely give the lessee the power to sell to any body provided he secured the approval of the board. The best way would be to strike out Clauses 2 and 3 and make an addition to Subclause 1 if Mr. Cullen would withdraw the amendment.

Hon. J. F. Cullen: I am willing to do so if the Minister will approve of it.

Colonial Secretary: I cannot.

Hon. J. F. CULLEN: I will temporarily withdraw my amendment.

Amendment by leave withdrawn.

Hon. M. L. MOSS moved an amendment—

> *That the words "except to the board" at the end of Subclause 1 be struck out, and "without first obtaining the written approval of the board, which it shall have full power to give or withhold in its absolute discretion" inserted in lieu.*

The whole principle of the Bill would be preserved. The board would need to give written approval to any person trafficking in the holdings.

The COLONIAL SECRETARY: The amendment was contrary to the main principle of the Bill and would lead to trafficking. The wish of the Government was to avoid anything of the kind.

Hon. J. W. KIRWAN: An amendment of such a character should have been placed on the Notice Paper. It seemed extraordinary that, at the last moment and when the Bill was recommitted, such an amendment should be brought forward which would in a vast degree alter the whole intention and scope of the measure.

Hon. M. L. MOSS: No objection need be taken to the amendment not being on the Notice Paper when Standing Orders were suspended.

Hon. A. G. JENKINS: The difficulty in this clause should be easily overcome. No one but the board should be able to purchase the properties, but provision should be made that the value of the property should be its value at the time of the sale. That ought to be specified.

The Colonial Secretary: I will not oppose that.

Hon. J. F. Cullen: It should be sold at the fair market value.

The Colonial Secretary: I do not like "market value."

Hon. J. F. Cullen: Then we can leave out "market."

The Colonial Secretary: I will accept that.

Hon. M. L. MOSS: We could well allow the sale to any person authorised to hold one of these worker's homes.

Amendment put and negatived.

Hon. J. F. CULLEN moved an amendment—

That all the words in Subclause 2 from "Board" in line 3 down to the proviso be struck out, and "shall purchase the same at the value at the date of such purchase" inserted in lieu.

Hon. D. G. GAWLER: This would leave the clause too vague, as it did not mention when the board should make the purchase though it fixed the date on which the value was to be assessed.

Amendment put and passed.

On motions by Hon. J. F. CULLEN the clause was further amended in line 2 of Subclause 3 by striking out "deducted for deterioration as aforesaid"; also in line 25 by striking out "reappraisement" and inserting "fix" in lieu; also in line 25 by striking out "deterioration" and inserting "purchase money" in lieu.

Clause as amended agreed to.

Bill again reported with further amendments, and a Message accordingly returned to the Legislative Assembly requesting them to make the amendments, and leave given to sit again on receipt of a Message from the Legislative Assembly.

BILL—TRANSCONTINENTAL RAILWAY.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This is a Bill to enable the Commonwealth of Australia to construct within our State a portion of the Transcontinental railway between Port Augusta and Kalgoorlie. It is a matter for general jubilation that the Federal Government have passed through both Houses of Parliament a Bill to authorise this great national undertaking. Although it was not a stipulated condition of Federation, it was an implied one, but not till now has it met with due observance. For over 10 years there has been continued agitation for the line, and it is not till now that we have attained our desire. Fate has ordained that a Labour Government have been the medium of conferring this great boon on Western Australia, at the same time it cannot be denied in connection with this great question that all parties have combined shoulder to shoulder to secure proper recognition of Western Australian claims. The only point to be determined is the quantity of loan required for the line, and this is a matter for negotiation, and the Government, I can assure members, will see that the State receives full justice. We intend to protect the rights of the State in every possible way. We are prepared to give the Federal Government all the land necessary for the construction, maintenance, and working of the railway along the route of the line in this State. The Federal Government applied to the State for a strip of land half a mile wide on either side. That seemed an unreasonable demand, and the first thing we asked ourselves was, "What do they want the land for. If to establish townsites, we have a decided objection to that." We are quite prepared to establish the townsites ourselves within the borders of Western Australia. It must be remembered the railway is not considered entirely in the interests of Western Australia. Military experts have reported that it is essential for defence purposes. While the State is prepared to go a long way in the direction of meeting the Commonwealth demands, it is not expected that we should go to an unreasonable length. There is a clause in the Commonwealth Bill which states that before commencing the construction of the line the Commonwealth Government shall obtain land from Western Australia and South Australia sufficient for the construction, working, and maintenance of the railway. For the purpose of complying with the provisions of the Commonwealth Act this Bill is introduced here to-day, and I have much pleasure in moving—

That the Bill be now read a second time.

Hon. SIR J. W. HACKETT: When will the route be determined from Kalgoorlie to Perth?

The COLONIAL SECRETARY: I cannot say. It is a matter that is under consideration. The matter has come under the notice of the present Government several times, but no deep consideration has been given to it. It has come up from time to time.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Power to grant land:

The COLONIAL SECRETARY: There had been objections raised in the negotiations as to the depth to be granted, and it was proposed to alter the depth from 40ft. to 150ft. A proviso was also to be added that no mining operations should be carried on under the land so granted, unless with the approval of the Executive Government of the Commonwealth. He moved an amendment—

That the words "not exceeding forty feet" be struck out and "one hundred and fifty feet" be inserted in lieu.

Hon. R. D. McKENZIE: Could the Minister say what area of land would be granted to the Commonwealth?

Hon. J. D. CONNOLLY: In view of the proviso that the leader of the Government intended to insert later on, this was an unnecessary amendment, and it might in time to come be a restriction on mining. It was usual to sell Crown lands in the State to the depth of 40ft., and 40ft. was enough to hold up any railway line if it were properly secured, just as well as 150ft. Later on it was intended to provide that no mining operations should be carried on under the land unless with the approval of the Executive Government of the Commonwealth That was safeguard enough for the Federal Government, who would be the owners of the railway. By making this amendment we would be leaving 110ft. of land, possibly rich in minerals, which could not be taken out. The line would pass through auriferous country, and 90 miles east of Kalgoorlie reefs were known to exist.

The COLONIAL SECRETARY: The clause had been drafted in this form at the request of the Federal Government. They insisted on it, and the State Government approved of it as a reasonable request. . . . . .

Amendment put and passed.

Hon. E. M. Clarke: What width of line do the Commonwealth Government require?

The COLONIAL SECRETARY: The Commonwealth Government wanted half a mile on each side of the line. The State Government objected to that, and were still in communication with the Federal authorities. They were prepared to give the Commonwealth no more than was necessary for the purposes of the line and for the erection of sheds and buildings. The Clause left the State Government with full authority to negotiate, and to give the Commonwealth only as much land as they thought advisable. Parliament must trust the present Government in regard to the area to be handed over to the Commonwealth. . . . . .

Hon. E. M. CLARKE: It was undesirable that a continuous wide strip of land along the whole route of the railway should be alienated from the State; but allowance should be made for stations and other requirements in connection with the construction and maintenance of the line. . . . . .

The COLONIAL SECRETARY: The Commonwealth would get what was really required for the permanent way and the necessary buildings, but certainly no more. . . . . .

Hon. J. F. CULLEN: The State should not be pinned down to what might be the opinions of the Minister of State for the Commonwealth. The clause at present provided that the Government should allow to the Commonwealth as much land as in the opinion of the Federal Minister was necessary. Those words should be struck out.

The Colonial Secretary: The Bill will be useless if you strike out those words.

Hon. J. F. CULLEN: The words were entirely superfluous. The Government would still have power to grant such lands as were necessary, and there was no reason why the State should be tied to the opinion of one man in the Commonwealth Ministry. He moved an amendment—

That the following words be struck out:—"In the opinion of the Minister of State for the Commonwealth for the time being administering any Act of the Parliament of the Commonwealth authorising any such railway as aforesaid."

The COLONIAL SECRETARY: The clause was based on the Commonwealth Bill, which made it necessary that the State should pass a Bill worded as this clause was worded. If the amendment were carried the Bill would not be in conformity with the demands of the Federal Government.

Hon. C. A. PIESSE: The words proposed to be struck out were absolutely necessary. The Federal authorities might find it necessary to go three or four miles from the route to get ballast and water.

Hon. R. D. McKENZIE: With the assurance of the Government that they would protect the interests of the State, and would give the Commonwealth only such land as was necessary for the railway, members could rest content.

Hon. Sir E. H. WITTENOOM: Whilst in accord with the mover he would not vote for the amendment, because the carrying of the amendment might endanger the line. There was not the slightest doubt that by passing this clause we would be putting ourselves in the hands of the Commonwealth Minister. If the State Government did not give what the Federal Minister demanded, he would say that he would not build the line.

Hon. R. D. McKenzie: He may take less than what he originally asked for.

Hon. Sir E. H. WITTENOOM: The Federal Minister would take what he asked for, and under this clause what he asked for he must have.

Hon. J. F. CULLEN: The words were mere surplusage, and would put the State at the mercy of the Commonwealth Minister. Although the clause said that the Governor "may" grant to the Commonwealth certain lands, the "may" in a Bill of this kind was just as effective as "shall."

Hon. C. McKENZIE: There was no necessity for any alteration of the clause. The Committee had the assurance of the Colonial Secretary that the Commonwealth would not necessarily get all that might be asked for, and the Government could be trusted to give no more than was required.

The COLONIAL SECRETARY: If Mr. Cullen's amendment was carried it would hang up the railway until next session of Parliament, and it would be necessary then to introduce another Bill, on similar lines. The Bill which was before members was simply complying with the request contained in the measure which had passed the Federal Parliament. This, too, was an exact copy of the Bill which was going through the South Australian Parliament.

Hon. J. F. CULLEN: It would never do to hang up the Transcontinental Railway; but it was a pity that there was all this unnecessary verbiage in the Bill. He would take the Minister seriously, and ask leave to withdraw the amendment.

Amendment by leave withdrawn.

The COLONIAL SECRETARY moved a further amendment:—

That the following proviso be added:—"Provided that no mining operations shall be carried on under the land so granted without the approval of the Executive Government of the Commonwealth."

Amendment passed.

Clause as amended agreed to.

Title—agreed to.

Bill reported with amendments; the report adopted.

Read a third time and returned to the Legislative Assembly.

BILL—EARLY CLOSING ACT AMENDMENT.

Printer's error.

Hon. M. L. MOSS (West): May I, at this stage, draw the attention of the House to a very serious mistake which has been made in the printing of the Early Closing Bill? When the Bill was before the Committee of this House I moved an amendment that the words "after the general time of closing of shops," be inserted after the word "day," in the fourth line of Clause 7. These words, however, have been put in in a totally different place, with the result that they make absolute nonsense of the clause. I do not know how the blunder has occurred. The amendment which this House made was sent to another place, and agreed to in the form in which it now appears in the Bill. I understand that this error can be rectified by a Message from the Governor. It is a procedure that is not frequently adopted, but it must be done before the Bill gets on the statute-book.

The PRESIDENT: Does the hon. member conclude with a motion?

Hon. M. L. MOSS: No, I am only drawing the attention of the Minister to the error.

Hon. J. D. CONNOLLY (North-East): I would suggest that the Bill be allowed to go through and receive the Governor's assent, and an amending Bill be passed before the close of the session.

Hon. W. KINGSMILL (Metropolitan): I have just had my attention drawn to the fact that we can fix up this matter at once. Under Standing Order 12 of the Joint Standing Orders this state of affairs is remediable. The Joint Standing Order reads—

> Upon the discovery of any clerical error in any Bills which shall have passed both houses of Parliament, and before the same be presented to the Governor for the Royal assent, the Clerk of the Parliaments shall report the same to the House in which the Bill originated, which House may deal with the same as with other amendments.

Under this Standing Order it will be possible, therefore, to rectify the error in the other House, where the Bill originated. It will only be necessary to draw their attention to the fact.

BILL—INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from 19th December; Hon. W. Kingsmill in the Chair; Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 8—Amendment of Section 68:

Hon. Sir E. H. WITTENOOM moved an amendment—

That the proposed new Subsection 3 be struck out.

Hon. J. E. DODD: Would the hon. member give reasons for striking out the proposed new subsection?

Hon. Sir E. H. WITTENOOM: The proposed Subsection 2 rendered a decision of the court absolutely final, while the proposed Subsection 3 rendered the jurisdiction of the court unaffected by the fact that no member of the union was concerned in the dispute. They gave power to drag any employer into the dispute whether or not he was at all affected by it. The provision was so far-reaching that is was difficult to understand anybody entertaining it for a moment. Why should any man, whether employer or employee, be dragged into a dispute in which he was not interested?

Hon. J. E. DODD: It was quite possible that in an industry such as the tailoring industry one shop would be employing union men while another would employ no union men at all. An award of the court would apply to the shop in which the unionists were engaged, but would have no power in respect to the shop where no unionists were engaged.

Hon. M. L. Moss: You have the power of common rule.

Hon. J. E. DODD: It was just as well to be absolutely sure.

Hon. Sir E. H. Wittenoom: You are making no mistake about this.

Hon. J. E. DODD: It was as unfair that an employer should have to pay higher wages and give better conditions to his men than another employer had to do, as it was that the men employed by one firm should have to be content with a lower wage and less satisfactory conditions than were provided in another shop. In Melbourne an award had been given in respect to one firm alone in the boot industry, with a result that an unfair advantage was secured by the rival shop over the way. He hoped the subsection would be agreed to.

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

Ayes	16
Noes	7
Majority for	9

AYES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. F. Cullen	Hon. M. L. Moss
Hon. D. G. Gawler	Hon. C. A. Piesse
Hon. V. Hamersley	Hon. C. Sommers
Hon. R. Laurie	Hon. T. H. Wilding
Hon. W. Marwick	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. A. G. Jenkins (*Teller*).

NOES.

Hon. T. F. O. Brimage	Hon. J. M. Drew
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. J. W. Hackett (*Teller*).
Hon. J. A. Doland	

Amendment thus passed, the clause as amended agreed to.

Clause 9—Amendment of Section 84:

Hon. M. L. MOSS: For reasons which he had already given fully he would vote against the clause. The jurisdiction of the court was to fix rates of wages and conditions of labour, and when that had been done and the award given, the court should have no right to do anything further; but in the clause it was proposed that the court should go much further and prescribe rules for the regulation of an industry. It would enable the court to come along and manage a man's business.

Hon. J. E. DODD: The object of the clause was to enable the court to make certain conditions for the peaceful carrying on of an industry in respect of any dispute that might arise during the currency of an award. It had been laid down by the High Court that the arbitration court could only make awards in those matters which had been placed before it by the parties. Prior to that ruling the court had made awards applying to matters not specifically brought before it. It was quite possible that something might arise which was likely to create a dispute. For instance, on the goldfields there had been introduced a small drilling machine. The wages of the rock drill machine men were 13s. 4d. a day, and the men on these smaller machines had contended that they also should have 13s. 4d. a day. Had this clause been in the principal Act the court could have been asked to settle that point without an application for an interpretation of the main award, which would probably lead to a dispute. Again, this practice of daily conferences among the men was giving rise to trouble. It was possible the court would have power to say these things were illegal and should not take place.

Hon. M. L. Moss: The court has all that power now.

Hon. J. E. DODD: That was doubtful; and where a dispute was pending it would give the court power to bring about a compulsory conference.

Hon. M. L. MOSS: Under the present Act there was power to do many of the things the hon. member alluded to. Conditions in regard to apprentices could be fixed in any award; and it was dangerous to allow matters to be sprung upon parties appearing before the court. Nothing should be decided except what appeared in the citation; nothing should be sprung on either party where there was not sufficient time to prepare evidence to answer it. But the real intention of the clause was to enable the court to go into a man's establishment and prescribe rules for regulating the industry. The present powers of the court were sufficiently comprehensive. We should not put in anything that could be utilised to take away from a man the right to manage his own business.

Hon. F. Davis: Are they likely to do it?

Hon. M. L. MOSS: That was not the point. The provision enabled them to do

it. It was quite sufficient to lay down the hours and the rates of wages. Otherwise a man would simply find the capital to run the business under the direction of the court, making him an absolute dummy to find the capital and assume the responsibility.

Hon. F. Davis: And get the profits.

Hon. M. L. MOSS: There might be a loss. Would the court shoulder the responsibility of the loss? Business people should be entitled to control their own businesses, so long as they observed the conditions of labour and wages laid down in the awards of the court.

Hon. D. G. GAWLER: Though Mr. Moss desired the clause to be struck out, he desired to move an amendment providing for awards being binding on individuals. Owing to a mistake in the original Act there was no provision in Section 84 for an award to be binding on an individual member of a union, as the only parties to an award were the unions or associations of employers and employees. He would move to insert a new subsection providing that an industrial award should be binding on every member of a union or association which was party to it.

Hon. M. L. MOSS: There was no objection to such an amendment, but it would be well first to have a decision on the clause as it stood.

The CHAIRMAN: Mr. Gawler could move his amendment as a new clause in the event of the clause being struck out.

Hon. J. A. DOLAND: The clause in the Bill made it possible for the court to regulate conditions under which apprentices were employed, and to appoint boards to regulate the technicalities of an industry, such as the tailoring industry. Such boards would save a good deal of trouble to the parties, because they could refer to the boards instead of going to the court for enforcements of awards.

Hon. T. F. O. BRIMAGE: At the present time unions had by-laws guiding the employment of apprentices, and this was one of the things that the clause would deal with. There were so many different classes of labour that could be regulated by the Court. When the Bill was introduced, it was intended to do away with the Supreme Court Judge as President, and have a layman, but now that provision had been struck out, and the court would be presided over by a Judge, and each party would have the right to appeal there, so that there would be no danger.

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

Ayes	..	..	9
Noes	..	..	14
Majority against		..	5

AYES.

Hon. T. F. O. Brimage	Hon. Sir J. W. Hackett
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. C. McKenzie
Hon. J. A. Doland	Hon. A. G. Jenkins
Hon. J. M. Drew	*(Teller.)*

NOES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersly	Hon. Sir E. H. Wittenoom
Hon. R. Laurie	Hon. C. Sommers
Hon. W. Marwick	*(Teller.)*
Hon. R. D. McKenzie	

Clause thus negatived.

Clause 10—Insertion of new section after Section 86, amendment of awards:

Hon. M. L. MOSS moved—

That the proposed new Subsection 1 be struck out.

This was a provision that enabled an award to be made operative for three years being altered at the end of 12 months.

Hon. J. E. DODD: This clause was not likely to have the effect that members thought. To a great extent, it had been drafted to deal with certain awards given by the Chief Justice, who had made several awards for three years, but with the right after 12 months of one party altering the award. Doubts had arisen as to the validity of those awards. He had the permission of the Chief Justice to say this particular clause had been drafted in order to overcome the difficulty, and it had been drafted by the Chief Justice himself. It was the wish of the Chief Justice that this provision should be inserted in the Bill. Members had complained that this would effect

the saw-milling industry and other large industries which had entered into contracts. The last Government obtained a report from Mr. Justice Burnside, who said it would be unwise to alter an award to extend it for too lengthy a period, as it might hamper and kill struggling industries.

Hon. Sir J. W. Hackett: Could the parties contract themselves out of the proposed new section.

Hon. J. E. DODD: The parties could only apply to the court to alter, amend or revise an award.

Hon. Sir E. H. WITTENOOM: It was in the interests of unions that awards should be revised every 12 months, because in the changing nature of life it was well to have methods reviewed. We had to look at the matter from the point of view of both labourers and employers, and we must look at it from the commercial arrangement. There were many large industries that must depend on lengthy terms for a certainty. If a firm wished to quote for the delivery of sleepers for two years at, say, Buenos Ayres, India, or some other distant place, they must have a certainty to rely on. In short contracts it might be all right, but in large businesses it would be a mistake. In large businesses anything under a three years' award was bad, because there was no certainty. No one would take into consideration large orders if an award was to be revised every 12 months. Mr. Dodd had referred to struggling industries. It might be an advantage, to a certain extent, to struggling industries, but it was not to large industries.

Hon. E. M. CLARKE: The position stated by Sir Edward Wittenoom was worthy of consideration. A timber company might enter into a contract for the supply of sleepers extending over 18 months. After the contract had been made the court might raise the wages of the men. Whilst he had no objection to that, still it must be borne in mind that the employer had contracted to supply at a certain price, extending over 18 months, and if he went to the purchaser and told him that the conditions had been altered, and the cost of production increased, and that he desired an increase in his contract price, was it likely that the purchases would concede it? So far as the worker was concerned, it was a case of "heads I win, tails you lose."

Hon. J. E. DODD: Members were looking at the clause in a wrong light. It simply read that where the currency of the award was for three years, and it was by that award declared that the parties could approach the court after the award had been in existence 12 months, the court might hear an application and vary the award. The provisions did not apply to all awards, but only such awards as contained this condition. Hon. members had a very poor appreciation of their case and of their agents if they believed that they could not show the court what Sir Edward Wittenoom had tried to show the Committee. If the amendment were carried the Court would be obliged to make awards for only 12 months, and the conditions would then be even more unsettled.

Hon. D. G. GAWLER: The clause as now drawn would allow the employer to go to the Court and say that his contracts were affected; but would not that plea be raised in connection with every award? It was impossible to put a proviso in the contract that the price might be increased if the Arbitration Court altered the award existing in the industry. If the contract was as indefinite as that, people outside the State would refuse to do business with local firms.

Hon. Sir E. H. WITTENOOM: The term of 12 months after which the parties could apply to the Court for an alteration of the award, was too short. Although the employer might go to the court he might not succeed and then, of course, he was involved in a big loss so far as his contracts were concerned. The majority of employers would rather pay a higher rate of wages and have security for three years. The short term must interfere with large contracts, because the employer would not know how to contract, and a rise and fall clause in the contract

would not be accepted by people outside the State.

Hon. R. LAURIE: Hon. members should not worry whether the term was 12 months or three years, or whether they could go to the court or stay outside. If, after an award had run 12 months, an application was made to the court, and the men did not get what they wanted, they would simply take a holiday. Whilst he welcomed an arbitration and conciliation measure, it must be fair and equitable. In view of the regular experience of the way in which arbitration awards were treated by the workers, Sir Edward Wittenoom would be well advised to let the clause go, having made his protest.

Hon. M. L. MOSS: The remarks of Mr. Laurie were against the whole principle of industrial arbitration. It was all right when the workers got what they wanted, but it was all wrong when they did not.

Hon. T. F. O. BRIMAGE: The clause simply gave the right to break an award. It might not be a matter of wages on which a party approached the Court; unforeseen circumstances might have arisen which demanded that the award should be broken. He hoped the clause would stand.

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

Ayes	.. .. ..	10
Noes	.. .. ..	13
Majority against	..	3

AYES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. V. Hamersley	Hon. C. Sommers
Hon. W. Marwick	Hon. T. H. Wilding
Hon. E. McLarty	Hon. Sir E. H. Wittenoom (*Teller*).

NOES.

Hon. T. F. O. Brimage	Hon. A. G. Jenkins
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. R. Laurie
Hon. J. A. Doland	Hon. C. McKenzie
Hon. J. M. Drew	Hon. R. D. McKenzie
Hon. D. G. Gawler	Hon. J. D. Connolly
Hon. Sir J. W. Hackett	(*Teller*).

Amendment thus negatived.

Sitting suspended from 6·15 to 7·30 p.m.

Clause 11—Amendment of Section 89:

Hon. J. E. DODD moved an amendment—

That in line 5 of subclause 2, after the word 'same' the words 'such award shall remain in operation, and shall be deemed to have remained in operation accordingly and' be inserted.

The object was to validate certain awards given by Mr. Justice Burnside.

Amendment passed; the clause as amended agreed to.

Clause 12—Insertion of new section after section 89:

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

Ayes	.. .. ..	11
Noes	.. .. ..	10
Majority for	..	1

AYES.

Hon. E. M. Clarke	Hon. A. G. Jenkins
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. C. McKenzie
Hon. J. A. Doland	Hon. R. D. McKenzie
Hon. J. M. Drew	Hon. T. F. O. Brimage
Hon. Sir J. W. Hackett	(*Teller*).

NOES.

Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. R. Laurie	(*Teller*).
Hon. W. Marwick	

Clause thus passed.

Clause 13—Amendment of Section 96:

Hon. F. DAVIS moved an amendment—

That the following words be added:—'But the accidental voting in such ballot of an unfinancial member shall not invalidate the ballot, unless the decision is affected by such voting.'

It might be possible that a member who might be unfinancial on the books, and who might not know of his position, might vote, and, by that means, render the ballot ineffective. The amendment would get over the difficulty.

Hon. Sir J. W. Hackett: This will enable them all to be unfinancial.

Hon. J. F. CULLEN: What was to hinder the "cooking" of this ballot? The hon. member's amendment was dangerous, and there was no need for it.

Hon. Sir E. H. WITTENOOM: Clause 14 inadequately dealt with the question of voting, but, if the amendment was carried, there would be a good deal of "accidental" voting.

Amendment put and negatived.

Clause put and passed.

Clause 14—Amendment of Section 97:

Hon. M. L. MOSS moved an amendment—

"*That in line 8 of paragraph (a), after the word 'association' the following words be added:—'Provided that at such meeting at least three-fourths of such members respectively be present.*"

Hon. J. E. DODD: It was almost unnecessary to point out that there would be no need for the amendment. It would make it absolutely impossible for any of the large unions to approach the Court. In the case of a miners' union, at Kalgoorlie, we were going to ask them that three-fourths of the members should be present at the meeting carrying the resolutions. The amendment was so absurd that it was unnecessary to make any further explanation.

Hon. Sir E. H. WITTENOOM: It seemed to him that a resolution carried at a meeting should be confirmed by at least three-fourths of the members, otherwise a small majority might force on a strike. It would not be necessary to have them all at the meeting. It would be sufficient if they took a ballot afterwards so long as three-fourths of them cast their votes.

Hon. J. E. DODD: No great objection would be raised to an amendment provided that it was only necessary that three-fourths of the union should cast their votes at a subsequent ballot. However, such amendment should have been made in Clause 13 and so it would be necessary to recommit the Bill.

Hon. M. L. MOSS: In view of what had transpired he would withdraw his amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clauses 15, 16—agreed to.

New clause:

Hon. D. G. GAWLER moved—

That the following be added to stand as Clause 9:—"An industrial award heretofore or hereafter made shall be binding on every member of any industrial union or industrial association which is party thereto."

It was not necessary to go over the ground he had already traversed at the second reading. It was evidently an oversight that no provision had been made such as that contained in the proposed new clause.

Hon. J. E. DODD: There would not be any great objection to the clause if it were to stand by itself, but when consideration was given to the other amendments which Mr. Gawler had on the Notice Paper it became clear that objections would have to be raised. Moreover, there was no necessity whatever for the amendment, because Section 84 of the principal Act, together with the prescribed form of court's awards, fully safeguarded the point.

Hon. D. G. GAWLER: The workers affected by an award were not always the parties to an award. The necessity for the proposed clause had been pointed out to him by the Parliamentary draftsman. Even if, as the Minister had stated, the point were safeguarded by Section 84, the provision ought to be made clearer than it was.

Hon. M. L. MOSS: Whatever might be said, the constituent elements of a union were bound to observe an award. Everyone who desired to see industrial peace secured for the community ought to let the individual members of a union understand that they were bound by the awards of the court.

Hon. J. E. DODD: It was desired to keep everything clear, yet Mr. Moss had offered a considerable amount of opposition to the removal of technicalities. There would have been no objection whatever to the proposed new clause if it stood by itself. Mr. Moss and other hon. members had held that there was no occasion to make the

awards binding on the employers, but when it came to making it binding on the workers it was quite a different matter. In view of the attitude adopted towards the Bill, if he followed his own impulse he would drop the measure and worry no further about it.

New clause put and a division taken with the following result :—

Ayes	.. .. ..	18
Noes	.. .. ..	6
Majority for	.. ..	12

AYES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. F. Cullen	Hon. M. L. Moss
Hon. D. G. Gawler	Hon. C. A. Piesse
Hon. J. T. Glowrey	Hon. C. Sommers
Hon. Sir J. W. Hackett	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. R. Laurie	Hon. A. Jenkins
Hon. W. Marwick	(*Teller.*)
Hon. C. McKenzie	

NOES.

Hon. T. F. O. Brimage	Hon. J. W. Kirwan
Hon. F. Davis	Hon. J. A. Doland
Hon. J. E. Dodd	(*Teller.*)
Hon. J. M. Drew	

New clause thus passed.

New Clause :

Hon. D. G. GAWLER moved—

That the following be added to stand as Clause 13 :—A new section is inserted in the principal Act immediately after Section ninety-three, as follows :— "*93a. A breach, whether by act or default by any member of an industrial union or association of an award or agreement heretofore or hereafter made or entered into, shall be deemed to be also a breach of the award or agreement, as the case may be, on the part of such industrial union or association.*' "

The object of this was to give effect to the principle of making union funds available for the breach of an award or a strike or a lock out. He regretted he had not been able to come to some compromise in this direction with the representatives of the Labour party. He would be only too pleased to meet their views. Their main argument was it would be a great hardship for a union to be called upon to be responsible for an act of individual members when it would be impossible to control that act. The right to strike was given up in return for the right to go to the Arbitration Court; and that being the case, every possible effort should be made to minimise strikes; but the inutility of the provision in the Arbitration Act was well known, and he sought to provide a remedy by the clause now proposed. It would not work any hardship on unions. They were allowed to take every advantage under the Act and therefore should take this responsibility. That the unions could control individual members was a fact. They could provide for fines or expulsion under the Act. The union rules must provide that funds could not be used for strikes, and the recent instance of the fines imposed on the "Koombana" firemen showed the ample control the unions had upon individual members. If unionists knew that the funds of the union were to be made liable for an act of one of the union members it would have a tremendous moral effect, and influence would be brought to bear upon any obstinate member to compel him to abide by an award. The clause would operate on employers just as it would in regard to the employees. An association of employers would be liable for all breaches of an award or for lock-outs by individual employers in the association.

Hon. F. Davis : It would be just as hard on them as on the members of the union.

Hon. D G. GAWLER: It was fair to both parties. If the unions wished to see the provision against striking retained in the Act, they must carry this clause. If on the other hand they wished to retain the right to strike they should tear up the Act. Certainly the present provision was fruitless for the protection of employers.

Hon. J. F. CULLEN : The hon. member made a capital case so far as theory went, but as a matter of legislation it was too drastic entirely. The union could not be made responsible for any black sheep in its organisation. The other side might put a black sheep into the union or turn a white sheep into a black sheep. Time would not permit to go into this matter. It would need to be dealt with in a later Bill. But it was

a scandal awards could not be enforced.

Hon. J. E. DODD: There should be something that would tend to make awards more binding and there was a weakness in this respect, but the hon. member's proposal was altogether unwarranted. The arguments against it were so strong that in all probability Mr. Gawler would not press the clause. For instance, the employers could put someone into a union and the unions could not refuse that person. If unions refused to admit a member and then applied for preference to unionists what a howl there would be! The unions have to take everyone into the unions. At Kalgoorlie 6,000 people could belong to the principal union. Would it be reasonable to make the union responsible for over 6,000 members?

Hon. D. G. Gawler: It would make the members very careful.

Hon. J. E. DODD: Among 6,000 men there were always bound to be some very wild, venturesome spirits. Some time ago four men escaped from the lunatic asylum and one of those men worked in a mine at Kalgoorlie for over a month before he was recaptured. Would the hon. member make the union responsible for the action of a man of that kind?

Hon. R. LAURIE: One was glad to hear the Honorary Minister say that not only he but members of another place felt the necessity of a clause that would deter men from going on strike without the authority of the union. Some men might commit an act that would lead a union into trouble, but something should be done to prevent a body of men from striking.

Hon. J. E. Dodd: A promise has been made of a more comprehensive measure.

Hon. R. LAURIE: When was it coming along?

Hon. J. E. Dodd: Next session.

Hon. R. LAURIE: While not going the length of Mr. Gawler he would prevent men striking when there was an award of the court in force. We did not want an act that could only punish one side.

Hon Sir E. H. WITTENOON: The amendment was too drastic and therefore he could not support it. He had given the Bill a great deal of attention and thought, and he was sure the object, that of securing peace and the peaceful working of industries, was of more importance to the large industries than to others; there was only one way to make such a Bill as this effective. All our labours would be ineffective unless there was a provision that would enable the award of the court to be enforced. His idea was that either party should put up a substantial deposit with their application on going to the court. He had not had time to think it out, but anything of that kind could only be decided on after negotiations between the two sides.

Hon. M. L. Moss: My idea is best; disfranchise them.

Hon. Sir E. H. WITTENOOM: The idea he had was that a substantial sum should be put up by each party as a guarantee that the award would be carried out. No court could enforce a penalty unless there was a very substantial disregard of the award. We were practically wasting time when we knew we could not enforce an award. The member should not press his amendment, but on some future occasion we might consider the matter.

New clause put and negatived.

New clause:

Hon. D. G. GAWLER moved—

That the following be added to stand as Clause 15:—"Section ninety-eight of the principal Act is hereby amended by the addition at the end thereof of the following paragraph:—'When any offence is committed against this section by any member of an industrial union or association, then such union or association shall be conclusively deemed to have counselled and procured the offender to commit the offence and to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it.'"

Section 98 was that any person who took part in or was concerned in doing anything in the nature of a lockout or strike, or before any reasonable time elapsed for reference to the board, suspended or discontinued employment, would be guilty

of an offence and on summary conviction would be liable to a penalty not exceeding £50. That provision dealt with strikes and a strike was a concerted action on the part of a majority of workers in an industry to force an employer to give higher wages or better conditions. Before a penalty could be inflicted a strike had to be proved to exist and until that was done the funds of the union could not become liable.

Hon. J. E. DODD: The same argument used in reference to the last clause could be used in reference to this one. Mr. Gawler must know that the unions, especially in the mining industry, covered some 20 or 30 or 40 mines, and there might be five or six men working in a mine and if these men did anything in the nature of a strike the union would be subject to a penalty. Suppose a few men left their work——

Hon. D. G. Gawler: That is not a strike.

Hon. J. E. DODD: At Boulder the union had had numberless disputes and a great deal of trouble through a few men, in some cases 40 or 50, doing things in the nature of a strike, and the union had endeavoured to restrain them. Were the unions to be penalised whenever a few men took action of that kind; if so, where was it going to end?

Hon. M. L. MOSS: The very essence of this regulation was to prevent strikes and lockouts, and that should be the endeavour of every member. The proposal of Mr. Gawler seemed to be a perfectly fair one. It was a fact that when a strike took place the union as a union disowned the actions of the men, and there were no means of proving whether the union had a part in the strike or not.

Hon. J. E. Dodd: The union officials try to settle it.

Hon. M. L. MOSS: The argument was in regard to the union as a union, as a legal entity. When there had been strikes in big industries, such as the timber industry, the coal industry, and the gold mining industry, and amongst the wharf labourers and tramway employees, had the officials tried to settle the disputes on those occasions?

Hon. J. E. Dodd: No; and quite right, too, in some cases. I say so advisedly.

Hon. M. L. MOSS: The hon. member had been making a plea for industrial peace, and yet he defended actions of that kind.

Hon. J. E. Dodd: Because of the lack of this legislation.

Hon. M. L. MOSS: In some cases the ink was no sooner dry on the agreements than they were broken.

Hon. J. E. Dodd: That may be so, in some cases, but there are others.

Hon. M. L. MOSS: The proposal of Mr. Gawler was that when a member of a union did anything in the nature of a strike or lockout, the organisation to which he belonged should be penalised.

Hon. J. E. Dodd: There is a better method in the New Zealand Act, as mentioned by Mr. Connolly.

Hon. M. L. MOSS: Would the Minister report progress and bring down a clause to deal with what he admitted to be a defect in this Bill?

Hon. J. E. Dodd: There will be a much more comprehensive Act next session.

Hon. J. D. CONNOLLY: The weakness undoubtedly in the present Act was in not being able to enforce the penal section. If the system such as had been included in the New Zealand Bill were proposed he would support it, or any other system which would make the unions responsible for the actions of their members who took part in causing a strike. He could not support Mr. Gawler's amendment because it would be very unfair to the union. Merely because some members of the union struck work the union, although it might be quite innocent, was to be made to pay. Anything that would make the unions take their responsibility he would support, but this proposal went too far.

Hon. J. A. DOLAND: At Collie a few men had gone out on strike in deliberate opposition to the advice of the union, and the magistrate had fined the union for allowing their members to strike, but on appeal the conviction had been disallowed.

Hon. Sir E. H. Wittenoom: Why does not the union exclude those who strike in opposition to the union's wishes?

Hon. J. A. DOLAND: It would be said that any such action was making the union a close corporation, and it was not practicable.

Hon. J. E. DODD: The information given by Mr. Connolly in regard to the New Zealand legislation suggested a better method of enforcing the provisions of the Act than the method proposed by Mr. Gawler. Whether it was the best way of overcoming the difficulty he would not say, but it certainly seemed a better way. Mr. Gawler's proposals were unjust and unfair. The Bill was introduced to overcome anomalies, and it introduced certain innovations, some of which had been struck out by the Committee. The Government had not brought down a comprehensive measure this session because time had not permitted, and there was no possibility of this measure being passed into law if amendments like this were inserted.

Hon. D. G. GAWLER: Members would watch with great interest the legislation to be brought forward next session on this question. He asked leave to withdraw his amendment.

New clause by leave withdrawn.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. M. L. MOSS, Bill recommitted for the purpose of further considering Clause 12.

Clause 12—Insertion of new section after Section 89:

Hon. M. L. MOSS: The vote on this clause had been taken immediately after the dinner adjournment, when very few members were present; it was, therefore not a true expression of the wishes of the Committee. There were now more members present, and it was desirable to again test the opinion of the Committee.

Hon. J. E. DODD: It was unnecessary to say anything further. The Bill was about killed, and it would be just as well to let it drop. The absence of such a clause as the one Mr. Moss was seeking to wipe out had brought about one or two strikes, and was hanging up several hearings at the present time. Its absence had also brought about the tramway strike, and now he was seeking to wipe it out.

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

Ayes	.. .. ..	11
Noes	.. .. ..	12
Majority against	..	1

AYES.

Hon. E. M. Clarke	Hon. A. G. Jenkins
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. W. Marwick
Hon. J. A. Doland	Hon. C. McKenzie
Hon. J. M. Drew	Hon. T. F. O. Brimage (*Teller*).
Hon. Sir J. W. Hackett	

NOES.

Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon D. G. Gawler	Hon. C. Sommers
Hon. J. T. Glowrey	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom (*Teller*).
Hon. R. Laurie	
Hon. E. McLarty	

Clause thus negatived.

Bill reported with a further amendment; the report adopted.

BILL——DIVORCE AMENDMENT.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Sections 28 and 29:

Hon. C. A. PIESSE: With regard to this clause it was to be regretted that the Government had not fixed a limit. In his opinion the limit should be £2,000.

Hon. V. Hamersley: Make it £1,500.

Hon. C. A. PIESSE: Any hon. member could move to reduce the amount if he liked. His idea was that the limit should be £2,000. He moved an amendment—

That in line 4 of Subclause 1, after the word "pursuits," the words "to an amount not exceeding £2,000," be inserted.

The COLONIAL SECRETARY: It was to be hoped that the hon. member would reconsider the matter, and withdraw the amendment. It had been found necessary from time to time to assist various rural industries from the Agricultural Bank Vote. The money had been lent to assist dairying and land settlement in various directions, and just before the present Government took office the previous Ministry had agreed to lend £3,000 to assist a certain rural industry, and it had since devolved upon the present Government to carry out that promise, but the present Government had done so with pleasure because it was recognised that the assistance was well deserved. To insist upon this limit, would mean that the old practice would have to be reverted to. If rural industries were included in the Bill every application for assistance would be submitted to the scrutiny of the manager of the Agricultural Bank. He (the Colonial Secretary) was here to oppose any limitation.

Hon. C. A. PIESSE: If it were necessary to give special financial assistance to the enterprises referred to by the Minister why not bring in a special Bill dealing with those cases? Surely the Government would not lend £3,000 to a settler, notwithstanding that his industry could be described as a rural industry. If this were going to be done, nothing short of millions of money would be required to satisfy all.

The COLONIAL SECRETARY: It did not follow that because there was a limit of £5.000 or £10,000 that the managing trustees of the Agricultural Bank were going to lend that money to every applicant. Every possible precaution would be taken in scrutinising the applications for assistance. The object was to assist those industries, and not merely to supply them indiscriminately with money.

Hon. C. A. PIESSE: It must surely be intended to fix a sum, and in all conscience the fixing of that sum should be the duty of Parliament.

Hon. T. H. WILDING: The amendment was worthy of support. The Agricultural Bank had always been looked upon as an institution designed to help the poor man in his endeavours to make a home for himself on the land. We had liberalised the bank many times, but we could not go on for ever in the one direction. He knew that it was the wish of the trustees of the bank that Parliament should fix a limit upon the sum to be advanced.

Hon. E. M. CLARKE: Some limit should be placed upon the sum to be advanced, and he felt sure the trustees of the bank would not object to the imposition of such limit. The chartered banks had lent a great deal of money to the settlers, and the chances were that those banks would close down upon some of the less fortunate among their clients. Therefore it was a question which it would be inadvisable publicly to discuss at any great length. However, he would like a hint from the Minister as to whether it was intended to come to the assistance of those borrowers. The original purpose of the bank had been to assist the small farmer, but it seemed to-day that its purpose was also to assist the big farmer. The manager of the Agricultural Bank did not always go by the look of a farm; occasionally he placed a good deal of reliance upon the look of the applicant for the loan.

Hon. J. D. Connolly: No money can be lent without the approval of the trustees.

Hon. E. M. CLARKE: Still we should see to it that a limit was placed on the amount to be advanced.

Hon. J. F. CULLEN: Were we to understand the Minister to mean that certain experimental industries of a secondary nature were to be dumped down on the Agricultural Bank, such, for instance, as meat chilling, fruit preserving, and canning, wholesale dairying, or anything of that sort? If this was in the mind of the Government it would constitute a grave departure from the intention of the Agricultural Bank Act, and might open the way to very serious results. Any assistance of the sort should have specific authority. It would be wise to keep these enterprises entirely separate from the Agricultural Bank.

The COLONIAL SECRETARY: The main object of the Bill was to assist the man on the land, the question of rural industries being only of secondary importance. In many cases farmers had obtained the maximum advance from the Agricultural Bank and had subsequently been forced to go over to the associated banks and pay seven per cent. interest, because they could not secure any further advance from the Agricultural Bank. This new provision was made in view of the practice of the past, previous Governments having found it necessary from time to time to help secondary rural industries. No political influence could be exercised in respect to the trustees of the bank. Everything would be left to the trustees to determine, except that the amount to be loaned in connection with rural industries would be limited by proclamation by the Governor-in-Council. If there was a request for assistance to some rural industry, application must be made to the trustees of the bank and not to the Government. The Government had no power to grant the loan; there was no provision by which they could do so; the granting or refusal of the loan was left entirely to the discretion of those administering the funds of the institution.

Hon. J. F. CULLEN: The Government would have power to proclaim what limit could be placed on an industry, and this was a political decision which was entirely a new departure for the bank, and a departure he did not feel inclined to authorise. If the Government desired to have a scheme for assisting the larger concerns they could make it a separate Act of Parliament, though they might place it under the administration of the trustees of the Agricultural Bank. At any rate, the small men should not be left without money because the Government were making new experiments which might come out entirely wrong. Government money should not be voted for mere experiments and above all not in connection with the small men's bank.

Hon. C. A. PIESSE: In the past it was customary to assist industries from the vote for the Development of Agriculture, and that system should be continued. It was never intended to bring it under the provisions of the Agricultural Bank.

Hon. W. MARWICK: It was pleasing to see that the bank was to be liberalised, but a jump from £750 to £2,000 was quite sufficient. People were experimenting in the dry districts with money advanced by the Agricultural Bank, and if they failed the loss would fall on the bank and not on the individual. To give a man an unlimited advance would make him unthrifty. Few people availed themselves to the fullest extent provided in the last amending Act. The bank should continue on the good sound lines of the past under the careful management of the present trustees, and we should not take control out of their hands.

Hon. E. McLARTY: The idea of the bank was to help the small man in the initial stages of development, and that once a man was established he could look elsewhere for his capital. Encouragement of industries was certainly going outside the legitimate province of the bank. An advance of £2,000 was very liberal, but it was a big handicap for a small man to put on his property. To go far in this direction would not be proceeding on safe lines. The Government should not hamper the management of the bank and induce them to be extravagant in their advances. By placing a limit on trustees we lessened their responsibilities.

Hon. C. SOMMERS: Under the present land conditions a man could take up no more than 1,000 acres of land under residence conditions. Assessing the area at a value of £2 per acre improved, that would represent £2,000 for a block, the amount the amendment proposed to fix as the limit for an advance from the bank. Advancing on stock was risky. There were bush fires to be taken into account, and poison might make its appearance and cause heavy losses. A selector was often a poor judge of stock and frequently placed himself in the hands of others who might be interested advisers, and the stock turn out a very bad bargain. Often a good judge made

considerable losses in stock through the trucking. Inexperienced settlers would make mistakes, and land had been taken up in very risky positions.

The Colonial Secretary: What were the losses to-day?

Hon. C. SOMMERS: If we could get at the real losses they would be much greater than we were led to believe. He had come across many risky securities in his travels around the country which were likely to belong to the Crown before many years to come. It was idle to say the Crown would not make losses, because it must be so in a great concern, and we were running on a very narrow margin. There should be a limit of some amount. The bank was originally intended to assist struggling men, but the Government had made certain land regulations and these would drive a number of people on the Agricultural Bank. The Government had forced the position on themselves, and they were now seeking the best way to get out of the difficulty.

Hon. J. F. Cullen: Fix the limit at £2,000.

Hon. C. SOMMERS: It should not be more than £1,250. The sum of £2,000 might be the limit on a rural industry proclaimed by the Government, and therefore a great danger presented itself.

The Colonial Secretary: The Governor-in-Council fixed the limit.

Hon. C. SOMMERS: It was left to the Government to say what the limit should be, but a grave mistake would be made if a limit was not fixed. A sum of £1,250 would be a big jump from £750. The House would be well advised to reduce the limit proposed from £2,000 to £1,250. He moved an amendment on the amendment—

That "£2,000" be struck out and "£1,250" inserted in lieu.

The COLONIAL SECRETARY: There was a fairly large number of members present representing country districts and he threw on them the responsibility of deciding the issue. The Government were somewhat alarmed at the threatening action of the financial institutions. It had been rumoured for some time that banks were showing a certain amount of timidity, and a time of financial stringency might come. But the Government had faith in the country and intended to assist settlers if they were not receiving fair treatment from the banks. If the banks intended to put pressure on, the Agricultural Bank would have to come to the rescue. The whole matter would rest with the managing trustee and the other trustees, and the Government were asking Parliament to give authority to lend at the discretion of the trustees of the bank. If the limit was fixed at £1,250 members would place many farmers at the mercy of private institutions who would call up the money at a moment's notice and cause distress.

Hon. C. A. PIESSE: The limit of a small farmer was about £2,000. It was to be hoped Mr. Sommers would not press his amendment.

Hon. Sir E. H. WITTENOOM: As the representative of some commercial institutions he supported the Colonial Secretary, for he had never heard a more encouraging statement than that from the hon. member who had said that if times were hard and banking institutions called on their clients to pay up, the Government would come to their assistance.

Hon. V. HAMERSLEY: It was not known whether Sir Edward Wittenoom was sent here to represent his constituents or financial institutions, but there were several financial institutions that would be glad to get rid of their bad clients.

Hon. Sir E. H. Wittenoom: Do you think the financial institutions want to get rid of their clients?

Hon. V. HAMERSLEY: This was an inducement for them to do so. If private institutions were in doubt about their securities they would call on borrowers to pay up. If we made the amount unlimited the bank would be inundated with applications. It was unfair to the trustees controlling the bank to place them in this position. No private banks would place their managers in such a position. The country managers of private banks all over the State had limits as to the amounts they could lend to.

people. If the trustees were allowed to lend unlimited sums the capital of the bank would be swallowed up by a few persons, and the object of the institution, to give assistance to as great a number of people as possible, would be defeated. He supported the amendment.

Amendment (Hon. C. Sommers's) put and negatived.

Amendment (Hon. C. A. Piesse's) put and a division taken with the following result:—

Ayes	13
Noes	9
Majority for	4

AYES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. V. Hamersley	Hon. C. Sommers
Hon. W. Marwick	Hon. T. H Wilding
Hon. C. McKenzie	Hon. Sir E.H.Wittenoom
Hon. R. D. McKenzie	Hon. D. G. Gawler (*Teller.*)
Hon. E. McLarty	

NOES.

Hon. T. F. O. Brimage	Hon. A. G. Jenkins
Hon. J. D. Connolly	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. R. Laurie
Hon. J. A. Doland	Hon. F. Davis (*Teller.*)
Hon. J. M. Drew	

Amendment thus passed.

Hon. J. F. CULLEN moved an amendment—

That in Subsection 1, line 8, the words "or adjacent to" be struck out.

These words were absurd and unnecessary. It was ridiculous to think that anyone was going to build on land that did not belong to him.

The COLONIAL SECRETARY: The words were necessary because the borrower might desire to erect buildings on land other than that he was utilising. He might have land unsuitable for building and there might be a better site adjoining.

Hon. C. A. PIESSE: The amendment should be supported.

Hon. W. MARWICK: The wording of the clause suggested that a man might borrow money and build a house on somebody else's land.

The Colonial Secretary: The trustees would not be such fools as to lend the money.

Hon. C. SOMMERS: The necessity or otherwise of the words was worth inquiring into. There might be cases such as mentioned by the Minister where the borrower could find a more suitable building site adjoining the area which he was utilising.

Hon. V. HAMERSLEY: There seemed a risk if the words were left in that the trustees might advance money and lose their security. It was not right that men should be allowed to help themselves to the public purse in what seemed a very ready manner.

Hon. T. F. O. BRIMAGE: The amendment was somewhat frivolous. It did not matter whether the words were allowed to remain in or not. He moved——

That the question be now put.

The CHAIRMAN: The hon. member must have ten affirmative votes.

Motion put and negatived.

Amendment put and passed.

Hon. C. A. PIESSE moved a further amendment—

That in lines 11 and 12 the words "an amount exceeding a sum to be limited by such proclamation" be struck out, and "to a like amount" be inserted in lieu.

The COLONIAL SECRETARY: It was very unfair that these amendments should be sprung upon the House at the last moment. Sometimes these amendments required legal knowledge in order to be properly considered, for instance, the one which Mr. Cullen had placed before the Committee just previously.

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

Ayes	12
Noes	10
Majority for	2

AYES.

Hon. E. M. Clarke	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. W. Marwick	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. M. L. Moss
Hon. R. D. McKenzie	(*Teller*)
Hon. E. McLarty	

Noes.	
Hon. T. F. O. Brimage	Hon. A. G. Jenkins
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. R. Laurie
Hon. J. A. Doland	Hon. J. D. Connolly
Hon. J. M. Drew	(*Teller*)
Hon. D. G. Gawler	

Amendment thus passed.

Clause as amended agreed to.

Clause 4—Covenants implied in mortgages:

Hon. C. A. PIESSE: Would the Minister give an explanation with regard to this clause. To his mind it would interfere with the present contracts. If that was the case he would certainly move to strike it out. If it did not interfere with existing contracts in one sense it did so in another. We had no right to legislate in that manner.

The COLONIAL SECRETARY: These were the ordinary covenants found in every mortgage deed.

Hon. C. A. PIESSE: With regard to the amendment proposed in that clause, and all the other clauses of the Bill, there had not been sufficient information given to hon. members, who had cause for serious complaint in that respect.

Clause put and passed.

Clause 5—Amendment of Section 33:

Hon. C. A. PIESSE: Hon. members had been given no information whatever about this clause. It was proposed by the Bill to do away with the various sections of the Act referred to, and members had not the slightest idea what the intentions of the Government were. The Government had no right to sweep away all these provisions, which had worked satisfactorily in the past. The section which it was intended to repeal had worked very satisfactorily in New Zealand and other States of the Commonwealth, and if it was good enough for those countries it ought to be good enough for us. He would vote against the clause.

The COLONIAL SECRETARY: The object of the amendment was to save time in the department, and it had been submitted at the request of the trustees of the bank. It was to be hoped that the hon. member would not seriously oppose the clause.

Hon. C. Sommers: What do you propose to give us in the place of these sections if you strike them out?

The COLONIAL SECRETARY: This particular amendment was being made at the request of the managing trustees.

Hon. C. A. Piesse: What is the Minister going to put in in the place of these subsections referred to in the clause?

Hon. C. SOMMERS: Could the Minister assure the Committee that this would not make any difference to the principal of the loans, but only to the method of calculation?

The Colonial Secretary: It will make no difference to the principal whatever.

Hon. C. A. PIESSE: This was the only clause which prescribed the time for repayment. It seemed that there was no course open to us but to strike out the clause.

Clause put and passed.

Clause 6—agreed to.

New Clause:

Hon. M. L. MOSS moved—

That the following be added to stand as Clause 7 :—"No member of the Legislative Council or Legislative Assembly shall interview or communicate with the trustees in the interest of any person other than himself upon any business under this Act, and any such member committing a breach of this section shall be guilty of an offence, and shall be liable by summary conviction to a penalty not exceeding £50."

It was very necessary in connection with the administration of the affairs of the bank that the trustees should be quite free from political influence. The principle contained in the clause was not new to our statutes, because there was a somewhat similar provision in the Public Service Act.

Hon. C. A. PIESSE: It was to be hoped the proposed new clause would not be agreed to. It was of a most drastic nature. Suppose, for instance, that an hon. member desired to pay the arrears of a borrower, and, with that end in view, approached the trustees: according to the clause he would render himself liable to this severe penalty. Frequently

he (Mr. Piesse) had to communicate with the Agricultural Bank on business which was not entirely his own. A little while ago he had had occasion to approach the trustees on behalf of a friend who, in turn, was moving on behalf of a customer.

Hon. T. F. O. BRIMAGE: There was no necessity for the proposed new clause. Apparently the mover had a very suspicious mind. Members of Parliament representing agricultural districts were frequently asked to assist settlers in making these applications, and hon. members were, or should be, above suspicion. Surely members of Parliament could be credited with some degree of honest intention when approaching the Agricultural Bank. He trusted that this stone-walling would cease. He had been in the House for 12 years and he had never before seen so much stone-walling.

The CHAIRMAN: The hon. member was out of order.

Hon. T. F. O. BRIMAGE: At all events he was expressing the opinion he felt.

The CHAIRMAN: The hon. member must not express such opinion; he would be required to withdraw his remarks in regard to stone-walling.

Hon. T. F. O. BRIMAGE: Being told to do so, he would withdraw, but he could not help saying that there seemed to him to be no occasion whatever for moving the proposed new clause.

Hon. R. D. McKENZIE: It was an admirable clause, for it would save members of Parliament a great deal of trouble. Undoubtedly there had been cases of men pestering Ministers to grant them loans, and endeavouring to use members of Parliament in furtherance of their designs. It was to be hoped the clause would go into the Bill.

Hon. M. L. MOSS: The operations of the bank should be conducted absolutely free from political influence. He desired to disabuse Mr. Brimage's mind from any apprehension that he (Mr. Moss) entertained suspicion of hon. members. We might not always have trustees of the bank with the same amount of backbone as the present trustees. The proposed clause was a good one, and would add to the many excellent provisions in the Agricultural Bank Act.

Hon. C. A. PIESSE: The explanation given by Mr. Moss clearly wiped out any objection there could be to the proposal.

Hon. J. E. DODD: There seemed to be an unreasonable amount of delay during the sitting, and Mr. Moss seemed to have the idea that this Parliament was more likely to be led away than any other Parliament. As a matter of fact, the hon. member seemed to be driving at something we could not get to the bottom of. In almost every proposition he used the same kind of argument, and it was time someone protested against his method. Whenever a board or committee was suggested the hon. member pointed out the same thing. Could not members of Parliament be trusted? The hon. member should go further with his proposal and put an alternative of imprisonment in the clause.

Hon. M. L. MOSS: What was done it was only his duty to do. If the hon. member thought it necessary to impute motives they were like water on a duck's back. He would not even ask for a retraction.

The CHAIRMAN: I do not think the remarks were out of order except in regard to relevancy.

Hon. M. L. MOSS: They were as near the dividing line as they could be. The proposal would save hon. members a considerable amount of trouble. It was not the first occasion on which a similar step was taken. Similar provision was found in the Public Service Act and in the Railways Act, and had proved beneficial in both.

Hon. T. F. O. BRIMAGE: It was strange that though the Agricultural Bank Act had been in operation for a number of years, Mr. Moss had never before seen the necessity to move such a clause. Why did he do it to-day now there was a Labour Government in power?

Hon. V. HAMERSLEY: Mr. Brimage's question could be easily answered.

The CHAIRMAN: The only question before the House is that the proposed new clause be added to the Bill.

Hon. V. HAMERSLEY: Reference was made on the second reading to the fact that there was no limit to the amount a person could borrow, and that in the circumstances a clause of this nature was necessary, and Mr. Moss had interjected at the time that he would bring in an amendment to that effect. There was not such great need for it in the original Act because the margin of advance was so small. The increase proposed by the late Government was opposed, and now there was to be such a large increase in the advance under this Bill it was necessary to prevent political interference. It was well known political influence was brought to bear, and that it harassed the men controlling this important department.

Hon. J. D. CONNOLLY: There was not the harm in the amendment some members could see. Members representing agricultural constituencies should welcome the proposal, because it would save them from their friends. The remarks made by Mr. Moss were certainly not aimed at the present Government. When he (Hon. J. D. Connolly) was Colonial Secretary Mr. Moss criticised him very freely, and for a longer period at a sitting than was the case to-night. It was the duty of Mr. Moss to oppose any Bill he thought it right to oppose.

Hon. E. McLARTY: Members were in the House to do their duty. There was no attempt at stone-walling.

The CHAIRMAN: The only mention of stone-walling has been withdrawn.

Hon. E. McLARTY: If amendments were moved in the interests of the country, it was right to discuss them. The House was indebted to Mr. Moss for the legal knowledge and information he imparted to members.

New clause put and passed.

Schedule:

Hon. E. M. CLARKE: There was no provision made in the schedule for insurance to be taken out on houses on which advances were made, though ample provision was made in the measure for rates and such like.

The COLONIAL SECRETARY: The covenants in the schedule were those in every mortgage, including land; there were other covenants which would include insurance.

Hon. C. A. Piesse: The trustees will look after that.

Hon. V. HAMERSLEY: In the Workers' Homes Bill there was special provision for insurance on buildings being included in the mortgage covenants; there should be some provision in this Bill.

The COLONIAL SECRETARY: If it was put in here it would apply to land.

Schedule put and passed.

Bill reported with amendments, and a message accordingly returned to the Legislative Assembly requesting them to make the amendments, leave being given to sit again on receipt of a message from the Legislative Assembly.

ADJOURNMENT — SITTING HOUR.

The COLONIAL SECRETARY moved—

That the House at its rising adjourn until 11 o'clock to-morrow.

Question passed.

House adjourned at 10.48 p.m.