Legislative Council

Thursday, 6th December, 1956.

CONTENTS.

The PRESIDENT took the Chair at 3.30 p.m., and read prayers.

QUESTIONS.

FIREARMS LICENCES.

Number Issued.

Hon. A. F. GRIFFITH asked the Chief Secretary:

(1) How many firearms licences were issued in the State of Western Australia for the year 1956?

(2) Can the number to be issued for 1957 be anticipated and if so, how many?

The CHIEF SECRETARY replied:

(1) There were 60,138, of which 56,224 were renewals.

(2) If all the licences referred to in reply No. (1) are renewed next year, and new licenses applied for approximate the average of new licences during the past four years, the total would be about 64,700.

COMO.

Construction of New Beach.

Hon. G. E. JEFFERY asked the Chief Secretary:

In view of the concern being expressed in the South Perth district, regarding the future of the Como beach, will the Minister reaffirm the Government's expressed intentions in respect of constructing a new beach at Como when the Perth-Kwinana Highway between Mill Point and Canning Bridge has been completed?

The CHIEF SECRETARY replied:

The Perth-Kwinana Highway at Como, in the most popular area, approximately between Gardner-st. and Alston-st. will be constructed on reclamation on the west side of Melville Parade, and will for almost the whole of this length lie entirely outside the area now grassed, planted and equipped with shelter sheds.

The plans for the reclamation now under preparation will provide not only for the new highway, but also for a strip of new forehore west of the highway, which will suffice for the reinstatement of both the beach and a nature strip at least as wide as that existing. The new nature strip will be grassed and planted and furnished with shelter sheds as part of the highway scheme. The new highway in this area under these proposals will thus be flanked by a nature strip on both sides.

The highway will be of a controlled access type and access to the new beach and nature strip will be from Melville Parade across the highway by pedestrian subway or overway, the location and design of which are now under consideration. When the plans are further advanced, they will be discussed with the local authority before finality is reached.

FORESTRY.

Sawmill Permits, etc.

Hon. J. McI. THOMSON asked the Chief Secretary:

(1) Has the Forests Department received any inquiries for permits to establish sawmills within the area of land bounded by the Great Southern railway line from Chorkerup to the Albany-Denmark-rd. across to the Hay River? If so—

(a) who were the applicants;

(b) when did they apply;

(c) what amount of timber has been obtained to date;

(d) what have been their respective activities from date of application until now?

(2) What is the estimated potential millable timber within that area?

The CHIEF SECRETARY replied:

(1) Yes.

(a) Mr. P. H. Pratt, farmer and sawmiller of Hay River (address Young's Siding) and Messrs. E. Coleman and G. Haendel of 10 Seymour-st., Albany.

(b) P. H. Pratt made several applications, the first being in February 1952, the last March, 1955. Coleman and Haendel applied on 11th April, 1956.

(c) Pratt—12,417 cubic feet of log timber from Crown Land and 7,118 cubic feet from private property to the 30th September, 1956. Coleman and Haendel—nil from Crown land—no permit issued. 3,717 cubic feet of jarrah log timber from private property up to the 30th June, 1956.

(d) As far as is known, P. H. Pratt has been engaged in farming and sawmilling and Messrs. Coleman and Haendel engaged in sawmilling.

(2) A preliminary estimate of potential millable timber is 50,000 loads of jarrah. More accurate estimates will be made as soon as air photos are available. There is also a considerable volume of sheoak which is being cut by old established mills at Albany.

BILL—VERMIN ACT AMENDMENT (No. 1).

Received from the Assembly and read a first time.

BILLS (4)—ASSEMBLY'S 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, Land Act Amendment (No. 1).
2, Criminal Code Amendment (No. 2).
3, Licensing Act Amendment (No. 4).
4, Child Welfare Act Amendment (No. 1).

MOTION—"THE WEST AUSTRALIAN."

"Perverted" Report on Workers' Compensation Bill.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.40]: Before proceeding with the Orders of the Day, I would like to do something that is out of the usual procedure in this House and ask the Chamber to grant me the privilege, under Standing Order No. 106, to move a special motion. I move—

> That this House expresses its disapproval of the action of West Australian Newspapers Ltd. in publishing a perverted account of the Committee proceedings on the Workers' Compensation Act Amendment Bill, 1956, and requests the President to personally convey this resolution to the directors of West Australian Newspapers.

Before proceeding, might I say that I have no personal grounds in connection with this matter, because I have never complained about anything, from a personal point of view, that has been done by "The West Australian"—notwithstanding that on many occasions it has maligned and belittled me and generally made out that I was not all I ought to be.

I would refer members to some articles that have appeared in recent months—I am speaking entirely from memory. One had a heading about the "Minister's Broken Promises" which purported to report certain things that had taken place at a meeting; but those things had never been stated there. As a matter of fact, the reporter who made the report of the meeting came to me the following day, very perturbed. He read the notes taken at the meeting and the words "broken promises" were never used. I took no action in regard to that.

A week or so later there was a heading on the lines of "Minister Castigated;" and that article went on to say that the Minister for Local Government had, at a certain meeting, been castigated; and later, when other people were speaking, it mentioned that there had been skulduggery and heaven knows what. Yet I took no action, notwithstanding it was nothing to do with me. "The West Australian" itself knew that I was not involved in any shape or form, because on three occasions on the day on which the report appeared, it contacted me and wanted a statement from me. My reply was that I was not responsible for the statement in the paper, and it was up to the one who was responsible to make the necessary correction. Finally I said that if "The West Australian" did not know how to do the decent thing, I was not going to tell it; but of course the decent thing was never done. I never took any action about it.

Hon. Sir Charles Latham: These are things that happened outside the House.

The CHIEF SECRETARY: Yes. I merely mention them to show that there is nothing personal in this matter; because when I have been attacked it has just run off me, like water off a duck's back. I do not at any time resent being criticised by "The West" or anyone else for what I have done. I merely make that explanation so that it cannot be said that, from my personal point of view, I am taking this action. I am taking it because I think, from the Legislative Council's point of view, it is justified.

I refer members to the report in "The West Australian" this morning. This is why I have taken action. The report is headed "Council Rejects Benefit Increase." the report mentions certain deletions that we made last night from the Workers' Compensation Act—nothing else, I say that is a perverted report of the doings of the Legislative Council on that particular point. I do not think we should allow the occasion to pass without a protest being registered by the House.

On many occasions this morning I was contacted because people were led by the report to a false impression of what actually happened in the Chamber last night. As a result of the many inquiries I received, I thought it necessary to bring the matter before the Chamber and allow members to express their views. I say to any person reading the report that it does not in any way give anything like a picture of what the Legislative Council did in regard to this matter. I would assume that anyone reading it would think that just nothing was done as far as workers' compensation was concerned. Even the heading states, "Council Rejects Benefit Increase."

What has been printed, I am not quibbling at—it is true—but what has been printed merely shows, except for the amendment carried by Mr. Baxter, that everything was whittled away. This is a false impression that has been created among the public, so far as what actually happened is concerned; and I feel quite justified in drawing the attention of the House to the matter.

I do not care if it is printed in the Press that I am either in favour of or against something, as long as the true story is given. I defy anybody to say that this report is anywhere near true. As a matter of fact, as I mentioned before, it gives an entirely opposite impression to what actually happened here last night. I do not consider it is a fair report, and therefore I move the motion.

HON. C. H. SIMPSON (Midland) [3.47]: I also saw the headline in the paper and it seemed to me that it did not convey a true impression of what really took place here or of the amount of debate that had been devoted to a very serious question and the discussion, pro and con, of the various points that were brought forward.

I know that in these days there is a tendency for newspapers, seeking—maybe frantically—to catch the public eye with a snappy heading, to put things, perhaps, out of perspective. I hold no brief for any newspapers who deal in that type of journalism. There was a time, as members know, when the journal that the Chief Secretary has mentioned did give a fairly good coverage of parliamentary proceedings in both Houses, and it was left to the reader to form his own impression as to the merits or demerits of the legislation discussed.

At the moment, as we have not the full details of the motion moved by the Chief Secretary, other than the motion itself—we have not before us the subject matter to which he refers—it is a little bit difficult to apply an analytical mind to what has been said.

I think the statement is often made, "Well, newspapers print news nowadays and you have to take everything you read with a grain of salt." That is the general impression that readers get throughout the States. It is not as it was years ago when we were given sufficient of the debate that actually took place to be able to form an impression. On a number of occasions I have violently differed from the newspapers in their condensations, which have presented the accounts entirely out of perspective; they have been distorted.

While I am inclined to agree with the Chief Secretary, and support him on this motion, I think that members would like to adjourn the debate in order to examine in detail the article to which he referred. We would then be able to vote on it with a knowledge of what had happened, and after giving due consideration to it. I read the article through, not very thoroughly I must admit, and the headline struck me as not being quite in accord with what actually happened in this Chamber. It was a serious debate, and different angles were put forward. The amendments were made after serious consideration.

The Chief Secretary: Actually it gave the opposite impression.

Hon. C. H. SIMPSON: That is so.

On motion by Hon. A. F. Griffith, debate adjourned till a later stage of the sitting.

(Continued on page 2993).

BILL—BRANDS ACT AMENDMENT (No. 1).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.52] in moving the second reading said: Some months ago the Western Australian Turf Club submitted to the Department of Agriculture a proposal that racehorses should be branded on the off shoulder with a numeral or numerals denoting the age of the animal. The Australian Rules of Racing provide that, before a horse can be registered, it must be branded with distinguishing numerals, in addition to the identifying brand, and it is desired to have uniformity in this connection throughout the Commonwealth.

According to the parent Act, however, it would be contrary to the law for any Western Australian racehorse to have identifying numerals placed on the off shoulder, as is done in New South Wales, Victoria and South Australia. Section 12 (a) of the parent Act states:—

> The person imprinting the first brand upon any horse or head of cattle may imprint any numeral or numerals—
>
> (a) on the cheek or near thigh or immediately under the registered brand, but not less than two inches nor more than three inches from such brand to denote age.

Whilst there appears to be no objection to the turf club's proposal, it is felt that, as Section 12 (a) of the Act applies to all stock and not to racehorses or stud stock only, the proposed amendment should make provision for the optional imprinting of age numerals on any horse or head of cattle. The Bill, therefore, proposes that such a brand may be imprinted on the off shoulder of any horse or head of cattle. I move—

That the Bill be now read a second time.

HON. SIR CHARLES LATHAM (Central) [3.54]: It seems unusual for us to worry about ensuring that racehorses have their age branded on them; but apparently as racing is so important, we will have to do it! This is a common practice in the other States, and I suppose it will bring Western Australia into conformity with them. In the other States they have the numeral with the letters as closely as possible together to identify the owners of the horses.

For instance, in my case, I had the letters "CL" with the "L" on the side with a numeral as well. In New South Wales horses have to have a number with the brand, which enables people to identify the animal more easily. It is extraordinary that we should have legislation such as this; but I suppose that the trotting people want it as well as the racing clubs. I do not know that there is any objection to the Bill, but I do not see why Parliament should be used for this sort of thing.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed.*

BILL—LAND ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.56] in moving the second reading said: The purpose of this Bill is to rectify an anomaly in the parent Act in regard to land acquired under conditional purchase lease. Earlier in the present session, the unfairness of the present legislation in this regard was referred to by the Deputy Leader of the Opposition in another place. The Minister for Lands agreed it was most anomalous that a lessee of land should have complete rights over the timber on his property up to the time he finalises development on the land, and then discovers that upon applying for and receiving a Crown grant the ownership of the timber automatically reverts to the Crown. As a matter of fact, a serious position has arisen in this regard.

Under the parent Act timber on Crown land is reserved to the Crown but, prior to the introduction of the Act in 1933, a number of conditional purchase leases had been issued in which no timber restrictions had been inserted. In view of this, it was the practice of the Lands Department until 1954, upon payment of the purchase price and compliance with the improvement conditions, to issue Crown grants free of timber rights, notwithstanding the provisions of the 1933 Act.

In 1954, the Crown Solicitor ruled that the lessee does not obtain a vested right to a Crown grant until he has paid the purchase price and fulfilled all the conditions of the lease, and that grants must be in accordance with the law in force at the time. As the result of that ruling, Crown grants issued free of timber rights since 1954, in respect of conditional purchase leases obtained prior to 1933, have reserved the timber to the Crown.

The position is, therefore, that while the land is held as a conditional purchase under the 1898 Act, the lessee may dispose of the timber from the subject land but, upon issue of the Crown grant under the 1933 Act, he is deprived of that privilege. Cases have arisen where the lessee had negotiated the sale of timber before obtaining the Crown grant, but only portion of the timber or, perhaps, none at all, had been removed when the Crown grant was obtained. In such instances, the reservation of the timber to the Crown has caused embarrassment and disappointment to the grantee.

There is no doubt that, although the number of people concerned in such cases is not considerable, it is most necessary that this unfair anomaly should be rectified. It is doubtful whether the Minister or his administrative officers at the time of the passing of the 1933 Act, intended taking timber from leaseholders who then owned it, and it is considered that when, under earlier legislation, conditional purchase leases were free of timber restrictions, the parent Act should be amended to provide that the Crown grant, upon payment of the purchase price and compliance with the conditions of the lease, should also be free of timber restrictions.

Members will notice that the Bill refers to "limited reservations" in connection with leases issued. This term has been included to cover a few cases where, subsequent to 1921, sawmillers were authorised to cut timber on specified portions of conditional purchase leases, which had been issued without total reservation of timber rights.

To further enlarge on this point, I would like to say that up to 1921, leases were not granted in certain areas because of the timber that was standing, such areas being reserved under the Forests Act. However, in 1921 it was decided that leases could be issued on certain blocks suitable

for farming, but on which in small areas of those blocks, a stand of timber existed. The leases were issued over the whole block with the reservation that these certain portions were to remain open for sawmilling. I move—

That the Bill be now read a second time.

On motion by Hon. F. D. Willmott, debate adjourned.

BILL—ARCHITECTS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. SIR CHARLES LATHAM (Central) [4.2]: Apparently among the professional men there is some thought that the bounds of fair professional conduct are exceeded, and therefore the architects and their board have decided to ask Parliament to tighten up the Act. The first Bill I introduced into the Parliament of Western Australia was to permit returned soldiers who had fulfilled or partially fulfilled their training as architects to seek registration when they got back. There was an Act controlling architects, and it was necessary to do something for these men. I suppose the measure is necessary, but I do not like restrictions. It is possible that a man might do something quite trivial, in good faith, and yet have his right to be registered as an architect taken away from him because of it. However, I offer no objection to the measure.

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 to 6—agreed to.

Clause 7—Section 22A added:

Hon. H. K. WATSON: The definition of misconduct in paragraph (a) says that misconduct means the doing, whether before or after the coming into operation of this Bill, etc. I wanted to make sure we were not creating any new offence retrospectively. On looking at Section 21, I find that is not so, and I offer no objection to the clause.

Clause put and passed.

Clause 8, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed.*

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th December.

HON. C. H. SIMPSON (Midland) [4.7]: This is one of those Bills which are brought before Parliament from time to time. This particular measure, which is very contentious, really seeks to remove some of the provisions that were inserted in the Act in 1952 following the metal trades strike which caused so much industrial dislocation in Western Australia, and in regard to which a similar Bill was brought forward in 1953 for the purpose of taking out of the Act the legislation which had been put into it the previous year.

Before I start, there are one or two features which do seem a little odd to me. The first is that there was an attempt made to pass a substantially similar Act in 1953, and then for three years we heard nothing more about it. This year, on the 18th September, it was introduced in another place and it was allowed to lie idle for nearly two months before the debate on the measure was resumed. I think the impression that many members gained was that the Government was not very anxious to go on with the Bill. I can appreciate that frame of mind because, if we examine the industrial statistics, we will find that over the past three years Western Australia has had a greater measure of peace by far than any of the other States; and why the Government should want to disturb those conditions I am at a loss to understand.

If we analyse the Bill, which I will do in greater detail later—I will do so briefly now—we will find that a number of its clauses deal with the reduction in penalties. Those penalties are all imposed for infringments of the powers of the court, and are imposed by the court. Item 3 deals with the working conditions in the agricultural and pastoral industries; item 4 deals with the question of the rates of pay of apprentices—whether they should receive a proportion of the tradesman's wage, or whether they should receive a proportion of the basic wage. The next item deals with the question of the court considering the quarterly variation of the basic wage and being required to make mandatory adjustments according to the variation in the "C" series index at the end of each quarter; and, finally, there is the right of officials to enter into premises at all places and at all times.

I want to deal with those provisions bit by bit as I go along. Firstly, I want to create in the minds of younger members some idea of the conditions which obtained in 1952, because I do not think they would have the same information as to the background that we have here. That was immediately prior to these

amendments to the Act being inserted. Accordingly we can understand what the conditions of industrial affairs was then and why it was so necessary to have amendments inserted into the Act, not only to clean up the trouble we had then; but, as far as possible, to prevent any possibility of a recurrence. That strike, which affected the railways to a much greater extent than any other section of the community, lasted over five months.

It is difficult to know what the loss represented to the State in £ s. d. because so many sections of the community were affected, both directly and indirectly. There were, of course, losses sustained by the railways; because, little by little, their engines went out of service; and had it not been for the loyal conduct of the apprentices in the shops, who maintained 25 per cent. output right through—and who would have continued to maintain that output—the position could have been very much worse. There were losses sustained by people in the country who had goods delayed and who, in many cases, had to arrange for them to be taken by road transport to their respective places of abode, no matter how far distant those places were.

The Transport Board, which is often adversely criticised, really did a wonderful job in organising road transport so that the needs of the people could be met. There were some delays and congestion, certainly; but in the main, the essential requirements of the people were met, and the State managed to get through; and finally the strike was wound up, and normal conditions resumed. When I say "normal conditions," it took a long time before those conditions obtained as far as rollingstock was concerned. It was a matter of 15 months before the engines taken out of service could be brought back and restored to service and the backlog of repairs and maintenance overtaken.

That was due to the strike, and it is for that reason some picture of those conditions should be presented to members so that they will know why we acted; how we acted; and why it is very necessary that what was done then should be adhered to, and any attempt to alter those conditions should be resisted.

At the time I was Minister for Transport and I will quote from the speech I made when introducing the legislation in August, 1952. I said, in part—

> I propose to recapitulate the principles involved. The first move in the present dispute was made when representatives of the metal trades unions approached the Railways Commission for marginal increases in excess of those awarded by the Arbitration Court in this State to metal trades workers in private employment, and by Conciliation Commissioner Galvin in the Federal Court to the same class of workers. As the Government was not prepared to accede to the union's request, the next statutory step was for the unions if they wished to take the matter further, to submit their case to the Arbitration Court.

While two of the four unions concerned were prepared to follow this legal and usual procedure, the other two refused and called their members out on strike. As members know, this course was condemned by the State Executive of the Australian Labour Party and by the trade union movement generally. In the Eastern States, where the strike was initiated as a means of remonstrance against the Galvin award, the men have long since returned to work, but in this State, where the Galvin award does not apply, the strike, with its ever-increasing disruption of industry still drags on.

This is so, despite the fact that the Jackson award gives metal tradesmen 12s. 1d. more than comparable tradesmen receive under the Galvin award. Mr. Gibson, when asked why the strike still continued in Western Australia replied that it would be bad policy to have the whole of the metal trades unions on strike. So the people of Western Australia and its economy are being made the guinea-pigs.

There is no doubt that the strike is actively supported by members of the Communist Party and is in line with their schemes to create discord and schism within Australia, and, according to the communist paper "Tribune," is an attempt to destroy the system of arbitration. The Government has taken every step within its power to end the dispute satisfactorily, but it is adamant that, so far as margins are concerned, the lawful responsibility to make a decision is that of the Arbitration Court.

In this regard the Government will accept the outcome of an approach to the court, but will emphatically not usurp the prerogatives and obligations of the court. Following a period extending over many weeks of negotiation, a proposal was submitted to the Government that a mediator should be appointed to assist in securing a settlement of the strike. The Government accepted this offer and the secretary of the disputes committee of the A.L.P. was advised, on the 15th July, that the Government had appointed the Conciliation Commissioner of the Arbitration Court, Mr. S. F. Schnaars, to mediate on all points contained in the dispute, exclusive of that of margins, which, as I have emphasised, is, the Government considers, a matter for the court.

Six days later, on the 21st July, the disputes committee resolved that the Government's offer be accepted. Subsequent discussions took place before

the Conciliation Commissioner, who late last week submitted his recommendations to the Premier. In accordance with its expressed statement, the Government is prepared to accept these recommendations without dispute or qualification.

Sitting suspended from 4.20 to 4.35 p.m.

Hon. C. H. SIMPSON: I have been trying to picture the background and the condition of things when the initial legislation was passed, because I think it has a vital bearing on what we are now being called upon to do in connection with this measure. I was asked by many individuals working in the railways, of which I was then Minister, whether something could not be done. I was asked whether we could not introduce legislation to call for a secret ballot, and that was one of the things we did do and it is not being challenged in this Bill.

We had many conferences, including conferences with the A.L.P., on Government level, and I had several conferences with Mr. Chamberlain; and I said to him, "We know that you officially disapprove of this strike. Is there not some action you can take, seeing that you have, in effect, declared the strike to be illegal? Can you not declare it black?" He said, "No, it is against the code." I then said to him, "But could not the members of the A.E.U. who do not approve of the strike, join the A.S.E., which is not on strike?"; and he said, "No, it is against the code."

I then said to him, "Can you not allow the men who have been there as tradesmen's assistants for many years, and who in most cases are as competent as are the tradesmen themselves, to be declared tradesmen for the time being?"—I forget the term, but it was in common usage during the war—and he replied, "No, that, again, is against the code."

This meant that we were helpless. Everybody wanted to do something, but we were always up against the assurance of the strike leaders that they were told by their unions what they had to do, and there was nothing we could do about it as far as the Arbitration Act was concerned. At the outbreak of the strike the judge of the Arbitration Court, then Mr. Justice Jackson, warned the strikers and fined them the maximum of £500, and finally deregistered the union. He then found that he had no further power to deal with them at all, as there was nothing in the Act to give him further power. The power was placed in the Act in 1952 and that is not now challenged, because I think the Government realises the necessity for it to remain. That, then, was the background and the position as it existed.

In introducing the Bill, the part I first read was more or less a motion for the suspension of Standing Orders, which was agreed to; and this is an extract from the motion to introduce the measure. I said—

> During the currency of the stoppage, the strike committee published a series of scurrilous and misleading statements, gravely reflecting on the Premier and the Goverment. On the other hand, the A.L.P. had, from the start, announced its disapproval of the strike and could be relied upon to honour its contractual commitments. My own fairly extensive knowledge of the ramifications of the strike trends in this State, the spate of rumours and denials, the constant references to the Eastern States organisations and the visits backwards and forwards of prominent industrial figures clearly indicated, to my mind, that no previous approach towards a settlement could have succeeded, and that any such attempt to bring about an earlier cessation of of the strike would have been useless.
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> So, for six months, the people and economy of Western Australia were made the guinea-pigs for the whole of Australia, notwithstanding the fact that the Galvin award did not apply in Western Australia and that the workers here, under the award of the State court, were receiving 12s. 1d. per week more than their counterparts in the Eastern States. The strain on the economy of the State was very great. Thousands of workers were affected, rail services disorganised and country people particularly suffered inconvenience and monetary loss. The financial loss to the State is difficult to assess accurately, but as the results will be felt for many months to come, a rough total estimate would probably be between £5,000,000 and £6,000,000. Nor does this take into account the hardship and nerve-wracking uncertainty suffered by the families of men wantonly forced out of work by the insatiate greed for power of the strike leaders.
>
> Thus this particular strike has brought into sharp relief the necessity to provide the Industrial Arbitration Act with the machinery to cope with the threat to industrial peace that is spreading throughout the Commonwealth and may continue in intensity in this State as industrialisation grows. The principle of the Bill is to afford to persons of goodwill the opportunity, so far as the Constitution of the State will permit, of managing the affairs of the industrial unions to which they belong, and their industrial relationship, in a responsible manner, and without hindrance and frustration. To effect this

purpose the Bill is based on two main premises. These are firstly the ensuring of regularity in elections to office in industrial unions and secondly, the rectifying of deficiencies in the Act, which have been disclosed by experience and which refer to those discretionary functions of the Arbitration Court providing for the protective supervision of industrial relationships and the preservation of industrial law and order.

I will not weary the House, but would like to quote from the final phrase or two of that speech because I think it sets out what our aims and objectives were in approaching the legislation as we did. The final objectives we aimed at were contained in the final phrases which I have mentioned, and they were as follows:—

(e) empowering the court to anticipate industrial trouble (either a lock-out or a strike) and take preventive action;

(f) widening of powers of contempt to be used at judge's discretion; and

(g) increasing and equating of penalties to those prescribed in the Commonwealth Act where comparable.

(3) The Bill emphatically is not designed as a drastic or punitive measure. It is a protective measure designed to preserve the inherent rights of the worker and to guard them against encroachment or interference, while at the same time its object is to ensure the preservation of the arbitration system, which the worker fought for, and which is designed to secure to him and to his employer the benefits of equitable treatment and industrial justice.

That, I think, will give members a clear picture of the conditions which led to the introduction of that legislation. In 1953 there was a demand in this House to modify that legislation considerably; but it was rejected, and the Bill was thrown out. In justification of the legislation, and to show what effect it might have had, I will quote some figures taken from an entirely neutral source—the Commonwealth Bureau of Statistics—showing the position over the last three years; that is, the experience since that legislation was passed. The following are the number of days lost in industrial disputes for the years 1953, 1954 and 1955:—

	1953	1954	1955
New South Wales	759,391	501,573	673,325
Victoria	57,160	135,611	138,507
Queensland	153,448	183,855	99,318
South Australia	55,476	31,207	66,881
Western Australia	4,977	21,651	9,582
Tasmania	18,441	25,915	20,387

It will be noticed that during those three years the Western Australian experience was that in the second year there was an appreciable increase in the number of working days lost, although that figure was still the lowest of the figures shown by the six States. The reason for the large number of days lost in this State in 1954 was the stevedoring trouble which Mr. Strickland experienced in the North-West ports among the waterside workers.

In comparing the figures I have just quoted, the percentage works out something along these lines: Of the total for the three years, New South Wales represented 65.6 per cent. of the whole; Victoria, 11.6 per cent.; Queensland, 14 per cent.; South Australia, 5.2 per cent.; Western Australia, 1.2 per cent.; and Tasmania, 2.2 per cent. If we line those figures up with the actual population figures it will be found that in Western Australia we had less than one twentieth of the strike trouble per head than the Australian average.

Tasmania was not so fortunate, as I suppose it has not an Act similar to ours. That is a State which has less than half of our population, and which was relatively free of trouble as far as strikes were concerned; but its actual figures were one-quarter of the total compared with our one-twentieth. So if we take those figures into account and also take into account that they are from an extremely reliable source — namely, the Commonwealth Bureau of Statistics—we have the actual figures before us which reflect the result of the legislation that was put into effect. I know there is a good employer-employee relationship in this State. It is the proud boast of the Employers' Federation that, among the employees of industries it tries to maintain the best of relations. As a matter of fact, most awards that are made are what are called consent awards—about four-fifths of them.

At the same time, this big strike which resulted in so many working days being lost, was not caused by and disunity in Western Australia; it was caused by the action of the emissaries from the pink unions in the Eastern States who came here to cause trouble. Why they did not select any other State, I do not know. Possibly they thought Western Australia was building up and may increase its industrial strength and that that was the time to foment trouble among the industrial unions. Fortunately, their actions did not produce any results.

That is what the amending Bill did; and I think I have given the House a record in the actual statistics which will show that that has worked out very well. We now come to the Bill itself, and the penalty clauses which occupy the first portion of it all deal with the penalties imposed on certain strike leaders or union officials because they hinder—by strike action—or defy the court.

It was found that in the course of the big strike we could do nothing about taking action against the leaders whom we knew were keeping the strike going. We could not insist on a secret ballot or bring them to book in any way, because their official message to us was that they had been instructed by the union, and we had no check on that. We knew that the meetings were packed; and from the odd ones that attended those meetings, we learned that when someone got up to suggest some considered course of action, half a dozen others rose to their feet and told the speaker, "Pull your head in, you mug." In other words, they were intimidating the speaker.

That was the position, and it was a state of affairs that no decent unionist could sympathise with. As far as the penalties that were provided are concerned in all instances they are the maximum. It depends entirely on the President of the Arbitration Court as to whether he imposes the full penalty or not. It simply sets out what he can do.

Very often, a fine, to a union leader, means nothing because more often than not the union pays it and he is not out of pocket. So terms of imprisonment were imposed and for the first time the actual strike leader found that his personal liberty and his pocket were being touched; and that is one reason—and probably the real one—why the 1952 strike fizzled out so quickly. We are now asked to reduce these penalties and to wipe out the sections which provide for imprisonment to be imposed. Off-hand, I cannot remember what those terms of imprisonment were, but they were imposed by the court only after due consideration.

Hon. Sir Charles Latham: And for a reason.

Hon. C. H. SIMPSON: Yes, and for a reason; because the court itself is defied and the rest of the community is held at ransom. So for the present the penalty of a term of imprisonment should remain. I go further and say that when a different scale of penalties was included in the 1952 Act it was extracted from the Commonwealth Act. Those penalties were put into effect by Dr. Evatt when he was Attorney-General. He had occasion to deal with a situation somewhat similar to that which occurred in this State and they were the penalties he inserted in the Commonwealth Act because at the time he thought they were necessary.

When we originally provided for penalties in our Act we took the penalties and the fines from the Commonwealth Act as a guide; but after a great deal of debate in another place they were halved, and I think the terms of imprisonment were also cut down. By this Bill it is intended to further reduce the fines and remove the section dealing with terms of imprisonment altogether. Experience has shown, however, the wisdom of the legislation that was effected in 1952.

There are other clauses in the Bill, of course. One deals with the question of preference to unionists. In another place the question was asked, "Does the Government really want preference?" The question was not satisfactorily answered. However, when the Chief Secretary was introducing the Bill in this House, I asked him what he meant by the words, "of or in" in relation to employment. He said that he thought it was legal wording designed to tidy up the provisions of the clause.

However, this is the considered opinion by a legal authority and the comment on that opinion by a firm of solicitors which should know. In regard to preference, Mr. Justice Kitto said—

> A preference in the sense of Section 56 (1) can be given only when making a selection of one or more persons for some advantage to the exclusion of another or others. An employer cannot be said to be constantly making a selection between his existing employees whom he desires to retain and persons who are outside his employment. Until he comes to make a change in his staff of employees, no situation exists in which there is room for the giving of a preference. The statutory power to direct that preference shall be given does not extend, in my opinion, to directing that a non-unionist employee shall be dismissed in order to create a situation in which a preference may be given to a member of a union.

In commenting on that opinion the solicitors thought that probably Justice Kitto had not entirely covered the possibilities and they are referring particularly to the words, "of or in" and this is what they have to say—

> In our view, however, the proposed Section 71A is intended to enlarge the conception of "preference" beyond that suggested by Kitto J. The section refers to "preference of or in employment." Preference "of" employment would normally refer to preference at the time of engagement, but preference "of or in" employment would, in our view, cover preference at the time of engagement, during employment and at the time of retrenchment. It is significant to note that the present Conciliation Commissioner considers the existing power of the court to grant preference as being wide enough to cover preference during employment.

I think that if the words "of or in" were accepted and put into the Act it could give the court power to say to an employer, "So-and-so is a non-unionist. We do not care how satisfactory he is: if a unionist comes along and demands employment, you

must put the man you have off and put the unionist on." An employer would thus be placed in the position of sacking a man whom he knew well and who may have been with him for years and employ a unionist about whom he knows nothing. That is something in regard to which we should leave the existing section of the Act as it is, and so permit an employer to engage or retain an employee as he thinks fit.

I read an article wherein it was said that unionists particularly were bitterly critical of the preference sections which existed in the Queensland legislation, but which, however, have not been rigidly applied owing to practical difficulties and they certainly have not been policed. The complaint of unionists is that if they must subscribe to the funds and pay their fees, the organiser becomes lazy and does not study their needs at all; whereas if he had to depend to a certain extent on the supervision of the union by encouraging non-union members to join and so increase the revenue of that union, he would have some incentive to effort and to show result to the union greater than he shows at present.

The agricultural and pastoral industries are exempt from the conditions that apply, particularly to piece-workers and hours of employment, because of the conditions which exist on stations and farms. As one who has spent a good deal of time on stations and farms I can assure members that it is very essential not to interfere with the prevailing conditions. I should say that for the most part the employees on farms are treated as well as, or better than those employed in factories or in industry generally.

Very often where one or two persons are employed on a station or farm they are treated as members of the family and live with the employer. They are given a degree of free time and consideration. During holiday time they are given more than what is provided under the industrial awards. But when the pressure comes at shearing, seeding or harvest times, they pull their weight to meet the needs of the situation. The question of overtime does not arise. That arrangement seems to work very well and we should not disturb a position which has stood the test of time and has proved satisfactory to all parties concerned.

Another clause deals with apprentices and their rates of pay. The idea is that the apprentice should receive a proportion of the tradesman's wage; whereas now he is entitled only to a proportion of the basic wage. The position is that young folks setting out to learn a trade through an apprenticeship, or serving articles in a profession recognise that if they are to reap the benefits of skilled training later on, sacrifices on their part are entailed during the time they are taught the rudiments of the trade or profession.

I have heard tradesmen who were training apprentices say that it took half of their time to supervise the apprentices and teach them the job. Certainly this is not a one-way business. In the advanced stage of apprenticeship where the employee is drawing half or three-quarter wages he can, of course, be of considerable help to his employer, but that does not apply during the first or second year of apprenticeship. There again the existing conditions are fair.

In years gone by an apprentice to a trade had to pay a premium to be taught; but today he gets a reasonable wage during his training. Certainly after the second or third year he receives enough to pay for his keep and to enable him to continue his training to become a skilled worker.

The next point relates to automatic adjustment of the basic wage. We are completely against that. This provision distinctly interferes with the prerogative of the court. Under the present Act the court must take notice of the quarterly variations but at its discretion it varies the basic wage in accordance with its assessment of the conditions ruling at the time. As we know, the Commonwealth Arbitration Court, in 1953, discontinued quarterly adjustments of the basic wage; and to that extent it did contribute towards stability of living standards in Australia. Unfortunately some courts have taken the view that the basic wage ought to be adjusted automatically. That will have the effect of making the "C" series index a measuring rod to gauge changes in prices, rather than an instrument for controlling the economy.

This clause seeks to make it mandatory on the court to give quarterly adjustments. It goes further than that: it provides that in the event of the basic wage falling, the total decrease must exceed £1 4s. 1d.—it varies according to different awards—before any deductions are to be made. That completely ignores the prosperity loadings which were awarded in 1938, 1946 and 1950. A good portion of those loadings still remain. On the face of it this is a very unfair claim.

The final matter I want to refer to is the right of entry for union officials. Reading the clause one finds that the provision is far-reaching. Some right of entry exists at present under reasonable conditions. If a union official desires to see the men engaged in an industry, and if the employer or factory owner denies him access, he can apply to the court for the right of entry and the court can direct that he be given access. But the provision does not give him the same right of entry as is provided by this clause, which can prove to be a source of friction between the union official, the employer and the men. For the reasons I have mentioned I consider this Bill to be entirely unnecessary. It would interfere with a state of affairs which has proved quite

satisfactory, and which would be very much better off in every respect if the Bill is not passed.

HON. SIR CHARLES LATHAM (Central) [5.7]: I want to say that the parent Act was passed for special purposes, one of which was to punish workers who would not comply with the law. At the time when the penal provisions were incorporated into the Act, the strikers had no regard for the laws of the land. I cannot see that any harm will be done by leaving the penal clauses as they are. If someone were to come along and agitate for an alteration of the Criminal Code, would we agree to alter it? The penal clauses in the Act are the same as those found in the Criminal Code or in civil law. For that reason they should be left as they are.

I would like to quote what Dr. Evatt said in 1949 when he introduced severe penalties for non-compliance with the Industrial Arbitration Act. This is what he said—

> The evidence has been derived from cases that have been considered by the courts, particularly in Victoria, and from one or two cases in New South Wales. Those irregularities have undoubtedly been brought about in some cases, by minorities in an effort to secure the election of officials to represent their views rather than the views of the vast majority of members. The trade union movement itself has supported the proposal to pass this legislation. The Australian Council of Trade Unions, which represents the opinion of the majority of organized workers in this country, has approved of the principles of this Bill.

The Bill passed by the Commonwealth Government at that time contained the same penal provisions as are found in the legislation of this State. I do not know why the Government now wants to alter them.

I have no doubt that members of the Labour Party know as well as I do that most of the strikes are not caused by the majority of members in trade unions but by the minority. The minority agitating section seems to wield a great influence over the other section. It seems to be fearful of the things said about it. The Act cannot do any harm to workers who are doing the fair thing; it only imposes penalties if they break the law. We should all have a respect for the law passed by Parliament. I oppose the second reading.

HON. F. R. H. LAVERY (West) [5.11]: I have been brought up in the trade union movement; in fact I was born into it. My grandfather grew up in that movement, and so did my father and I. I would be the first to admit that industrial law is the same as any other law; that is, some penalty must be provided for breaches. When the penal provisions were passed in 1952-53 there was a great outcry in protest against the metal trades strike. The people of the State suffered a great disability as a result of that strike. Whatever part the Government played in bringing before Parliament its intention to inflict penalties on those who the Government thought should be restricted, received greater publicity than under normal circumstances. I ask members to accept my remarks in all sincerity.

The illustrations given by Mr. Simpson prove that what has been done by the trade unions since this Act has been on the statute book enhances the proud record of the trade union movement in this State. Without exception any strike that has taken place was justified. By that I mean that all avenues of conciliation had been explored, and there was nothing left for the workers but to hold a stoppage. I have always claimed that the trade union movement should retain the right to strike. I do not claim that it has the right to strike without investigating all avenues for settlement.

Like Mr. Simpson, I wish to quote something I said in this House previously. There was a bus strike in this State in 1936; and I carry on my fob chain a gold medal presented to me by the Transport Workers' Union for the part I played. For a long time, and even up to 12 months before the union obtained an award from the court, the workers held many meetings with the Employers' Federation. The bus employers used to supply buses to convey the workers to the meetings after they had finished the Saturday night shift. The meetings were held from 1 a.m. until 5 or 6 a.m. on Sundays so as to allow all the workers in the union employed in passenger traffic to be present. Rather than hold up the services to the public, they held meetings from 1 a.m. until the hours of 5 or 6 a.m. on Sunday.

At the time when Mr. Lionel Carter was secretary of the Employers' Federation, the trade unionists in this State were up against a gentleman who I do not think knew the meaning of the word "conciliation". But immediately he left that office the Employers' Federation in this State and the trade union movement enjoyed far happier relationships. I am not saying that with any disrespect to the capabilities of Mr. Carter; but he was a dogmatic man.

Hon. G. Bennetts: He was dead against Labour.

Hon. Sir Charles Latham: That is why he fought for his country.

Hon. F. R. H. LAVERY: I think Sir Charles should not bring a matter like that into this debate.

Hon. Sir Charles Latham: I was replying.

Hon. F. R. H. LAVERY: I feel that Mr. Carter has an honoured place in regard to his service in the army.

Hon. A. F. Griffith: You are castigating a man who is not in a position to defend himself.

Hon. F. R. H. LAVERY: I am saying what I have said before and what is reported in Hansard; that Mr. Carter was a dogmatic type of man; and no matter how often a union might place a case before him, he had to have something in black and white before it was possible to make him believe. Mr. Gill, who followed him, completely changed the attitude between the trade union movement and the Employers' Federation; and with the exception of the metal trades strike, nothing has since occurred to break down that relationship. I am going to ask members to accept my word that that is the position which exists today.

I want members also to accept my statement, which I make in all sincerity, that the record of industrial peace which has existed since the metal trades strike—we have had minor stoppages—is something of which we can well be proud. Particularly is this so when we note the figures quoted by Mr. Simpson in regard to other States. Our industrial relationships in this State are such that we can hold our heads very high.

Hon. Sir Charles Latham: We are all right until Eastern States gentlemen come over.

Hon. F. R. H. LAVERY: I want members to give a little return to the unionists of this State because of their good behaviour over the past four years. What better way could there be than to remove that one stigma, which is a dagger in the hearts of trade unionists in this State—the imprisonment clause?

Hon. Sir Charles Latham: No more than the Criminal Code is to me.

Hon. A. F. Griffith: Why any more than the Profiteering Bill?

Hon. F. R. H. LAVERY: The hon. member can make his own speech. He does not have to tell me.

Hon. C. H. Simpson: The Companies Act is much more severe.

Hon. F. R. H. LAVERY: The clause in the Bill for the removal of the imprisonment penalties from the Industrial Arbitration Act would be a very gracious gift to members of the trade union movement in this State.

Hon. H. K. Watson: No law-abiding union has anything to fear.

Hon. F. R. H. LAVERY: That is correct; but we do feel it is something that should not enter into industrial arbitration laws. We consider that a penalty of £500 is very high. It is not right that any single individual should have to go to prison because, whether rightly or wrongly, he has been trying to get some better conditions for the workers. He is doing what he thinks correct.

I know some members of this Chamber will point out to me that I am wrong; and I respect their opinions. However, I feel that to have some of these penalties reduced would be no more and no less than a gift of gratitude to the workers of this State for their good industrial behaviour. I have no fear whatsoever that under our present system the relationship between the trade union movement and the Employers' Federation will continue as it is now, and what happened in 1952 will not happen again. I support the Bill.

HON. N. E. BAXTER (Central) [5.21]: Mr. Lavery dealt with only a small section of the Bill; but the main clauses deal with preference to unionists—something to which I am entirely opposed. It should be the right of the individual, when positions are available, to obtain a position whether he is a unionist or not. He should not be debarred from obtaining employment because he is not a member of a union.

I was a member of a union in this State and was party to a dispute between a section of the persons I was connected with at the time and that union. The dispute was over the fees we paid into that union. Portion was paid into a political party; and the secretary of that union—who I believe is a great supporter of this clause in the Bill—was the person who assured us at the time that none of the funds of the union were paid into a political party. Naturally he convinced some of the members; but he did not convince me, and I resigned from the union, If we are going to have unions which are prepared to pay a portion of fees into a political party, whether members agree or not—

Hon. G. Bennetts: They make his conditions better.

Hon. N. E. BAXTER: —it is not right. I went to several meetings of that union and was thoroughly disgusted with the set-up. At that particular time I was fully convinced—I am not unconvinced now—that both the secretary and the president, if not pink, were red, or tinged with dark pink. To that degree they are associated with communism. I have never seen birds of that colour change their feathers unless their own pockets are affected; and I believe the pocket of the person concerned in this instance could be affected severely. He is today a great exponent of compulsory unionism, and is trying to build up the membership of the union to enhance his own position. That is the particular case of one union.

At one meeting, there was a motion on the agenda; and when the party, in whose name it was on the agenda, rose to address the meeting, he was counted out and could

not speak. Naturally the leaders had their gang in the gallery, and they counted him out. If this is the type to whom we are being asked to give preference, then heaven forbid!

This Bill will not do something for the ordinary people, but it will for the union officials and enable them to enhance the funds of one particular political party. I say to the leaders or organisers of trade unions, that if they want to obtain members, let them go out and get them, as we do in the country organisations. We do not introduce Bills to say it is compulsory for one to become a member of the Farmers' Union or the Country Party; but this clause amounts to that.

If a person were working in a job and preference to unionists were introduced, naturally he would join, because he would be frightened that otherwise he would go out and a unionist would take his place. It is beyond the bounds of British justice and British rights that a Bill should be introduced into Parliament containing a clause which forces people to belong to a union which they do not wish to join. I certainly will not vote for the second reading.

HON. G. BENNETTS (South-East) [5.26]: I am going to support this Bill and especially one clause—the clause to which Mr. Baxter referred as "preference to unionists." I say that every person working on a job should become a member of the union which represents that position. Is it fair that one person should be employed in a particular job, while other persons are fighting and paying in order to obtain better awards? That person is shirking his responsibility.

Hon. N. E. Baxter: Doesn't it apply to all walks of life?

Hon. G. BENNETTS: I say that when a man who is not a unionist is employed on a job, he should be given a period in which to join. If he does not join, he should be replaced by a man who has taken out a union ticket. I support the measure. I think the Government has a lot of what it takes to bring in a Bill of this nature for the betterment of the conditions of the worker.

On motion by the Chief Secretary, debate adjourned.

BILL—BREAD ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. A. LOGAN (Midland) [5.28]: This is only a small Bill, but it could contain a sting. Presumably it has been introduced because of an argument that arose in the Kalgoorlie area where, I believe, because of control by the Wheat Products Prices Fixation Committee, the bakers refused to deliver bread. That generally happens when an attempt to control an industry is made by somebody who knows nothing about it.

I have previously mentioned in this House the attitude of the Wheat Products Prices Fixation Committee in connection with the price of bread in Geraldton. I said then that the same thing would happen in Geraldton if some relief were not granted. Within a month of my making that statement, an increase in the price of bread was allowed and the position remained as it was.

We have no right to dictate to a baker and say that he has to deliver his bread to a certain area. This raises all sorts of problems. Under the Bill a baker does not have to deliver unless the area is a prescribed area. I believe that a prescribed area will be gazetted in a regulation, but we have no knowledge of what the regulation will contain. Even so, once there is a prescribed area, any individual can make application for the baker to deliver bread, and the baker has to make the delivery because the Bill provides—

> Where a baker uses in a prescribed area any bakehouse as a bakehouse, if he is required whether orally or in writing, to do so by any person then, except where Subsection (3) of this section provides otherwise, the baker shall sell to that person.

It is all very well to say that the baker will not be compelled until a sufficient quantity is guaranteed to make it worth while; the measure says that the individual can demand delivery; and if the baker does not comply, he can be proceeded against under the Act. I think that is a rather loose state of affairs.

I can appreciate the housewives' point of view. Some of them, probably, could not manage without deliveries of bread; but that is not applicable in every part of the State. Although the trouble arose in Kalgoorlie, the Act applies throughout the State, so that we could have prescribed areas anywhere at all.

Parliament has never made any attempt to compel a grocer to deliver goods. Not even the butcher delivers today, and the housewife in most cases does not have to go for the butter and jam that are so necessary for use on bread. I would not mind so much provided the baker was paid for the deliveries. We have no right to make him deliver bread unless he gets a fair and reasonable price. That is the crux of the position. Whilst we have control under the Wheat Products Prices Fixation Committee we have no hope of being able to get an extra price for delivery.

It is almost impossible to get down to a uniform price for bread throughout Western Australia—which is something this committee has attempted to do—because there are many factors to be taken into consideration which it does not think

of. Until the measure is tightened up somewhat, I will not be disposed to support it.

It seems strange that, if the baking business is so lucrative, other bakers have not started up in Kalgoorlie, or that co-operative enterprise has not. The reason, of course, is that they could not deliver at the price.

Hon. J. D. Teahan: They could not get an oven.

Hon. L. A. LOGAN: A person can buy an oven if he has the money.

Hon. F. R. H. Lavery: Who buys an oven to make bread today?

Hon. L. A. LOGAN: A person could buy into the firms already there if he wanted to. The reason no one has started is that the price is not a payable one. Although I have a lot of sympathy for the housewife, I do not think we have a right to make the baker deliver bread under these conditions.

What is more, this, in effect, will become a zoning scheme. It cannot be otherwise; because if there is a small area which is prescribed, we are surely not going to say that three or four bakers shall deliver there. If, however, we do not make them deliver in the area, we get down to a basis of zoning by which the housewife has to take the bread that the baker delivers. We have had a lot of trouble in regard to this, and a lot of opposition to it from the housewives. A baker's cart goes past my door every morning, but I do not buy bread from that baker because I do not want to trade with him. I want to trade with another baker, so I use my freedom and buy bread from the shop.

Hon. Sir Charles Latham: That is why so many go to Boans and pay the same price for it—because it is better bread.

Hon. F. R. H. Lavery: You can still do that under this proposal.

Hon. L. A. LOGAN: If, under the measure, a person asks for bread to be delivered, a baker that he does not require might make the delivery, so that he would be almost forced to trade with that baker.

It must be remembered, too, that from the baker's point of view delivery is very unsatisfactory. The bread carter's job is not very remunerative, and the standard of bread delivery is not high. The employee gets used to the round and the amount of money he takes, and he knows exactly how much money has come in. If he has another job offered to him he might, within a day or two, leave the baker, who would then be left in something of a mess because he would not know what accounts were paid. He would have to check upon everything. To the baker, that would all be cost, of which the price fixation committee would not have a clue.

Hon. F. R. H. Lavery: I think it would.

Hon. L. A. LOGAN: I do not think so, because I have seen some of its work, and I know.

Hon. F. R. H. Lavery: I think you might be wrong there.

Hon. L. A. LOGAN: Before we decide that the baker has to deliver bread, we should study all the ramifications of the question, and what it means. I feel the ramifications are such that it would be wrong in principle for us to make a baker deliver bread in a prescribed area. I oppose the Bill.

HON. W. R. HALL (North-East) [5.39]: I support the Bill. I can go back some years and say that in Kalgoorlie the delivery of bread had taken place from time immemorial until about 12 months ago. When the deliveries ceased there was an outburst by those sections of the people who were inconvenienced by virtue of the fact that they had to travel a long way to get bread. Some arrangements were made by which the bakers delivered to certain points, and it was then incumbent upon those who desired to purchase bread to go there for the purpose.

We all know that bread is one of the essentials that we cannot do without. There appear to be six or seven master bakers on the Goldfields who decided not to deliver bread. Up to the time when the deliveries ceased, Kalgoorlie was very well served, and when the master bakers decided to cease deliveries their decision came as a shock to many Goldfields residents because of the inconvenience and hardship that they would suffer.

Subsection (2) (b) of proposed new Section 17B provides that the baker—

> shall deliver or cause to be delivered to a person, within such hours and within such distance of the bakehouse, as the regulations prescribe.

It is true that the Bill sets out that it will be incumbent on the baker to deliver bread if a request is made orally, in writing or otherwise. At the same time it can be expected that there will be an increase in the charge per loaf. I maintain that if people are prepared to pay this increase for delivery, they are entitled to the service.

At present I would say there are 22,000 or 23,000 people on the Goldfields, and it can readily be seen by members that some must suffer considerable inconvenience and hardship through having to walk long distances to purchase bread. I can see nothing wrong with those people being prepared to pay an increase in the cost so that they may have the bread delivered. After all, certain parts of Kalgoorlie are very scattered, and so is the population. There are old and infirm people living some miles from a bakehouse and from the points where deliveries take place at

present. These people should have the bread delivered to them, provided they are willing to pay for it, as I understand they are. Under the Bill the bakers can certainly charge the extra. I can see no reason why these people should not have the deliveries made to them if they so desire.

A few moments ago one member referred to the zoning of bread deliveries. I realise that not everything is right with that. Even where I reside in Nedlands, the zoning of bread came into operation some years ago to serve a particular purpose at the time. Zoning gives the purchaser of bread no right of choice; he cannot change his baker, if he wishes—and it is obvious that some bread is better than others. Some bakers seem to be able to bake better bread than others; but under the zoning system that operates in the metropolitan area, the customer is more or less forced to purchase his bread from the baker who delivers in his locality; or alternatively, to go to a small shop which may be up to a quarter of a mile away. I was one who never liked zoning, and I would not subscribe to it if I could possibly avoid it.

In the present circumstances I do not think zoning would be necessary on the Goldfields because there are six or seven master bakers there, and surely they could give some service. There would be no need for zoning, and the deliveries would not be like they were in the old days when there were 40,000 odd people there.

I do not think the delivery of bread would cause the bakers much inconvenience, if the people on the Goldfields desire it, and that facility should be given to them. At present, at a certain time of the day, the baker rings a bell at various points in the district and the housewife has to go and buy her bread or else go to the shop to get it. While the children are at school it is difficult for her to get her bread unless she goes and buys it herself. This will be a way of ensuring that the bakers give a service to the people, because the master bakers have resorted to a practice which stops the housewives from having their bread delivered.

I can see nothing wrong with the Bill, especially if people are prepared to pay for this service. It would not take the bakers long to implement a delivery service; they could soon find out the extra number of employees they would require and the necessary transport. As the people are prepared to pay for the service I think they should be given it and for those reasons I support the Bill.

HON. R. F. HUTCHISON (Suburban) [5.47]: I rise to support the Bill; and in doing so I speak not only for the Goldfields housewives but also for the housewives throughout the rest of the State. The non-delivery of milk, meat and bread, which are daily necessities in a home, was a wartime restriction imposed on women and accepted by them in the spirit of the times. But while most things have been reinstated, the delivery of bread has not, in all cases, been reintroduced, although it would have been had its non-delivery any effect upon husbands. Because only the poor unfortunate housewife is concerned, it does not matter what inconvenience and suffering are inflicted! This non-delivery of essential goods does cause suffering to housewives; milk, meat and bread must be fresh every day.

Hon. C. H. Simpson: Do you know of any areas in the metropolitan zone where there are no bread deliveries?

Hon. R. F. HUTCHISON: Yes. In some places they have only just started to deliver. I am not speaking for the metropolitan area. I am speaking for the women throughout this State; but more particularly for the country centres. I can tell members plenty about the hardships women in those places have to suffer and have suffered since they have been shouldering this burden. A housewife can get in a supply of groceries when she does her shopping once a week or once a fortnight. But I still think that all household goods should be delivered; and now that times are getting a little hard, we find that some grocers in the metropolitan area will deliver their goods. I do not think that applies in the country areas.

Hon. G. Bennetts: John Wills deliver here and we get deliveries on the Goldfields.

Hon. R. F. HUTCHISON: Deliveries of groceries have only just started. I lived for 22 years on the Goldfields in the early days, and I know what it is like to walk long distances in the hot sun on hard roads. There are no footpaths in most of the little towns on the Goldfields.

Hon. G. Bennetts: They are all getting bowlegged in my district.

Hon. R. F. HUTCHISON: This is an imposition that has been placed on the women, and they accepted it during the wartime, as they accepted many other things—uncomplainingly.

Hon. J. M. A. Cunningham: You are complaining a lot.

Hon. R. F. HUTCHISON: Members can smile about this but I have heard them talk in telling tones in this Chamber about protecting women at all times. When speaking about different matters they have been anxious to protect women. When I first spoke on the Jury Act Amendment Bill I heard members say that women had to be protected; but those same members do not seem to worry about protecting a woman's health in a case like this. I know of a woman who had two little children—one was a baby in arms and the other two years old—and she had to walk three-quarters of a mile in Bunbury to get her meat and bread, because there was no delivery. That happened not long ago.

Hon. N. E. Baxter: Isn't that good exercise?

Hon. R. F. HUTCHISON: That is exactly the reply I would expect from the hon. member.

Hon. G. C. MacKinnon: Where is the lady today?

Hon. R. F. HUTCHISON: It is no laughing matter. I think members say most ungallant things. I know women with little children who have been suffering physical disabilities for months as a result of bearing a family, and many of them have been in hospitals to have operations. These physical disabilities have been prolonged by their having to go out and pick up their household goods, whether they felt like it or not, or whether they were under treatment or not.

Hon. J. M. A. Cunningham: Yet you want to impose jury service on those women.

Hon. R. F. HUTCHISON: Those poor women have had to carry heavy loads of parcels because there have been no deliveries. Why have there been no deliveries? Because the tradesmen were able to make a profit and did not have to go to the same trouble as they did previously.

Hon. N. E. Baxter: Your Government—

The PRESIDENT: Order!

Hon. R. F. HUTCHISON: Those tradesmen are still making a profit; and until recently, many of them did not have to go to the trouble of delivering their goods. We hear a lot about free enterprise. I want to know what freedom the housewife has had over the years. She has had to submit to this tyranny; and it is tyranny. Every association of women, of which I am aware, has protested over the years against this non-delivery of essential goods. But I have never heard anybody speak up on their behalf. Nobody here tried to do anything about it until the Government introduced this amendment to the Bread Act.

This measure is an absolute necessity. There is nothing fancy about it, because bread is a necessary food. I have a granddaughter living in one of the outback Goldfields towns, and she is under treatment for a physical disability. She has to walk long distances to get her bread, and that is preventing her from recovering from this illness. Members might not believe that, but I can bring a doctor's certificate to this Chamber to prove it. As she walks an inflammation is caused and it makes her sick. Her husband leaves for work before the bakery is open and he does not get home until after it is closed. That is an imposition, and I can see nothing for members to laugh at. I am sure, if they were subjected to this sort of thing, they would not sit down and laugh about it.

Hon. Sir Charles Latham: We are not going to, either.

Hon. R. F. HUTCHISON: I would expect them to vote for a Bill such as this, because it is an urgent necessity. I do not intend to argue about the rights or wrongs of zoning, because we often hear speeches about freedom and about free enterprise. Zoning is not freedom. But for some time the long-suffering housewives of this State have had to cart heavy parcels over long distances to take essential goods home. The ordinary housewife gets her pay on a Thursday or Friday night and then she has to do her shopping.

It does not matter whether it is hot or raining or cold: she has to go out in all weathers to get her supplies when she gets her money. She has to look after the children, send them to school, and look after the family. The shops are not open early enough in the morning for her to send one of the children to get her supplies of bread. In my district the bread does not arrive in the shops until 10 o'clock.

Hon. R. C. Mattiske: Yet only recently you wanted to restrict trading hours.

Hon. R. F. HUTCHISON: That does not come into this question, because we do not expect the shops to open at six o'clock in the morning, and it would take a full hour for a child to go to the shop and back if it was any distance away.

Hon. N. E. Baxter: What stopped the bakers from delivering?

Hon. R. F. HUTCHISON: Probably something that happened in wartime. The women gladly accepted that—patiently accepted it because it was wartime. I am not complaining about what occurred in those days; but no steps were taken to rectify the position when the war was over. During the war, the women said that they would put up with the non-delivery; but now they are suffering for it, and it is about time the position was rectified. The non-delivery of bread was introduced during war-time; and when the bakers found that they could get away with it after the war, they did so. As one got away with it, the others saw what was happening and followed suit. As I said, some trades people are finding things a little harder now and are starting to do a certain amount of delivering.

Hon. R. C. Mattiske: Will it interfere with the price control of bread?

Hon. R. F. HUTCHISON: I do not think price control has anything to do with it.

Hon. R. C. Mattiske: Hasn't it?

Hon. R. F. HUTCHISON: No; that is only an excuse. I am quite sure that the whole position could be adjusted fairly and equitably. I protested when the milkmen first started to cut out milk deliveries

on Sundays. Apparently members opposite think that every housewife has a refrigerator.

Hon. R. C. Mattiske: Isn't the milk distributor entitled to a Sunday off?

Hon. R. F. HUTCHISON: I think that babies' lives are more important, particularly when families have no refrigerators. I know the hon. member is being facetious; but I am trying to point out that many women are suffering hardships, and it is about time something was done about it. I hope the House will pass this Bill so that bread deliveries can be reinstated on the Goldfields. I am sure that if members opposite had to go and get their bread every day they would take a different view about this business. They talk about freedom; while there are these restrictions, housewives have no freedom. They have to go and get their bread whether they are ill or well.

On the Goldfields, when a bell rings, they have to go to a certain point to get their bread; it does not matter whether the baby is crying or anything else; they have to pick it up and carry it in their arms if there is no one at home to look after it. They have to walk long distances and it is not fair. It is nothing to laugh about because it is terribly hard for these women. I support the Bill.

On motion by N. E. Baxter, debate adjourned.

MOTION—"THE WEST AUSTRALIAN."

"Perverted" Report on Workers' Compensation Bill.

Debate resumed from an earlier stage of the sitting on the following motion by the Chief Secretary:—

> That this House expresses its disapproval of the action of West Australian Newspapers Ltd. in publishing a perverted account of the Committee proceedings on the Workers' Compensation Act Amendment Bill, 1956, and requests the President to personally convey this resolution to the directors of West Australian Newspapers.

HON. A. F. GRIFFITH (Suburban) [5.59]: There have been occasions in this House when, in my humble and modest opinion, I have made speeches which I felt had rung in the rafters of the building and which brought from some sections of the House a multitude of interjections. You have, Sir, on occasions, had to call the House to order and I have sat down satisfied in my own mind that I have done my job. Then I rose next morning to have a look at the paper in the hope that I would be able to find some small mention of my activities on behalf of my electorate, and I found there was no space in the paper to record the results of the sweat and blood I had poured out the previous night.

The Chief Secretary: It is a wonder you did not bleed to death.

Hon. A. F. GRIFFITH: The Chief Secretary now desires to move a motion of censure against "The West Australian" newspaper, couched in terms, some of which I do not like. I do not like the use of the word "perverted". The Chief Secretary suggests that this House express its disapproval of the action of West Australian Newspapers Ltd. in publishing a "perverted" account. Anything that is true is hardly perverted.

I had a look at the report this morning when reading the daily paper; and I have had an opportunity since the Chief Secretary moved his amendment to examine it closely. I would say, without any reservation, that the report in the paper is correct. I would also say, however, that it is incomplete. I venture to suggest there is a difference between something being incomplete, and something being perverted. I am sure that some members anyway would agree with me if I say that when one examines the reports in the papers of this State one finds that more often than not the Legislative Council, as one of the Houses of Parliament in Western Australia, receives, frequently, incomplete reports of its activities.

I have noticed that the emphasis of publicity is given to those occurrences and happenings; and to those decisions reached in the Legislative Assembly. When the measure comes before this House no doubt those members of the public who are particularly interested to read the reports have received and read those reports and the sayings of members that occur in the debates down there.

Hon. F. J. S. Wise: I support what you say. Do you think that "The West Australian" does not support a bicameral system of Government?

Hon. A. F. GRIFFITH: I am not talking about a bicameral system of Government. If that remark is meant to be—

Hon. F. J. S. Wise: I am quite serious.

Hon. A. F. GRIFFITH: If the hon. member is serious, I will leave him to comment on his seriousness in due course. The reports I have mentioned originate from the debates that occur in another place. I have noticed that when the measure concerned arrives here the paper prints, as it did in this report, what the Legislative Council rejects or deletes; it does not, on many occasions, give us the benefit of seeing what we pass.

Unforunately the eye of the public, in reading the Press reports, is guided by the large headlines in all the papers, periodicals and the like. An examination of statistics on these papers would, I think, reveal that a large percentage of the public does not read, completely, anyway, that which occurs under the headline. I believe that is what happened. I do not know whether or not it is the policy

of "The West Australian" newspaper to report all that we reject, and leave unsaid that which we pass. If that is the paper's policy, then I think it is an unfortunate state of affairs.

It is a pity that the daily papers in this State have not sufficient space to give more importance to the parliamentary debates than they do at present, because I believe that the standard of education of a State in regard to its politics can be widely governed by the amount of publicity given to the debates that take place. If it were possible for newspapers to adopt the procedure they do in times of elections when we see one or other paper printing the words in the manner of a forum, stating the Government's view on a particular matter and also expressing the Opposition's view on it, the public would be able to take an intelligent interest in the discussion and be able to weigh the pros. and cons. on both sides. It is a great pity that we do not get more space in our papers for parliamentary debates than we do at the moment. We cannot expect any paper to print a verbatim account of a debate or a discussion that ensues in either House.

Hon. C. H. Simpson: It would be an awful thing if they did.

Hon. A. F. GRIFFITH: In some cases I can think of, where certain speeches are made, I would whole-heartedly agree with the hon. member. I do not like the use of the word "perverted" because I do not think that anything that is true can be perverted. It would be more accurate to say that the report which is the object of the Chief Secretary's motion, is incomplete. Why he should pick this particular one I do not know. As I have said, sometimes when I have made speeches and not found a newspaper report of them, it has never entered my head to disapprove of the attitude of the paper in not printing my speech.

The Chief Secretary: I am concerned about the wrong impression given to the public as to what was done.

Hon. A. F. GRIFFITH: If that is so, then I suggest a motion couched in these terms is also wrong. In all good faith I would suggest two courses to the House. We should first amend this motion, and then, when a full discussion has been allowed on the motion and the Press representatives listening to this debate have taken back to their principals the views of the members of this Chamber, and after we have been given an opportunity to express our views, we should deal with the motion as we would with a motion to adjourn the House. A motion such as that receives full discussion after which the member who has moved it seeks leave to withdraw it.

Hon. L. C. Diver: Why withdraw it?

Hon. A. F. GRIFFITH: That is merely my view, and the hon. member need not share it. The Press would have ample opportunity to hear our views without actually having us forward to them a censure motion.

Hon. A. R. Jones: They may not report it, in which case their principals will know nothing about it.

Hon. A. F. GRIFFITH: They may not report the hon. member either.

The Chief Secretary: You will be reported.

Hon. A. F. GRIFFITH: I would like to move for the deletion of the words "a perverted" with a view to inserting in lieu the words "an incomplete."

The Chief Secretary: No sane House would ask them to publish a complete report.

Hon. A. F. GRIFFITH: The Chief Secretary will have an opportunity to reply. I think that is the better way of expressing the motion. At present I think it expresses what took place at the debate in Committee so far as the deletion of the clause is concerned.

The Chief Secretary: Read the heading.

Hon. A. F. GRIFFITH: I think it is correct to say that it is not the policy of the paper to print a detailed account of each debate that takes place in this House, and it is not its policy to put in everything we pass. I wish it were.

Hon. E. M. Heenan: By being incomplete, was it misleading?

Hon. A. F. GRIFFITH: The hon. member will have his opportunity to express his views.

The Chief Secretary: Just have a look at what the heading conveys.

Hon. C. H. Simpson: The dictionary meaning of "perverted" is quite different from the accepted meaning of the word.

Hon. A. F. GRIFFITH: If I may interject for a moment, I would like to move an amendment. I move—

> That the words "a perverted" be struck out with a view to inserting the words "an incomplete" in lieu.

HON. H. L. ROCHE (South—on amendment) [6.14]: In my opinion the people of Western Australia are particularly unfortunate in the manner in which they are served by the daily Press in this State. To my mind the Press is as much a public institution as is the Parliament of the country. It has a responsibility to the public which is as great as, if not greater, than that which we have. When we find a monopolistic control of the only channel of public information in the State, such as exists in Western Australia in connection with our daily Press, then to my mind there is even a greater obligation on that Press

to truly report things, and bring to the community as a whole a proper and accurate account of what takes place.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. L. ROCHE: For my part, rather than take objection to the term used by the Minister in this motion, if he could think of a more embracing and stronger expression than "perverted" I would be very happy to support him—and I think this House should be also. To suggest that this phraseology should be altered to include the word "incomplete" seems to suggest that we require a complete report of what took place in regard to the legislation dealt with last night. Of course, no one would expect that.

Not only would the substitution of the word "incomplete" break this motion down to a degree that I do not believe the circumstances in the past and in this instance would warrant; but it could be misused—as so much is misused—to convey an entirely wrong impression of the feeling of this House in respect of the motion. We know that the Press—and of course our Western Australian daily Press is not alone in this—always has the defence, that it is ever ready to urge, of insufficient space. That could be true.

But it is usually supposed that the people who control organs of publicity, such as "The West Australian," are possessed of sufficient knowledge, acumen and —shall we say—plain commonsense that they can show some discrimination in the selection of news for publication. However, it is news, according to "The West Australian" if a rooster changes its sex in Hong Kong. There is space in "The West Australian" for an item of that sort. But there are discussions here in respect of matters of vital importance to Western Australia which are not given a line.

We would be entirely wrong as individuals or representatives of the people of this country if we took exception to criticism. We have put ourselves into the position where we should be prepared to accept it. Doubtless we very often justify criticism, and we should be ready to accept it, provided it is reasonably fair. I do not think that, we should ask that it be entirely fair from our point of view; but we are entitled to ask that it convey a reasonable account of what takes place. When the Press resorts—as I believe it does—to deletions, suppressions and omissions, then it does not provide a reasonable account; and, as the one and only instrument for conveying public opinion in this State, in order to further such interests as it thinks suits it best, it is prepared to misuse its position and deal in half-truths and omissions to build up wrong criticism. That is what has happened.

Rather than accept this amendment with the idea of breaking down the implications of the motion and making it a little more acceptable to some people, I would be quite prepared to see the motion framed in much stronger language. To give some credit to the daily Press, articles on world affairs such as appeared in this morning's paper are well worth while and worthy of any section of the Press. But as a result of the treatment by "The West Australian" of this Parliament, and particularly of this House, and its attitude on certain matters of public controversy, we are entitled to pass a motion of censure such as this one.

The paper has perverted its monopolistic position. It has perverted the freedom of the Press that we hear so much about, and it has misused the opportunity afforded to it by conveying an altogether wrong impression of what took place here last night. There were 15 divisions on the legislation which is the subject of the motion, and not one was reported in the paper. What was reported would convey to the uninitiated a wrong impression of the decisions of the House on that legislation, little and all as I like that legislation. I oppose the amendment.

HON. F. J. S. WISE (North—on amendment) [7.38]: I consulted three dictionaries during the tea suspension in order to discover whether the word selected by the Chief Secretary fits properly into its place in this motion. In his third definition, Webster defines the verb "to pervert" as follows:—

> To distort from the true end or purpose; to turn from the proper use; to misapply; to put to improper use.

Nuttall defines it as follows:—

> To turn from truth, propriety or its proper purpose.

Dr. Annandale gives an almost identical reference in his interpretation of the word. So the word "pervert," even though it does not sound as euphonious or pleasant as some words that might be selected, appears to fit the need as expressed by the Chief Secretary.

I am very conscious of the fact that the words of Theodore Hook in his "Gilbert Gurney" are very apt in connection with any reply which might be made to a newspaper comment. These are the words—

> A reply to a newspaper resembles very much the attempt of Hercules to crop the Hydra without the slightest chance of ultimate success.

All of us who have been in public life for a little or a long time must be very conscious that that is a fact.

But all of us who have been in public office—in Parliament or out of it—know that public men must expect to be criticised, and they must be able to take the

criticism. Have not many of us who have acted in high places read at times, when the Press has agreed with our views, the most laudatory comments? But when one's thoughts, arguments and beliefs do not suit the Press, one wonders of whom it is writing when one observes the different person that is depicted from the one previously applauded.

The words of Phillip Snowden, after his return from Paris, following the first world war, would sum up appropriately one's attitude, if one allowed oneself to be cynical—which would be quite improper—in an attempt to describe the reaction of the public and the Press to public men as a rule. Riding down the road in an open carriage, Snowden was applauded and acclaimed a national hero. His secretary said, "Phillip, you appear to be quite unmoved at the approbation of the crowd"; and his reply was, "I am very conscious of the fact that this very crowd which puts a halo on my head today would replace it with a crown of thorns tomorrow." Unfortunately that is the privilege of the critic of a public man, no matter how high his motives may be and no matter how his actions have been motivated by the highest ideals.

Hon. L. A. Logan: They are doing that with Eden now.

Hon. F. J. S. WISE: Yes; it is being done with Eden. I submit that the presentation of news without bias or prejudice appears to be either a lost art or a very unusual occurrence today. There seems to be a premium on the sensational, on the headline, on the catch-phrase, whether it be on a poster drawing attention to the importance of the issue of the day or in the headline itself. I am afraid that on far too many occasions matters of national importance are submerged—indeed lost—amongst the maze of sensational matters that have no tendency, wittingly or unwittingly, to lift the morale or the morals of a community.

In connection with leading articles, of course, the situation is different. All newspapers have the right—it is their complete prerogative—according to the views of those who direct the policy of the paper, to express in undisguised terms their views of public acts, public happenings and the actions of public institutions and public personalities. That is their right, but they have no right to intrude into the news in any way prejudice or bias where straight reporting would better give the facts.

Parliamentary reporting and the reporting of parliamentary proceedings, as we are all aware, call for the talents of highly trained people; people who are skilled not only in abridging or condensing matter but also people who have a knowledge of what is of interest and of value in the matter submitted to Parliament. When such reports are made by skilled people such as that their work is finished; and if there is any prejudice or bias or distortion in regard to what has taken place, the journal concerned is very much to blame and very much deserving of censure. One of the worst things that could happen to our way of life and to the fundamental things upon which this institution and, indeed, civilised society, is built, is for Parliament to be discredited; not the people of Parliament but the Parliament itself—the institution and what it stands for.

I listened with great interest to what Mr. Griffith had to say, but unfortunately he misconstrued what I intended to be a helpful interjection. One would believe, from a study of the reports of the doings of Parliament in recent times, and the comments made on motions moved, Bills introduced and so on in the Legislative Assembly, that in the main there is one Chamber only in this Parliament and not the one which the Press of Western Australia is usually most anxious to preserve. My interjection was to ask whether Mr. Griffith believed that "The West Australian" was at last not in favour of the bicameral system of Government, the point being that this is the institution, this Legislative Council, the part of the institution that only kings may enter and not the commons, which is a very fundamental part, a very important part and a very privileged part of the whole organisation of our parliamentary institution which is founded upon the British Mother of Parliaments.

Hon. A. F. Griffith: I am sorry that I did not catch all of your interjection.

Hon. F. J. S. WISE: I have known of a very different attitude on the part of the Western Australian Press, in regard to the Legislative Council and the Legislative Assembly; and if we read bias where bias is not intended, that is unfortunate. If it is that the happenings of this Chamber are prejudiced not by misreporting or inadequate reporting but generally by the tendency to colour news of any happening, strong action should be taken.

Although I do not agree entirely with the words of Mr. Roche, I believe that this motion should pass as it was moved. None of us can expect, nor have we the right to expect, a verbatim report or a full report in view of the pressure of news today on the Press in regard to international matters that are vital; but what we have the right to expect and what, indeed, this institution is entitled to have and what the public are entitled to receive from the Press is a precis of what happens, for and against, on any subject, if it is mentioned at all, because there are many ways of showing prejudice or bias in a report of the proceedings of this institution.

One method of introducing prejudice or bias is to misreport—which all of us would deplore—and another is to report inadequately, and a further one would be not to report at all. I submit that the Press, with its sacred trust of giving to the public a precis of happenings of importance in their lives, should attempt to do that and not to highlight those things in regard to which the Press is prejudiced; not to give, day after day the same pattern in that exhibition of prejudice, but to give the pros and cons of the arguments put forward and let its summation be, in the leading article, as vigorous as the Press cares to express it.

That, in my view, is not only a function but a duty of the Press. I repeat that the Press not only moulds public opinion, but also the pattern upon which the morale and morals of the public are built, and it has a great duty and responsibility in showing that this institution is worth while in the daily lives of the people also; and, as this is the Press of Western Australia, in my view its attitude to Parliament should not in any way belittle this institution, irrespective of what the Press thinks of its components.

Therefore, although the pressure of overseas news on space is a reason and not an excuse, and although no person in this Chamber believes that we have any unqualified right to be mentioned at all, without names being mentioned, if it is necessary let the public know the basis of the debate and the pros and cons in connection with it. That is all Parliament expects. As one who has been the subject of much criticism in leading articles, I have no feeling against the Press in any way; no feeling of criticism against any action which it may have taken at any time in regard to my public acceptance of office or my manner of carrying out the duties of office.

Fortunately, the Press, as a rule, does not invade the private life of a public man, but the public life of a public man is open to the Press, with all its force of criticism, when it so wishes, and I think he is therefore entitled, in reciprocity, to some opportunity for the public to have expressed to them a fair presentation of his views.

Since I believe that in this case the things that are the subject of the motion and the basis of the report in this morning's issue of "The West Australian" are not a representation of what this Council decided upon or the sentiments expressed therein; and in view of the fact that there is no mention at all of the benefits those who are affected are to receive from that part of the legislation which has been approved—there was only mention of the parts that had been rejected—the Press report was therefore misleading and no one affected would get from it a reliable reaction as to what transpired in this House yesterday.

I hope that this institution always will attempt to have the right preserved to it of proper reporting of the happenings taking place and that it will be prepared to go to any length to preserve that right in the interests of all civilisation and of that part of the British Commonwealth which this Parliament represents.

HON. N. E. BAXTER (Central—on amendment) [7.55]: I believe that the Press in attempting to present to the public what one might term semi-sensational headlines in dealing with matters happening in Parliament, either did not realise or overlooked the fact that the reading public would misconstrue the meaning of the headline in this instance. That was brought home to me this morning when my wife had occasion to deliver a telephone message to a retired gentleman who is our next-door neighbour, because he said to her, "I saw your husband's name had mention in this morning's paper. I think it is time all those old men in that Chamber were thrown out and replaced by others."

That was the reaction of that gentleman to the headline in "The West Australian." I believe that a headline which creates a reaction of that kind in the public mind is not fitting to appear in any newspaper; and I believe that "The West Australian," if it decides in future to headline anything in relation to this House, should give consideration to what will be the public reaction to such a headline.

In regard to the amendment moved by Mr. Griffith, in view of the definition given by Mr. Wise it would seem that the Chief Secretary has not ill-chosen the words he used. I believe the headline was what one might call semi-true; and if "The West Australian" had added that this Chamber had partly rejected some portions of the Bill presented, it would have been conveying to the public something closer to the truth in regard to what occurred last night. I believe that the reaction of my next-door neighbour this morning would be the reaction of 50 per cent. or more of the public to that headline. Apart from the headline, the little that "The West Australian" printed was true.

Only last year I discussed with one or two people in the city a question similar to this; and one of the persons to whom I was speaking, told me that the managing editor of "The West Australian" had told the staff to get a lot of data and opinion on price fixing, with the result that that paper came out with almost a full page of information and figures on that subject. In the present instance this journal did not print even the bare details of the clauses of the Bill that were dealt with last night.

If at one stage the managing editor can find space to give almost a full page to price fixing, I think he could in this instance have given more space to information as to what occurred in this Chamber

last night. For that reason one cannot do else but support the motion of the Chief Secretary; and therefore I will vote against the amendment, because I think the Chief Secretary's use of the word "perverted" would be as near correct as one could possibly get.

Amendment put and negatived.

Question put and passed.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Report, etc.

Report of Committee adopted.

Bill read a third time.

Hon. J. G. HISLOP: Would I be in order, Mr. President, in asking for the Bill to be recommitted for the purpose of considering Clause 14 at this stage?

The PRESIDENT: The hon. member should have done so earlier and I am afraid he cannot do so at this stage.

Bill returned to the Assembly with amendments.

BILL—ADMINISTRATION ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from the 4th December.

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 to 3—agreed to.

Clause 4—Section 69A amended:

Hon. H. K. WATSON: This clause proposes that where a husband dies and leaves a dwelling-house as part of the estate, the duty on that dwelling-house may be held in abeyance until his widow dies, when there becomes payable the duty to which the estate became liable on the death of the husband, plus that which accrues on the death of the widow. In assessing the dutiable estate, the family home should be exempt. A person may die leaving nothing but the family home.

In such circumstances the levying of duty is not on wealth but on poverty and distress. The equity in a family home should be entirely excluded from the imposition of duty up to £6,000 which I suggest is a fairly reasonable sum considering present-day values. I am merely asking that the equity of the house should be exempt from duty. I move an amendment.

> That after the word "house" in line 14, page 3, the words "or an interest in a dwelling-house" be inserted.

The CHIEF SECRETARY: I have no objection to this amendment.

Amendment put and passed.

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

> That after the word "by" in line 16, page 3, all words in paragraph (b) be struck out and the following inserted in lieu:—
>
> > "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) shall, up to an amount not exceeding six thousand pounds, be excluded from the calculations in ascertaining the final balance of that estate."

The CHIEF SECRETARY: I hope the Committee will not agree to this amendment. At the moment the amount has to be paid. What we have to do is to relieve the widow of the responsibility of finding the amount at the time. We realise that many widows are left with property but with no money with which to finance it and this amendment was suggested to effect some relief. Mr. Watson, by his amendment, suggests that the same should apply to the husband, but generally he is in a much better position to finance estate duties. Homes are often put in the name of the wife to avoid the payment of duty at the time of her husband's death.

Hon. H. K. Watson: What about a pensioner?

The CHIEF SECRETARY: A concession would be necessary in the case of a pensioner, of course, but I am speaking generally. Mr. Watson's amendment does not defer, but applies a complete exemption.

Hon. H. K. Watson. My amendment is restrictive but does not enlarge.

The CHIEF SECRETARY: The opinion that has been expressed to me is to the contrary. We have to realise that if the suggested exemption is agreed to it will mean a considerable reduction in revenue which would be serious from the Treasury point of view. At present we believe that we should relieve the burden on the widow as far as possible but we think that is going far enough.

Hon. J. G. HISLOP: In view of the immense amount of taxation that is to be placed upon individuals as a result of various taxing measures that have been introduced this session, some concession in this legislation is surely worthy of some consideration. I regard the whole of this tax as one that we can well do without. Any property left by a deceased person in these days has been accumulated after the State has taken a considerable amount of the income from the efforts of that person. The burden should be taken off the individual. I consider that the house

left by a deceased person should not be regarded as a subject for further taxation.

Hon. E. M. HEENAN: The Government is going a fair way to extend a much greater benefit than exists at present. The provision in the Act is "where the whole or part of an estate consists of a dwelling-house ordinarily used at a residence by the surviving spouse and the final balance of the estate does not exceed £5,000, the Treasurer may defer payment of duty until the death of the surviving spouse." From inquiries I have made this privilege has rarely been availed of. It is proposed in the Bill that where the net estate does not exceed £10,000 and includes a house which does not exceed £6,000, the widow can apply for deferment of duty. That goes further than the provision in the Act.

Everyone of us is in favour of abolishing taxation altogether, but the Government must find revenue from somewhere. Death duty has been a form of taxation which has existed for centuries and is nothing new. When a person dies and leaves a considerable estate it must be remembered that he earned or saved the money to purchase the estate, but usually the beneficiaries have not put in much effort to create the estate.

Hon. L. A. Logan: In some cases the sons of farmers have worked for very little or nothing.

Hon. E. M. HEENAN: I agree that sometimes farmers have been assisted by their wives and sons, just as that happens in businesses. Usually those children receive some reward in the lifetime of their parent. This form of taxation has existed for centuries in all parts of the civilised world. We would all agree if a house worth £5,000 to £6,000 in an estate could be exempt from duty altogether, but then the Treasury would have to increase revenue in other directions, by raising rail freights or increasing land taxes.

Hon. C. H. Simpson: Do you not think that increased values these days would increase the revenue derived from this source?

Hon. E. M. HEENAN: If the proposal of Mr. Watson were agreed to there would be such a vacuum created in the finances of the State and that revenue would have to be found from other sources. We have heard much about the burden of taxation, but we are living in a good society with free education, free school books, with hospitals, roads, and railways in every direction which cart produce at a cheap rate. The Government must find the money to establish those amenities. No one is greatly prejudiced or harmed by this form of taxation. When our ancestors died the values of their farms and houses were calculated and taxed accordingly.

Hon. J. M. A. Cunningham: Some beneficiaries in England have been taxed out of the possibility of owning the houses left to them.

Hon. E. M. HEENAN: Can any country afford to allow such vast mansions to be kept? Are they not being put to better use today? It is not practicable to exempt houses from probate duty altogether.

Hon. Sir CHARLES LATHAM: It was pointed out that in time gone by houses forming part of an estate were also taxed, but we should remember that today in addition to that tax being paid, there is also the tax on income from which such houses are purchased. We must not forget either that the only asset in an estate may be the house, and if there is a forced sale the proceeds would not be as great.

Hon. E. M. Heenan: There have been very few applications for deferment of duty.

Hon. Sir CHARLES LATHAM: I suppose such application would be refused.

The Chief Secretary: They have always been given favourable consideration by the Government.

Hon. Sir CHARLES LATHAM: This is really a tax on people who are trying to help themselves in their old age by purchasing homes. We should not encourage people to squander their money in their young days without making provision to secure a home to provide for their old age. Many people today have not the means to purchase homes and are accommodated in rooms; these are the people from whom complaints were received about high rentals.

This form of taxation would tend to discourage people from purchasing homes. Although I have not been associated with an estate where no cash was left, I do know of some and there was difficulty in winding up the estate. In such cases the Pensions Department has generally been very considerate. I have always tried to persuade people to set aside some money to buy a home. The tax does not present such a problem when the surviving spouse dies, but the difficulty arises on the death of an aged couple. For a long time this State had the lowest probate duty of any in Australia. I remember the former Governor saying that it was much cheaper to die here than in the Eastern States so he intended to stay here. I support the amendment.

The Chief Secretary: I think it is still the cheapest.

Hon. G. C. MacKINNON: Mention has been made about the breaking up of large estates, but no one would argue that there are times when it is desirable to break them up. In recent years the conditions have changed with regard to this form of taxation and its impact on the people.

Now there is much more universal home ownership, and this particular tax will hit very severely the people receiving the old-age pension. It is usual for a couple to be regarded as a unit in respect of their earnings or expenditure; so surely a tax of this nature should also be regarded as a unit tax. Irrespective of any suggestion in the Bill, a house forming part of an estate is taxed twice.

If the husband dies first the wife has to pay the tax. It is still taxed twice because the children have to pay tax. All of us like to leave something for our children. It is one of the very fine aspects of civilised people that they try to do this. It is outside the means of a lot of us to leave much more than our home; yet on that home we have had to pay two lots of taxation. All of a sudden the law takes the view that two folk are not husband and wife but are two separate people.

Hon. E. M. Heenan: There is no taxation if one dies within two years of the other.

Hon. G. C. MacKINNON: That does not alter the principle. Statements have been made that the wife gets some benefit. Perhaps Dr. Hislop could bear me out that women live longer than men. Under the existing conditions of the old-age pension, a person is allowed only a limited sum of money, which can automatically be cut down, and he has to pay the probate. Now we have a situation where everybody in the community is going to pay probate on what they have struggled all their lives to build up. Can we not regard a couple still as a unit of husband and wife and do as this amendment suggests—let one tax be paid on the one home?

Hon. L. A. LOGAN: I am having difficulty in following this amendment. The amendment in the Bill allows a widow with an estate under £10,000, where the house does not exceed £6,000 in value, to apply to the Treasurer to have the debt deferred either in whole or in part. I can work that out. The first part of this amendment is easy. Mr. Watson wants it to apply to either husband or wife.

Then it goes on to say that the value of that property shall be an amount not exceeding £6,000; but excluded from the amount of calculations entirely is the mortgage or unpaid purchase price. From that, do I take it that if a person owns a house to the value of £8,000 on which there is a mortgage of £3,000, the £5,000 is taken away from the value of the property when it is assessed?

Hon. H. K. Watson: It is deducted.

Hon. L. A. LOGAN: To me it seems the mortgage is included in the value of the property. I would like Mr. Watson to give the House some idea of the amounts which will be taxable or could be paid to the Treasurer.

Hon. H. K. WATSON: The illustration given by Mr. Logan is in accordance with what is intended and is stressed in my amendment. Take a simpler case. If a person dies today leaving nothing but a house worth £3,000, and there is a mortgage of £2,000 on that house, the probate statement which goes in reads: gross assets, £3,000; less mortgage, £2,000; net value, £1,000. It would be unfair to exclude the whole £3,000—the gross value of the house —and still leave the mortgage to be deducted from other assets in the event of the estate being larger than £3,000.

Take an estate of £10,000, which includes a house worth £3,000 on which there is a mortgage of £2,000 and there is a net balance of £8,000. If we take the gross value of the house and still leave the deduction for the full amount of the mortgage or unpaid purchase price, we are giving the surviving spouse an unfair advantage because she is getting the benefit of the deduction of her other estate in respect to the mortgage or unpaid purchase money, and she tacks on to it her equity.

If she has a house worth £5,000 and a mortgage of £3,000, she is only taxed on £2,000. My suggestion is she should not be taxed on that £2,000, but it would be unfair to exclude it from the gross value and leave her to deduct from the other assets the value of the mortgage owing on the house. Speaking from memory in regard to comparative amounts, when we were discussing this last time I think on a house worth £3,000 the amount would be in the vicinity of £150; and on a house worth £6,000 the amount would be in the vicinity of £390.

Hon. C. H. SIMPSON: Some of the speakers on this amendment have expressed the view that Mr. Watson's amendment should not be agreed to because we cannot afford to lose the amount of income to the State which that amendment represents. I would remind the House of the figures I gave last night. In the short space of 10 years the income from this source has increased fourfold. It was about £283,000 ten years ago, and today it is over £1,000,000 on account of increased valuations. These have increased from £4.7 million pounds to £14,000,000. I think there is more prospect of valuations increasing in Western Australia than in the Eastern States.

Part of the objection to paying probate duty is that people have already paid income tax on the quota they have built up. We have not built up our development to the same extent as the Eastern States, and the Grants Commission should take this into consideration. We should be allowed a breathing space. If we continue developing as we have over the last 10 years, income per head from death duties will be higher than in the Eastern States because of increased values.

Taking these factors into account, and that the amount for a full year is only £170,000 of a total amount of revenue including loan and income of £60,000,000 odd, it is relatively not a very big amount. As this will bear heavily in some cases where people have not much other than a house, I think the concessions mentioned are equitable and intend to support the amendment.

Hon. E. M. HEENAN: I hope the Committee will have a full appreciation of what Mr. Watson's amendment means. In the case of a property up to £6,000 and a person dying and leaving an estate of £10,000—he has about £4,000 in the Bank and the house is worth £6,000—there is an estate of £10,000. Probate duty is assessed on that figure, and it has always been assessed on that figure.

This is nothing new; it is centuries old and operates all over Australia and other parts of the world. Mr. Watson's proposal is revolutionary. He would be a hero on the surface as it looks a great thing. If a person leaves £10,000 including a house of say £6,000, in that case the tax is only assessed on £4,000, so we can see what a revolutionary proposal it is.

Hon. G. C. MacKinnon: It is once.

Hon. E. M. HEENAN: It is not once at all. In any case, whether they pay once, twice or three times, whoever gets the house eventually will have to pay again, as has always been the case. I do not know how many people die each year in Western Australia, but I suppose half of them would leave a house behind, and the Treasurer would not get much out of this tax.

Hon. R. C. Mattiske: But most of them would have only a small equity in the house.

Hon. E. M. HEENAN: A house worth up to £6,000 comes out altogether, and no probate duty is paid on it.

Hon. N. E. Baxter: It is deferred.

Hon. E. M. HEENAN: No, it is wiped out altogether—that is Mr. Watson's amendment. The Treasurer will have to get money from somewhere, and one thing that is hanging over the heads of country members and Goldfields members is that railway freights may have to go up. More children are coming forward so that more schools will be required. We would be doing something foolish if we adopted this proposition. We are not in a position to afford it.

Hon. N. E. BAXTER: I believe that members supporting the Government are looking at only one side of the original amendment. The proper way of going about this matter is to accept the amendment that Mr. Watson has put forward. If a man were to die and leave his widow a house worth £6,000, and no other property, it would be impossible for her, I would say, to maintain the house on the pension. Therefore the house would have to be sold to provide an income. If estate duty is to come out of it, also, the widow will receive much less.

The original provision in the Bill dealing with an estate of £10,000 with a house worth £6,000 meant that the estate had to be only £1 over the £10,000 and the Treasurer could not defer the payment of the duty. So, if the house was worth £6,000, the widow would be expected to pay estate duty and then live on the income from the £4,001 which, again, would not be sufficient for her to maintain a £6,000-house or even a £3,000-house.

We have to look at this from the humanitarian point of view. During the lifetime of a couple, the wife contributes as much to the purchase of a home as does the husband because they work together in most instances. Surely because the home is not in their name as joint-tenants or tenants-in-common, they should not be penalised on the death of the husband.

The original proposition was a much fairer one than that proposed by the Government; but even that, I believe, does not go far enough. If a couple own a house and one dies, there should be sufficient income from the balance of the estate to enable the surviving partner to carry on and have an income without being penalised or having to dispose of the home to meet the estate duty and to live. We should pass Mr. Watson's amendment.

How much does this mean to the Government? It is not a terrific amount. I should say that today the Government is getting a cool £1,000,000 a year because it was receiving £858,000 in 1954. Yet, it wants to bleed these people who, perhaps, are going to suffer great hardship.

Point of Order.

Hon. F. J. S. Wise: I support the argument submitted by Mr. Heenan. The clause does not do what Mr. Baxter suggests—bleed further these people who are subject to probate duty. It is relieving them. I rose, however, to inquire whether it is competent for a private member to move such an amendment. I submit it is not competent for a private member in this Chamber or in the Assembly to move such an amendment as the one we are now debating because, without a doubt, it imposes a charge upon the Crown. It takes from the Crown something which it now collects and enjoys. I submit, for your ruling, Sir, the point that the amendment imposes a charge on the Crown.

Hon. H. K. Watson: In your consideration of the matter, Sir, I ask you to bear in mind that we are not dealing with the Death Duties (Taxing) Act Amendment Bill but with the assessment Act; and the whole basis of the separation of the two measures is to give this Chamber full play in amending the Bill with which we are now dealing.

Whilst there may have been some merit in the point taken by Mr. Wise, had my amendment been moved to the Death Duties (Taxing) Act Amendment Bill—I do not admit that because I am not imposing a charge upon the Government—I say there is none in this instance. There is a precedent in previous sessions in respect to an amendment of this nature having been accepted and sent to another place.

The Chairman: The hon. member is quite within his rights in moving an amendment to the Bill, but the point raised by Mr. Wise is one which will require a little consideration, and I would say that I would need the principal Act to be able to decide whether the point shall be upheld.

Committee Resumed.

Progress reported until a later stage of the sitting.

(Continued on page 3008.)

BILL—MENTAL TREATMENT ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th December.

HON. SIR CHARLES LATHAM (Central) [9.0]: On looking at the existing legislation I could not see why it was necessary to have any alteration. This is just a question of giving authority to those who are not insane but who are mentally afflicted for the time being to be moved from one place to another. Evidently, as some of these places become overcrowded, the Government finds it necessary to transfer these people elsewhere. That is the most sensible thing to do, and I think the truth of the matter is that many of these departmental people want to have additional legislation because then they think their positions become more important. Commonsense should prevail in circumstances such as this and an Act of Parliament should not be required.

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.*

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the previous day.

HON. SIR CHARLES LATHAM (Central) [9.3]: This Bill takes my memory back quite a few years because this legislation was first introduced during the depression period just as things seemed to be getting better. It was introduced to give some heart to the farmers; funds were advanced by the Government to enable them to remain on their properties, and at the time the money was charged up against the farm and interest had to be paid on it. A few years later there was a change of Government and, in order to give further encouragement, the amounts were written down by 80 per cent., leaving the farmer to pay only 20 per cent.

However, I am amazed at the number of these debts which have not yet been liquidated and in some instances the amounts outstanding, considering the seasons and the good prices we have had, are considerable. I suppose the money has helped to meet some of our deficits, and there is still a sum of money to the credit of this account. The Bill provides only for the provisions of the Act to continue to enable the money to be made available if required in the future. It is a worthy object, and, when looking back over the years and realising the assistance that has been rendered to the farming community, one realises what a help it was. Had it not been for the exports of wool and wheat we would have been in a hopeless position. I have much pleasure in supporting this measure.

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.*

BILL—TRAFFIC ACT AMENDMENT (No. 3).

Second Reading.

Debate resumed from the 4th December.

HON. A. R. JONES (Midland) [9.7]: I intend to support the second reading of this Bill because I believe it is an attempt to iron out some of the anomalies which exist in the Traffic Act at present. It will impose greater penalties where, to my mind, they are needed; and it will help to prevent some of the mishaps, accidents and deaths which are occurring on our roads today. The main objection I have to the Bill is that it is hard to read, decipher and understand. Throughout the measure we see clauses which delete from the present Act various sections; and there are references to subsections, paragraphs and subparagraphs of the Act, which make it all very difficult to understand, and I suppose that is the reason why everyone is finding it very difficult to follow.

I maintain that legislation of this nature could be drafted in an easier and simpler way so that a layman could follow the meaning of the amendments. It seems to

me that the further we go the less co-operation we get from the people who draft these Bills and present them to us. Each year the terms and phraseology of our legislation become more difficult to understand, and one needs to be a lawyer to follow it or to be constantly in touch with legal documents to understand what is meant by some of the terms.

It is hard enough for us, and we are dealing with this sort of thing almost every day, to understand what is meant; but it must be much more difficult for a layman to try to understand what it means. I venture to say that only one out of ten people could pick up this Bill, compare it with the parent Act and, in a short time, work out what was meant by all the amendments. We should raise a protest about it. We have often said that legislation which is placed before this Chamber is badly drafted; but I think we should make a protest and make it sufficiently loud and strong so that some notice will be taken of it, and we will have presented to us legislation which is readily understandable.

In the main the Bill deals with the changeover from one form of assessing the horse-power, weight and the amount an owner shall pay in licence fees for a vehicle, to a new system known as the R.A.C. system. There will be anomalies, as other members have pointed out. The licence fees for some vehicles will be doubled and some will be more than double the present figure; while others, of a different make but of much the same type and built to carry the same load, will be increased by very little. In some instances the truck licence fee will be reduced and in others it will be increased. As regards motorcars, the difference is not so apparent because as a general rule the increases will be about 40 to 50 per cent.

I do not know how these anomalies could be overcome or whether we should try to amend the schedule in the Bill now or leave it because it is necessary to collect increases. But I think we should bear in mind that the owners of some of these vehicles will be very hard hit when they have to pay more than double their present licence fees. I suppose if we tried to introduce something to correct these anomalies we would create further anomalies, and so it becomes very difficult. It might be better, as regards all types of commercial vehicles, to rate them on the load they carry and not worry about the horse-power rating. That would be a possible solution.

Nevertheless, as I said previously, we would not have time to do that if we wanted this Bill to become law and be operative so that the increased rates could be collected. I believe those rates are not only necessary, but at this juncture deserving, because of the fact that in the past we have been let off very lightly in the rates charged in comparison with the other States of the Commonwealth.

One feature of the Bill I do not like is that which leaves it to the local authority outside the metropolitan area to determine just how many vehicles it will licence to one owner on the reduced basis of 50 per cent. Mr. Logan pointed out the other night that this could become very mixed, and could be something which would not be dealt with evenly throughout the State. I can well recall that, in the days of petrol rationing, when the authority lay in the hands of the secretary of the road board to allocate petrol for various purposes, one secretary would administer the Act to the letter—and rightly so—and make it as hard as possible for people to obtain petrol to carry on their work; yet in another road board area it was the easiest thing in the world to get the petrol required.

The same thing could happen here; and while the secretary would not have the same influence as he had under petrol rationing, because it would be the decision of the members of the road board, there could be a variation between one part of the country and another. The provisions of the present Act have worked very successfully and, as far as I know, country local authorities are very happy with arrangements as they stand. That provision could very well be left as it is.

One other bad feature of the Bill is that persons selling motorcars shall be responsible for the transfer of the licence and shall have to pay for the transfer instead of that being done by the person who buys the car as is the case at present. Surely it should not be the obligation of the person who sells the vehicle to worry any more about it. When he sells the car he sells the licence with it and he is obliged to sign the licence transferring it to the purchaser. It is not reasonable to expect the seller of a car to go to this further trouble of being responsible for the transfer of the licence and the payment of the fee.

Early in the session I introduced a traffic Bill which contained several amendments; but after consultation with the Minister in charge of traffic, I agreed that the Bill should be set aside until we received the measure that is now before us. Members will recall that I asked for the withdrawal of my Bill the other night. The measure we are considering does incorporate some of the amendments I intended to introduce in my measure, while others have been dealt with in the Criminal Code. Those amendments that have not been included in this Bill I have placed on the notice paper in the hope that members will give them due consideration, with the possibility of having them included when we reach the Committee stage.

One other matter I would like to bring before the notice of the House is the amendment in the Bill imposing penalties on a person who does not stop at a stop

sign particularly at a railway crossing. The Act provides that where any regulation is disregarded, a punishment not exceeding £20 shall apply. The amendment in the measure is inclined to be too harsh. It proposes a penalty not exceeding £50 or imprisonment not exceeding six months. It does not seem fair to single out a particular breach for a greater imposition of penalty while other breaches of the regulations are left untouched.

The Bill can be better dealt with in Committee; and, as there are so many amendments placed on the notice paper in the names of various members, there is no need for me to say more, except that I support the second reading, and trust that when we reach the Committee stage we can incorporate some, if not all of the amendments on the notice paper.

HON. H. L. ROCHE (South) [9.22]: As Mr. Jones has said, this Bill could best be dealt with in the Committee stage. There is a certain amount of criticism of the Minister in charge of traffic for some of the things that he is attempting to do, particularly in regard to traffic in the metropolitan area; and while I am not prepared to agree entirely with the provisions of this Bill, or with the carrying out of some of the regulations that have been instituted for the control of city traffic, I think the Minister is to be congratulated for making the attempt he has to bring order out of the chaos that has existed over the last few years.

The previous Minister was obviously overloaded with work. This is a very big job and one that requires a good deal of concentration by the head of the department if any sort of order is to be restored from the chaos that exists. While the present Minister leaves himself open to criticism at times he seems to have the courage to try to do something. He apparently has the organisation and the time, which the previous Minister did not have, to devote to a job of this magnitude.

One matter on which he has come in for criticism—although in the main I do not think it is justified—is the regulations regarding the control of taxis in the metropolitan area. I suppose I use taxis as much as any member of Parliament—it is a case of needs must. I see it not from the taxi-driver's point of view, but from the point of view of the convenience of the public who are forced to utilise that type of transport on occasions.

In the past things have been pretty slack in the Traffic Department in relation to the licensing of taxis and the individuals who drive them. In the main they are quite a good type of fellow from what I have been able to see of them; in all the circumstances, however, there are some rather extraordinary types being given licences to drive. Some of them are young and irresponsible; some are New Australians—or old New Australians, to use a familiar phrase for foreigners—who have very little idea of the names of streets and the destinations to which they are required to go. Apart from this they have no idea of courtesy or attention to the passenger, and they are well versed in getting a few extra bob out of their fares, unless those fares are wide awake enough to know what they should be charged. Some of their methods of driving have left me very thankful to reach my destination.

It seems that one of the weaknesses in the control of these people has been the facility with which owners have been able to lease their taxi plates. People are leasing them; paying so much down and working the rest off. Some of them are running the taxi and getting a percentage while the owner pays the expense.

There is room for considerable improvement in the taxi service in Perth. One of the biggest improvements that the Minister could institute would be to confine the issue of licences to owner-drivers; to those men who own their cars and have a share in the various taxi companies. At present there is the man who is a licensed taxi-driver and who works for wages, or he is an owner-driver. The Minister should give consideration to issuing licences to the man who has an interest in a car, or who is a shareholder in one of the companies.

Consideration should also be given to the provision of more taxi ranks particularly in the western end of the city block. They are fairly well catered for in the Terrace. It is all very well to say that one can phone for a taxi. That is possible if one can find a phone or if someone is good enough to permit the use of his phone. In the western end of the Terrace I do not think there is a rank this side of Milligan-st.

That suggestion is made with a view to assisting the public and not the taxi-owner I think the latter has to get reasonable consideration and I believe he is getting it, although the Minister has been criticised for not limiting the number of people who can obtain taxi licences. But while some of them are able to dispose of their plates—I believe that is the term—for anything up to £500 or more; and whilst owners are able to lease their taxis to other people and obtain quite a profitable share of the proceeds, it seems to me that there is sufficient remuneration in the business for all those concerned, to justify the Minister in not limiting the number of taxis.

Before I leave that phase, I must say that it seems to me that the department has got itself into rather an impossible position in the city at the moment. I had heard various reports as to what was taking place. As I had to get a cab this

morning, I hired one for an extra half-hour and had the driver take me around some of the city streets; and it seemed to me that an impossible position has arisen. A taxi-driver or a private motorist is not allowed to set down or pick up unless he can find a space.

Hon. F. R. H. Lavery: Ridiculous!

Hon. H. L. ROCHE: That is the position. I understand that legally one cannot be prosecuted. If an individual wants to leave his wife or a passenger at any shop or at some business place along the Terrace, he cannot do it unless he can find a space somewhere—and it might be five chains or 20 chains away.

Hon. F. R. H. Lavery: It is all wrong.

Hon. H. L. ROCHE: The hon. member can try it out as a private individual. The taxi-driver cannot afford to; he is under police supervision all the time. If he tried to bluff his way through, he would be in trouble.

Hon. F. R. H. Lavery: I am not saying that you are wrong.

Hon. H. L. ROCHE: The situation is ridiculous. If one comes off a plane or from the station with two or three suitcases and wants to go to the Palace Hotel, he cannot be put down outside, because there is no parking space. The driver would have to put one down somewhere else—perhaps at the other end of the street, and one would have to cart one's cases back as best one could.

Hon. G. Bennetts: With a wheelbarrow.

Hon. H. L. ROCHE: A rubber-tyred wheelbarrow might be all right. It is rather ridiculous. I do not want to be unduly critical, because I feel that the department and the Minister are making a worth-while effort to try to sort things out; and the general concensus of opinion seems to be that when they are sorted out there will be a considerable improvement. This is one of the things that is in process of being sorted out, and up to date there seems to have been displayed a considerable lack of imagination—I hate to use the word "commensense"—on the part of those advising the Minister, the same as there was on the part of those who advised the previous Minister on one or two matters. At times they do not seem to be in touch with realities,

The Chief Secretary: A reasonable interpretation is all that is required.

Hon. H. L. ROCHE: That is all very well. I am glad of that interjection. Reasonable interpretation is supposed to be operating now. A driver can put anyone down if he takes the risk; but if a traffic man is there, the risk has been taken. If "reasonable interpretation" is meant to convey that things should be left as they are, and this sort of thing will be winked at, it is all wrong and it will not work for long, because people will overdo it.

My view is that eventually—and the time may not be so far away—parking will have to be dispensed with altogether in the city block. I realise the Minister has bitten off a pretty big lump at the moment and that particular lump will be much more indigestible than any portion of the one he has to chew now.

Another weakness is that I understand—although I did not notice it this morning—that the spaces outside picture theatres have now been allotted for parking. So there is no possibility of one going in to pick up somebody because all the parking space will have been taken up. If that is correct, it seems to be very short-sighted and foolish.

Hon. G. Bennetts: A taxi-driver would not be able to pick anyone up.

Hon. H. L. ROCHE: He would have no hope. He would be double-parking if he did that and would be in the blue straightaway.

There seems to be quite a bit of space in certain streets for private parking; but I am told that that position has arisen because at the moment private parking is being fairly strictly policed, and it is no use leaving one's car at the top end of Murray-st. if one is going to be absent for more than half an hour. But that state of affairs should have obtained before. One was not supposed to park for any length of time; but apparently that was not policed.

Unless the present position is continually policed, I imagine the same thing will happen again, although these spaces have been marked off for parking. There has been some criticism of the marking-off of parking spaces. I do not know whether they refer to it as such here, but I understand that in Albany they call it Durban parking. From what I have seen, it is one of the best ideas that have been adopted so far. One can always get in or out. There used to be a little bit more space, perhaps, but not that much overall.

The Chief Secretary: It saves a lot of bad language.

Hon. H. L. ROCHE: I would not know.

Hon. G. Bennetts: There will not be so much damage to cars.

Hon. H. L. ROCHE: I hope that when this Bill goes through, the Minister will give thought to the constitution of and the conditions of the men in the Traffic Department who will be called on to carry out the provisions of the measure. It looks to me as though from now on the members of the Police Force who will be most intimately in touch with the public will be those engaged in traffic control. I consider it would be in the interests not only of the force, but also of the people of Western Australia—and particularly the motorists—if the Traffic Branch could be regarded as something

in the nature of a corps d'elite. They are the men who are in contact with the public and who are regarded either as something unmentionable or as people who are really helpful.

The present conditions are not conducive to building up the type of traffic force that I believe will be needed. As a rule the men are not there with the idea that their occupation is a career. They are with the branch for a while and then they may be moved to Albany or Roebourne or some other place, or transferred to another branch. If we are going to get the best results, there will have to be a career open to men within the Traffic Branch.

These men will have to be chosen for their personality and not for their ability to obtain convictions. They will have to regard themselves as the custodians and guardians of the public—particularly the motoring public—and not as bosses to push and shove people around and talk to them as though such things as reasonable manners and courtesy were discarded from the day they entered the force. I have in mind personalities of the type that used to be in the London Police Force.

I believe that they had to serve 12 years in the counties before being eligible to join the metropolitan police. They were men whose first duty was not to push and shove people about, but to be helpful; and they were very tolerant. I do not mean to suggest that they were people with whom one could take any risks. One might try it once; but they were not that sort.

We should try to have our traffic police developed a bit along those lines. It is not to be a question of, "What do you think you are doing?" or, "Where do you think you are going?" so much as treating people as members of the public who, after all is said and done, provide the wherewithal to keep such men in their jobs. In order to develop that atmosphere, we will have to regard the Traffic Branch as a special branch with special prospects of promotion and conditions that will attract the type of man required.

From my observations, there are not sufficient men on traffic control and supervision. If there are, they must get away somewhere during the day, because one does not see them about. But I doubt that. As one who is somewhat new to city traffic, and who is therefore a bit more careful, perhaps, than the Minister and other people who are used to it, I take notice of how traffic conducts itself; and it has been brought home to me more and more how very necessary it is to have traffic police on the job pretty well all the time there is traffic about.

The jockeying for position and the misuse of the lanes on the Causeway seem to me to justify having one or two men stationed there all the time during the busier hours of the day. I am not a great believer in taking people up and fining them; but if there were traffic men with the right approach to the public, it would be easy to deal with the odd man amongst the driving public who is the cause of so much of our trouble. Such traffic officers would be a big help to other people who unwittingly make it difficult for fellow-motorists who want to use the Causeway or the roads.

One point which impressed me particularly is the apparent difficulty which I have previously emphasised in relation to other matters, of getting one Government department to police another. Some of the greatest offenders that I see against the traffic regulations are the drivers of Government buses. I do not think one could exempt any of the bus services from the charge that they offend frequently, but the Government buses seem to be driven by a more careless type of driver than is the case with the private bus companies.

When the mechanical hand signal was introduced it was hailed as a great improvement, and I suppose arguments can be adduced in favour of it; but one becomes tired of travelling behind a bus—often a Government bus—for perhaps a quarter of a mile while it still shows a stop signal or perhaps a right-hand turn signal. Apparently the drivers just put the mechanical hand out and leave it there. If the driver had to put his own hand out his arm would become tired long before he had covered the distance that some bus drivers now cover with the mechanical hand out as I have mentioned.

There seems to be an anomaly in the schedule to the Act in respect of the proposed increased licence fees for some utilities. The Ford Mainline utility is proposed to go from £8 to £18 18s. and the Dodge and Chevrolet from £8 to £18. In my view the utility is generally the poor man's motorcar, as well as being a commercial vehicle. On the other hand, the fee for one of the 5-ton trucks is proposed to be brought down from £37 to £34, although I do not think there is any doubt that the 5-ton truck would do ever so much more damage to the road than would the utility. When the Bill is in the Committee stage I hope it will be possible to have that provision amended in order to correct what appears to me to be an obvious anomaly.

As I said at the beginning, this is largely a Committee Bill, but I felt that I should raise some points in connection with taxis and the types of men that should be recruited to the Police Traffic Branch. Quite frankly, I believe, from what one hears and from personal observation, that Constable Hardy was not the only man in the Traffic Branch who was temperamentally unsuited to be in close contact

with the public. All the traffic police are in future going to be in even closer contact with the public and unless they are of the right type and possessed of the right personality there will be much more trouble and unpleasantness than has so far been experienced.

Sitting suspended from 9.44 to 10.15 p.m.

HON. R. C. MATTISKE (Metropolitan) [10.24]: I commend the Government on its bold approach to this broad traffic problem. In the City of Perth traffic has grown to such an extent in the last few years that a serious problem has been created. It necessarily follows that in trying to solve a problem of such magnitude there arise certain points which at the outset appear to be quite wrong, but which with a little reconciliation can be ironed out. For that reason we should be a little patient with the Government while it continues to make progress in this matter.

I am sorry to see that one or two matters have not been included in the measure, but I hope that the Government will give serious consideration to them in the future. The first concerns the speed limits of vehicles. With the modern trend in the design of the motorcar, speeds, which a few years ago were dangerous, are today commonplace and safe. Some of the speed limits in the metropolitan area are out of keeping with the modern vehicle and with the modern trend to move traffic along the roads so as not to clutter them up.

One need only take a run from point A to point B which involves the crossing of the city and the Causeway to realise that in a very short journey it may be necessary to observe three or four speed limits. One may travel along a road like the Canning Highway where the speed limit is 35 m.p.h., but across the Causeway the limit is 20 m.p.h.

Hon. Sir Charles Latham: Is it as low as that?

Hon. A. R. Jones: That applies only at the approaches.

Hon. R. C. MATTISKE: That is correct. Perhaps I have been too cautious. The limit across the Causeway is 30 m.p.h. and on other roads the speed can be increased again to 35 m.p.h. There should be some uniformity. Surely 35 m.p.h. for the whole of the metropolitan area would not be excessive, except at intersections where the maximum should be 15 to 20 m.p.h.

Hon. Sir Charles Latham: The maximum along Riverside Drive should not be less than 35 m.p.h.

Hon. R. C. MATTISKE: Recently I had an experience in local government relating to this question. The Scarborough Beach-rd. cannot be widened except at considerable expense to the ratepayers of the Osborne Park and Scarborough wards of the Perth Road Board. We endeavoured to solve the problem in another way by recommending to the Police Department that the speed limit on that road be increased from 30 to 35 m.p.h. We were told that was not the solution to the problem. The solution was to widen the road. We were fully aware of that and we pointed out to that department that we could not widen the road because of financial reasons. We resubmitted the matter with a request that consideration be given to taking action against loitering motorists, the idea being to increase the speed of motorists who, particularly on summer evenings when traffic from Perth to Scarborough is heaviest, go out to Scarborough for a breath of fresh air and cruise along at 15 to 20 m.p.h. By so doing they bank up streams of traffic following.

We then reach the position where everyone who wishes to advance to the head of the line pulls out and creates a third line of traffic on the narrow road. We get others who try to pass a few vehicles; and, when they see a heavy bus coming, try to force their way in somewhere. If some action could be taken to speed up these loiterers who take a leisurely drive, or perhaps force them to go on to back roads, it would relieve our highways which are severely taxed. I therefore feel that the Government might give some consideration to the speed limits operating throughout the metropolitan area.

There is another aspect to which I would like to see attention given and that is in connection with hand signals. Theoretically, the giving of hand signals is a sound idea; but in actual practice it could be one of the greatest causes of accidents. Every member of this Chamber who drives around the metropolitan area must every day see instances where people put out a hand and change course all at the one time, instead of giving 100ft. warning of intention to do so. I think if the hand signals were eliminated entirely and drivers of vehicles were encouraged to use their eyes a little more to see what is going on and use commonsense, and not drive on another fellow's tail or attempt to overtake another when there is a possibility of a vehicle turning to the right, it would enable traffic to move faster and more safely than is the case at present.

Hon. L. C. Diver: The half-past one signal is the worst.

Hon. R. C. MATTISKE: That is a fact. One does not know they are going to turn left, right, or are just waving to a friend. I realise that the Government has a big job to do at the moment and everything cannot be done at once. I realise also there will be a certain evolution in the plan; there will be disabilities at the start, but they can, I hope, be overcome. As that evolution is going on I do hope the Government will give consideration to the two aspects I have mentioned.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

BILL—ADMINISTRATION ACT AMENDMENT.

In Committee.

Resumed from an earlier stage of the sitting. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 4—Section 69A amended:

Point of Order.

The Chairman: Progress was reported on the clause after Mr. Wise had raised a point of order as to whether the following amendment moved by Mr. Watson was in order.—

> That after the word "by" in line 16, page 5, all words in paragraph (b) be struck out and the following inserted in lieu:—
>
> > 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) shall, up to an amount not exceeding six thousand pounds, be excluded from the calculations in ascertaining the final balance of that estate.

I have given consideration to the point of order. Section 46 of the Constitution Acts Amendment Act provides that the Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people. We therefore have to consider whether the proposed amendment is a burden on the people. If the amendment was a charge on the Crown it could be a burden on the people. So we have to consider whether the amendment is a charge. It is established precedent that to be a charge, expenditure must be payable out of the Treasury; and, further, that proceeds of taxation, before they are paid into the Treasury are excluded from the category of a charge. I therefore consider that the proposed amendment cannot be regarded as a charge, and is thus not a burden on the people, and I rule the amendment to be in order.

Dissent from Chairman's Ruling.

Hon. F. J. S. Wise: I move with reluctance, Sir, to disagree with your ruling on the ground that if this amendment is inserted in the Bill proceeds from the residue of estate exempted under Section 69A of the Administration Act—

The Chairman: Order! If the hon. member has disagreed with my ruling, I would ask him to comply with Standing Order No. 255 as the objection must be stated in writing.

[*The President resumed the Chair.*]

The Chairman having stated the dissent,

Hon. F. J. S. Wise: The amendment moved by Mr. Watson seeks to amend a clause in this Bill which alters the rates of exempted portions of an estate as provided under Section 69A of the Administration Act which provides as follows:—

> (1) Where the whole or part of the estate of a deceased person consists of a dwelling house which at the date of 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 and the final balance, as assessed under this Act, of the estate of the deceased person, does not exceed five thousand pounds, the Treasurer, on written application being made to the Commissioner by or on behalf of the surviving spouse, may at the Treasurer's option, defer, subject to such conditions, if any, as the Treasurer thinks fit, payment of the whole, or such part of the duty as the Treasurer thinks fit, until the death of the spouse.

The principle implicit in that provision is that for the time being, as the Treasurer thinks fit, payment of death duty on that part of the estate represented in the value of the dwelling-house shall be nontaxable up to the limit of £5,000. The principle within the amendment is to go much further than that and to enable the total assessable value of the estate, including the residence—provided it does not exceed £10,000 free of encumbrance—to be deferred.

That can only affect the existing law if it is passed. Mr. Watson desires to delete all the words in the paragraph of the amending Bill which applies to the generous provisions which the Crown has given by increasing to an amount of £6,000 the total sum to be excluded from the collections when assessing the final balance of the estate, so that the probate chargeable is not chargeable on the quantum of the £6,000 value of the house, but it would abolish this because it would reduce the assessable value of the estate by £6,000.

Therefore, the fact that £6,000 worth of the estate, which is now chargeable, is not assessable, means that this amendment must impose a charge on the Crown under the existing law because of the sum of money which will not be payable into the Treasury if the amendment is carried. Therefore moneys now payable into the Treasury will be affected if the amendment proposed by Mr. Watson is carried. I submit therefore, that it does impose a burden on the Crown.

Hon. E. M. Heenan: I think the Chairman of Committees also overlooked the provisions of Section 46 (2) of the Constitution Acts Amendment Act, which provides—

> The Legislative Council may not amend loan Bills or Bills imposing taxation.

Hon. Sir Charles Latham: This does not deal with a taxation proposal.

Hon. E. M. Heenan: Let us look at the Administration Act. Section 69 provides—

> Every executor and administrator or person ordered to file the statement referred to in the last preceding section shall, in accordance with Section 70 pay to the Commissioner duty calculated and levied on the final balance of the real and personal estate of the testator or intestate as assessed under this Act. Such duty shall be at such rates as are declared by Parliament.

Hon. Sir Charles Latham: In the taxation measure.

Hon. F. J. S. Wise: Under the formula provided in the Act.

Hon. E. M. Heenan: Yes. It is my contention that the Administration Act and the Bill which proposes to amend it are Acts imposing taxation.

Hon. Sir Charles Latham: If it imposes taxation it should contain nothing else.

Hon. E. M. Heenan: Reference is also made to Bills appropriating revenue or money for the ordinary annual services of the Government. In addition to the two grounds put forward by Mr. Wise I think the Chairman was wrong in coming to the decision he did for the reasons I have stated.

Hon. Sir Charles Latham: I point out that Section 46 (7) of the Constitution Acts Amendment Act provides—

> Bills imposing taxation shall deal only with the imposition of taxation.

So we have to forget what is in the assessment Act. In imposing tax, it can contain nothing else; and that has always been upheld by both Houses. The other point made by Mr. Wise, I think is right. I think this is taking away revenue that is already available to the Government under the Appropriation Act that is in existence. It takes away the excess. I think the figure at present is £5,000.

Hon. E. M. Heenan: That is right.

Hon. Sir Charles Latham: By increasing the amount to £6,000 we are taking away £1,000 that has already been provided for and appropriated by the existing taxation measure. This means the revenue will not be available. The point I think you have to consider, Sir, is whether we are taking away from the Treasurer, revenue that is already available to him, and I think that by increasing the amount that is already provided for as an exemption, we are. I must support Mr. Wise in this respect.

Hon. C. H. Simpson: I do not pretend to the profound knowledge of Standing Orders or parliamentary procedure of the two preceding speakers, but it does seem to me that here we have two Bills, one of which deals with the actual assessment and the other with the method of assessment.

Just to restate what the Bill proposes and what Mr. Watson's amendment proposes will assist us in having due regard for the ruling of the Chairman of Committees which, to me, seems to be soundly based. The Bill provides that if a widow resides in a house not exceeding £6,000 in value, as part of a total estate not exceeding £10,000 in value, the Treasurer may defer payment of duty until the death of the widow. That is a simple proposition.

As I understand Mr. Watson's proposition it is that if a widow or widower—a spouse—resides in a house not exceeding £6,000 in value, being part of an estate irrespective of value, the value of such house is entirely exempt from duty. I think the House should understand this because members may be influenced by some of the arguments brought forward earlier on the merits, generally speaking, of accepting a measure of this kind.

As I understand the ruling of the Chairman of Committees, this revenue is exempt from being considered as money that we are not supposed to deal with because it is not yet received by the Treasurer. I think that is the point made by the Chairman of Committees. It may be a technical point; it is one I do not quite understand myself. However, it seemed to me that the ruling of the Chairman of Committees definitely had a bearing on this point.

If we understand what the two proposals are—I think most of our sympathies are with the amendment—and if we understand what the ruling of the Chairman of Committees is, then I think we will have a clear idea of what we would like to do.

Hon. H. K. Watson: I submit that the ruling which has been given by the Chairman of Committees cannot be impeached. In my opinion it is sound both as a matter of precedent and of commonsense. As a matter of precedent, the Chairman has been careful to point out that if revenue is stopped before it goes into the coffers of the Crown, it is not a charge or a burden on the people within the meaning of Section 46 (3) of the Constitution Acts Amendment Act.

He has clearly explained that the amendment I moved is not a proposed charge or burden on the people. I think, too, there is nothing in the point which Mr. Heenan raised, for, as Sir Charles Latham pointed out, Section 46 (7) of the Constitution Acts Amendment Act provides—

> 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.

If we study the history of these two Bills and the traditional method of bringing in legislation relating to taxation, we will find that the method has been adopted for the express purpose of enabling this House to have its full say on the assessment Act. The legislation is produced with an assessment Act and a taxing Act. The taxing Act which, in this case, is the Death Duties (Taxing) Act Amendment, does nothing more than impose the tax. The assessment Act is not an Act relating to the imposition of taxation within the meaning of Section 7. From the inception of this House, I think, it has been the traditional privilege, and it has been repeatedly exercised in dealing with assessment Acts, whether it be probate, income tax or land tax, to say what shall and what shall not form part of the taxable balance. If it were land tax it would be within the province of this House to say that agricultural land should or should not be included in the taxable balance; if it were income tax it would be within the province of this House to amend the existing income tax assessment by saying that the salaries of members of Parliament should be exempt from income tax.

In dealing with the Administration Act it would be within the competence of this House to say that the taxable balance should not include the house of the deceased, or it would be within our competence to move further amendments to the existing exemptions. At the moment the exemptions relate to certain gifts to certain institutions and I submit that it would be within the competence of this House to reduce that taxable balance. In doing so, we are not, within the meaning of Section 46 (3) increasing any proposed charge or burden on the people within the long-accepted and traditional use of those words.

From the practical angle I submit that if there were anything in the point which has been raised by Mr. Wise, this House in the exercise of its powers in respect to these assessment Bills, would virtually be non-existent and that would be quite contrary to the rights and privileges which are definitely within the competence of this House.

Hon. Sir Charles Latham: Do you really think that if members of Parliament had their salaries taxed we could take that tax away?

Hon. H. K. Watson: Yes.

Hon. Sir Charles Latham: I do not.

Hon. H. K. Watson: From income tax. We cannot say what the rate of tax shall be but we can say what shall be the subject of taxation. That is the distinction.

Hon. Sir Charles Latham: If it is new, yes, but not if it is already being charged.

Hon. H. K. Watson: Whether new or existing, because it is the taxing Act and not the assessment Act which imposes the tax. The taxing Act may not be amended, for instance. The assessment Act runs independently; and as I have said before, the ruling of the Chairman of Committees is not only sound from the legal angle and from the angle of parliamentary practice, but it is also sound as a matter of commonsense.

The Chief Secretary: Ever since I have been in this Chamber I have heard argument at varying periods on this particular point. Mr. Watson has said that these two measures shall be dealt with separately. I say that is impossible, because if we do we reach the stage where, if Mr. Watson and the Chairman's ruling are correct, we can take something out of one Act and make it such that the taxing Act must be amended. The powers are not here to do that. The hon. member, in this case, wants to exempt under £6,000. If we do that in the Administration Act we must automatically alter the taxing Act.

Hon. H. K. Watson: No.

The Chief Secretary: Of course! If we have not the machinery to impose the tax in that Act, how can we impose it? I say it is impossible to deal with one without the other and I agree with Mr. Wise and other speakers on that point.

Hon. C. H. Simpson: But it does not impose a burden on the people.

The Chief Secretary: Of course it does, because it is taking away finance which the Government already has! I agree with the motion to disagree with the Chairman's ruling.

Hon. L. A. Logan: As far as I can see there are two points at issue and one is whether, under Subsection (2) of Section 46 of the Constitution Act this could be a Bill imposing taxation. The Chief Secretary seems to think that they are part and parcel of the same thing and we have to decide whether that is so or not. I am inclined to believe that it is not a taxing measure but an amendment to the Administration Act. The second point is whether, under Subsection (3) it is a burden upon the people. Irrespective of how Mr. Watson's amendment works, I take it there will be a lesser charge on the people concerned than there is today.

Hon. E. M. Heenan: But what about the Government?

Hon. L. A. Logan: It says "a burden on the people." I say that Mr. Watson's amendment is taking away a burden from the people on the one hand, although I will admit that on the other hand it could possibly be a burden upon the Crown by its having to find taxation in some other way.

Hon. H. K. Watson: That is too remote.

Hon. L. A. Logan: The Crown could refrain from spending that extra money,

or that lesser amount of money which it has not received, and it would not be a burden upon anybody. Let us say, for instance, that under Mr. Watson's proposal the Government gets £5,000 less in income. That will be £5,000 less burden upon the people.

The Chief Secretary: A section of the people.

Hon. L. A. Logan: Yes: If the Government gets £5,000 less in revenue it can cut its cloth accordingly and it would not be a burden upon anybody.

Hon. Sir Charles Latham: But it has already appropriated some of that money by Bills that have already been passed.

Hon. L. A. Logan: They are the points as I see them and I would like to hear further discussion on the matter.

Hon. N. E. Baxter: I am not very well up on the matter of rulings; but from what I can see of the one given by the Chairman of Committees, the Bill proposes to alter the amount of assessment; and Mr. Watson's amendment proposes that where a house to the value of £6,000 is occupied by a spouse, it shall be entirely tax-free. I admit that in those circumstances, on the present rate of tax, the Crown would get less money out of death duties; but, as the Chief Secretary said, it is necessary to consider both Bills together.

The Death Duties (Taxing) Act provides for substantial increases in the tax; and therefore the Government will, at the present rate, without any amendments, get a larger sum of money from death duties. If Mr. Watson's amendment were agreed to the Government would still get a greater amount than it has received in the past. Therefore I maintain that the amendment would not reduce the amount the Government is receiving but the amendment is bringing the figure back closer to the original one. I maintain that even if Standing Orders provided for it, this House could not amend a Bill to reduce the amount the Government is getting, and therefore I think the ruling of the Chairman of Committees is out of order.

Hon. F. J. S. Wise: Mr. President, have I the right to reply?

The President: No. I will leave the Chair till the ringing of the bells.

Sitting suspended from 11.15 to 11.45 p.m.

The President: I have gone carefully into this matter and have the following report to make: When Section 46 was put into the Constitution Acts Amendment Act in 1921 it was specifically provided that the Council could not amend tax Bills, loan Bills, etc., but that these Bills should deal only with those matters. It was also specifically laid down that other Bills, containing financial clauses, should be freely open to amendment by the Council, provided that the amendment did not increase the burden on the people.

On the points made by Hon. F. J. S. Wise that this amendment imposes a charge on the Crown, I would point out that Section 46 of the Constitution Acts Amendment Act makes no reference to a charge against the Crown but deals directly with the imposition of a charge on the people. It has always been held that "the people" includes any section or portion of the people. Therefore this amendment does in fact relieve the burden on the people. All precedents on this matter have been to consider the "people" before the "Crown"—it being accepted that a charge on the people is a direct charge whereas a charge on the Crown is an indirect charge on the people. For these reasons I uphold the ruling given by the Chairman of Committees that the amendment is in order.

Dissent from President's Ruling.

Hon. F. J. S. Wise: With great respect and reluctance I move—

> That the House dissent from the President's ruling.

This Council has heard the debate up to this point and I want simply to stress that the proviso you make, Sir, is that the amendment did not increase the burden on the people. This amendment, giving absolute exemption for the greater part of an estate, in that it exempts entirely that part of the otherwise taxable estate up to £6,000, does deprive the Crown of revenue which it at present is receiving. It is for that and other reasons, but that one in particular, that I have moved that your ruling, Mr. President, be disagreed with.

The President: Would the hon. member put his objection in the form of a formal objection?

Hon. F. J. S. Wise: Very well.

The President: Rather than delay the debate, I ask the House to make a decision now. I do not want members to take this matter as a personal disagreement with my ruling. I have made a ruling and it is now up to the House to decide.

Hon. C. H. Simpson: Is it competent for members to discuss the motion?

The President: Yes, but you must debate it directly.

Hon. C. H. Simpson: I only wish to say that within the last few days a somewhat similar point arose in this Chamber in regard to the betting tax Bill. One member proposed that that Bill, as distinct from the bookmakers' taxing measure, contained a sliding scale in regard to the imposition of the tax. That was ruled out because it imposed a burden on the people and it was ruled that, although it affected only very few people it was, in fact, a burden on the people, even though the same tax would have benefited the Crown and the people considerably in another way. This is the

same proposition in reverse; and so I submit, Sir, that if the ruling in the first place was right—and I contend it was—this, which relieves the people or a small body of them from having a burden placed on them, must be equally right. That is my contribution to the debate.

Hon. H. K. Watson: I would appeal to the House to uphold the ruling which you have given. The Chairman gave his ruling and you, after consulting the authorities and with the assistance of your advisers, have upheld that ruling and, in the circumstances, particularly having regard to the nature of the ruling, I feel that it would ill become this House to dissent from your ruling. I am fortified in my submission to the House by the fact that we have a direct precedent for the acceptance of such an amendment and to prove the validity of the ruling that you have given tonight.

In 1953 we had before us a Bill to amend the Administration Act just as we have this evening; and to that Bill I moved an amendment in terms similar to the amendment which I moved this evening, and which is the subject of your ruling. The amendment that I moved to the Bill introduced in 1953 is to be found on page 2928 of the Parliamentary Debates of the 22nd December, 1953. The Committee at that time carried the amendment and with other amendments to the Bill it was transmitted to the Legislative Assembly for its concurrence in the customary manner.

These various amendments were considered by the Legislative Assembly on the 22nd December, 1953, and the debate is recorded in Hansard at page 3105 of the proceedings recorded in that year. The amendment that was made was in no way objected to on any constitutional grounds. The competence of this House to make this amendment was not objected to by the Premier, the Speaker or any other member in another place. It so happened that the amendment was not agreed to and the Bill was returned to this House together with reasons for the disagreement and they are to be found on page 2950 of Hansard for that year.

The reasons for disagreeing were the normal reasons that we would expect to receive when the Assembly disagrees with any amendments we make. There was no reference to any exception being taken to the amendment on the ground that it was not within the competence of this House to make such an amendment. Therefore, that is a direct precedent, in addition to all the authorities that you have cited in support of your ruling. I am certainly going to vote that your ruling be upheld and I ask members to support you in your ruling also.

Hon. E. M. Heenan: With great respect I also find myself in disagreement with your ruling. It seems a remarkable proposition to me if this House can amend the Administration Act in the way proposed by Mr. Watson's amendment. At the present time anyone who dies leaving an estate worth £200 or over is liable for the payment of probate duty. What Mr. Watson now proposes is to exempt from the payment of duty any spouse who has a house up to the value of £6,000.

Hon. H. K. Watson: That is not correct.

Hon. E. M. Heenan: After reading the hon. member's amendment I can see that he is out to split straws. In effect, if anyone dies and leaves a house worth £6,000, together with £4,000 worth of other assets, it means that his total assets amount to £10,000 and his estate is assessed for probate duty on that figure. Mr. Watson's amendment now proposes to deduct from the £10,000 the sum of £6,000 which will reduce the value of the estate to £4,000. The State, the Government and the people, in my opinion will have a burden cast upon them and it seems a remarkable state of affairs if this House is able to agree to an amendment such as that.

Hon. L. A. Logan: There is one important point that is perhaps being overlooked; and that is that the clause we are dealing with also reduces the revenue to be received by the Crown because it proposes to lighten the burden on the widow. Mr. Watson proposes to reduce the revenue to be obtained still further. For that reason, together with the reasons I submitted earlier, I believe that your ruling, Sir, is a correct one.

The Chief Secretary: I was very surprised to hear Mr. Watson submit, as one of his reasons, the fact that certain things were done years ago without challenge and therefore that is the reason why, Mr. President, your ruling is correct. However, because things are allowed to proceed without challenge that does not constitute strong evidence that a decision given tonight should be any other way. If your ruling is upheld, Sir, then so far as the Constitution and the Standing Orders are concerned they might as well be scrapped in so far as they relate to the consideration of money Bills because a principle would be established that this House can dictate to any Government in regard to taxation.

Hon. Sir Charles Latham: I am afraid I have to adhere to the opinion I expressed previously. In regard to the proposition put up by Mr. Watson, I point out there was no ruling given on the previous occasion. As I pointed out before, we have considered the Appropriation Bill and since then we have had two Supply Bills which are designed to appropriate money from Consolidated Revenue, some of which no doubt has been collected under the existing Act. So, by collecting the money under the provisions of the existing Act, if we alter the Bill it will take away

certain revenue from the Government. From now until the end of the year we will not be able to collect—

Hon. C. H. Simpson: Legislation is not retrospective.

Hon. Sir Charles Latham: Of course it is! The revenue that has already been collected is being carried on. All the Acts that are on the statute book which are designed to contribute revenue to the Government continue to do so—

Hon. H. K. Watson: The clause we are discussing only concerns a person who dies.

Hon. Sir Charles Latham: I am aware of that, but the hon. member proposes to take away something that has been in existence not only for the last six months of this year but also since 1952. The hon. member is proposing to take away revenue which has already been fixed by an Act of Parliament. This House cannot deprive the Government of any revenue which has been collected except by the introduction of a Bill to provide accordingly. Under our Standing Orders, we cannot deprive the Government of revenue which is to be used to render service to its people.

On motion by Hon. G. E. Jeffery, resolved:

That the question be now put.

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

Ayes	13
Noes	14
Majority against	1

Ayes.

Hon. G. Bennetts	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. G. Fraser
Hon. G. E. Jeffery	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. W. R. Hall
	(Teller.)

Pair.

Aye.	No.
Hon. H. C. Strickland	Hon. A. F. Griffith

Question thus negatived

Committee Resumed.

Hon. E. M. HEENAN: The decision taken was not on the amendment to the proposal, but on the strict interpretation of Standing Orders.

The CHAIRMAN: That is correct.

Hon. E. M. HEENAN: I congratulate you on the upholding of the original ruling you made. We now have to consider the merits and demerits of the amendment moved by Mr. Watson. The result is that the State will be deprived of much revenue. It will be obvious that in every case a house valued up to £6,000 will be deducted from the estate for taxation purposes. We are all aware of the rate of expansion of this State, and the need for more revenue. I am afraid of the repercussions on the goldmining industry and on the people living in the far distant places if this source of revenue is to be cut out. We have been getting this revenue for years and now Mr. Watson wants to cut out the first £6,000. If the Treasurer is deprived of this large source of revenue I can imagine him looking to some other source to recoup it. This means of raising money has been accepted for centuries. It does harm to nobody.

Hon. H. K. WATSON: Mr. Heenan seems surprised and would ask the Committee to believe that it is extraordinary if a person did own a house costing £6,000 that it should be exempt from death duty. He would have us believe it has never been heard of. I would point out that the Federal death duties Act says the first £5,000 of anyone's estate is exempt, whether it be cash in the bank, a house or anything else. Secondly, the Administration Act provides in Section 134 that various gifts mentioned may be exempt from death duties. So if a testator is so minded he could give £5,000 or £10,000 to any one of those items mentioned here and that would be exempt from death duty.

There is nothing plausible or revolutionary in my proposal. I disagree with the hon. member when he says that this will not affect living persons, because in many instances when the wife leaves the husband they are at the pension stage. I am not talking about large estates but about the small owner at Willagee Park; the same individuals on whose behalf we heard such eloquent appeals last night from Mr. Heenan and his friends. It is apparently all right for them to be looked after at the expense of private employers; but when we suggest that they should receive some consideration from the Government, the hon. member holds up his hand in horror.

Hon. E. M. Heenan: You are also thinking of the estates of £16,000 that will be reduced to £10,000.

Hon. H. K. WATSON: Whatever the size of the estate, surely we should exempt the family home!

The CHIEF SECRETARY: Mr. Watson said his amendment was not revolutionary. Any move that departs from established custom is revolutionary. Right through the years no deduction of this kind has been allowed, and so it is a complete change from what has been experienced through the years. Is it not rather strange that the first time a Government attempts to do something to relieve the

strain so far as this phase is concerned by deferring payment, a move is made to exempt it altogether? If this amendment is carried and the £6,000 is deleted from the death duties this money will have to be raised in some other manner. It is as well for members to know that. Governments budget in the various avenues to get certain money and obtain a grant aggregate. If we eliminate one of the avenues in the make-up of that grant aggregate then some other method has to be adopted in order that that grant aggregate can be reached.

Hon. R. C. MATTISKE: Whether this amendment is revolutionary or not, I certainly think it is commendable. The principle of encouraging a person to build his own home and give him a stake in the country is a good one. That individual is encouraged to be thrifty, as opposed to the man who may rent a house, and spend all his spare money without having an asset at the end of a period of years. That former person should be encouraged to save and that is what this amendment seeks to do.

We have heard that if the Government does not get its way with this, it is going to carry out all sorts of threats—threats which are hanging over us all the time—about increasing rail freights. Has the Government thought that it can cut down expenditure to counter any loss of revenue by this means? The loss will help a section of the community which will not be in the harlequin group. Has the Government thought of what it said when espousing the cause of the poor bookmaker who cannot afford to pay more than 2 per cent. tax? I think we should be a little broader-minded in our outlook, and the individual who has battled through his life-time and put his savings into a home should be given more encouragement than a bookmaker who contributes nothing to the economy of the State. I hope the committee will agree to the amendment.

If the Government then computes it will be short of income as a result, let it face up to the facts by a curtailment of expenditure to make up the deficiency.

This tax is a straight-out capital levy. We have the instance where a person who, through his own sweat, can erect his own home. When he dies the Government says it is going to have a share; and if his spouse should die shortly afterwards, it has another share. After a succession of deaths, it is possible that the Government would have a greater interest in the original estate than the person who constructed it. The Committee should give this matter sympathetic consideration.

Hon. J. G. HISLOP: I think we have to realise that times have changed. Mr. Heenan says this is revolutionary. What is revolutionary is the intensity of taxation over the last few years, and I consider some change in this form of taxation is essential. I believe that in Victoria they have exempted the family home and also life insurance up to £2,000. So it is not revolutionary. All we are doing is taking appropriate action in revolutionary times.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I give my vote with the noes.

Division taken with the following result:—

Ayes	12
Noes	13
Majority against	1

Ayes.

Hon. N. E. Baxter	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. G. MacKinnon	Hon. H. K. Watson
Hon. R. C. Mattiske	Hon. F. D. Willmott
Hon. J. Murray	Hon. J. Cunningham *(Teller.)*

Noes.

Hon. G. Bennetts	Hon. R. F. Hutchison
Hon. E. M. Davies	Hon. G. E. Jeffery
Hon. L. C. Diver	Hon. L. A. Logan
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. W. R. Hall	Hon. F. R. H. Lavery
Hon. E. M. Heenan	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. A. F. Griffith	Hon. H. C. Strickland
Hon. Sir Chas. Latham	Hon. F. J. S. Wise

Amendment thus negatived.

Hon. N. E. BAXTER: I hope the Committee will not agree to this clause. Members opposite have said the Government is being generous in the matter and is increasing the amount from £5,000 to £6,000. There is no generosity because it is limiting the total of the estate to £10,000. It is only diverting £6,000 of a £10,000 estate to a widow. On the other hand, a person with an estate fo £10,001 would have no claim for deferring the payment of the amount and that widow could be in a very serious position and she would have to sell her house to meet probate duty. It is an ill-considered move in these times when the prices of dwelling-houses are so high and the prices of businesses are very low. A business that used to be worth about £8,000 because of goodwill and turnover has today dropped to £4,000. If the amount is slightly over £4,000, there is no chance of deferring payment and the widow would have no income except by getting rid of the house. I trust the Committee will not agree to the clause.

Hon. E. M. HEENAN: I cannot follow Mr. Baxter. At present the Treasurer cannot give this relief where the estate exceeds £5,000. This figure has been increased to £10,000. So, anyone who has a house to a value not exceeding £6,000 which forms part of an estate up to

£10,000 can write in to the Treasurer who will be empowered, if the amendment is carried, to grant relief by deferring the payment, either wholly or in part, of the duty for a considerable time. About twice as much relief as at present exists will be possible if the amendment proposed in the Bill is agreed to.

Clause, as previously amended, put and passed.

Clauses 5 and 6—agreed to.

Clause 7—Section 90 amended:

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

That after line 30, page 5, a new paragraph be added as follows:—

(c) by adding after the word "trustee" in line fourteen of subsection (3) the words "nor in respect of the beneficial interest in any money received or payable under any bona fide superannuation or pension scheme or arrangement."

This is in the nature of a precautionary amendment. At the moment our Act is interpreted on the basis that benefits which accrue by reason of a pension or a superannuation fund do not form part of a deceased person's estate. Similar Acts in other States have likewise been interpreted until recently when one of the bright backroom boys conceived the idea of applying actuarial tables to a pension and having it capitalised so that if there was a pension of £10 a week it would be capitalised at, say, £10,000 or £20,000, which would be added to the estate. I move the amendment so that the Act will continue to be interpreted as it always has been, and so that pensions will not be capitalised to form part of a deceased person's estate.

The CHIEF SECRETARY: I raise no objection to the amendment. What Mr. Watson has said is quite correct.

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

Clauses 8 and 9—agreed to.

Clause 10—Section 100B added:

Hon. H. K. WATSON: At the moment the Act grants certain rebates of duty where the estate is under £10,000 and where it is left to the widow or the husband, or the parent or any issue of the deceased. The proposal in the Bill is to confine this concessional rebate to cases where the estate is left to the widow or children under the age of 16 years. I submit there is no reason for departing from the existing provisions. The concessions granted are small enough. They apply only to estates of up to £10,000. The rebate on an estate of £6,000 is 50 per cent.; on an estate between £6,000 and £8,000 it is one-third; and if it is between £8,000 and £10,000 the rebate is 25 per cent. I submit that the existing main beneficiaries should continue and that a brother and sister should be included. I move an amendment—

That after the word "the" in line 20, page 6, the word "beneficial" be inserted.

The CHIEF SECRETARY: This goes far beyond any concession previously granted and I hope the committee will not agree to it.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. Murray
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. R. F. Hutchison
Hon. E. M. Davies	Hon. G. E. Jeffery
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. R. H. Lavery
	(Teller.)

Pairs.

Ayes.	*Noes.*
Hon. A. F. Griffith	Hon. H. C. Strickland
Hon. Sir Chas. Latham	Hon. F. J. S. Wise

Amendment thus passed.

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

That after the word "beneficiary" in line 22, page 6, the words "who is the widower or widow, or the parent or brother or sister or any issue of the deceased person and who was at the date of death of the deceased a bona fide resident of, and domiciled in, Western Australia" be inserted.

Amendment put and passed.

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

That in the interpretation of "beneficial interest" on page 6, paragraphs (a), (b), (c) and (d), be struck out.

Amendment put and passed.

Hon. H. K. WATSON: Before the Bill passes the third reading I would like the Chief Secretary to ascertain whether there is anything in the clause to ensure that the rebate granted in fact goes to the benefit of and is enjoyed by the widow, widower, parent, brother or sister or issue of the deceased person. To take a hypothetical case, if a person with an estate worth £10,000 died leaving £5,000 to the widow and £5,000 to the Chief Secretary, the duty on the estate would be reduced by the specified amount, but as the provision stands it seems to me that that duty is

simply deducted and is payable by the executor on the gross estate, and in my illustration the Chief Secretary would participate with the widow in the rebate granted for her benefit exclusively. The clause does not say that the whole rebate should be enjoyed solely by the widow.

The Chief Secretary: I will have the position examined.

Clause, as amended, put and passed.

Clauses 11 and 12—agreed to.

Clause 13—Section 134 amended:

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

That proposed new Subsection (2) on page 8 be struck out and the following inserted in lieu:—

(2) From the amount which would otherwise be the final balance of the estate of a person who dies after the coming into operation of the Administration Act Amendment 1956 there shall be deducted the amount of any gift, devise, bequest, legacy or settlement, mentioned in subsection (1) of this section and on the final balance as so reduced duty shall be payable at the appropriate rate declared by Parliament in the Death Duties (Taxing) Act, 1934-1956.

To my mind the proposal in the Bill is quite unfair. If a person dies with an estate of £60,000 and leaves £30,000 to exempt charities one would assume that the £30,000 left to the widow would be taxed at the rate attributable to £30,000. But the clause as it stands provides that the sum that shall be left to the widow shall be taxed at the full rate of £60,000. In this case the widow would pay £1,590 more than would otherwise be the case. The same thing would apply to small estates and the object of the amendment is to see that in arriving at the taxable estate gifts which have been made are taken out and the remainder is taxed at the appropriate rate.

The CHIEF SECRETARY: The information I have in connection with this is that it would be a major departure from the practice throughout Australia. It looks dangerous to me and I can see most estates being considerably reduced if it is agreed to.

Hon. H. K. Watson: How?

The CHIEF SECRETARY: By gifts.

Hon. H. K. Watson: But the Act already provides for gifts being exempt from duty.

The CHIEF SECRETARY: After a certain period.

Hon. H. K. Watson: You have missed the point. I am concerned only with the method of calculating.

Hon. H. K. WATSON: Whether or not my amendment suggests a departure from accepted practice throughout Australia, I submit it is only to prevent the Commissioner of Stamps from performing the pea and thimble trick.

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

Ayes	13
Noes	11
Majority for	2

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. H. L. Roche
Hon. R. C. Mattiske	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. A. R. Jones
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. R. F. Hutchison
Hon. G. E. Jeffery	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. A. F. Griffith	Hon. H. C. Strickland
Hon. Sir Chas. Latham	Hon. F. J. S. Wise

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

Clause 14—Section 136 amended:

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

That the word "three" in line 19, page 9, be struck out and the word "five" inserted in lieu.

This clause proposes to amend that section of the Act which deals with quick successions. As it stands, this provision means that where a parent, issue, husband or wife of the deceased dies within three years from the date of the death of the first testator, duty shall not be payable on so much of the estate of the first testator as has been left to the second testator. The period of three years is rather short particularly in regard to businesses and farms and indeed even with investments. When a person dies death duty takes a substantial part of that person's estate and five years is little enough to build it up again in the hands of the person or persons with whom it has been left. My amendment seeks to ensure that the estate will not be taxed a second time within five years of the death of the first testator.

The CHIEF SECRETARY: The present Act allows for two years to elapse and in another place the Bill was amended to extend the period to three years. The hon. member proposes to extend it to five years, but I consider that that period is too long.

Hon. L. C. DIVER: I think the amendment should be agreed to because we all know how harsh death duties can be. For an estate in a short period of time to be subjected to two lots of death duty is exceedingly harsh. Ordinary taxation has already been paid on these estates and if one partner dies the succeeding partner has to sacrifice certain of the assets in order to meet these payments for death duties. This is one part of the Act to which I have always objected and I hope the Committee will agree to the amendment.

Amendment put and passed.

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

That after paragraph (b) in lines 18 and 19, page 9, the following be inserted to stand as paragraph (c):—
by inserting after the word "parent" in line 10 the words "or brother or sister."

At the moment this allowance is confined to the widow, widower, parent or issue of the deceased. I think it should apply to any person. Mr. Diver has just cited the case of two partners who may not be related, and if one dies he could well leave his estate to the other. I do not think there should be any limitation but my amendment seeks only to include a brother or a sister to which this double duty shall not apply should they die within five years of each other.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. The Committee is just tearing the Bill wide open. By the amendments it has carried thousands of pounds will be lost to the Government.

Hon. H. K. Watson: But you are increasing the rates of the tax.

The CHIEF SECRETARY: So is everything else increasing. Members will make it impossible for the Government to carry on. If the Government cannot get the money in this manner it will have to get it in some other. Surely it is sufficient to include the father, widow, spouse and children without adding brothers and sisters. The next thing we know there will be a request to include aunts and uncles. I would ask the Committee not to lead in this direction.

Hon. G. C. MacKINNON: We agree that the State needs finance but we should not get it at the expense of these individuals. If two sisters had an estate which was being farmed on their behalf and one died, the other would have to break up a well-established property. That could go on ad infinitum. Surely we can give some small protection to these people.

Hon. L. C. DIVER: The Chief Secretary is exaggerating as to the effect this will have on the total income of the Government. We had a golden opportunity to raise extra money from the bookmakers but we never accepted it. Now we want to take this money from people who really have a stake in the country. I hope the Committee will hold out on this point.

Amendment put and passed.

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

That proposed new Subsection (2) on page 9 be struck out and the following inserted in lieu—

(2) From the amount which would otherwise be the final balance of the estate of a person who dies after the coming into operation of the Administration Act Amendment Act 1956 there shall be deducted the value of any property (or substituted property) referred to in subsection (1) of this section and on the final balance as so reduced duty shall be payable at the appropriate rate declared by Parliament in the Death Duties (Taxing) Act, 1934-1956.

This has the same effect as an amendment that was agreed to previously and I trust it will receive the support of members.

The CHIEF SECRETARY: If this amendment is carried it will be a departure from the standing practice and will result in a substantial reduction in revenue. Taxpayers of Western Australia are more liberally treated than their counterparts in the other States.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. H. K. Watson

(Teller.)

Noes.

Hon. E. M. Davies	Hon. G. E. Jeffery
Hon. G. Fraser	Hon. F. R. H. Lavery
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. G. Bennetts

(Teller.)

Pairs.

Ayes.	Noes.
Hon. A. F. Griffith	Hon. H. C. Strickland
Hon. Sir Chas. Latham	Hon. F. J. S. Wise

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

New Clause:

Hon. H. K. WATSON: I move—

That the following be inserted to stand as Clause 13:—

Section one hundred and nineteen of the principal Act is amended—

(a) by inserting after the word "case" in line 2 of Subsection (1) the following words and brackets:—

"(except where the deceased person has been acting in the capacity as a Trustee)."

Section 119 of the principal Act provides that when a person dies no dealing shall take place in his stock, shares, debentures, bank account or safe deposit, unless the executor produces from the commissioner a certificate that duty has been paid or that he consents to the dealing. The other evening the Rural Bank Act was amended to enable trustees to open accounts in savings banks and other banks. While this provision is a necessary safeguard with respect to a person's own account, there is no reason why the bank account of which he is trustee should be subject to a process of sterilisation for possibly quite a long period when his estate is being administered. The object of the amendment is to exclude cases where the deceased person has been acting in the capacity of a trustee.

The CHIEF SECRETARY: The section proposed to be amended makes it necessary for any corporation, society or company to obtain a certificate from the commissioner before permitting the removal or dealing in any assets of deceased estates held by them. No difficulties are encountered by trustees' representatives in obtaining the necessary certificate. This section has been in operation for 25 years and no complaints have been received by the department. If this amendment is carried it will create difficulty as it will be necessary for the corporation, society or company to satisfy itself that the deceased was in fact acting as a bona fide trustee.

Hon. H. K. Watson: I agree with that.

The CHIEF SECRETARY: In view of those remarks, we should not at this stage agree to the amendment.

Amendment put and negatived.

Title—agreed to.

Bill reported with amendments.

House adjourned at 1.37 a.m.

Legislative Assembly

Thursday, 6th December, 1956.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

EDUCATION.

Conversion of Residency, Albany, into Hostel, etc.

Hon. A. F. WATTS asked the Minister for Education:

(1) Has it been decided to convert the Residency at Albany into a hostel for high school boys?

(2) If so, what arrangements have been made to place the premises under the management of the Country Women's Association, and on what terms?

(3) If a decision has not been reached regarding such conversion, when is it likely to be made, in view of the fact that some