

going some distance towards them. The British reform was strongly espoused by some of the bishops of the Anglican Church who years ago would have opposed it. I think the safeguards here are ample, perhaps they are excessively cautious. I do not know what kind of guarantee any reasonable person would want that a marriage is dead and done for; but it seems to me that ten years of complete separation should be sufficient to satisfy anybody. In addition, the judge even then has power, if he thinks the circumstances are such that the petitioner—the one who wants relief—is not worthy of it, to refuse it.

Lastly, the judge shall refuse the petition unless there is such provision, as is proper in the circumstances, that is, having regard to the means of the wife and the husband respectively, for the wife who is to be divorced and her children. I hope that the matter—which is one of great importance and will assume still more importance in the future—will receive the earnest consideration of the House. I venture to submit the Bill to the House as one which I think will save much suffering to many people now and in the future, people very often of the highest character who, husband and wife, have acknowledged to themselves, sorrowfully but realistically, that they are unsuited perhaps for reasons for which neither of them is to blame, and they have to go on separate paths. Those are the people, among others, whom this legislation will help to live their lives, or to start a fresh life if they wish to, because they have only one to live, in happier circumstances. I ask the House to give this Bill its earnest and I sincerely hope favourable consideration. I move—

That the Bill be now read a second time.

On motion by Mr. Needham, debate adjourned.

House adjourned at 9.37 p.m.

Legislative Council.

Thursday, 4th October, 1945.

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

QUESTION.

HOUSING.

As to Incompleteness of File.

Hon. C. F. BAXTER asked the Chief Secretary: With reference to the papers re Housing tabled on the 25th September, in accordance with the resolution passed by this House on the 20th September—

1, Is the Minister aware—

(a) that the file tabled only contains papers, etc., up to the 21st May, 1945;

(b) that the file contains a draft agreement only;

(c) that certain alterations have been suggested by the State Government to the Commonwealth Government;

(d) that a draft agreement dated the 6th April, 1945, was submitted to the State Government by the then Prime Minister?

2, (a) Has any definite agreement yet been reached;

(b) If so, will the Minister lay a copy of such agreement on the Table?

3, Why was an incomplete file tabled in the first place?

4, Will the Minister arrange, forthwith, that the file be brought completely up to date, thereby complying with the resolution above-mentioned?

The CHIEF SECRETARY replied:

1, (a) Yes, (b) Yes, (c) Yes, (d) Without the file I am unable to say.

2, (a) A draft agreement prepared by the Commonwealth Crown Solicitor has been received from the Prime Minister. This

document purports to be the agreement reached at the recent Premiers' Conference but up to the present it is not known whether this document is acceptable to all the States. (b) A copy of the document referred to in (a) will be tabled.

3, Because correspondence is in action between the Prime Minister and the Premier.

4, As immediate action will have to be taken to prepare the necessary legislation to ratify the agreement when received it will not be possible to complete the file and allow it to be tabled.

MOTION—TRANS. RAILWAY, KALGOORLIE-FREMANTLE SECTION.

To Inquire by Select Committee.

Debate resumed from the previous day on the following motion by Hon. A. Thomson:—

That a Select Committee of five members be appointed to inquire into and report upon—

(a) Whether conditions in the post-war period, including modern transport facilities by air, sea and road, will warrant the construction of a railway of the 4ft. 8½in. gauge from Kalgoorlie to the metropolitan area.

(b) If such construction is warranted, what route should this State recommend to the Commonwealth Government so as best to make use of the development value of the line and improve transport facilities and minimise traffic congestion.

HON. G. B. WOOD (East) [4.35]: I intend to support the motion for an inquiry into this very important matter. There are many factors that concern me in regard to the establishment of a standard gauge from Kalgoorlie to Fremantle. I am not altogether sure whether such a railway is necessary; or, if it is necessary, whether it is necessary at this stage. We are told it is required for defence purposes; but we have done without it for a long time and have been through two wars, and during that period such a line has not been built. We have just finished a war, and there is little likelihood of another occurring for some time, so that there is not much need for the building of this line for defence purposes. I suppose it is quite logical to assume that there will not be another war for at least 20 years. Mr. Tuckey mentioned the atomic bomb. We have been told that that will prevent all wars. Perhaps it will; let us hope so! At all events, would such

a line help in the defence of Australia? That is another question into which a Select Committee could inquire. I know that Lord Kitchener, in 1910, said that an East-West railway, with a standard gauge, was necessary for the defence of Australia; but at that time he did not foresee—he could not foresee—the wonderful strides that would be made by air transport.

Hon. H. L. Roche: And motorcars.

Hon. G. B. WOOD: Yes, as a result of good roads. It is quite a different proposition now. I am not going to say offhand that the line is not necessary for defence purposes, but I believe that expert advice could be taken from military and transport authorities with a view to ascertaining what part it would be likely to play in that connection. In my opinion if there is another war and Australia is invaded, that invasion will take place in the North-West or the North of Australia. If it is desired to transport a number of troops across the Continent I cannot see why they should be brought by railway from the closely populated parts of eastern Australia to Fremantle and then sent to the North by aeroplane. It is only reasonable to assume that those troops would be transported by air direct to wherever the invasion was contemplated.

We know what has been done in Burma, where many troops were transported by ordinary planes in a very short time; and I think reference has been made to the failure of the railway system in Germany in this regard. I am not satisfied that the construction of this line is necessary on the ground of defence. Another reason given for the construction of the line—it is another excuse in my opinion—is that it will relieve unemployment. In view, however, of the other absolutely essential jobs that have to be undertaken, such as the provision of housing and water supplies, the construction of roads and other things of that kind, I do not think the establishment of this line should have anywhere near a first priority. Moreover, I do not believe returned soldiers will be very pleased to be sent out to live in tents.

Hon. H. L. Roche: On pick and shovel jobs!

Hon. G. B. WOOD: Yes. They will not be pleased to be used as navvies on a railway construction job. I believe that for

some time to come—I would not like to say how long, but perhaps for two or three years—they will not be inclined to go out on work of that kind, particularly when they know that there are tens of thousands of people in Australia who have not houses to live in. If the committee does go into this question it may find that, if the construction of this line is not to be postponed indefinitely, it might be more necessary in a few years when employment is slackening off, when the returned soldiers may have come down to earth and accustomed themselves to civilian life, and when some of them may be prepared to do that work. I am not sure that this undertaking is necessary at the present time on the grounds of defence and employment, and those are matters that the Select Committee could decide. If we have a few millions to spend, I think it would be better spent on our own railway system, which is in an appalling condition. I consider the rehabilitation of our own railway system should come before this new line.

Hon. A. Thomson: The overhauling of our own railway system would provide a considerable amount of employment.

Hon. G. B. WOOD: Yes, and easier employment, as much of that work could be done in the workshops in reconditioning, and so on. It would not be nearly all navvying work such as the East-West railway construction work would be. It is all very well for Sir Harold Clapp to come over here and tell us that we require this railway—probably he was told what to say—but I think he is a dyed-in-the-wool unificationist. I am thinking of the cost of this railway to Western Australia. If the Select Committee, having gone into all these matters, decides that the railway is necessary and inevitable, there is then the important question of the route. I do not know who decided the railway should go through Toodyay and Northam. I know this country very well and I still believe that the railway should go through Toodyay, but from Toodyay onwards the route concerns me very much. I believe the committee should investigate whether that railway should go from Toodyay out to Yarramony and in an almost straight line to Merredin.

The people of Yarramony have been promised a railway for many years, but their requirements in that direction have not

been met. There is a considerable area between the two railways that is not served, so I think the question should be investigated whether the East-West railway should take that route. In Toodyay recently I discussed the matter with a lot of the old settlers and they told me that in the past a railway survey was made from Toodyay across to Yarramony. I do not know whether that is correct, or what the grades were, but I do know that there is a survey from Yarramony onwards and across to Merredin. If Western Australia is to spend a lot of money, I think it should be spent so that we will get some benefit from it from a developmental point of view, and not merely to make it possible for aged couples to get into the train at Fremantle and wake up in Queensland—simply tourist traffic. If people desire to get quickly from Western Australia to Queensland I believe they will go by air. We do not know what is ahead of us in air transport, but we have the right to guess, knowing what has happened during the war. The Select Committee could decide whether it would be feasible to take the railway by the route I have mentioned or, as Mr. Thomson suggested, through Brookton.

The Select Committee could investigate the facts and ascertain what benefits could arise from such a railway running through those districts. I do not see why Sir Harold Clapp or anyone else should come here and say, "You are going to have a railway running along this route," without Parliament having a say in the matter. I think the question is sufficiently important, particularly in view of the cost involved, to warrant a Royal Commission or a Select Committee of both Houses, which might be accorded more recognition. I am sure that the Commonwealth hopes to get the money back from us in one way or another. During the secession campaign it thrust down our throats all about what it had done for us in the building of the East-West railway, and so on. If the Commonwealth finds some of the cost of this railway we will be hearing about it for the rest of our lives. I commend Mr. Thomson for having brought this matter up. I am sorry that he did not go further and suggest a Royal Commission or a Select Committee of both Houses to deal with the question.

HON. H. L. ROCHE (South-East) [4.47]: In supporting Mr. Thomson's motion for an inquiry into this matter, I admit that at present I see very little justification for the proposal of the Commonwealth Minister for Transport regarding the standardisation of railway gauges. It seems to me, that, as Mr. Wood has pointed out, we are at a stage in the development of transport when no-one can say with certainty what the future holds, what the developments of air transport will be, or even what developments will take place in road transport. Whilst railways are generally accepted as being able to handle heavy traffic and heavy loading better than can road or air transport, I suggest that sea transport is able to handle heavy cargo economically and just as expeditiously as the proposed line would be likely to handle it, and that makes it doubtful whether, apart from defence, the proposed new line is worthy of much consideration at all. Considerable emphasis has been placed on the desire of the defence authorities of Australia to have this line converted. Some members may know on what authority those statements have been made, but I do not know.

I would like to ascertain how long it is since the matter was considered by those who are charged with the defence of Australia and what their decision today would be. I have heard that no consideration has been given to the matter recently. It occurs to my mind that during the recent war in Europe, according to information that appears to be reliable, there were no railway services left after the bombing east of the Rhine, and yet the Allies shifted some millions of men and considerable quantities of material as far east as Berlin and farther. The railway in modern warfare, lacking flexibility of route as it does, is very vulnerable to attack from the air, but this vulnerability is not so apparent in connection with road transport. Consequently I should like to know something more of the statements that have been quoted to lead us to believe that a standard railway is vital to the defence of Australia.

Lately I, with other members, have received a copy of the broadcast by the Minister for Transport and External Territories in the Commonwealth Parliament. Beyond broad statements as to what benefit the railway might confer and references to the defence aspect, I cannot see that any considered argument was advanced in the broadcast

that would justify us in committing the State to the vast expenditure involved and what for a few years may be more important than the actual expenditure, namely, the use of material and manpower so urgently required in other directions. According to the broadcast, 850,000 tons of steel and 12,000,000 sleepers will be involved in the first phase of the conversion job. Both those commodities are in short supply and steel and timber are urgently needed for housing and other activities for which I believe the people of this country have a right to claim priority over railway conversion. I trust the House will agree to the motion and that, as a result of the deliberations of the committee, we shall be able to express an opinion with a greater appreciation of the facts that might justify us in embarking upon this project.

HON. G. W. MILES (North) [4.53]: I shall look forward with pleasure to reading the report to be produced by the Select Committee. I should like the committee to take into consideration one or two aspects. Every speaker to the motion has expressed himself as being definitely opposed to the standardising of the railway. For a number of years standardisation has been advocated. One speaker told us what an able man Sir Harold Clapp is, and then set out to knock down his own arguments. I understand that Sir Harold is a very good engineer. Amongst the members of this House, the only one with any engineering experience is my colleague, Mr. Cornish. I listened to his remarks with considerable interest, but, with due respect to other speakers, they have no knowledge of engineering. Personally I should like to see Mr. Cornish appointed as one of the members of the Select Committee.

Hon. G. B. Wood: What about yourself?

Hon. G. W. MILES: I am not looking for a seat on the Select Committee. Although the opinions expressed by Lord Kitchener in 1910 might be out of date, we ought to bear in mind that he was brought out to advise on the defence of Australia, and the duty of the Select Committee will be to ascertain from experts whether railways are as necessary for the defence of this country today as they were during the recent war. When the Select Committee obtains its evidence, I guarantee it will be found that the military authorities are in

favour of standardisation and that the fact of the railways not being standardised has cost Australia tens of millions of pounds. Lord Kitchener, in paragraphs 10, 11 and 13 of his report, stated that the existing railways were a menace to Australia instead of a means of defence, and might even prove to be of assistance to an enemy who had temporary command of the seas. This applies just as much today as it did when Lord Kitchener wrote his report in 1910.

Hon. A. Thomson: Have you a copy of Lord Kitchener's report?

Hon. G. W. MILES: No, but a copy is available. I have quoted that passage on many occasions. I was responsible for the report being dug up after it had been pigeon-holed in Melbourne for ten years. The late Mr. Gregory was instrumental in getting it for me. That was the beginning of the move for the unification of railways in 1919-20.

With regard to the financial aspect, I maintain that a standardised railway will be a defence proposition rather than a developmental one. For this reason, I could never understand why, twenty odd years ago, it was suggested that the Commonwealth should bear only one-fifth and the States four-fifths of the cost. As I interjected when the Chief Secretary was speaking, the position should be reversed. If we analyse the proposed distribution of the cost, we find that New South Wales, one of the richest States, will have very little conversion work to do because its railways are already standardised. Consequently, it is, in my opinion, essentially a Commonwealth matter to finance the scheme. I should not like the members of the committee to embark upon the inquiry and just seek views to support the opinions they themselves hold, because there is another side to the question, notwithstanding all the arguments that have been advanced here. I do not pose as an authority on this matter, but the evidence we require will have to be obtained from the military authorities.

It will be of no use leaving laymen to deal with the matter. Laymen have been responsible for the railways not being standardised, and the reason given for the delay in undertaking this work is that this is not the time to do it, that we should not give this railway project priority over housing and other needs. Every year the carry-

ing out of the scheme is deferred, the position becomes more difficult, notwithstanding the decision that it must be undertaken sooner or later. I do not consider that it is necessary at present to standardise the whole of our railways; that would be out of the question, but the standardising of the line linking the capital cities and Darwin is absolutely essential to the defence of this country. I brought this matter up 25 years ago and now I am told that I am 25 years behind the times.

Hon. G. B. Wood: Who said that?

Hon. G. W. MILES: You have indicated it by some interjections not audible to the President.

The PRESIDENT: Order! The hon. member must address the Chair.

Hon. G. B. Wood: On a point of order, I take exception to that remark. If I make an interjection, I like it to be heard by the President as well as by the member speaking. I hope the hon. member will withdraw that statement.

Hon. G. W. MILES: The hon. member must have a guilty conscience. I did not refer to him at all. I did not have him in mind.

Hon. A. L. Loton: If the hon. member referred to me, I ask for a withdrawal.

Hon. G. W. MILES: There are several other members sitting behind me. The young bloods who have come into the House—

Hon. A. Thomson: I think you ought to withdraw that remark.

Hon. A. L. Loton: I ask for a withdrawal of that remark. Mr. Miles has evidently referred to me. I suppose I am "the young blood." I point out that my blood is as good as his.

Hon. G. W. MILES: I withdraw anything I said if Mr. Loton takes offence at it.

The PRESIDENT: I am sure Mr. Miles would have no objection to withdrawing the remark.

Hon. G. W. MILES: I have already withdrawn it, Mr. President. I am not referring to any particular member. There are many new members in the House besides Mr. Loton. Probably only six or seven of the members of this Chamber, who were in it when I first came to the House, are still members.

The PRESIDENT: The hon. member might proceed with his speech on a different line of reasoning.

Hon. G. B. Wood: I suppose we have upset you now.

Hon. G. W. MILES: That is the trouble with some members; they do upset me. I was speaking about the cost of the railway. People say, "Now is not the time to construct this line; leave it until some other time." I only desire that the Select Committee should investigate all these points. If they are investigated it will be found that it will cost an extra £1,000,000 a year through the delay in the inauguration of a standard railway gauge for Australia. Sooner or later the work will have to be done. It is all very well for those who cast a slur upon the work of Sir Harold Clapp! That engineer said that the people of Australia could not see over the border. He was not referring only to Western Australians but to all the people of Australia. I endorse that remark. In many instances people cannot see over their own back fence, let alone see over the borders of their own State.

Hon. H. S. W. Parker: What is the size of your back fence?

Hon. G. W. MILES: I had a vision concerning this matter whilst other people were asleep. I suggested that £200,000,000 should be spent on standardising the railway systems of Australia and in opening up harbours and water supplies. That was 23 years ago. In Victoria, three years before that, I pointed out what had happened. I told the Editor of the "Age" what Lord Kitchener had said in 1910. I also told the Millions Club in Sydney what the Press of New South Wales had been saying. Speaking at the Millions Club I referred to what had been published in the "Bulletin," some semi-topical stuff. That newspaper had a sub-leader which referred to wheat lands in Western Australia as a failure. I said that the man who had written that article had been writing down his own assets, because the development of any portion of Australia was a bigger asset to Sydney, Adelaide or Melbourne, because they had their secondary industries established. I pointed out that the only market they had was that afforded by the people of Australia. I remarked that some years ago when our population was only 200,000 the then Premier of Western

Australia said we could not grow sufficient wheat for our own people. I said that it was not good for the State that we should have a man like that at the head of the Government of the country, a man who was without confidence in the State. I pointed out that our wheat-lands had only been scratched, and that within 10 years we would be producing as much wheat as could be produced in any other State of Australia. Subsequent to that we had a yield of 53,000,000 bushels. Perhaps these points are of no interest to city members, but there may be others in the Chamber who will be interested.

The PRESIDENT: I must ask the hon. member to address the Chair.

Hon. G. W. MILES: I hear little asides.

The PRESIDENT: I ask members to allow Mr. Miles to proceed with his speech.

Hon. G. W. MILES: Some members may think they are in a law court instead of in this House.

Hon. H. S. W. Parker: No-one here has made any remarks of any sort. It is another vision, I fear.

Hon. G. W. MILES: Does the hon. member want me to withdraw anything?

The PRESIDENT: Perhaps Mr. Miles will proceed with his speech. I ask him to confine himself to the motion before the Chair.

Hon. G. W. MILES: Am I not confining myself to the motion when I am referring to what I advocated 25 years ago? Think of the narrow-mindedness of some people in Australia! I am pointing out the parochial spirit of people, not in Western Australia only but throughout the Commonwealth. I have referred to the "Bulletin" article about our wheatlands which was published in 1922. That paper was running down Australia's assets. I said at the time that in another 10 years we could carry more sheep south of Geraldton than we then had in the whole State. The Sydney "Mail" also made scathing remarks about Walla in Western Australia being only a desert place where certain scientific experiments were being made. I said it was time that these so-called journalists knew their geography and wrote up the country instead of writing it down. They should stand up for Australia and the Empire and

keep that principle always before the people instead of filling the papers with reports about horse-racing, murders and divorces.

I went on to say that a cattle station at Wallal had been sold for £30,000 and that within two years of that period a sheep station there had sold for £20,000. There was no desert in that country of the kind described in the article. In the Sydney "Morning Herald" also appeared an article by a Minister of the Crown, who is now the leader of a new political party and has been in a prominent political position in New South Wales for a long time. He said that if the railways were standardised Victoria would get the benefit of the Murray River trade. I said, "What does it matter if that is so. Can you not open the Murray lands and the Pilliga scrub country and the Richmond and Clarence Rivers?" A standardised railway would open up the whole of Australia and lead to the population being doubled. What does it matter if we do spend £200,000,000 in carrying out that work? People say that is the scheme of a visionary.

Hon. A. Thomson: Would you get that much money?

Hon. G. W. MILES: It would be easy enough to raise £200,000,000 if the people had the necessary vision and sufficient confidence in Australia. I stand behind this scheme. I am glad to know that all aspects of it will be investigated, and I hope the Select Committee will obtain complete evidence as to the necessity for the line. It should take into consideration the defence point of view, and obtain evidence from the military authorities as to the necessity for the line. In Germany and Russia it was the air attacks that upset the railway system. The Russians rebuilt their railways after Stalingrad and conveyed their troops and materials to enable them to take part in the winning of the European war. It is for the Select Committee to investigate the whole question and report to the House. I hope the motion will be agreed to.

HON. A. THOMSON (South-East—in reply) [5.12]: I desire to express my sincere thanks to members and the Chief Secretary for the consideration they have given to the motion. I assure the House

that every phase of the matter will be faithfully considered and that evidence will be taken from all sides. I feel sure that as a result of the deliberations of the Select Committee information that will be very helpful both to Parliament and the Government will be gathered.

Question put and passed; the motion agreed to.

Select Committee Appointed.

On motion by Hon. A. Thomson resolved: That the Select Committee consist of five members, namely, Hon. J. A. Dimmitt, Hon. W. J. Mann, Hon. H. L. Roche, Hon. G. Fraser and the mover.

As to Powers of Select Committee.

On motion by Hon. A. Thomson resolved: That the Select Committee have power to call for persons, papers and records and may adjourn from place to place, that a quorum consist of three members, that the committee may sit on days over which the Council stands adjourned, and that at the discretion of the chairman the public and the Press be admitted and the evidence taken published, and that the committee report on Tuesday, the 4th December.

BILLS (2)—FIRST READING.

1. State Government Insurance Office Act Amendment.
2. Soil Conservation.

Received from the Assembly.

BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.15] in moving the second reading said: By this Bill it is proposed to amend the Motor Vehicle (Third Party Insurance) Act, 1943, which provides for the compulsory insurance by owners of motor vehicles against liability in respect of death or bodily injuries caused by the use of their motor vehicles. Being a comparatively new piece of legislation of considerable importance it can only be expected that from time to time certain anomalies and weaknesses will arise which will

make it necessary for amendments to be submitted. It is for this purpose, therefore, that this Bill is brought forward.

The first proposal deals with the definition of "Owner." It provides that that term shall not apply to the holder of a bill of sale on a motor vehicle unless such person has actually taken possession of the vehicle under the bill of sale. In many cases banks and other financial institutions have bills of sale over motor vehicles. It is not the intention of the Act that an institution or an individual not in possession of a vehicle should have to carry out the obligations of insurance imposed by the Act. The amendment will make it clear that the responsibility is that of the person in actual possession of the vehicle.

The second proposal deals with that portion of the Act which provides that an action to obtain payment from an insurance company, following judgment for liability in respect of death or bodily injury against an injured person, cannot be taken unless, before the action came on for hearing, the insurance company was made aware of the proceedings. This provision presents a difficulty in the event of persons in other States being injured by a motorist on a visit from this State. In some circumstances it would be impracticable for an injured person to notify his intention to commence an action to recover damages. It is, therefore, proposed to amend the Act to provide that the notification referred to shall apply only to proceedings instituted in Western Australia. This will mean that the same principle as previously will apply in connection with actions taken in Western Australia, but such procedure will not apply where an injury is suffered by a person injured in another State by a motorist from Western Australia who is visiting that State and is driving a motor vehicle which becomes involved in an accident.

Apart from the question of the general merit of the proposal, the Government of New South Wales will not enter into a reciprocal arrangement with Western Australia regarding third party insurance until this amendment is made to our legislation. The South Australian Parliament recently passed a similar amendment. This is a necessary amendment, which will be supported by motorists because it will mean that one policy will carry them right

through Australia. The Automobile Club has raised no objection to this, and it knows of the impending legislation. The amendment is of great interest to Western Australian motorists who intend going for a holiday to the Eastern States.

Hon. G. W. Miles: There is no break of gauge.

The HONORARY MINISTER: That is so. The next two amendments propose to delete from the Act certain words that have become superfluous by reason of the amendment made in 1944. Prior to the 1944 amendment, certain persons were excluded from the protection generally given by the Act. That amendment removed the exclusion but the consequential amendments that are now under consideration were not then made.

The next proposal is associated with the extension of policies during the 15 days of grace period which immediately follows the 30th June in each year. Although each insurance policy runs only to the 30th June, the Act continues to give legal protection for a further period of 15 days, this being done to enable motorists throughout the State to have a reasonable time to renew their policies or to take out new ones. The amendment aims to free from liability the original insurance company if, during the 15 days' period, any owner takes out an insurance policy for the new year with a different company. In that event under the proposal in the Bill the new company would become legally liable from the date on which the person took out a policy with that company. That is the explanation of the proposals in the Bill, all of which seek to rectify anomalies or weaknesses in the Act, and I trust that Parliament will grant its approval. I move—

That the Bill be now read a second time.

On motion by Hon. H. Tuckey, debate adjourned.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).

Second Reading.

Debate resumed from the 27th September.

HON. L. B. BOLTON (Metropolitan) [5.20]: My main reasons for voting against a similar measure last session were given by me at the time. I simply followed my usual custom of refusing to support any impor-

tant measure brought down in the closing stages of the session. The Bill on that occasion was brought down one day before the House adjourned. Mainly for that reason I voted against the second reading. But I also spoke briefly against the Bill and gave other reasons for my attitude. The measure now before the House still contains the, to my mind, objectionable clauses that were included in last year's Bill, so I am not too happy about the present position. Since it became known that it was the Government's intention to reintroduce this Bill I, like some members, made inquiries among the public servants of the metropolitan area and, although their opinions are divided, I have to confess that by far the greater majority of civil servants desire this measure to be placed on the statute-book. For that reason I intend, on this occasion, to vote for the second reading. But, as is indicated on the notice paper, it is my intention in Committee to move for the deletion of paragraph (b) of the proviso to Clause 5. In order that members may refresh their memories on this matter and be prepared to vote for the deletion of that paragraph, I will read it. It is as follows:—

Where the terms and conditions of employment appertaining to such vacancy or new office are or will be regulated by the provisions of an award or industrial agreement in force under the Industrial Arbitration Act, 1912-1941, only those employee applicants who, when they make application for appointment to or employment in such vacancy or new office, are members of an industrial union which is a party to such award or industrial agreement shall have the right of appeal under this section.

To my mind that is preference to unionists with a vengeance, and it is very repugnant to my ideals. I, therefore, propose to move for its deletion when the Bill is in Committee. I see one other great danger in the measure, namely, that of seniority being given preference over efficiency. That is most undesirable. I have discussed this aspect with some of the officials concerned with the Bill, and they assure me that that is not the intention, but it would be quite possible for that to occur. Apart from the two aspects I have mentioned I feel that I am perhaps doing the right thing in supporting the Bill on this occasion. I shall, therefore, vote for the second reading.

HON. H. L. ROCHE (South-East) [5.26]: On this occasion I, like Mr. Bolton, am going to support the Bill. When a similar measure was last before us it was introduced late in the session and, in addition, there seemed to be one or two provisions in it that were open to objection. I refer more particularly to the fact that separate boards of appeal were not to be created for the various sections of Government employees. Unfortunately the present measure does not provide for separate boards but, admittedly, it contains a provision that overcomes that objection to some extent. It would be preferable had the Government decided to provide separate tribunals for the employees of each branch of the service. My greatest objection to last year's measure was to what appeared to me to be the premium that might be placed on promotion purely on the ground of seniority. When considering the Bill at that time it seemed to me an easy way out for the departmental heads. They could merely appoint the senior man and let anyone else try to establish a better claim before the tribunal. It was almost an impossibility to establish such a claim because, in effect, a more efficient, and perhaps brilliant younger man would have to prove that the senior man was not competent to do the job. It seemed to me then that it would be an impossibility to prove that.

However, as the result of a couple of letters I received this year—I presume other members got copies of them, too,—one from the Civil Service Association and one from the Western Australian Railway Officers' Union, I went a great deal further into this aspect by discussing it with some of the officers concerned. Whilst the objection I had might be a good one, there is another approach to the problem, and that is that the creation of this tribunal could, as we trust it will, help the executive heads of the various departments, because it will really remove responsibility from them. They may appoint whom they wish and the executive chief who is keen and efficient, and who wishes to have an efficient department, may now make his own choice and leave the others—senior men or otherwise—to fight the matter out before the tribunal. So I think, as the result of inquiry and viewing this proposal from that point of view, that there is justification for it. I am certain that in at least one of the departments concerned there

is a real need—judged by the feeling of officers who are not yet classified amongst the older ones—for this in order to protect men who have been in the service a considerable time and who have proved their efficiency, but are finding that promotions, which are extremely difficult to justify, are being made. The provision of a tribunal of this nature should do much to assist.

Some amendments are foreshadowed on the notice paper. Some will possibly improve the Bill, but there are some that I am afraid I cannot support. Personally I believe in compulsory organisation. I am not prepared to go so far as to say I whole heartedly believe in any means of bringing about compulsory organisation, when it means compulsory subscriptions to any political organisation. At the same time I hope that those members who are perhaps opposed to one or two clauses of the Bill on account of certain provisions in that regard, will give careful consideration to the matter. I hope that rather than destroy the principle of compulsory organisation—all said and done, why should anyone pay into an organisation if others who do not contribute are to enjoy similar benefits?—they will submit amendments that may remove the stigma—if I may use that word, which is hardly the correct one—of compulsion on members of unions to contribute to political organisations. I shall not delay the House any further. I have spoken because I think I should make my attitude clear after voting against the Bill of a similar description when it was last before the House.

HON. V. HAMERSLEY (East) [5.33]: It seems to me that as so many members have explained why they voted against a similar Bill on a previous occasion, it is just as well for me to indicate why I also did so. At the outset, I take great exception to the attitude adopted by the Civil Service Association in writing letters to members demanding that they give their reasons for their vote last year. I have great faith in the general system of government adopted in this country, and with regard to the work of Parliament we as members are entitled, particularly in the Legislative Council, to exercise an independent vote. Some people seem to think that they are going to alter that and, if they have their way, the independence of members of Parliament will be gone completely for ever.

Those people, however, overlook the fact that they are not the only ones who place representatives in Parliament. A member of Parliament serves a far greater number of people who have nothing whatever to do with the Civil Service. I claim we have an undoubted right to exercise our individual and independent opinions. Naturally I shall give my reasons for opposing the Bill on the former occasion but those reasons are probably not what the civil servants expect.

I do not mind giving my reason to the House, as I gave it to the Civil Service Association. At that stage when the Bill was before the House—last session—there was no time to waste in dealing with the measure when it was presented to us. It came before us in the dying hours of the session, and the notice paper comprised half a page of amendments to the Bill. We had no time to consider the measure carefully or to appreciate what dangers attached to such an enactment. The appearance of so many amendments on the notice paper meant that, I could only assume, the Civil Service or the Government were not satisfied with the Bill in the form presented to us from the Assembly. In the circumstances there was no justification for asking us to give consideration to a measure that required so many amendments before it could be returned to another place. Owing to the late hour at which the Bill was presented to us, we would have acted rather like imbeciles had we gone on with it and sent the measure back to the Legislative Assembly. I voted against the Bill accordingly.

As to the measure now before the House, I intend to vote against the second reading. I am opposed to the idea of union considerations entering into the matter, because we do not know where we are drifting to. The suggestion that an officer will not be allowed to lodge an appeal unless he is a member of a political organisation is dreadful. We know what has happened in the Government service from time to time, and we have recently had experience of showing what unionism can do in connection with outside industry. The unions tried to take charge of the country, and the idea that the Civil Service should do so is ridiculous. I believe that this spirit of unionism has crept into the Police Force, which is affected in consequence. In such circumstances who will administer the laws of the country? I well remember the time when any man who was

in receipt of payment from the Crown was not allowed to have a vote. Since then we have extended the franchise considerably and now everyone is entitled to a voice in the affairs of the country. But when people are in receipt of payments from the Crown, that alters the whole complexion and in my opinion the Civil Service is abusing the powers that have been granted to its members.

I certainly do not assume that my vote will succeed in defeating the Bill, but I hope that members will delete the provisions regarding membership of industrial unions, which I regard as an imposition on the good government of this country which should not be tolerated by this House. I think the civil servants are reaching out too far and if their activities are not curbed we shall find that we are drifting into a control such as that which exists in Japan. We would be controlled by an organisation that would probably be on similar lines to the Black Dragon Society, and we would all have to dance to the tune the society called. We should maintain proper control over matters that essentially should be withheld from influence wielded by any political association. We should not sacrifice the rights of the whole community for the sake of a few, particularly as the community is finding the jobs for the people concerned. That is my view regarding the matters we are asked to subscribe to. If we pass this Bill it will be a wonderful organising medium and fund producer for its sponsor's machinations.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [5.41]: It appears to be clear that the House agrees in principle to the Bill. It is mainly a machinery measure designed to create confidence among the employees of the Government, that when promotions are made the persons entitled to promotion will receive it. I know of nothing that creates more dissatisfaction among men than the feeling that they have not been recognised for the work they have done for their employers, whether it be the State or private employers. In view of the nature of some amendments on the notice paper and of the fact that it will be necessary to debate them in Committee, I do not propose to refer to them at this juncture. I wish to impress upon members that the Bill covers the whole of the employees of the Government and not only those who are sub-

ject to the provisions of the Public Services Act. From the remarks of some members, I rather gather the opinion that they think the Bill applies only to civil servants. As a matter of fact, the Bill applies not only to them but to all other employees, whether they be civil servants, teachers, railwaymen, or men subject to awards and agreements of the Arbitration Court. I feel sure from the way the discussion has proceeded that we will secure a measure that will give, at any rate, some satisfaction to Government employees from the standpoint of promotions.

Question put and passed.

Bill read a second time.

In Committee.

Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Interpretation:

Hon. H. S. W. PARKER: Would the Chief Secretary please explain the reason for the insertion in the definition of "Employee" of the words "but does not include the Chief Justice or any Judge of the Supreme Court or the President or any member of the Court of Arbitration"? It appears to me, if I may so put it, that these persons would be the only employees excluded from the measure. Would the members of the Licensing Court be included, for instance?

The CHIEF SECRETARY: Provision is made in a later clause of the Bill for positions carrying salaries higher than £750 per annum to be appealed against on special grounds. Unless the particular positions referred to in the definition are excluded, they might be subject to appeal. I think members will agree that they should not be subject to appeal.

Clause put and passed.

Clause 4—agreed to.

Progress reported.

BILL—MINE WORKERS' RELIEF (WAR SERVICE) ACT

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendment No. 2 made by the Council, and had agreed to No. 1 subject to a further amendment now considered.

In Committee.

Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

No. 1. Clause 5, paragraph (e) of proposed new Section 4, page 3:—Delete the words "the Laboratory" in line 13, and substitute the words "a tribunal consisting of two physicians, one of whom shall be the senior medical officer of the Laboratory and one radiologist."

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to insert after the word "one" in the last line the word "a."

The CHIEF SECRETARY: I move—

That the amendment, as amended, be agreed to.

Hon. W. J. Mann: Can you tell us what it means?

The CHIEF SECRETARY: For Mr. Mann's benefit, it would appear that the Legislative Assembly desires the tribunal to consist of two members, instead of three. From what I can gather, there was not much discussion on it in another place. As members are aware, Dr. Hislop's desire was that the tribunal should consist of three members, namely, two physicians and a radiologist. I point out to Dr. Hislop that the wording of his amendment was not as clear as it might have been, although it is perfectly good English. I can quite understand that a person would have difficulty in assuming that Dr. Hislop meant that three persons should constitute that tribunal, although that undoubtedly was his intention.

Hon. J. G. HISLOP: This amuses me immensely, for the simple reason that apparently my grammar is in question. I still believe my grammar is right.

The Chief Secretary: Who said your grammar was in question?

Hon. J. G. HISLOP: I think that is the purport of the remarks of a gentleman in another place. However, I still maintain that my amendment is perfectly clear and that what is now proposed by the Assembly is not quite so clear. If the Assembly's amendment be accepted, it would be possible for the tribunal to be comprised of two persons and, as both the medical officers at the Kalgoorlie laboratory would be working as physicians and radiologists,

they could comprise the tribunal. That is not what I suggested and the House agreed with the sound logic of my amendment. The Minister in charge of the Bill did not disagree with the tribunal that I suggested. What I desire is that all sides of an exceedingly difficult question should be considered and decided by professional men who are skilled in that work. My desire is that the tribunal shall consist of two physicians, one of whom would be employed in the laboratory and the other outside the laboratory and, in addition, a radiologist.

Hon. L. Craig: Why use the words "the other"? Your amendment does not necessarily indicate three members.

Hon. J. G. HISLOP: It does.

The Chief Secretary: Yes. I think that is clear.

Hon. J. G. HISLOP: I wish to alter the wording of the amendment by placing the words "one of whom shall be the senior medical officer of the Laboratory" within parentheses; and by striking out the word "one" before "radiologist" and inserting "a."

Hon. J. A. Dimmitt: The hon. member could insert the words "the tribunal shall consist of three members." That would make the amendment quite plain.

The CHIEF SECRETARY: The hon. member has provided me with a copy of this amendment and I see nothing wrong with it from his point of view. It certainly makes clear that he desires a tribunal of three medical men, or two medical men and a radiologist—I do not know whether or not a radiologist is considered to be a medical man.

Hon. J. G. Hislop: He is not a physician.

The CHIEF SECRETARY: However, there is no particular hurry for this; and in order that the hon. member may have an opportunity to place his amendment on the notice paper, and that members may be fully aware of what is involved in it, I suggest that progress be reported.

Progress reported.

House adjourned at 6.3 p.m.