Legislative Assembly.

Wednesday, 13th September, 1950.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

(a) As to Impending Retirement of Officers.

Mr. GUTHRIE asked the Minister representing the Minister for Railways:

(1) Is it a fact that several highly placed officers in the Railway Department are due for retirement shortly?

(2) Will these vacancies be advertised?

(3) If not, what method will be adopted in filling these positions?

The ACTING PREMIER replied:

(1) Yes.

(2) Not necessarily in all cases.

(3) Some will be advertised as prescribed in industrial awards covering the positions and others will be filled by selection as prescribed in relevant regulations.

(b) As to Government and Midland Wheat Freights.

Mr. ACKLAND asked the Minister representing the Minister for Railways:

(1) Is he aware that although freights in Western Australia have been raised by more than 80 per cent. for bulk wheat, farmers delivering wheat to sidings on the Midland railway consigned, either to Fremantle or Geraldton, are still being charged two freight rates?

(2) Does he agree that freight on bulk wheat for 127 miles on the Government railways would be charged for at 20s. 4d. per ton, plus 9d. per ton, equalling 21s. 1d.?

(3) Does he know that over a similar mileage from Carnamah to Geraldton—127 miles—farmers are charged two freight rates—

Carnamah to Walkaway—

One hundred and eight miles @ 19s. 5d. equalling 19s. 5d.

Walkaway to Geraldton—

$$19 \text{ miles } @ \frac{19}{127} \times \frac{21\text{s. } 1\text{d.}}{1}$$

equalling to the nearest farthing 3s. 2d. a total of 22s. 7d.?

(4) This being 1s. 6d. per ton more than freight charged to farmers using the Government railways, will he take steps to see that wheatgrowers' freights on the Midland railway are brought into line with those paid by wheatgrowers who use the Government railways exclusively?

The ACTING PREMIER replied:

(1) Yes.

(2) Yes.

(3) Yes.

(4) Having regard to the fact that haulage is over two separate railways systems, existing freights are not considered inequitable.

(c) As to Refrigerators for Workers' Camps.

Mr. McCULLOCH asked the Minister representing the Minister for Railways:

Will he give favourable consideration to the installation of refrigerators at workers' camps where railway workers are engaged, at such places as Broad Arrow, Goongarie, Menzies, Malcolm, etc., at a low weekly cost, similar to that which now applies at railway camps along the Trans Australian railway, from which great benefits have been derived, and where perishable foodstuffs have been kept fresh?

The ACTING PREMIER replied:

Provision of refrigerators at certain railway barracks is receiving consideration but extension of the policy to embrace individual hirings is not considered advisable.

SUPERPHOSPHATE.

As to Distribution in Lower South-West.

Mr. HOAR asked the Minister for Lands:

(1) Is he aware that last season's distribution of superphosphate from Picton to the lower South-West caused much dissatisfaction among many farmers?

(2) Does he know that many farmers did not receive their 75 per cent. balance until it was almost too late to use it, due to winter setting in?

(3) As this matter is the subject of an almost annual complaint, has he any plans that will guarantee delivery in time to be of use to the farmer?

(4) If so, do these include an extension of road transport to cover these areas; if not, what does he propose?

The MINISTER replied:

(1) It is understood that there were complaints from the area served by the Picton works.

(2) Many farmers received late delivery of their super., for the reason that they failed to lodge their orders within the period set out in the distribution plan. Also, output from the Picton works did not reach the expected figure as some production was lost due to a breakdown in the plant.

(3) Authority has been given for road transport to be introduced during the current season at Picton at any time that rail transport proves inadequate.

(4) Subsidised road transport was extended to cover the area served by the Picton-Margaret River-Augusta line on the first intimation from the manufacturers that it could be used.

Whenever consignments were offering from Rocky Bay, road transport to the South-West was subsidised.

HOUSING.

(a) As to Permits for Single Persons.

Mr. GRAHAM asked the Honorary Minister for Housing:

(1) Has he yet satisfied himself that persons seeking permits to erect houses up to 12½ squares are not required, either on the application form or otherwise, to signify whether they are married?

(2) If so, does he agree that it is possible for single persons to obtain permits quite lawfully, even when they have no intention of marrying?

The HONORARY MINISTER replied:

(1) The application form is drawn to convey the inference that applicants are married. The applicant certifies that "neither my wife nor I own a dwelling at present which is available for our immediate occupation." Forms are being amended to ensure that a single man will identify himself as such.

(2) Answered by (1).

(b) As to War Service Homes Act.

Mr. GRIFFITH (without notice) asked the Acting Premier:

Will the Government make representations to the Commonwealth Government with a view to obtaining a more equitable increase in the maximum amount now permitted, namely, £2,000, to be raised on first mortgage under the War Service Homes Act?

The ACTING PREMIER replied:

I will see that the matter receives consideration and, if possible, that the hon. member's request is carried into effect.

(c) As to Homes, Kelvin-street, Maylands.

Mr. McCULLOCH (without notice) asked the Honorary Minister for Housing:

(1) Will he ascertain from the contractor who is building houses Nos. 90 and 92, Kelvin-street, Maylands, at what date the brick and tile work was completed on those houses, particularly on No. 92?

The HONORARY MINISTER replied:

(1) The brickwork on Lot 281, corner of Kelvin and Stone-streets, was completed on 22/6/50, and on Lot 280, Kelvin-street, on 13/7/50. The tiling of house on Lot 281 was commenced on 28/7/50 and was completed on 31/7/50, and on Lot 280 was commenced on 29/7/50 and completed on 31/7/50.

(2) A typographical error was made in one date mentioned in the contractor's letter of 29/8/50, but this was subsequently

corrected by a further letter from the contractor. The correct dates were supplied to the hon. member.

AIR MAILS.

As to Onslow Inland Service.

Mr. RODOREDA asked the Minister representing the Minister for Transport:

When is it expected that MacRobertson Miller Aviation Ltd. will, under license granted by Transport Board, make a start with the air mail service designed to replace surface mails running inland from Onslow?

The ACTING PREMIER replied:

The question of mail transport is a matter which concerns the Postmaster-General's Department and the Department of Civil Aviation. The Transport Board has already approved of the carriage of general traffic by MacRobertson-Miller Aviation Co. Ltd. in the area indicated.

INDUSTRIAL ARBITRATION AND WORKERS' COMPENSATION ACTS.

As to Printing Regulations.

Mr. McCULLOCH asked the Minister for Labour:

(1) As consolidated copies of the regulations under the State Industrial Arbitration Act are out of print, and the only means of keeping up-to-date regulations is to extract same from the various "Industrial Gazettes," will he endeavour to have consolidated regulations printed as was the practice in past years?

(2) As the same conditions apply to the State Workers' Compensation Act, will he also endeavour to have regulations printed in consolidated form in connection with this Act?

The MINISTER replied:

(1) The new print of the Industrial Arbitration Act with annotations is now in course of preparation. When this is completed, it is intended to review and reprint the regulations.

(2) The regulations under the State Workers' Compensation Act are now under review and, when this is completed, new regulations will be printed.

POLICE.

As to Station at Fitzroy Crossing.

Hon. A. A. M. COVERLEY asked the Minister for Works:

(1) Was a tender let for the building of the police station and quarters at Fitzroy Crossing?

(2) If so, at what date?

(3) When is it proposed to commence the building?

The MINISTER replied:

(1) and (2) A tender for construction of police quarters and lock-up at Fitzroy Crossing was let on the 10th June, 1949.

(3) The contractor has indicated that he will commence work shortly and has undertaken to have it completed by Christmas.

Plans for police station have been prepared and price is being obtained from the contractor for this additional work.

WATER SUPPLIES.

As to Rate and Excess Charges.

Mr. OLIVER asked the Minister for Water Supply:

What is the water rate charged, and the excess water rate charged, in the towns of Perth, Kalgoorlie, Norseman, Esperance, Southern Cross, Coolgardie, Menzies, Leonora, Laverton, Yalgoo, Mt. Magnet, Cue, Meekatharra, Sandstone, Wiluna, Carnarvon, Onslow, Roebourne, Port Hedland, Marble Bar, Nullagine, Peak Hill, Broome, Derby, Wyndham and Halls Creek?

The MINISTER replied:

The statement herewith contains particulars of annual rates and excess water charges in respect of the towns where water schemes are controlled by the Minister for Water Supply, Sewerage and Drainage.

Of the balance of the towns quoted by the hon. member there is no water board nor any control by this department in respect of the following:—Esperance, Laverton, Yalgoo, Nullagine, Peak Hill, Halls Creek.

The following town supplies are controlled by independent water boards. In these cases the rating of 3s. in the £ has been authorised, but there is no information in the department concerning excess water charges:—Sandstone, Wiluna, Onslow, Roebourne, Broome.

In the case of Marble Bar, this is controlled entirely by the local authority.

Port Hedland and Menzies are controlled by the department, but not rated.

A water board operates at Wyndham, but the department has no particulars of rating.

Towns.	Rate on Annual Rental Value.	Excess Water.						Remarks.
		Domestic.	Trading.	Parks.	Other Services not Specified.	Mining.		
						General.	Class 2.	
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
Kalgoorlie	1 6	3 0 or 3 3 2 6	7 0	3 6 or 2 0	7 0	7 0	10 0	*Domestic.*—Rate paid before 10th March, 1st 5,000 3s. per 1,000, paid after 10th March, 3s. 3d. per 1,000. Further excess, 2s. 6d. per 1,000. *Parks.*—Non-public 3s. 6d. per 1,000 public 2s. per 1,000.
Norseman	2 0	3 0 or 3 3	7 0	4 6	7 0	7 0	....	*Domestic.*—Rate paid before 10th March, all excess 3s. per 1,000, rate paid after 10th March, all excess 3s. 3d. per 1,000.
Southern Cross	1 3	3 0 or 3 3 2 6	5 10	3 0 or 2 0	5 10	6 0	10 0	*Domestic.*—Rate paid before 10th March, 1st 5,000 3s. per 1,000, paid after 10th March, 3s. 3d. per 1,000, further excess 2s. 6d. per 1,000. *Parks.*—Non-public 3s,. public 2s. per 1,000.
Coolgardie	1 6	3 0 or 3 3 2 6	7 0	3 6 or 2 0	7 0	7 0	10 0	*Domestic.*—Rate paid before 10th March, 1st 5,000 3s. per 1,000, paid after 10th March 3s. 3d. per 1,000, further excess 2s. 6d. per 1,000. *Parks.*—Non-public 3s. 6d. per 1,000, public 2s. per 1,000.
Leonora	3 0	3 0 or 3 3	6 0	2 6	6 0	Special agreement		*Domestic.*—Rate paid before 10th March, all excess 3s. per 1,000, rate paid after 10th March, all excess 3s. 3d. per 1,000.
Mt. Magnet	3 0	3 0 or 3 3	6 8	....	....	....	....	*Domestic.*—Rate paid before 10th March, all excess 3s. per 1,000, rate paid after 10th March, 1st 6,000 3s. 3d. per 1,000, balance 3s. per 1,000.
Cue	3 0	3 0 or 3 3	6 8	4 0	....	Special agreement		*Domestic.*—Rate paid before 10th March, all excess 3s. per 1,000, rate paid after 10th March, 1st 5,000 3s. 3d. per 1,000, balance 3s. per 1,000.
Meekatharra	3 0	3 0 or 3 3	5 6	....	....	5 6	....	*Domestic.*—Rate paid before 10th March, all excess 3s. per 1,000, rate paid after 10th March, 1st 5,000 3s. 3d. per 1,000, balance 3s. per 1,000.
Carnarvon	3 0	3 0 or 3 3	5 6	....	....	....	....	Water supplied to shipping by arrangement, 7s. 6d. and 5s. per 1,000.
Derby	2 0	2 0	2 0	....	....	....	....	Shipping, 10s. per 1,000.
Perth	1 6	1 0 or 1 3	1 0	....	....	....	....	

H. S. ROWE FILE.

As to Tabling.

Mr. MAY asked the Honorary Minister representing the Minister for Mines:

Will he lay on the Table of the House the H. S. Rowe file?

The HONORARY MINISTER replied:

The Minister has no knowledge of an "H. S. Rowe" file.

MOUNT HAWTHORN ROADS.

As to Declaration as Main Thoroughfares.

Mr. W. HEGNEY asked the Minister for Works:

In view of the nature and volume of traffic on the undermentioned roads in the Mount Hawthorn electoral district, will he give consideration to declaring such thoroughfares as main roads and have them widened and/or repaired where necessary as soon as practicable—

(a) Curtis-street, from Main-street to Wanneroo-road;

(b) Wanneroo-road, from Dog Swamp northwards to the 7 Mile;

(c) Hutton-street, from Scarborough-road to Main-street;

(d) Royal-street, from Main-street to Mount Yokine Golf Links?

The MINISTER replied:

The roads mentioned by the hon. member cannot be considered for declaration as main roads as they largely serve only domestic traffic in the area.

LEAVE OF ABSENCE.

On motion by Mr. Bovell, leave of absence for one week granted to the Premier (Hon. D. R. McLarty—Murray) on the ground of urgent public business.

BILL — STATE (WESTERN AUSTRALIAN) ALUNITE INDUSTRY ACT AMENDMENT.

Leave to Introduce.

THE ACTING PREMIER (Hon. A. F. Watts—Stirling) [4.41]: I move—

> That leave be given to introduce a Bill for an Act to remove doubts as to the validity of certain acts done and transactions entered into in purported exercise of powers under the State (Western Australian) Alunite Industry Act, 1946; and to amend that Act.

HON. J. B. SLEEMAN (Fremantle) [4.42]: I do not know whether we should give leave to introduce this Bill. There are certain reasons why I consider leave should not be granted. First of all, a number of notices of motion by the Government were dealt with last night and the first readings of Bills agreed to. This notice of motion was not placed on the notice paper until today and it should not be allowed to interfere with the transaction of private members' business, this being the first private members' day for the session. Apparently the Government thinks there is some great urgency for pushing this measure through, and for that reason it has placed the notice of motion on today's notice paper.

Another reason why leave should not be given for the introduction of this Bill today is that it deals with a matter covered by a notice of motion which has been on the notice paper for many weeks. The Minister is asking for leave to introduce a Bill for—

> An Act to remove doubts as to the validity of certain acts done and transactions entered into in purported exercise of powers under the State (Western Australian) Alunite Industry Act, 1946; and to amend that Act.

In notice of motion No. 3 on today's notice paper, it will be seen that the member for Melville proposes to move for the tabling of papers dealing with the same matter as that with which the Bill the Minister seeks to introduce, is concerned. It seems to me that we can assume something wrong has been done, or the Government would not be moving for leave to introduce a measure to validate certain acts.

It is possible that if the first reading of this Bill were agreed to you, Sir, might be asked to rule that the notice of motion standing in the name of the member for Melville could not be proceeded with. I believe there is a possibility that the Government might take that course; and if it did, you might agree to its suggestion. I think, therefore, that leave should not be given to introduce this Bill until the member for Melville has had a reasonable chance to move his motion. I therefore move an amendment—

> That consideration of this notice of motion be adjourned until the 11th October, 1950.

THE ACTING PREMIER (Hon. A. F. Watts—Stirling—on amendment) [4.45]: I certainly hope the House will not support the amendment. It would be most unwise to do so, and it is most unusual that any exception should be taken at this stage to leave being granted for the introduction of a measure of this nature. The member for Fremantle began by saying something about the notice of motion not having been dealt with yesterday, or the first reading not having been taken last night. It is quite obvious why that was not done. Notice of intention to introduce the Bill was not given until yesterday afternoon.

I have no intention of holding up private members' business. It is customary for formal motions of this kind to be moved on private members' day, and no more than a minute and a half would have been taken by me over the whole business. The subject-matter of the Bill would, of course, have been debated on the second reading. But may I say at this stage that the doubts which it is proposed to remove by the submission of this Bill have not relation only to the period of 1949-50, as may have been in the mind of the member for Fremantle. The doubts which it is proposed to remove have reference, in certain aspects, to the operations of this industry virtually since its commencement. The measure has not been brought forward here in any carping spirit but to validate what I am informed is a doubtful position in regard to the operation of the industry, not only in recent times but also in the past.

It is therefore necessary that the House should discuss the measure; and it is very desirable that that discussion should not be postponed until the 11th October or to any similar time but should be proceeded with in the ordinary course. I do not think that, on a motion for leave to introduce the Bill, it is necessary for me to go any further than that in my explanation of what the Bill contains; but I can assure the House that when the second reading is moved, reasons will be given to show that it is not only intended to validate the operations of the Act in recent times but through the greater part of the time during which the industry has been operating.

Hon. F. J. S. Wise: Will you assure the House that no use will be made of this order of leave, if it is passed, to stultify the next notice of motion?

The ACTING PREMIER: I will give the hon. member the assurance that the passing of this motion or the first reading of this Bill will not be utilised in any way in that direction. I had no such intention—far from it. My only position in the matter was that I had been advised

by the officers of the Crown Law Department in recent weeks that certain transactions extending from 1946 onwards would probably require some validation; and, profiting by past experience in this matter—which the member for Melville will remember—it seemed desirable to me that the Bill should be introduced promptly rather than that we should take up the attitude that it might not be necessary to introduce it at all. For that reason only was the measure brought down, as soon as I had received a copy of the Bill and fully understood its purport. I therefore oppose the amendment.

Point of Order.

Mr. Marshall: On a point of order, Mr. Speaker. In view of the sessional resolution which we agree to every year, that Government business should take precedence over all other business on Tuesdays and Thursdays, is it not thus implied that Wednesday is private members' day? That being so, in the ordinary course of events, if I were to give notice of motion as a private member, that notice of motion would go to the bottom of the list and not take precedence over the business brought forward by other private members earlier. I want to know whether you rule that the Government has the right in the circumstances to place a notice of motion ahead of private members' business on a Wednesday.

Mr. Speaker: Only for the reason that it was looked upon by the Government as a formal motion.

Debate Resumed.

Hon. J. B. SLEEMAN: As I now have the assurance of the Acting Premier that his introduction of the Bill will not be used in any way against the motion of the member for Melville, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question put and passed.

Bill introduced and read a first time.

PAPERS—CHANDLER ALUNITE WORKS.

As to Undertakings and Resignation of Mr. Fernie.

HON. J. T. TONKIN (Melville) [4.51]: I move—

> That all papers concerning the State Alunite Works at Chandler and its undertakings, actual and proposed, including (1) the proposal to produce plaster of paris and to supply Joseph Harris Collett; (2) all minutes and reports of the proceedings of the board of management made in accordance with Section 21 of the State (Western Australian) Alunite Industry Act; (3) the typist's notes of the meeting of the Council for the Development of Industries held on the 16th November, 1949, and (4) the resignation of Mr. Fernie, Director of Industrial Development and chairman of the board of management from those positions, be laid upon the Table of the House.

The purpose of this motion, Mr. Speaker—

Point of Order.

The Acting Premier: I have here, Mr. Speaker, a certificate from the Clerk in Charge, Legal, Crown Law Department, Perth, dated the 13th day of September, 1950, and reading as follows:—

> I William Arthur Petterson, Clerk in Charge (Legal), Crown Law Department, Perth, do hereby certify that at 4 p.m. on Wednesday, the 13th day of September, 1950, I did make a careful search at the central office of the Supreme Court in the matter of Joseph Harris Collett, plaintiff and State (Western Australian) Alunite Industry board of management, defendant C. No. 16 of 1950, to ascertain if any notice of discontinuance had been filed therein and I found that no such notice has been filed.
>
> Dated this 13th day of September, 1950.
>
> (Sgd.) W. A. Petterson.

With your permission, Sir, I hand this document to you. It is stated in the fourteenth edition of "May's Parliamentary Practice" at page 375, under the heading, "Matters Pending Judicial Decision," that—

> A matter, whilst under adjudication by a court of law, should not be brought before the House by a motion or otherwise.

The same statement is also to be found in the eleventh edition of "May" at page 278 and it is reported in "Hansard" 1917-18, Volume 1, at page 386, that the then Speaker of the Legislative Assembly quoted and applied the above statement. The circumstances are that some little time ago a writ was issued by one J. H. Collett against the board of management of the Alunite Industry, claiming damages for breach of contract. The Crown, of course, entered an appearance and called for a statement of claim—that is to say, a detailed statement of claim as required, I understand, by the rules of the Supreme Court. That statement of claim has not yet been received, but the writ is still extant, because four o'clock today was the closing time of the central office of the Supreme Court, and therefore no action of any kind has been taken to discontinue it and the matter is consequently still before the court.

Hon. J. B. Sleeman: What was the purpose of the writ?

The Acting Premier: It was a writ by one J. H. Collett claiming damages against the board of management of the Alunite Industry (Western Australian), and it is still in existence. It cannot be alleged with certainty, owing to the absence of a detailed statement of claim, what breach

of contract it is that the plaintiff, J. H. Collett, has in mind, but as there is known to be only one possible transaction between the Western Australian Alunite Industry board of management and this person, J. H. Collett, and that transaction has reference to negotiations that were entered into in connection with the proposed sale of plaster of paris, it is obvious from that fact and from correspondence on the matter, that the claim will relate to a proposal to produce plaster of paris and to supply it to the plaintiff.

If that is so, the tabling of all papers concerning the alunite works at Chandler and its undertakings, actual and proposed, could, in my opinion, do nothing but contribute towards prejudicing the board of management in its defence of the action. If there should be any debate on the motion, it is possible that the court ultimately concerned might be embarrassed. The motion that the hon. member desires to move asks that all papers concerning the State Alunite Works at Chandler and its undertakings, actual and proposed, including (1) the proposal to produce plaster of paris and to supply Joseph Harris Collet and (2) all minutes and reports of the proceedings of the board of management made in accordance with Section 21 of the State (Western Australian) Alunite Industry Act and (3) the typist's notes of the meeting of the Council for the Development of Industries held on the 16th November, 1949, and (4) the resignation of Mr. Fernie, be laid upon the Table of the House.

Obviously (1) must be substantially involved in the action which is now before the court. I will go further and say that the greater bulk of the items that would be covered by (2) and (3) are also involved in this subject and that it is impossible to extract from the voluminous files of this matter—nor would it be proper to do so if it were possible—the papers which have particular reference and which might prejudice the Crown, or the board in its defence of this matter, and the papers that would not prejudice the Crown or the board, because the net result would be worthless so far as the tabling of papers was concerned, as half the file would not be there and the other half would have little or no relevance to the subject matter.

In those circumstances I think it will be quite clear to you, Sir, that this motion cannot at this stage be brought before the House. The position is that it is even possible that, since the plaintiff has not yet delivered his detailed statement of claim, and as this motion has been on the notice paper for some weeks, he may be waiting until the papers are tabled and become public property so that he may have access to them and decide how to frame his statement of claim.

Hon. J. T. Tonkin: You know different from that.

The Acting Premier: I do not, and I think it is a distinct possibility.

Hon. J. T. Tonkin: You know the new agreement that is being made.

The Acting Premier: It is an extraordinary thing that the hon. member should be better informed than I as to the arrangements that Mr. Collett is making with somebody. I am not in his confidence.

Hon. J. T. Tonkin: You are in the confidence of Mr. Innes.

The Acting Premier: I have not seen him for over five weeks. I would like to know how the hon. member has become better informed than I—

Hon. J. T. Tonkin: I will tell you, if you give me the opportunity.

The Acting Premier: It is well known that the hon. member has been in close contact at times with Mr. Collett, the plaintiff in this action. I was not going to raise that point, but if the hon. member desires to question my bona fides in the matter, I feel that I am at liberty to question his. I had no intention of doing so, but had decided to confine myself to what I believed to be the legalities or practices in this matter. I will leave it at that.

Hon. A. R. G. Hawke: The member for Melville did not question your bona fides.

The Acting Premier: I think the implication was plain.

Mr. Fox: There should not be anything to hide.

The Acting Premier: One cannot hide anything of which one has no knowledge. I have some acquaintance with the subject matter of the writ and it is quite clear, as I have said, that the production of these papers and the making of them public at this stage must undoubtedly place the plaintiff in a better position than he would otherwise be, and in a better position than that in which he is entitled to be. In those circumstances the machinery of this House, as is made perfectly clear in "May's Parliamentary Practice," at page 375 of Volume 14 and page 278 of Volume 11 should not be used at this stage to place the Crown or the board of management in any position inferior to that in which they are at the present time.

Those are the grounds for my objection to this motion and are the reasons why I ask you, Sir, to rule that it should not be discussed at this stage. I cannot, in any circumstances, dissect the various papers from the whole of this subject matter. However one looks at it, they must be heavily involved in this connection because the greater part of them, dealing with the transactions of the alunite industry, have a considerable bearing on certain negotiations made with one, J. H. Collett, towards the end of last year. It is impossible to

separate them. If we made use of the machinery of this House for the purpose of tabling them they then become public property. We have no means of keeping them private and it is placing the defendants, the plaintiff, and the Crown Law Department in an extremely difficult position and such an action, of course, has never been contemplated in parliamentary practice.

In the 1917-18 "Hansard," Vol. 1, page 386, you, Sir, will recollect and, if not, you can verify my statement, that the then Speaker asked Mr. Maley, the then member for Greenough—I think it was he—when he moved a certain motion, if he was able to assure him that it was not the subject of a legal action. Mr. Maley said he was not able to give that assurance and the Speaker ruled him out of order. I am saying today, Sir, and I have offered you that certificate from the legal officer of the Crown Law Department to afford such substantiation as it is possible for me to give, that the papers, the subject of this motion, are a matter for legal action and substantially involved in it and, in consequence, should not be tabled at this stage, and thus the motion asking for them to be tabled should not proceed. I will leave the matter at that.

Mr. Speaker: In regard to my ruling the position is as follows: The writ has been issued and has not been withdrawn. The latest edition of "May's Parliamentary Practice" that we have, states—

> Matters pending judicial decision.—A matter, whilst under adjudication by a court of law, should not be brought before the House by a motion or otherwise.

I might say that the member for Melville did me the kindness of coming to see me on this matter a few days ago and in the Speaker's room I looked up No. 12 of "May's Parliamentary Practice" and in that edition there was different wording. We then discussed whether we could separate other matters from those before the court. Of course it is possible to define what is before a court and what is not when the case is listed and we know who the defendant and the plaintiff are, and what the statement of claim, defence, rejoinder, and interrogatories are and all the other things.

But that stage has not been reached and the writ has not been withdrawn. What the papers may contain I cannot say. Therefore I am in the position of merely having to ask myself a simple question, namely: Is the motion one dealing with matters before a court of law? If it is, the motion cannot be debated until the court determines the issues. Therefore, I must rule, in view of the Minister's statement that the motion deals with matters awaiting adjudication by a court of law, that it cannot be proceeded with until the court gives its decision.

Dissent from Speaker's Ruling.

Hon. J. T. Tonkin: Your ruling astonishes me, Sir, and in the circumstances I am obliged to dissent from your ruling. I move—

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

It is remarkable that the Acting Premier raised this question seeing that he has nothing to hide and it is also remarkable to what lengths the Government will go to hide nothing. The copy of "May" which I have in front of me says—

> Matters pending judicial decision: A matter, whilst under ajudication by a court of law should not be brought before the House by motion or otherwise.

So the question turns on what is the meaning of, "under adjudication by a court of law." This matter will never get before a court of law and the Acting Premier knows it.

Point of Order.

The Acting Premier: On a point of order, Mr. Speaker, I take exception to that statement. I do not know whether it will get before the court and I demand a withdrawal of the hon. member's statement.

Mr. Speaker: The Acting Premier has asked for a withdrawal of that statement.

Hon. J. T. Tonkin: Why must I withdraw a statement which is couched in language which is parliamentary and which states my opinion. It is in no way offensive to anybody. If my opinion is wrong, it is wrong; if it is right, it is right. I gave my opinion couched in, shall I say, good English, and what objection can be taken to it?

Mr. Speaker: I think the Acting Premier's objection is that the statement is offensive.

The Acting Premier: I will not press the point, Mr. Speaker. I have already stated that I do not know when the case will come before a court of law and I will let it rest at that.

Dissent Resumed.

Hon. J. T. Tonkin: I accept the Acting Premier's statement that he does not know, but I am surprised that he does not because he has had considerable negotiations with Mr. Innes of the A.P.I., who is the principal taking over the alunite works. He knows the conditions under which the works are to be taken over although the details have not been agreed upon. He further knows, or ought to know, that in this new arrangement the interests of Mr. Collett will be safeguarded and it is to be a condition that the writ will be withdrawn.

Hon. J. B. Sleeman: What, have they bought him out?

Hon. J. T. Tonkin: I repeat that this case will never get before a court and for all I know the writ might still be there because of action taken by the Government to keep it there to prevent a discussion in this House. Of course, seeing that the Government is doing a turn for Mr. Innes, it may have been arranged that that writ will remain there for ever or until the next elections. No statement of claim has been filed nor is it likely to be filed. Surely there is a difference between matters which might come before the court for adjudication and matters which are already before it. "May's Parliamentary Practice" says, "matters whilst under adjudication." I repeat, "under adjudication." What adjudication is going on in connection with this question?

The Attorney General: The writ is issued.

Hon. J. T. Tonkin: Is that under adjudication?

The Attorney General: Of course it is.

Hon. J. T. Tonkin: What is the meaning of "under adjudication"?

The Attorney General: Once the writ is lodged in the court it is under adjudication.

Hon. J. T. Tonkin: Can the Attorney General produce a definition of the words, "under adjudication"? What reference have they to the issue of a writ?

The Attorney General: There is any amount of authority.

Hon. J. T. Tonkin: On what page?

The Attorney General: If you want that authority—

Hon. J. T. Tonkin: Any amount of authority! That is a fine answer to give. If there is any amount of authority, why not give one so that I can find it?

The Attorney General: I will.

Hon. J. T. Tonkin: The Minister will! Of course he will! Obviously, the words "under adjudication before a court" refer to a matter which is in the process of being argued in the court—

Mr. Marshall: Yes; in the process of hearing.

Hon. J. T. Tonkin: —and not a matter which will never get before a court; and that is the position in this case. Why did not the Acting Premier raise this matter when I gave notice of the question weeks ago, following which it was placed on the Notice Paper? Why did he not say then to me, or to you, Sir, that this question would not be discussed because there is a writ issued and the matter will be sub judice.

The Minister for Lands: He thought that with all your knowledge, you would know.

Hon. J. T. Tonkin: I did know there was a writ issued. To show how hollow is the claim being made by the Acting Premier about this business being sub judice, this reference in "May" says—

> A matter under adjudication in a court of law shall not be brought before the House by motion or otherwise.

The words "or otherwise" would refer to a question and yet the Acting Premier has answered a number of questions on this matter.

The Acting Premier: You will remember that I refused to answer some of them.

Hon. J. T. Tonkin: But the Acting Premier will also remember some which he answered in regard to Collett.

The Acting Premier: I am aware of that, but we had correspondence referring to it at the time. The ones I would not answer were those which, if answered, would give something away.

Hon. J. T. Tonkin: But they had reference to Collett and his contract. I will find them for the Acting Premier in order that I may quote them.

The Acting Premier: The answers to the questions gave nothing away.

Hon. J. T. Tonkin: On the 3rd August I asked the Acting Premier, as Minister for Industrial Development, these questions:—

> (1) On what date was the Government Analyst (Mr. Rowledge) asked to supply the information concerning the composition of alunite upon which the Crown Law opinion that the State works at Chandler could not legally process gypsum was based?

That question was answered. The next question was—

> (2) On what date was the opinion of Mr. Rowledge given to the Government ?

That question was answered. The next one was—

> (3) On what date was machinery taken from the State alunite works for use at the Kent River case mill?

That question was answered. The next one was—

> (4) Did Brady & Co., plaster manufacturers, peg certain gypsum leases at Chandler and apply to the Mines Department to have them granted?

The answer to that was—

> The subject matter of these questions will probably be involved in a writ which has been issued and is at present, therefore, sub judice.

Those questions make no reference to Collett & Co. at all and the only reference is to whether Brady & Co. pegged certain gypsum leases and applied to the Mines Department to have them granted.

The Acting Premier: But it was involved in the matter.

Hon. J. T. Tonkin: The Minister claimed that they were sub judice and therefore did not answer that question. Nor did he answer the next one, for the same reason. Question 5 was—

> For what reason did the Mines Department refuse to grant such leases? What was the date of the decision?

Nor did he answer the next question, as follows:—

> Had these leases previously been pegged by J. H. Collett after his being informed by the Mines Department that they were available for pegging?

The Minister for Industrial Development: It is obvious why I did not answer them.

Hon. J. T. Tonkin: Question No. 7 was not answered. It read—

> Is it not a fact that J. H. Collett did not proceed with his application for the leases because the chairman of the board of management of the State alunite industry, acting on behalf of the board of management, agreed to manufacture plaster of paris and supply it to J. H. Collett if the latter would unpeg the gypsum leases?

Question No. 8 read—

> Are any of these leases contained in the area which the Government is now arranging to make available to an Eastern States firm which is to be allowed to use the State works for processing gypsum?

That was not answered. Question No. 9 read—

> Did any State Government or the Commonwealth Government make representations to the Western Australian Government concerning the need for plaster of paris in the Eastern States and request this Government to do what it could to help the supply position?

That was answered. Question No. 10 asked which Governments communicated with the Western Australian Government and that was answered. Question No. 11 read—

> Is there a shortage of plasterboard in Western Australia at the present time?

That was answered. Now I want members to note Question No. 12 particularly. It read—

> Did the chairman of the board of management of the State Alunite Works advise J. H. Collett, managing director of Gypsum & Plaster Exporters Ltd., in November last that the Chandler alunite industry was prepared to supply to his order and specification gypsum and plaster at the rate of 100,000 tons per annum, delivery to commence early in 1950?

If any of the matters I have quoted could be classed as being sub judice, that is certainly one of them, because it refers to an offer to supply and the conditions under which the supply would be made.

The Minister for Industrial Development: But Collett had the letter.

Hon. J. T. Tonkin: Did the Acting Premier refuse to answer that question on the ground that the matter was sub judice? No, he answered it; and so he, himself brought before the House a matter that he now regards as being sub judice. In the circumstances, how can we describe the conduct of the Minister when he, knowing the law as he says he does regarding this matter, brings it before the House and then subsequently endeavours to prevent my doing the same thing? I challenge any member to find a matter connected with this subject that is more closely related to a possible court action than the contents of the question I have just quoted. The Minister's reply to Question No. 12 was—

> Yes, but the offer was withdrawn by subsequent letter dated 23/11/49.

That was a wrong date. Later on I gave the Minister an opportunity to correct it, and he did so. If there is any fairness in the Government or in the Minister, how can he justly take the point he has now raised. "May" says that a matter while under adjudication by a court of law shall not be brought before the House by motion or otherwise.

Mr. Speaker: It says "awaiting adjudication".

Hon. J. T. Tonkin: That is not stated in my copy of "May," and I am using the 14th edition.

Mr. Marshall: I think it says that in every edition.

Hon. J. T. Tonkin: The 14th edition says, "A matter while under adjudication by a court of law" etc. Is it possible, Mr. Speaker, that you thought that word "awaiting" was included, and that it is not? That might have made a difference to your ruling.

Mr. Speaker: No.

Hon. J. T. Tonkin: Then your decision is remarkable because it might be that the matter will never see a court and that I am being prevented from discussing the subject simply because there is a writ in existence somewhere that may never come before the court. If the House agrees with your ruling—and I suppose the Government has the numbers to support it—it will be a travesty, but it will avail the Government nothing because the effect will merely be to postpone the evil day, unless the Government can, as a result of its position of influence, ensure that the writ will remain there sine die. And what a terrible thing that would be for the State!

This matter is crying out for inquiry and the Government says it has nothing to hide, and yet it goes to the fullest possible extent to prevent discussion. I repeat that I believe your ruling has been given under a misapprehension. It astonishes me, and I suggest, in all humility, that you give it further consideration. As I have stated, if the Government gets its way in this, it will avail it nothing. I hope that the House will not support the Government in its action which, because of the attitude previously adopted by the Minister in replying to questions that had a very distinct bearing on the subject under discussion, is an imposition that will prevent parliamentary practice from being observed.

I do not think the ruling is correct. I believe that the Government's intention was to prevent a discussion of its actions. Otherwise, we should be in this position: If it were proposed to raise a question in the House about something dealing with a secret commission or the like, and the person liable to be in serious trouble became aware of it, all he need do would be to issue a writ against somebody and let it lie, and that would be the end of any discussion in Parliament. Was it ever intended to prevent free discussion in Parliament in that way? We have not reached the totalitarian stage of Hitlerism where free discussion can be prevented.

Why is the privilege of Parliament provided for? It is provided so that members may, with perfect freedom, expose matters to the fierce light of public scrutiny in order that Governments, which might have a tendency to stray, will not do so. If the discussion in Parliament of such matters could be prevented merely by somebody's issuing a writ, would we ever be able to deal with them? Mr. Speaker, there has been a long and illustrious line of Speakers before you, not only here, but also in the British House of Commons, and it seems to me that they have always done their best to give a decision on the facts and in accordance with parliamentary practice and their personal ability. Therefore I ask you to ponder this question carefully, more especially in view of the fact that the word you thought appeared in "May" is not there at all.

I ask you to give the matter further consideration lest you, by your decision, do something that you will subsequently regret. I again direct your attention to the fact that the Acting Premier answered certain questions having a very distinct bearing on the motion and, by so doing, brought them before the House, and you did not prevent him from answering them. Why, then, should he now take the attitude he has adopted and prevent my proceeding to deal with a matter of the greatest public importance?

Mr. Speaker: Before putting the question, I wish to set the hon. member right regarding the words he has mentioned. The 14th edition of "May" says—

> A matter whilst under adjudication by a court of law should not be brought before the House by a motion or otherwise.

Another edition of "May" in my room states—

> Matters awaiting the adjudication of a court of law should not be brought forward in debate.

Thus the directions in the two editions do not tally.

The Acting Premier: I think it desirable to make a reply to some of the statements of the member for Melville. First of all, dealing with the oft-repeated point that I answered certain questions in regard to this matter, particularly the one whether the chairman of the board of management advised J. H. Collett that the Chandler industry was prepared to supply his company with gypsum and plaster of paris, I say that, of course, I answered the question. Mr. Collett had the letter.

Hon. J. T. Tonkin: And other letters.

The Acting Premier: And he also had the letter of rejection. As I stated before, it is impossible to dissect in the files the papers which he had and did not have, and which might prejudice the Crown in its defence. Further, regarding the part of the letter in which the offer was made and the part of the letter in which it was withdrawn, I had no objection to answering both. When it came to the question dealing with the gypsum leases, however, quite obviously the claims involved in the writ might have been included, and I refused to answer on the ground that the matter was probably sub judice. Therefore, there is nothing inconsistent in the attitude that I have adopted.

I did not conceive it to be the duty of a Minister of the Crown to refuse to answer questions without a completely sound reason, and I did not adopt the attitude in that case, except in respect to such questions as I considered to be directly concerned with the litigation which was then before the Supreme Court and still is. Consequently, I answered the questions regarding the letters because the plaintiff in the action had the letters and I could not take them from him and there was no reason for refusing, but to lay on the Table of the House all the papers relevant to these matters—the opinion of the law officers of the Crown, the reports of public servants and of confidential discussions that might have taken place, the minutes relating to the pegging of the leases and all the rest of it—and to lay them on the Table for all the world, including the plaintiff in the action, to see, could only, as I said at the outset, make some contribution, and a very strong one, to prejudicing the board of management in its defence.

The hon. member said I knew that this writ was going to be withdrawn; that it was a term of some agreement—he did not make quite clear what agreement—that the writ should be withdrawn. I said I knew nothing about it. No such arrangement was made with me, nor is it, to the best of my knowledge, a term of any discussions that have taken place between the Crown Law Department and the proposed lessee of this business. If that be so, it would have been an extraordinary thing that the Solicitor General should have written to me as he did on the 8th September, because, while the member for Melville may see fit, from the depths of his knowledge, every now and then to criticise the opinions of the Solicitor General, I do not think he would suggest for one moment that he would be a party to what was tantamount to a fraud by advising me in the terms he did and which, as a matter of fact, were the words I used in taking up the point of order with you, Sir. He said—

> Writ C No. 16 of 1950 was issued within the Supreme Court on the 23rd May, 1950, by Joseph Harris Collett against the State (Western Australian) Alunite Industry board of management claiming "damages for breach of contract." On the 26th May, 1950, the Crown Solicitor entered an appearance for the defendant and required the plaintiff to deliver a statement of claim. So far, no statement of claim has been delivered but the action has not been discontinued.
>
> It is stated in the 14th Edition of "May's Parliamentary Practice," at page 375, under the heading of "Matters Pending Judicial Decision," that—
>
> > "A matter, whilst under adjudication by a court of law, should not be brought before the House by a motion or otherwise."
>
> The above statement appeared in the same form in the 11th Edition of "May" at page 278 and it is reported in "Hansard," 1917-1918, Volume 1, at page 386, that the then Speaker of the Assembly quoted and applied the above statement from "May."
>
> It is not stated in "May" the reason for the above rule, but I assume the reasons to be that one or both of the litigants may be prejudiced by a disclosure of his case in the House, and that the court may be embarrassed by a debate on the matter or by later Press reports on the debate.
>
> Owing to the fact that the plaintiff in the above action has not yet delivered a statement of claim, we cannot be certain what contract it is that the plaintiff alleges has been breached by the State (Western Australian) Alunite Industry board of management but, from correspondence on the relevant file, it appears highly probable that the claim will relate to a proposal to produce plaster of paris and to supply the plaintiff, Mr. J. H. Collett. If so, the tabling of all papers concerning the State Alunite Works at Chandler and its undertakings, actual and proposed, may prejudice the board of management in its defence to the action.

Is it likely that the Solicitor General would write in these terms on the 8th September if he, as a law officer of the Crown, had any idea that there was an arrangement, as alleged by the hon. member, that this writ should be withdrawn? Of course, it is ridiculous. The hon. member might have sources of information that are not within my knowledge.

Hon. J. T. Tonkin: Do you not think it will be withdrawn?

The Acting Premier: I am unable to form any opinion on the subject. If it is withdrawn, the hon. member's motion can be debated, and if it is not withdrawn, the action will be contested in court. In one way or the other, the matter will be solved.

Hon. J. B. Sleeman: How long can it stay there if no action is taken?

The Acting Premier: Until a statement of claim is put in, and the matter proceeds, or until someone asks successfully for it to be struck out.

Hon. J. B. Sleeman: If no action at all is taken, how long can it remain?

The Acting Premier: For quite a long time, I think; although I really have no idea. But I would say that if no action were taken within a reasonable time, application would be made for it to be dismissed for want of prosecution. As a matter of fact, I have already had a word or two with the Crown Law officers on that subject, but, in their opinion, the time was not then ripe for any action to be taken, in view of all the circumstances of the case. I suggest, however, that something would be done if there were an interminable delay. The member for Melville says that the Government desires to put off the evil day, whatever that may mean.

Hon. J. T. Tonkin: You know what it means all right.

The Acting Premier: I do not. The hon. member seems to me to have almost a phobia in this matter. I assure him, the House and the country—and most people, I think, will take my assurance—that I, as a Minister of the Crown, have nothing to be ashamed of or to regret in this matter.

Hon. J. T. Tonkin: I think you have violated your oath.

The Acting Premier: The hon. member does not know all the circumstances of the case if he thinks that. Undoubtedly, the hon. member has sources of information which he draws upon, but I tell him quite frankly that, as far as I am concerned, the aspects of the situation are nothing like what he has insinuated.

Hon. J. T. Tonkin: Time will tell!

The Acting Premier: I say, if it is worth while doing so at this stage—although I cannot yet imagine all the allegations which the member for Melville will make when the opportunity arises—that there will be an answer to whatever he says.

Hon. J. T. Tonkin: You might tell me that, but you have not proved it.

Mr. Marshall: Are you threatening the member for Melville?

The Acting Premier: Naturally, not.

Mr. Marshall: It is an honourable undertaking on your part.

The Acting Premier: Naturally. The member for Murchison would doubtless take the same course in the circumstances. I have no desire to put off the hon. member, but I have a great and consuming desire to see that the position of the board of management, or the Crown, which is the same thing, is not prejudiced if the action does come on. Putting these papers on the Table today, or any other day while the action may be called on, can do nothing else than risk prejudicing the Crown's case.

Hon. J. T. Tonkin: You refused the papers before the writ was issued.

The Acting Premier: That was quite another matter. The hon. member wanted them produced because he said it was necessary for him to see them in the public interest. I see no reason why he should see them in the public interest. It is a different thing to try to stop, illegitimately, the hon. member from addressing the House on the subject. As I have said, I have no desire to put off the evil day, but I have a great and complete determination that the Crown shall not be prejudiced by any ill-advised action on my part, or through my failing to take action which I should reasonably take. The member for Melville in one breath told us that he knew the writ would be withdrawn, and in the next said that we would use our influence to keep it on record.

I think the hon. gentleman is demeaning himself when he makes such statements. He knows perfectly well that if we had any influence in a matter of this kind it would not be used to keep the writ on the list, or whatever the phraseology was that he used. As far as I am concerned, the writ takes its course. If it goes to trial, then the quicker the better; if it does not, I contemplate steps being taken to remove it from the records if much more time is lost. If it is taken off voluntarily by the plaintiff, then I have no more to say. If any one of the things I have mentioned occurs, and the hon. member then wants to move his motion, I hope time will be afforded him; but not, I trust, in the present circumstances.

So I stress to the House the points I made in support of my request to you, Mr. Speaker, for a ruling. Those points were made to me by the law officers of the Crown, and I was obliged to bring them before you if I was to do my duty by the board of management and the Crown in this matter. Now that I have brought them before you, and indicated the source from which they have come, I think no member should hesitate to support the Crown in this matter. Indeed, no member should be prepared to run the risk of putting the Crown in an inferior position in a case such as this, if it does go to trial. If it is struck out, well and good, and let us have the motion. If I knew of a way to leave it on the notice paper until the proper time arrived, I would do so, but I do not.

Hon. J. T. Tonkin: Any difficult position the State is in, your Government has put it in.

The Minister for Lands: You make all sorts of threats; what is your association with Collett?

Hon. J. T. Tonkin: None.

The Minister for Lands: You have been living with him lately.

The Acting Premier: I make no reference to that. All I ask is that the House should support your ruling, Sir.

Mr. Fox: I am surprised at the contention put forward by the Acting Premier. If he were a private individual and had something to hide, I could understand his adopting the attitude that he is now. What has he to fear by putting the papers on the Table? The actions of the Government should be on a much higher plane, and it should not raise technicalities. A citizen of the State has taken action against the Government, and I do not see why it should hide anything. If it has anything to hide, then it should be open to the scrutiny of every individual. That is only logical. It does not matter what the cost will be to the Government. If the Government were honest, and everything had been done, as it should have been, then no harm could result from allowing everyone to scrutinise the papers. The Government should be able to say, "We have nothing to hide. The papers in connection with the alunite industry are open to the scrutiny of the public."

What has occurred leaves one open to wonder why the Government should prevent the papers coming before the House. As the member for Melville said, at least this session will pass before the action is withdrawn. Long negotiations for a settlement will take place. We know how long settlements under the Workers' Compensation Act take. Sometimes a period of six or eight months elapses because of correspondence going to the insurance company and returning, and the pros and cons being discussed. So it would be at least next session before this motion could come before the House. The Government should take the view that it had nothing

to hide. The papers should be open to the scrutiny of everyone, even the man who has taken legal action. I expressed the same opinion when I approached the Minister in connection with other cases against the Government, namely, that the Crown should not stand on legal technicalities, but rather should view things from the moral standpoint. In this instance, the Government should raise no objection to the papers being placed on the Table of the House.

Hon. J. B. Sleeman: Whilst you, Mr. Speaker, may be right in some part of your ruling, we might dissect this proposition and allow part of the motion to proceed. What will it matter to Collett or the Government if that part of the motion dealing with the proposal to produce plaster of paris at Chandler is dealt with? What difference does it make to either side if we inquire into the plaster firms in Perth that were opposed to the Government's making plaster? What does it matter to Collett or the Government if we find out the gentleman who, so it was said, souvenired a bag of plaster at Chandler, and when he got half way to Perth with it, was run off the road?

What does it matter to Collett or the Government if we find out who that was, and why he was not prosecuted, as anyone else would have been? A waterside worker would have got 14 days. Why did he go to Chandler, and why did he take a bag of plaster away? Those points have nothing to do with Collett, or with the Crown case. We could say that nothing in connection with the writ shall be discussed. If the last portion of paragraph (1) were struck out, that paragraph would then read, "The proposal to produce plaster of paris." There is no harm in finding out why the works at Chandler decided to produce plaster of paris.

There is no harm in finding out about the row that the plaster people kicked up when the Government proposed to make it a socialised industry. There is nothing to stop us finding out the name of the person who took the bag of plaster. Let us have as much of the inquiry as we can. Do not let us throw out all of the motion moved by the member for Melville. If you, Mr. Speaker, think you are right and that you are safeguarding the interests of the two parties who are awaiting adjudication at law, then let us deal with that portion of the motion which does not affect them. I hope, Sir, that you will see a way out of the difficulty and let us proceed with the rest of the motion.

Question put.

Mr. Shearn: I was on my feet when you put the question, Mr. Speaker.

Mr. Speaker: I did not hear the hon. member call out. It is too late now.

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

Ayes	19
Noes	24
Majority against	5

Ayes.

Mr. Brady	Mr. Needham
Mr. Coverley	Mr. Oliver
Mr. Fox	Mr. Panton
Mr. Graham	Mr. Rodoreda
Mr. Guthrie	Mr. Sleeman
Mr. Hawke	Mr. Styants
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Wise
Mr. Hoar	Mr. Nulsen
Mr. McCulloch	*(Teller.)*

Noes.

Mr. Abbott	Mr. Marshall
Mr. Brand	Mr. Nalder
Mrs. Cardell-Oliver	Mr. Nimmo
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Grayden	Mr. Read
Mr. Griffith	Mr. Shearn
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Totterdell
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Bovell
	(Teller.)

Question thus negatived; the motion ruled out.

MOTION—STATE ELECTRICITY COMMISSION ACT.

To Disallow Emergency Regulations.

MR. MARSHALL (Murchison) [5.50]: I move—

> That the regulations restricting the use of electricity in an emergency, made under the State Electricity Commission Act, 1945, published in the "Government Gazette" of the 30th December, 1949, and laid upon the Table of the House on the 1st August, 1950, be and are hereby disallowed.

These regulations are such that one could not object to them for they provide only for a restriction in the hours one can use electricity, under certain circumstances. Those circumstances apply mainly to some emergency which might arise that would prevent the Commission from supplying a full requirement of electricity to consumers. We are well aware that the East Perth power station is loaded to its maximum capacity and, as a consequence, every action should be taken by the Commission to see that there is no overloading which might ultimately be instrumental in bringing about a complete breakdown of the machinery at that station.

However, for the edification of new members, I intend to explain to them what the regulations and bylaws actually mean and what effect they have. I will show members how these regulations and bylaws differ materially from the parent legislation under which they are drafted, because they have a more drastic effect. Members will have noticed that there are hundreds of regulations brought to this

Chamber every year. Almost daily Ministers rise in their seats—some are kind enough to speak above a whisper and one can obtain some slight idea of the subjects to which the regulations refer—and move that such and such regulations be laid on the Table of the House. Having regard to the amount of work carried out by Ministers, I venture to say that they themselves put regulations on to the Table without knowing what they involve.

The Chief Secretary: I think it was always like that.

Mr. MARSHALL: I remind the Chief Secretary that when he was the Minister for Works he brought to this House a number of regulations—I think the number was about 200—and placed them on the Table all at the same time. It would have been utterly impossible for the Minister to have read, studied and understood each and every one of them. I concede that point. A Minister has not the time to do it unless he works 24 hours in each day. Therefore, many regulations and bylaws are presented to this Chamber without the Minister having a complete knowledge of their effect. I excuse Ministers because I know the number of regulations and bylaws which are submitted for the consideration of this Chamber every session.

A regulation differs from the parent Act because a private member can introduce a Bill and amend an Act. He can give Parliament an opportunity to amend an Act if it is objectionable in any part of its makeup. But, with a bylaw or regulation, he can do very little. Once that bylaw becomes law no private member can interfere with it. Its effect is more drastic than the piece of legislation under which it is framed. Moreover, regulations and bylaws are retrospective in their character and they can take effect prior to the period when the parent Act was passed. Yet, from time to time in this Chamber, we look sceptically upon legislation which contains a retrospective clause. We watch it closely and only in drastic circumstances is there any chance of getting a retrospective provision in any particular measure passed through this Chamber.

So members have to be particularly careful with regulations and bylaws for that reason. Only Ministers of the Crown or the Governor-in-Council can either amend or waive them once they become law. For the edification of new members, may I point out that with a regulation such as this, or with any other, one cannot move to disallow any paragraph or part of it, but must move to disallow the whole although one may subscribe to other portions of it, and that is exactly the position I am in. These regulations made under the State Electricity Commission Act read as follows:—

> Regulations Restricting the Use of Electricity in an Emergency.
>
> 1. When and as often as an emergency arises, the following shall apply:—
>
> (a) No person shall consume or cause to be consumed, use, or cause to be used, any electricity supplied from the Commission's main generating station at East Perth, by or through any supply authority, for the following purposes, and between the following hours:—

Then it sets out—

> (i) Radiators;
> (ii) Lighting;
> (iii) Neon lights;
> (iv) Shop windows;
> (v) Entrance lights.

Those subparagraphs refer to business or commercial premises or any other shop, to which we could not take exception, under the circumstances. If an emergency arises the Commission is quite justified in taking every action to protect the source of supply from a serious breakdown in the event of danger of overloading. However, paragraph (b) of these regulations reads as follows:—

> (b) For the purposes of this regulation, an emergency shall be deemed to arise when any of the following events happen:—
>
> (i) If through any mechanical or electrical defect, breakdown of machinery, or lack of coal supplies or other fuel, or any cause whatsoever, the Commission is unable to maintain a sufficient supply of electricity from the Commission's main generating station at East Perth, or by or through any supply authority to meet the requirements of all or any of its consumers.
>
> (ii) On any prosecution under this regulation, the certificate of the chairman that any of the events mentioned in paragraph (b) (i) have happened, shall be evidence of the matter stated, unless the contrary is proved.
>
> (iii) When and as often as an emergency arises, the chairman shall notify the public by inserting a notice to that effect in a daily newspaper circulating throughout the State of Western Australia.

Therefore what the Commission is obliged to do is to notify the public that certain electrical appliances or electricity generally cannot be used because something has occurred at the Commission's supply source. It then says, "You cannot use neon lights between certain hours," or, "You cannot use radiators between certain hours," to

which restrictions I take no exception. In subparagraph (ii) of paragraph (b), however, it sets out that in any prosecution under this regulation the chairman's certificate, stating that any of the events as mentioned in paragraph (b) have happened, shall be taken as evidence unless the contrary is proved.

I take extremely strong exception to that principle and always have. That is the only objectionable feature of these particular regulations. In subparagraph (i) of paragraph (b), if the Commission finds that it cannot grant consumers the right to use electricity between certain hours over a certain period, it then notifies the public to that effect and if persons contravene they will be prosecuted. I have no objection to that at all, but what I do object to is that the certificate of the chairman, used in any prosecution, shall constitute sufficient evidence that certain things happened at the East Perth power station; that there was a breakdown or that there was a shortage of coal, and such certificate shall stand until the contrary is proved.

What individual could prove anything to the contrary? That is what I would like to know. As a matter of fact, I do not think it is permissible for any ordinary citizen to even visit the East Perth power station without obtaining authority to do so from the engineer in charge. Who could possibly contradict the contents of that certificate? No-one could possibly do it except an employee at the power station. He could verify whether a breakdown had actually occurred or whether there was a shortage of coal or some other feature. He could say that he was present because he worked there and that such a thing did or did not happen, but even then it would be only his word against the certificate of the chairman. Who is this chairman of the State Electricity Commission? Who is this great bureaucrat who merely seeks to issue a certificate, but does not wish to go into court and give evidence in the usual manner as to what actually happened? His attitude will be, "I am overlord and I have signed a certificate as to what happened, but I will not be there to be cross-examined."

It will not be possible to put him under the third degree as to whether his statement in the certificate is true or otherwise, but the court will be obliged to accept it as final until the unfortunate individual who is being prosecuted proves that the contrary is the case. That is a direct negation of British justice and fair play. Right down through the ages a principle which has been cherished and strictly adhered to by all judges and those who take part in the framing of laws and the adjudication of them is that they have always been particularly careful to ensure that whoever is the accuser must prove his case.

Consider the invidious position in which an innocent person might be placed! Only a few evenings ago, I was reflecting on the matter. Suppose I were accused of being a communist. It would be a dreadful thing, if the person making the imputation, had merely to say, "You are a communist; now prove that you are not." I should find myself in a very difficult position and so would anyone else. I would have no documentary proof to the contrary; I would have no evidence whatever to prove the contrary.

Hon. F. J. S. Wise: You have not a certificate to say that you are sane, either.

Mr. MARSHALL: No, I should have nothing to back me up in either case. I might observe that I am not receiving much assistance from my colleagues. The principle sought to be established under these regulations is a vicious one. Throughout my career in this Chamber, I have taken strong exception to its being embodied either in legislation or in regulations. If an accusation is made by some individual against another, it is wrong in the extreme to require the accused person to prove the contrary. I do not know the chairman of the State Electricity Commission, but I think he was part of the goods and chattels sold to the Government when it purchased the Perth City Council's electricity and gas undertaking.

Mr. Graham: Mr. Dumas is the chairman.

Mr. MARSHALL: I do not know whether it is Mr. Dumas or the other fellow, and I do not care who it is. Let him go into the witness box and present his case, if necessary, just as any other individual has to do. It might not be essential for him to appear personally; any officer of the department could be delegated to carry out the duty. I doubt whether it would be necessary to do other than produce the warning published in the newspaper that people would be committing an offence if they breached the regulations. It would be sufficient to show that the public had been properly notified of the possible offences and that punishment would follow the commission of any breach. If that were done, the court, in my judgment, would be warranted in taking the view that due notice of warning had been given to the public. Under these regulations, an attempt is made to go further. That portion of the regulations is redundant, and it involves a principle against which I have always fought and always will fight.

Let me remind the House that there was once a very young member of the legal fraternity who was also a very young Minister of the Crown. That Minister gave an undertaking that he would have this principle deleted from every Act in which it appeared, so bitterly opposed to it was he, but unfortunately that promising young statesman went to an early grave.

I hope that members will not treat this matter as a party question. To the regulations themselves, I have no objection, but I strongly object to the inclusion of this principle of casting the onus of proof on the defendant. Mr. Menzies included a similar provision in the Anti-Red Bill, but later agreed that it was too stringent and proceeded to amend it. When we find a man of the status of the Prime Minister, enthusiastic in the desire to attain the ends proposed under that measure, adopting the principle and later receding from that attitude, it is surely an acknowledgment that the principle is wrong and should not be sanctioned.

Let the individual who makes the charge prove his case! That is the only fair and just procedure and has always been a principle of British justice. The objectionable principle embodied in these regulations assumes a minor form as compared with the provision in some of the laws on the statute book. Still, it is there, and so long as it remains, I shall raise my voice in protest against it.

On motion by the Minister for Works, debate adjourned.

MOTION—HOUSING.

As to Commonwealth-State Homes, Maximum Rentals.

HON. A. R. G. HAWKE (Northam) [6.12]: I move—

> That in the opinion of this House, the Government should take all necessary steps, including an approach to the Commonwealth and other State Governments, to provide that rentals for Commonwealth-State rental homes shall not exceed 7s. per room per week, with total weekly rentals not exceeding 35s. for a five-roomed house, 28s. for a four-roomed house and 21s. for a three-roomed house.

The question of rentals generally is not a very serious one in this State, because they have been kept under reasonable control as a result of legislation passed by Parliament in 1939, which enactment has been continued, with certain amendments made to it from time to time. The measure of control over rentals for dwellinghouses generally has been so effective as to have made the average rental in the metropolitan area for four- or five-roomed houses 20s. 6d. a week. There has been a good deal of criticism of this average weekly rental figure for houses of this class in the metropolitan area, but so far the necessary evidence to prove that the average should be higher than 20s. 6d. has not been presented to the Arbitration Court or, if it has, it has not been presented in such a way as to convince the court.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. R. G. HAWKE: On the 16th August this year, I asked the Honorary Minister for Housing the following questions:—

> What are the highest weekly rentals being charged at present for—
>
> (a) three-roomed Commonwealth-State rental homes;
>
> (b) four-roomed Commonwealth-State rental homes;
>
> (c) five-roomed Commonwealth-State rental homes?

In his reply, the Minister gave the following information:—

> Metropolitan Area—
>
> (a) South Perth (brick), 34s.; Belmont (timber-framed), 34s.
>
> (b) Claremont (brick), 42s. 6d.; Belmont (timber-framed), 37s.
>
> (c) Bayswater (brick), 45s.; Midland Junction (timber-framed), 41s.
>
> (d) (Six rooms) Bayswater (brick), 47s. 6d.; Hilton Park (timber-framed), 42s.
>
> (When present contracts are completed, it is not proposed to build any further six-roomed types.)
>
> Country Area—
>
> (a) Collie (timber-framed), 34s.
>
> (b) Wagin (timber-framed), 46s.
>
> (c) Wagin (timber-framed), 50s.

As will be seen from the replies which the Minister gave to the question, the rentals in the metropolitan area and in the country, in respect of four- and five-roomed houses are very much higher per week than the amount of 20s. 6d. allowed in the metropolitan basic wage for rent. When a wage-earner is allowed in his basic wage only 26s. 6d. per week for rent and has to pay, as many have paid, as high as 34s. per week for a four-roomed house and 45s. per week for a five-roomed house, it is easy to work out the considerable disadvantage at which those workers and their families find themselves in trying to plan their budgets.

The fact that they get as much as 20s. per week short in rent, as against what they have to pay in rent in some instances, indicates that the basic wage, to them, is something which increases upon them each week the indebtedness they have to incur in some direction or another. In other words, they have not the income necessary to meet ordinary weekly expenditure, because on the one item of rent alone they are allowed only 20s. 6d. when for that item they have, in some instances, to pay 35s. per week, and in others, 45s. per week.

The system of fixing rentals to be charged for Commonwealth-State rental homes is set out in the Commonwealth-State Housing Agreement Act of 1945, and more particularly in Clause 11 of the agreement embodied in that Act. The minimum weekly rental which can be charged is only 8s. per week. Therefore, there are some cases where families are benefited considerably as a result of the operation of that agreement. But the number of families so advantaged is small and they benefit in that way only because the wage, or salary, or income in the home is extremely low. If the family income is equal to the basic wage, a rebate amount is made equal to the sum by which the weekly rent of a house exceeds one-fifth of the family income. I will give an example.

Let us take a basic wage of £8 per week. A family receiving that income weekly would be entitled to a rebate of 3s. per week, because one-fifth of £8 is 32s. and that is 3s. below the 35s. weekly rental which would ordinarily apply. Therefore, where the weekly rental which would normally be charged is 35s., the person on the basic wage of £8 per week would receive a rebate of 3s. per week in rental, and the economic rent chargeable to such person or family would be 32s. per week and not 35s.

Even in that instance, where the total income is only the basic wage, the economic rental charged is 11s. 6d. per week above the amount of 20s. 6d. allowed in the basic wage for rents in the metropolitan area, that being the average for four- and five-roomed houses. Where the income is £10 per week, based on a basic wage of £8 per week, the rent would still be 35s. a week and the person in receipt of that income would pay the full economic rent of 35s. Taking another case, of a person in receipt of £5 a week, with a basic wage of £8 a week, such a person would receive the benefit of 3s. per week in connection with the basic wage, which would be plussed by a further rebate of 15s. a week, making a total deduction of 18s. That person would have an amount, therefore, of 18s. deducted from the 35s., so he would pay 17s. a week rental for a Commonwealth-State rental home.

I take it for granted that almost every member of this House knows of instances in his district where high rentals are being charged to those occupying Commonwealth-State rental homes. It is true that where the highest rentals are being charged the family has a total income of more than the basic wage; and in some instances, considerably more. The basis for deciding the total family income is set out in Clause 12 of the agreement, and any member who cares to read and study that clause will find that it has a very wide scope indeed. It not only brings in members of the family who might be living in the home and earning income, but also any others who might be in the home and in possession of a certain amount of income.

It was never contemplated, when this agreement was drawn up by the Commonwealth and State Governments, and later ratified by the Commonwealth and State Parliaments, that building costs would increase to the extent they have during the last five years. Therefore it was never thought, when the agreement was drawn up and the various Parliaments approved it, that weekly rentals, such as the very high ones ruling today, would be charged to those families who, from time to time, were allocated State rental homes. I personally know of families in my district who occupy such homes and who are paying rentals of more than £2 per week for them.

As the economic rental is based upon the family income, it might be said that there is not a great deal of room for complaint; that the high rentals apply only where the family incomes are reasonably large. As against that, I think we all have to realise that in these days it is extremely difficult for the majority of those called upon to pay these high rentals, to do so. I have in mind some families in my electorate who are having an extremely hard battle to meet all the necessary charges which have to come out of the family budget each week. They certainly pay their rent on the due date because there is no escape from it, but they pay it in full at the expense of traders who are serving them with bread, meat, groceries, fruit, vegetables and other essentials.

Therefore, it is not a fair thing to impose high rentals on them, and collect those rents, while some reasonably good-hearted grocer, fruiterer or some such trader has to give the family credit so that it might obtain all the necessities of life. Those responsible for framing the legislation might have anticipated that, as the years passed by, the cost of building Commonwealth-State rental homes would increase substantially because in one part of the Act provision is made to enable alterations to the agreement to be made by arrangement between the Commonwealth Treasurer, on the one hand, and the Treasurer of a State on another.

[Resolved: That motions be continued.]

Hon. A. R. G. HAWKE: A proviso is added, that the Treasurers of all the other States must also agree to the alterations agreed upon between the Treasurer of the Commonwealth and the Treasurer of any one State. I am not suggesting that it would ever be possible to get the Premiers of five States to agree that one particular State should receive some special concession or preferential treatment. I think that if the basis upon which these rentals are now decided is to be altered it will have to be done as a result of agreement between the Commonwealth Treasurer and

the Treasurers of all the States. That, of course, would be the reasonable thing to try to achieve.

I should think that exactly the same difficulties in regard to extremely high rentals are operating in the other States now as we are experiencing here. Therefore, the Premier of this State would not encounter much difficulty if he were prepared to discuss this matter with the Commonwealth and with representatives of the other States for the purpose of trying to work out a new basis upon which rentals for these homes could be fixed in the future. Such a basis would take into consideration the sheer impossibility of many families on wages and salaries paying out of those wages and salaries as much as £2 per week, and in some cases even more than that. We know that the cost of building is still rising and the indications are that it will continue to rise. As it does so, those who are allocated rental homes in the future will find that the weekly rental will climb as high as 50s. and in a year or so, unless something drastic is done about rising costs in the meantime, to perhaps £3 per week.

The motion suggests, as a basis for discussion between representatives of this Government and representatives of the Commonwealth and of other States, that the weekly rentals should not exceed 7s. per room per week, with total weekly rentals not exceeding 35s. for a five-roomed house, 28s. for a four-roomed house and 21s. for a three-roomed house. Even those maxima might conceivably be too high, but, of course, that would depend upon family income and any new system to be worked out would be calculated on a basis taking that into consideration. This question is already urgent and most important. It will become increasingly urgent and even more important as time goes on, especially in the cases of those families that are now called upon to pay high weekly rentals for the right to occupy Commonwealth-State rental homes.

On motion by the Honorary Minister for Housing, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

MR. RODOREDA (Pilbara) [7.54] in moving the second reading said: This measure is one to be dealt with mainly in Committee as it is a Bill in which each clause should be treated as an individual amendment. Included in this Bill are two amendments that were contained in a Bill that I sponsored last session. On that occasion Mr. Speaker, the voting on the second reading was equal and you cast your vote in the negative, with the result that the measure did not reach the Committee stage. Should that position arise on this occasion, I hope you will follow the procedure that has been customary in this House and in almost every other Parliament in the British Empire, in the past, and vote so that the Bill may be discussed in Committee. It has been the custom that when the vote on the second reading is equal the Speaker, acting in accordance with precedent, allows the Bill to go into Committee so that it may be further discussed.

Since the original passing of the Electoral Act in this State, over a period of more than 40 years, one month's residential qualification was found to be sufficient, and I understand that that is the position in most of the other States and also under the Commonwealth Electoral Act. We have departed from that tradition for no reason that I can see and we now have the absurd position that an elector has of necessity to be in a new electorate for at least six months prior to an election before he is eligible to be enrolled for that district. I can see no reason for that. The only time that it really matters to an elector or to a candidate whether or not the name of the elector is on the roll, is in the months immediately preceding an election. That is the only time an elector can exercise his right, and we should therefore make it as easy as possible for him to be enrolled for the electorate in which he resides.

People came into my electorate on the 1st November, 1949, but were not eligible to vote at the election held on the 26th March last. That is absurd. When a person has left his previous electorate for a period of almost six months and is still compelled to vote in that electorate, in which he has no further interest, and is not allowed to vote in the new electorate to which he has moved and where he is interested in the candidate who is to represent him, the position is ridiculous. That is all due to our having altered the residential qualification from one month to three months.

I am informed by the Electoral Department that its officials always used to give two claim cards to each elector who came into the State office asking to be enrolled. They would also give him a Commonwealth card. That was prior to our changing the residential qualification to three months. The officials would tell the elector to fill in both those cards and forward them to the respective offices in order that he might have his name placed on both rolls. However, the officials got tired of explaining to electors that they should fill in the green card after one month at the new residence and the brown or yellow card after three months at that address, because the public become very confused owing to the different qualifying periods.

We have made it so that an elector who shifts to a new district is in the same position as a man who leaves one State to go to another. He must be in that electorate for six months immediately prior to an election—I stress that point—before he can be enrolled for the new

district. I cannot see any reasons for that. I think the Electoral Act is intended to make it as easy as possible for electors to get on the roll. We make voting and enrolment compulsory and yet we are trying to prevent people from being placed on the roll of the new districts to which they have shifted.

The next amendment deals with another innovation of this Government—to make it compulsory for a five-weeks period to elapse between nomination and election days in North-West districts. Why the North-West was picked out for this particular amendment, I have not been able to fathom, nor has anyone been able to explain it to me. As I told the House previously, the result has been to make it a compulsory five-weeks' campaign for the entire State. The amendment contained in this Bill was placed before the House last year and I hope, having had experience with one election, that this amendment will go through and the period between nomination and election days will be left to the discretion of the Government. That has been the case in this State in every election except the last one.

The third and fourth amendments are new and are both designed to make it possible for the elector to know the party designations of the candidates whose names appear on the ballot paper. I cannot see why electors should be kept in ignorance of this fact. There may be three, four or five candidates and as the elector does not usually know the individuals, it is only fair that the party designations should be given because the elector does know the party for which he wants to vote. Therefore, in fairness to the electors, we should let them know which parties are represented by the different candidates whose names appear on ballot papers.

Mr. Graham: Would "Independent" be a party designation?

Mr. RODOREDA: The party to which the candidate claims he belongs has to be shown on the nomination paper.

Mr. Hearman: What about if there is a ring-in?

Mr. RODOREDA: If a person rings himself in, he has to show it on the nomination paper, and if anything can be proved wrong about that document, his nomination is not valid. If a person falsely declares himself on a nomination paper and his opponent becomes wise to the fact, the nomination paper can be declared invalid.

Mr. Hearman: What about an unendorsed Labour candidate?

Mr. RODOREDA: He would never claim to be a Labour candidate?

Mr. Hearman: He might.

Mr. RODOREDA: If he does, he is stating a fact that he cannot substantiate.

Mr. Hearman: What about if a person declares on the nomination paper that he does not belong to any party?

Mr. RODOREDA: I will be prepared to argue the point later in Committee as to whether anyone should make that claim on his nomination paper. I have known people to put in wrong addresses, and all that sort of thing, on nomination papers. It is possible to get away with it sometimes but in any case if the hon. member is desirous of tightening up that aspect it can be done in Committee. As long as I can get the House to agree to the principle, that is all I want. In fairness to the electors, we should agree to it.

The Attorney General: You do not think they should be elected on their own merits.

Mr. RODOREDA: That is the sort of interjection I would expect from the Attorney General.

The Attorney General: I am asking you.

Mr. RODOREDA: The Attorney General, as well as every other member in this House, knows that the candidate's merits or otherwise are unknown to the great number of electors. If a number of the electors desire to vote for the Liberal Party—why, the Lord only knows!—then, of course, they desire to know which candidate represents the Liberal Party.

Mr. Manning: We take that as a compliment.

Mr. RODOREDA: Surely the Attorney General would desire the people to know that, whatever his merits or demerits, he was the candidate representing the Liberal Party.

The Attorney General: I do not believe anybody should vote blindly for any particular party.

Mr. Styants: If that is so, why did not the Attorney General put up as an Independent? Why did he put up as a member of the Liberal Party?

The Attorney General: People can and do. I had one up against me.

Mr. RODOREDA: Do I understand the Attorney General to say that he was an Independent?

The Attorney General: No, I said that there was a Liberal up against me at the last election.

Hon. A. R. G. Hawke: Liberal what?

Mr. RODOREDA: That supports my proposition. Both candidates would be described as Liberals and then the question of personal merit comes into it.

The Attorney General: He was not endorsed.

Mr. RODOREDA: As the Attorney General is the member for Mt. Lawley, I presume that the merits of the individual did come into the case. The next amendment is designed to prohibit, on election day,

publication in a newspaper of any advertising having anything to do with any election issue, election party or election candidates. It is designed to prevent anything of that nature being published in a newspaper issued on the day of the election. That follows a similar provision that the Commonwealth Parliament has seen fit to enact in its broadcasting legislation. No matter of comment or advertising can be used on any broadcasting station in Australia, with regard to any election, after midnight on the Wednesday preceding the election.

The Attorney General: Was that not done in New South Wales and subsequently repealed?

Mr. RODOREDA: I have an idea that something of that nature did occur but I think it was a period of three days. I do not know whether it was repealed or not, but I do know that the broadcasting legislation is still in existence. If it is good enough to prevent the broadcasting of electioneering advertising and propaganda from midnight of the Wednesday preceding the election, surely it is worth while to pass my amendment and give it a trial in this State.

The whole matter resolves itself into a question of the money power at work in elections. The party, or parties, who have control of unlimited electioneering funds can buy up these full-page, two full-page and three full-page advertisements in the morning newspaper and in country newspapers published on election day. That blasts the public into the way of thinking followed by that particular party or parties. That should be stopped. Up to midnight on Friday is ample time. The way it is at the moment there is no chance given to anyone to counteract the propaganda issued on the morning of an election. So I think that we should not allow the money power to act on the public mind in the way it has during the last two or three elections.

If it were possible, I would like to have included an amendment to prevent candidates spending well over the amount of money allowed for electioneering expenses. We all know of people—individual candidates not attached to any party—who have spent hundreds and hundreds of pounds in advertising and then have signed a statutory declaration that they have not expended such sums for electioneering purposes. We all know that!

Mr. Bovell: They are fortunate to have it to spend.

Mr. RODOREDA: That is not the point at all. The Act states that a candidate shall not spend more than £100 on electioneering expenses. That is the farcical feature of those sections. Some candidates got away with it and some were defeated but, nevertheless, whether defeated or not, they had to sign a sworn declaration that they had not spent more than £100. Of course, if any candidate cares to spend a couple of thousand pounds in any election or in any electorate, he is somebody about whom other candidates should be concerned, because if one has enough money, one can achieve nearly anything. So I hope that we will at least make a start by prohibiting the appearance of these advertisements in the Press on the morning of an election.

The final amendment deals with people who witness signatures on claim cards. We know that prior to the last election some electors were hailed before the court and fined for illegally witnessing claim cards—according to the court. Some parliamentary candidates were also fined and a number of others were threatened. The reason for that action is that a section in the Act states that a person who witnesses a signature on a claim card must satisfy himself that the statements made on that card are correct. As a result of the prosecutions that took place prior to the last election, people will be a little chary about signing claim cards if this section is not amended. It is grossly unfair to require a person who merely witnesses a signature to acquaint himself of all the facts set out on the claim card.

The Attorney General: He has only to ask, "Are the facts correct?" That is all he has to do.

Mr. RODOREDA: Yes, that is all he has to do, and if the facts are not correct, he is hailed before a magistrate!

The Attorney General: Of course he is not!

Mr. RODOREDA: Of course he is!

The Attorney General: Of course he is not!

Mr. RODOREDA: Of course he is! The witness signs the card in all good faith. All he should be asked to do is to state that the person who fulfils the requirements of the card is the person who signs it and not to verify the remainder of the statements made on the document. Why should he be asked to do that?

Hon. F. J. S. Wise: How does he know how old the lady is, anyway?

The Attorney General: He does not have to do that. It is an ordinary attestation.

Mr. RODOREDA: All right, if it is an ordinary attestation I want it cut out! All I want the witness to do is to make sure that the person signing the card is using his true signature.

The Attorney General: It does not matter whether he knows or not.

Mr. RODOREDA: We are asking him to witness a signature. The person who is concerned is the person signing the card. He is the responsible person. Why should someone else be dragged in to verify a simple statement relating to a man's enrolment? We have found it so hard to get people to enrol that we have to practically force them to do so.

The Attorney General: They were encouraged to get on the rolls by false statements. That is why they were prosecuted.

Mr. RODOREDA: Who were forcing them to get on the rolls by making false statements?

The Attorney General: They were encouraging them.

Mr. RODOREDA: I hope the Attorney General realises what he is saying.

The Attorney General: Yes, I do.

Mr. RODOREDA: Who encouraged them?

The Attorney General: They were encouraged by the person witnessing the signature.

Mr. RODOREDA: How does the Attorney General know that?

The Attorney General: Because I have seen the papers dealing with the prosecutions.

Mr. RODOREDA: I have witnessed hundreds of claim cards signed by electors which I could not possibly verify.

The Attorney General: You have only to ask the person, "Are the statements true?" If they are true, you have only to verify that.

Mr. RODOREDA: Why should we have to do that? Why not just verify that the signature is correct?

The Attorney General: How would you know whether the signature on the claim card was that of the man himself? What is the good of it?

Mr. RODOREDA: That is the point: What is the good of it? I agree with the Attorney General. Why have a witness to a thing like that?

Mr. Griffith: You will make it so loose that anybody can get on to the roll.

Mr. RODOREDA: All that is necessary is to sign, verifying that the person completing the card has attached his signature.

The Attorney General: How could you prove that?

Mr. RODOREDA: Is a J.P. made responsible for verifying the contents of a document?

The Attorney General: Yes.

Hon. F. J. S. Wise: Tommy-rot! That is sheer nonsense!

The Attorney General: That is correct.

Hon. A. H. Panton: The J.P. witnesses the signature; that is all.

Mr. SPEAKER: Order! The member for Pilbara has the floor.

Mr. RODOREDA: In theory it may be so; I do not know. However, in practice it never is the case. A Commissioner of Declarations or a J.P. never concerns himself with the contents of a document nor, in fact, is he allowed at times to see them.

Hon. F. J. S. Wise: He is not allowed to see the contents of the document, and is in exactly the same position as a witness to a will.

Mr. Griffith: All you have to say to the claimant before witnessing the signature is, "Do you declare the contents of this document to be true?"

Mr. RODOREDA: He is supposed to say that.

Mr. Graham: Only if it is a statutory declaration.

Mr. RODOREDA: But that is beside the point. It was merely an analogy. I do not see why all this should be necessary in connection with claim cards, and a person witnessing a signature or anything else can easily be misled and some prosecutions were launched because people had neglected to ask the claimant whether he had been in the State for six months. Now, would it strike any of us to ask that question? One usually asks an elector whether he has been in the electorate for three months. None of us would ever think to ask an elector if he had been in the State for six months, and prosecutions were very nearly effected on that phase of the matter.

Mr. Graham: As to that, the hon. member can mention my name.

Mr. RODOREDA: Yes, the member for East Perth was nearly involved in a prosecution over that point. So if this position continues, it will be extremely difficult to get anyone to witness a signature on a claim card unless the claimant is personally known to the witness. I therefore hope we will do something about it. I will admit that candidates before an election are eager to get claimants enrolled. Surely the responsibility should be on the person who signs the card if he makes a false statement.

The Attorney General: How could you ever prove it?

Mr. RODOREDA: How did the Attorney General prove that the witness was in the wrong in the prosecutions prior to the last election? How did he prove that? Surely to goodness, if a claimant were not qualified to be on the roll, that fact could easily be proved. I think more detailed discussion of the point could well be left till the Committee stage is reached. There is no principle attached to the second reading; it is merely a matter that some of these amendments might be desirable, or otherwise.

Another amendment—a minor one—has been inserted at the request of the Attorney General. The Act provides that, at a general election, absent voting facilities shall be made available, but no such provision is made for by-elections. Apparently this point was missed when the Act was being amended. The Chief Electoral Officer decided that the Act prevented him from making absent voting facilities available to the public when a by-election for the Legislative Council was held on the same day as the last biennial election. To correct this entails merely a simple amendment. I move—

That the Bill be now read a second time.

On motion by the Attorney General, debate adjourned.

BILL—NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT.

Second Reading.

HON. A. A. M. COVERLEY (Kimberley) [8.22] in moving the second reading said: This is a fairly simple amendment to the Act and I expect no opposition to it.

Hon. F. J. S. Wise: Another optimist!

Hon. A. A. M. COVERLEY: The original legislation, when introduced in 1944, made provision for any Australian native to apply to the local court in the district where he resided to become a full citizen of Australia on condition that he fulfilled certain obligations imposed by the Act. The Bill was passed by this House without amendment. As it was practically experimental legislation, the only measure of its kind in Australia, it was natural to expect that some weaknesses would be discovered requiring amendment later on. As time has gone on, I have received several requests to introduce amendments. The Government evidently has had no inclination to introduce any amendments in the interests of the natives who have complied with the law and become citizens, and therefore I have pleasure in doing so.

Three principles are involved in the Bill, but they are slight ones. The first amendment seeks to reduce the time from two months to one month in which the Commissioner of Native Affairs may enter opposition to citizenship rights being extended to any native. When the original measure was before Parliament, mail services were not as frequent as they are today, and the staff of the Department of Native Affairs was much smaller. Therefore, we considered that the Commissioner should be allowed two months in which to collate his evidence if he desired to oppose any application for citizenship rights.

Since then the department has employed many patrol officers, one being stationed in practically every large town in the North and many throughout the Great Southern districts, so that the staff of the department is much better equipped to collate the evidence and permit of the application being heard earlier, thus saving the hold-up that now takes place. This is really a concession to the natives. When one of them makes an application in a place like Broome or Derby, or some outlandish part, he lodges it with the clerk of courts, and has then to await a notification informing him when he is to appear at the court. Numbers of these people work on stations, or in road gangs, or at some distance from the town, and naturally they do not want their applications to be held over longer than is absolutely necessary.

I do not agree with the attitude of the department in opposing such applications. It is not the function of the department to do so. We read screeds in the Press from the department, from organisations of various kinds and from the Minister in charge of the department more or less castigating the public for its lack of help in the work of uplifting these people. In reply to questions asked in the House, I was informed that out of some 500 odd applications lodged, 100 odd had been opposed by the department. I do not approve of that. I think there is much to be said in favour of giving an opportunity to any of these semi-educated natives to become citizens. The onus as to whether the applicant continues to enjoy citizenship rights rests upon him.

The Act provides for the cancellation of his certificate if he does not live up to the requisite standard. Therefore, I say we should give each and every one of them an opportunity to obtain citizenship rights. Then, if a native fails to live up to the requisite standard, the court will automatically cancel his certificate and reduce him to the status of a native. Therefore, I desire to strike out the word "two" and insert in lieu the word "one", thus making the time allowed for opposing an application one month instead of two months. If the department still desires to take the present oppressive measures of opposing applications willy-nilly, one month should be ample time in which to collate the evidence to place before the court.

As I have pointed out, the staff of the department has been increased and the aerial mail service has improved; in fact, it is five times better than it was in 1944, and so there is no need to retain the period of two months in which the department might oppose these applications. That is the first amendment necessary; and from the point of view of the natives it is a serious one.

Secondly, the Natives (Citizenship Rights) Act provides only for a husband, his wife, or any individual over the age of 21 becoming a citizen of Australia. It does not cater for the children of natives, and this Bill provides that when a husband and wife—or either—are given citizenship rights their children shall automatically become citizens too. I have had more than one complaint recently where a native and his wife who had received citizenship rights and are now citizens of Australia have not been permitted to send their children south for education. Under the Native Administration Act, half-caste children or native children up to the age of 21 are controlled by the Commissioner of Native Affairs. The Act empowers the Commissioner to be the legal guardian of every native under the age of 21.

The department has abused that power quite recently on more than one occasion. Half-caste couples who desired to send their child or children down to Geraldton

or to some other place for education, were refused permission by officers of the Department of Native Affairs in the towns of Derby and Broome, who pointed out that they were not allowed to send their children south without the permission of the Commissioner of Native Affairs. I think the House will agree that if a native can convince a magistrate that he is entitled to become a citizen, then surely to goodness he is capable of looking after his own children; and he ought to have the discretionary power as to whether they should stay in the towns of Derby or Broome when they have attained the age of 16 and are looking forward to higher education, or whether they should be sent south.

There is only one other provision in the Bill and that is that if a native holding citizenship rights commits a grievous crime and his certificate is cancelled by the court, the certificates of his children are automatically cancelled. So the position is well covered. When a native becomes a citizen, his child automatically becomes a citizen too; and if his citizenship rights are cancelled, his children's rights are also automatically cancelled. I see that the Commissioner of Native Affairs and the Minister himself have been given big headlines in various papers concerning their intention to give the natives a better deal; and I hope that this Bill will have the support of the Minister and of every member, in the interests of the oppressed natives. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

BILL — WOOD DISTILLATION AND CHARCOAL IRON AND STEEL INDUSTRY ACT AMENDMENT.

Second Reading.

HON. A. R. G. HAWKE (Northam) [8.35] in moving the second reading said: This Bill proposes to amend the legislation under which the wood distillation and charcoal iron industry was established at Wundowie, and under which it has operated since and is still operating. The industry at Wundowie has developed remarkably well in recent years. Today it is producing charcoal iron, a very great quantity of timber for building and other purposes, and also by-products of the wood distillation process.

There can be no doubt at all about the great value of this industry to Western Australia. Should any member in this House care to talk over with the proprietors of engineering workshops in Western Australia the value which the charcoal iron from this industry has been to them since the industry came into production, he will find that most of those concerned will say that without the charcoal iron from Wundowie it would not have been possible for workshops in this State to carry on except in a most irregular fashion.

Since the war, it has been impossible to import pig iron from the Broken Hill Proprietary Company's works at Newcastle except at rare intervals. Therefore industry in this State has had to depend to a very great extent upon the production of charcoal iron at Wundowie. In addition to the Wundowie industry providing all the pig iron needs of this State, the Government of Western Australia has found it possible on some occasions to export charcoal iron to South Australia and Victoria, which was a very great help to the iron foundries and engineering workshops in those two States.

The value of the total production at Wundowie has been increasing, and I understand there is no doubt at all about the absolute success of the industries operating at that centre. I should think there would be necessity in the not distant future to expand considerably all those industries, or at least some of them, in order that they might make available a larger quantity of charcoal iron, timber and the by-products of the wood distillation process.

When the Act was passed, it was not thought it would be possible legally for a Government to lease any part or the whole of the works. Nor was it thought that it would be possible to sell any part or the whole of the works. However, the happenings at Chandler in connection with the industry established there for the production of potash have been such as to lead me to believe that legal advice could be obtained from a source which would be satisfactory to at least the present Government, and would justify it in leasing a part or the whole of the Wundowie industries, or even of going to the extent of selling portion or the whole of them. Because of that, I think it is essential that we should now insert into the Act a provision to prevent the leasing or selling of any part or the whole of the works without the prior approval of Parliament.

The industries at Wundowie are not only extremely important in themselves, but they have a great importance inasmuch as their operations can be of great assistance and value in the construction in this State, in the not-distant future, of a fully integrated iron and steel industry with an annual production capacity of at least 100,000 tons. I think the maximum annual production capacity of charcoal iron at Wundowie is 10,000 tons. The secondary industries of Western Australia are moving ahead. It is true they are not progressing as fast as we might wish, but there are difficult circumstances which prevent their rapid development.

One of the main difficulties is the shortage of electric current, which will soon be overcome, and another is the labour short-

age which we hope may disappear in the space of a year or two. It may become necessary, therefore, to do much more at Wundowie, provided there is a Government in office in this State that is willing to go ahead when the time is opportune. The Bill contains only one provision, and it is for the purpose, as I said earlier, of preventing any Government from leasing or selling any portion or the whole of the works without the prior approval of Parliament. I trust the Bill will commend itself to every member of the House.

In view of what happened and is happening at Chandler, I think we should not take the risk of leaving it in the hands of any Government to lease or sell any portion of the works at Wundowie, even though there is no provision in the existing legislation along those lines. In view of the value of this industry, and the likely increasing value in the future, we are justified in making sure that Parliament shall be the only authority in Western Australia to decide finally whether any portion, or all of the works, shall be leased or sold at any time. I move—

That the Bill be now read a second time.

On motion by the Minister for Industrial Development, debate adjourned.

BILL—PUBLIC TRUSTEE ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [8.45] in moving the second reading said: When the Public Trustee Act was passed, the Workers' Compensation Act of 1912-1939 was in operation, and the Public Trustee was empowered, under the Public Trustee Act, to invest money that came under the control of the local court, acting in its workers' compensation jurisdiction. As members are aware, last year a new Workers' Compensation Act was passed and the jurisdiction of the local court, and its magistrates, was taken away, and similar jurisdiction was vested in the Workers' Compensation Board under the provisions of the 1949 Act. It is now necessary to make some consequential amendments in the Public Trustee Act so that it can be read in conjunction with the new Workers' Compensation Act. Only one section is dealt with in the Bill, and it is purely a consequential amendment, which is necessary as a result of the Workers' Compensation Act of 1949. I move—

That the Bill be now read a second time.

On motion by Hon. E. Nulsen, debate adjourned.

House adjourned at 8.48 p.m.

Legislative Assembly.

Thursday, 14th September, 1950.

CONTENTS.

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

QUESTIONS.

PROFIT MARGINS.

As to Expenditure on Advertising Soaps.

Mr. STYANTS asked the Attorney General:

(1) Has he seen a recent Press statement that a comedian named Dyer had entered into a contract to advertise soaps at a salary of £33,000 per annum?

(2) As this amount will be added to the costs of production of those commodities, will he have the matter of the margins of profits on soaps further investigated with a view to curtailing wasteful expenditure on the advertising of these goods for sale?

The ATTORNEY GENERAL replied:

(1) Yes.

(2) Yes, the matter will be further investigated. The matter of advertising expenditure has been discussed on numerous occasions by Ministers and Commissioners in conference. It is a well established practice that advertising expenditure is always investigated when reviews are being made of industry and individual traders' activities and applications for