

ever he thinks fit, delegate to the Chief Inspector of Factories any power or discretion vested in the Minister by this section. Any such delegation may be either general or special, and shall be revocable by the Minister at any time."

The Act throws a great deal of work upon the Minister in charge. He has to take the responsibility of all things, and he finds his time too much interfered with by reason of his administration of this particular legislation. He has asked me to request the Committee to agree to this amendment. The Chief Inspector of Factories is a responsible officer, and if he puts anything before the Minister that is not right there will be a row.

Hon. A. LOVEKIN: I hope the Committee will not agree to this clause. It is only a means to enable the Minister to shirk his responsibilities.

The Minister for Education: That is not so.

Hon. A. LOVEKIN: If any officer of the department is harsh or harassing in his actions, the Minister will say he is not responsible. Some of these inspectors are very vicious. Under this new clause they could give any orders they liked without consulting the Minister. It was felt that this Bill would work oppressively and it was suggested that the Minister should take the responsibility. He now wants to get out of it. If the Minister gives orders he knows what he is doing, and he is responsible to Parliament.

New clause put and negatived.

New clause:

THE MINISTER FOR EDUCATION: I move—

That a new clause be inserted as follows:—"Amendment of Section 119. 4. Section one hundred and nineteen of the principal Act is hereby amended by the excision of the word 'and,' in the sixth line of the section, and the substitution of the word 'until.'"

This clause will rectify a grammatical error in the Act.

New clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

House adjourned at 10.56 p.m.

Legislative Assembly,

Tuesday, 4th December, 1923.

	Page
Questions: Railway employees' pensions ...	1780
Railway project, Kondinin-Newdegate ...	1780
Bills: Vermin Act Amendment, 2a. ...	1780
Land Act Amendment, Com., 3a. ...	1785
Motion: Allowances to wages men ...	1789
Bills: Jury Act Amendment, 2a., Com., 3a. ...	1793
Workers' Compensation Act Amendment, 2a., defeated ...	1798
Control of Rents, 2a., defeated ...	1798
W.A. Trustee, Executor, and Agency Co., Ltd., Act Amendment (Private), 2a. ...	1805

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

QUESTION—RAILWAY EMPLOYEES' PENSIONS.

Mr. McCALLUM (for Mr. Willcock) asked the Minister for Railways: Is it his intention to lay the papers on the Table of the House in connection with the applications for pensions of Guard J. R. Holmes, of Kalgoorlie, and Frederick Rhodes, car and wagon examiner, Perth?

THE MINISTER FOR AGRICULTURE (for the Minister for Railways) replied: The papers will be tabled to-day (4th December, 1923).

QUESTION—RAILWAY PROJECT, KONDININ-NEWDEGATE.

Advisory Board's report.

Mr. PICKERING asked the Minister for Works: Is it his intention to lay upon the Table of the House the Advisory Board's report upon the proposed Kondinin-Newdegate railway?

THE MINISTER FOR WORKS replied: Yes. Papers are already on the Table.

BILL—VERMIN ACT AMENDMENT.

Second Reading.

Debate resumed from 29th November.

Mr. ANGELO (Gascayne) [4.39]: I feel disappointed with the Bill. For several years hon. members representing the farming and pastoral industries have pointed out the serious position, which has become more and more alarming, regarding the increase of dingoes. In areas where previously dingoes were unknown they are now numerous and causing great loss among sheep. They have also been known to tackle bigger stock, especially calves.

The Premier: The lessees are supposed to destroy dingoes on their holdings.

Mr. ANGELO: Before I sit down I hope to prove that the dingoes that are causing

such havoc are nearly all bred on unalienated Crown land and spreading from there to areas held by private lessees. During last session, in July, I gave notice of the following motion:—

That this House is of opinion that the Government should take immediate steps, either by the creation of a board of those directly interested, or by other means, more effectively to deal with the dingo pest, which is daily becoming more alarming, and is seriously affecting both the cattle and the sheep raising industries of this State.

Understanding from the Government that a comprehensive measure dealing with vermin, including dingoes and foxes, would be introduced before the end of last session, I withdrew the motion on the 7th September. Although the session did not close until the following January, no such Bill was introduced. Again this session we had a promise that a comprehensive measure to deal effectively with rabbits and dingoes would be introduced. Now, when we have reached the closing hours—I could almost say the closing minutes—of the present session, nothing has been done beyond the introduction of this small amending Bill which, in my opinion, is not worth the paper on which it is printed. What does the Bill seek to do? It simply alters the Act of 1918, which was purposely amended by the Parliament of the day to apply only to the South-West, thus leaving out the North-West. As originally introduced it applied to the whole State. It was pointed out, however, by those who knew, that while the measure might apply to the southern portions of the State it could not be effective so far as the northern areas were concerned. Apparently it was drafted to cover and assist agricultural development. Pastoral development seemed to have been utterly lost sight of. There was a clause, for instance, which was quite applicable to small holdings of 1,000 acres, but quite inapplicable to large holdings, such as we have in the northern areas. This was a clause that made it necessary to fence in all waters. It would be possible to carry out that provision where a small farm of 1,000 acres was concerned, but hon. members can readily imagine how impossible it would be to fence in water supplies in the North-West, where some of the rivers run for months in the year only. Then again there are great clay pans scattered through the country, in addition to which there are the artesian bore drains. I know of one drain from one of these bores that runs for 12 miles through a number of paddocks. It would be impossible to fence such a water supply in. It would also be impossible to carry out that provision where wells were concerned.

The Minister for Agriculture: You do not wish to infer that that would be applicable in the South-West?

Mr. ANGELO: But the Act in its original form gave the Government that power. It was because of the provisions I have men-

tioned that the North-West was excluded from the scope of that measure, which was made applicable only to the southern portions of the State. Now we find that the long-promised Bill which, we were told, would deal effectively with the dingo pest, merely provides for altering the decision Parliament arrived at in 1918.

Hon. T. Walker: How does it alter it?

Mr. ANGELO: It amends the section applying the Act to the southern portion of the State only, making it apply to the whole of the State. We fought against that in 1918 and Parliament decided that the North-West should be exempted. This Bill simply proposes that the North-West be included. The intention is to create vermin boards in various parts of the State. In areas where dogs are not very plentiful the levy upon landholders would not be great, but in other parts where dogs are plentiful—that is, in the farther out areas—the levy would be considerable. Some people seem to think that the places that have not dogs at present should not pay anything, but they forget that unless the settlers in the outer areas fight the dogs and keep them down, the vermin will eventually come to the western portion of the State. That has already happened. In the Gascoyne district where dogs were absolutely unknown till four or five years ago, they are now fairly numerous. Right down to Doorawarra I have heard of dingoes being destroyed recently, whereas previously the closest we knew them to be was eastward of Bangemall. That shows dogs are breeding in the unalienated portions of the State out beyond settlement and, following up the rabbits, are coming westward. We should have a special Bill to deal with dingoes and foxes, leaving the rabbits to be dealt with under existing legislation. It is not necessary to attach emergency measures to something else. If there was a smallpox outbreak special steps would be taken to deal with it. Special measures have been adopted to cope with the outbreak of rinderpest. The invasion of dingoes—to those who know, it appears to be an invasion—is becoming so serious as to warrant special measures being taken to combat it. A special board should be created, as I suggested in my motion last year, to deal with the dingo and fox invasion. Last year I drafted a rough idea of what I meant by such a board. It would be an advisory board, appointed to assist the Minister to carry out the provisions of an Act. It should stipulate the creation of a board of six members. The board should consist of two pastoralists, two farmers, and two Government nominees. The pastoralists and farmers are suffering from the dingo pest. It would be their money that would be expended and they should be given a say as to its expenditure and the policy of destruction to be adopted. The Government should be represented, because they would be asked to subsidise the board. They should subsidise this work, because the vermin in most instances is breeding on Crown lands.

The Minister for Agriculture: Cannot that be done to-day with the local vermin boards?

Mr. ANGELO: The present vermin boards are busy fighting the rabbits, and I fear that if the dingo pest be attached to the rabbit pest, the seriousness of the dingo invasion will be lost sight of. It is necessary to narrow the vision to the objective and concentrate on the objective until it is attained. The members of the advisory board should hold office in an honorary capacity, but reasonable travelling expenses should be allowed. When funds are required, the advisory board, subject to the sanction of the Minister, should have power to levy uniform rates on all pastoral and agricultural lands.

Hon. T. Walker: Can you expect the work to be done satisfactorily by honorary men?

The Minister for Agriculture interjected.

Mr. ANGELO: In some instances the pastoralists should pay as much as the farmers.

Mr. C. G. Maley: Do not you think the pastoralists should pay more than the farmers?

Hon. T. Walker: They are the principal sufferers.

Mr. ANGELO: The unimproved value of pastoral lands is about £14,000,000, and of farming lands about £56,000,000, but I feel sure the pastoralists would not be averse to contributing as much as the farmers if a board were created to get rid of the dingo pest. The money so raised should be used solely for the destruction of dingoes and foxes. The road board in each district should be authorised and instructed to collect the rate imposed by the advisory board and pay it into the Treasury to the credit of the advisory board. The Government should provide a sum equal to 50 per cent. of the amount raised by the board from private owners throughout the whole area as a contribution for the destruction of vermin on Crown lands. In other words, one-third would be contributed by the pastoralists, one-third by the farmers, and one-third by the Government. A uniform bonus per scalp for all dingoes and foxes destroyed would be paid by the advisory board.

Mr. Teesdale: From what are you reading?

Mr. ANGELO: From notes compiled after a consultation two years ago with a number of men interested. The advisory board should have power to destroy dingoes and foxes on Crown and other lands, as may be deemed fit, and to employ any means considered necessary for that purpose. A district advisory committee might be formed in each district to be appointed by the advisory board, the appointments to those committees to be honorary. Responsible persons, members of the road board in each district if possible, should be appointed by the advisory board with authority to destroy scalps, and to draw on the advisory board an order at the price fixed for each scalp, the order to be negotiable. These appointments also should be honorary. The idea was that the pastoralists and farmers should do all they possibly could to assist

themselves, but the Government, on whose unalienated lands the dingoes are breeding, should also contribute to the expense of eradication. Had such a board been created—

The Minister for Agriculture interjected.

Mr. Underwood: Too much money would be spent on rabbits.

Mr. ANGELO: The same argument might be applied to the outbreak of cattle disease in the Fremantle district. Surely the pastoralists should know the best methods of combating the pest. The Minister the other day read an opinion expressed by Mr. Paterson, of Yandil Station. Mr. Paterson is the type of man that should be on the board.

The Minister for Agriculture: Do not you think the road board should control those affairs?

Mr. ANGELO: If Mr. Paterson was a member of a vermin board, his valuable services would not be available to the rest of the State. An advisory board, such as I have indicated, is absolutely necessary, and I feel sure that before another year or two has passed, the Government will realise that special legislation is necessary to combat dingoes and foxes. The Government have an able officer in Mr. Arnold, but he is only one, and what experience has he had in dealing with this pest? The figures quoted by the Minister a few nights ago show how serious is the pest. He told us that 6,692 dogs had been caught and paid for last year. Those who know anything about wild dogs would be prepared to believe that on those figures double the number had been destroyed. More than half of them get away after taking the poison or escape from the traps after being caught. We can safely say that 13,000 dogs were destroyed last year. No doubt the dingoes are increasing and doing a tremendous lot of damage. I have an instructive letter from the Lower Murchison, a station where no dingoes were known until three or four years ago. It states:—

Referring to our conversation of some time back re the dingo pest, I now beg to place before you some figures in order that you may more fully appreciate the menace dogs are becoming to small stock holders, i.e., sheep men. Bounded here on the north by a property wholly devoted to cattle, I have been forced to put a man on permanently to deal with dogs coming from the cattle country.

The writer enclosed a plan showing the paddocks adjoining the cattle country and those adjoining another sheep station. The feed was about the same in all the paddocks, and he put the same number of ewes into each of the paddocks for lambing. In the paddocks adjoining the cattle country this was his experience:—No 1 paddock, 54 per cent. lambing; No. 2, 52 per cent.; No. 3, 56 per cent. The ewes killed by dingoes were:—No 1 paddock, 189; No. 2, 204; No. 3, 192. In the paddocks on the south side, adjoining another sheep station, the lambing in the various paddocks was 80, 84, 77, 80, and 80 per cent., an average of 80 per cent. compared with 53 per

cent. in the paddocks bordering the cattle country. The losses in the various paddocks adjoining the sheep station were 18, 18, 21, 17, and 31 ewes, an average of 20 against 190 in the paddocks adjoining the cattle station. I am suggesting that the cattle owners are not destroying the dogs as they should be made to do by a special Act of Parliament. I suppose it does not pay to destroy the dogs because they may be killing only a few of the calves. But the dogs are invading the sheep breeders' territory and should be destroyed. We know that dingoes are becoming numerous from Kimberley right down to Denmark. I am told by a dairyman on the south coast that he lost 20 out of 40 calves through the dingoes this year. The Government should do a good deal more to assist the pastoralists and others to combat the pest. I can quote the case of two men who have taken up some land adjoining the rabbit-proof fence. These men have been asked to pay 10s. rent for the land, which is just inside the fence, whereas those who are outside the fence are charged only 5s. The Government consider that the rabbit-proof fence entitles them to levy the additional rent from those who are on the western side of it.

The Minister for Agriculture: You know that is not the reason.

Mr. ANGELO: I am told that 200 miles of this fence is not properly vermin proof. For some years, I am given to understand, there has been a great quantity of barbed wire lying alongside the fence. It was taken there with the intention of attaching it to the fence in order to make it vermin proof. Instead of that it has been permitted to remain on the ground, where it is deteriorating. Dingoes are able to get through that fence and they are interfering with those who are endeavouring to establish stations inside the fence. The men to whom I have referred wrote to the department and asked that the barbed wire should be attached to the fence as it was originally intended to do; and pointed out that because the fence was supposed to be vermin proof they were being charged double rent. The Minister, in his reply, wrote this:—

I am prepared to allow any of the settlers who so desire to use the whole of the wire at present stacked there, provided they undertake to erect it according to the department's specification.

That is a reasonable suggestion, provided of course that the whole of the 200 miles is done. The two men have about 20 miles of the fence on their boundary and if they put the barbed wire on to that, and the remainder of the fence is not completed in the same way, their work will be of no value. The Government have the right, under the Vermin Act, 1918, to erect a vermin proof fence and charge the people whose property it is protecting with the cost. The request is here made that barbed wire should be attached to the whole of the 200 miles of the rabbit-

proof fence, so that it will not be possible for the dogs to get around it. The men for whom I am speaking are prepared to do their portion of the work provided the others are compelled to do likewise. As a matter of fact the Government should do the work and charge the owners with the cost as they have the power to do. The Minister, speaking on the request for netting made by pastoralists of the northern goldfields, suggested that private enterprise might go to their assistance, and he mentioned the names of firms like Dalgety's and Elder, Smith & Co. That is all right. But let us not forget that the areas in those distant parts are not all held by big men. They have been held for years by men who hope later on to be able to make a good start. They have not been able to do this. They have not enough to pay for fencing wire. We must not legislate all the time for the big man. We must not forget that the smaller holders require a little assistance to work up their properties. All they ask is that the Government will advance them fencing wire on 20 years terms. They are willing to pay interest on the cost of that wire. If we are to assist agriculture generally, a portion of the amount provided on the Loan Estimates should be allocated to those people on the northern goldfields pastoral areas. They need assistance more than others who are favourably placed. The member for Pilbara mentioned the other night that euros should be included amongst the vermin. I agree with that. If hon. members took a tour through some of our pastoral areas in the Gascoyne and the Ashburton, they would be surprised at the number of kangaroos now to be seen there. The other day whilst driving along the Upper Gascoyne, I counted 80 in one lot hopping across the road. That can hardly be credited, but it is a fact, and I am given to understand that that is becoming a common sight. One begins to wonder now whether there are not more kangaroos than there are sheep in the North-West. In one year no fewer than 40,000 kangaroo skins were sent away from one station on the Lower Murchison. I certainly think that euros should be included in the Vermin Bill. There is provision in the 1918 Act to declare as vermin any bird or animal that is becoming a pest. I am sorry I cannot support the Bill; I do not think it is any good at all. I trust, however, that a new Bill, more in keeping with the present urgency of the matter, and especially in connection with the destruction of dingoes, will be introduced, and I hope also that the House will not adjourn until some such measure has been submitted and passed.

Mr. UNDERWOOD (Pilbara) [5.10]: I do not altogether agree with the statements by the member for Gascoyne (Mr. Angelo), that most of the dogs are bred on unoccupied Crown lands. If we look at the map we will find that right from the Wooramel River to at least the 19th parallel of south latitude there is very little unoccupied country.

Mr. Angelo: What about Kennedy Range?

Mr. UNDERWOOD: You will find it is practically all occupied.

Mr. Angelo: It was taken up last year but not occupied.

Mr. UNDERWOOD: They are paying rent for it. However, that is not much of a point. There has been a lot of pastoral country taken up in what might be called the middle eastern portion of the State. Out east of Leonora and Laverton, and north and a little south of Laverton and well away east, the country has been taken up for pastoral purposes. That country will yet prove to be fairly valuable. At the present juncture, however, it is running only a few cattle. The holders are putting sheep on it, but it is heavily infested with dingoes. A Bill of this description should, in my opinion, be comprehensive, and should deal with various parts of the State in a manner suitable to those parts.

The Minister for Agriculture: The 1918 Act is comprehensive enough.

Mr. UNDERWOOD: Yes, but still lacking considerably the possibility of effective administration. With regard to the increase in the number of alleged dingoes, much of that increase has been brought about by prospectors and gold miners leaving their dogs behind in the bush. The aborigines get hold of those dogs and breed from them in thousands. The Government should seriously take in hand the question of the destruction of these half domesticated dogs, and particularly the dogs that follow the aborigines. I am not one who desires to in any way impose a hardship on the natives; at the same time we must consider the development of this State. If we do not consider that, our only business will be to get out of the country and leave it to the aborigines who were here before us. There is no doubt in my mind that the increase in the number of dogs is due mainly to the half-bred mongrels to be found around the native camps, and we should kill off those dogs that belong to or follow the aborigines. In that way we would materially decrease the number of this pest. With regard to the proposal put up by the member for Gascoyne (Mr. Angelo) for a central board to control the whole of the State, I do not think that would be a workable proposition. I consider it would be advisable to separate what might be termed the pastoral country from the agricultural country, and then have some central organisation, possibly an advisory board, fully controlled by the Minister and his department, and impose uniform charges and make uniform regulations regarding the whole of the pastoral country. In the South-West a holding of 1,000 acres is a fair-sized farm. In the pastoral country one wants about a quarter of a million acres. One cannot apply the same regulations to holdings of a quarter of a million acres as to holdings of, say, 2,000 acres. With the small areas, it should be possible, and I will say it is possible, to get rid of the dingo altogether, ex-

cept where one is adjacent to timber country or Crown lands. It is not a matter for surprise that, after waiting all last session and all this session for the fulfilment of the promise of a comprehensive Bill, members representing certain pastoral districts are much disappointed with the small measure now before the House. Certainly it is a disappointment to many of us. It is really a Bill of one clause, and that clause proposes legislation which cannot possibly be put in operation. After waiting all this time, we get only that clause.

The Minister for Agriculture: We get uniformity by it.

Mr. UNDERWOOD: We get uniformity with the South. That proposal was put up in 1918, and was defeated because it was not desired. Now it is put up again. The uniformity we wanted was a tax upon all pastoral lands in the area I have mentioned, which means pretty nearly the whole area of the State.

The Minister for Agriculture: The local authorities will have power to do that.

Mr. UNDERWOOD: Our trouble is that the local authorities control only a circumscribed area. One road board taxes itself to a considerable extent, and the road board adjoining perhaps taxes itself not at all, or else at a much lower rate. Then the road board paying the bonus gets the scalps, and the road board not paying gets its dingoes cleaned out free.

The Minister for Agriculture: The Minister can deal with such a road board.

Mr. UNDERWOOD: The Minister has not power to impose a uniform tax from Kimberley to, say, Leonora. What we want is power to impose a uniform tax throughout that area. I am not putting up a plea for Government subsidies or Government assistance. This is a plea to enable the people who hold that pastoral country to pay a very considerable proportion towards the destruction of the dingo pest. We are not declining to pay. Our trouble is the lack of uniformity and the existence of small sections. One section is not doing its work, and the burden is being carried by the adjoining section. I can give an instance. For some time the Murchison district did not impose any dingo tax. Latterly they have imposed a very light one. The Nullagine board imposed a tax, and out of it proposed to pay a bonus for dingo scalps. A man in that district, who was known as "Dingo Dan," got on the border and caught most of his dogs in the Meekatharra area. He brought a cart-load of dingo scalps up to Nullagine, as soon as the board there had begun to pay a dingo bonus, and he swamped the whole of the Nullagine fund. Nullagine still owes him something. But most of the dogs came from Meekatharra. We must provide against such happenings. To-day Meekatharra is paying a smaller bonus than Nullagine, and therefore Meekatharra is swamping Nullagine's fund. We want some system by which all people holding pastoral lands will contribute to one

fund, and that fund should apply chiefly to the destruction of dingoes, and should apply to any part of the country where dingoes are to be found.

The Minister for Agriculture: On that basis you would have a beautiful job. Why should my district pay for destroying dogs in your district?

Mr. UNDERWOOD: The country near the coast gradually gets settled, and then the dogs go back. Thereupon the country behind is taken up. If the people did not go behind and clean out the dingoes there, the dingoes would go into the coastal districts. It is the keeping down of the dingoes in the back country that makes the front country clear of dingoes. Should not those who have their runs kept clean by the work of those behind them pay something towards the cost of it? The people for whom I am speaking are prepared to pay. It is not the people on the coast in general who are shirking, but only a few sections of them. The four members representing the North-West are all agreed that every holding in their electorates should pay an equal amount towards the destruction of the pest. Surely with all the officers the Government have to assist them, and with the ample time there has been—we have merely been passing one-clause Bills—we could have had a comprehensive measure which would give the holders what they are asking for, or something near what they are asking for. At the very least this Bill should give them the power to see that the money they pay in is expended on the destruction of the pest. The Bill as it stands is really of no use at all to the people of the North. Our opinion is that unless the measure can be suitably amended, it had better be thrown out, leaving the matter to come up again for consideration by the next Parliament, when a thoroughly comprehensive Bill can be introduced. Another matter I wish to refer to is the euro pest. The member for Gascoyne (Mr. Angelo) referred to the matter. It is a fact that kangaroos, and particularly euros, are becoming even a worse pest than the dingoes. My interjection the other evening, that it might be well to breed dingoes to kill the euros, had some sense in it anyhow.

The Minister for Agriculture: The euros will not kill the sheep.

Mr. UNDERWOOD: If the euros eat the feed, the sheep will die just the same. It is really not worth while to make a horse paddock in the districts infested by this species of kangaroo. You, Mr. Speaker, know that most station owners pick out a bit of nice grass country, and keep the stock off it, and also keep the horses off it to a considerable extent, so that during a dry time there may always be a small paddock for the horses that are being used. But when station owners try to do that in the North, the kangaroos come in and eat out the feed. Thus the station owners are left without a horse paddock. Again, if they try to spell a paddock—paddocks want spelling occasionally—their efforts are utterly resultless, because the paddock which is being

spelled is the paddock which the kangaroos eat out. I have spoken on this subject to the Minister for Agriculture, and he informs me—quite correctly—that the difficulty cannot be overcome without an amendment of the Game Act, which is administered by the Colonial Secretary. Then I speak on the subject to the Colonial Secretary, and he laughs at me. That is all he does. I can assure him that if he had to cope with the pest, he would find it no laughing matter.

The Colonial Secretary: You are talking rubbish. There is no laughing about it.

Mr. UNDERWOOD: I asked the Colonial Secretary to see some of the pastoralists concerned, and he said it was not worth while, as he had no intention of cutting off the royalties.

The Colonial Secretary: I said that very good prices were being obtained for the skins and that the royalty was quite justified.

Mr. UNDERWOOD: I say the royalty is not justified. The euro skin is of very little value. The fur or hair on the skin is no good, and the skin is very light. It does not pay to expend ammunition on the euro. Yet anyone who gets euro skins has to pay a royalty on them in order to sell them. Several pastoralists in my electorate have paid up to 9d. per scalp for having these little animals cleared off their favourite paddocks, particularly the horse paddocks. The Minister, who does not know about the North-West, should at least listen to members who represent the North-West. The mere statement that one cannot bring in a Vermin Bill making the euro vermin, because that would require an amendment of the Game Act, has very little sense in it, or perhaps none at all. The statement represents a fact, of course, but amendment of the Game Act is not impossible. There are some people in this country who hold that we should not by any means kill any of the native fauna, that we should not kill a kangaroo. The only creatures they will permit us to kill are snakes. In reply to those people I say that in Western Australia kangaroos can never be shot out, so many great areas are there of rough, hilly country where the kangaroo will endure as long as Nature intended him to, perhaps for thousands of years. On the other hand, if we want the country to revert to its pristine condition, the white man had better get out; if he is to remain, those pests must go. I trust time will be given in which to consider the Bill and endeavour to make it a more workable measure than it is at present.

On motion by Mr. Teesdale, debate adjourned.

BILL—LAND ACT AMENDMENT.

In Committee.

Resumed from 28th November. Mr. Stubbs in the Chair; the Premier in charge of the Bill.

The CHAIRMAN: The question before the Chair is Clause 3, as amended.

Mr. UNDERWOOD: On the second reading the Premier explained that lessees had sold the areas they held above a million acres and that the new holders were eligible to come under the Bill. The Act of 1917 provided that the privilege of coming under it was to extend to only those lessees who on 28th March, 1918, had paid double rent in respect of their leases. According to that section nobody holding a million acres could come under the Act in respect of a million acres and leave out the balance. If that has been done, the Act has not been administered as it ought to have been.

The Premier: Nonsense!

Mr. UNDERWOOD: In that Act time was given the lessees to arrange for the extension of their tenure. During the war, that time was extended until 12 months after the signing of Peace. Now Clause 3 of the Bill provides for a further extension of time during which the lessees may come under the Act, and so secure an extension of their tenure till 1948. Parliament should not stultify itself by continually postponing the time after which these lessees may not come under the Act. Moreover, one or two of those who now want to come under the Act bought stations, knowing well that they were on the 1928 tenure. They have done well on their leases, and now they are pleading to come under the Act. They should not be allowed to do so. What has been said by the member for Mt. Magnet (Hon. M. F. Troy) and others, applies with force to a number of these leases, that with advantage to the State could be subdivided into smaller areas. Even the small men, those on small areas, will lose nothing by remaining as they are till 1928; for at the end of that time somebody has to get the land, and the small holders already in possession will have the best chance of getting it. For those reasons I will vote against the clause.

The PREMIER: Under the law certain things may be done. All that the clause provides is that, under the law and on certain payments being made, certain lessees may come into line with those who have been brought under the provisions of the Act of 1918. Of the 265 million acres of Crown lands leased, the leases of six million acres will expire in 1928. It is not reasonable to object to the men holding those six million acres being brought into line with the others, so long as they pay for the privilege.

Mr. Willecock: But they will get their leases again at the end of 1928.

The PREMIER: Probably they will, but in the meantime they cannot borrow on the security of the leases, nor can they in other ways deal with them as they would if their tenure were extended to 1948. The lessees will have to pay as from 1918, so I cannot for the life of me see any objection to the clause.

Hon. W. C. ANGWIN: I cannot agree with the Premier. Why, because we have done wrong, should we perpetuate it?

The Premier: Who says it is wrong?

Hon. W. C. ANGWIN: I do. A man who steals a shilling is as much a thief as he who steals a thousand pounds. A past Government deliberately robbed this country of the pastoral leases.

The Premier: Nonsense!

Mr. Teesdale: You must remember that the lessees made the leases.

Hon. W. C. ANGWIN: If the hon. member took a building lease in the city and erected thereon a building, he would not object to handing over the building when the lease ran out. One lease of a million acres has 15 miles of river frontage. If we are to go in for closer settlement in the North, is it not advisable to retain that lease when, in 1928, it expires?

The Premier: We can take it at any time.

Hon. W. C. ANGWIN: By paying for it!

Mr. A. Thomson: You would not expect to take a man's improvements when his lease is up?

Hon. W. C. ANGWIN: I have not looked into that provision, but I know how it would be with a building lease. In the first place, reasonable time was given to allow the leaseholders to apply. Then, in response to representations made from London, the time was extended until 12 months after the signing of Peace. Still a number of the leaseholders did not apply, and now we are asked to extend the time to 1924.

Mr. Teesdale: You must remember that some of them have bought since the passing of the Act.

Hon. W. C. ANGWIN: Several who could not sell their leases prior to the Act, sold them at immense profits immediately after the Act was passed. In a few years' time that enhanced value will revert to the State. The land could well be subdivided with advantage to the State. If it had been subdivided by State officers in the first place, the leaseholders would not have had the right to pick out the eyes of the leases. In some instances, near the coast, it has been impossible to get proper holding ground. If the leases were allowed to expire, suitable places would be reserved for the purpose. Yet here it is proposed to extend the tenure of these leases for another 20 years! It has yet to be proved whether companies can hold over a million acres. I hope that when the Labour Government again take office they will test the point in the law courts. I do not believe a company can hold more than an individual. The member for Gaseoyac said some of these men who had leases did not know anything about this position.

Mr. Angelo: That is so.

Hon. W. C. ANGWIN: They cannot stuff me with that kind of thing. It was advertised all over Australia. Almost the same thing was done in Queensland, where the increase in the rents caused a great outcry in London. We gave more advantages when we raised the rents. There was no outcry in this State, because the pastoralists got the better deal. The principle is a wrong one. No one who voted against it in 1918 can

vote for the extension now. This extension was made just before election time, and no one knew anything about it. Had it not been for sentiment or patriotism at that time, the Government of the day would have felt the effects of it. Some of the areas in question are of a million acres. This Bill is brought in to benefit the million-acre holder. The small holders will undoubtedly have their leases renewed, and the position will not affect them. In 1917 the Government debarred us from the right to people the northern portion of the State. I hope the clause will not be agreed to.

Mr. TEESDALE: This is a small matter. I appeal to the Committee on behalf of the small holders who are endeavouring to engage in the pastoral industry. If I thought the Bill was designed to help the large holders, I would not support it.

Mr. Willcock: Who asked that it should be brought down?

Mr. TEESDALE: It was brought in to average up the period at which the pastoral leases became due. The small men have never yet been in a position to extend their operations, but, because some of the large holders have been compelled to give up some of their leases, the small men have had a chance to get a little more land.

Mr. Willcock: And they would get their renewal in 1918.

Mr. TEESDALE: I know of two teamsters who acquired some of this excess country, and who want to larnch out in the industry, but they cannot raise a penny on their leases, because there is no security of tenure. Other small men are in the same position as these. They only want the term of their leases extended in conformity with that of other lease-holders.

Mr. CHYSSON: I oppose the clause. Pastoralists had an opportunity of getting their land reappraised and securing the extensions of their leases by paying double rent. If they failed to take advantage of that opportunity, they should not be given a second chance. I am sure, when the term of the small holders comes to an end, their leases will be renewed. Members of the Opposition have always urged that the large holdings should be cut up, but we have never opposed the small holder. Included in the 6,000,000 acres in question there is at least one holding running into a million acres.

Mr. Teesdale: Cut out the million-acre man.

Mr. CHYSSON: The sheep country of this State should be made to carry a greater population that it does at present. Pastoralists want their leases extended because the price of wool is so good. Those who acquired some of the excess territory referred to by the member for Roebourne must have known what they were doing.

Hon. W. C. ANGWIN: I do not believe in the clause, but I will move an amendment to

meet the point raised by the member for Roebourne. I move an amendment—

That at the end of Subclause 2 the following proviso be added: "Provided that this section shall not apply to any pastoral lease exceeding 200,000 acres."

The member for Roebourne pointed out that some small areas included in the large holdings had been sold. The amendment will meet that position. When in the North some time ago the question was raised as to what could be done to best develop the northern portions of the State. I agreed that it was a question requiring close consideration and argued that experiments should be carried out before many people were encouraged to take up pastoral holdings. The suggestion was made that the best thing to do was to subdivide some of the land into 200,000 acres lots.

Mr. Teesdale: How far up?

Hon. W. C. ANGWIN: As far as Carnarvon.

Mr. Angelo: But who said this?

Hon. W. C. ANGWIN: A Minister of the Crown at that time. He contended that would meet the position best.

The PREMIER: We have fixed the limit of the area a man may hold. The amendment proposes a new limit. Members should not stultify themselves by including such a provision.

Hon. W. C. Angwin: The amendment only applies by extending the time for application. That is the effect of it.

The PREMIER: It would be wrong to provide a limit of 200,000 acres when we have already said that the limit is a million acres. I do not know why members should object to the areas affected being brought under the 1948 tenure. It would be utterly absurd to say that only those areas under 200,000 acres should be brought within that category and that the leases of other holdings set out in the list I have submitted to members should not, but should expire in 1928.

Mr. Lambert: It is believed that some of those who have taken up the leases are dummies for the original holders. At any rate some of them are.

The PREMIER: Can the member for Coolgardie name one? Of course he cannot. I doubt if they are as he suggests. To-day, pastoralists have improved their holdings as they have never done in the past.

Hon. M. F. Troy: There is every encouragement for them to do so.

The PREMIER: There are opportunities before them now. We have already fixed a million acres as the limit in the existing Act.

Mr. Lambert: Did you agree with that?

The PREMIER: The member for North-East Fremantle knows how that provision went through Committee. It went through with the aid of members opposite.

Mr. Lambert: It slipped through, and there was a lot of grease used in the slipping of it through.

The PREMIER: It did not slip through. I hope the amendment will not be agreed to. I do not think the member for North-East Fremantle is serious.

Mr. DURACK: I hope the amendment will not be accepted.

Mr. Corboy: Then you are not a friend of the small man!

Mr. DURACK: It seems to aim at direct discrimination, and I doubt if the amendment is in order. The question involved is whether certain individuals shall have the right to come within the scope of the Act and have their leases extended to 1948. I am concerned with the principle. In 1918 the people interested had the right to extend their leases under the 1948 tenure provisions. For various reasons they did not exercise that right. I know that men in my own electorate were advised of the position and some of them did not take advantage of the offer. Reference has been made to individuals who have bought land from the other leaseholders. Those areas were sold at a discount, and the purchasers knew what they were buying. They were aware that the leases terminated in 1928. The maximum area to be held has already been clearly laid down, and I hope the amendment will not be agreed to.

Mr. LAMBERT: In 1917, when Parliament passed the legislation it is now sought to amend, members were deceived. The Premier's argument that the acceptance of the amendment would place Parliament in an invidious position is absurd, because if members had the right to say what leases should come within the scope of the Act, they surely have the right now to vary that provision. There has been a continuous but gradual increase in the value of pastoral leases. Some leaseholders did not see fit to take advantage of the 1917 Act and extend their leases to 1948. Members were misled when that Act was under consideration.

The Premier: You have no right to say that, because all knew what they were doing.

The CHAIRMAN: I ask hon. members to keep to the amendment before the Chair, and ask the member for Coolgardie not to wander all through previous Acts.

Mr. LAMBERT: After the 1917 Act had been dealt with, members expressed their disapproval of the position in emphatic terms.

Mr. Cunningham: And in another place Mr. Drew pointed out the true position.

Mr. LAMBERT: There is no departure from principle embodied in the amendment.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. PICKERING: The question is not one of area. The principle is either sound or unsound and should be judged on that basis. I cannot support the amendment.

Mr. UNDERWOOD: I oppose the amendment and intend to vote against the clause. When the 1928 lessees bought, they knew perfectly well what they were buying. Most of them bought much more cheaply than they

could have obtained the leases had they been of 1948 tenure. We should not stultify ourselves. Having passed a law, we should stick to it.

Amendment put and negatived.

Mr. PICKERING: I cannot understand the Government's proposal to nullify the action of a previous Parliament. A majority of the pastoralists that did not avail themselves of the provision did not desire to do so. All members agree with the member for Roebourne that the North-West should receive consideration equal to that extended to other parts of the State. I wish to have an assurance from the Premier that the passing of this clause will not retard the development of the North-West and that no additional expense will be entailed by the Government in the event of resumptions being necessary.

The PREMIER: Any pastoral lease may be resumed for agricultural settlement at any time, provided 12 months' notice is given and the improvements are paid for.

Mr. Pickering: Would that be the position in 1928?

The PREMIER: Yes. There are 40 million acres between Derby and Wyndham still in the hands of the Crown. It is better watered than any land in the North, and I believe more suitable for settlement and cultivation than any other part of the North. Transport also presents no difficulties.

Mr. Willcock: If there were no niggers there.

The PREMIER: At present we believe Wyndham is the proper place to start the first settlement for cotton growing, but we are awaiting further advice. I do not know why members should hesitate to pass the clause. The lessees that will benefit will have to pay additional rent as from 1918 and interest on the back payments. I wish members to say whether it is right to go on leasing land under the 1948 conditions.

Hon. W. C. Angwin: New areas are differently situated and there are different conditions.

The PREMIER: Some of the new areas are very close to the eastern goldfields railway. It has only just been discovered that that land is suitable for sheep raising.

Hon. W. C. Angwin: It takes years to develop a station, but those stations are already developed.

The PREMIER: There may be some fencing and water supplies, but the people developing those areas are entitled to consideration. However, the point is that the extension of the 1928 leases will not make the slightest difference if the land be required for agricultural purposes.

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

Ayes	..	..	..	19
Noes	..	..	..	19
				—
A tie	..	..	..	0
				—

AYES.

Mr. Angelo	Sir James Mitchell
Mr. Denton	Mr. Money
Mr. George	Mr. Pickering
Mr. Gibson	Mr. Piesse
Mr. Harrison	Mr. Sampson
Mr. Hickmott	Mr. J. H. Smith
Mr. Johnston	Mr. Teesdale
Mr. C. C. Maley	Mr. J. Thomson
Mr. H. K. Maley	Mr. Mullany
Mr. Mann	(Teller.)

NOES.

Mr. Angwin	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. Munzie
Mr. Corboy	Mr. Troy
Mrs. Cowan	Mr. Underwood
Mr. Cunningham	Mr. Walker
Mr. Davies	Mr. Willcock
Mr. Durack	Mr. Wilson
Mr. Hughes	Mr. Heron
Mr. Lambert	(Teller.)

The CHAIRMAN: I give my casting vote with the ayes.

Clause, as amended, thus passed.

Title—agreed to.

Bill reported with an amendment, and the report adopted.

Third Reading.

The PREMIER (Hon. Sir James Mitchell—Northam [7.50]: I move—

That the Bill be now read a third time.

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

Ayes	24
Noes	15

Majority for .. 9

AYES.

Mr. Angelo	Mr. Mann
Mrs. Cowan	Sir James Mitchell
Mr. Davies	Mr. Money
Mr. Denton	Mr. Pickering
Mr. Durack	Mr. Piesse
Mr. George	Mr. Sampson
Mr. Gibson	Mr. J. H. Smith
Mr. Harrison	Mr. Stubbs
Mr. Hickmott	Mr. Teesdale
Mr. Johnston	Mr. J. Thomson
Mr. C. C. Maley	Mr. Underwood
Mr. H. K. Maley	Mr. Mullany
	(Teller.)

NOES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. Munzie
Mr. Collier	Mr. Troy
Mr. Corboy	Mr. Walker
Mr. Cunningham	Mr. Willcock
Mr. Hughes	Mr. Wilson
Mr. Lambert	Mr. Heron
Mr. Lutey	(Teller.)

MOTION—ALLOWANCES TO WAGES MEN.

Compensation for disabilities.

Hon. P. COLLIER (Boulder) [7.55]: I move—

That in the opinion of this House the practice that has hitherto prevailed in making a monetary allowance in addition to wages to railway men and other employees living on the goldfields and remote from the capital as compensation for climatic conditions, risks of industry, and the general living conditions incidental to working in those parts of the State, is just and equitable and should be continued and extended to all workers employed in such districts.

I submit this motion for the consideration of hon. members and I do so in the confident belief that it will receive their unanimous endorsement. It will be within the knowledge of the House that in the recent award delivered in connection with the mining industry, the Court of Arbitration refused to take into consideration the question of what is known as district allowances, and, adopting that attitude, the result was that the wages men employed in that industry suffered a reduction of 1s. 6d. per day. It has always been the practice of industrial tribunals and wage-fixing bodies to take the last award in any particular industry as a base, and apply any new evidence that might be submitted to that base, and give an award accordingly. If that policy had been adopted in this instance the award would have been 15s. 2d. a day instead of 13s. 6d., as we have it. In 1920 an application was made to the State court and it was the first application covering the whole of the goldfields that was made to the State court. On that occasion both sides produced a mass of evidence. The case lasted for several weeks and I venture to say there has not been any case before the Arbitration Court for many years past that was more thoroughly and comprehensively presented by both sides as was the application of 1920. A great deal of evidence was brought forward by both sides, statistical evidence of every description that could have any bearing upon a case of that kind. Scientific evidence was adduced as to the quantity of explosives used, or the effect of fumes arising from the use of explosives in the mines, and all the other conditions incidental to the occupation and life of a miner, and the effect those conditions might have not only upon the miner himself, but on his wife and children. Generally every aspect of the case was examined. On the evidence heard, the court was competent to make an award. In 1922—two years afterwards—the case came before the court again by way of an application from the mine owners, and in this instance the Court of Arbitration was constituted differently from the court of 1920, that is to say, it was a different judge that heard the case in 1922. The 1922 court endorsed the basis adopted by

Question thus passed.

Bill read a third time.

the court of 1920. The recent application was heard by still a differently constituted court, and that court declared that the whole of the basis upon which the courts of 1920 and 1922 made their award was wrong. Although there was no evidence whatever presented in the recent case, similar to that dealing with the various phases of the industry outside of the cost of living, presented to the court of 1920, the 1923 court had no knowledge whatever of the evidence upon which the previous courts based their decisions, and yet it declared that that basis was all wrong and proceeded to strike out the whole of the conditions laid down in 1920 and endorsed in 1922. In 1920, before the miners' case was taken, a case dealing with railway employees was heard in Perth. At that time the court had endorsed the principle of a district allowance; that is to say, an allowance over and above the living wage prescribed for the coastal districts was allowed for goldfields and other areas because of the disabilities inseparable from life in the more remote places. That principle was adopted by the Arbitration Court in the railway case of 1920; and when the miners' case came on shortly afterwards, the court adopted the basis which had been adopted in the case of the railway employees, and so made an allowance for conditions of life upon the goldfields. In doing so the court laid down, as additional to the minimum wage or basic wage of 13s. 4d. per day, an allowance of 1s. 9d. daily for six days per week, equivalent to the grant made to Government employees, and a further allowance of 11d. per day for disabilities associated with the calling of a miner. Those allowances brought the minimum figure up to 16s. per day, which was the award for 1920. The 1922 court, which was differently constituted from that of 1920, endorsed the two principles of a district allowance and an allowance for disabilities connected with mining. The railway allowance is 1s. 6d. per day for seven days per week, but the award to the miners fixed 1s. 9d. per day for six days per week, which is the equivalent of the allowance given to the railway employees. The court of 1922 adopted the basis of the 1920 court, and adopted the principle of the two allowances embodied in the 1920 award. It is true that the 1922 award made 1s. per day reduction from the rate of 1920, but that was due entirely to the fact that the cost of living, according to statistics, had fallen to an extent justifying the reduction. The most recent court states that the decisions of both the previous courts, decisions given after exhaustive examination and investigation, were completely in error. The recent court adopted a basis of its own, and struck out all the conditions allowed in the former awards. The principle of a district allowance has always been recognised by Commissioners, whether Railway Commissioners or Public Service Commissioners, in the past. District allowances have been granted to teachers, railway employees, police, and in fact to every branch of the State and Federal services. Each time

that an award or an agreement was made incorporating wages and conditions of employment, a district allowance has always been granted in respect of the goldfields and remote localities. But the recent court says that that is all wrong, and accordingly it has struck out all those considerations, and fixed a basic wage on the cost of living alone. I do not wish to criticise individual members of the Arbitration Court, but there is some inconsistency in the recent award as compared with awards formerly given. For instance, Mr. Justice Northmore, in a railway case heard during 1917, not only agreed to a district allowance, but increased the district allowance hitherto existing, of 1s. per day, to 1s. 6d. per day. That increase was stoutly contested by the Commissioner of Railways, but, his opposition notwithstanding, Mr. Justice Northmore increased the district allowance from 1s. to 1s. 6d. Further in award No. 2 of 1921, as the result of another railway case, Mr. Justice Northmore extended the boundaries of the district—which carried the district allowance of 1s. 6d. per day for seven days per week—from Yerbillion on the eastern line to Merredin. Thus he extended the area to which the district allowance was applicable.

Mr. McCallum: Was that done by Northmore?

Hon. P. COLLIER: Yes, in 1921. Then there was the engine-drivers' case following the engine drivers' strike. Mr. Justice Northmore presided over that case, and in the award he gave a district allowance, without question. It will be well known to members that with regard to railway employees the district allowance has always been recognised.

The Premier: It applies all through the service.

Hon. P. COLLIER: I have here the award between the Western Australian Amalgamated Society of Railway Employees' Industrial Union of Workers and the Commissioner of Railways of Western Australia. It says—

District allowance. (a) Workers stationed at—(1) Merredin or eastward or northward thereof on the eastern district goldfields line, as far as Goongarrie; or (2) on the Hopetoun-Ravensthorpe railway; or (3) at Marne or northward and eastward thereof, as far as Mt. Magnet, on the Murchison goldfields line, or northward or westward of Marne as far as Ajana or Yuna, except within a distance of 20 miles from Geraldton by rail, shall receive a district allowance of one shilling and sixpence per day for seven days a week. (b) Workers stationed—(1) on the Eastern Goldfields line northward of Goongarrie; or (2) on the Murchison goldfields line northward or eastward of Mt. Magnet, shall receive a district allowance of one shilling and ninepence per day for seven days a week.

Not only has the district allowance been recognised, but zones have been recognised. As showing the principle has always been recognised, let me point out that the further one goes away from the capital, the more does the

district allowance increase, it being assumed, and rightly so, that difficulties and disabilities increase as one gets further away from the capital. In connection with the Port Hedland-Marble Bar line the agreement sets out an allowance in the following terms:—

Port Hedland-Marble Bar railway. To all workers covered by this part of this award stationed on the Port Hedland-Marble Bar railway—(a) a district allowance of 5s. per day, seven days per week, shall be made, and such further amount (if any) as shall be required to make his week's wages and district allowance equal to 7s. per day over the minimum rate for his trade plus 5s.

Five shillings per day district allowance to employees on the Port Hedland-Marble Bar railway! Yet on the basis laid down by the recent award, there should be no higher rate of wages paid on that railway than is paid in Perth, except insofar as an increase would be justified by the higher cost of living. The principle, or want of principle, recently adopted leads to that conclusion. A man working in the Kimberleys would be entitled to no more wages than a man in Perth, except by way of compensation for the higher cost of living. On the other hand, we know that the very opposite has been the ruling principle for many years. I know these conditions well, because they were laid down during the time I was in office. They have applied not only to wage earners, but also to salaried employees. Under the agreement between the Railway Officers' Industrial Union of Workers and the Commissioner of Railways, the district allowances are even greater than those in the case of wage earners. In the case of officers stationed from Merredin to Goongarrie inclusive, also Norseman, Hopetoun and Ravensthorpe, and at Marne and northwards and eastwards therefrom to Mt. Magnet inclusive, also at Ajana and Yuna except within a radius of 20 miles from Geraldton, a salary over £242 per annum carries a district allowance of £45 per annum in the case of a married man and of £25 in that of a single man, while salaries up to £242 carry district allowances of £30 and £15 for married and single respectively. In the case of officers stationed beyond Goongarrie, on the eastern line, or beyond Mt. Magnet, on the northern line, the allowance are even higher: £60 per annum being added to a salary exceeding £242, and £40 to a salary up to £242, for married men, and £30 and £20 to the salaries of single men in the two divisions, respectively. For those in receipt of a salary up to £242, the allowance is, for married men £40 per annum or 15s. 4d. per week, and for single men £20 per annum or 7s. 3d. per week. When one has regard to these figures, one realises the enormity of the recent award in which all such district allowances and considerations were struck out. For men in receipt of a salary considerably in excess of that earned by the miners, there is for married men an allowance of £60, or 23s. per week; yet in

the recent miners' award the court declared that the miners were not entitled to any district allowances whatever. Then taking the other branch of the railway service, the engine-drivers, firemen and cleaners' union, the same thing obtains. There is an allowance of 1s. 6d. per day for seven days a week covering the same district, and beyond Goongarrie there is an allowance of 2s. per day. I am not saying that these allowances, paid to railway employees and Government servants in general, are in any way excessive or ought not to be given. I say the men are entitled to every penny of it; but I quote these figures to bring home to members the iniquity of the decision recently given when all these considerations were set aside by the court as being inapplicable to those in the mining industry. I have here also an agreement signed by the Minister for Works in which an allowance of 1s. per day over and above the basic wage is paid to all those employed beyond a radius of 20 miles from the G.P.O.

The Minister for Works: That has existed for many years.

Hon. P. COLLIER: Yes, it has been accepted, practically never questioned, by Ministers, Governments, Commissioners, or anyone else called upon to fix up wages agreements. I might cite the instance recently before the court on the application of the Public Works Department, an award delivered in September of the present year, only a few weeks before the delivery of the miners' award. In the Public Works and Water Supply Departments' case the basic wage fixed for the goldfields, covering the same area as is covered by the miners' award, was 13s. 4d., with 6d. per day extra between Chidlow's and Merredin, and 1s. per day east of Merredin, or an increase over the basic wage in Kalgoorlie and Boulder of 1s. 10d. per day. Here, then, we have the spectacle of men engaged in Kalgoorlie and Boulder, if they should be working for any Government department on any kind of labour or casual work they have an allowance of 1s. 6d. per day, and so their minimum wage is 14s. 10d. This is under an award of the court, not the court that delivered the miners' award, but the court presided over by Mr. Justice Draper. A few weeks afterwards the miners award was delivered, which cut down the basic wage to 13s. 6d. for the men engaged in the highly disagreeable and dangerous occupation of mining, as against the 14s. 10d. paid to those employed by the Government. Also for many years past on the goldfields in any other agreement or award the principle of district allowances has been conceded. There are in existence on the goldfields at the present time other agreements or awards in which the allowance is embodied, covering the engineers, the butchers, the bakers, the waitresses, the barmen, the engine-drivers, the railway employees, the plumbers, the moulders, and Government employees generally. I do not wish to dwell upon the privileges that many enjoy beyond the wage, but certainly

one could claim with justification that the award given to the miners is the most iniquitous that has been delivered in the history of arbitration in this State. Let me give another comparison in the Railway Department: the minimum wage for an adult engine cleaner, a man of 21 years of age, is 13s. 5d. per day, with 1s. 6d. district allowance seven days in the week, or 1s. 9d. six days in the week, making a total of 15s. 2d. per day as against the miner's maximum wage of 13s. 6d. in Kalgoorlie. And a fireman in the Railway Department has a minimum wage of 15s. 10d. with 1s. 6d. district allowance for seven days in the week, bringing his minimum wage to 17s. 7d. The agreement in which this is embodied has recently expired, and the engine-drivers' association have already entered into a new agreement with the Commissioner of Railways, in which that minimum wage of 17s. 7d. per day is increased by 6d. So from the 1st January next for the succeeding two years the minimum wage for a railway fireman at Kalgoorlie will be 18s. 1d. per day, as against this minimum wage for miners of 13s. 6d. I am not asserting that the firemen's wages are too high. They certainly are not. No consideration whatever has been given to the more remote mining fields, the outback fields. The court that heard the miners' case ruled that the men engaged in mining at Leonora, Lawlers, or Wiluna, some 750 miles from Perth, are to get no higher wage than that of the worker in Perth, except in so far as they would be entitled to it by reason of the higher cost of living in those districts. They are expected to put up with all the disabilities inseparable from life in such places, living in poor homes, with no nice winding river bends where they can go on Saturday afternoons or evenings to get the benefit of the cool sea breezes; no nice easy chairs in which to sit and sip iced water; where fresh vegetables are unobtainable, and where they have to put up with a hundred and one grave disabilities. Yet no consideration has been extended to those people over and above that to which they are entitled by reason of the higher cost of living. I venture to say the members of the court responsible for the award have never been further out than Kalgoorlie. They know nothing of life outback at Menzies, Leonora, and other mining towns remote from railway communication. They have no knowledge of the risks and dangers run by wives and families isolated out there, 100 miles from the nearest doctor. All these considerations the court have thrown by the board. The court says the miners out there are not entitled to any special consideration. On two former occasions a court differently constituted did make allowances for those considerations by increased wages. But apparently they did not know what they were doing and, moreover, had no right to do it. And so with one stroke the court, as last constituted, swept the whole thing on one side. I should like to have the power to compel

members of the court responsible for the miners' award to go out to the remote goldfields. I would not even ask them to endure the laborious, disagreeable toil the miners have to undertake; I would merely ask them to sit at ease, without working at all, so long as I could compel them to live and maintain families on 13s. 6d. per day. It is easy for men accustomed to comfort and ease all their lives, men who have never known what it is to have to live upon an income of less than £1,500 or £2,000 per annum, to say that the men who go down 3,000 feet into the mines and spend practically one-third of their existence shut out from daylight, shall live and adequately maintain a family on a miserable wage of 13s. 6d. per day. Even if on that wage those people could keep body and soul together, what chance have they to provide for their wives and children a holiday every second or third, or even every twentieth year?

Mr. Heron: Some of the children on the goldfields have never seen the coast.

Hon. P. COLLIER: That is so. Children 17 or 18 years of age have never seen a larger body of water than is to be seen in a tank.

The Premier: Beautiful children, too.

Hon. P. COLLIER: They are a credit to the State, and will make worthy citizens when they grow up. But is it giving them a chance to become useful citizens, is it giving them an opportunity in life, when their parents are compelled to live on so miserable a wage? I would not mind if the circumstances were different. When a court goes out of its way to strike away a principle that has been recognised in all agreements and awards for years past, and without one scrap of evidence—the court that has over-ridden the matured judgment of two former courts within the last three years, courts which were competent to make an award because they had heard a mass of evidence relative to living on the goldfields, whereas the court which recently gave this award took no such evidence—it is time a protest was made. I do not care what may be said. I am loth to criticise tribunals that are entrusted with such an important function as that of the Arbitration Court, or any other court, but there comes a time when a protest must be made, no matter how we may offend the dignity of such tribunals, if we are not going to allow the standard of living to slip back and the well-being of our citizens to be affected. I have no hesitation in declaring that I will advise the industrialists of the State, the organised workers and unionists, never to approach this court of arbitration again while it is constituted as it was when it recently delivered that infamous award.

The PREMIER (Hon. Sir James Mitchell—Northam) [8.33]: I am not going to discuss arbitration or the recent award. I am not called upon to do so. The motion asks that the system of granting additional allowances to Government employees on the goldfields be continued, and extended to other workmen. The member for Boulder (Hon.

P. Collier) knows that the wages for railway men are fixed as for Perth and surrounding districts. When it comes to the Port Hedland-Marble Bar railway, naturally some allowance is made to make it possible for men to live there. So it is in the case of Kalgoorlie and the other goldfields. An allowance is made to enable men there to live in the same degree of comfort as men living in Perth, Northam, Bunbury, and other such places.

Hon. T. Walker: Or compensation for the lack of conveniences. They cannot get the same comfort there.

The PREMIER: It is more expensive to live on the goldfields.

Hon. T. Walker: And they cannot get the same comfort after they have paid their expenses.

The PREMIER: I have been on the goldfields and have been comfortable there. The cost of living is greater on the goldfields, because that is further from the coast. It is more difficult to get what one requires there, and much of the necessities of life have to be sent there at expensive rates. The further from the coast people have to live the higher is the cost of living. No one can object to the allowance made to railway men, or to the allowance made to civil servants who also have to live on the goldfields. We all approve of that. I know it has always been the system to give clerks and others living on the goldfields a special allowance, and I believe this also applies to bank employees. I take it that when wages are being fixed by the Arbitration Court for men who work only on the goldfields—for there are no gold miners near the coast—the conditions of employment, the extra cost of living, and the risks of employment are taken into consideration.

Mr. Corboy: They should be taken into consideration.

The PREMIER: They must be.

Mr. Corboy: They are not.

The PREMIER: That is not given as an allowance above the wages, but as part of the wages. In making the calculation, which leads up to the fixing of the wage, these disadvantages are taken into consideration.

Mr. Corboy: And if they were not it would be wrong.

The PREMIER: That has been the system in the past. That is all upon which this motion seeks to have the opinion of the House.

Mr. Willcock: That the hitherto existing practice should continue

The PREMIER: That the practice which applies to Government and other employees should be applied to other workers in the same locality. In the case of Government employees this is an allowance.

Mr. Cunningham: It is an extra.

The PREMIER: No, but it does not matter how it is arrived at. I think the House agrees that the conditions on the goldfields are such that it is right the people working there should have a special allowance. The

hon. member asks that Parliament should agree it is right that this consideration should be shown to others who work in the same locality. No one can take much exception to the motion, so far as it goes. If I have correctly interpreted the wish of the hon. member, the House will probably agree to the motion. Not only does the court provide an allowance, in addition to the coastal wage, for the goldfields, but where there is no court the officials employed by the Government are given the same privilege.

Hon. P. Collier: By general consent it has been allowed all through.

The PREMIER: Yes.

Hon. T. Walker: It is a custom that has become almost a law.

The PREMIER: The Government recognise the fairness of the system. It is not possible that the House should disagree with the motion. I do not propose to make any observations with regard to the recent arbitration award. No court can give entire satisfaction to both parties. It never has been and never will be the case. We all stand for arbitration, and have to stand by it since all of us approve of it. I hope it will be a long time before we do away altogether with some means of fixing wages.

Mr. Cunningham: We do not want to abolish arbitration.

The PREMIER: I agree that men in Kalgoorlie should get something more than those who are working under more favourable conditions down here.

Question put and passed.

BILL—JURY ACT AMENDMENT.

Second Reading.

Mr. McCALLUM (South Fremantle) [8.42] in moving the second reading said: This is a Bill to amend the Jury Act of 1898. Its object is to abolish special juries.

The Premier: Why do you object to special juries?

Mr. McCALLUM: I will tell the Premier, if he will keep quiet. The system is one of the relics of the past, when special class consideration was shown to different sections of the community, when only those who possessed wealth were supposed to possess knowledge, and when one section of the community was given favours and privileges not accorded to the masses of the people.

The Premier: What privilege is there in sitting on a special jury?

Mr. McCALLUM: There are those who are permitted to have their cases tried before their peers, and others who are not permitted to have any of their grievances heard before their peers, but have to be tried by a section of the community, which is usually hostile towards them in most matters of importance. The qualifications set out in the existing law entitling anyone to sit on a special jury are: to be a bank director, or a merchant, a merchant not keeping a general retail shop. The

merchant has to be removed from the common people.

The Premier: Go on.

Mr. McCALLUM: He cannot even be a retailer, in which capacity he is likely to meet the people. He must be a wholesaler. No such common individual as a retailer can sit on a special jury. He has to be something special, something in the nature of a wholesaler. The Act also sets out—

Or who has within the colony either in his own name or in trust for him real or personal estate of the value of £500, shall be qualified and liable to serve as a special juror.

Inquiries I have made from members on this side of the House show that approximately only four are entitled to sit on a special jury.

Hon. P. Collier: Who are they?

Mr. McCALLUM: Each of us can aspire to the Premiership of the country, or to be Prime Minister of Australia, but with the exception of four of us we are not entitled to sit on a special jury.

Mr. Corboy: Who are the four?

McMcCALLUM: I am not one of them.

The Minister for Works: You are lucky.

Mr. McCALLUM: That shows class privilege and special consideration to class.

The Premier: It is not class privilege.

Mr. McCALLUM: What is that if it is not class privilege?

The Premier: Common sense.

Mr. McCALLUM: Because a man has £500, does the Premier say he has more common sense than a man who has to work and has not that bank balance?

The Premier: No.

Mr. McCALLUM: Where is the test as to intelligence or intellect applied in those circumstances? Rather is it the test of the financial position or the social status of the individual concerned?

Mr. Hughes: Many bank managers have not £500, yet they have these privileges.

Mr. McCALLUM: Yes. Such people are supposed to be above the common citizen and to have a higher social status.

The Premier: You must not reflect upon bank managers.

Mr. McCALLUM: I am opposed to any section of the community having privileges over and above those of other sections—

Hon. M. F. Troy: Unless it be by virtue of intelligence.

Mr. McCALLUM: I could understand provision being made to meet special circumstances, where a jury was desired comprising men who had a special knowledge concerning the particular point involved in an action. An argument along those lines would be logical and correct. There is no such position regarding the point I raised. The Bill will not interfere with the rights of the people concerned to sit on common juries. It merely seeks to amend the law relating to special juries. What is the position regarding a workman who may have the misfortune to meet with an accident, and is confronted with the necessity to go to law to secure a

settlement of his claim under the Employers' Liability Act or the Workers' Compensation Act? In such cases when an application is made for a special jury, it is granted in 99 cases out of 100. It has become practically a formal application, and is granted accordingly. In such circumstances the ordinary working man is denied the right of trial by his peers. No working man would be allowed to act on such a jury, and in the main special juries would be comprised of men drawn from the same class as the man's employer. It could be that the men on the special jury were engaged in business similar to that carried on by the employer against whom the workman was proceeding. We know what human nature is, and those jurymen would be confronted with the position that they themselves might be in at any time. In such circumstances, it is doubtful whether the worker can secure the justice he is entitled to from our law courts. While bank managers, wholesale merchants, and men possessing £500 are entitled to act on special juries, the same privileges are not extended to working men.

The Premier: That section of the community is not entitled to special privileges any more than the worker.

Mr. McCALLUM: If a bank manager is concerned in litigation, he simply has to make application for a special jury, and his application is agreed to.

The Premier: He will not get a special jury unless he is entitled to it.

Mr. McCALLUM: I suggest the special jury is simply a formality.

The Premier: You are wrong.

Mr. McCALLUM: The Premier is wrong. In 99 cases out of 100 the application is granted practically as a formality.

The Premier: Name the instances.

Mr. McCALLUM: I can name several instances in which I have had to stand my trial before special juries.

Hon. T. Walker: The application for a special jury is generally granted if you put up the money.

Mr. McCALLUM: Certainly those who make application for a special jury are required to put up sufficient money to cover the expenses of that jury, but if the Premier looks up the records he will see that the applications are merely treated formally and agreed to without much consideration. From the trades union movement standpoint and from the viewpoint of those with political leanings towards Labour, as soon as we are involved in litigation application is made for a special jury. We know that a jury so constituted will generally comprise those who are opposed to Labour politics.

The Premier: Surely affairs are not so low as that!

Mr. McCALLUM: I know what I have had to face in the courts. I have had to face trumped-up charges against me, and stand my trial before special juries, not one man on which was dependent on wages.

Mr. Hughes: And generally verdicts were received contrary to the evidence.

The Premier: You are too young to know anything about it!

Mr. Hughes: The Premier is not too young to know about it.

Mr. McCALLUM: This is one of the relics of the past and since 1898 no amendment has been made to this part of the Act. We have had a continuance of this policy of class privilege. To-day the National Parliament and State Parliaments are elected on a franchise in which the manhood and womanhood of the country constitute the necessary qualification. It is not the wealth or social position or the standing in the commercial community that gives the qualification for the franchise, but merely manhood and womanhood over the age of 21 years. If we can make the laws of the country there is no reason why those who can carry out that duty should be debarred from serving on special juries. What argument can there be in favour of those who are permitted to sit on special juries having greater qualifications than are possessed by members of Parliament. Why should men who are members of Parliament not be entitled to sit on special juries? Why should not the workers of the State be given the same privileges as are enjoyed by other sections of the community?

The Premier: Members of Parliament are exempt from juries.

Mr. McCALLUM: I have no desire to sit on a jury, but I have been compelled to face juries, and I would like to know when I am placed in their position that they have not been qualified for that position merely because of their social or financial positions. If I cared to give instances I could tell hon. members where there have been miscarriages of justice and decisions given by special juries which would not have been entered had not this special qualification enabled them to sit in such a capacity.

The Premier: An alteration would work both ways, for as it is, the guilty often escape under the jury system.

Mr. McCALLUM: I quite admit that, but the reform I suggest should surely meet with the approval of the great majority of the community. I do not argue the merits or demerits of the jury system, for the Bill does not interfere with the principle of trial by jury. It merely seeks to remove the special qualifications by which special juries are set up, and thus permit these juries to be selected from the manhood and womanhood of the country, irrespective of their social or financial position. What is aimed at is plain, and I hope the House will agree to wipe out this special form of privilege. I trust hon. members will appreciate the unfairness of the present position. There are times in the history of the country when political feeling runs high, and when during industrial strikes and upheavals the passions of the people become inflamed. Both sides seek to secure public support. Frequently, as the result of these disturbances, the aid of the law courts

is sought, and trials have to take place. Working men are charged and they find that they are to be tried by a section of the community generally strongly opposed to the trades union movement. In such circumstances, the workers feel they are not getting a fair deal. While this provision for special juries remains, the workers labour under the suspicion that they do not get a fair trial. They feel that the dice is loaded against them. If for that reason only hon. members should agree to the amendment I propose, and thus remove that element of suspicion. Antagonism to this class of privilege is frequently and forcibly expressed at trades union meetings. I trust the House will agree that the Act on this point is fundamentally wrong, and unsound. Australia boasts of her democracy, and of her Parliaments elected on the broad adult franchise, and yet we allow this form of class legislation to remain on the statute-book!

The Premier: It is democratic in the Forrester electorate, all right.

Mr. McCALLUM: We have three Labour members going up there, and we leave it to the people to decide. We have no such junta in our movement as there is connected with the ranks of the Country Party, where their junta refused to endorse their candidates.

Mr. SPEAKER: Order! The hon. member must speak to the Bill.

Mr. McCALLUM: The Premier brought it upon himself.

Mr. Teesdale: But it did not apply.

Mr. Hughes: He has taken advantage of a junta before to-day.

The Premier: I know no junta.

Mr. McCALLUM: We have boasted that we have led the world in social progress. We claim to be the most democratic of all countries, but how can we substantiate that claim if we provide that a man shall be tried not by his peers but by men drawn from a section having very little sympathy with him? I cannot understand why that should ever have been embodied in an Act of Parliament. It has come down from the olden times, the times when it was considered brains went hand in hand with wealth. Those days are gone. Some of the finest statesmen Australia has known have died poor men. We encourage men to enter Parliament regardless of their worldly possessions.

The Premier: They are not permitted to sit on juries, so you must not mention them.

Mr. McCALLUM: I am drawing an analogy. If a certain man is allowed to sit in Parliament why not on a jury? The Premier, when a bank manager, would have been entitled to sit on a jury.

The Premier: I am disqualified through being in Parliament.

Mr. McCALLUM: Out of 18 members on the Opposition side of the House, 14 are not entitled to sit on a special jury. If we are permitted to sit here and assist to frame the laws of the country, some of our members, including former Ministers of the Crown—

The Premier: You are seeking to alter the wrong section.

Mr. McCALLUM: I wish to alter a number of sections. Wherever a special jury is mentioned, I want the reference deleted. I hope the House will recognise how unfair, unjust, and undemocratic is the existing provision. Justice should be meted out to all sections of the community. Every man should have the privilege of being tried before the court—

The Premier: That is not a privilege.

Mr. McCALLUM: He should have the right to be tried by his peers and not by a small and possibly unsympathetic section. If there is any argument in favour of a special jury, it is that special qualifications and special knowledge are required on a particular case, but that cannot be advanced in defence of the existing law. At present there may be a bank manager, a draper, and a mining man on a case absolutely foreign to any of those businesses I move—

That the Bill be now read a second time.

The PREMIER (Hon. Sir James Mitchell—Northam) [9.5]: The hon. member put up a very good argument against trial by jury, and I am inclined to agree with him.

Mr. McCallum: I did not.

The PREMIER: We are told that if a man has £500 it is difficult for him to be honest.

Hon. P. Collier: No, if he has not £500, it is difficult for him to be honest, because he is excluded under the existing law.

The PREMIER: I am replying to the arguments of the member for South Fremantle.

Hon. P. Collier: That is what the Act says.

The PREMIER: It does not. It is a very old Act. It comes from the English law which provided for special juries. The member for South Fremantle has made out an excellent case for abolition of trial by jury, and I am inclined to agree with him.

Hon. P. Collier: You are joking now.

The PREMIER: I notice that sometimes the guilty escape and that there are some offences from which they seem to escape very frequently. Would the hon. member like to abolish trial by jury?

Hon. P. Collier: You are doubting a principle that has been affirmed since the time of King John.

The PREMIER: On the word of the member for South Fremantle only. I have long thought as he has spoken to-night.

Hon. P. Collier: You are facetious to night.

Mr. McCallum: You will get more honesty amongst men without £500 than amongst men possessing it.

Mr. Hughes: Poor but honest.

The PREMIER: I am afraid I am unfortunately constituted; I believe in everybody.

Hon. P. Collier: That is why you are taken down so often.

The PREMIER: I find a very small sprinkling of dishonest men.

Hon. P. Collier: Hear, hear!

The PREMIER: I do not consider that any class has a monopoly of honesty. If the member for South Fremantle believes in what he said, no man should be tried by jury. There should be other means to try him. I do not know why he should have questioned the honesty of those who sit on special juries.

Mr. McCallum: Why do you question the honesty of those who do not possess the qualification?

The PREMIER: I do not question their honesty.

Mr. McCallum: You do, if you do not support the Bill.

The PREMIER: I do not; the hon. member says the Act does. I suppose no member would sit on a special jury if he could escape it. I know of no person who specially wishes to sit on a jury unless it be the member for West Perth. I am sorry the hon. member discussed the question in the way he did.

Mr. McCallum: I let you down lightly.

The PREMIER: It has nothing to do with me. The hon. member has shaken my faith in human nature.

Mr. Hughes: Tell us why you disagree with him.

The PREMIER: I shall tell the House in my own way. This impetuous young man from East Perth wants me to do it in his way. He is becoming a member of the learned profession and he will then be exempt from serving on a jury, thank God. This is a very old-fashioned Act, framed in an old-fashioned way in an old-fashioned time.

Hon. P. Collier: And supported by an old-fashioned man.

The PREMIER: You mean the member for South Fremantle? I am coming around a good deal; the hon. member will see some small modicum of improvement. I entirely disagree with the way the hon. member presented the Bill, and I say that in all sincerity. I do not know why he should have indulged in a wholesale condemnation of any section of the people. It is a pity he did that. If we do not believe in the honesty of people serving on juries, out they should go and at once. All old-fashioned customs, however, are not bad. Trial by jury was instituted in the days of old, and no doubt was necessary, but the time has probably gone when we should maintain trial by special jury. Had the hon. member put up a case in moderate language I should have been ready to frankly and promptly agree with him, but I regret many of the statements he made. Because a man has a home worth £500 it does not follow that he is less honest than a man that pays rent and has only 500 pence.

Mr. McCallum: You are arguing the other way about.

Mr. Hughes: A man paying rent is as honest as the other fellow.

The PREMIER: I did not know there was so much trial by special jury as the hon. member would lead us to believe. Neither did I believe a special jury was called into being

to try all the cases he mentioned. I realise that in this democratic country where there are so few democrats—

Mr. Lambert: Speak for yourself and your followers.

The PREMIER: I am doing so; I am one of the few democrats. The time has come when a change might be made and made safely—at least I thought so before I heard the member for South Fremantle. Now I have some doubt as to what I should do. If I believed what the hon. member told us, I should vote against the Bill. If I believe what the Bill says, I should vote for it.

Hon. P. Collier: I never saw you in such a facetious mood before.

The PREMIER: The member for South Fremantle said he had been tried by jury.

Mr. McCallum: More than once.

The PREMIER: Then he was tried by merciful men.

Mr. Lambert: The verdict was wrong; otherwise he would not be here.

The PREMIER: I have no desire to make particular provision for special juries, so I shall not take much exception to the Bill.

Hon. T. WALKER (Kanowna) [9.14]: The whole speech of the member for South Fremantle was based on the provision under the great Charta extracted from King John at Runnymede, but it is about time we recognised we live in a democratic country where there are no classes, not even the class of wealth, and in a country where education is as free to the son of the poorest as to the son of the richest in the land, where the child of the wealthy sits on the same form as the child of the toiler, and therefore goes along with him on strict terms of equality in the cultivation of the intellect and the development of those powers that enable sound judgment to be formed. We are scarcely able to understand the reform that the member for South Fremantle (Mr. McCallum) suggests when he says we want judgment by our peers, because when that phrase was first coined the word peers had somewhat of a different meaning from the meaning it has now. I draw attention to McKechnie's "*Magna Carta*" and the definition of *Per judicium parium*—

Every judgment must be delivered by the accused man's "equals." The need for a "judgment of peers" was recognised at an early date in England. It was not originally a class privilege of the aristocracy but a right shared by all grades of freeholders; whatever their rank they could not be tried by their inferiors.

And that was the point.

In this respect English custom did not differ from the procedure prescribed by feudal usage on the Continent of Europe. Two applications of this general principle had, however, special interest for the framers of *Magna Carta*: the "peers" of a Crown tenant were his fellow Crown tenants, who would normally deliver judgment in the *Curia Regis*; while the "peers" of

the tenant of a mesne lord were the other suitors of the Court Baron of the manor. In either case judgments were given *per pares curiae*. John, resorting wholesale to practices used sparingly in earlier reigns had set these rules at defiance. His political and personal enemies were exiled, or deprived of their estates, by the judgment of a tribunal composed entirely of Crown nominees. *Magna Carta* promised a return to the ancient practice. The varied meanings conveyed by the word "peers" to a medieval mind, together with the nature of *judicium parium* may be further illustrated by the special rules applicable to four exceptional classes of individuals—

(a) Jews of England and Normandy enjoyed under John's Charter of 10th April, 1201, the right to be judged by men of their own race; for them a *judicium parium* was a judgment of Jews. (b) A foreign merchant by later statutes obtained the right to a jury of the "half tongue" composed partly of aliens of his own country. (c) The peers of a Welshman, in some disputes with the Crown to have been men drawn from the marches; such at least is the plausible interpretation of the phrase, "*in marcia per judicium parium suorum*," occurring in later chapters of *Magna Carta* and granting to the Welsh redress of wrongful disseizins. (d) A Lord Marcher occupied a peculiar position, enjoying rights denied to barons whose estates lay in more settled parts of England. In 1281 the Earl of Gloucester, accused by Edward I. of a breach of allegiance, claimed to be judged, not by the whole body of Crown tenants, but by such as were like himself lords and marchers. These illustrations show that a "trial by peers" had a wider and less stereotyped meaning in the Middle Ages than it has at the present day.

And he quotes a passage from Scots Acts of Parliament—

No man shall be judged by his inferior who is not his peer; the earl shall be judged by the earl, the baron by the baron, the vavassor by the vavassor, the burgess by the burgess, but an inferior may be judged by a superior.

That is where our law goes. Observe how old it is. The supposition is that there are some people superior and that they can judge their equals and their inferiors. But the principle of the law seems to be that no alleged inferior should pass judgment upon the so-called superior. That was good whilst we had tiers of society, those on the top rung being able to judge all beneath them, but the rung beneath not being able to judge the rung above. We have abolished all that. There are no rungs now, no steps in the ladder. We are all equal, upon the level of citizenship. Can it be said that in these days there are the educated, the trained intellects, and the dullards and the ignorants? To the credit of this State and to all democratic communities, we educate, at vast expense

and sacrifice, every possible citizen of the future born within our borders. It is a fact that to-day in all democratic communities the highest positions are filled, not by men born of distinctive class but born from the ranks of the industrialists. They have worked their way up not only to be in the first rank amongst the legislators of their countries, but in every learned profession, in every sphere, where the keenest training and discipline and intellectual qualities are required. They are our teachers, our inspirers, those who lift society from the humbler to the nobler stages. What applied in the reign of King John and which we have kept from century to century repeating, will not fit in with our modern conditions. The member for South Fremantle says, "You shall carry out even in your courts of law what you carry out in all your civil institutions; you shall do there what you have done in every rank of society." As you, Sir, born of humble lineage, may I presume to say without reflection, can occupy a distinguished position, and which you do as an ornament in this community, so in our courts of law may such as you occupy the positions which at one time were reserved only for those who inherited wealth, or had by accident and sheer good fortune, become possessed of a large share of the good things of this world. It is not expected now that a man to have integrity, to have honour, to have those keen qualities that can give an honourable judgment, must be born in a given rank before he can be trusted. Every man born in a democratic community is deserving of trust until his conduct determines that he is not fit for his position, and we want to recognise those principles, and to bring them to bear on our judicial functions as we have done in every other division of our civil community.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Read a third time, and transmitted to the Council.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading—defeated.

Debate resumed from the 17th October.

The PREMIER (Hon. Sir James Mitchell—Northam) [9.35]: I hope the House will not agree to this Bill. Last session we amended the Workers' Compensation Act so as to include in it pieceworkers in the timber industry. It had been thought they were included. Hon. members will recollect that there was a test case which resulted in showing that pieceworkers in the timber industry

were not covered by the Act. Thereupon it was urged here, and with truth, that the workers in the timber industry work always under control. The timber hewer cuts the tree he is told to cut. He deals with the wood that is placed before him. He is always under control. Therefore Parliament agreed that the pieceworker in the timber industry is properly a worker within the meaning of the Workers' Compensation Act, and the Act was amended accordingly. But this Bill asks us to bring all pieceworkers and contractors within the Act—for instance, clearing contractors, men who work free from control, men who probably seldom see their employers.

Mr. A. Thomson: And who probably would not take directions from their employer as to how they were to work.

The PREMIER: The employer has no right to give directions to such a worker. The worker is not in the slightest degree under the employer's control. I do not know why such workers cannot take out an insurance policy for themselves. If it were not possible for them to protect themselves, it would be quite another matter. The member for Murchison (Mr. Marshall) cited the case of a man who was injured while engaged in sinking a well. But he was not at the time under anybody's control.

Mr. Marshall: He was insured, too.

The PREMIER: He was insured as a general worker whilst working for the squatter, but when he worked for himself under contract he was not covered. That was a special case, where the man was far away from an insurance office, and could not readily take out an insurance policy. But in most cases it is quite easy for a man to take out a policy. A man who lets out small contracts cannot possibly exercise any control over the contractors, and therefore should not be asked to accept responsibility as proposed by this Bill.

Mr. Marshall: The Bill does not ask that.

The PREMIER: I think it does. The position here is precisely on all fours with that established for the pieceworker in the timber industry. Our late friend, Mr. O'Loughlin, put up a very good case when he pointed out that a timber worker was always under control, working when he was told and where he was told. That position is very different from other piecework or contract work. The Bill goes too far altogether, and its passage would only result in less work being offered.

Question put and negatived; the Bill defeated.

BILL—CONTROL OF RENTS.

Second Reading—defeated.

Debate resumed from the 3rd October.

The PREMIER (Hon. Sir James Mitchell—Northam) [9.41]: I am sorry that I have to ask the House to reject the Bill in its present form. We do want a sufficient number of houses to accommodate comfortably all our

people. We want more houses erected, not fewer; and in the erection of houses, let it be remembered, we provide work for a great many of our people. Building means work for the brick-maker, the bricklayer, the carpenter, the plumber, the transport worker, and many others. Building means work all along the line, and we do not wish in any way to restrict it. Only by providing a sufficient number of houses can we get competition for tenants and so get rents to a fair thing. But we must remember that people cannot do without houses to live in. Who is going to build houses if the member for East Perth makes it impossible for a man to invest money in house property? We know, of course, that the Workers' Homes Board are willing to erect cheap houses. Some time ago, as the result of a deputation, of which the hon. member who has introduced this Bill formed one, it was agreed to ask the board to prepare plans of a fairly cheap wooden house to provide accommodation for workmen in the metropolitan area, where the local authorities would allow the building of cheap and comfortable houses. That has been carried into effect, and a house can now be had for about £400.

Mr. Hughes: But that is only under Part IV. of the Act, and not under Part III. The applicant must have the block of land first.

The PREMIER: Sometimes the board help even in that direction. In country towns the block on which the house is built is frequently obtained by the board. If houses are to be built, the money must be had. A great deal of the money put into house building is borrowed; and, of course, interest must be paid on it. In my opinion this Bill will strangle house building. It says that the owner of a house may charge 8 per cent.

Mr. Hughes: That is not right.

The PREMIER: Yes. He may charge 8 per cent. on the cost of the building, and 8 per cent. on the cost of the land.

Mr. Hughes: You know better than that. You know that is not so.

The PREMIER: What does your Bill say?

Mr. Hughes: It says the owner's profit shall be 8 per cent., but after paying everything else.

The PREMIER: The Bill does not say that. It says that the owner may collect 8 per cent., and that of this 8 per cent. 2 per cent. is to be taken as depreciation, and that on the 2 per cent. the owner is to pay 8 per cent. interest.

Mr. Hughes: What are you talking about?

The PREMIER: I am not learned in the law, as my friend is.

Mr. Hughes: You are learned in what the Bill says, and you are misrepresenting it.

Mr. SPEAKER: The member for East Perth is not in order in saying that.

The PREMIER: I am not misrepresenting the hon. member. The Bill clearly says that an owner may charge 8 per cent. per annum on the value of the land and on the money invested in the building. But the Bill shows clearly that 2 per cent. of the 8 per cent. is

to be regarded as a sinking fund to cover depreciation, and on that 2 per cent. the owner has to allow interest; that is to say, he has to reduce the charge of 8 per cent. on the building by this sinking fund. So at the end of, say, 10 years the owner would have to write 20 per cent. off a building that cost £600, or in other words, £120; and on that £120 he would have to allow a rebate of rent. When the house had been up for 10 years the 8 per cent. would be charged on £480.

Mr. Hughes: That is not what the Solicitor General says. Yet he drew the Bill.

The PREMIER: That is what the Bill says.

Mr. Hughes: What has that to do with the Bill? Why not deal with the Bill on its merits, instead of indulging in petty sarcasm at me because I am studying law? You do not object, do you?

The PREMIER: On the contrary, I congratulate you. The charge would be 8 per cent. on £480. In 50 years' time there would be no rent chargeable for the house other than the interest on the cost of repairs and renovations. I do not know who would build houses in such circumstances. It is extraordinary that under the Bill, while the value of the land may increase and interest may be charged on the increased value, the value of the house is not to increase. The Bill provides that the rent shall be based on the cost of the building. It may have been erected 50 years ago, and the present owner may have paid 50 per cent. more for it than it originally cost; for the cost of building has increased immensely. Notwithstanding that, the owner could not collect interest by way of rent on the amount he paid above the original cost. I do not know anybody who would put money into houses on that system.

Hon. W. C. Angwin: The Bill says it is to be the cost of the building.

The PREMIER: Well that means the original cost of the building.

Hon. W. C. Angwin: It does not say that.

The PREMIER: It can have no other meaning. If what the hon. member says is true, the building may be purchased at a very high price and the rent fixed accordingly.

Hon. W. C. Angwin: That is what the Bill says.

The PREMIER: No, it does not. I have studied the Bill, and I find it says "on the cost of the building"—which means the original cost. I admit the hon. member allows for 8 per cent. on the cost of repairs and renovations. But that is not nearly enough to cover the cost of renovations and repairs. I do not suppose the hon. member himself would put money into a house on those terms, for it would be very much better to let out his money on mortgage. It could not be done by anybody wanting an investment.

Mr. Hughes: But it is being done by fair landlords. They earn 8 per cent. and are satisfied.

The PREMIER: I do not know how they can do it and pay for repairs and renova-

tions; and if there be any such persons they are not enough to supply the housing wants of the people. That is the first objection I have to the Bill, namely, it would mean a stoppage of house building. It is impossible to ask a man to take 6 per cent. on the cost of building with 2 per cent. depreciation, and to reduce the rent by 8 per cent. on the 2 per cent. year after year.

Mr. Hughes: Would you agree to the Bill if we made it 10 per cent.?

The PREMIER: We are dealing with the Bill as it is. Second thoughts are sometimes better thoughts. Presently the hon. member will get to the usurer's rate.

Mr. Hughes: I will have to, before you agree.

The PREMIER: Moreover it is retrospective legislation in so far as it cancels existing contracts. Probably that was an oversight.

Mr. Hughes: No, it was not.

The PREMIER: The capital value of the land may increase, but not the capital value of the building. As a matter of fact there is not in the Assembly any man owning a house built 10 years ago who could not get far more for it than it originally cost. Building is very much dearer than it ever was previously, and the owner is entitled to the increase in price. I am afraid, too, the Bill would interfere with the sale of houses. Thousands of houses in the metropolitan area are owned by men of comparatively small means and small incomes. What would happen if we said "On the cost of the building alone shall you draw your interest, and it shall be eight per cent. less two per cent. depreciation"? What would happen if a man transferred to Bunbury wanted to sell his house in Perth?

Hon. W. C. Angwin: The Bill does not say eight per cent. less two per cent.

The PREMIER: Yes it does. What would happen to a man transferred from Perth to Bunbury? If he wished to sell his house he would have to sell it at its original cost, less depreciation, and when he built again at Bunbury he would have to build at present day cost. It is too much to ask. The hon. member has said that no depreciation is provided from the eight per cent.

Hon. W. C. Angwin: It is not provided from the eight per cent.

Mr. Hughes: The eight per cent. is clear of that.

The PREMIER: No, it is not.

Hon. T. Walker: Yes, it is.

The PREMIER: I have read the Bill carefully.

Hon. W. C. Angwin: The person who prepared your notes was not very careful.

The PREMIER: I prepared them myself. I had better lend them to the hon. member.

Mr. Hughes: Do you suggest the Solicitor General, who drew up the Bill, is incompetent?

The PREMIER: I suggest he is a very competent man, because he satisfied the hon. member, although providing a Bill that the House will not look at. Yes, he is very com-

petent. Let us be reasonable. It has been said that fools build houses for wise men to live it. But that was in a previous age. I do not know that it applies now. It would apply again if the Bill became law. Our duty is to see that sufficient houses are provided for the people at reasonable cost. But I say it cannot be done under the Bill. I doubt if there is anything in the Bill that would at all help the people who pay rent. I have looked carefully into the Bill, and I see no merit in it. It will stop the building of houses, and so throw a good many men out of employment. Certainly under it no financial house would lend money for the erection of a home. We have to deal with the proposal as it is, and I hope the House will agree that the Bill ought not to become law, if only in the interests of the very men the hon. member wishes to serve.

Hon. W. C. ANGWIN (North-East Fremantle) [9.55]: The Premier has said he has read the Bill very carefully.

The Premier: So carefully that I have worn out a copy of it.

Hon. W. C. ANGWIN: Having regard to the paucity of time at the Premier's disposal, I can only conclude that if he read the Bill carefully, he did so chiefly at the times when he is half asleep. Alternatively those who prepared his notes have not read the Bill at all. There are in the Bill but one or two vital clauses. The Bill is very clear that the person who invests in building shall be allowed eight per cent. after all expenses have been paid. Surely eight per cent. is sufficient interest!

The Colonial Secretary: Where does it say "after all expenses have been paid"?

Hon. W. C. ANGWIN: In Clause 4. It goes on to point out that rates and taxes have to be taken into consideration. It also states that even the cost of repairs has to be added, less two per cent. depreciation.

Hon. F. T. Broun: Why cost of repairs in a new building?

Hon. W. C. ANGWIN: It is not long before repairs are required. The Bill goes on to say the capital cost shall be the unimproved value of the land, plus the cost of the building. It does not define the cost of the building. If the building changes hands, the cost to the purchaser may be much higher than the cost of erection. The Premier is wrong when he says it is to be eight per cent. less two per cent. for depreciation. It provides for the cost of repairs less two per cent. depreciation. The time is long passed when we should have had a Bill controlling fair rents. Such a Bill has been in operation in New South Wales for several years. This House previously carried a resolution asking the Government to introduce a Fair Rents Bill. The Government have not done so, and in consequence the hon. member has taken it upon himself. There are in Western Australia many people looking to see the Bill placed on the statute-book. Unfortunately some landlords in this State

are far from being fair; some of them adopt the rack-rent system. In many instances they have increased the rent of business places considerably and in addition compelled the tenants to put in new fronts, to improve the buildings, the alternative being to get out. We should have legislation to deal with such people. Instances of exorbitant rents have been mentioned in the House. The system has become fairly general. No person would object to paying a fair interest on an investment made in any house he might be occupying, but he would object to paying 15 or 20 per cent. on it. It is a wrong practice to adopt, and it rendered this Bill necessary.

The Colonial Secretary: This Bill would render the ownership of property very undesirable.

Mr. Hughes: You have not found it so.

Hon. W. C. ANGWIN: Ten per cent. on property ought to pay well, with an allowance for rates, taxes and repairs. It used to be recognised that 10 per cent. was a fair return on property. So long as a person can get 8 per cent. clear of all charges, he should be satisfied.

The Colonial Secretary: The Bill does not say so.

Hon. W. C. ANGWIN: The Government give only 3½ per cent.

The Colonial Secretary: But that is safe.

Hon. W. C. ANGWIN: This Bill says that if people put their money into house property they should get a return of 8 per cent., and in that respect it is very fair. An insufficient amount is allowed in the Bill for depreciation, particularly on wooden buildings. The actual return allowed to the landlord on his investment is quite sufficient, but the Bill in Committee may be amended on the question of depreciation. In the case of workers' homes, the period allowed for repayment on wooden buildings is only 15 years, whereas it is 30 years in the case of brick buildings. Members have nothing to be afraid of in regard to the allowance made for repairs, rates, and taxes, etc. If any difficulty or dispute arises the magistrate of the Local Court decides what is a fair thing to charge. I hope the House will pass the Bill, and that it may be slightly amended in Committee.

Hon. P. COLLIER (Boulder) [10.2]: The Premier in opposing the Bill argued largely upon details. For the moment I am not concerned as to whether the Bill provides for 8 per cent. interest, or 8 per cent. return upon capital, or 10 or 15 per cent.; neither am I concerned as to what is provided for depreciation or the payment of rates and taxes. These are all matters of detail that can be dealt with in Committee. We are at present dealing with a Bill that has for its object the control of rents. That is a definite principle we are asked to affirm or oppose. If we disagree with Clauses 4 or 5, providing for the percentage of return that may be allowed on capital invested, we can deal with them in

Committee. We are now asked to say whether the principle of controlling rents by Act of Parliament is good or bad, and ought or ought not to be agreed to. On that question the Bill ought to pass its second reading. All the objections raised by the Premier, or which may be held by other members, can be dealt with at the proper time. Unquestionably the experience of recent years in the metropolitan area has demonstrated the absolute need for controlling rents by Act of Parliament. There has been a degree of profiteering in the matters of rents, just as there has been in other directions. The long list of instances given by the member for East Perth (Mr. Hughes) in moving the second reading, wherein he showed that rents have been increased not so much with regard to residences as with regard to business places and shops, where they have been increased to an enormous degree, can be borne out by the facts. There can be no doubt that instead of 8 or 10 per cent. being charged, the majority of owners of city properties, those who have business places in Perth and suburbs, are drawing 25 per cent. and up to 50 per cent. interest on their capital outlay. All round the city in every form of business place rents have increased enormously in recent years, without any justification. This increase is reflected very materially in the cost of living, and is, therefore, a contributing factor to what may be called industrial unrest. What is the use of obtaining an increase by arbitration of 6d. or 1s. a day when the landlord immediately takes away that increase? This position has a material bearing upon the cost of living, and in turn influences the whole of the industrial life of the community. If we allow a free hand to property owners of the city to charge whatever rents circumstances may enable them to extract from their tenants, we shall be allowing a wrong principle. We got away from the principle many years ago in all other phases of our life, and it is time we did something in the matter of controlling the rents that may be charged. The Premier states that the building of houses creates employment and trade, and that a Bill of this kind would have the effect of stopping investments in house property and defeating the object the hon. member has in view. He also indicated that when people had ceased to invest their money in house property, there would be created a scarcity of houses in the metropolitan area, and the present difficulty that exists in that respect would be increased. If that were so, the workers would suffer. This may or may not be the case. People are investing their money at a lower rate of interest than is provided in this Bill in gilt-edged securities. The question of the rate of interest can be considered in Committee. If the result should be that building operations ceased, and the position consequent upon the scarcity of houses became more acute, the State should take the question in hand, and see that the requisite number of houses was provided for

the people. Scarcity of house accommodation has become a serious problem in the Old World, and it has been a serious one to the Government in England, especially since the war. It is for the Government of the day to face the situation. If private enterprise will not invest money in this direction, the Government must see that homes are made available for people who require them. Parliament should not sit idly by and allow these extortionate rents to be extracted, such as has been going on in recent years in the business centres of the city. Members must know of many cases where rents have been increased 25 per cent., and even double, in the principal streets of the city. These are business houses with whom the consuming public have to do business. If the rent is doubled, the price of every article that is sold in the premises also goes up. The consuming public has to pay all the time. This is not a new principle, for it has been adopted in the Eastern States. It is time we did something here also. The position of late has become so glaring that Parliament should take a hand in the matter. The long list of cases quoted by the member for East Perth, and published in the newspaper stands to-day unrefuted. It is not sufficient for any member to vote against the second reading of this Bill merely because he may object to something in it. It is a question of voting upon the principle of price-fixing. The Bill can then be altered in Committee to meet the wishes of members.

Mr. RICHARDSON (Subiaco) [10.11]: I am entirely in sympathy with the objects of the member for East Perth (Mr. Hughes). On several occasions I have spoken in that strain I have gone very carefully through the Bill, and agree with a good deal of what the Premier has said. It is a dire necessity to establish in the metropolitan area some authority to have control over rents. Since 1914 rents have gone up in comparison even more than the price of goods. We are always complaining about the high cost of living, but if we could summarise the cost of goods, and the raising of rents, we would find there was more profiteering in rents to-day than there is in regard to the cost of goods. I am prepared to admit that we may be able to do something, but this Bill is not quite my idea of how it should be done. I foresee many difficulties if the Bill is passed in its present form. I was always under the impression that we might be able to create some court of jurisdiction which would treat each case on its merits. Let us apply ourselves to the Arbitration Court. Suppose a Bill were brought down providing for arbitration, and laying down a minimum wage. If we are going to provide for a certain percentage of profit on buildings, there would be no question of jurisdiction at all. The thing would be laid down. It would then become a Local Court case. If I had to rent a house and my landlord was charging me more than 8 per cent., I could

take him to the local court, and he would probably be fined. If we are going to do anything to control rents, we must set up some kind of court. I do not care how it is constituted, so long as it is fairly constituted. If a man who is renting a house is not satisfied, he should be able to go before that court, and have the case tried in the same way as arbitration cases are tried. The present suggestion does not seem feasible. We are interfering to a certain extent with the law of supply and demand. Houses are undoubtedly scarce, and rents are high. It is only natural that landlords should be raising their rents. If we interfere with the law of supply and demand, we are taking on a big contract, and we have to be careful how we deal with the matter. I do not contend, because I know to the contrary, that all landlords are the same. I know many who had property prior to 1914 and who to-day are charging exactly the same as they charged in those earlier days. They have not taken advantage of the shortage of houses nor have they endeavoured to make their tenants pay a higher rent. I believe those people are prepared to carry on under the same conditions. At the same time we have another type of landlord not only concerned with residential houses but also with small business premises including shops. In my particular district many small shopkeepers entered into business a few years ago and made a success of their ventures. As soon as the landlords found out that they were doing well, they raised the rents, in some cases by 300 per cent. There was no occasion for any such thing to be done and, in my opinion, that is profiteering. I do not like the idea of insisting upon an 8 per cent. margin. As the Premier pointed out, in the course of time, if the Bill be agreed to as it stands, it will mean that the reduction will be so great that those people will only receive three or four per cent. on their capital outlay. I am prepared to vote for the second reading of the Bill but I hope that during the Committee stage Clause 4 will be expunged because I see no reason for it. If we are to set up a court it should have full jurisdiction, otherwise there is no necessity for such a court at all. I can foresee trouble regarding what are known as "speck builders." If we carry the Bill in its entirety, there is no doubt that the small speck builders will disappear from our midst. It is the speck builder who has been supplying the houses for the last nine or ten years. The builder of this type will, the member for East Perth (Mr. Hughes) will agree, generally erect the buildings by himself and is usually content with a profit of £30 or £40.

Mr. Hughes: More likely £100.

Mr. RICHARDSON: Not in all cases, although in some instances that may be so. They may be content with a profit of £50 and I think such a profit is legitimate because the speck builder takes a certain amount of risk. In addition to that, he works longer hours than others are willing to do.

Mr. Hughes: The Bill will not deprive him from carrying on.

Mr. RICHARDSON: Yes, it will, because it lays down specifically the controlling factors of this position. If a man sells a house and makes a profit of £50, the man who buys would receive only 8 per cent. on the actual cost of building, plus the unimproved value of the land. Thus he could not show any return for the extra £50 paid. The speck builder generally builds one house after another, although in some instances he may build three or four at a time, and if he disappears from the metropolitan area it will be disastrous. For that reason alone, if for no other, I shall vote against Clause 4. I know every hon. member believes that rents in many instances have been too high. If, however, we intend to interfere with the law of supply and demand, and that is what it amounts to regarding houses because there are not sufficient to cater for the people living here now, we must be very careful of the way we do it. While I agree that we must have some control over rents, I am not prepared to do anything that will stop the operations of the speck builder in our midst. If the Bill goes into Committee, I hope it will be most carefully considered.

Mr. DAVIES: I move—

That the debate be adjourned.

Mr. Hughes: Let it go through now.

Hon. P. Collier: It is three months since the Bill was read the first time.

Motion put and negatived.

Mr. HUGHES (East Perth—in reply) [10.21]: I wish to deal particularly with the statement made by the Premier that if we do not allow people to receive more than 8 per cent. clear profit, they will not build houses.

The Premier: I did not say anything of the sort.

Mr. HUGHES: We know that the Bill provides that the landlord shall receive 8 per cent. clear after allowing 2 per cent. for depreciation, the amount paid for rates and taxes, and an allowance for repairs.

The Premier: Who pays the 2 per cent. depreciation?

Mr. HUGHES: That is allowed to the landlord before he fixes the 8 per cent. The tenant pays the 2 per cent.

The Premier: In cash?

Mr. HUGHES: Certainly. You would not expect him to pay it in kind.

The Premier: Then 10 per cent. is paid.

Mr. HUGHES: Of course it is.

Mr. Richardson: But the Bill does not read to that effect.

Mr. HUGHES: I went carefully through the Bill with the Solicitor General and he was quite sure that my Bill provided 8 per cent. clear for the landlord after the payment of rates and taxes, 2 per cent. for depreciation, and an allowance for repairs and maintenance.

Mr. Richardson: It reads as though the depreciation comes off the capital value.

Mr. HUGHES: Has the hon. member ever heard of it being added to the capital value? It is taken off the capital value because the building has depreciated. I made it clear to the Solicitor General that I wanted the landlord to get 8 per cent. clear, not because I thought he was entitled to it. I was almost ashamed at the undue conservatism displayed in the drafting of the Bill. I considered, however, that 8 per cent. was the maximum to which I should go.

The Premier: I wonder at your moderation!

Mr. HUGHES: Added to that I allowed the landlord to secure the unearned increment from the land. I would not have done that if I had thought for one moment there was any possibility of the Bill being passed without that provision. I admit I am making a virtue of necessity, and that the landlord gets the benefit. If the house cost £600, the contractor referred to by the member for Subiaco (Mr. Richardson) would build the house at £550 and, by selling it for £600, would reap his profit of £50. The fact remains that the cost of the house is £600. No one could read anything else into the Bill. For the first year the landlord would be entitled to 8 per cent. on the cost of the house plus the unimproved value of the land. Thus, if the total value represented £800, he would be entitled to £64 clear after paying rates and taxes. The next year the landlord would have his 8 per cent. clear. In the following year the house would have depreciated by 2 per cent. and that would be taken into account. Hon. members will agree that 2 per cent. is a reasonable depreciation to allow on a brick house. During the next 12 months the land may appreciate in value by £50. He could then charge £250 for the land as the unimproved value. There is £30 off the value of the house, because it has depreciated to that extent.

The Premier: That is what I told you.

Mr. HUGHES: No, the Premier tried to lead the House to believe that the Bill provided 8 per cent. less 2 per cent. He knows that the Bill does not do anything of the sort and I do not think he made any mistake about it. The Premier—a former bank manager—knows the difference between 2 per cent. depreciation and 2 per cent. off the money earned.

The Premier: You mean the money invested. What do you mean, anyhow?

Mr. HUGHES: It means that a certain amount each year goes off the capital value of the place for wear and tear.

Mr. Pickering: It does not come off the land.

Mr. HUGHES: Land does not depreciate.

Mr. Pickering: It may do so.

Mr. HUGHES: Very rarely is that the position. The Premier advanced the old bogey that if we did not permit the landlord to charge an extortionate rent, houses would not be built. The State owns the State Sawmills and the best timber in the world belongs to the people of Western Australia.

Mr. Pickering: But the State Sawmills are in the combine.

Mr. HUGHES: The State Sawmills will be cut of the combine after March next and there will be about 20 per cent. reduction in the price of timber after that date.

Mr. Pickering: You are optimistic.

Mr. Chesson: All young fellows are.

Mr. Munsie: The member for Sussex will not be here to know what we do about it.

Mr. Johnston: He will be here all right.

Mr. HUGHES: We have enough timber in Western Australia to build not only all the houses required in Australia, but in many parts of the world as well.

The Premier: Now that is something new!

Mr. HUGHES: Prior to the war, people thought they could not build houses without a certain proportion of soft wood. During the war people learned to use jarrah only.

The Premier: This is not matter you should use in replying to the debate.

Mr. SPEAKER: I do not think this matter was raised during the debate.

Mr. HUGHES: The Premier raised the issue that if we did not allow exorbitant rents to be charged, people would not build houses.

The Premier: I did not do any such thing.

The Colonial Secretary: The member for East Perth confused the argument, that is all.

Mr. HUGHES: It was a very confused argument, so that I may be excused on that point. The Minister did not speak on the Bill. He knows exactly how much per cent. it is possible to get out of lending to people.

The Premier: That is not in reply to the debate.

Mr. HUGHES: It is in reply to the hon. member. We have any quantity of jarrah and we have State sawmills and brickworks.

Mr. SPEAKER: The hon. member is breaking new ground. There has been no statement as to sawmills or brickworks.

Mr. HUGHES: Then what am I to say in reply?

Mr. SPEAKER: The hon. member may reply only to the arguments advanced.

Mr. HUGHES: It is argued that if we did not allow landlords to charge exorbitant rents they would not build houses. Am I not in order in pointing out that the Government have concerns whereby the demand for houses can be supplied if private enterprise fails?

Mr. SPEAKER: The hon. member is going a bit too far.

Mr. HUGHES: I wish to reply to the statement that if private enterprise fails, the State has the machinery to supply the demand. Private enterprise has failed. If it had not done so, there would be no need for this Bill.

The Premier: Let it go at that.

Mr. HUGHES: No, I shall not. The subject is of no interest to the Premier, but it is of interest to the people I represent. Daily they are being fleeced by exorbitant rents and their standard of living is being reduced

lower and lower in order to return 300 per cent. profit to the landlord, as was pointed out by the member for Subiaco. Surely that is worth the consideration of the House. The State can supply the demand for houses; it can supply the bricks and the timber. I made inquiries to-day and was assured that we could manufacture glass. If private enterprise fails to supply the demand, we have the State enterprises to do it. If the second part of the clause is cut out and 8 per cent. without depreciation is allowed, it will be in favour of the tenant. The Premier thinks it will work out in favour of the landlord, but in that he is wrong, because the landlord will not get the advantage of the unearned increment.

Mr. Johnston: Many people pay 8 per cent. for the money they borrow to build with.

Mr. HUGHES: They have no right to.

Mr. Munsie: They do not pay 8 per cent. to build houses to let.

Mr. HUGHES: One class of borrower can pay 8 per cent. for the money with which to build, the class that builds "pubs."

Mr. Munsie: They can afford it.

Mr. HUGHES: Yes, it is a good trade. It offers additional means of fleecing the public.

Mr. Teesdale: They do not need to borrow money to build "pubs."

Mr. HUGHES: They have to borrow for a start.

Mr. SPEAKER: Hotels were not mentioned in the debate. The hon. member must confine himself to the arguments used.

Mr. HUGHES: I am sorry they were not mentioned. The essence of the Bill is what return should be allowed. If it be made 10 per cent. clear that will be too much, but even 10 per cent. would give relief in some directions. The Premier dealt with the question as if it were a matter affecting only dwelling houses. He made no reference to business premises in the city.

Mr. SPEAKER: That is all the hon. member is entitled to reply to.

Mr. HUGHES: May not I point out that it refers to business premises also?

Mr. SPEAKER: That was not raised during the debate. When you moved the second reading you laid bare the general principles of the Bill, and now you have a right to reply to the arguments advanced against the Bill.

Mr. HUGHES: We have almost forgotten what they were. I particularly requested the Solicitor General to draft the Bill to give 8 per cent. clear after deducting rates and taxes, and he assures me the Bill will do that. I allowed the unearned increment to the landlord as a compensation. I provided for reasonable depreciation, but for the landlord in the city that had held his building for a long time, I allowed the unearned increment. In the city it is the value of the land that brings in the money. Properties have changed hands for £30,000, of which the building has been worth only £7,000 or £8,000, and the land the balance. In allowing the landlord the

unearned increment, he is being given something to which he is not entitled, and something that future Parliaments will not allow him. The House, however, will not go so far as I would go in attacking the landlords, and so I have compromised. By allowing the landlord the unearned increment, the most conservative member on the Government side should be satisfied. I expected the Bill to pass without any opposition. In the interests of the workers in the metropolitan area particularly, it should be read a second time. Where reasonable rents are being charged, the measure will not operate.

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

Ayes	..	..	..	..	20
Noes	..	..	..	..	21

Majority against .. 1

AYES.

Mr. Angwin
Mr. Chesson
Mr. Collier
Mr. Corboy
Mr. Cunningham
Mr. Davies
Mr. Gibson
Mr. Hughes
Mr. Johnston
Mr. Lambert

Mr. Lutey
Mr. Mann
Mr. Marshall
Mr. Richardson
Mr. Stubbs
Mr. Troy
Mr. Walker
Mr. Willcock
Mr. Wilson
Mr. Munstie

(Teller.)

NOES.

Mr. Angelo
Mr. Brown
Mr. Carter
Mrs. Cowan
Mr. Denton
Mr. Durack
Mr. George
Mr. Harrison
Mr. Hickmott
Mr. Latham
Mr. G. C. Maley

Mr. H. K. Maley
Sir James Mitchell
Mr. Money
Mr. Pickering
Mr. Sampson
Mr. J. H. Smith
Mr. Teesdale
Mr. J. Thomson
Mr. Underwood
Mr. Mullany

(Teller.)

PAIR.

Ave: Mr. McCallum. | No: Mr. J. Thomson.

Question thus negatived; Bill defeated.

[The Deputy Speaker took the Chair.]

BILL—WEST AUSTRALIAN TRUSTEE, EXECUTOR, AND AGENCY CO., LTD., ACT AMENDMENT (PRIVATE).

Second Reading.

Debate resumed from the 28th November.

Mr. HUGHES (East Perth) (10.42): Last session we had an exhibition of granting to a section of the community privileges that are denied to the community in general. The West Australian Trustee, Executor, and Agency Co. have been operating for many years, and there was no need for another company to enter the business. Amongst all the limited liability companies in the State, the

two trustee companies have special privileges. Special legislation has been passed to enable them to rob, not the living as has been done by a recent vote, but the dead. Even the dead are not sacred from these exploiters. In the annals of all the Parliaments in the Empire, I suppose a similar proposition was never submitted. The principle against which British jurisprudence has resolutely set its face is embodied in this measure. I can only assume the member for Perth (Mr. Mann), who moved the second reading, is not seized of the importance of the privileges he wishes to give to the company. I venture to believe he has been deceived.

Mr. Teesdale: A sort of doped?

Mr. HUGHES: I can understand the member for Roebourne considering anything in opposition to rack-renters, interest-mongers, or boodlers as dope. It is a good thing that all of us do not represent the boodlers as does the member for Roebourne. It is a good thing some of us have regard for the bottom man.

Mr. Teesdale: I object to being referred to as a representative of boodlers. The hon. member himself is pretty smart; let him answer that.

The DEPUTY SPEAKER: The hon. member takes exception to your remark that he represents boodlers. I ask that it be withdrawn.

Mr. HUGHES: In deference to the Chair I withdraw it. At any rate the hon. member has shown that he stands for rack-renters. The Bill is a wolf in lamb's clothing. First of all we have a select committee, before which a gentleman named Theodore Poppy Barrymore gave evidence. This gentleman is a member of the firm of Parker & Parker. We have heard something about Parker & Parker.

Mr. Mann: A very reputable firm.

Mr. HUGHES: I do not know whether the hon. member means that. Let me tell him that Parker & Parker drew up the notorious red clause in the Kendenup contract. I wonder whether he will say now that they are a reputable firm.

Mr. Mann: They drew it up under instructions. Your firm would do the same.

Mr. HUGHES: My firm would do nothing of the sort. A firm that would introduce such a clause in a contract should not be permitted to practise. They would not be permitted to practise if the Barristers' Board did their duty.

The Minister for Works: Anyhow, what has that to do with the Bill?

Mr. HUGHES: Just this, that we are asked to accept as testimony, the evidence given by a member of that firm. That red clause would put any decent firm out of practice if we had an active barristers' board.

Mr. Richardson: What is the red clause?

The Minister for Works: Yes, what is it all about?

Hon. M. F. Troy: The same as the Lake Clifton affair.

Mr. HUGHES: It was a scheme to ruthlessly rob defenceless people. I am glad to know that the member for Subiaco does not subscribe to it.

Mr. Richardson: I have no idea as to what it is.

Mr. HUGHES: Well, when he reads it he will say it is the most damnable piece of trickery put upon any section of the public.

The DEPUTY SPEAKER: What has all this to do with the Bill we are discussing?

Mr. HUGHES: In answer to a question Mr. Barrymore stated before the select committee—

The definition section of the Act refers to the "trustee in bankruptcy," but that definition does not include reference to the liquidation of a registered company under the Companies Act, nor does it refer to a corporation. In many places throughout the Act the company is referred to in the singular and no power is provided for the trustee to act with other persons.

That is one of the reasons why we are asked to agree to the Bill. The company did not wish to handle liquidations until they got a competitor. Having that competitor they now wish to extend their operations. If we pass this Bill the opposition company will also want the same privilege. If we are going to allow the company to act in co-operation with another company or another individual, it will lead to a lot of trouble. So long as they can act alone they are all right. It cannot then be a joint executorship. If a man appointed as joint executors a company and an individual, they could not act except through the board of directors of the company. If something was wanted the joint executors would have to be in agreement, and the manager of the company would require to get the opinion of the board of directors. So that instead of having one executor, there might be nine or ten.

Mr. Mann: Why draw that conclusion?

Mr. HUGHES: There is no other.

Mr. Mann: You are wrong.

Mr. HUGHES: I am not. The very evidence given by Mr. Barrymore of Parker & Parker, framers of the notorious Kendenup clause, is sufficient to condemn the Bill. He asks for something that is impracticable. Listen to this evidence that he gave before the select committee—

If an executor or administrator desires to relinquish his trust, and desires the company to act in that capacity, the person so desiring would have to apply to the court sanctioning the appointment of the company.

It is right that he should have to apply to the court. If the executor wishes to relinquish his trust he must apply to the Supreme Court for permission. That is a wise provision. If a judge is satisfied that the estate is going to be safeguarded, the request will be granted. The first objection to the Bill is that it is an extension of the privileges already enjoyed by the company. It enjoys privileges which

should not have been given by the legislature to one company. The worst clause of the Bill, a clause which I feel sure no member of the House will agree to, is that which provides that the company may be executor for a mortgagee and a mortgagor at the same time. This is indeed something new. Never yet has any legislature authorised one man to act as agent for two diametrically opposed sets of interests. The reason is, simply, that he could not do his duty by both sets of interests. A peculiarly bad feature of the situation under this clause is that the company would be standing in a fiduciary relation to both parties, instead of acting in a disinterested capacity. What is the position? They are executors of an estate, and have money to lend on behalf of that estate. A man wants money, and they lend him a certain sum, at the same time saying to him, "You had better make us your executors." They use the lending of the money as a means towards securing more business when the mortgagor dies. We know what is the position of a man who is forced to borrow money. Generally, he is in financial difficulties and is very pleased to be accommodated with a loan.

Mr. Mann: That is wrong. If a business man borrows, he is by no means necessarily in difficulties.

Mr. HUGHES: I am speaking from personal experience. Possibly the borrower wants money to invest in his business or in some other venture with the view of earning more income. No man borrows in order that he may pay interest to the lender. When the company have granted the applicant a loan, he is in an amiable frame of mind, and then they put the acid on him, saying "You had better make us your executors." He complies with their request. Everything goes on all right until the borrower dies. As executors of the mortgagee, the company owe a duty to do their best for his estate, to see that the interest under the mortgage is paid regularly, that the mortgaged property is kept in good repair, and that the mortgagor complies with all the covenants of the mortgage. If they do less than those things, they are committing a violation of their trust. But what is the company's duty towards the estate of the mortgagor? They must look after the interests of his estate, acting in such a way as would be in the best interests of the mortgagor, acting as he himself, if still living, would act. They must use their utmost endeavours to get the last pound of flesh out of the mortgagee. Is it right to place any man or any company in the position of having to act in the best interests of two parties whose interests are diametrically opposed? Almost every act of a mortgagor is to the detriment of the mortgagee, and vice versa. If the mortgage debt is due and the mortgagor cannot pay, then from his standpoint it is undesirable that the mortgage should be called up. By way of acting in the best interests of the mortgagor the company would in such circumstances try to get the money

carried over, try to get the mortgagee to refrain from foreclosing. That would be the company's duty to the mortgagor. But if the company do that, they commit a breach of trust towards the mortgagee. What is their duty to the mortgagee? The company's duty to the mortgagee is to foreclose immediately and dispose of the property. If they do not do so, they will neglect their duty to the mortgagee. If they carry out their duty to the mortgagee they do something to the detriment of the mortgagor. This is the kind of legislation we are asked to place on the statute-book; this is the sort of power we are asked to place in the hands of one company! Clearly it is impossible for such a company or such a man to act for two people whose interests are diametrically opposed. The worst feature of the lot, however, is that on the business of one set of people the trustee is to get commission, while he will also get commission from the other party. In order to carry out the work of the mortgagee and the mortgagor, the company draw money from both sides. A procuration fee is charged for procuring the money that is required. When the company foreclose on the property and the returns are paid into the estate of the mortgagee, the company charge commission for doing that work. Here we are creating a position where the company work for two sets of interests, and for doing the one work draw procuration fees on the one hand and commission on the other hand. Apart from auctioneers, I know of no section of the community permitted by the laws of the British Empire to act in this way. No such condition is tolerated anywhere else, and, in fact, the law is stringent on the point. It is made a criminal offence under the Secret Commissions Act, which was framed to prevent a man from acting for both parties. Certainly we allow an auctioneer to act for the buyer and also for the seller, but certain restrictions are placed upon him. Under the Bill we are asked to hand over these duties to the trustee, and allow him to do that which the law strictly prohibits under the Secret Commissions Act. Every time the company perform a duty for one party they commit a breach of faith with the other. No matter how good a trustee may be, we should not place the individual in such a position. It has been said that the man placed in the position of executor of both estates cannot renounce his position. On the other hand, there is a means of relief. If the trustee is an honourable man he will advise the beneficiaries to apply to the court to relieve him from his duties as executor, particularly where the financial relationships are such as I have outlined. Why is it that these people do not desire that relief? It is because they are so hungry for the fees to be drawn from dead men's estates. They are anxious to charge their extortionate fees and exact commission at the same time. The company desire Parliament to extend privileges never before conceded in any part of the British Empire. We are asked to allow them to

draw secret commissions which an Act already prohibits. I am astonished at the impudence that prompted the company to ask the member for Perth (Mr. Mann) to bring the Bill before the House. I am satisfied the member for Perth did not realise the true significance of the Bill. Had he done so, he would not have agreed to place it before members. The company included a saving clause providing for matters to be brought before a judge in case objection were raised to the commission.

Mr. Corboy: I think the member for Perth realised it all right.

Mr. HUGHES: I do not think he did realise the full purport of the Bill.

Hon. P. Collier: You do not suggest that he is unsophisticated?

Mr. HUGHES: Not in some things, but in this instance I believe he was. The opinion of the Solicitor General is interesting on this point. He was asked by one member of the select committee his opinion regarding Clause 10. A letter giving an opinion on the clause was read, and it included the following:—

We are inclined to think that the proposed clause is against the spirit of the Transfer of Land Act, and if the persons giving the power or making the appointment desire to appoint the company in their stead, with full powers and responsibilities, then they can do so under certain other sections of the Act.

The member of the select committee asked Mr. Sayer what he had to say on that point, and the Solicitor General replied: "Of course they could." Without the slightest hesitation he said the company could use that power. Then, again, the following appears in the Solicitor General's evidence:—

What do you say regarding Clause 15? —That refers to a case where the company may act as buyer or seller, transferor or transferee of one mortgage. It is possible that the provision can lead to abuse.

I believe the Solicitor General is a good lawyer, notwithstanding what the Premier said.

The Premier: I believe so, too.

Mr. HUGHES: Why should one company secure that privilege, especially when the Solicitor General says distinctly that these provisions will open the door to abuse? We are asked to pass a Bill that, in the opinion of the Solicitor General, will open the door to abuse. I hope the House will not agree to the second reading, for the Bill is a complete negation of all the law has ever stood for in respect of agencies and executors. The law has always set its face against a man representing opposing interests. I sincerely trust the House will not be betrayed into passing this little measure, which, although apparently innocent, is a wolf in lamb's clothing.

On motion by Hon. P. Collier, debate adjourned.

House adjourned at 11.10 p.m.