Tuesday, 22nd December, 1953.

CONTENTS.

The PRESIDENT resumed the Chair at 10.23 a.m.

CONFERENCE MANAGERS.

As to Change of Personnel.

The CHIEF SECRETARY: Before the reports by the conference managers are submitted, I would point out that some unusual circumstances prevailed yesterday, and I would be glad of some expression of opinion from the House. In the first place, the father of Mr. Logan, who was one of the conference managers, died suddenly on Saturday, and it was impossible for Mr. Logan to attend the conference held yesterday. As a result, Mr. Jones volunteered to act in his place on the two conferences to which Mr. Logan had been appointed as manager.

Strangely enough, another unusual circumstance occurred in that Mr. Hearman, the member for Blackwood in the Legislative Assembly, also suffered a bereavement in his family. Fortunately, however, he was able to attend, later on in the morning, the conferences to which he had been appointed. Therefore, in that instance, those conferences were not placed in such an awkward position as the ones to which Mr. Logan had been appointed.

Standing Orders lay down that each House must be represented by three managers at a conference. In view of the unusual circumstances, it was decided to allow Mr. Jones to act for Mr. Logan and to ask this morning for an endorsement by the House of such action. I propose to move accordingly, but if that endorsement is not forthcoming the only alternative is to appoint another three managers and hold the conference again.

Hon. H. K. WATSON: May I suggest that the motion proposed by the Chief Secretary should be framed in such a way as to show that this House approves of the substitution of Mr. Jones, as manager, for Mr. Logan?

Hon. C. H. SIMPSON: I entirely agree with the suggestion made by Mr. Watson, but I am wondering whether the wording would be quite accurate in view of what happened. At the time, the managers who were called together were unanimous on the suggestion that Mr. Jones should act in the place of Mr. Logan, and took the view that it was very sensible. As a result, the work of the conference was done and time was saved. It is now a question, at this stage, of endorsing what was done rather than of appointing a manager to do something that has already been done. I am perfectly in sympathy with the motion that the Chief Secretary desires to move, but I merely offer that suggestion to have the motion framed more correctly.

The CHIEF SECRETARY: As long as we achieve our object, I will be satisfied. I move—

> That the action of the conference managers in appointing Mr. Jones in place of Mr. Logan be endorsed.

Question put and passed.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Conference Managers' Report.

The CHIEF SECRETARY: I thank the House for passing that motion because it gets us out of an awkward situation. To avoid such a position occurring in the

future, it is intended to amend the Standing Orders before next session. I have here the report of the conference on the Government Railways Act Amendment Bill, which was held on the 21st December, 1953. It reads as follows:—

> It was agreed to accept the amendment proposed by the Legislative Council in order that the other amendments contained in the Bill and agreed to by the Legislative Council can be retained.

In effect, the conference managers accepted the amendment made by this House to delete the clause providing for the appointment of an employees' representative as one of the three railway commissioners. I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT (No. 1).

Conference Managers' Report.

The MINISTER FOR THE NORTH-WEST: I have the report of the conference on the Government Employees (Promotions Appeal Board) Act Amendment Bill (No. 1) held on the 21st December, 1953. It reads—

> It was agreed that Clause 3 of the Bill be amended as follows:—
>
> Subsection (3) of Section 14 of the principal Act is amended by adding after the word, "conduct" in line 4 the words, "but in considering efficiency the recommending authority and the board shall disregard service in such office in an acting capacity by applicants for the office to be filled".

There is no explanation except to say that the position now is that service of a person acting in a temporary capacity will not be considered by the appeal board so long as the person is acting in the position which is to be filled. I move—

That the report be adopted.

Hon. C. H. SIMPSON: To support and amplify the Ministers remarks, I would explain that while consideration had been given to the point that the tribunal was entitled to have all relevant information—

Hon. H. S. W. Parker: On a point of order, are not the discussions in conference entirely secret? I do not think that we are entitled to know what happened at the conference. We only get the results.

The PRESIDENT: Explanations may be allowed, but any reference to the actual discussions are not.

Hon. C. H. SIMPSON: That is what I had in mind—not to feature any difference of opinion, but rather to explain the broad principles. There was a feeling that if one applicant had the benefit of long service in a particular position, because of the record he possessed, he might have an advantage over another applicant, equally good, who might have done as well, if not better, had he been given the same opportunity. We felt that might be giving one applicant an unfair advantage over another. On the other hand, experience in some other capacity in another job, not the one to be filled, might afford the tribunal valuable information. It was on that note that the conference agreed that the amendment to Subsection (3) should be agreed to.

Question put and passed, and a message accordingly returned to the Assembly.

BILL—FIREARMS AND GUNS ACT AMENDMENT.

Conference Managers' Report.

The CHIEF SECRETARY: I submit the report of the managers on the Firearms and Guns Act Amendment Bill held on the 21st December, 1953, which is as follows:—

> Proposed amendment No. 1—Deleted.
>
> Proposed amendment No. 2—Agreed to.
>
> Proposed amendment No. 3—Agreed to.
>
> Proposed amendment No. 4—Deleted.
>
> Proposed amendment No. 1 was considered to be unnecessary.
>
> Proposed amendments Nos. 2 and 3 were agreed to. While agreeing to the principle contained in these, it was considered desirable that the penalty which was considered necessary in the case of a person with a criminal record should not be included in the same item of the Schedule as that regarded as adequate for a person of good repute who offends against a provision of the Act by carrying an unlicensed firearm.
>
> In reference to proposed amendment No. 4 which provided for the repeal of the Firearms and Guns Act at the 31st December, 1954, it was agreed to delete it on the assurance of the Minister for Police that a Bill to amend the Firearms and Guns Act would be prepared and presented to Parliament next year, and that representatives of the recent select committee and members of the Legislative Assembly would be invited to suggest amendments for inclusion in the Bill.

I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

Conference Managers' Report—Bill Dropped.

The MINISTER FOR THE NORTH-WEST: I have to report that the managers met in conference on the War Service Land Settlement Scheme Bill and failed to agree. The only comment I can add is that the Bill is defeated. I move—

That the report be adopted.

Question put and passed.

Bill dropped.

BILL—BOXING DAY HOLIDAY.

Second Reading—Defeated.

THE CHIEF SECRETARY (Hon. G. Fraser—West [10.36] in moving the second reading said: This Bill contains only four clauses. Its object is to provide that Monday, the 28th December of this year, shall be regarded as a public holiday for Boxing Day. The Bill specifically refers to the 28th December, 1953, and will have application to that particular day only. The arrangements made in the other States have been examined. In South Australia, Boxing Day is not regarded as a public holiday, but Proclamation Day is observed; and under the Holidays Act of that State, provision is made that where the 28th December falls on a day other than a Monday, the following Monday shall be regarded as a public holiday. This year Monday, the 28th, will be observed as a public holiday in that State.

In Tasmania, when Christmas Day falls on a Friday, the following Monday is observed as a bank holiday; and when it falls on Saturday or Sunday, the following Monday and Tuesday are observed as bank holidays. Those days are regarded under the Act as the days on which Christmas Day and Boxing Day are observed and amendments of industrial awards are not necessary.

Information has been received from New South Wales to the effect that there will be a general holiday in that State on Monday, the 28th December, and the same arrangement will apply in Victoria. Recently workers under Federal awards approached the Chief Concillation Commissioner, Mr. Mooney, to obtain a decision to the effect that as Boxing Day would fall on Saturday, a non-working day for five-day-a-week workers, the following Monday should be observed. He declined to give a favourable decision. The matter was referred to a judge of the Commonwealth Arbitration Court, who indicated that where the workers in a State are working under Federal awards and the State Act provides for a public holiday on that day such workers shall be entitled to the benefit of the holiday.

It may be argued that the courts of this State have not granted a day in lieu of Boxing Day for five-day-a-week workers, but it must be remembered that the five-day-week principle has brought about changes with respect to holidays. Had Christmas Day fallen on Wednesday and Boxing Day on Thursday, the five-day-a-week workers would have received the benefit of both holidays, and they are really entitled to the prescribed public holidays each year. With one public holiday falling on Saturday and another on Sunday, it is not equitable that the workers in industry should be deprived of both of those public holidays.

The main principle of the Bill is that Monday, the 28th December of this year, will be regarded as the public holiday in lieu of the Saturday. If members read the relevant clauses of the Bill, they will find that so far as the provisions of industrial awards and agreements are concerned, although Saturday, the 26th December, is being regarded as Boxing Day, Monday will be the recognised public holiday and penalty rates etc. will pertain to that day.

The Department of Labour approached the Employers' Federation some time ago to ascertain what the reaction of the Federation would be to this proposal, but that body did not appear to be too happy about it. Recently, a further approach was made, and the council of the organisation, I understand, declined to regard Monday as the Boxing Day holiday. The Government has given serious consideration to the proposal, and feels that in all the circumstances the position could be most equitably met by granting Monday, the 28th December, as a public holiday. I move—

That the Bill be now read a second time.

HON. H. HEARN (Metropolitan) [10.39]: I am opposed to this Bill, not so much the holiday, although that is a very serious matter for free enterprise, but because we are departing from a principle that has been sacred in Western Australia for many years. Anything relating to holidays has always been awarded by the Court of Arbitration; but on this occasion, we find that the Government at the last minute has seen fit to introduce the Bill without giving an opportunity at all for an approach to be made to the Arbitration Court. In the postwar years there has been a wonderful development in the matter of leisure time for the workers of the world. This applies not only to the 40-hour week, but also to annual leave. Most private employers are facing up to the need for granting employees three weeks' paid holidays per year, apart from the statutory public holidays.

We have been told by the Government that funds in the Treasury are very low, and yet it is prepared to bring in special

legislation under which the whole of the Government employees will have to be paid for a holiday; and, not content with that, the Government says that private enterprise must do likewise. The Minister, when introducing the Bill in another place, said it had not been brought down earlier because it was thought that an understanding might be reached between the Trades Hall and the employers. The Minister knew very well that no such negotiations were proceeding.

On Tuesday, the 15th December the Minister informed the secretary of the Employers' Federation that the Government had decided to grant this holiday to Government workers, and asked private employers to do the same. He must have been aware that no union had made any approach whatever to the Employers' Federation. Therefore I feel that industry has not even been consulted. I believe that most members will agree with me when I say that, speaking generally, the employers have been fairly generous in the matter of granting holiday leave. There was no trouble about the granting of a holiday when an event of national importance was concerned.

However, the principle laid down right from the time of the late President Dwyer to the present time that holidays must stand as they occur, should be observed. There is no justification for the Government's introduction of the Bill, which I regard as another attack upon the Arbitration Court.

HON. H. S. W. PARKER (Suburban) [10.43]: I oppose the measure. We in this Chamber have always stood—and I hope we always shall—for the regulation of industry, conditions, and pay by the Arbitration Court.

Hon. E. M. Davies: You have a very short memory.

Hon. H. S. W. PARKER: Judging by the interjection, we have not always followed that principle. If so, let us get back on to the right road as quickly as possible and not establish any more precedents. We have been told that the employers and employees have considered the matter and have not been able to reach a satisfactory decision

Hon. H. Hearn: There has been no consideration by them.

Hon. H. S. W. PARKER: Let us assume that there has been. The right place to appeal to is the Arbitration Court, which is the tribunal to deal with disputes between employers and employees. When employers and employees cannot agree, the court should not be short-circuited by the Government's introducing a Bill and requesting us to do something thereby that the court has not been asked to do.

Ever since the Government has been in office, it has known that Boxing Day would fall on a Saturday. What a peculiar position people are being placed in! In this morning's paper we read of arrangements being made for the holiday, and yet it is possible that Monday will not be a holiday. This is a matter entirely for the court and there was ample time for the parties concerned to approach the court in the matter.

HON. J. G. HISLOP (Metropolitan) [10.45]: I should like the Chief Secretary to make it quite clear whether, if the Monday holiday were granted, it would mean that workers would return to work on Saturday morning.

Hon. H. S. W. Parker: That is provided for in the Bill.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [10.46]: I have not investigated the point raised by Dr. Hislop, but assume that the position would be as stated by him. The only point I wish to reply to is one raised by Mr. Hearn and Mr. Parker about interfering with the Arbitration Court. What was the position regarding the holidays for Coronation Day and for the Queen's visit next year? Was not provision made for them by Act of Parliament?

Hon. H. Hearn: Yes, after discussion by the parties. This matter has not been discussed.

The CHIEF SECRETARY: I am replying to the point that the passing of this Bill would represent an interference with the rights of the Arbitration Court.

Hon. L. Craig: In the other instances an agreement was reached, but that is not so on this occasion.

The CHIEF SECRETARY: I am dealing with the point that the passing of the Bill would be an interference with the Arbitration Court.

Hon. L. Craig: So it would be.

The CHIEF SECRETARY: The same principle applied in the other two instances.

Hon. H. K. Watson: The visit by the Queen is something that does not occur more than once in a lifetime.

The CHIEF SECRETARY: Those holidays were fixed in exactly the same way.

Hon. H. S. W. Parker: There was no exchange of a holiday for Coronation Day.

The CHIEF SECRETARY: No departure has been made from the principle previously observed. Employers will be no worse off if a holiday on Monday is granted because this year the workers will receive only the number of days allotted by the court.

Hon. H. Hearn: You are wrong there.

The CHIEF SECRETARY: It will merely be the transference of the holiday from Saturday to Monday, and under all the awards, Boxing Day is a public holiday.

Hon. H. Hearn: This has never been done before.

The CHIEF SECRTARY: Lots of other things have never been done before. Taking into consideration the points I have presented, I hope the House will approve the Bill.

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

Ayes	6
Noes	16
Majority against	10

Ayes.

Hon. C. W. D. Barker	Hon. W. R. Hall
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. F. R. H. Lavery
	(Teller.)

Noes.

Hon. L. Craig	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. S. W. Parker
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. C. H. Henning	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. McI. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. R. Welsh
Hon. A. L. Loton	Hon. H. Hearn
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. R. J. Boylen	Hon. J. Cunningham
Hon. G. Bennetts	Hon. L. C. Diver
Hon. E. M. Heenan	Hon. N. E. Baxter

Question thus negatived.

Bill defeated.

BILL—ENTERTAINMENTS TAX ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 3rd December.

HON. H. K. WATSON (Metropolitan) [10.52]: Members may recall that in the early part of the session, just before the 31st October, the House dealt with the Entertainments Tax Act Amendment Bill (No. 1), and in that Bill it was proposed that entertainments tax should commence on admission charges of 1s. 6d. In its wisdom, this House felt that, having regard for the times and the circumstances in which the State tax was being reimposed, 4s. should be a fair minimum, and that the tax should be levied on admissions of over that figure.

That Bill went back to another place with our requested amendment, and we have not heard of it since. Now we have been presented with this measure, which does ease the position somewhat. It proposes a modified rate of tax with respect to certain specified items of entertainment, such as plays, ballets, lectures, and so on; and with regard to the general class of entertainment, it provides that the tax shall not be levied on admission charges of 2s. and under. In other words, in the intervening two months in which the Government has had time to consider the question it has slightly, and I would say very slightly and all too slightly, increased the exemption from 1s. 6d. to 2s.

Personally, I feel that the exemption should still stand on charges of 4s. and under, for the reasons which I expressed before and upon which this House based its decision. Having regard to the general price level, a sum of 2s. is too low upon which to tax the entertainment of the working man and, when the Bill is in Committee, I propose to move an amendment by which we will not go quite as far as we did before and ask for an exemption of 4s. and under but, in a spirit of compromise, will request members in another place to agree to a figure of 3s. If they are not prepared to go the whole journey with us, I think they should accept this modified figure of 3s. instead of the present proposal of 2s.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 4 repealed and re-enacted:

Hon. Sir CHARLES LATHAM: I am not sure that this is not a contravention of our Constitution Act and the Standing Orders. This clause does more than impose a tax inasmuch as it sets out a lot of verbiage which we cannot amend. We can request an amendment, but that is all. Section 46 of the Constitution Act states—

> Bills imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

I contend that this measure does more than impose a tax and that this clause should not be included in it. If words are taken out of this clause and put into the assessment Act, it will enable us to make amendments. As it is, the powers of this Chamber are limited, and we should be jealous in safeguarding our rights, more particularly after the statement from the Trades Hall that appeared in this morning's paper. I would like the Minister to reply before I decide whether I shall force the issue.

The CHIEF SECRETARY: I could never understand the difference in relation to certain powers being taken away, or things being put in, the taxing Act instead of the assessment Act. It seems to me to be a case of Tweedledum and Tweedledee. The Committee can insist on its request, the same as it insists on its amendments.

Hon. Sir Charles Latham: You will lose your Bill if you continue to insist.

The CHIEF SECRETARY: I shall read an opinion from the Solicitor General, which is as follows:—

I confirm that, in my opinion, Clause 3 of the Entertainments Tax Act Amendment Bill (No. 2) is properly in that Bill and not in the Assessment Bill, for the following reasons:—

(a) The Entertainments Tax Assessment Act, 1925, s. 4, reads as follows:—

4. There shall, as from a date to be fixed by proclamation, be levied and paid on all payments for admission to any entertainment, an entertainments tax at such rates as are declared by the Parliament.

This section, in its use of the word "rates," contemplates that different taxes will be payable under different circumstances. All that Clause 3 of the present taxing Bill does is to impose different rates of tax depending upon different sets of circumstances. Clause 3 is no less a provision imposing a tax because it provides for different rates in different circumstances than if it imposed the same rate of tax for all circumstances.

(b) A similar procedure was followed by the Commonwealth in the Entertainments Tax Act, 1949 (Act No. 4 of 1949) of the Commonwealth, s. 3. The Commonwealth Constitution Act, s. 55 regarding taxing measures is similar to s. 46 (7) of the Constitution Acts Amendment Act, 1899, of the State, except that, whereas the State Act refers to "bills imposing taxation," the Commonwealth Constitution in s. 55 refers to "laws imposing taxation." The distinction between the two has been made clear by judicial decisions and the effect is that if the Commonwealth passes an Act imposing taxation which contains any other matter, the other matter shall be of no effect, while the State Act is merely a matter of parliamentary procedure not examinable by the Courts. If, therefore, the Commonwealth procedure in Act No. 4 of 1949 was wrong, s. 3 of that Act (corresponding to Clause 3 of the present taxing Bill) would be invalid and of no effect, but no one has challenged its validity, and if, as seems certain, s. 3 of the Commonwealth Act No. 4 of 1949 is valid, there can be no doubt but that Clause 3 of the present State taxing Bill is equally valid and is correctly inserted in the taxing Bill.

(c) A similar procedure was followed by the State Parliament in the Death Duties (Taxing) Act, 1934 (Act No. 29 of 1934) and is also followed in Income Tax legislation of the Commonwealth.

(d) In relation to certain taxation legislation, e.g. Income Tax and Death Duties legislation, it would be absurd and almost impracticable to set out in the Assessment Act all the different circumstances under which different rates of tax should be imposed by a separate Taxing Act, and each of those circumstances would have to be repeated in the Taxing Act in order to achieve clarity. Such a procedure, so far as is known, has never yet been followed in either State or Commonwealth legislation.

If the hon. member's intention is carried out and the provision is taken out of the taxing Act and put in the assessment Act we will finish up the same. The Government is advised that this is the proper Bill for it.

Hon. Sir CHARLES LATHAM: The Minister is correct as to what the Commonwealth Government did in the Act passed since about 1945. After all, unless it was challenged outside this Chamber by the court, it would never be questioned. When I was in the Senate, a Bill was introduced by the House of Representatives. It went to the Senate and was questioned because it had attached to it something known as "tacking." It tacked on to the taxing measure something that should have been dealt with in separate legislation. Parliament questioned it for a long time and, subsequently, the President of the Senate told me that had I raised the matter he would have ruled it out of order. If that point had not been taken, it would have been included, and the Minister could have come here and said that the Commonwealth Government had done it, so we should do the same. There were only three men in opposition in the Senate so what hope had they of determining whether it should be included?

I only desire to see our rights and privileges preserved. The assessment Act of 1925 sets out the conditions. In the taxing measure itself—No. 13 of 1919—is set out the "rights of entertainments tax shall be as follows:", and in the Schedule is set out what the charges shall be and how they shall be imposed. In the amendment made in 1930, there is an amendment to the assessment Act, No. 25 of 1930, which provides for the increase in the tax in No. 27. If the Committee decides to leave this provision in, I shall be quite agreeable.

Clause put and passed.

Clause 4—First and Second Schedules added:

Hon. H. K. WATSON: I move an amendment—

> That in the Second Schedule the word "two" wherever appearing be struck out and the word "three" inserted in lieu.

We are asked to consider taxing everything as low as 1s. 6d. We thought that 4s. was a fair exemption; splitting the difference, it would make an exemption of up to 3s. This entertainments tax is essentially a tax on the working man, and anything in excess of 3s. is a figure sufficiently low on which to start levying tax.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. If it does, it will take away the largest proportion of the revenue that would be received under the Act. From figures supplied to me, I understand that under this amendment there would be a loss of revenue of £132,000; the remainder would be so small as to be of no advantage to the Government at all. From memory, when the original Bill was introduced, it was hoped that there would be revenue of £180,000 or £190,000. So, if there were a loss of £132,000, all that would remain would be £50,000.

Hon. A. F. Griffith: Does that indicate that most of the tax comes from picture shows?

The CHIEF SECRETARY: It would, once the tax was instituted. Races and trots and a lot of other shows would be exempt.

Hon. A. F. Griffith: It would not affect the trots.

The CHIEF SECRETARY: This would not affect the trots; the remaining portion of the tax would come mainly from this source.

Hon. L. CRAIG: I do not support the amendment. Having accepted the principle of a tax, let us make it worth while. This would exempt one form of entertainment which could well pay the tax. I refer to league football. I suppose four-fifths of the people pay 3s. for admission, and I do not think it hurts them to pay the small amount attached by way of tax. It is a very cheap entertainment, and a tremendous lot of people who do not go to pictures attend football matches, including many elderly peple. I do not think it would hurt them to pay this tax. As the Chief Secretary has pointed out, to confine the tax to admission charges of 3s. and upwards, would be to destroy its real value, because it would leave us very little. If we are going to impose a tax, the Government is entitled to receive something worthwhile.

Hon. C. H. SIMPSON: As a rule, when by arrangement the sponsorship of a certain Bill or matters connected with a Bill is delegated to a member, one feels that one must support the point of view put forward by such member.

The Chief Secretary: That is tying yourself up before you hear a case!

Hon. C. H. SIMPSON: I have been impressed by the figures given by the Chief Secretary as to the amount by which the tax would be affected if the proposed alterations were made. I also have in mind the fact that, if the Bill were lost as a result of differences between this and another place, we would then fall back on the old tax which is still on the statute book, and a higher rate would be imposed. I am rather inclined to support the attitude of the Chief Secretary, but would like other speakers who have given consideration to the Bill to advance further arguments why they think the rate should be amended.

We pointed out, when a similar Bill was being considered earlier, that the Government had in effect been reimbursed by an allowance by the Federal Government, based on the assumption that the State would not be collecting any tax until the 30th June next. We also have to consider the general financial prosperity of the State, which I think is much more favourable than the Government could have anticipated earlier in the year.

Hon. H. K. WATSON: I suggest the proper approach to this matter is the broad, general principle as to whether an admission charge of 3s. is a fair sum on which to exempt the working man, particularly in country districts, because there are few entertainments there for which the admission charge is less than 3s. I am surprised that no country or Goldfields member has so far expressed that view.

The Committee has been asked by the Chief Secretary to reject the amendment on the ground that the prospective tax will be reduced by £130,000 and the tax might therefore be made not worth while collecting. That demonstrates nothing except my original proposition that this whole tax is really a pettifogging, cheeseparing and pin-pricking thing that should never be imposed on the people, having regard to the size of the Budget. Even if the State Government lost £100,000 to £130,000, it must be remembered that in the last 24 hours we have been told that the Government has granted an extra holiday on Boxing Day, which will cost the State from £100,000 to £130,000. In other words, the people of Western Australia are going to pay an entertainments tax for 12 months that will provide one holiday for public servants.

Hon. H. S. W. PARKER: I am not supporting the amendment. This is a tax which does not have to be paid unless one

wishes to pay it. If one does not want to pay it one does not go to the pictures. After all, what does it amount to? Not very much. It is the Government's responsibility to find money and to decide what amount of tax should be paid. It has come to a decision in this matter, and I am not in a position to say it is wrong.

Hon. A. F. GRIFFITH: While I cannot say which way my mind wants to go, because of the different aspects that can be considered, the remark by Mr. Parker—that the entertainments tax is something one does not have to pay—causes me to smile. One does not have to pay income tax unless one wants to.

The Chief Secretary: Yes you do!

Hon. A. F. GRIFFITH: One does not have to pay excise duty unless one wants to. I do not think there is any basis in that argument. The principle that has to be accepted is whether the Government has the right to impose the tax or otherwise. Nobody can question the Government's right, because it has the power. What has to be determined is whether the figure of 2s. or 3s. is the reasonable one.

If I could give some relief to those who frequent picture theatres, I would be pleased to do so, because I am confident that the greater percentage of the population gets a good deal of entertainment out of going to picture theatres. That is obvious from the statement by the Chief Secretary concerning the large percentage of revenue that would be lost by the acceptance of this amendment.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed.*

BILLS (3)—CONFERENCE MANAGERS' REPORTS.

Assembly's Further Messages.

Messages from the Assembly received and read notifying that it had agreed to the reports of the conference managers on the following Bills:—

1, Government Employees (Promotions Appeal Board) Act Amendment (No 1).

2, Firearms and Guns Act Amendment.

3, Government Railways Act Amendment.

BILL—COMPANIES ACT AMENDMENT (No. 2).

Assembly's Further Message.

Message from the Assembly received and read notifying that it no longer disagreed to the amendment on which the Council had insisted.

BILL—TRAFFIC ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it did not insist on its amendment to which the Council had disagreed.

BILL—ENTERTAINMENTS TAX ASSESSMENT ACT AMENDMENT (No. 2).

In Committee.

Resumed from the 10th December; Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 5—Section 8 amended (partly considered):

The CHAIRMAN: Progress was reported after the partial consideration of an amendment moved by the Chief Secretary as follows:—

> That the following new subparagraph to paragraph (e) be inserted to stand as subparagraph (iv):—
>
> (iv) no participant in the entertainment receives from the takings of the entertainment more than a reasonable allowance to reimburse to him expenses reasonably incurred by him to enable him to participate in the entertainment; and

to which the following amendment had been moved by Hon. L. Craig:—

> That the words "to reimburse to him" be struck out, and the word "and" inserted in lieu.

Hon. L. CRAIG: The Chief Secretary proposes to add new subparagraphs (iv) and (v). At the moment I shall deal only with subparagraph (iv). According to the amendment, anyone taking part in an entertainment can be refunded only moneys expended by him. The organisers of amateur entertainments such as those presented by the Society of Concert Artists, do employ a professional—one only as a rule—to make the show attractive to the public, and that man has to be paid. Very often he is brought from the Eastern States. Under the amendment this will not be possible, because anyone taking part in an entertainment will be allowed to be reimbursed only his out-of-pocket expenses. My amendment on the amendment will allow the organisation to pay him his expenses and an allowance for his services.

Hon. J. G. HISLOP: I support the amendment. I emphasise the value of live shows, whether they be of a professional or an amateur character. They employ a lot of people, so the profits are spread considerably. The people who would be employed in putting on an amateur light opera show would include musicians, set artists, electricians, dressmakers, tailors, carpenters, typists, advertising agents,

hairdressers, dressers, and a host of others. In asking for relief here I do not think we are asking too much.

The CHIEF SECRETARY: I had these matters referred to the appropriate department for information, and the following reply has been submitted to me:—

> The section of the Act which this amendment affects is Section 8 which deals with the types of entertainments which shall not be subject to entertainments tax, provided the commissioner is satisfied that certain conditions have been met.
>
> Paragraph (c) of Section 8 of the Act deals with entertainments which are provided partly for educational or partly scientific purposes by a society, institution or committee not conducted or established for profit. Where the commissioner is satisfied that such a society, institution or committee has been running an entertainment for partly educational or scientific purposes, he may exempt the admission charge from entertainments tax.
>
> It is proposed to enlarge on paragraph (c) in order to exempt sporting bodies which are not conducted for profit. In the main it is to meet amateur sporting bodies such as tennis associations and cricket clubs, and in the main amending Bill, which this amendment seeks now to enlarge, it is provided that the commissioner may exempt from entertainments tax an entertainment given by an amateur sporting body where the entertainment consists solely of a game or sport in which human beings are the sole participants, in which no person receives a remuneration or profit as promoter or organiser of or participant in the entertainment unless—and this is where this amendment affects the Bill—"the participant receives no more than what the commissioner deems to consider is a reasonable allowance to reimburse him for expenses incurred to enable him to participate in the entertainment." Also no tax shall be imposed provided the commissioner is satisfied that the organiser or promoter of the entertainment receives no more than a reasonable remuneration for his services as a paid official.
>
> It is clear, therefore, that much will depend on the decision of the Commissioner of Taxation. The organisers of amateur sports entertainments will have to satisfy the commissioner:
>
> (a) that the entertainment is a game or sport;
> (b) that it is conducted by a body not established for profit; and
> (c) that no participant, promoter or organiser receives from the takings of the entertainment more than reasonable remuneration.
>
> In respect of entertainments conducted by such bodies as the Repertory Theatre, Society of Concert Artists, Company of Four, and a host of other similar bodies, total exemption has always been granted by the Commonwealth Act, and total exemption will continue to be granted under Section 8 (c) of the State Act.
>
> It is immaterial whether artists are brought from the Eastern States and paid any sum of money as remuneration, so long as the society, institution or committee conducting the entertainment is not established or carried on for profit.

Hon. L. CRAIG: It is desirable to take out these words, because otherwise this matter will be left to the will of the commissioner. The amendment will not affect the Bill in any way, except to make it clear that this exemption shall apply. I ask the Committee to agree to my proposal.

The CHIEF SECRETARY: I do not think there is much difference, except that if the amendment on the amendment were defeated the promoter could definitely be reimbursed.

Hon. L. Craig: I agree; but what about "the participant"?

Hon. Sir Charles Latham: Surely "participant" means anyone connected with it!

The CHIEF SECRETARY: The organiser would be in a different category from the participant.

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

The CHIEF SECRETARY: I move an amendment—

> That a new subparagraph to stand as subparagraph (v) be inserted as follows:—
>
> no organiser or promoter of the entertainment receives from the takings of the entertainment more than reasonable remuneration for such of his services as a paid official of the association, society, institution or committee as are devoted to the organisation or promotion of the entertainment and more than a reasonable allowance to reimburse to him expenses reasonably incurred by him to enable him to organise or promote the entertainment.

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

Clauses 6 and 7—agreed to.

Clause 8—Sections 12A, 12B and 12C added:

Hon. A. L. LOTON: I move an amendment—

That in lines 2 and 3 of Subsection (1) of proposed new Section 12C the words, "whether a proprietor of an entertainment or not" be struck out.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment.

Hon. A. L. LOTON: I would like to see the words "any person" struck out also and the provision made to apply definitely to someone concerned in the matter. I would like to hear Mr. Parker's view on this amendment.

Hon. H. S. W. PARKER: I think the words are redundant, but they do not limit it. I do not think they matter either way.

Hon. A. L. LOTON: I am disappointed with Mr. Parker's explanation which means, apparently, that because of the stage we have reached in the session he is agreeable to pass any legislation.

Hon. H. S. W. Parker: I am agreeable only to passing in that way something like this, which is of no consequence at all.

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

Ayes	8
Noes	13
Majority against	5

Ayes.

Hon. H. Hearn	Hon. A. L. Loton
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. A. R. Jones	Hon. J. McI. Thomson
Hon. Sir Chas Latham	Hon. H. K. Watson *(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. L. Craig	Hon. J. Murray
Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. F. R. Welsh
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. C. H. Henning	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. J. Boylen
Hon. L. C. Diver	Hon. G. Bennetts
Hon. N. E. Baxter	Hon. E M. Heenan

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Chief Secretary, Bill recommitted for the further consideration of Clause 3.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 3—Section 2 amended:

The CHIEF SECRETARY: I move an amendment—

That after the letter "(a)" in the amendment made by a previous Committee, the following words be inserted:—"adding after the word 'made' in line three of the definition of 'Entertainment' the following words:—'but does not include' ".

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

Bill again reported with a further amendment and the reports adopted.

Third Reading.

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

BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th December.

HON. J. G. HISLOP (Metropolitan) [12.10]: Having been a member of the Royal Commission on town planning, there is much that I could say on this subject, but at this stage I intend to confine my remarks entirely to the amendments that appear in the Bill. In making some preliminary observations, I must say this: that if we are to have successful town planning, we must have an authority armed with power. There will be many occasions on which it will have to carry out schemes which will not meet with the approval of everyone, and it will have to be armed with power to execute certain of its duties, irrespective of whether individuals, as such, like them or not.

Having said that much, we must realise that if we are to place such wide powers in the hands of any organisation or authority, we must make certain that those powers are guarded by such conditions that they will, to a certain extent, protect and be fair to all concerned. In other words, it is a question of live and let live; whether compensation is due to certain people, and whether action shall be taken in the interests of the State, city, or area that has to be planned. Overall, however, we must have some regard for the right of the individual.

Only recently Sir Charles Latham said that we were tending to become a socialist State, and Mr. Craig previously said that a Bill was a piece of a progressive socialistic plan. Such plan is in order so long as it does not become one of bureaucratic dictation. Therefore, in considering this measure, one must first of all view it from the angle of how much authority is necessary; and, secondly, whether the authority granted is in such a form as to provide as much safeguard as possible to the individuals or the organisations concerned.

The first amendment in the Bill deals with the definition of a building line. That definition reads as follows:—

"building line" means a line fixed by a local authority and shown on a plan for a town planning scheme approved by the Minister, which line is fixed

in relation to a road, street, right-of-way, ocean, waterway, building, transport route, public place, reserve, land or other place or thing prescribed in the scheme.

That makes the building line one which has relation to almost every phase of a town plan. It is necessary to have that power, but there should be the right of appeal against all of such actions. One could become a fanatic on a building line. Sometimes public attitude towards a building line is swayed far too easily by emotion or sentiment, rather than being based on the facts of the matter.

For years past we have heard that Perth would be a much better city if we widened Hay-st. However, if we did so, I am certain that the shopping centre would leave Hay-st. because, in almost every big city in the world, shopping is done in the narrow streets. The reason for that is that people can cross so easily from one side of the street to the other in order to do their shopping. Whilst abroad, I saw many large cities, but I never saw a really busy shopping centre in a wide avenue. If a wide avenue is provided, one can be certain that it will not become the main shopping centre.

Washington-st. of Boston is practically the only street in that city where it is necessary to have pointsmen on duty all the time. That was the busiest shopping centre of Boston. The city having been remoulded and a beautiful road built along Boylston-avenue, insurance offices and other similar institutions appeared, with only an odd exclusive shop. Such a case can be multiplied many times. Therefore, the right of appeal against a building line—and, in fact, the right of appeal against every provision in the Bill—is vitally necessary. One provision lacking in these two Bills is the right of appeal beyond the commissioner or the Minister. When a property is taken over for town-planning purposes, the owner should be given that right of appeal beyond the commissioner to the ordinary courts of law.

One provision is designed to alter the terms of appointment of the members of the Town Planning Board. I agree that it is essential, if we are to have a fully developed town plan, that Professor Stephenson and his organisation should not be tied down to a fixed number on this board, nor to a fixed personnel.

A further comment I would make concerns the lack of restraint on officers of the Town Planning Board in the purchase and sale of land. I am not making any accusations. I do not know anybody on the Town Planning Board. I do not accuse any officer of being guilty of what I am suggesting; but I know quite well that enormous profits can be made in the buying and selling of land if one has the property, the know-how, the courage, and the ready cash. How easily could people associated with the Town Planning Board be able to take advantage of such circumstances! In the English Act, I understand, there is a provision which prohibits the commissioner, any member of the board, or the staff from holding land in the area proclaimed for planning, unless it is his intention to build a house for himself on it. Even then, such a house must be purchased under ordinary buying conditions, and the transaction must be notified in the usual manner.

Hon. L. Craig: Would not the common sense of members of the board prevent them from dealing with such land?

Hon. J. G. HISLOP: The section is in the English Act, and the penalty is dismissal from the organisation. It would be wise for us to have a similar provision. While there may be less necessity for the English provision, because of the rapid progress in this State and the rising cost of land, the public in Western Australia should be protected. I refer to Clause 6 of the Bill, which says—

> A person who contravenes or fails to comply with the provisions of the town planning scheme is guilty of an offence.
>
> Penalty: Fifty pounds

It is proposed to add that clause to Section 10 of the Act. That section has a very wide range. Without going into details, the offences under this Act should be more explicit than a covering clause which simply inflicts a penalty of £50. The smallest offence in regard to town planning, such as erecting a garage or building sanitary accommodation, entails the same penalty as do major infringements. An opportunity should be given to consider that angle.

Clause 7 deals with Section 12 of the principal Act and says—

> Where land or property is alleged to be injuriously affected by reason of a provision contained in a town planning scheme, compensation is not payable under the provisions of this Act.

We should all be acquainted with the conditions under which compensation is not paid. Members of the Royal Commission realised that the clause known as a betterment clause in the Town Planning Act was very difficult to administer to react fairly to the town planning authority and the owner of the land. In relation to betterment, there arises this clause which gives no compensation under certain conditions, some of which are very wide, as in the following instance:—

> in respect of a provision in a town planning scheme which with a view to securing the amenity, health or convenience of the area included in the scheme or part of that area, pre-

scribes the space about, or limits the number of, or prescribes the height, location, purpose, dimensions or general character of buildings or any sanitary conditions in connection with buildings, or the quantity of land which may be taken for parks or open spaces, which the local authority, having regard to the nature and situation of the land affected by the provision considers reasonable for the purpose.

It simply means that if an individual bought land and held it for some considerable time, and the town-planning authorities took over the land, the owner would receive no compensation

Hon. L. Craig: I do not think it means that.

Hon. J. G. HISLOP: There can be no other interpretation on the face of it. It looks like the same old question of the few looking after the greater number. Whatever it may mean, it is something we should all understand thoroughly.

I refer to Clause 10, which is devoted to the control of organisations or firms which have subdivided land in the past, opened up new suburbs and so on. Paragraph (4) (a) of that clause provides that if a person does not have a survey of the land made by a licensed surveyor in accordance with the terms of approval of the board within 12 months, then the approval shall lapse. Not all land is surveyed within 12 months after purchase. Some land has been held by companies for many years, and has not yet been surveyed. Only portions of the land for immediate sale have been surveyed. The moment an area is subdivided into lots, it creates the necessity of paying land taxes and rates to the local authority. In its inactive state, the land is not liable for such payment. It has not been the practice of firms to subdivide the whole of the land they hold, but only portions for immediate sale.

Hon. Sir Frank Gibson: They pay rates on the whole.

Hon. J. G. HISLOP: But not as subdivided land, which is a far greater amount. That clause, in my opinion, requires amendment. I refer now to paragraph (b) of proposed new Subsection (4) of Section 24 which says that where a plan or subdivision of land involves more than 20 lots, the board may agree to accept within the specified period a survey of part of the land. That is to cover the big areas I have quoted. It is purely a discretion to the board. The board could refuse, saying, "You will have to survey more." The terms laid down should be explained in this Bill rather than given to the board as a discretion.

Paragraph (d) of the same subsection is also interesting for the reason that where these regulations have not been made at the date of the coming into force of this Bill, the board may, in its discretion, in respect of all owners of land the subdivision of which has been agreed to but has not been carried out under the terms as laid down here, direct that approval shall lapse, so that the whole area reverts back to the Town Planning Board.

We must not forget that under some of the terms imposed, the Town Planning Board had been empowered to instruct that roads must be built in those areas. A much fairer method is to delete the year "1953" and insert the year "1928"; because, before 1928, it was not incumbent on owners of land to subdivide, to build roads, or provide any amenities at all. So if there are organisations still holding areas of this type, then it is quite justifiable for the town-planning authorities to say, "You must hand over your land for subdivision and further consideration," because those owners have not met the requirements in operation since 1928 of providing certain amenities. To say that all such cases are to come before the board is very unfair.

I shall not comment on any other clauses. I have said enough to justify amendments to the Bill. The two matters I urge for consideration are: (1) the building line; and, (2) the power to alter the term of the board. The rest of the Bill also needs careful consideration and some clauses might have to be amended, after the deliberation of members.

HON. H. S. W. PARKER (Suburban) [12.30]: I have not had sufficient time to study the Bill and understand the pros and cons of it, and the Chief Secretary would be well advised to agree to an adjournment until some time in January or February, which would afford us an opportunity to consider these measures in detail. I should not like to vote willy-nilly against the second reading, but I do not feel justified in voting for it until I have had reasonable opportunity to consider its provisions. Will the Chief Secretary agree to an adjournment such as I have suggested?

Hon. H. K. WATSON: I find myself in agreement with previous speakers and move—

That the debate be adjourned for three months.

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

Ayes	8
Noes	14
Majority against	6

Ayes.

Hon. H. Hearn	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. J. Murray	Hon. F. R. Welsh
Hon. H. S. W. Parker	Hon. C. H. Simpson

(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. A. R. Jones
Hon. L. Craig	Hon. Sir Chas. Latham
Hon. G. Fraser	Hon. F. R. H. Lavery
Hon. Sir Frank Gibson	Hon. A. L. Loton
Hon. A. F. Griffith	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. E. M. Davies *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. J. Boylen
Hon. L. C. Diver	Hon. G. Bennetts
Hon. N. E. Baxter	Hon. E. M. Heenan

Motion (adjournment) thus negatived.

HON. H. K. WATSON (Metropolitan) [12.35]: Apparently members are prepared to give further consideration to these Bills even at this late stage of the session. I think we shall need the rest of the day or even next week in Committee to knock the measures into shape. As this Bill stands, however, owing to the absence of time to give it proper consideration, I shall vote against the second reading. In my opinion, Dr. Hislop has given substantial reasons for the advisability of having time to consider the measure and frame the necessary amendments.

I should like to know more about the provisions regarding the survey of an estate. When a land company has 3,000 or 5,000 acres of land, it prepares a plan of the area. After all, that is what town planning consists of. It is a matter of planning for the next five, 10, 15, or 30 years, and if such a plan be drawn, surely that should be sufficient! A section of 100 acres might be ready to be sold forthwith, and that would be the time to carry out the survey of the subdivision. The whole area might not be sold for 20, 30, or 50 years, but so long as there is an overall plan, the actual survey is quite unnecessary until time and circumstances present the opportunity to sell the land.

Consider an area of 3,000 acres: If the subdivisional plan is drawn and the land has to be subdivided and surveyed immediately, this will involve the owner in an outlay of anything up to £15,000. Yet it might well be that when the land comes to be sold in 10 or 15 years' time, some of the survey pegs will have disappeared and a resurvey will be necessary. Thus the company undertaking the development would be put to needless expense. I mention this simply as one point; Dr. Hislop has made other points. If we are expected to deal with all the amendments requisite to make a reasonable measure of the Bill, we cannot hope to do so in the remaining hours of the session available to us before Christmas.

HON. C. H. SIMPSON (Midland) [12.40] I agree in substance with what has been said by previous speakers. We have two Bills before us dealing with town planning. In principle, we can all agree that some form of town planning is both necessary and desirable. Great developments are imminent in the State, and particularly in the metropolitan area, and it would be preferable to have the development proceed along orderly lines than to have some haphazard scheme under which anything might happen.

If a plan is to be implemented, certain powers must be vested in certain authorities, and they must be charged with the responsibility of exercising those powers. The two Bills have come to us very late in the session, and I have not had time to study them. I should like time to consider how they will be implemented. I have said that, in regard to the principle of planning, we are not at variance, but there may be a wide difference of opinion in regard to the details for implementing the legislation. There may be six different methods of carrying out a plan, and these proposals will, in essence, give to the administration, and the Minister in particular, very sweeping powers.

I should like time to understand exactly how far these powers extend, and how far it would be wise for us to grant these uncontrolled powers. There should still be some rights left to the individual under which he could appeal—a high authority to safeguard the rights that down the centuries have been regarded as sacrosanct.

I should be rather loth to see the Bills thrown out willy-nilly, but I plead with the Government to defer them until the early part of next session, so that there may be ample time to consider them. This would not prevent the Government's going ahead with planning at the present time. We may be told that money is required, and that these measures are essential to validate certain methods of collecting the money, but I understand that the money to be collected under the measure will cover only part of the expense involved. In any event, the Government could implement its plan, quite apart from the collections envisaged under this measure.

I repeat that I should like more time to consider the matter. I am advised that in another place, one member—for whose capacity I have a great respect—studied the Bill for 30 hours, and was not then sure that he had gathered all the information he desired. Another very able member confessed that he had spent nine or 10 hours on the Bill and still was not satisfied that he had gathered all the information he required. In view of those statements, how can we, in the dying hours of the session, when our minds are occupied with other matters, spare the time to give these measures the consideration they need? I should say that in the Committee stage there will be considerable discussion, for which the requisite time is not available. I urge the Minister to accept the suggestion that these Bills be

held over till next session so that we shall have adequate time to consider their import.

Sitting suspended from 12.45 to 2.15 p.m.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [2.15]: I am very pleased with the remarks made by members on this Bill. I endorse all of them. I think it would be better if we discussed the individual clauses in Committee. I would like to explain, however, that it is intended in two years' time to introduce a new Act, and that is why the Bill contains only certain small amendments.

Hon. H. Hearn: Will that be brought in on the last day of the session as well? It seems to be a feature of town-planning legislation.

The CHIEF SECRETARY: I cannot forecast what will happen in two years' time; but if it is at all possible to bring in that legislation earlier, it will be done. The amendments in this Bill are intended in the main to bring the legislation up to date. There is an amendment referring to the alteration of the life of the board from three years to two. The intention is that everything will dovetail with the completion of the regional plan, and, in framing the new measure, we will take into consideration the recommendations of the Royal Commission.

Hon. C. H. Simpson: Is that the only reason?

The CHIEF SECRETARY: That is one of the main reasons. If the board had been appointed, as it should have been, on the 4th November, it would have meant an appointment for three years. It is expected that the regional plan will be completed in about 12 months, and in two years' time all the legislation necessary can be considered. So we have the proposed alteration from three years to two years, so that everything will dovetail with the completion of the regional plan.

We do not want to have a board appointed for three years because, if in the new legislation some other method were substituted, we would have to carry the board for 12 months. From memory, the recommendation of the honorary Royal Commission was that we do away with the town planning board and set up an advisory committee in its place. The alteration to two years will give us an opportunity to consider the report of the Royal Commission as it relates to the formation of the board, or advisory council, or whatever may be decided upon, in which case the board would not be there for a further 12 months after a new decision had been arrived at.

In addition to that alteration, it is necessary to include certain clauses in the Bill to validate the action of the board since the 4th November. Whatever else we do, we must pass those validating clauses, or the board would be placed in an awkward position. I hope members will carry the second reading and discuss the clauses separately at the Committee stage.

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

Ayes	13
Noes	9
Majority for	4

Ayes.

Hon. C. W. D. Barker	Hon. C. H. Henning
Hon. L. Craig	Hon. J. G. Hislop
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. H. C. Strickland
Hon. A. F. Griffith	Hon. A. L. Loton
Hon. W. R. Hall	*(Teller.)*

Noes.

Hon. H. Hearn	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. R. Welsh
Hon. J. Murray	Hon. J. McI. Thomson
Hon. H. L. Roche	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. R. J. Boylen	Hon. J. Cunningham
Hon. G. Bennetts	Hon. L. C. Diver
Hon. E. M. Heenan	Hon. N. E. Baxter

Question thus passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Section 6 amended:

Hon. H. K. WATSON: I would like the Chief Secretary to give us some explanation as to the effect of the amendment contained in this clause.

The CHIEF SECRETARY: The idea is to insert after the word "factory" the words "and other." This would make it all-embracing. At the moment the Act refers to shops and residences, and factory areas.

Clause put and passed.

Clause 6—Section 10 amended:

Hon. J. G. HISLOP: I think the Chief Secretary should allow us to strike out this clause. The general penalty of £50 is too high for minor offences.

The CHIEF SECRETARY: I hope the Committee does not strike out this clause, because if it did there would then be no method of ensuring that the scheme was carried out. The penalty of £50 is only a maximum, and that is found in all Acts. I take it that it will be left to the discretion of the magistrate, or whoever is hearing the case, to impose a penalty to fit the crime.

Hon. A. R. JONES: I move an amendment—

That in line 4 of proposed new Subsection (4) the word "fifty" be struck out and the word "ten" inserted in lieu.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. The offence could be quite serious, and it might pay the person to find the penalty if it were only £10. The reduction from £50 seems tremendous. A planning scheme would first of all be approved by the local authority and then by the Town Planning Board, so there would be some protection, as it would not be something just foisted on the public. If someone decided to be defiant and refused to do what had to be done in a particular area, it might pay him to find the small penalty suggested.

Hon. A. F. Griffith: You think that £40 would be the deciding factor?

The CHIEF SECRETARY: We say it should be something around £50. If £10 is inserted, it will only be making a joke of the provision.

Hon. A. R. JONES: I contend that if there were a serious breach, a rather large estate would be involved, and £50 would not prevent it. I wish to protect the person who may commit a small breach. Although it has been said that £50 is the maximum, we might find that it is the minimum, too.

The Chief Secretary: That is not the case with other Acts.

Hon. A. R. JONES: I agree that we do not find it with all other Acts, but there is a minimum and a maximum on occasions.

Hon. H. S. W. Parker: Very few.

Hon. F. R. H. Lavery: I would like to hear Mr. Parker on the matter.

Hon. Sir Charles Latham: Do not encourage him!

Hon. H. S. W. Parker: I think the Chief Secretary has explained the position.

Amendment put and negatived.

Clause put and passed.

Clause 7—Section 12 repealed and reenacted:

Hon. J. G. HISLOP: This is one of the provisions that I think could be left over for further consideration, particularly as paragraph (b) is wide in its effect. If land had been held for subdivision for building purposes and then a park was declared, the land would have to be paid for, but not at the figure set down for land used for subdivisional purposes but at parkland site value, so that no compensation would be given for its having been held for a certain purpose and then used for another purpose.

The CHIEF SECRETARY: In view of the co-operation I have had so far on this Bill, I will co-operate and not raise any objection to the deletion of the clause.

Clause put and negatived.

Clause 8—Section 20 amended:

Hon. H. K. WATSON: I was wondering whether the Chief Secretary would adopt the same attitude on this clause as on the previous one. Even today, under the existing Act, where land can be leased for a longer period than is set out in this provision, the right of repossession against a lessee—even in respect of a 99-years lease—would be no less strong than against the owner of a freehold property. I suggest this provision be allowed to stand over till next year.

The CHIEF SECRETARY: I do not think the same conditions apply to this provision as to the previous one. This is merely asking for the approval of the board for the leasing of land for a term exceeding 10 years. I do not think that is a hard condition to impose on anyone.

Hon. H. Hearn: There is no appeal from the decision of the board.

The CHIEF SECRETARY: There might not be.

Hon. H. Hearn: It is a pretty big weapon.

The CHIEF SECRETARY: It applies to the leasing of land for more than 10 years.

Hon. J. G. Hislop: You are asking for approval to be given for the leasing of portion of a lot for a term of more than 10 years.

The CHIEF SECRETARY: Yes, without the approval of the board. Certain portions of a lot can be tied up for a longer period than 10 years, which could upset the whole planning scheme. With respect to the leasing of land for longer than 10 years, application must be made to the board. If such leasing would not interfere with the carrying out of the scheme, the board would give approval. I hope that the Committee will allow the provision to remain.

Hon. H. K. WATSON: If there were an area in Hay-st. consisting of half an acre on one title, and a person wanted to lease a quarter-acre of it, he could not do that without the consent of the board. Or if he had a quarter-acre on one title and wanted to lease half of that, he could not do so without consent.

The Chief Secretary: That is so.

Hon. H. K. WATSON: I can see difficulties cropping up. If this provision had been in the old Act during the many years that we had a town planning commissioner in charge of this department, some owners would have been in a difficult position, with no appeal. Normally we approach a question of this kind on the assumption that the town planning authority is a reasonable person. But we

have had evidence in this State sometimes that he has not been; or if he has been, he has had certain peculiarities.

Hon. J. G. HISLOP: The way I read the provision, it would be exercised only where portions of a lot might interfere with a building line. One portion might be leased which was just destroying the whole building line of the design. This provision provides that one must not without written approval lease a portion of a lot. We must realise that later on we have to amend another Bill so that appeals will be allowed in all these cases. I am certain that is what is wanted with regard to this clause.

The CHIEF SECRETARY: I would like to emphasise that this does not interfere with leases for a period of up to 10 years.

Hon. L. CRAIG: I am with Mr. Watson. It would be advisable to spend a longer time considering this matter. I have in mind the proposed building of offices on the deanery site at the corner of Pier-st. and St. George's Terrace. A portion of the block will be leased for 99 years, but under this provision that could not be done without the approval of the board, and it might affect the building line. The Connor-Quinlan Estate, owners of the properties in Hay-st. from the Savoy Hotel, along to and down Barrack-st. and along Murray-st., to the back of the Savoy Hotel, could not lease one of them for a period of more than 10 years following the passing of this Bill. That might be all right, but I think we should spend a few more hours on this measure. I do not believe it would affect the planning scheme or the formation of the board to allow this clause to go. I do not pretend to understand the implications, but they could be serious.

The CHIEF SECRETARY: I do not think there is any need to be alarmed about the dangers that might occur.

Hon. H. Hearn: I think we should have time to understand the implications.

The CHIEF SECRETARY: They are quite plain.

Hon. H. Hearn: Yes. The board can say yes or no, and there is nothing that can be done about it. That is serious.

The CHIEF SECRETARY: It can say yes or no to a lease beyond 10 years. Mr. Craig need have no fears about the old-established places; but where new buildings are being erected it would be necessary to prevent a repetition of the mistakes made in the past.

Hon. L. Craig: It is now proposed to set back Hay-st.

The CHIEF SECRETARY: Yes.

Hon. L. Craig: It will not be done this year.

The CHIEF SECRETARY: It would never have been done if the old system had been allowed to continue. A building line has been created in Hay-st. and has resulted in some portions being set back, so that when buildings in a row are too old and have to be pulled down and altered, some portions will be set back to the new line. When the decision on Hay-st. was given, there were three building projects before the City Council. If the decision had not been made then, those buildings would have gone out to the present pavement, which would have increased the difficulties of widening Hay-st. Fortunately, the decision was given in time, and the new buildings were erected on the new line. Nicholson's bulk store was one of those buildings. This will not affect the present position, but only what is done in the future.

Hon. L. Craig: But if a lease ran out this year, it could not be renewed without the consent of the board.

The CHIEF SECRETARY: Not if it was for a period of more than ten years.

Hon. H. K. Watson: And it could not be renewed, even though it was granted ten years ago with an option to renew it.

Hon. L. Craig: I do not think anything will happen in the next few months.

The CHIEF SECRETARY: Something could happen which would make the difficulties more pronounced. I do not think the clause imposes any hardship at all, or that the difficulties will arise that members fear.

Hon. Sir CHARLES LATHAM: This is the one hundredth Bill we have been asked to consider, and we are now in the dying hours of the session. The Bill is important, but there does not seem to be any justification for alarm. The matter could wait until next year. In the old days, we felt that 40 pieces of legislation were sufficient for the House to consider in a session. I ask the Minister to pick out the vital clauses he wants, and we will help him to pass them. I do not see any justification for this provision if another Bill is to be introduced next session.

The CHIEF SECRETARY: If I thought this was a serious clause that needed further consideration, I would be quite willing to agree to what the hon. member has said.

Clause put and negatived.

Clause 9—Section 21 amended:

Hon. H. K. WATSON: I hope the Chief Secretary will not press the clause, which proposes to modify Section 21 by making smaller subdivisions subject to the approval of the Town Planning Board. The Act has worked pretty well, and I consider the clause need not be proceeded with; but if we do proceed with it, I suggest that the rights of persons who are acting in good faith under the law as it stands should be protected, because sales and subdivisions are taking place very day. I am not opposing these clauses for the sake of opposing them; I simply want time to

consider them with a view to assisting the Chief Secretary to get a decent Bill passed.

The CHIEF SECRETARY: The smaller subdivisions of less than half an acre are covered today. They must be approved by the Town Planning Board. The clause deletes the reference to half an acre, so that all subdivisions will come under the approval of the board.

Hon. L. Craig: It brings all subdivisions into line.

The CHIEF SECRETARY: Yes. When subdivisional plans come in, the local authorities are always consulted.

Clause put and passed.

Clause 10—Section 24 amended:

Hon. J. G. HISLOP: This clause needs a lot more consideration. Mr. Watson pointed out that it would mean the expenditure of a large sum of money—£5 per acre I think he said—when it was not necessary. The clause is so directed against certain people that it should stand over.

The CHIEF SECRETARY: This is a clause which members might want to study further. It is in the same category as Clause 7. I am prepared not to endeavour to have it carried.

Clause put and negatived.

Clause 11—agreed to.

Clause 12—First Schedule amended:

Hon. H. K. WATSON: I would like more information as to the effect of all the amendments in the clause.

The CHIEF SECRETARY: The clause is fairly plain. It brings under the First Schedule certain things that are not already there, including probable new routes and junctions. The fact of their not being brought under the schedule could upset the whole of a town planning scheme.

Hon. J. G. HISLOP: The clause adds to the First Schedule. The most important part of it is that which repeals Clause 10 and re-enacts it. This is done so that the land can be zoned by the Town Planning Board. It is wise for that to be done. I have no difficulty in accepting Clause 12 as it stands, because it only further enlarges the First Schedule as it appears in the 1928 Act.

Hon. Sir CHARLES LATHAM: Paragraph (i) contains the words "including areas for agricultural or rural use". What is the intention with regard to agricultural and rural lands?

Hon. J. G. Hislop. It is concerned only with lands within the area.

Hon. Sir CHARLES LATHAM: What is the area? Is it the area included in another measure?

Hon. J. G. Hislop: Yes.

Hon. Sir CHARLES LATHAM: Then I have no objection to it.

The CHIEF SECRETARY: The idea is to make sure that food-producing land in the area concerned will not be used for other purposes.

Hon. Sir Charles Latham: Would the market gardens around Perth be closed down?

The CHIEF SECRETARY: No. That is the purpose of the measure. That policy has been proved necessary by experience.

Hon. Sir Charles Latham: Will this bring the land lying idle on each side of Hampden-rd. between Subiaco and Nedlands into use for housing?

The CHIEF SECRETARY: That would depend on the local authority which is responsible for a planning scheme in its area. It will have to make application for approval of the scheme, which will then be examined by the Town Planning Board.

Hon. J. G. HISLOP: During the proceedings of the honorary Royal Commission which inquired into town planning, we were shown maps of the metropolitan area, and were impressed by the different classes of land around the city. There is very little first-class building land still available close to the city. There is a lot of swamp land on which houses should not be built, and it is desirable for that to be set aside for playgrounds, market gardens, and so on.

Hon. H. K. WATSON: I have received a letter from a person who purchased a house in Outram-st. about three months ago, for use as an office, and who is afraid that this measure would preclude him, without compensation, from using it for that purpose.

The CHIEF SECRETARY: I would be surprised if it had that effect. I do not think any municipal by-law could prevent him from using as an office the house he has purchased, so long as he did not want to alter the structure in any way.

Hon. A. F. Griffith: Are not the requirements under the Health Act different as regards an office or business premises?

The CHIEF SECRETARY: Yes; but we are not discussing that Act now.

Clause put and passed.

Clause 13, Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

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

BILL—TOWN PLANNING AND DEVELOPMENT (METROPOLITAN REGION INTERIM DEVELOPMENT POWERS).

Second Reading.

Debate resumed from the 17th December.

HON. J. G. HISLOP (Metropolitan) [3.10]: I am not as happy about this Bill as I was about the previous one. One of its clauses states that from the coming into operation of the measure, local authorities will, in effect, be deemed to have resolved to draw up town planning schemes. If I remember rightly, during the currency of the Royal Commission which inquired into town planning, it was stressed that the co-operation of all concerned would be necessary to make a success of the scheme, but apparently the local authorities are now about to be told that if they do not prepare plans it will be resolved that they have decided to prepare plans. We were told by the local authorities that they had not sufficient money to draw up plans.

It appears that about £23,000 is set aside at the moment; but how far the salaries of members of the Town Planning Board are to come out of that sum, I do not know. I have heard it said more than once that on some local governing authorities there are members who are a dead hand on progress, and who want to do no more than is necessary to keep their seats; but that can be said of many organisations. Throughout this Bill directions are given to local authorities to do certain things.

Clause 13 reads as follows:—

> (1) On and after the coming into operation of this Act before any development within the metropolitan area is carried out, the person who desires to carry out the development shall apply in writing to the local authority in whose district the development is to take place, for permission to carry out the development and obtain the written permission of the local authority to carry out the development.

I am not certain whether that exempts the Crown when it makes application to a local authority. Continuing—

> (2) Permission to carry out development within the metropolitan region shall be granted by the local authority in accordance with the provisions of an interim development order, if any, applicable to the development.

It is interesting to read Clause 14, because it provides—

> (1) A local authority may with the consent of the Minister revoke or modify a decision given by it on an application for permission to carry out development, at any time before the development is substantially commenced.

Under that clause an individual may have drawn plans and involved himself in architectural fees, and may even have entered into a contract with a builder without having substantially commenced building on his property, and yet the local authority could revoke permission. That is how I read the clause. What happens after that is interesting reading, viz:—

> (2) Where a local authority revokes or modifies a decision in accordance with the provisions of subsection (1) of this section, the applicant may within thirty days of the receipt by him of notice of the revocation or modification lodge a claim with the local authority for abortive expenditure incurred by him as a result of the revocation or modification, and if the claim is agreed may recover from the authority the expenditure.
>
> (3) The Minister may if he thinks fit, direct a local authority to revoke or modify a decision given by it on an application for permission to carry out development.

The Minister may decide to tell a local authority to revoke its decision, or the Minister may uphold the decision of the commissioner. In Subclause (6) of that clause it is provided that where the local authority and the applicant fail to agree as to the amount of the contribution to be paid to the applicant by the local authority, the Minister finally decides what shall happen. If the local authority has no money to pay the expense the individual has incurred, how does he get on? It seems to me that the individual would get a raw deal under this provision.

If I were trying to amend this clause, which I do not like, I would move to strike out the word "substantially". That word might mean anything. Clause 17 is also rather interesting. It reads—

> (2) Before a Government department or a local authority commences to undertake, construct or provide a public work within the metropolitan region. . . . . .

it shall consult with the Town Planning Commissioner to ascertain the effect the undertaking, construction, or work is likely to have on any proposal to be included in the metropolitan regional plan. In other words, a State Government organisation must submit its plan and discuss its proposal with the Town Planning Commissioner. The clause then reads—

> (3) The department or authority shall comply as far as is reasonably practicable with any recommendations the Commissioner may make regarding the undertaking, construction or provision of the public work.

That still appears to make the department the final arbiter, because if it says that for it to agree with the Commissioner's plan is not reasonably practicable, it can go ahead and do as it likes. On the other hand, it can work in the opposite direction just as easily. In the way we are developing this city, we have to remember that there are some

main waterways passing through vacant areas in which there are also other amenities, which areas would be economically suitable for housing. We need only have some other commissioner to be appointed in this State and he could decide to have a green belt put around the city, as has been done in Adelaide. He might decide that that green belt should cut across these areas that some local authorities could economically use for other purposes, such as State housing.

There should be right of appeal. Under this provision it will be found that two departments will be at loggerheads, and then the Minister will be forced to act as referee and make a decision. Curiously enough, Clause 17 does not mention the Minister, and the commissioner is left to make the decision when there is a dispute between two departments. Everywhere in the Bill it is provided that the decision made either by the commissioner or the Minister shall be final. I think it would be better, where such wording appears, for the clause to read, "any appeal can be made to the Minister", and then insert an overriding clause to provide for an appeal to be made to the Minister, and also that an appeal can be made against his judgment either to a judge in chambers or a Supreme Court judge. We are dealing with the property of individuals and we could cause great harm to those individuals. I do not think that the final decision as to what should happen in this vast business of town planning should be left to the Minister. We have had Ministers in the past, and we will have them in the future, who have merely uttered words which are the echo of the words of their servants.

This Bill allows of no appeal against the decision made by the commissioner. In my opinion, it needs much consideration. It demands a great deal from local authorities, and will take so much from individuals that there is room for still further thought before the measure is passed. Therefore, I oppose the second reading.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—ABATTOIRS ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 15th December.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [3.22]: This does not appear to be an appropriate day to be discussing an amendment to the Abattoirs Act.

Hon. H. S. W. Parker: It will be butchered, I think.

The MINISTER FOR THE NORTH-WEST: They say that while there is life, there is hope.

Hon. Sir Charles Latham: The days of slaughtering are here.

The MINISTER FOR THE NORTH-WEST: I have often heard members referring to "the dying hours of the session", but I thought we were on call all the time.

Hon. A. F. Griffith: You should have listened to it for three years in the previous Parliament. We had it morning, noon, and night.

The MINISTER FOR THE NORTH-WEST: I have never seen a House looking so refreshed, and in such a state as to give clear and careful consideration to any Bill brought before it. When I introduced this measure, there was a very small House, and many members did not hear what I said. Briefly, therefore, I will retrace the history of this legislation leading up to the establishment of the Abattoirs Board.

The original papers on the file show that in 1947 the Country and Democratic League requested the then Minister for Agriculture to establish a board to control the Midland Junction abattoir, with majority producer representation. The years passed, and it seems to me that each year something was attempted by the Minister; but no board was established until late in 1952.

Hon. F. R. H. Lavery: In the dying hours, too.

The MINISTER FOR THE NORTH-WEST: Yes; in the dying hours of the session. When that board was eventually established, it by no means represented the views of the primary producers, who apparently were responsible for the move to create the board. In fact they are represented by a minority on that board. So far the board has not taken over complete control of the abattoir. It came into operation on the 31st March, 1953. Members who have spoken on the Bill suggest that the board should be given an opportunity to operate for some period with complete control of the abattoir and saleyard before any alteration in the personnel of the board is made. I think the correct time to strengthen the board is now, before it has actually taken over complete control of those public facilities which are established in Midland Junction, and which have cost the State Government well over £500,000.

In this House it would seem to be the opinion of members that to provide for employee representation on any board is out of place and not acceptable. I cannot see why employee representation should meet with such disfavour, or why a person representing employees is likely to embarrass the other members of the board. In two States—New South Wales and South Australia—there are boards on which are employees' representatives. In fact, I heard one member say that the South Australian Abattoir was a model one, and was conducted on very sound

lines. He said it was held to be the best in the Commonwealth. It is very hard for members justifiably to take exception to the appointment of an employee representative to this board. The appointment would mean that a close liaison would exist between the workers and the management. After all, the workers are taxpayers, and by virtue of that they are shareholders.

Hon. H. Hearn: Do they pay for any loss?

The MINISTER FOR THE NORTH-WEST: Of course they do, by virtue of the fact that they pay taxes. The workers cannot dodge them, either; the deductions are made from their wages. A person can work for one week and the tax is deducted; and if he earns insufficient in the year to become liable for taxes, the deduction will not be refunded for 12 months.

The principle of employee representation on the board is accepted in other States. On the 22nd October, 1952, a deputation from the Farmers' Union waited on the Minister. It submitted a case to him for the setting up of an abattoirs board, and suggested that an independent chairman be appointed, together with the following representatives:—

> One from the producers, one from the wholesale butchers, one from the livestock salesmen and agents, one from the employees, and one by Government nomination.

I stress the point that the farmers themselves desired an employee representative and a Government nominee. That proposal did not eventuate, and we now seek to implement it.

Hon. Sir Charles Latham: You are dealing with one proposal, not with the scheme as a whole. You do not suggest that the livestock merchants should have a say.

The MINISTER FOR THE NORTH-WEST: Of course not! The previous Government left them out.

Hon. Sir Charles Latham: We tried to be fair. We had two representatives.

The MINISTER FOR THE NORTH-WEST: The Government left out the stockbrokers, the employees, and the Government nominee.

Hon. Sir Charles Latham: We accepted the Government nominee, but the farmers did not want a public servant.

The MINISTER FOR THE NORTH-WEST: We suggest that an employees' representative be appointed, and that the Government nominee be the Controller of Abattoirs. In every other State the controller of the abattoirs, or permanent head, is, with one exception, the chairman of the board. Here we have the permanent head subordinated to a board, and after he had established a modern abattoir he was reduced to the status of a mere employee. Under the Act he can attend board meetings, but only when requested to do so. He has no say in the policy—

Hon. L. Craig: He would be there anyway.

The MINISTER FOR THE NORTH-WEST: I am not sure. When the Government has so much money tied up in the Midland Junction Abattoir, it should have one of its officers on the board. I cannot see why he should not be a Government servant. As I mentioned before, the board has not yet taken over entirely. It will not take over until some time early in February. From then on the establishment will be run entirely by the board.

Hon. A. R. Jones: It will still be run by the manager.

The MINISTER FOR THE NORTH-WEST: By the board. The manager can be called in and asked to give advice, but he certainly will have no say on policy matters. I am intrigued to know why a board of this nature was ever set up.

Hon. Sir Charles Latham: You were present when it was set up.

The MINISTER FOR THE NORTH-WEST: Yes, in the dying hours.

Hon. Sir Charles Latham: I shall quote what you said.

The MINISTER FOR THE NORTH-WEST: I said very little, or nothing at all, because the Bill met a fair amount of opposition in another place. That being the case, I had enough common sense to know that it was futile for me to raise much opposition here. In my opinion the board as set up cannot function satisfactorily. Already the first producer representative has been retired and replaced. This took place six weeks after he was appointed.

Hon. Sir Charles Latham: We carried out the law. He was nominated by the Farmers' Union.

The MINISTER FOR THE NORTH-WEST: And now we have another union nominating a representative. The producers' representative was a costly appointment. I notice he went for a trip around the abattoirs of Australia knowing full well at the time of appointment that he would be retired.

Hon. L. Craig: Was that at the expense of the board?

The MINISTER FOR THE NORTH-WEST: Either that or at the expense of the taxpayers. The board did not function until the 31st March. In a letter dated the 19th March, addressed to Mr. C. H. Evans, Chairman of the Abattoirs Board, it said—

> As requested yesterday I am enclosing herewith an introduction for Mr. O. E. Bruns to the Chairman of the Metropolitan Meat Commission, Sydney. I understand you will see that Mr. Bruns receives this. I am

also attaching for your and his information a copy of a note I have forwarded to the Chairman of the Commission in Sydney advising him that Mr. Bruns will be visiting his abattoirs.

Hon. Sir Charles Latham: He went over there on leather board business on this occasion.

The MINISTER FOR THE NORTH-WEST: I do not know about that. Anybody reading this file would arrive at my conclusion. In addition to the producers' representative, there is the butchers' representative; and the consumers' representative, who is chairman, is an accountant. The farmers insist on an independent chairman. As I have said before, the chairman is interested in other abattoirs and meat concerns. I am puzzled to know why a board so constituted was set up, and how it can function to the best interests of the parties concerned.

Hon. L. Craig: Who appointed the chairman?

The MINISTER FOR THE NORTH-WEST: The previous Government appointed Mr. Evans.

Hon. Sir Charles Latham: But the Executive Council appointed the members.

The MINISTER FOR THE NORTH-WEST: There is nothing on the file to say that. It should not be asking too much of the House to request it to approve of the appointment of two more members to the board, one to represent the employees, and the other to be the controller of the abattoirs. The controller would look after the Government's interests, which are considerable; but his first concern, of course, would be for the establishment itself. The chief interest of the employees' representative would be to ensure that harmonious relations continued between employers and employees, and that the work proceeded in a manner that would be beneficial to all concerned. I do not consider that the appointment of a representative of the employees would be for the sole purpose of trying to squeeze something more out of the board.

Hon. A. R. Jones: How would that representative be appointed?

The MINISTER FOR THE NORTH-WEST: I think that a panel of names would be submitted, as is done with the Farmers' Union, and that a selection would be made from that list.

Hon. L. Craig: It would be most embarrassing for the controller to have an employee sitting on the board.

The MINISTER FOR THE NORTH-WEST: A similar provision operates successfully in the other States, and care would be taken to ensure that an embarrassing position was not created. We could have proposed an enlargement of the board without indicating the position of the proposed appointee, and then could have chosen an employee for the post, but we are not using a back-door method to achieve something that we consider would make for the good of the establishment.

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

Ayes	7
Noes	15
Majority against	8

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. L. Craig	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. W. R. Hall
Hon. G. Fraser	*(Teller.)*

Noes.

Hon. Sir Frank Gibson	Hon. H. S. W. Parker
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. E. Hearn	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. McI. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. R. Welsh
Hon. A. L. Loton	Hon. C. H. Henning
Hon. J. Murray	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. R. J. Boylen	Hon. J. Cunningham
Hon. G. Bennetts	Hon. L. C. Diver
Hon. E. M. Heenan	Hon. N. E. Baxter

Question thus negatived.

Bill defeated.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Royal Visit, 1954, Special Holiday.
2, Veterinary Medicines.
3, Police Act Amendment.
4, Upper Darling Range Railway Lands Revestment.
5, Kwinana Road District.
6, Jury Act Amendment (No. 2).
7, Municipal Corporations Act Amendment.
8, Closer Settlement Act Amendment.
9, Electoral Act Amendment (No. 2).
10, Diseased Coconut.
11, Inspection of Machinery Act Amendment.
12, Hairdressers Registration Act Amendment.
13, Water Boards Act Amendment.
14, Marketing of Onions Act Amendment.
15, Reprinting of Acts Authorisation.

Sitting suspended from 3.55 to 4.25 p.m.

BILL—ADMINISTRATION ACT AMENDMENT (No. 2).

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 69 amended:

The CHIEF SECRETARY: In view of the amendment on the notice paper, I move—

That Clauses 2 to 6 be postponed.

Question put and passed.

New Clauses:

Hon. H. K. WATSON: Although we are discussing only the first of the two proposed new clauses, I would, with your permission, Mr. Chairman, like to refer to both of them. The Bill in its present form proposes that where a family home passes to the spouse of the deceased, the duty on that home shall be postponed until the surviving spouse dies, when the duty on both the first and second deaths shall be payable. In my second reading speech I suggested that in its present form the Bill was hardly worth bringing down.

The effect of my amendment will be that where a person dies and leaves a family home to the surviving spouse, the value of that home shall be excluded in arriving at the dutiable balance. Needless to say, it is only the net value of the home that is excluded. For example, if a man owned a home worth £4,000 and there was a mortgage of £3,000 on it, only £1,000 would be excluded, because otherwise the mortgage would be liable as duty against the estate, and that would be unfair.

This amendment tries to exclude from duty, property, the value of which does not exceed £6,000. When I suggested that was a very desirable amendment, Mr. Craig pointed out that there were other cases where a man might leave a motor-car, or some other asset, and that some allowance should be made for that. Therefore my principal amendment provides that in ascertaining the final balance liable for duty, there shall be deducted the sum of £3,000 or, where the person has a home, the value of the home up to £6,000, whichever is the greater. I am mainly concerned with the exclusion of the family home from the dutiable estate. I move—

That the following be inserted to stand as Clause 2:—

Section sixty-five of the principal Act is amended by inserting after the word "Commissioner" in line two of the definition "Final balance" the words "after deducting from such balance the sum specified in section sixty-eight A".

The CHIEF SECRETARY: I have had the following information supplied to me concerning Mr. Watson's amendment:—

Mr. Watson's amendment would have the effect of lifting total exemption from death duties to £3,000, and where the estate of the deceased person includes a dwelling house ordinarily used by the surviving spouse as his or her ordinary place of residence, a reduction shall be made equal to the value of the house up to an amount not exceeding £6,000.

This would mean that for all estates there would be a reduction of £3,000 irrespective of the size of the estate. Where part of the estate consisted of a house lived in by the surviving spouse, the exemption could be up to £6,000.

The Bill submitted by the Government proposes to grant exemption on estates up to £1,500 but duty is charged on the whole of the final balance of the estate where the value exceeds £1,500.

Mr. Watson's proposal to exempt entirely the first £3,000 would be a greater concession than is granted by any other State so far as can be ascertained at present.

The Government's Bill proposes to defer the duty payable on a house lived in by the surviving spouse of a deceased person, if application for deferment is made by the survivor. There is no reason why total exemption from duty should be allowed on the house, because, on the death of the surviving spouse, the house would pass to some other beneficiary.

The overall effect of Mr. Watson's amendment would be to reduce substantially the amount of revenue collected by the Government from probate duties, and unless the rates are substantially increased we would find ourselves in a worse position with the Grants Commission than we are at present. In order that we may come up to the level of the severity of probate duties imposed by the three standard States, it is necessary that we increase the existing rates by 10 per cent. If Mr. Watson's amendment were agreed to, the increase would have to be greater than 10 per cent. The amendment should be rejected.

We feel that in submitting the Bill we have gone as far as it is possible to go. While we would like to go further, it is not possible to do so from the point of view of State revenue. I therefore ask the Committee not to agree to the new clause.

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

Ayes	13
Noes	8
Majority for	5

Ayes.

Hon. Sir Frank Gibson	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. R. Welsh
Hon. A. L. Loton	Hon. H. Hearn
Hon. J. Murray	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. F. R. H. Lavery
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. J. Boylen
Hon. L. C. Diver	Hon. G. Bennetts
Hon. N. E. Baxter	Hon. E. M. Heenan

New clause thus passed.

Hon. H. K. WATSON: I move—

That the following be inserted to stand as Clause 3:—

The principal Act is amended by adding after section sixty-eight the following section:—

68A. In ascertaining the final balance there shall be deducted from the amount which, but for this section, would be the final balance—

(a) the sum of three thousand pounds; or

(b) where the estate of a deceased person includes a dwelling house or an interest in a dwelling house which at the death of the deceased person was ordinarily used by the surviving spouse of the deceased person as his or her ordinary place of residence—the value of that property or interest (less the amount or proportionate amount of any mortgage or unpaid purchase price owing thereon) up to an amount not exceeding six thousand pounds

whichever is the greater.

This clause is governed by the same considerations as those on which we have just voted.

The CHIEF SECRETARY: I do not suppose it is of any use opposing this; because, as we have carried the other new clause, we must do the same in this instance. But I want to draw attention to the fact that the addition of these clauses will probably delay the finish of the proceedings because definitely a conference will be required. At the same time, I think that the new clauses will be ruled out of order in another place because they interfere with the revenue of the State.

Hon. Sir Charles Latham: I was wondering why you did not raise that point previously.

Hon. H. K. WATSON: I do not think the Committee need be worried about our having no right to amend the Bill in this way. If we were amending the Death Duties Act, our power would be limited to requesting amendments, but it is within our province to amend a Bill seeking to amend the Administration Act.

Hon. L. CRAIG: Without posing in any way as an expert, I think that this imposes a charge on the Crown and would therefore not be in order. These clauses will reduce the revenue of the Government.

New clause put and passed.

Postponed Clause 2—Section 69 amended:

Hon. H. K. WATSON: The logical thing to do, in view of the Committee's decision on the proposed new clauses, is to vote against Clauses 2 to 6. Otherwise the Bill would not make sense.

The CHIEF SECRETARY: For once at least I agree with the hon. member. In view of what the Committee has already done, it is useless to carry these clauses.

Clause put and negatived.

Postponed Clauses 3 to 6—disagreed to.

Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

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

BILL—DEATH DUTIES (TAXING) ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 11th December.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [4.47]: The principles in this Bill and that of the Administration Act Amendment Bill (No. 2) are similar and my remarks on this Bill are applicable to both measures. At the outset, I feel it would be advisable to clear up confusion which was evident in the speeches of members regarding the attitude of the Commonwealth Grants Commission towards this State's finances.

The Grants Commission is authorised to deal with claims for assistance from any State under Section 96 of the Constitution. As members know, there are at present three claimant States—South Australia, Western Australia and Tasmania—and the principles adopted by the Grants Commission in deciding the amount of the grant to be recommended to a claimant State are that the claimant State will be placed in the same budgetary position as the average of the non-claimant States, provided the claimant State is taxing itself, within its capacity, with the same degree of severity as the non-claimant States, and that its expenditure is not above the average of those non-claimant States.

This is a very reasonable method to adopt because, obviously, it would be unfair to expect the other taxpayers of Australia to find money for a claimant State when the people of the claimant State were not being taxed as severely as the taxpayers in the non-claimant States who were finding most of the money.

In regard to the cost of Government services, the commission measures carefully one particular field, namely, social services, and because of peculiar difficulties in this State due to the sparse population and wide areas to be covered, the Grants Commission fixed as the standard of social service expenditure for Western Australia the average of three non-claimant States, plus an allowance of 10 per cent. This is also a reasonable provision because a claimant State should not be expected to have a standard of social services far in excess of the standard enjoyed by the people in the non-claimant States, and to have this standard financed largely by the taxpayers in those non-claimant States. In its latest report the Grants Commission points out that in regard to those fields of taxation still enjoyed by the States, Western Australia is below the average of the non-claimant States to the extent of £138,000.

Hon. H. K. Watson: You made that up today by entertainments tax.

The CHIEF SECRETARY: We hope so; and improvements can still be made. One type of taxation in which we are below average is represented by probate duties, and there we are £76,000 below the average. In regard to social services, even after allowing the 10 per cent. for special difficulties, we are above the average cost in the non-claimant States to the extent of £551,000.

All that the Grants Commission says is that either we must reduce our social service costs or we must increase our taxation. The Death Duties (Taxing) Act Amendment Bill proposes to bring the level of the severity of our death duties up to the average of the non-claimant States. If this is not agreed to, the State will have to increase taxation in some other directions. Would those members representing country districts, who are so hostile to an increase in death duties, agree to the imposition of land tax on pastoral and agricultural properties which are now exempt?

Hon. H. L. Roche: No.

The CHIEF SECRETARY: The hon. member says no to everything. Whilst we would like to say no, we have to face up to reality. We, as a Government, have responsibilities, and we have to face up to them.

Hon. Sir Charles Latham: You do not face up to them in some respects.

The CHIEF SECRETARY: It is easy for members who have no responsibilities to take a negative attitude. Again, would they agree that motor licence fees which, in this State, are very much below the average in the non-claimant States, should be substantially increased?

Hon. H. L. Roche: That would be no good to you, as it goes to the local authorities.

The CHIEF SECRETARY: Not in the metropolitan area. Alternatively, would they agree that education facilities should be reduced in order to lower the cost of our social services?

Turning now to the speeches by the various members, I note that Mr. Watson would like to see the exemption increased to £5,000. If that were agreed to, then it would be necessary to increase the rates substantially on estates below £5,000, if increased revenue is to be secured by additional death duties. The hon. member also stated there was no justification in the argument that, because the Grants Commission said we were below the general average in our estate duties, we should increase our estate duties. There might be nothing in the argument, but the Grants Commission holds the thick end of the stick, and if we do not measure up to what the non-claimant States do, we cannot expect it to assist us.

Hon. H. L. Roche: How are you going to get on when you do not measure up in regard to the imposition of entertainments tax?

The CHIEF SECRETARY: That is another point to which consideration has been given. If we go above the non-claimant States in entertainments tax, it will not be held against us, because it will make our taxing, in that regard, higher than it is in the non-claimant States, which will be suitable to the Grants Commission. Mr. Watson also said that death duties should be assessed on an equitable basis so far as the taxpayers are concerned.

Would the hon. member argue that an estate of, say, £15,000, in Western Australia should pay a lower rate of duty than an estate of the same amount in Queensland, Victoria or New South Wales? One of the reasons which makes estate duties in Western Australia lower than the average in Australia is the generous treatment afforded to estates below the £6,000 level. For example, in an estate worth £5,000, where the beneficiary was the widow, the duty payable in Victoria would be £175; in New South Wales £148; in Queensland £200; in Tasmania £225; and in Western Australia £125. That is £23 less than the lowest amount applicable in the Eastern States, and £75 less than the highest. Where the beneficiaries were other than the widow the tax would be:—Victoria £425; New South Wales £462; Queensland £500; Tasmania £750; and Western Australia £250.

Hon. H. K. Watson: Do you not think you might point out to the authorities in the Eastern States that they are taxing estates too high?

The CHIEF SECRETARY: We are taxing estates too low when every other State is taxing so much higher than we are; and we are in the position that we have to go cap in hand to be assisted by those States. Mr. Watson considers our rates are already too high and that they should be reduced and not increased. We would all agree to reduce them if possible, but it is not possible.

I maintain there is no justification for reducing the rates, but there is every justification for increasing them. The hon. member also thinks that where the estate includes a house, the house should not be taxed, or if the house is taxed, there should be an overall exemption up to £6,000. One must remember that the person who pays the estate duty is the beneficiary.

The legislation now before Parliament is to give the right to a widow or widower, where the estate consists mainly of a house, to have the duty deferred. What justification would there be on the death of the widow or widower in granting a house to some other relative free of the original duty?

It is thought by Dr. Hislop that the Grants Commission has no right to say whether Western Australia shall be a socialistic State or not. The Grants Commission, of course, says no such thing. Would the hon. member describe South Australia as a socialistic State? In that State a succession duty is imposed instead of an estate duty, and the succession duty is paid by each individual beneficiary according to the value of the proportion of the estate left. The rates in that State for succession duties are, in the main, very much higher than the death duties in Western Australia.

The proposal to give some advantages to the lower-income groups is not agreed to by Mr. Jones. In this respect, he is not in agreement with Mr. Watson. He thinks also that the proposal to make some easement where a house forms most of the estate and is left to a widow or widower, should apply to other assets. He cites the case of a grazing property or a business property. There is, of course, a difference between a dwelling place and a business property and while there is justification in giving some easement where the beneficiary is the widow or widower of that deceased, and the estate consists largely of a house, there is no reason why a grazing property or a business property should get any relief.

Very properly, Mr. Griffith commenced his speech by saying that Governments required more revenue in order to meet the costs of government. He stated that there was little doubt that the cost of government, as a result of the Government's own actions, had been very much increased. The facts are that the costs of government, particularly in regard to social services, and more particularly in regard to education, have increased substantially in the last four years, entirely as a result of the actions of the previous Government.

Education costs in this State have soared above the average of the costs in the non-claimant States. If the people of Western Australia desire to have an expensive education system they must be prepared to pay for it. The high cost of education in this State is a legacy inherited by the present Government from the previous Government.

The only speaker to make a realistic approach to the problem was Mr. Craig. He advocated that people with fairly large estates should make provision by way of insurance to meet death duties. I have heard many members use the same argument about making provision by means of insurance. If, during his lifetime, a property owner does not take the necessary and prudent steps to provide for probate duty on his death, his beneficiaries have no right or justification to expect the Government to give them special consideration.

Hon. A. F. Griffith: There is only one thing wrong with this. You are making provision to tax the man who looks after himself.

The CHIEF SECRETARY: We suggest that he should not be so selfish and should look after those that will be left behind. Mr. Craig, however, advocated lifting the total exemption limit to £10,000. If that were done, the burden on the estates above this figure would have to be increased substantially. Mr. Diver fears that if the Bill to increase probate duties is passed, the Government will get less revenue because, in his opinion, property owners would get rid of their estates during their lifetime. If they did that they would have to pay gift duty, and thus would not escape payment of tax.

The hon. member also felt that in the proposal to make some easement where the estate consisted largely of a house, the position might easily arise where the duty would be assessed at a very high value, and when the widow or widower had died and the duty had to be paid—if it had previously been deferred—the whole value of the estate might be absorbed in probate duty. In the very unlikely event of that happening, special consideration would, of course, have to be given to the amount of the duty still outstanding. I think I have replied to most of the comments made by members, and that my statement sets out clearly the

decision with which we are faced. In view of that, I hope members will agree to the second reading.

Question put and a division taken with following result:—

Ayes	10
Noes	12
Majority against	2

Ayes.

Hon. C. W. D. Barker	Hon. W. R. Hall
Hon. L. Craig	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. H. S. W. Parker *(Teller.)*

Noes.

	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. R. Welsh
Hon. A. L. Loton	Hon. H. Hearn
Hon. J. Murray	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. R. J. Boylen	Hon. J. Cunningham
Hon. G. Bennetts	Hon. L. C. Diver
Hon. E. M. Heenan	Hon. N. E. Baxter

Question thus negatived.

Bill defeated.

BILL—LICENSING ACT AMENDMENT. (No. 1).

Second Reading.

HON. E. M. DAVIES (West) [5.8] in moving the second reading said: This Bill seeks to amend Sections 38 and 39 of the Licensing Act and, if agreed to, will be of advantage to certain people who desire to purchase liquor for home consumption. It will allow them to do that without the necessity of entering licensed premises, and perhaps indulging in the consumption of liquor which they otherwise would not consume.

Under the existing provisions of the Act, holders of gallon licences are authorised to sell specified liquors in quantities of not less than one gallon. The minimum quantity of one gallon must consist wholly of spirits, or of wine, or of beer, or of some other kind of liquor. It is suggested that Section 38 be amended to provide that gallon licensees may sell an assorted gallon of liquors defined in the Act.

It is submitted that the proposed amendment will provide an additional service to the public without causing a greater consumption of liquor or infringing in any way the interests of other retailers of liquors. It would, however, enable people of moderate means to purchase an assorted gallon of liquors; whereas, at present, they have neither the money, nor the desire to order a gallon of spirits, or of wine, etc., separately. In the majority of cases the prevailing high prices preclude them from doing so. For instance, Australian spirits cost about £6 10s. 6d. per gallon, which is far more than the average person can outlay in one order.

Gallon licences are generally held by family grocers, who provide their customers with a delivery service. This enables all sections of the community to purchase their liquor requirements for home consumption without the embarrassment of carrying it publicly. If the suggested amendment were accepted by Parliament, it would meet the normal requirements of the average householder, but at the same time retain the principle of the gallon licence.

It is also suggested that a simplified method of recording sales could be adopted, as it should not be necessary to enter sales under separate headings of wines, spirits, beer, etc., but only as gallons. This could easily be effected by deleting the words "and kind" from lines 3 and 4 of Section 39 (b).

Under Section 38 of the existing Act, gallon licensees, who are generally service grocers, can sell liquors only in quantities of not less than one gallon. The minimum quantity of one gallon must consist wholly of spirits, or of wine, or of beer. If a person desires to purchase three bottles of beer, two of wine and one of whisky, which would total one gallon, the gallon licensee cannot supply that assorted gallon. Under the Act he must supply a gallon of each type of liquor, i.e., six bottles of beer, six of wine and six of whisky or other spirits. Such a large quantity of liquor is far beyond the requirements and means of the average person for normal use in the home. It would cost—

	£	s.	d.
Six bottles beer		15	6
Six bottles wine	1	13	6
Six bottles whisky (Aust.)	6	19	6
	9	8	6

On the other hand, if the sale of an assorted gallon of liquors were permitted, this would encourage controlled and temperate use in the home and would enable the public to purchase in reasonable quantities, within their means, and enjoy the service of delivery available from the gallon licensee rather than being compelled to purchase smaller quantities from hotels and carry liquor home as at present. For example, an assorted gallon would cost—

	£	s.	d.
Three bottles beer		7	9
Two bottles wine		11	0
One bottle whisky (Aust.)	1	3	3
	2	2	0

That entails quite a reasonable outlay, which is within the means of the average person.

When the Act was promulgated in 1911, liquor was infinitely cheaper than it is today, and its provisions may then have been reasonable, but the present-day cost of liquors makes it practically prohibitive for people on an average income to purchase the quantities specified in the Act. The object of the gallon licence obviously must have been to meet a public need, and to provide what was considered a necessary service to consumers. Under existing circumstances the great majority of people are precluded from enjoying this service because the cost of the prescribed quantities of liquor is beyond their capacity to pay.

The stage has been reached when only people of means can afford to purchase their requirements from a gallon licensee and enjoy the advantage of delivery to their homes. It is obviously a great convenience for householders to be able to order their liquor from their licensed grocer, together with their other requirements and have it delivered to the homes. Those who cannot afford or who do not wish to buy liquor in such large quantities are deprived of this convenience. The licensed grocer is unfortunately placed in a very invidious position because many people are unaware that under the law they cannot purchase less than a gallon of any particular type of liquor from him. As a result, licensees are continually being subjected to demands for deliveries in smaller quantities, and frequently meet with resentment, and possible loss of customers where these are refused.

It often happens that people desire to purchase a bottle of brandy in case of sickness, and go to their licensed grocer for it. In some instances they live long distances from a hotel. They probably would not demur at purchasing an assorted gallon of liquor—say one bottle brandy, £1 0s. 6d., and five bottles of beer, 12s. 11d., total £1 13s. 5d.; but they strongly object to buying a gallon of spirits, and naturally vent their feelings on the storekeeper.

On innumerable occasions where people are entertaining several guests, it is found that some prefer spirits, others wine or beer. This preference could be met to the satisfaction of all concerned if the hostess could purchase and have delivered an assorted gallon involving an outlay of approximately £2 2s., as against an outlay of £9 8s. 6d. as at present provided by the Act.

As it is, the Act influences people to purchase more liquor than they actually require, and thus encourages excessive consumption. People who are not prepared to buy liquor in excess of their requirements, or who cannot afford to purchase the quantities specified—that is, one gallon each of beer, wine, or spirits, are compelled either to go without or purchase from a hotel. This is a definite hardship on those who live a long distance from a hotel. For instance, residents of new suburbs where there is no hotel, people in country areas, clearing and fencing contractors, etc., all of whom could be serviced by the licensed grocer.

Even where people can conveniently obtain their requirements from a hotel, if they do not own a car they are still faced with carrying home weighty bottles which could very well be delivered to them by their licensed grocer. It is strongly contended that an amendment of the Act to provide for the sale of an assorted gallon of liquor would—

1. Benefit the public interest and convenience and would be particularly appreciated by the majority of people who are not in receipt of big incomes. It should be equally possible for them to receive a service which is now practically confined to the wealthy.

2. Tend to encourage moderation in drinking.

It is also advocated that gallon licensees should not be required to undertake the laborious and time-wasting recording of sales under the separate headings of wine, beer, spirits, etc. Wine saloons and hotels are not required to record their bottle sales, and it is difficult to see why gallon licensees should particularly be required to do so. However, if any recording is considered necessary, an entry showing the date of sale, name of purchaser, and quantity of liquor sold should be sufficient. I move—

That the Bill be now read a second time.

HON. A. F. GRIFFITH (Suburban) [5.17]: The Bill should be and can be analysed to adduce the facts for and against it. The reason why gallon licences were granted to storekeepers was, as the Act implies, to allow any storekeeper to supply a gallon of liquor to his customers, whether it be beer, spirits, or wine. Mr. Davies has told us that the Bill seeks to allow the holder of a gallon licence to supply mixed quantities of liquor up to one gallon.

I see no reason why a man who desires to buy a bottle of beer, wine, or whisky cannot go to a hotel to purchase it. I think the real purpose of inserting the provision in the Act regarding gallon licenses was to allow a customer of a storekeeper the privilege of being able to buy a gallon of beer and have the liquor delivered to his house, perhaps at the same time as his grocery order was being delivered. Sir Charles Latham has stated in this House on a previous occasion that such a provision was made in past years because there were not so many

people who owned motorcars, and it was a great convenience to have their liquor delivered by the storekeeper. He went on to state that nowadays people can carry their liquor home more conveniently because the majority own motorcars.

To my mind, it does not matter much whether a man has his own car or not. The convenience is that a man can ring up his local storekeeper and ask for a gallon of beer to be delivered if he so desires. Looking at it from another point of view, it can be admitted that it would be convenient to have a mixed gallon of liquor supplied. If the Bill is passed, I think it will simply legalise what is now being practised.

Although I would not make a specific charge against any retailer who is the holder of a gallon licence, I am sure that that is going on today, and Mr. Davies almost told us that when he said customers were harassing gallon-licence holders to supply them with quantities of liquor much less than one gallon.

This is the second time within a few weeks that we have had private members introducing amendments to the Licensing Act. I admit that it is the prerogative of any private member to introduce such a measure, and I have no quarrel with them on that. However, when a Bill was introduced into this House to provide that the Goldfields people should be able to buy two bottles of beer on a Sunday, I said then, and I say again, that surely we have reached a stage in our history when we should endeavour to tackle in a proper manner this problem of revising our licensing laws.

It is of no use private members taking small bites at this major problem. With our increase in population and changing ideas on liquor reform, I think this Government could take the initiative and appoint an all-party committee, so that the licensing laws would no longer become a political football. If such a committee were appointed with power to take evidence and make recommendations to Parliament, we might, as a result, be able to draft a Bill which, when passed, would have a better effect for a longer period than the licensing laws in operation today.

I do not intend to compare the licensing laws in the various States of the Commonwealth, but I believe that we in Western Australia are far ahead of some of the other States in regard to our licensing legislation. However, I still suggest that it could be further revised for the benefit of the public. I again ask that the Government should give consideration to appointing such a committee as I have suggested and giving it the right to inquire into our licensing laws, so that they could operate on a better basis.

HON. J. McI. THOMSON (South) [5.25]: Before the House passes the Bill, I think it would be advisable for members to consider how unfair it would be to the hotelkeepers throughout the State. On numerous occasions we have heard complaints of hotelkeepers not giving an adequate service to their customers. If the Bill is passed, I think we will hear further complaints of the deterioration in the service given by hotels.

I know it would be very convenient for each and every individual to be able to go to a holder of a gallon licence and obtain a mixed supply of liquor. However, we must remember that whereas a licensee of a hotel is called upon to provide refrigeration, lounge facilities, and so on, a storekeeper who is the holder of a gallon licence has no demands made upon him in that regard.

We know that there is much to be desired in the way of service from hotels in the country areas. They rely on the bar trade as the principal source of their income; because, as members know, the house trade generally results in a loss. If the Bill is passed, it will encourage the public to go to the grocers who hold a gallon licence instead of to the hotel, which has to meet the cost of providing the facilities I have mentioned. Therefore, we should give this aspect serious consideration before we agree to pass the Bill.

HON. SIR CHARLES LATHAM (Central) [5.27]: I think we might give consideration to the responsibilities we have in respect to the licensing laws in this State. It is quite a long time since licensees of hotels were required to erect a building which provided accommodation for travellers and others, and served decent and respectable meals. If proper charges were made for this type of service we would find that the public would get high quality accommodation and meal service that is not provided in hotels today. In order that the quality of those services should be maintained at a reasonable standard, licences to sell liquor were granted to the holders of such premises.

About 1910 or 1911 we introduced legislation which provided that storekeepers might sell a gallon of liquor without the conditions that are attached to hotel licences. I see no reason why we should extend that provision. It does not seem reasonable to me that a person should be able to go into a store and say, "I want a bottle of beer, a bottle of gin, a bottle of cherry brandy," and so on. Is it likely that that will happen?

Hon. F. R. H. Lavery: I do not think you could say that about the hotels now.

Hon. Sir CHARLES LATHAM: If such people want a bottle of beer, they know where they can get it.

The Minister for the North-West: It is a long way to go.

Hon. Sir CHARLES LATHAM: I do not agree with that. There is always at least one hotel in every country town. In fact, I think that many hotels could be done away with, and in saying that I do not want to be disrespectful to the Goldfields people. The excuse that the distance is too far to travel is a lame one. Today hardly anyone in those areas goes into town except in a motorcar. They go to places with a hotel. Recently Sunday trading was extended for the Goldfields; and, while I was away, legislation was passed to give people the opportunity to buy two bottles of beer from hotels. With all this legislation a great amount of policing is necessary. If I had my way, there would be no place selling liquor except hotels. I have not bought a bottle from a storekeeper. I do keep a stock of spirits, and whenever my friends come along I am able to entertain them. There is no necessity for this class of legislation. After all, we are trying to keep the people reasonably sober.

Hon. E. M. Davies: This is the way to do it.

Hon. Sir CHARLES LATHAM: By saying to everybody, "You can take a bottle of whisky home"? I notice that a number of children have been admitted to the Children's Hospital after swallowing kerosene. If whisky is made available in the home, it will afford another avenue for poisoning children. I shall not trifle with the Licensing Act, which is one of our most important laws. As a matter of fact, we are too liberal in granting licences. Club licences are granted now to any small town.

The Minister for the North-West: Is that not free enterprise?

Hon. Sir CHARLES LATHAM: Let us make it really free enterprise, and not charge any duties, and sell liquor as vinegar is sold.

Hon. C. W. D. Barker: Do you think it will make the position any worse?

Hon. Sir CHARLES LATHAM: It will not make it any better. Let us try to see that the provisions of the Licensing Act are carried out. I am not satisfied that hotelkeepers are carrying out their obligations in full by providing meals within a reasonable time, or reasonable accommodation. The more trade that is taken away from hotelkeepers, the less likelihood is there of good accommodation being provided. In country towns, where the bar trade is small, the accommodation is poor. I would like to see good accommodation made available in all cases.

I hope the Bill will not be passed, and that an indication will be given to the Licensing Court that it is not its duty to give every applicant a gallon licence. Applications should be considered in the light of the requirements of a town. If a hotel provides the needs, there is no necessity for a club. At present a bowling club may have a booth, and the town club may also have a booth. That must all tell against the provision of good accommodation at hotels. It was our intention when the Licensing Act was amended in major respects to improve accommodation for the travelling public. What we are now being asked to do is to fritter from the hotelkeepers some of their trade. I shall vote against this Bill and every amendment to the Licensing Act.

HON. C. H. SIMPSON (Midland) [5.36]: I am in favour of the Bill. It is a distinct advantage to a man of moderate means to have a gallon licence in a town. If he desired, he could get his Christmas supplies partly in beer, partly in whisky, and partly in wine. The need for this is more evident in towns without an hotel, where the storekeepers supply liquor. In addition, there is a growing number of gallon licenses issued for isolated towns. Some of the hotels up country are 50 to 60 miles apart; and, in between, the storekeepers are issued with gallon licences.

Hon. Sir Charles Latham: Where are those that are between 50 and 60 miles apart?

Hon. C. H. SIMPSON: There are two gallon licences between Morawa and Mullewa. There is one between Morawa and Perenjori. I presume the licensees abide by the provisions of the gallon license. For the residents in those districts who desire to purchase a mixed gallon this would be a distinct advantage. They would not have to go to the expense of buying a gallon of one type of spirit, wine, or beer. I do not think the Bill will injure the trade of hotels. The pattern of drinking and buying liquor is pretty well established in this State. Patrons of hotels can still go to them and buy their liquor, as they did previously. There are, however, cases where buyers want the liquor delivered, and the hotelkeepers do not deliver. Then there are the isolated cases where the smaller man purchases a mixed gallon. They all deserve some consideration. If this Bill will benefit people of moderate means, and at the same time it does not injure anyone else, why not pass it?

In regard to the comment by Mr. Griffith, I am fully in agreement with it. I have always held that the rules of drinking in Australia are due for an overhaul. Both Sir Charles Latham and I have been in France; we found the licensing laws there were very much more liberal. By the same rule, there was less drunkenness. It is a peculiarity of human nature that if the hours of drinking are limited, people will tend to abuse the privilege and stow away as much cargo as possible, with very bad effect. If the hours are extended, drunkenness will be diminished. In Tasmania the drinking hours are from

10 a.m. to 10 p.m. When those hours were introduced it was found that the convictions for drunkenness dropped considerably. That is in line with the experience of other countries. I am quite happy about the Bill.

HON. C. W. D. BARKER (North) [5.42]: Much has been said about the licensing laws, and I agree with Mr. Griffith that it is high time the Licensing Act was revised in a general way instead of nibbling at it here and there. It is time the Government faced up to this subject and got down to a new set of laws which would have a big effect on the way people drink in Australia.

As far as protecting the hotels is concerned, that matter lies in the hands of the hotelkeepers themselves. As a result of the monopoly given to them to sell liquor, they undertook to provide accommodation and meals. The gallon licences have never yet done any harm to hotels, and if hotelkeepers resent the intrusion on their trade, they could give the same service as the gallon licensees, by delivering liquor to customers. If they follow this practice the people will patronise the hotels for their gallon requirements.

In country areas the opportunity to buy a mixed gallon will be of distinct advantage to the ordinary man. Even today he does it, but that is outside the law. For goodness' sake, let us make that sale legal! There is nothing against it. The answer to the problem lies with the hotelkeeper.

Hon. J. MURRAY: I move:—

That the debate be adjourned.

Motion put and negatived.

HON. J. G. HISLOP (Metropolitan) [5.45]: One might be tempted to vote for the second reading of this Bill, but there are one or two things that worry me a little. I realise that we are being asked to legalise something that is happening every day of the week, but I have not had time to study the measure and see what it actually means, and so I feel a bit wary about it.

What troubles me is that a mixed gallon of liquor could be taken from the store and consumed anywhere, and I should like to see a provision that the mixed gallon must be delivered to the home of the purchaser. I understand that this could not be applied to the homes in the country, but I think it could be done in the metropolitan area.

Hon. L. Craig: Why not in the country?

Hon. J. G. HISLOP: I doubt whether it could be delivered the long distances that would be necessary in the country. If provision were made that the mixed gallon should be delivered at the home of a purchaser, I would not mind, but I am not happy about the possibility of a mixed gallon being purchased on a Saturday morning and taken to a sporting event in the afternoon. If it were delivered to the home of the purchaser, this would introduce a saner basis of drinking than if the mixed gallon could be picked up at the store.

Hon. A. F. Griffith: Do you think that the passing of the Bill would encourage storekeepers to refrigerate bottled beer?

Hon. J. G. HISLOP: Not necessarily. The fact that beer so sold is not refrigerated would obviate the temptation to buy beer and drink it outside the store. I think the mover of the second reading said there would no longer be any necessity for the storekeeper to submit returns of alcohol sold by him.

Hon. L. Craig: Not details of a particular sort.

Hon. J. G. HISLOP: Knowing how the Act can be infringed, my feeling is that it could be brought down to selling a bottle at a time, and I think some safeguard should be inserted to prevent that. I know quite well that I have been able to buy a bottle of whisky at a store.

Hon. L. Craig: Then you were breaking the law.

Hon. J. G. HISLOP: If it were possible to do that, it would also be possible for the storekeeper to go to the extent of selling by the bottle.

Hon. L. Craig: And he would still be breaking the law.

Hon. J. G. HISLOP: But it has become a universal custom.

Hon. C. H. Simpson: You mean one bottle of whisky to five of beer.

Hon. J. G. HISLOP: The danger I have mentioned does exist, but that could be obviated if we insist upon the mixed gallon being delivered to the home of the purchaser.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [5.48]: I cannot see that any harm would result from the passing of the measure. We have to consider the convenience of the public, not of the publican. The people who frequent hotels and buy liquor there are not those who generally purchase from the stores. Most of the people who purchase from the stores do so because they do not care to enter hotels and would hate to be seen walking away with a bottle of beer or whisky or a mixed gallon. Any quantity may be purchased from a hotel, and it may be obtained in any mixture desired.

If the storekeeper were permitted to sell a gallon of mixed liquor, he would be providing a service for a large number of people. I am referring now to people in the metropolitan area. For those in the back blocks, he would also be providing a service, especially where people were in the habit of buying their supplies of

liquor from the stores. In Carnarvon we have four stores with gallon licences, and four hotels, and I venture to say that the four stores send out more liquor each week to the various stations than do the hotels. But there is this limitation: People are limited to buying from a store a gallon of whisky or a gallon of beer as the case may be.

If the quantity could be mixed say to include a bottle of cherry brandy, it would be a convenience. Imagine anyone having to buy a gallon of cherry brandy! By permitting the sale of a mixed gallon, people could make up a Christmas hamper. The hotelkeepers used to make up Christmas hampers of mixed liquor packed to meet the requirements of a household, but the storekeeper is not permitted to do that.

I cannot see that the trade of hotels would be affected. Firms like Elder Smith, Dalgety, Goldsbrough Mort, and Westralian Farmers' Ltd. stock Dutch and other Continental liqueurs which cannot be purchased in all hotels today. This applies also to some of the larger stores near the metropolitan area.

Hon. A. L. Loton: Would not this lead to natives getting drink from the stores?

The MINISTER FOR THE NORTH-WEST: If a native can get a gallon of beer from the store, there would be nothing to prevent his getting a mixed gallon of liquor.

Hon A. L. Loton: They get it from the stores, but cannot get it from the hotels.

The MINISTER FOR THE NORTH-WEST: If natives had been in the habit of getting it from the stores, they would continue to do so, and an alteration in the sort of liquor that goes to make up the gallon would have no effect whatever. One of the objections raised struck me as being strange. We were told about the conveniences provided by hotels and that they should receive protection, but members did not think of that the other day when we were discussing the sale of petrol. The man who mends a puncture or repairs a car during the week was granted no protection.

HON. L. CRAIG (South-West) [5.54]: I have no objection to the Bill. As a heavy drinker, I should know something about the subject! The standard drinks in the homes of people who do not frequent hotels are beer, sherry, and a light wine. If one entertains guests, one offers them a sherry and a light wine, and those who do not like wine have beer. As the Minister for the North-West said, it would be a convenience for people who do not care about entering hotels if they were able to get an assortment of liquor in their gallon order. I myself do so. This Bill proposes nothing more than that, instead of having to buy three gallons of liquor in order to get an assortment, any householder may buy one gallon, say, of those three standard drinks.

This convenience extended to people would do no harm to the trade of hotels. Whoever thought of bringing down this measure has certainly done a social service, especially in these times when people look for a little more freedom. It is not as if the law in this respect were not being infringed. It is possible to buy a mixed gallon of liquor now, but people do not like breaking the law. I hope that the measure will be passed.

HON. F. R. H. LAVERY (West) [5.56]: I support the second reading. In quite a number of the smaller mining towns where prospectors are living, it is costly for one to be restricted to a certain kind of liquor in making a purchase of one gallon. Sir Charles Latham queried the distance between towns. Dr. Hislop can tell us of a little trip we did recently when we travelled 120 miles from Esperance to Ravensthorpe, and 131 miles from Ravensthorpe to Lake Grace. Those were long distances, and between Lake Grace and Ravensthorpe there is a continuous "sea" of farms. What struck me was that the farmers in that area would not wish to run into town every time they desired a bottle of whisky, but would be relying in the main upon the local grocer to supply their requirements.

Hon. J. McI. Thomson: I do not think you are right there.

Hon. F. R. H. LAVERY: Perhaps I am not. I am impressed with the Bill. A few days ago, we passed a measure providing for the Sunday sale of two bottles of beer in the Goldfields district. Though I supported that measure, I was not half as happy about it as I am about this Bill. I feel satisfied about this one because, having travelled a good deal in the outback during earlier years, I saw large quantities of liquor being sent out by the mail coaches from the country stores. With this in mind, I thought how sensible was the proposal contained in the Bill.

Consider a woman who is home all the week while her husband is out working. If he has occasion to go into the town, he can buy a glass of beer and take half-a-dozen bottles home with him, but the average woman would much prefer a drink of light wine, particularly on retiring. I worked on a farm out from Merredin. The farmer was a non-drinker, but his wife liked a glass of wine and he bought it by the case. Of course, she liked the wine too much then. When he visited Merredin, he took home one bottle of wine, and that bottle would last the wife a fortnight because there was some measure of control. I could give quite a number of instances.

Hon. J. McI. Thomson: Do you not think this would cause unfair competition with licensed houses?

Hon. F. R. H. LAVERY: I am speaking of the benefit that would accrue to the public. Mr. Barker explained quite clearly that the licensed house has a monopoly.

Hon. J. McI. Thomson: I am worried about the travelling public.

Hon. F. R. H. LAVERY: Apparently Mr. Thomson believes that this measure will mean that more liquor will be sold in most country places. I am referring to country places and not to the city, because it can be controlled here.

Hon. J. McI. Thomson: I am more concerned with the country areas, too.

Hon. F. R. H. LAVERY: I am afraid the hon. member does not know a great deal about the wild outback.

Hon. J. McI. Thomson: On the contrary.

Hon. F. R. H. LAVERY: The hon. member has a large area to cover, but it is mostly well developed. I am referring to the eastern part of this State, around Bullfinch, Kalgoorlie, Mt. Jackson, Pigeon's Rock, and so on, where people are 80 or 90 miles from the nearest store. For folk in those areas this amendment will be most helpful.

Hon. J. McI. Thomson: What about amending the Bill to cover that area, and leave the other places as they are?

Hon. F. R. H. LAVERY: Over the last few weeks I have lost faith in politics. I am only a kid in this game, but from what I have seen in this House I would say that nobody cares very much about who is who or what is what. Every member seems to be worrying only about his own individual area. I am speaking for the State as a whole, and not for one little section of it. I am not speaking on behalf of the person who applied for and was refused a hotel license at Safety Bay, which is in my area.

Hon. J. McI. Thomson: I am concerned about the travelling public.

Hon. F. R. H. LAVERY: I have followed all the recent amendments that have come before Parliament, and in my opinion this is a simple and necessary alteration to the Act. It will do no harm; and if it is agreed to, there will be a much better distribution of liquor than there is in the country areas now. I know of one town, which is at the end of a railway line in Mr. Thomson's district, where there is a store but no hotel. The farmers have a continual doodydoo when they come into the town.

Hon. L. Craig: What is a "doodydoo"?

Hon. F. R. H. LAVERY: The storekeeper serves one bottle at a time over the counter in glasses. That goes on, and it is no use members saying that it does not. I am sure it goes on even in the Metropolitan area.

The PRESIDENT: I would like the hon. member to confine his remarks to the Bill.

Hon. F. R. H. LAVERY: Why should a grocer send out a bottle of wine and mark it up as a bottle of vinegar? This will legalise the position and will enable a grocer to deliver a mixed gallon of liquor. I do not think the bookwork should be a great worry. We had a Bill to amend the Firearms and Guns Act a short time ago, and people in town were complaining about the book work required when somebody wanted to test a rifle. It gives me a good deal of pleasure to support this Bill.

HON. E. M. DAVIES (West—in reply) [6.5]: I desire to thank members for their contributions to the debate, but I would point out that this is not a question about which I have a good deal of knowledge.

The Chief Secretary: That is when one speaks the best.

Hon. E. M. DAVIES: Having been asked to sponsor the Bill through this House, I have attempted to do my best. The most pertinent remark during the debate was Dr. Hislop's question about the recording of sales of liquor. This measure will not make a great deal of difference because Subsection (b) of Section 39 of the Act, as it now stands, reads—

> Shall keep a book and shall enter therein forthwith after every sale under such licence the date of sale and quantity and kind of liquor sold and the name of the purchaser.

This measure proposes to delete the words "and kind," which means that it will still be necessary for the licensee to record that a gallon of liquor has been sold, the date on which it has been sold, and the name of the purchaser.

One of the other questions asked concerned delivery. I think it can be generally agreed that the people who seek to use the gallon licence of a grocer for the purpose of obtaining liquor naturally do so because the liquor is delivered. Also, as has been mentioned during the debate, there is no refrigeration in grocers' shops for the purpose of keeping liquor cool.

Hon. C. H. Simpson: There is sometimes.

Hon. E. M. DAVIES: Some people have suggested that the liquor would be taken away warm and consumed in the streets. I do not think there is much likelihood of that happening. Some members said that the Bill would affect the licensees of public houses. In my opinion no harm will be done to people who conduct public houses. This amendment is aimed at serving those who do not frequent hotels and public houses, and, as a consequence, desire to purchase their liquor from the gallon licensee. This measure

will give such people the opportunity to purchase a mixed gallon instead of compelling them to purchase a gallon of each kind of liquor that they require.

I believe that this amendment will be a great convenience to the people, particularly those who do not frequent hotels. I do not do so; but, during the festive season I have, on occasions, tried to obtain liquor from the public houses. But because I am not known there, and do not partake of liquor over the bar, I have been told, on many occasions, that there is none available, while at the same time I have seen other people purchasing bottles of liquor. This measure will benefit a certain section of the community which is entitled to some consideration. I trust that the House will agree to the Bill because it will be beneficial and will in no way be detrimental to those who are now operating under the Licensing Act.

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

Ayes	10
Noes	6
Majority for	4

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. G. Fraser	Hon. H. C. Strickland
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. L. Craig
	(Teller.)

Noes.

Hon. A. F. Griffith	Hon. J. Murray
Hon. A. R. Jones	Hon. J. McI. Thomson
Hon. Sir Chas. Latham	Hon. Sir Frank Gibson
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. R. J. Boylen	Hon. J. Cunningham
Hon. G. Bennetts	Hon. L. C. Diver
Hon. E. M. Heenan	Hon. N. E. Baxter

Question thus passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed.*

Sitting suspended from 6.15 to 7.30 p.m.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [7.30] in moving the second reading said: This Bill proposes to amend the principal Act in three directions. The first amendment seeks to give the board the necessary authority to regulate the places at which buses pick up and set down passengers. At one time there was no regulation regarding stopping-places or places where passengers could be picked up. It depended very largely upon the goodwill of the driver of the passenger vehicle as to where he would stop, and he usually stopped where he saw a prospective passenger hailing him from the roadside.

The development of passenger traffic now makes it necessary to define a particular stop, and, generally speaking, this has been made possible by the mutual consent and understanding between the Transport Board and the various omnibus companies and transport authorities within the metropolitan area. But there is a difference of legal opinion as to whether the board has a definite right to define stopping-places on omnibus routes. We have an opinion from the Crown Law Department expressing the view that the board has no such authority and could not enforce an instruction upon any bus company to stop at a particular point.

In addition, the amendment will be of value in preventing buses from stopping right at intersections and thus creating danger hazards. The board is of the opinion that no bus should be permitted to make a stopping-place within 30 feet of an intersection. There are some advisers on traffic matters who hold that a transport vehicle should not stop until it has crossed the intersection. However, traffic authorities are not unanimous on the point.

The Bill does not provide for that, and it is not intended to provide for it unless we can get some unanimity amongst traffic authorities, that is, the Traffic Advisory Committee, the Police Department and the Transport Board. At present they are not unanimous whether the stopping-place should be over the intersection or before reaching it. The Bill will enable the board, if unanimity on the point is eventually reached, to prescribe that the stopping-place for all types of passenger vehicles shall be on the other side of the intersection rather than before reaching it.

The board has an undoubted right under the Act to fix routes, and it would be illogical if—probably it was due to an oversight—definite authority was not given it to fix stopping-places also. Clause 3 seeks to amend Section 26 of the Act by providing the necessary powers of enforcement. This is consequential upon the previous proposal.

The second objective of the Bill is to include an additional subsection in Section 35 to incorporate a provision which is in the Victorian Transport Co-ordination Act. This will introduce the principle of what is known as "licence as of right". In that State the Transport Board must grant a licence upon application being made, and that will be the provision here. The Transport Board will have no discretion up to a distance of 35 miles from

the G.P.O., Perth. If an application is made, the present discretionary power to issue a licence will not apply.

Hon. H. K. Watson: Can you tell me why that was put in Section 35A and not in Section 34?

The CHIEF SECRETARY: I have no idea why that was done. Anyone wishing to operate a commercial vehicle within an area of 35 miles of the G.P.O., Perth, will automatically be granted a licence on application to the board. Those who still require to operate up to a distance of only 20 miles from the G.P.O., will be permitted to continue to operate under exactly the same conditions as they do now. They will not have to make application to the board for a licence at all. This provision will involve considerable loss to the Railway Department—it is estimated that it will be in the vicinity of £20,000 a year.

Hon. H. K. Watson: Can you tell us how that is made up?

The CHIEF SECRETARY: I suppose the estimate was made on goods carried today, anticipating that they would lose all of the traffic, if not the majority of it.

Hon. H. K. Watson: My advice is that it is incorrect.

The CHIEF SECRETARY: When one is anticipating, anything goes. I do appreciate it would be hard to substantiate it on fact; it is purely surmise. I believe that up to a distance of 35 miles road transport could and should handle all types of goods requiring to be transported; and it should be able to do so, generally speaking, on competitive terms with the railways.

It is hoped that, with the extension to 35 miles, there will not be a continuation of the policy of road transport operators to seek only the higher-priced freights and leave the lower-priced freights to the railways. Because of the elimination of the terminal charges it should be possible for road transport to make it attractive to consignees to take all types of goods up to a distance of 35 miles.

The third proposal is in connection with Section 42 of the Act which provides—

> A licence for a commercial goods vehicle shall expire on the thirtieth day of June of each year: Provided that any such licence may be granted temporarily for any particular purpose.

It is not proposed to alter the latter portion of that section, but at the present time considerable inconvenience is caused to applicants for commercial vehicle licences; and there is also a certain amount of additional work placed upon the employees of the board. Possibly in April or May a man might want to take out a licence for 12 months, but he cannot do that because of the provisions of Section 42 which states that the licence shall expire on the 30th day of June. The result is that the licence is issued from May to the end of June, when the applicant has to return and take out another licence for a period of 12 months.

Inconvenience is caused to the applicant, and additional work is put on the transport officers. The amendment will enable the board to grant a licence for a full year from the date of issue—in other words, to stagger the issuing and terminating dates in a manner similar to that in which the police stagger the issuing and expiry dates of the vehicle licences for the vehicles which come under their control. I move—

> That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [7.38]: As the Chief Secretary has just explained, the Bill is designed to make three amendments to the principal Act. The first is to give the Transport Board power to fix stopping places. In the past, the fixation of stopping places has been nobody's particular business; but by co-operation between the operator, the Transport Board, and the local authority concerned, stopping places have been worked out pretty satisfactorily.

There is one suggestion I would like to make in relation to the proposal in the Bill which gives the Transport Board the power to fix stopping places. It is that in the hands of a board inclined towards State enterprise this power could be used virtually to run private buses off the road to the benefit of Government buses. By judicious fixing of stopping places for private buses as against Government buses, serious injury could be done to the operators.

The Chief Secretary: Do you think any board would attempt that?

Hon. H. K. WATSON: As it relates to the members of the present board, my answer is definitely "No"; nothing of that nature will happen under the Transport Board as it exists today. But boards come and go, and Governments come and go, and the Minister has a certain power over the board also.

Hon. H. Hearn: And he comes and goes!

The Chief Secretary: The present Government would not do that.

Hon. H. K. WATSON: Whilst there is no possible danger under the board as constituted at the moment, in order to give the private operator some assurance of fair play and impartial treatment, the actual stopping place as determined by the Transport Board should be fixed by a committee consisting of a member of the Transport Board, the Commissioner of Police, and the operator concerned. That virtually would put into statutory form the actual practice that has more or less prevailed in the past.

As explained by the Chief Secretary, the other amendment contained in the Bill really does not grant any concession. As a matter of fact, I am at a loss to see why it has been put into the Bill. At the moment it is, and for some time past it has been, the practice of the Transport Board to grant any application for a commercial permit to carry goods up to 35 miles. The Act provides that any commercial vehicle can operate without a permit within a distance of 20 miles of the G.P.O. If it wants to go beyond 20 miles of the G.P.O., application has to be made to the Transport Board; and in the past, it has been the practice for quite a while for the Transport Board automatically to grant applications up to 35 miles. All this proposed Section 35A does is to say that in future the Transport Board shall grant applications up to 35 miles. The point is that application still has to be made by the operator.

Why the Government could not have followed a sensible plan and amended Section 34 of the principal Act instead of bringing in this new Section 35A, is not clear to me. I should have thought it would have been a fair thing to amend Section 34 to say that commercial vehicles could operate up to 35 miles of the G.P.O. without applying for a permit. The proposed Section 35A says that the board shall grant the operator a permit, but it also states that the operator shall apply for the permit. That seems to me to be placing an unnecessary obligation on the operator.

Another point in the Bill is that it more or less proposes to grant this commercial operation within a distance of 35 miles of the G.P.O., Perth. I observe Mr. Loton has an amendment on the notice paper that similar power should operate within a distance of 35 miles of the various country centres he has set forth in his amendment, and I see no reason why that amendment should not be accepted. I support the second reading.

HON. C. H. SIMPSON (Midland) [7.45]: I have scanned the measure, and have examined it from the point of view of the experience I had as Minister for Transport. I support the Bill as it stands, but I have no objection to the committee being provided for, as suggested by Mr. Watson. That would simply give Legislative expression to a practice that has always been followed by the Transport Board. It was not endowed with statutory power under the Act to fix bus stops; apparently that was an oversight. But what actually happened, was that a representative of the Traffic Department was called in—the Commissioner of Police or his nominee; usually the inspector in charge of the Traffic Branch—together with the operator for the route concerned, and an agreement was reached for the fixing of bus stops.

It is a system that worked very well, without trouble or friction. I think that on one or two occasions an operator queried the point that the other two had agreed upon as being the best. For the information of those present, I may say it was not a private bus operator. The board thought it desirable for the necessary statutory power to be given for the fixing of bus stops so as to place the matter beyond all question.

Whether a stop should be fixed beyond an intersection is a matter of opinion. Personally, I like it; and I know of several points in the city where, if the bus had passed over the intersection, it would have eased the traffic at that point. If one is making a left-hand turn, for instance, and there are two or three buses—as can always happen at different points—one cannot get a very clear view of the turn; and if one goes to make it, one is always in danger of the bus starting off.

Another very bad point is the exit from Cathedral Avenue and having to make a right-hand turn into traffic coming west. If the bus went to the other side of the intersection, so that the driver approaching the right-hand turn could see what traffic was going in both directions, he would be very much better off. If the position is not rectified, there will be an accident at that point sooner or later. I think there is a lot to be said for the idea of fixing bus stops beyond an intersection instead of before it. I realise that that could not be done in all cases. It is a matter that must be decided according to circumstances at the time.

With regard to the question of the statutory limit of 35 miles, it had been the practice of the board for some time, as Mr. Watson said, to grant permits almost automatically up to that distance. That is something that has developed gradually. I can remember when the Byford brickworks made a special application so that bricks could be carted from there to the G.P.O. and beyond. Obviously that was the sensible thing to do, and it was readily agreed to. The board was very accommodating in regard to some applications, such as those relating to firewood and perishables during the season, and, generally speaking, handled the matter in a commonsense way.

I anticipate some debate on the amendment on the notice paper in Mr. Loton's name regarding the inclusion of certain country outports in this concession. I would like to explain, from my experience, that there are certain reasons why they cannot be included in the same category as the others. So far as the city is concerned, many of the distances are travelled to and from radial points from the city which are not served adequately by the railways. In any case, the volume of traffic around the city is very much

greater than at any country point, and the roads that carry the traffic are built to carry the strain. In the country, generally speaking, that is not so.

I know that around Geraldton, it is almost a nightmare to the local authorities to keep roads in order when wheat trucks are there during the wheat harvest. Those trucks tear the roads to bits, and there is little consideration for the local authorities that have to spend extra money to keep those roads in order. In any event, they seem to be quite happy with the present restricted free zone. If the other zones were brought in, such as Busselton, Bunbury and Albany, we would immediately strike an area with a tremendous amount of traffic where extended zoning could have a serious effect on rail traffic. Take Bunbury. There we have Collie, Donnybrook, Harvey, Brunswick, and other places with a lot of traffic. With regard to Albany, I presume we would bring in Mt. Barker and Denmark. If the concession were extended to those towns, I do not think we could logically refuse to extend it to inland towns like Northam, Narrogin, and Kalgoorlie.

We have to remember that practically all parties in this Chamber have expressed their opinion on several occasions to the effect that it is desirable to preserve our railway system. If that is to be done, we must allow it a proportion of the traffic that is available for it to carry. If we allowed 35 miles from the capital city down the Bunbury line, and 35 miles from Bunbury up the Bunbury line, there would not be much in the centre for the railways to cater for, and the railway service would obviously be seriously affected.

There is another point. The system of telescopic rating is based on the assumption that short leads carry a higher railway rate, and that has always been recognised as being the easiest and fairest way of securing the lower freights over the long distances. If we push out the points where the loading starts, the further they are pushed out the higher we are going to load that first payable section; and that makes the rate, as we go along, still a bit higher, and the man in the country has to pay. At the same time, it increases the rate at that point, which means that the competitive motor-vehicle owner can say, "the railway rate at 35 miles out is so much. I can do it for that or less." So competition grows, and the volume of traffic upon which the railways depend for efficient operation becomes less and less.

I think that those are things we have to consider seriously when we attempt to alter what the Minister has given us. I realise, as Mr. Watson has said, that he is not, in reality, giving very much. Still, if I were in his place, I think I would be inclined to say, "I have made a gesture and given you something which I need not have done. If you load me up with concessions I am expected to give, I will let the Bill go." I do not know whether the Minister will say that, but in similar circumstances, I am inclined to think I would. I have given those opinions from knowledge gained in the Department while I was Minister. I think that the Bill, with the possible addition of Mr. Watson's amendment for a statutory committee, is quite good, and my recommendation would be for members to accept it with that possible alteration.

HON. H. L. ROCHE (South) [7.55]: I think that if we were to accept much of Mr. Simpson's argument, we might as well be quite honest with ourselves and our people, and agree that decentralisation is something to which we pay lip service and nothing else. Decentralisation is a subject to which, in the lower end of the Great Southern, we give particular attention; and it is merely a specious argument, and a setting up of skittles in order to knock them down, to say that if this proposal on the notice paper is agreed to, the same might as well apply to country towns. We are asking that it be applied to ports that have an inward trade, and are acting as distribution centres, just the same as the metropolitan area is.

For the life of me I cannot see why a port like Albany should not have the same advantages in respect of transport over 35 miles, as the Government and Mr. Simpson—apparently once one has had much to do with the railways one gets bitten by the same sort of bug!—are prepared to concede to the metropolitan area. I can see why the 35 miles limit is being applied to the metropolitan area. It is to overcome the uneconomic handling over distances as short as 35 miles.

With motor transport, the warehouseman can load from his warehouse and deliver to whoever he is supplying. On the other hand, the railways have double handling. On a short haul of 35 miles it is uneconomic. I hope the Bill will be carried, and that when it is in committee, members will support Mr. Loton's amendment to make this provision apply to outports, thereby giving them the same opportunity of acting as distributors for inward cargo as the metropolitan area will have under the Bill.

HON. F. R. H. LAVERY (West) [7.58]: I am concerned with this Bill as it affects stopping places for omnibuses, and I speak with experience with regard to the going beyond an intersection before stopping. There are certain arguments for and against.

Take the intersection at Bay View Terrace, Claremont, and Stirling Highway. The verandahs of shops in that vicinity provide shelter for the public. The traffic going to Perth stops before it reaches the intersection of Bay View Terrace. On

the opposite side of the road going towards Fremantle, the exact opposite applies. If traffic travelling to Fremantle stopped before the intersection, it would pull up in front of the Claremont Council Chamber, where there is no protection from the weather. Over the intersection there are shop verandahs, which provide such protection. So at that intersection there is the argument for and against stopping before intersections.

I would like to support Mr. Simpson's general remarks regarding stopping places; but from experience I would suggest to the Transport Board that according to where there is protection for the public from the weather, an omnibus should stop either before or beyond an intersection. But at least it should not stop within 30ft. of the intersection; and preferably it should be 50ft. from it. The type of omnibus at present in use is about 40ft. long, and at the Bay View Terrace intersection, when one bus pulls in behind another on the west bound route, as frequently happens, the rear one overhangs the intersection by 15ft. or 25ft. That is a definite hazard, and I placed it before the Transport Board some months ago, but nothing has been done about it. There are other intersections in the metropolitan area, in the more sparsely settled parts, where the verandah roofs of shops can provide protection for the public. If the Bill is carried, I suggest, on behalf of the public and the driving staff, that each intersection be treated on its merits. The one at Bay View Terrace, Claremont, emphasises the point I make.

In regard to country termini, I have put up a case before, and I hope to do so again, to show that there is room for road transport as well as for the railways; but while we have to find large sums of money to pay for the railways, we must, to a point, ask the farming community, who are morally the owners of the railways, to patronise them.

Hon. C. H. Henning: We realise it when we get a freight account.

Hon. A. F. Griffith: Do you know when the time will come when we will not have to find money for the railways?

Hon. F. R. H. LAVERY: That is the position in the case of all railways in the world with the exception of two—the Canadian-Pacific Railway and one in Germany. The railways in England are having a bad time.

Coming to the point mentioned by Mr. Roche, it is quite natural that when the superphosphate works commence operations at Albany, it will be more economical to deliver the super by road over the short distances than to put it on railway wagons and carry it for 35 miles and then have to load it on to motor-trucks. Generally speaking, I think that when a reasonable request is made to the Transport Board for a short-distance licence, it is not refused unless a pretty good argument is raised against it. If each individual area is treated on its merits, and someone occasionally eats humble pie, the problem can be worked out. In regard to the hinterland of Albany—Many Peaks and other areas—the super and other goods will have to be carried by road, no matter what the distances may be.

I hope always to be able to put up a reasonable case for road transport, but at the same time we have to remember that road transport and the railways should co-operate. In the years 1923-1926, before the Transport Board was brought into operation, road transport people used to go to the warehouse and pick up a load of kerosene, or some other high-paying freight, and deliver it straight to the farmer's property within a few hours. The farmer would pay cash on the knocker for his goods; and was pleased to get them. On the other hand, if rail transport were used, the goods had to be loaded on certain days, and the wagon might be delayed on the track for three or four days before reaching the farmer. Was it any wonder, therefore, that the farmer tried to avail himself of road transport?

Whilst the farmer likes to have road transport for his materials on to the farm he still has to have the railways to take his produce to the port. The railways, of course, have been provided to develop the State, but we should remember that the Transport Board should not be simply a board to represent the railways. It has been felt a long time that it has been that. I hope that is not true, and that it will not be true in the future.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 25 amended:

Hon. H. K. WATSON: I move an amendment—

> That in line 3 of proposed new Subsection (4) after the word "omnibus" the words "on the recommendation of the committee mentioned in the proviso to this subsection" be inserted.

The CHIEF SECRETARY: I hope members will not agree to the amendment. This appears to me to be another committee that is not necessary. We already have the Traffic Advisory Committee, which can handle anything on these lines. On it there are all the representatives that are mentioned here. This will practically duplicate the Traffic Advisory Committee's work. The amendment will cause further arguments between the various committees handling traffic now.

Hon. H. L. Roche: Is the Traffic Advisory Committee much good to you?

The CHIEF SECRETARY: It handles all questions regarding traffic, and it puts up recommendations.

Hon. A. F. Griffith: Why do you not set up one committee to control all transport?

The CHIEF SECRETARY: I do not know that it is possible to do so. We are as near that as we can be. Some matters would possibly be further complicated by this committee putting up recommendations and thereby making further disagreement between the Transport Board, the Traffic Advisory Committee and the Traffic Office.

Hon. H. K. WATSON: There is a short and effective answer to the Chief Secretary, and it is this: It is true that omnibus operators have a representative on the advisory committee, but it is also true that the duties of the Traffic Advisory Committee are confined to matters of broad general principle, whereas this committee will deal with matters of detail—individual bus stops. The bus owner operating over a particular route is entitled to have his say. The Bill, in its present form, does not provide for the matter to be determined, even by the Traffic Adsory Committee, because the committee is not mentioned. It will be left entirely to the Transport Board.

The CHIEF SECRETARY: The hon. member has said that the Traffic Advisory Committee more or less handles broad principles, whereas the committee he suggests will handle a particular matter. I suggest he extend that idea to all other things, and see where he will finish.

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

Ayes	9
Noes	9
A tie	0

Ayes.

Hon. H. Hearn	Hon. H. S. W. Parker
Hon. C. H. Henning	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. L. Loton	Hon. A. R. Jones
Hon. J. Murray	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. H. C. Strickland
Hon. A. F. Griffith	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. J. Boylen
Hon. L. C. Diver	Hon. G. Bennetts
Hon. N. E. Baxter	Hon. E. M. Heenan

The CHAIRMAN: The voting being equal, I give my casting vote with the noes.

Amendment thus negatived.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Section 35A added:

Hon. A. L. LOTON: I move an amendment—

> That after the word "Perth" in line 4 of Subsection (1) of proposed new Section 35A the words "or within 35 miles of the post office at Albany, Bunbury, Busselton, and Esperance" be inserted.

Successive Governments have promised to do things for the country areas, but so far little has been done. I believe residents of the areas I have named should be given the same consideration as is being extended to those in the metropolitan area.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. I have an estimate of the loss to the railways with regard to the metropolitan area, but none as to what the amendment would mean, if agreed to. Many goods for the country are carried by the railways at a very cheap rate.

Hon. H. L. Roche: Where is the cheap rate?

The CHIEF SECRETARY: The hon. member does not need me to tell him that.

Hon. H. L. ROCHE: I think the Chief Secretary said the concession as regards the metropolitan area would cost the railways £20,000; but at present, and for a time to come, I do not think the amendment would cost anything like that. It is ridiculous to force people in the distant areas mentioned to apply to the metropolitan area.

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

Ayes	10
Noes	8
Majority for	2

Ayes.

Hon. A. F. Griffith	Hon. Sir Chas. Latham
Hon. H. Hearn	Hon. A. L. Loton
Hon. C. H. Henning	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. J. Murray
	(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. G. Fraser	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. F. R. H. Lavery
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. J. Cunningham	Hon. R. J. Boylen
Hon. L. C. Diver	Hon. G. Bennetts
Hon. N. E. Baxter	Hon. E. M. Heenan

Amendment thus passed; the clause, as amended, agreed to.

Clause 5, Title—agreed to.

Bill reported with an amendment and the report adopted.

Third Reading.

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

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 15th December.

HON. E. M. DAVIES (West) [8.32]: I support the Bill. In the first place, it seeks to amend the legislation that was introduced last year by the previous Government. On that occasion the amendments did not meet with my approval, and I take the opportunity of supporting this measure with a view, if possible, to try to rectify the repressive legislation that was agreed to last session. As it stands today, the Act is most undemocratic. In fact, it has put some of the trade unions back to the position they were in many years ago, when it was considered that to be a member of a trade union was not respectable. In those days, men employed in industry were more or less indentured, and it was not possible for them to leave their occupations or move about at will.

Hon. H. Hearn: You do not suggest that the existing legislation does that?

Hon. E. M. DAVIES: I contend that some of the amendments that were made to the Industrial Arbitration Act last year retarded the progress of the industrial movement and put it back many years. The industrial relations in this State over past years have been most cordial. It appears to me that because there was an industrial dispute last year which lasted for some months, the then Government considered it necessary to bring down the legislation that was agreed to last session. In my opinion, the strike at that time had almost come to a conclusion, and I do not think that such legislation was necessary or had the effect of hastening the return of the men to work.

Hon. A. R. Jones: It hastened the return of a few people to the Eastern States.

Hon. E. M. DAVIES: At least some of the sections of the Act should be amended. The one dealing with the definition of a strike had served its purpose for many years. The cordial relationship that existed between employer and employee in this State was held up as an example to the rest of the Commonwealth, and at present some of the white-collar workers resent the fact that the legislation, as it stands today, should be held over their heads. Therefore, the Bill has been brought down to make the legislation conform to what was provided previously. Under the Act at present, two persons can confer, and such an action can constitute a strike.

Hon. H. Hearn: Three did it last time.

Hon. E. M. DAVIES: I do not believe that. In my opinion a number of people were associated with the dispute that occurred last year. We do not like industrial disputes, and would rather work in harmony; but strikes have occurred over a long period of years and will probably continue to occur. It is quite useless to expect legislation to compel people to do something which is not favourable to them. I do not think that bad legislation makes good laws. This House should give some consideration to the fact that industrial relations in this State have been extremely cordial, and therefore we should amend the legislation that was introduced last session.

In the Act as it stands today, it is possible to have direction of labour, and this is not advisable. If I chose to leave an industry and there happened to be a dispute in that industry, then under the Act as it exists today, I, or any of my colleagues, could be prevented from leaving or compelled to return to the industry. Legislation such as that is of no benefit to the community generally. When repressive legislation has been introduced in other countries to repress a minority, eventually either the Government that introduced the law has fallen by the wayside or something drastic has occurred in the country of its origin. When this happens we find that the minority that has been repressed for the time being appears to grow even stronger than it was before.

Therefore the sanity of the people is the principal factor that we should depend on; and while there may be certain people who are always desirious of creating industrial trouble, I feel that they are few in number and that the majority of workers in this State are moderate in their outlook in regard to industrial affairs.

There is provision in the Bill to bring domestic workers under an award. I fail to see anything wrong with that. Arbitration was introduced to prevent industrial disputes; and if we are to say to a certain section of workers, "You are not permitted to come under an award", I do not think we are giving them the right to which they are entitled as citizens. Many statements have been made about union representatives walking into private homes. Those statements are, I think, quite imaginary because, generally speaking, union officials get along quite well with the employers in industry. Therefore, I think it is only right and proper that reasonable consideration should be given to that provision in the Bill.

The fixation of the basic wage has been talked about a good deal, and there has been quite a lot of kite flying. Although it has been the policy of the Arbitration Court to review the cost of living every quarter, the court has now decided to alter its method. In 1931 the Act provided that the basic wage should come under review about the 16th June each year,

in order that the Government Statistician's figures could be considered with a view to fixing the basic wage. However, the National Government that was in office at that time altered the Act to provide that the basic wage should be reviewed every quarter, because at that time it was falling, and the Government apparently did not want to wait for 12 months in order to get a reduction in the basic wage.

Nowadays, however, everybody seems to be in favour of suspending the quarterly basic wage adjustment based on the Government Statistician's figures, because it is maintained that the economy of the country should be considered. It appears to me that that was the factor considered in 1931, when the cost of living was falling, and the method of fixing the basic wage at that time was not considered to be satisfactory. As a result, an amendment to the Act was put through, and the workers had to make considerable sacrifices. Now that the cost of living is rising, and there is every reason why the basic wage should be increased, the State Arbitration Court has decided that workers should forgo the last quarterly rise in the basic wage, notwithstanding the fact that the Government Statistician considers that, on the figures, such an increase was necessary. That is not fair.

Statements have been made that the Bill's providing for the fixing of the basic wage on a quarterly basis interferes with the Arbitration Court. That is not correct, because the court is constituted under an Act of Parliament. If Parliament lays down rules under which the Arbitration Court should function, I fail to see where there is any dictation. It appears to people making such statements that sometimes this action is all right, and sometimes it is not. If we were to go back to 1931, we would find an amending Bill introduced by the late Mr. Davey to reduce the wages and salaries from 18 to 22 per cent., and at the same time giving the private employers powers to make the reduction.

Hon. H. Hearn: Through an application to the court. Each case had to come before the court.

Hon. E. M. DAVIES: Not by application, but by legislation.

Hon. H. Hearn: But only on application to the court.

Hon. E. M. DAVIES: If my memory serves me right, it was not through application to the court. The only respite which industrial organisations could obtain was to go to the court and oppose the applications. It was all right for the court to do so on that occasion; but because the present Government has embodied in this Bill the principle of fixing the basic wage on a quarterly basis, it is accused of instructing the Arbitration Court.

The fact is that the Arbitration Court in the first place had to take into consideration, in fixing the basic wage, such matters as the cost of living and the family needs basis. Now the cost of living basis is to be thrown aside. But has there not been an increase in the cost of living in the last quarter? According to the way in which the Arbitration Court functions, wages and salaries of employees are not adjusted to the actual cost of living. The legislation brought down on this occasion is to remedy some of the injustices, and I hope this Chamber will give consideration to it.

HON. A. R. JONES (Midland) [8.48]: I shall not cast a silent vote on this measure, and very briefly I give my reasons accordingly. Firstly, I oppose the Bill because, in my opinion, the 12 months which have elapsed since the Act was amended brought such industrial peace to the State that the Act should at least be given another 12 months' trial. Secondly, no member who has spoken in favour of this Bill has given one instance where harm or injury has been caused by this Act. Thirdly, I object to any interference with the Arbitration Court in determining its awards. For those three reasons I oppose the second reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West)—in reply) [8.50]: I am optimistic enough to think the House will carry the second reading of this Bill. This is one of the most important measures introduced this session. Mr. Jones mentioned two or three grounds on which he opposed the Bill and suggested giving the Act another 12 months' trial, because, in the past 12 months, it has brought about industrial peace.

I would remind members that there was only one instance responsible for the Act being placed on the statute book. If Mr. Jones considers 12 months' industrial peace as a good reason for retaining the Act, then he is basing his opposition to the Bill on false grounds. One can turn back to 1925, when the Act was first passed and right up to 1952. There was industrial peace in this State except for a few miner strikes. Because of one major strike, the Government of the day panicked and introduced its amendments of last session. Those amendments have been on the statute book only for 12 months; but what about the 27 years' good record before that? Was not the Act of that time the means of preserving industrial peace? We find members opposite puffing out their chests and saying that in the last 12 months we have had industrial peace.

Hon. H. Hearn: Did the Federal Government go into a panic when it introduced similar legislation?

The CHIEF SECRETARY: If members had studied the Bill of last session they would not so easily have given it their

support. As Mr. Davies said, under the definition then agreed to two persons can create a strike. Is that decent legislation? The definition of "strike" is an atrocious one.

Hon. A. L. Loton: Did not two members of your own party oppose one clause in another place?

Hon. Sir Charles Latham: The boss told them to go back and alter their vote.

The CHIEF SECRETARY: That was only a minor instance.

Hon. C. H. Simpson: Dr. Evatt approved the same principle in 1948.

The CHIEF SECRETARY: I am not responsible for what happens in other States, but only for what happens in this State. The State Labour Party is responsible for this Bill. We want to remedy the injustices of the previous administration.

Hon. J. G. Hislop: Where is the injustice?

The CHIEF SECRETARY: In the definition of "strike."

Hon. A. R. Jones: Has anyone suffered harm under the legislation?

The CHIEF SECRETARY: It has not been in force long enough. We want to remove it before it can do harm. The definition of strike is only one feature. Six months' imprisonment is another. I would like to hear the views of Sir Charles Latham on this penalty. He objected to 12 months' imprisonment for a criminal in possession of an unlicensed firearm, yet he says we must imprison workers.

Hon. Sir Charles Latham: You are not speaking at a street corner in Fremantle.

The CHIEF SECRETARY: The hon. member in the last few days opposed the penalty of imprisonment under the Firearms and Guns Act, dealing with an offender who might be a criminal.

Hon. Sir Charles Latham: I do not know that a person holding an unlicensed firearm is a criminal.

The CHIEF SECRETARY: The hon. member knows there are criminals in this State as there are in others.

Hon. Sir Charles Latham: That has nothing to do with arbitration.

The CHIEF SECRETARY: It is much more serious than arbitration.

Hon. H. Hearn: Dr. Evatt approved of the penalty of 12 months.

The CHIEF SECRETARY: Yet the hon. member thinks he is doing the right thing by including the penalty of imprisonment in the present Bill.

Hon. Sir Charles Latham: I have not spoken to the Bill, and you do not know whether I am going to support it or not. You are going the right way to guide my vote!

The CHIEF SECRETARY: If there is to be a term of imprisonment, I ask members not to make it so severe.

Hon. Sir Charles Latham: I shall use the same excuse as you, and ask why it must be six months.

The CHIEF SECRETARY: We do not believe in imprisonment, but we are prepared to go a little way.

Hon. A. R. Jones: Is that not the maximum?

The CHIEF SECRETARY: Yes. We consider the maximum too high. This Bill sets out to alter the definition of "strike," and seeks to insert the provision which had been on the statute book for 27 years. The Bill reduces the term of imprisonment from six to three months, and also gives power to cancel or suspend awards. Many thousands of workers in this State are penalised because of one offence, and their award has been cancelled. We also set out to include a definition of "domestic worker."

Hon. H. Hearn: The award is suspended only when workers go on strike.

The CHIEF SECRETARY: That is so; but some people have not been on strike for 20 or 30 years.

Hon. H. Hearn: When they return to work they get the award back.

The CHIEF SECRETARY: We have heard complaints about the inability to engage domestic workers in recent years. That is because these workers have not been able to get an award. We wish to introduce the definition to make the conditions better. For years we have endeavoured to bring them under an award, but have not succeeded. That is the main reason for the shortage of domestic workers, because there is no protection in any shape or form.

Another provision in the Bill covers the varying basic wage. I remember the instance related by Mr. Davies. I was in the Chamber at that time. When the 12 months' adjustment was first agreed to, the argument was advanced in this Chamber that it was necessary because an employer could not enter into a contract on a basis of less than 12 months. That remained in operation until 1930 or 1931. When the cost of living was falling, an alteration was made—not by a Labour Government—to make the quarterly adjustments every three months. Thus the worker who had been 12 months behind in the adjustment of the basic wage when it was going up, found when it was going down that an adjustment was made so that he would have the benefit of the higher wages for only three months. That operated for about 20 years. Now when the basic wage should be rising, the court has taken action to prevent the workers from obtaining their just due. If the

quarterly adjustment had been made, the workers would now have been receiving an additional 4s. 1d. per week.

Hon. H. Hearn: What about the prosperity allowance?

The CHIEF SECRETARY: I am speaking about the basic wage adjustment.

Hon. A. F. Griffith: What is the basic wage at present?

The CHIEF SECRETARY: That does not matter. The standard by which it was assessed after investigation by the court showed that the workers should be receiving an additional 4s. 1d. a week, but because of the other factors, the court refused to make the award.

Hon. L. Craig: What reason was given for the prosperity loading?

The CHIEF SECRETARY: The hon. member wants to put me off the track. I am dealing with the quarterly adjustment of the basic wage. Members know that the workers would have been receiving an extra 4s. 1d. a week but for the action by the court. We are seeking by the provision in the Bill to take from the court the right to decide whether it will grant the basic wage adjustment. We say that if a quarterly adjustment is provided for, it should be granted. That is only right.

Some members have spoken about interfering with the Arbitration Court, but I could quote a number of instances where it has been interfered with. The court has acted on its own judgment, and I say it should not be free to exercise that judgment but should act in accordance with the figures submitted to it. I do not care whether the movement be up or down; the court should not have a double-barrelled gun, and that is what it has today. The Prime Minister said that the rise in the basic wage had to be stopped.

Hon. H. Hearn: That is not true.

Hon. Sir Charles Latham: That is not a fair statement.

The CHIEF SECRETARY: In what way is it unfair?

Hon. Sir Charles Latham: You know that the Prime Minister had nothing to do with it.

The CHIEF SECRETARY: Well, say the Federal Government.

Hon. Sir Charles Latham: No, not the Federal Government.

The CHIEF SECRETARY: Well, who did?

Hon. Sir Charles Latham: The Arbitration Court judges.

The CHIEF SECRETARY: I do not care who it was. The basis is laid down in the Act for quarterly adjustments, and whether the tendency be up or down, a discretion like that should not be left with the court.

Hon. H. S. W. Parker: Do you mean that the court should have removed the prosperity loading?

The CHIEF SECRETARY: Parliament has laid down the basis, and we should not leave the decision to the discretion of the court.

Hon. L. Craig: Did Parliament say anything about the prosperity loading?

The CHIEF SECRETARY: The matter of the prosperity loading seems to be worrying the hon. member, but it is not worrying me. I am dealing with the fact that the workers should have received an increase under the quarterly adjustment, and we as a Government say that the court should not have discretion in the matter of granting it. The formula is laid down, and the court should abide by it.

The only other point to which I wish to reply is that of preference to unionists. During the whole of the debate, I have not heard one word to break down the case presented in favour of this provision in the Bill. Is there anyone more justly entitled to preference than the unionist who has subscribed his money and is responsible for the awards that have been granted and for all the benefits contained in the awards? Members would lead us to believe that preference to unionists was something terrible. This principle has been in operation in Queensland for 30 years and I believe that Queensland is just as prosperous as is this State, if not more so.

Hon. L. Craig: In spite of the Government there.

The CHIEF SECRETARY: Yes, in spite of that, Queensland has preference to unionists.

Hon. A. F. Griffith: Why did the member for South Fremantle vote against it?

The CHIEF SECRETARY: Mr. Griffith is at liberty to consult the member for South Fremantle if he so desires. The principle of preference has been adopted by Mr. Hearn in the Employers' Federation, and it is only just to grant it to the men who have been responsible for building up the conditions of employment for the workers. Let me tell Mr. Hearn that if there happened to be a general exodus from the unions so that there were a large number of non-unionists, the employers would not receive the service they are getting from the workers today. The best workers are the unionists, and we say that, because they have subscribed and worked to secure improved conditions, they should receive preference.

Hon. A. F. Griffith: That is not what you told us when you introduced the Bill to amend the Nurses Registration Act. On that occasion, you said that a dentist would not be under any obligation to employ registered nurses.

The CHIEF SECRETARY: That was a different organisation altogether.

Hon. A. F. Griffith: I am speaking of what you said in relation to dental nurses.

The CHIEF SECRETARY: It may be of interest to members to learn that preference to unionists has been a plank of the platform of the State Liberal Party in Queensland for 10 years.

Hon. C. H. Simpson: Some Queensland people do not like it.

The CHIEF SECRETARY: Queensland is a State that has had preference to unionists for 30 years, and the State Liberal Party for the last 10 years—20 years after the principle was introduced by a Labour Government and after seeing the principle in operation—has adopted it as a plank of its platform.

Hon. H. S. W. Parker: And it cannot get returned to power.

The CHIEF SECRETARY: If the Liberal Party in this State permitted preference to unionists to operate here, its members would become as great champions of this principle as we are.

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

Ayes	6
Noes	14
Majority against	8

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. R. Hall *(Teller.)*

Noes.

Hon. L. Craig	Hon. Sir Chas. Latham
Hon. Sir Frank Gibson	Hon. A. L. Loton
Hon. A. F. Griffith	Hon. J. Murray
Hon. H. Hearn	Hon. H. S. W. Parker
Hon. C. H. Henning	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. H. K. Watson *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. R. J. Boylen	Hon. J. Cunningham
Hon. G. Bennetts	Hon. L. C. Diver
Hon. E. M. Heenan	Hon. N. E. Baxter

Question thus negatived.

Bill defeated.

BILL—CONSTITUTION ACTS AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 10th November.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [9.15]: This is the last item on the notice paper. There is only the Appropriation Bill to follow, and I suppose we had better let members finish off the session well from their point of view. But I appeal to members—

Hon. A. R. Jones: You are anticipating.

The CHIEF SECRETARY: For many years we have been appealing for an alteration to the constitution, but so far we have been unsuccessful. Throughout the debate, I have not heard one real reason why members should not vote for the second reading of this measure. There are only three or four amendments in the Bill, and the first one deals with the reduction of the age limit from 30 to 21 years. I can see no logical objection to that.

The age of 21 years is recognised throughout Australia with regard to the franchise, and why should we not extend it to this Chamber? The time is long overdue when this alteration should be made. I had a little incident in my early career which dealt with this aspect. As a matter of fact, I was nominated for the selection ballot and the ballot was under way when it was discovered that I was not yet 30 years of age. Consequently I had to withdraw, but I had just as much sense then as I have now.

Hon. H. L. Roche: You are not putting that up as an argument why we should accept this Bill?

The CHIEF SECRETARY: I am merely stating a fact, and there are thousands of other people who are in exactly the same boat. I would have been just as good a member at 27 years of age as I am now.

Hon. J. G. Hislop: I do not doubt it!

The CHIEF SECRETARY: Why do we not let the public be the judge as to who should be its representatives? What value is there in saying that a man or woman must be 30 years of age before he or she can be elected to this Chamber? What is the measuring stick? Even if it has been in the constitution for so many years, why should we not alter it now?

Hon. H. L. Roche. If it kept you out for a few years, it was worth while.

The CHIEF SECRETARY: I am sorry I gave the hon. member that argument to use against me. But let us allow the public to say who shall be its representatives. Why not give everyone an opportunity to stand for election to this chamber once he reaches the age where he qualifies for enrolment?

Hon. L. Craig: In New South Wales they do not have an opportunity of standing.

The CHIEF SECRETARY: That is so; but in other States 21 years is the standard. That is the standard age for the Senate; and surely if it is good enough for the Senate, it ought to be good enough for this Chamber! There is one other point in this Bill, and this is one which Mr. Simpson has voted for on previous occasions. He, as Minister, put up a strong case for extending the franchise to the wife of a householder or freeholder as the case may be.

Hon. L. Craig: Very embarrassing!

Hon. C. H. Simpson: I still believe in that.

The CHIEF SECRETARY: At least there is something good in the Bill, and in that case the hon. member ought to vote for it.

Hon. C. H. Simpson: I believe that it should be initiated in this House.

The CHIEF SECRETARY: It does not matter where it is initiated. If a thing is good, it is good, no matter from where it comes. As the hon. member knows, almost all Government legislation is introduced in another place.

Hon. C. H. Simpson: I do not think that it should amend matters that are peculiar only to this Chamber.

The CHIEF SECRETARY: Then why did the hon. member, as a Minister, introduce the Bill into this House? Even though the Bill was introduced in another Chamber, he sponsored it through this House and supported it.

Hon. C. H. Simpson: That is a different proposition.

The CHIEF SECRETARY: If the hon. member says that the Bill ought to come from here, why did he introduce a measure that was originally passed in another place? I think he is looking for an excuse to defeat the Bill.

Hon. C. H. Simpson: No. I cannot remember having supported it when it came here. I was not in the Cabinet then.

The CHIEF SECRETARY: If that is the only phase of the Bill that the hon. member likes, he ought to agree to the second reading and then oppose the other points in Committee. That is the only reasonable attitude to adopt.

Hon. C. H. Simpson: No. If the Bill is discussed and initiated here, I will gladly support it.

The CHIEF SECRETARY: I can see that the hon. member is only looking for an excuse to vote against the Bill. I cannot dovetail his actions in the past, with his present remarks.

Hon. H. S. W. Parker: You address your remarks to the question and leave him alone.

The CHIEF SECRETARY: There are only one or two other small points; but if I could have the two main points agreed to, I would be quite satisfied. I ask members to think of the season of the year, and open their hearts and extend the franchise.

Hon. C. W. D. Barker: Goodwill to all mankind!

The CHIEF SECRETARY: We are not asking members to do something that is wrong. This is something that is right, because for many years we have denied the wife of a householder or a freeholder the right to vote. In a marriage, the wife is usually the one who does the most in keeping the house together, and I can see no reason why we should debar her from the franchise. I hope the House will agree to the second reading.

Question put.

The PRESIDENT: As this measure requires a constitutional majority, we will take a division.

Division resulted as follows:—

Ayes	8
Noes	9
Majority against	1

Ayes.

Hon. C. W. D. Barker	Hon. W. R. Hall
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. H. S. W. Parker *(Teller.)*

Noes.

Hon. L. Craig	Hon. J. Murray
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. H. L. Roche
Hon. A. L. Loton	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. R. J. Boylen	Hon. J. Cunningham
Hon. G. Bennetts	Hon. L. C. Diver
Hon. E. M. Heenan	Hon. N. E. Baxter

Question thus negatived.

Bill defeated.

Sitting suspended from 9.25 to 11.30 p.m.

BILL—ADMINISTRATION ACT AMENDMENT (No. 2).

Assembly's Message.

Message from the Assembly received and read notifying that it had disagreed to the amendments made by the Council.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

No. 1. Clause 2—Delete.

No. 2. Clause 3—Delete.

No. 3. Clause 4—Delete.

No. 4. Clause 5—Delete.

No. 5. Clause 6—Delete.

No. 6. (i) Insert a clause after clause 1 to stand as clause 2 as follows:—

> 2. Section sixty-five of the principal Act is amended by inserting after the word "Commissioner" in line two of the definition "Final balance" the words "after deducting from such balance the sum specified in section sixty-eight A".

No. 7. (ii) Insert a clause to stand as clause 3 as follows:—

> 3. The principal Act is amended by adding after section sixty-eight the following section:—
>
> 68A. In ascertaining the final balance there shall be deducted from the amount which, but for this section, would be the final balance—
>
> (a) the sum of three thousand pounds; or

(b) where the estate of a deceased person includes a dwelling-house or an interest in a dwelling-house which at the death of the deceased person was ordinarily used by the surviving spouse of the deceased person as his or her ordinary place of residence—the value of that property or interest (less the amount or proportionate amount of any mortgage or unpaid purchase price owing thereon) up to an amount not exceeding six thousand pounds

whichever is the greater.

The CHAIRMAN: The Assembly's reason for disagreeing is—

Acceptance of the amendments would considerably reduce revenue to the Government, which cannot be approved, especially as the increased revenue provided for in the Death Duties (Taxing) Act Amendment Bill will not now be available, because of the defeat of the Bill in the Legislative Council.

The CHIEF SECRETARY: I move—

That the amendments be not insisted on.

The reasons given are the genuine ones, and the Premier is disturbed at the position. In conversation, a few minutes ago, he informed me that he was anxious to do what the Bill sought to accomplish, and to allow persons relief by stretching the payments over a period, or deferring the payments, as there are a number of people desirous of the relief which the Bill would give them. He said that if we insisted on the amendments, rather than lose the revenue he would let the Bill go by the board. For those reasons, I hope the Committee will not insist on the amendments.

Hon. H. K. WATSON: The Chief Secretary has made it clear that if we insist there will not be a conference. I suggest to the Committee that we should insist on the amendments, because even if our desire is not achieved this year, it will be an indication of what could be done next year.

Hon. L. CRAIG: I do not think we should insist on the amendments, as, in effect, they make provision for £3,000 in one case and £6,000 in another.

Question put, and a division called for.

The CHAIRMAN: Before tellers are appointed, I give my vote with the Ayes.

Division resulted as follows:—

Ayes	10
Noes	9
Majority for	1

Ayes.

Hon. C. W. D. Barker	Hon. W. R. Hall
Hon. L. Craig	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. C. H. Simpson
	(Teller.)

Noes.

Hon. A. F. Griffith	Hon. A. L. Loton
Hon. H. Hearn	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. J. Murray
Hon. Sir Chas. Latham	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. R. J. Boylen	Hon. J. Cunningham
Hon. G. Bennetts	Hon. L. C. Diver
Hon. E. M. Heenan	Hon. N. E. Baxter

Question thus passed; the Council's amendments not insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILLS (2)—MESSAGES.

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills:—

1, Town Planning and Development Act Amendment.

2, Entertainments Tax Assessment Act Amendment (No. 2).

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 2).

Assembly's Message.

Message from the Assembly received and read that it had disagreed to the amendment made by the Council.

In Committee.

Hon. W. R. Hall in the Chair, the Chief Secretary in charge of the Bill.

Clause 4, page 2—Insert after the word "Perth" in line 39 the words "or within thirty-five miles of the Post Office at Albany, Bunbury, Busselton and Esperance."

The CHAIRMAN: The Assembly's reason for disagreeing is—

That a similar amendment was defeated in the Legislative Assembly before it went to the Legislative Council. That a distance of 35 miles from Bunbury, Geraldton, Albany and Esperance is considered to be too great to allow road transport to compete for the high freight goods.

The offer to increase the milage to 35 miles from the G.P.O., Perth, is considered to be a reasonable one and is the limit to which the Government is prepared to go at present.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

I consider that the reasons are quite reasonable, and the Council should not insist on its amendment. The Minister in charge of the department considers that a distance of 35 miles from the G.P.O. Perth is as far as he is prepared to allow. That would not mean much to residents in country areas. I am sure that members will not insist on the amendment at this late stage.

Hon. A. L. LOTON: I am somewhat amazed at the wording of the message received from another place which states that the offer to increase the milage to 35 miles from the G.P.O. Perth is considered to be reasonable and is the limit to which the Government is prepared to go at present. That is fair to the metropolitan area only. No consideration has been given to the people living at the four outports concerned; namely, Albany, Bunbury, Busselton and Esperance. I ask the Committee to insist on its amendment.

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

Ayes	10
Noes	8
Majority for	2

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. H. C. Strickland
Hon. J. G. Hislop	Hon. E. M. Davies
	(Teller.)

Noes.

Hon. L. Craig	Hon. A. L. Loton
Hon. H. Hearn	Hon. J. Murray
Hon. A. R. Jones	Hon. H. L. Roche
Hon. Sir Chas. Latham	Hon. H. K. Watson
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. R. J. Boylen	Hon. J. Cunningham
Hon. G. Bennetts	Hon. L. C. Diver
Hon. E. M. Heenan	Hon. N. E. Baxter

Question thus passed; the Council's amendment not insisted on.

Resolution reported, the report adopted and a message acordingly returned to the Assembly.

Sitting suspended from 11.55 p.m. (Tuesday) to 12.22 a.m. (Wednesday).

BILL—APPROPRIATION.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [12.25 a.m.] in moving the second reading said: This is the Bill introduced each year after the passing of the Estimates, it being required for the purpose of appropriating the necessary moneys for the services of the year

Supply has been granted during this session up to a total of £16,500,000 from the Consolidated Revenue Fund; £7,000,000 from the General Loan Fund; and £1,500,000 from the Public Account for Advance to Treasurer; and Clause 2 of the Bill grants further supply up to the total requiring appropriation as shown in Schedule A.

The estimate of expenditure from the Consolidated Revenue Fund for the year 1953-54 amounts to £43,549,548. Of this sum, £7,444,420 is permanently appropriated by Special Acts, leaving £36,105,128 still to be appropriated. This amount is provided for in Clause 3 which, likewise, appropriates £15,292,170 from the General Loan Fund for expenditure in accordance with the estimates for the year, as well as £3,000,000 from the Public Account for Advance to Treasurer for the purposes set out in Schedule D. The clause further appropriates expenditure during the year 1952-53 in excess of the amounts voted, full details of which are set out in Schedules E and F, totalling respectively £2,612,651 5s. 8d. from Consolidated Revenue Fund and £4,115,392 5s. 5d. from the General Loan Fund.

Clause 4 of the Bill is to approve of the expenditure of £463,500 from the Forests Improvement and Reforestation Fund in accordance with the scheme of expenditure prepared under Section 41 of the Forests Act, which has been laid on the Table of House, and which requires the approval of Parliament.

I have here some information I promised to obtain for Mr. Loton and Mr. Baxter, who brought up certain matters during the debate on the Loan Bill. These members asked for some information in regard to the financing by the Treasury of the purchase of motorcars by members of Parliament and departmental officers. For some years, loans to departmental officers for the purchase of motor-vehicles required in the discharge of their duties have been financed by the Treasury from moneys available in the Public Account. This course was necessary, particularly in recent years, owing to the high cost of vehicles.

In view of the large sum involved, it was considered better policy to finance these loans from the General Loan Fund by appropriating £200,000 in 1952-53 for this purpose. This sum was transferred to a Treasury Trust Account and, to the extent of £188,320 it was used to clear expenditure previously incurred from the appropriation "Advance to Treasurer". In this respect, the adjustment could be best described as a bookkeeping entry only. The unexpended balance of £11,680 in the trust account at the 30th June, 1953. is to be used to finance any further loans to departmental officers and to provide for loans to members of Parliament for the pur-

chase of motor-vehicles. The conditions which will apply to loans made to members are as follows:—

Deposit. Not less than 10 per cent. of the purchase price provided that, if members are in a position to supply it, a greater deposit will be required. Where a member trades in a second-hand car, and the allowance for the trade-in is greater than 10 per cent., then the whole of the allowance is to be applied towards the cost of the new car.

Period of Loan. Maximum of 5 years.

Interest. At the rate of 4½ per cent. per annum.

Method of Repayment. By procuration order authorising a monthly deduction from members' parliamentary allowances.

Insurance. Car to be insured with the State Government Insurance Office for the full amount to the Government. As the loan is repaid, a member may—if he so desires—reduce the amount of insurance to conform with the reduced amount owing to the Government.

Security. A hire purchase agreement is to be drawn up between the Treasurer and the member covering the car and conditions of repayment. The agreement is to be registered under the Bills of Sale Act.

The hire purchase agreement will stipulate that in the event of a member's resigning or losing his seat before repayment of the loan, the Treasurer may take possession of the car if the balance of the loan at that date is not repaid in full within one month. It must be borne in mind that these loans both to members of Parliament and departmental officers, are all repayable to the Treasury over a maximum period in each case of five years.

Information was sought by Mr. Loton relating to the Collie grain distillery. The facts are that the amount of £150,000 provided in the Loan Act of 1949 for the purchase of the grain alcohol distillery at Collie was not fully utilised, as the actual purchase price from the Commonwealth was £145,349 10s. Sales of plant and equipment have to date realised £46,246 4s. 8d. Disposals have been effected to Government departments, industrial concerns, and through the Tender Board, and comprise a large number of individual items. The largest items sold were still house plant for approximately £8,000, and copper tubing for approximately £3,000.

The premises, with the exception of the boiler house, are now occupied by the Mines Department for equipment storage and maintenance, and by two private industrial concerns. Total rental received is £36 10s. per week. The boiler house still contains a complete unused boiler plant capable of providing 75,000 lbs. of steam an hour at 200 pounds per square inch pressure. A decision in regard to disposal of this valuable boiler plant has not yet been made. I move—

That the Bill be now read a second time.

HON. C. W. D. BARKER (North) [12.32 a.m.]: I wish to deal with the appropriation for the Minister for the North-West and Supply and Shipping. While I recognise that there will be other money spent in the North-West, particularly by the Departments of Mines, Lands and Public Works, I think the Government should now plan ahead for the developments that must inevitably take place in that part of the State if the production of oil on payable lines eventuates. In that case there will be tremendous developments in the North-West and consequentially there should be created a department of the North-West, with its own funds and with an engineer-administrator responsible to the Minister, instead of the Minister having to go to the various departments as at present. The £150,000 mentioned would be spent, I presume, mostly on shipping and any further money for the area would have to be begged from various departments. I hope the Government will see fit to adopt this suggestion.

HON. J. G. HISLOP (Metropolitan) [12.35 a.m.]: I take this opportunity to address myself to the Federal Minister for Health in the hope that he will give some thought to a problem which has been exercising my mind. About a month ago, after discussing the matter with a very reputable pharmacist I was supplied with the following facts:—

If a prescriber orders a drug made by any particular firm a chemist must supply that make, but if the doctor writes simply the name of the drug with no reference to the maker, payment will only be made at the basic price rate. This is the price for the cheapest drug of that kind in the list. If the chemist doubts the quality of these cheap drugs and refuses to stock them he may supply one made by a reputable and well known firm. In this case he almost invariably stands to lose. Thus the chemist is virtually forced by the Federal Government to keep and supply the cheaper drugs in the list. Thus morphia tablets of one quarter grain have a basic price of 1s 9d. for 20, while one which he knows he can rely on owing to the reputation of the maker costs 3s. for the same number. Atropine tablets of 1/100th grain have a basic price of 1s. 4d. for 20, while the price for

the same tablets made by a well known firm is 2s. 4d. Hyascin is 1s. 0d. while other makes range from 1s. 11d. to 2s. 4d. There are 16 different makes of sulphadiazine tablets of 7½ grains and a chemist should really keep all of these for he may receive a prescription for any one of them. Similar discrepancies in prices are frequent and it seems obvious that if world-wide firms cannot get down to the lower figures with absolutely reliable drugs then neither can these comparatively unknown concerns. Are all the drugs tested for quality before inclusion in the list and is the testing carried out frequently once they are passed for use?

Thyroid—another important drug—is in the same position. In a good many cases reputable firms have brought their prices down to the basic level, but this is apparently not possible with most drugs, especially where they must conform with rigid standards and only certain companies have facilities for carrying out the necessary analyses.

At present if a doctor prescribes a drug and places alongside it the name of a reputable firm, the drug prepared by that firm will be supplied to the patient. It is not usual, however, to do that. The practice may develop as time goes on, but up to date it has not been usual, for a doctor to write the name of a particular maker of one of the standard preparations alongside the name of the drug in the prescription. If he fails to do so, according to this information, the cheapest drug on the list must then be supplied.

I have no objection to that, provided I have an assurance that there is some organisation set up in Canberra to see that these drugs of the lowest-price basis conform to the standard required by the well-known firms. If the small new firms produce a drug of standard quality and at a lower price, I have no objection to its being supplied; but we should have an assurance that when a drug is supplied on the lowest cost basis, it is exactly up to the standard.

It has been the custom ever since I have known the professions of medicine and pharmacy for the pharmacist to take pride in supplying only drugs of which he can be basically certain as to quality, and that tradition could easily be destroyed unless the assurance I seek is given. The custom of many of the profession has been to rely upon the chemist to maintain the traditional standard; and therefore, in the main, the doctor has not worried to put the name of a standard firm on the prescription.

I am appealing to the Federal Minister for Health to give us an assurance that if there is not an organisation to test the quality of these drugs such a body will be appointed without delay. If drugs are allowed purely on the cost basis, without any standard being maintained, it is quite possible that the scheme may mean the lowering of the actual standard of prescriptions given to the public. I am certain that that is not what is meant, and is not what the Federal Minister for Health would desire. But these things can creep in unless they are brought to his notice, and unless he, in his wisdom, has already set up an organisation to test the quality of these drugs which are being supplied.

There is one other matter with which I wish to deal. I trust that, before next session, the House Committee will have given thought to the lighting in this Chamber. I suppose few members notice the effect, but there are some of us in the back row who are feeling a certain amount of eyestrain because of the present method of lighting. We are constantly faced with these lights; and after we have sat here continuously for days on end, it becomes almost a nuisance. I trust something like the indirect lighting of another place will be installed here during the recess. I support the Bill.

HON. SIR CHARLES LATHAM (Central) [12.42 a.m.]: I want to endorse Dr. Hislop's remarks about the lights. From where I am sitting there is a light shining through a glass window, and it causes a considerable amount of eyestrain. I have good eyes, but over the last week or fortnight I have been feeling the effect of these lights on them. If something can be done about the lights in this Chamber, it will be of benefit to all members. It is not fair to ask men to work during the night hours unless the lights are suitable, and I hope that something will be done to remedy the position.

I was going to draw attention to some remarks made by some of the members of the Trades Hall but I do not think this is a suitable time. We will have an opportunity, later on, of pointing out to them that we are quite capable of looking after ourselves without any advice from people who are not responsible in the same way as we are.

HON. F. R. H. LAVERY (West) [12.43 a.m.]: I want to deal with three items only. I have already spoken to the House Controller about the effect of the lights on members' eyes. The second item concerns the children's slow-learning group. I notice that a sum of £2,000 has been set aside for this purpose; but there are over 8,000 children in the slow-learning group —they are all registered—and I do not think the sum appropriated is sufficient. There is an organisation in Fremantle which is doing splendid work for these children, and any further funds that could be made available, and any further assistance that the Government could give

would be appreciated. Because of an amendment to the Child Welfare Act passed last year, these children have to be reported to the department after they reach three years of age.

The last item deals with something that Mr. Griffith mentioned a few nights ago. This affects many people in the Kwinana area. Because of the surveys required for the railway, water lines, electricity lines, and so on, people are being discourteously treated by men from the department. I realise that the department has a difficult job to do; but at least, when surveyors go on to private property, they should have the common courtesy to go to the door and tell people what they are doing. They come within 10 or 12 feet of a house and slash down flowers and plants that people have been trying to grow for years, and then frequently find that they are hundreds of yards off the track.

I hope that in the future the department concerned will advise its surveyors to extend the courtesy of informing house-owners what they intend to do, and that they will do as little damage as possible. It is a simple request, but a great many people have complained about the discourteous treatment they have received. I support the Bill.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [12.47 a.m.]: I want to inform members who have spoken that their remarks will be noted and sent on to the appropriate quarters in the hope that something will be done to rectify the complaints made.

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.

Bill read a third time and *passed*.

COMPLIMENTARY REMARKS.

The CHIEF SECRETARY: That almost cleans up the notice paper. We have one other item, the debate on which was adjourned earlier in the day. The motion was "That the debate be adjourned". It is a very interesting item and one which, at this stage of the morning, we would be pleased to discuss. I refer to the Town Planning and Development (Metropolitan Region Interim Development Powers) Bill. However, I do not think we will continue with the debate on the measure.

It gives me great pleasure to take this opportunity of thanking you, Mr. President, for your kindness during the session. You have been most patient and tolerant. I also extend my thanks to the Chairman of Committees, Mr. Hall, and to his deputies, Mr. Davies, Mr. Simpson and Sir Charles Latham, for the services they have rendered during the year. I also thank Mr. Tom Courts on the door, and Mr. Burton and his staff who looked after us exceptionally well during the session.

To the clerks, Mr. Sparks, Mr. Roberts, and Mr. Browne, I also extend my thanks, because there is no doubt that they have shown us every kindness and courtesy during the past months. They have also given us guidance and considerable help throughout the session. I also wish to thank the messenger boys in this House because they have saved us many a trip and much time. Last, but not least, I want to extend my thanks to the "Hansard" staff. At least by their efforts we will be able to read much more interesting speeches than the ones we have made. The members of that staff have done a wonderful job, and they have carried out their duties pleasantly, and no words of mine could really express satisfactorily our thanks for the high standard of the work they have performed.

It has been a very interesting session—I am sure all members will agree with me on that. To you, Mr. President, to members, and to the staff, I extend every good wish for the festive season.

Hon. W. R. HALL: I desire to join the Chief Secretary in extending to you, Sir, my felicitations, and thank you for the tolerance and courtesy you have extended to all members of the House, including myself. I desire also to take the opportunity of congratulating the Chief Secretary, Mr. Fraser, and the Minister for the North-West, Mr. Strickland. This is the first year they have held portfolios in this House. I also want to thank the temporary Chairmen of Committees for the excellent job done by them.

To Mr. Sparks, the Clerk of the House; Mr. Roberts, his assistant; and Mr. Browne, the Clerk of Records, I also extend my thanks. At all times they have given wonderful service to each and every one of us; and, in addition, they have been a tower of strength to me by readily giving advice and assistance which was so necessary to enable me to carry out my duties as Chairman of Committees.

I also wish to thank the "Hansard" staff, Mr. Royce and his colleagues, who have been so courteous in carrying out their duties in an excellent manner. Mr Courts has also proved to be of great assistance to every member of this House, and has always shown courtesy when performing his duties, and I extend my thanks to him also.

Mr. and Mrs. Burton have catered for us extremely efficiently during the session and to them also the thanks of every one of us are due. In conclusion, to all I wish to extend best wishes for a happy Christmas and a prosperous New Year.

Hon. C. H. SIMPSON: I desire to associate myself with the felicitations that have been expressed to you, Sir, and to all those who have been included in the remarks made by the Chief Secretary and the Chairman of Committees. I will not go through them item by item, as it were; but all concerned can rest assured that we are extremely grateful for the services they have rendered to us during this session.

To you, Sir, we are grateful not only for the courtesy that you have extended to us in this Chamber, but also for the advice and wise counsel that you have so very often extended to us outside the Chamber. I think I can speak for all members when I say that I am grateful to the Chief Secretary for not having to continue the debate on the Town Planning and Development (Metropolitan Region Interim Development Powers) Bill.

To him and to the Minister for the North-West I would like to extend my congratulations for the job they have done throughout the session, and for the courtesy and consideration they have always extended to us. That is a pleasing feature of this Chamber; that the courtesies and good feelings are always observed.

I would like to include the clerks and staff of the Chamber in my expressions of thanks; and I thank the "Hansard" staff particularly because they have been at special pains to give us pulls of speeches made by members in another place in order to assist us to sum up the facts of the Bills that were placed before us and, latterly, to make scripts available as and when they could. They were extremely handy, and I sincerely thank all members of "Hansard" for the courtesy they have extended to us. Finally, I extend Christmas greetings to all and I hope that we shall have a very happy Christmas.

Hon. J. G. HISLOP: I desire to extend to you, Sir, my Christmas greetings and good wishes and to express them in the most kindly manner to all the officers of the House, and to all the members of the staff, particularly the stenographers upon whose services we call so frequently. I would also like to include "Hansard," to whom I have given more than an average amount of work this session.

I should like to congratulate the Chief Secretary for his splendid showing in office for the first time. I have never seen a more serious attempt on the part of any Cabinet to kill a good Chief Secretary. I do not know that I have ever seen any man carry the burden that Mr. Fraser has carried this session; not even his predecessors in his own party have had such a burden.

The session could be made lighter for the person who holds such an office as that of Chief Secretary, and who has to know all the Bills that come into this Chamber in order to answer questions put to him by members. I would also like to congratulate the Minister for the North-West; he has been a very able foil for the Chief Secretary, and they have presented their cases very well. To everyone I extend greetings for Christmas and the New Year.

Hon. F. R. H. LAVERY: I feel sure I would express the feelings of all members of this House when I wish all the best of luck to one of our colleagues who has not enjoyed the best of health. I refer, of course, to Mr. Welsh.

The MINISTER FOR THE NORTH-WEST: I endorse the remarks of the Chief Secretary concerning the staff of Parliament House, yourself, Sir, and other members. I wish to thank members on behalf of the Chief Secretary and myself for the kind words they have spoken about us and would express my appreciation of the manner in which pressing legislation has been received by them.

It is fitting for me at this stage to say a few words about Mr. Frank Welsh, who is retiring at the end of this term, and has sat in this Chamber for the last time this session. Mr. Welsh entered Parliament as member for Pilbara in 1923 and held that seat until 1939. After a short respite, he entered the Legislative Council as member for the North Province. I had known him for many years before meeting him here, and I would be failing in my duty if I did not place on record the high esteem in which he is held by everybody in the North-West, and by everybody in this Chamber. I admire him for being able, at his age, to serve his constituents as he has done. I wish you, Sir, and all members, and the staff a very happy Christmas and all the best for the coming year.

Hon. Sir CHARLES LATHAM: On behalf of the Country Party members absent, I would like to endorse the remarks that have been made, more particularly as they refer to those who have assisted us this session. The present Government has introduced a record number of Bills; there have been about four times as many introduced than there were during the years I was in another place. We seem to be piling a tremendous amount of legislation on the statute book. We have had two very able Ministers, and they have handled this exceedingly heavy legislation extraordinarily well, and with the utmost courtesy at all times.

We know the session has been a trying one for you, Sir, and we hope that the period that will elapse between now and next session will enable you to regain your health and be with us again after the next elections. I would thank everybody for the courtesies extended to me. I am probably the rogue elephant in this Chamber, but the good fellowship that exists enables me to get away with it. May the New Year bring everybody good cheer.

The PRESIDENT: In expressing my thanks to Ministers and members for their kind remarks, I want to say that this session has been marked more than any other for many years by the strenuous work with which we were faced, especially towards the end of the session. For that reason, our special thanks are due to the clerks, on whom the burden of that work has fallen. I think they are to be congratulated for the way they have got through their work and kept the measures up to date. I do not want to reiterate what has been said about the officers, the "Hansard" staff, the Controller, and the others who have helped to make our stay in Parliament so pleasant; it has been so well expressed by previous speakers. Our thanks go to them for the efficient way in which they have done their work.

We have finished the year with high hopes for the future, and I do hope that the New Year will bring in its train many things that will help to make this State better recognised and more appreciated in the Eastern States than it has been in the past. I feel sure the future is bright, and perhaps the Royal visit, to which we are all so looking forward, will put the cap on what has been a series of most wonderful happenings for the future of Western Australia. I wish you all a very bright and happy Christmas and a prosperous New Year.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West) I move—

That the House at its rising adjourn to a date to be fixed by the President.

Question put and passed.

House adjourned at 1.11 a.m. (Wednesday).

Legislative Assembly

Thursday, 17th December, 1953.

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