

The local authority is required to grant a specified number of licenses and in the majority of cases such an appeal would be only against the rejection of testimonials and the judgment of the local authority in respect thereof.

Hon. C. G. LATHAM: I move—

That the amendment be not insisted on.

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

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

House adjourned at 8.37 p.m.

Legislative Assembly.

Wednesday, 26th November, 1947.

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

BILLS (2)—FIRST READING.

1, Co-operative and Provident Societies Act Amendment.

2, Censorship of Films.

Introduced by the Chief Secretary.

BILL—STALLIONS ACT AMENDMENT.

Read a third time and *passed*.

STANDING ORDERS SUSPENSION.

The DEPUTY PREMIER: I move—

That so much of the Standing Orders be suspended as is necessary to enable the third reading of the Gas (Standards) Bill and the Iron and Steel Industry Bill to be taken at this sitting.

I have discussed the matter with the Leader of the Opposition.

Question put.

Mr. SPEAKER: As notice has not been given of the motion, an absolute majority is required to pass it. There being no dissentient voice, I declare the question passed.

Question thus passed.

BILL—GAS (STANDARDS).

Report, etc.

Further report of Committee adopted.

Bill read a third time and transmitted to the Council.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Recommittal.

On motion by the Minister for Railways, Bill recommitted for the further consideration of Clause 9.

In Committee.

Mr. Perkins in the Chair; the Minister for Railways in charge of the Bill.

Clause 9—Repeal and new sections:

The MINISTER FOR RAILWAYS: When dealing with the proposed new Section 7 (3) (b) (iii), the member for Bunbury moved to alter the reference to the Perth Chamber of Commerce and I agreed to recommit the Bill to permit of the correct name of the organisation being obtained. I move an amendment—

That the words "Perth Chamber of Commerce Incorporated" be struck out and the words "Federated Chambers of Commerce of Western Australia" inserted in lieu.

Hon. A. R. G. HAWKE: I would suggest to the Minister that he give consideration to the question whether the representative who will come from the Federated Chambers of Commerce of Western Australia and the Chamber of Manufactures is correctly described by the term, "commerce representative." Now that we have included the Chamber of Manufactures as one of the bodies entitled to nominate the three persons from whom the commerce representative is to be chosen, there is justification for altering the title. He will now be not only a commerce representative, but as much an industry representative. The point is not very important and it is certainly not vital. I do not propose to do anything about it, but I think that the Minister, before the Bill is dealt with in the Council, should have some consideration given to the question whether a more appropriate title might not be given to this representative. I hope the Minister will give the Committee an assurance that he will have the matter looked into.

The MINISTER FOR RAILWAYS: I will have the matter considered; and if the people concerned think that this is not an appropriate title, we can have it altered. I would like to point out that irrespective of whether or not the representative may come from the Chamber of Manufactures, it is in his capacity as a commercial representative that his activities will be connected with the Railway Department.

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

Bill reported with a further amendment.

BILL—IRON AND STEEL INDUSTRY.

Report, etc.

Report of Committee adopted.

Bill read a third time and transmitted to the Council.

BILL—CITY OF PERTH SCHEME FOR SUPERANNUATION (AMENDMENTS AUTHORISATION).

Second Reading.

MR. NEEDHAM (Perth) [4.46] in moving the second reading said: In order that members might be in possession of all the facts, I will outline the history of this mea-

sure. The Bill dealing with the City of Perth superannuation scheme was introduced into Parliament and passed into law in 1934 after it had been submitted to a Select Committee of this House. In 1937 the Perth City Council established a superannuation scheme and in 1946, when the scheme had been in existence for about nine years, an amending Bill was passed by this Parliament to enable returned Servicemen who were then employees of the council to become contributors to the fund after paying arrears of contributions. This Bill is to give an opportunity to 22 employees of the council who were not original contributors to the scheme an opportunity to join, provided they are willing to pay ten years' subscriptions. They will thus pay in the full sum of money that they would have paid had they been among the original subscribers. The Perth City Council has agreed to accept them on those conditions and it will put up the sum of £500.

The employees concerned are willing to pay off the total of their contributions as from the inception of the fund, together with the interest on such payments. The council will be in no worse position financially than it would have been had these employees been among the original contributors, and from an actuarial point of view it will probably be better off, financially. One of the 22 employees I have mentioned will finish his employment with the council at the end of this year, after 29 years' service, and that is why the Bill is considered urgent, so that when it becomes law that employee will be able to reap the benefits to be derived from participation in the superannuation scheme.

Those are the facts relating to the Bill. If the Bill becomes an Act these 22 employees will become contributors to the superannuation fund, and then all of the employees of the Perth City Council will be participants in that scheme. The Act of 1934 provided that the then employees of the council should have an option as to whether they joined the scheme or not, but all those becoming employees of the council after the scheme became established were compelled to become contributors. I ask the House to expedite the passage of this measure.

On motion by the Deputy Premier, debate adjourned.

BILL—PUBLIC WORKS STANDING COMMITTEE.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR WORKS (Hon. V. Doney—Williams-Narrogin) [4.55] in moving the second reading said: The idea of having a Parliamentary Standing Committee to check up on costs and other factors in respect of projected public works is by no means new. It has been canvassed in this Chamber on several occasions, the last two being at the instance of the member for Beverley, who moved a motion on this subject. On each of those occasions the idea was well received, especially by those now sitting on this side of the House. I think I may truthfully say that it was not without verbal support from some members opposite. The Bill is based mainly on the South Australian Act and is so constructed as to be proof against any charge that it is a Party measure. Apart from the chairman, the membership of the committee will be equally divided between the Opposition and Government sides of the House.

The Bill is designed to ensure that the hard-earned income of this State is not over-spent on public works costing more than £50,000. There will probably be those who claim that the minimum should have been set at £30,000, thus observing the will of the House, as expressed last year when the motion of the member for Beverley was being debated. I would point out that, while the minimum under the South Australian Act is £30,000, that limit was laid down many years ago and, with the constant rise in prices, it may not be long before it is raised substantially. Members will agree that £30,000 pre-war is equal to £50,000 today—indeed, it might equal more.

So large, indeed, is our present-day public works programme, that if a minimum lower than £50,000 were fixed the committee, when appointed, would have little hope of coping with the amount of work that would be referred to it. It will be required to consider and report on such public works as are referred to it by the Governor or

by resolution of either House of Parliament, on a motion moved by a Minister or by any member. That phase of the representation is on a democratic basis, and ought not to be objected to on those grounds. Upon receipt of their commissions, members of the committee will consider the stated purpose of the work concerned, the advisability of carrying out the project, the revenue it is likely to produce and the employment likely to be occasioned by the work and, of course, such other factors as appear appropriate to the rendering of a comprehensive report.

Previous expressions of opinion in this House have made it plain that, in the view of the Chamber, it should be optional for the Government to accept or reject the findings of the committee; that is to say, that there should be no automatic acceptance by the Government of the findings of the committee, and I think that is quite proper. That principle therefore appears as one of the cardinal requirements of the Bill. The member for Beverley strongly supported that provision, as—I believe—did the member for Northam when speaking to the motion of the member for Beverley in 1945 or 1946. I believe the findings of the committee would generally be acceptable to the Government although, broadly speaking—I think this will be recognised—the principal purpose of the committee will be to act as a guide and to supply to the Government information on pending works.

There will be five members of the committee, who will be drawn from both the Assembly and the Council. One will be the chairman, whose appointment will be approved by the Governor. Two will be nominated by the Leader of the Opposition and two by the Executive Council. There are certain Eastern States that already have their standing committees and in every single instance they are operating to the entire satisfaction of their Governments. South Australia has such a committee consisting of seven members. Victoria has six members, and Tasmania five. The Commonwealth Government also has a Standing Committee on Public Works with a membership of nine. I understand that New South Wales and Queensland at one time had similar committees but, for reasons best known to themselves, decided to forego them.

I do not accept the idea, as do some in this Chamber, that the public works carried out in Western Australia, irrespective of which Government may have been in power, were, speaking generally, injudiciously conceived or treated in comparison with the experience in other States. I say quite to the contrary. Admittedly, errors have been made but only, I think, because circumstances forced us to take unusual risks. Not too many countries make their revenues cover so much ground—structurally speaking, of course—as do we. Also, remembering that we are a country of about half a million people, can others boast of the splendid range of public works that we possess in this State? Particularly does that apply to roads and especially to our wonderful water supplies from the epoch-making Goldfields Water Scheme pipe-line down to the magnificent series of big reservoirs that have been already constructed or are being constructed.

The point is that we are not doing so well that we cannot do better. We may be economical but we can be more economical still. I say that an efficient Standing Committee on Public Works would have ample scope for work in this State, and I reckon that, personally, I could find the committee a great deal more than sufficient work to keep it busy during all the spare time it has.

Hon. A. R. G. Hawke: Every department could do that.

The MINISTER FOR WORKS: I consider we are fortunate that in this House we have one member who has had practical experience upon such a committee as this Bill is designed to bring into force. I am referring, as the House will gather, to the member for Perth who, I understand, sat for many years on the Public Works Standing Committee of the Commonwealth Parliament. We have, I think, on two or three occasions had first-hand evidence from that hon. member, who, speaking from long experience in the Commonwealth Parliament, has been able to tell us that the operations of the Federal committee had saved, as he put it himself, many millions of pounds. One objection raised against the member for Beverley's proposal was that the investigations by the committee would do a great deal of harm by heavily delaying urgent works. That need not happen at all. It will, I think, be plain to all who

have read the Bill that jobs of exceptional urgency would be quite unlikely to come before a committee such as the one envisaged in the Bill.

Furthermore, it will be plain to members that the degree of urgency pertaining to the treatment of public works is in 99 per cent. of cases anyhow, observable right from the first moment the idea is conceived. Equally obvious is it that such a job would be put in hand with the least possible delay. The proposed standing committee will have the right to call expert evidence. It was asserted during the debate on the 1945 and 1946 motions, and asserted more or less correctly, too, that this might lead to undue use being made of senior public officials and lessen the amount of time that those officials could give to their own normal work. I agree that might ensue for a period until such time as the committee had shaken down to the actualities of its job. I think it is not a very great objection, and I reckon it is easily capable of correction.

It has, too, in the past, been urged in opposition to the principle underlying the Bill that although the standing committee would be responsible for a recommendation in respect of a certain undertaking, the Government of the day would still carry the responsibility for the initiation or effectuation of that particular job. I admit that that is so, but I ask how it could be otherwise. For that matter, why ought it to be otherwise? I do not think it should be. The Government, as members will see if they read the Bill, has the right to reject or accept the committee's findings. The ultimate responsibility for results rest quite properly upon the Government. The hon. member for Northam, speaking in 1945—it might have been 1946, I am not sure—

Hon. A. H. Panton: You want to make up your mind, because I might want to look it up.

The MINISTER FOR WORKS: Yes, it is a very important matter. In one or other of those years during the criticism that hon. member made, he applauded the administrative and technical competency of the high-ranking public servants in his department. I support that view, too, but do not want it to operate as an argument against the basic requirement of the Bill now before us. That requirement is not for the purpose of gingering up the Public Service at all but

to afford the Minister and Parliament such essential and valuable data as will allow the Government to do better work with less money, and to do that work in the right place and at the right time so that public money—quite a scarce commodity at the best of times—may not be wasted.

One view, which I think is shared by both sides of the House, is that we in Western Australia, with the obvious need for more frugal spending than applies elsewhere, have not the same scope for saving upon our public works as have one or two Governments in the eastern half of this Continent. I do not claim that the existence of a standing committee will lessen the work or responsibilities of the Department of Public Works, or for that matter lessen the work or responsibility of the Minister for the time being in charge of that department, but I do say that this State is certainly justified nevertheless in anticipating the same good results from the operation of a Standing Committee on Public Works as has no doubt been obtained in respect of standing committees now operating over East. I think, too—and this is worthy of mention I imagine—that this Bill, if enacted, will certainly be acclaimed by the people in this State and equally so will it have the hearty approval of the Grants Commission.

Hon. A. R. G. Hawke: Why?

The MINISTER FOR WORKS: The hon. member really does not want an answer to that question. I think he knows the answer just as well as I do.

Hon. A. R. G. Hawke: What is the answer?

The MINISTER FOR WORKS: The answer is that the less money we spend on public works, to that lesser degree do we encroach on the amount necessarily sought by us from the Grants Commission. I move—

That the Bill be now read a second time.

Hon. A. R. G. Hawke: Is that all the case you can put up in favour of it?

On motion by Hon. A. R. G. Hawke, debate adjourned.

BILL—COAL MINERS' WELFARE.

Second Reading.

THE CHIEF SECRETARY (Hon. A. V. R. Abbott—North Perth) [5.13] in moving the second reading said: The objects of the

Bill are firstly, to set up a fund to provide amenities for coalminers in the State; secondly, to levy a royalty of 1d. per ton on coal to finance the fund; and, thirdly, to constitute a board to control and administer the fund. The coalmining industry in Great Britain and other parts of the Empire, including Australia, has not attracted sufficient workers to it to meet the demands of the industry. I do not think it necessary for me to trace the cause, beyond saying that at one time, at any rate, work in the industry was extremely arduous and done under bad and dirty conditions. The coalmining industry at Collie is at present unable to obtain sufficient workers, but on the other hand the waterside workers' industry has no difficulty in securing all the recruits it needs. It is well known that membership of the Waterside Workers' Union is strictly limited. Mr. Wallwork states in his report of the Commission appointed to inquire into the coalmining industry of Western Australia, on page 41, as follows:—

During and since the Second World War many adults have entered the industry for the purpose of obtaining steady employment, but few of these have remained.

Later, on the same page, he says—

It is true of the industry in Western Australia that parents try to dissuade their sons from entering the industry.

At page 43, he says—

There is much discontent, however, on account of conditions which are not covered by industrial law and which have not been capable of amelioration by approach to arbitration. I refer to such matters as those pertaining to health, education, ventilation, sanitation, transport and amenities generally.

It is essential, if the coalmining industry is to be placed on the soundest basis, that the miners be made to appreciate the dignity of their labour and the responsibility of their position in the economic life of the community.

I consider that by encouragement of the belief that coalmining is an essential occupation in our national livelihood, and by a factual indication that it can be made a congenial occupation, almost all of the suspicion in the industry can be eradicated.

It is universally acknowledged that increased amenities should be, and will in due course have to be, provided for workers in all industries. It is therefore fitting and proper that a start should be made in an industry so essential to the State as coalmining, which is not attracting sufficient recruits to

meet its needs and which, as Mr. Wallwork has pointed out in his report, requires a factual indication that it can be made a congenial occupation. The Bill provides for the creation of a fund to be known as the Coal Miners' Welfare Fund; and every owner of a coalmine shall in the months of January and July in every year pay to the fund a sum equivalent to one penny per ton on the output of all coal produced from any mine, of which he is the owner, during the preceding six months.

A board is to be created to be known as the Coal Miners' Welfare Board of Western Australia. It shall be a body corporate and shall be charged, subject to the Minister, with the administration of the fund. The board is to consist of three members appointed annually by the Governor. One of the members shall be the chairman, one a person representing the coalminers and another a person representing the owners of the coalmines. The members of the board are to receive such remuneration for their services as may be prescribed from time to time and such remuneration shall be payable out of the funds of the board. The board will have power to appoint a secretary and to employ such other persons as may be necessary for the proper carrying out of its functions.

Hon. A. H. Panton: Will the cost of all these matters be borne by the Railway Department?

The CHIEF SECRETARY: Yes. The general public will pay, as usual.

Hon. A. H. Panton: Why do you not say that the general public will have to pay?

Mr. Styants: Why not take £3,000 a year from Consolidated Revenue?

Mr. SPEAKER: Order!

The CHIEF SECRETARY: Subject to any direction of the Minister, the board is charged with the administration and application of the fund for such purposes connected with the provision of amenities for coalminers and the improvement of the physical, cultural and social well-being of the coalminers and their education, recreation and conditions of living, as the board may consider desirable. The Minister may give to the board directions of

a general character with respect to the exercise and performance of its functions. Among other powers, the board has authority—

(1) To own real and personal property and deal fully with the same.

(2) With the approval of the Minister, borrow money and charge its property or the fund as security for the repayment of any money so borrowed.

(3) To establish and maintain scholarships or to make grants in aid of physical, technical, cultural or general education, and

(4) To make grants to any municipality, road board or association for the furtherance of any of its purposes.

The accounts and operations of the board are to be subject to audit by the Auditor General. A yearly report of its proceedings and its yearly accounts are to be submitted to the Minister, together with the Auditor General's report, and copies are to be laid before both Houses of Parliament. Provision is made in the Bill for punishment of certain offences. For instance, it shall be an offence for any owner or manager of a coalmine to refuse, obstruct or prevent the production of the books of the mine and the free examination of such books. A general penalty of £50 is provided. Penalties are also provided for such an offence as an owner or a manager failing to pay to the fund the royalty set out in the Bill. Although the Bill is not long, it is of considerable importance. It recognises a new principle in the industrial law of the State, namely, that amenities are to be provided by an industry for the workers in it. I commend the measure to the House and move—

That the Bill be now read a second time.

On motion by Mr. May, debate adjourned.

BILL—NATIVE ADMINISTRATION ACT AMENDMENT.

Returned from the Council without amendment.

BILL—COMPANIES ACT AMENDMENT (No. 2).

Received from the Council and, on motion by Mr. Ackland, read a first time.

BILL—WESTERN AUSTRALIAN GOVERNMENT TRAMWAYS AND FERRIES.

In Committee.

Resumed from the 18th November. Mr. Perkins in the Chair; the Minister for Railways in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 6, to which the member for Murchison had moved an amendment that the following words be added to Subclause 2:—"and shall be subject to the Minister."

The MINISTER FOR RAILWAYS: I promised to give further consideration to the amendment and, having done so, fail to see that it is necessary. This Bill is unlike the railway Bill, as the commission will not have the responsibility for the maintenance of the system. If members will consult the Bill they will find that the commissioners are to be charged only with the management and control of the service. I am proposing to accept other amendments to be moved by the member for Murchison providing that the commissioners shall be subject to the control of the Minister, as such provision was inadvertently omitted. In the case of the present amendment, however, I do not consider the additional words to be necessary. The commissioners are charged merely with the control and management of the system; and they must obtain the approval of the Minister.

Members will note that the commissioners may prescribe tolls, fares and charges which may be demanded from any passenger. Although the Bill does not expressly so provide, the commissioners must obtain the consent of the Minister. I consider that point is covered by the Interpretation Act, which provides that the tolls, fares and charges must be published in the "Government Gazette" and laid on the Table of the House. There being some doubt as to whether such regulations could be framed and published in the "Government Gazette" without the actual approval of the Minister, I intend to accept the amendment to be moved by the member for Murchison in this respect.

Members can see that all moneys received by way of rents, etc., are to be paid into the public account and form part of Consolidated Revenue, and expenditure incurred in the management, etc., shall be defrayed

out of moneys to be appropriated by Parliament for the purpose of the Act. That being so, there is practically no power left for the commissioners excepting that of ordinary routine management and control. The measure contains provision whereby the commissioners can make appointments to the service, and that is quite right. They are to be so controlled by the Minister throughout that it is only right they should be charged with the responsibility of running the system. I ask the Committee not to agree to the amendment.

Hon. F. J. S. WISE: It would be very wise for the Minister to make sure that he has control in matters of policy. Since there will be many matters requiring administrative decision, which at times might need Ministerial direction in questions of policy, we should include the same provision as was inserted in the railway Bill. I move—

That the amendment be amended by inserting after the word "shall" the words "on matters of policy."

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

Mr. MARSHALL: It is difficult to appreciate the Minister's desires in paragraph (a) which provides that one of the three commissioners shall be a qualified engineer having a comprehensive knowledge and experience in the construction, management, maintenance and control of tramways, and shall be chairman. I would like the Minister to justify the restrictive nature of this paragraph. Surely there is no occasion in the tramway system to have a qualified engineer as chairman. What engineering qualifications is he to have? We should not restrict the possibility of getting competent administrators—men with an extensive knowledge of trams, trolley-buses and omnibuses, which will ultimately form the major portion of metropolitan transport. I cannot imagine any future Government going in for extensive tramway construction; rather will it be on the decline. Is this engineer required to possess the qualifications of an electrical engineer, a mechanical engineer or a hydraulic engineer, seeing we are also dealing with ferries? He is to have a knowledge of constructional work, which implies that he must have a knowledge of tramways only.

The MINISTER FOR RAILWAYS: I am inclined to accept the amendment appearing on the notice paper in the hon. member's name.

Mr. MARSHALL: I move an amendment—

That in line 1 of paragraph (a) of Subclause (3) the words "qualified engineer" be struck out and the word "person" inserted in lieu.

Mr. STYANTS: I find myself at variance with both the member for Murchison and the Minister. I considered the job, in connection with the railways, was entirely too big to require a man to use his engineering qualifications, but I think the Minister would be well advised to retain his intention in this Bill to have a qualified engineer who could undertake the dual position. The position of chairman of the board in control of tramways and ferries would be such a small one that it would be quite possible to have a qualified engineer appointed to the job who could, at the same time, supervise any engineering problems that might arise. This position is not comparable with the one in the railways. We will find now that, as it is not necessary for the chairman of this board to be an engineer, we shall have to appoint an engineer in addition, at a substantial salary.

Amendment put and passed.

Mr. MARSHALL: I move an amendment—

That in line 3 of paragraph (a) of Subclause (3) the word "construction" be struck out.

Mr. STYANTS: This simply bears out that what I visualise will eventuate. It is for the purpose of construction that an engineer would be required. We will probably have a layman as chairman of the board of directors, and will then have to appoint an engineer so that, instead of having one man in a dual capacity, we will have one man in each position.

Mr. MARSHALL: I cannot comprehend how it would be practical for any chairman to take control of tramways, ferries etc., and also be an engineer. With the rapid extension of this department it is inevitable that there must be an engineer employed. Imagine the chairman being responsible for the whole of the administration of the department from day to day,

and at the same time working out plans and specifications for the construction of rollingstock and roads. The suggestion is ridiculous.

The MINISTER FOR RAILWAYS: We have struck out the qualification of engineer. It would be difficult to get a person who is not an engineer to be an authority on the construction of transport. There is also the decision not to run trams over the Causeway. That foreshadows a reduction in the area to be served by trams. We are not likely to have a separate tramway system on the eastern side and another on the western side of the Causeway. Construction work will probably be retarded in the near future. Having accepted the deletion of the words "qualified engineer," I see no reason for retaining the word "construction."

Amendment put and passed.

Mr. MARSHALL: Paragraph (b) and subparagraphs (1) and (2) provide for the appointment of a passenger's representative. The Bill affords no means of obtaining a consensus of opinion from the public or passengers as to the appointment. The nominee has to be selected but there is no machinery to provide for such selection. The selection can, therefore, only be made by the Minister.

The Deputy Premier: What is wrong with that?

Mr. MARSHALL: Nothing, except that the Bill is wrongly drafted. There is a provision for the selection of one representative. The others must be appointed by the Minister or the Government. I move an amendment—

That the letter "(b)" and the words "two, who shall be referred to as representative commissioners, shall be selected" be struck out.

Mr. SHEARN: I would like to move an amendment that in line 17 after the word "one" the following words be inserted, "members of the Local Government Association." I could not understand what the Minister had in mind as a suitable person to represent the passengers. Surely the Local Government Association would provide the best representative of passengers because its members are in close touch with the metropolitan area. If the member for Murchison succeeds with his amendment I shall not be able to move mine.

The CHAIRMAN: The hon. member is moving only to delete certain words in lines 15 and 16.

The MINISTER FOR RAILWAYS: I cannot accept the amendment, which would destroy the whole Bill, and I do not understand the subsequent amendments of which notice has been given by the member for Murchison. He has totally disregarded the passengers' representative. That representative must be picked out from somewhere. There is no organised body that can claim to represent all the passengers, or one that could nominate such a person. If such a body came into existence the Minister would no doubt approach it in order to get a nomination. The Minister therefore must select some representative person who has no financial interest in any public transport to fill the role on the commission. The passengers' representative would be a part-time man who would be present on the commission and I do not think he would be further employed in the working of the trams.

Mr. MARSHALL: How does the Minister propose to get a representative of the public? There is no provision for it in the Bill. He could have framed a clause to give effect to his desires, just as he has done in connection with the union representative. The Minister must appoint the three commissioners anyhow. He must also appoint the passengers' representative. Why call him the passengers' representative? He may not be able to represent them.

The Minister for Railways: Then he will not be selected.

Mr. MARSHALL: If the Minister had provided the same kind of machinery for the passengers' representative as he has for the union representative, the rest of this provision would be all right.

The Deputy Premier: There are thousands of passengers.

Mr. MARSHALL: The Minister does not require anything more than I propose to give him by my amendment. The Minister must appoint the representative because there is no machinery for the passengers to select him; therefore he will be the nominee of the passengers in name only. The Minister will doubtless appoint a man capable of representing the passengers, and my amendment would not interfere with the

Minister's right. The representative from the unions would be a general representative chosen by the Minister from a panel of names submitted to him.

The MINISTER FOR RAILWAYS: It is necessary to have a representative of the passengers, but there is no particular organisation in a position to make a nomination. Therefore that power is to be given to the Minister. In the State Electricity Commission Act, two representatives of the consumers are provided for and they are nominated by the Minister. That is why similar provision is made here.

Mr. MARSHALL: The Act quoted by the Minister contains no such machinery as is included in this Bill. The member for Maylands has suggested that the selection should be made by the metropolitan local authorities.

The Minister for Railways: That would do.

Mr. MARSHALL: Then the rest of the Bill would be logical.

Mr. SHEARN: I move an amendment—

That after the word "one" in line 1 of subparagraph (i) of paragraph (b), the words "nominated by the Metropolitan Local Government Association" be inserted.

The Minister might have somebody in mind as representative of the passengers, but there is only one possibility I can see of getting a person really representative of the community and that is through the Local Government Association, whose members consist of representatives of all local authorities within the metropolitan area. Another advantage would be that local authorities would, through such a representative, be able to make recommendations to the commission.

The MINISTER FOR RAILWAYS: I am prepared to accept the amendment. Previously I was not able to fix upon any particular body from whom a representative could be selected.

Mr. STYANTS: I regret that the Minister has agreed to the amendment. Local authorities do not any more represent the passengers in the metropolitan area than does the Minister. Local authorities are elected on a most undemocratic franchise and by no stretch of the imagination could it be said that they represent the passengers.

Mr. SHEARN: I do not consider that my proposal is necessarily a perfect method, but it would be much better than having some representation of which we know nothing. As to the reference to the restricted franchise of local authorities, if people who rent properties cared to exercise their prerogative, they could become ratepayers. I hold no brief for the Local Government Association, but this appears to be the best way of overcoming the difficulty. A selection made by the Minister may or may not be representative of the passengers.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MARSHALL: Might I ask you, Mr. Chairman, if you would speak a little louder—and also the Minister. It is difficult for me to hear what is said and I am handicapped severely in consequence. I understand that the member for Maylands has moved an amendment which will provide a basis on which the Minister may make a selection of the representative to be known as the passengers' representative. If the amendment is not carried, the major portion of the clause will not make sense. While I agree with the member for Kalgoorlie that the franchise on which members are elected to local governing bodies is not democratic, local authorities are particularly interested in the transport system of this State. On numerous occasions deputations from them waited on me requesting certain changes, extensions and reforms. All brands of political opinion are represented on these local governing bodies and the Minister would be well advised to accept the amendment. He will have a fairly wide field from which to choose. It is true that the Minister could make a choice himself but I am doubtful whether he would be able to make a wiser choice than from the names submitted by local authorities.

Amendment put and negatived.

Mr. MARSHALL: I move an amendment—

That in line 2 of subparagraph (ii) of paragraph (b) of Subclause (3) after the word "Unions" the words "shall be selected" be inserted.

Later it is proposed to move a further amendment to delete all the words after "Unions" with a view to inserting other words. The reason is that there are four

unions concerned and each feels it should be entitled to submit the names of two nominees making a total number of eight from which the Minister can select a representative.

Amendment put and passed.

Mr. MARSHALL: I now wish to move an amendment to delete all the words in subparagraph (ii) after the word "Unions."

The CHAIRMAN: The Minister has handed in an amendment to that effect and as the hon. member's amendment is not on the notice paper perhaps it would be better to accept the Minister's.

The MINISTER FOR RAILWAYS: I regret that my amendment is not on the notice paper. I was not able to get it until today. It was after the Bill had been drafted that attention was drawn to the fact that several unions are concerned. One has a membership of about 500 and the other unions were afraid that if we left the subparagraph as it is framed that big union might nominate the whole three members from whom the selection was to be made. To overcome that I move an amendment—

That all the words after "Unions" in subparagraph (ii) of paragraph (b) of Subclause (3) be struck out and the following words inserted in lieu:—"from eight persons comprising two persons nominated by each of the following industrial unions of workers, namely, Western Australian Government Tramways, Motor Omnibuses, and River Ferries Employers' Union of Workers, Perth; The Tramways, Electricity Supply, Ferry and Trolley Bus Officers' Union of Workers, Perth; Amalgamated Engineering Union of Workers, Perth Branch, and Australasian Society of Engineers' Industrial Union of Workers, Perth, Western Australia."

That embraces four out of the five unions concerned. I understand the other union has only five members.

Amendment put and passed.

Mr. MARSHALL: I move an amendment—

That paragraph (b) of Subclause (4) be struck out.

Later I propose to move that in paragraph (c) the words "the representative" be struck out and the word "each" inserted in lieu. I do not think it is right that the chairman shall hold a lifetime position. What is more, I find that in this measure there is no pro-

vision for his dismissal as the result of a misdemeanour or inefficiency or for any cause whatever.

The MINISTER FOR RAILWAYS: I oppose the amendment. It is necessary to appoint this particular member during the Governor's pleasure. If he were appointed for five years and proved unsuccessful and it was desired to dismiss him, he would have to be compensated by being paid the salary for the unexpired portion of his term. As the provision stands, he could be dismissed if the circumstances warranted his dismissal and thus the Government would have control over his activities. I agree with the hon. member concerning the age limit. By making paragraph (g) apply to all commissioners he would be required to vacate office at 65. I want the nominee member to hold office only during the Governor's pleasure.

Amendment put and negatived.

Mr. MARSHALL: I move an amendment—

That in line 1 of paragraph (g) the word "representative" be struck out.

Amendment put and passed.

Hon. J. T. TONKIN: I move an amendment—

That a new sub-paragraph be inserted as follows:—

"(iv) His becoming concerned or interested in any written contract made by or on behalf of the commission, or participating or claiming to be entitled to participate in the profits thereof, or in any benefits or emolument therefrom."

This is an amendment similar to that to which the Committee agreed last night when dealing with the Government Railways Act Amendment Bill.

The ATTORNEY GENERAL: The position is covered by the last part of paragraph (g), in conjunction with Clause 12.

Hon. J. T. TONKIN: Then I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. MARSHALL: I move an amendment—

That in line 15 of paragraph (g) the words "a representative" be struck out and the word "any" inserted in lieu.

Amendment put and passed.

Mr. MARSHALL: I move an amendment—

That paragraph (h) be struck out.

The Minister for Railways: I agree to this amendment.

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

Clauses 7 to 15—agreed to.

Clause 16—Commission to manage tramways:

Mr. MARSHALL: The clause provides that the commission shall have the management and control of all the Government tramways for the time being open for traffic, and also sets out that the commission may exercise the powers conferred on the Minister for the maintenance, alteration, renewal and repair of all such tramways. We have already provided that certain powers shall vest exclusively in the Minister and there can be no objection to the commission exercising those powers provided the approval of the Minister is obtained. I move an amendment—

That in line 1 of Subclause (2) after the word "may" the words "with the approval of the Minister" be inserted.

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

Clause 17—Commission to manage Government ferries:

Mr. MARSHALL: Here again it is provided that the commission shall have the management and control of all existing and future Government ferries and shall exercise the powers conferred on the Minister. In view of what we have already agreed to, we should also see to it that the commission exercises those powers conferred on the Minister only with his approval. I move an amendment—

That at the end of paragraph (a) the word "and" be inserted.

Amendment put and passed.

Mr. MARSHALL: I move an amendment—

That in line 1 of paragraph (b) before the word "exercise" the words "with the approval of the Minister" be inserted.

The MINISTER FOR RAILWAYS: As I indicated earlier, I am prepared to accept the amendment.

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

Clause 18—Bylaws:

Mr. MARSHALL: The clause empowers the commission to make, alter and repeal by-laws regarding the various matters set out. I desire to ensure that the Minister shall have some control over the matter of charges that may be imposed by the commission. This point was probably overlooked by the Minister. I move an amendment—

That the following proviso be added to paragraph (a) of Subclause (1):—"Provided that no bylaw with respect to any of the matters referred to in this paragraph shall be made, altered or repealed by the commission, unless the approval of the Minister be first had and obtained."

The MINISTER FOR RAILWAYS: As I mentioned previously, I think this matter is covered by the Interpretation Act which provides that any bylaws affecting tolls, charges, etc., must be published in the "Government Gazette" and laid on the Table of the House. That is the advice I have received. After further conferring with the Crown Law authorities I find that it may be possible for the commission to publish such matters in the "Government Gazette" and for the necessary papers to be laid on the Table without their first being approved by the Minister. In order to make the position perfectly clear, I am prepared to accept the amendment.

Mr. STYANTS: I doubt whether the Minister is correct in his statement that this matter is covered by the Interpretation Act. I remember that seven or eight years ago the Commissioner of Railways decided to increase the charges for the carriage of "C" class goods and the particulars were inadvertently placed on the Table of the House, with the result that quite an interesting discussion ensued. It was found that a mistake had been made and the papers were quickly withdrawn. Under the Government Railways Act the Minister has an overriding authority and, should the Commissioner impose charges that do not meet with the Minister's approval, he can issue a schedule of charges that will supersede that made by the Commissioner of Railways. That is not provided in the Bill, and the Minister is quite correct in accepting the amendment.

Amendment put and passed.

Mr. MARSHALL: A proviso appears at the end of Subclause (3) setting out that this part of the Bill shall not apply so as to limit, restrict, or otherwise affect the

right of the commission to make bylaws in respect of Government ferries prescribing tolls, fares or charges that may be demanded. Here again it is necessary to clarify the position so that such matters shall be subject to the approval of the Minister. I move an amendment—

That in line 1 of the proviso to Subclause (3) after the word "section" the words "except in so far as the approval of the Minister is required" be inserted.

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

Clauses 19 to 28—agreed to.

Clause 29—Limit of liability:

Mr. MARSHALL: The clause provides that no damages exceeding £2,000 shall be recoverable in any action against the commission in respect of loss of life or injury to the person. This matter should be left open to the court to award what damages it may deem necessary. Money value has depreciated materially compared with the time when this provision was originally included in the Government Railways Act. There should be no limit placed upon the amount of damages that a court may award. I fail to see why special protection should be provided for any State instrumentality when private employers are not equally protected.

The MINISTER FOR RAILWAYS: I accept the amendment, particularly when one takes into consideration the present value of money. It is quite obvious that if £2,000 was a fair amount in 1912, it is not fair at present.

Clause put and negatived.

[Mr. Hill took the Chair.]

Clauses 30 to 40—agreed to.

Clause 41—Commission may appoint and employ, etc., officers and employees:

Mr. MARSHALL: When we are dealing with the Traffic Act Amendment Bill, the Minister for Local Government promised to have inserted in this Bill the proviso which appears at the end of Subclause (1). I wish to go further and accordingly move an amendment—

That at the end of Subclause (1) a further proviso be added as follows:—"Provided further that the commission shall not inflict on any such officer or other servant more than one form of punishment for the same offence."

There is no need to labour the amendment, as the matter was fully argued when we were considering the Traffic Act Amendment Bill.

Amendment put and passed.

Mr. STYANTS: I desire to amend the proviso to this clause.

The DEPUTY CHAIRMAN: The Committee has passed Clause 41.

Mr. STYANTS: Let it go.

Mr. MARSHALL: I move an amendment—

That in lines 1 and 2 of paragraph (a) of Subclause (1) the words "permanently appointed or" be struck out.

Any employee should have the right to appeal against a fine or reduction to a lower class or grade or dismissal, etc. This matter was thoroughly thrashed out when we dealt with the railway Bill, and consequently there is no need to discuss it further here.

The MINISTER FOR RAILWAYS: I ask the Committee not to agree to the amendment for the reason that the provision is contained in the railway Bill. If the words were struck out, it would mean that some man who was employed for perhaps a week or a month and was then dismissed would have the right to go to the Appeal Board, which would be cluttered up with frivolous appeals, probably to the exclusion of more urgent appeals.

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

Ayes	19
Noes	20

Majority against	1
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AYES.	
Mr. Coverley	Mr. Panton
Mr. Fox	Mr. Read
Mr. Hawke	Mr. Reynolds
Mr. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Smith
Mr. Kelly	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Triat
Mr. Needham	Mr. Rodoreda
Mr. Nulsen	(Teller.)

NOES.	
Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Bovell	Mr. North
Mrs. Cardell-Oliver	Mr. Perkins
Mr. Cornell	Mr. Seward
Mr. Grayden	Mr. Shearn
Mr. Leslie	Mr. Thorn
Mr. Mann	Mr. Wild
Mr. McDonald	Mr. Yates
Mr. Murray	Mr. Brand
	(Teller.)

Amendment thus negatived.

Mr. MARSHALL: The wording of paragraph (d) of Subclause (3) is not clear. I move an amendment—

That in lines 1 and 2 of paragraph (d) of Subclause (3) the words "and the member appointed by the Commission" be struck out.

The MINISTER FOR RAILWAYS: I have been reading this for a fortnight and I can see nothing hidden in it. Neither can I see any difference between the paragraph as it stands and what the member for Murchison desires.

Mr. Marshall: It is just bad grammar.

The MINISTER FOR RAILWAYS: I leave it to the Committee to adjudicate.

Amendment put and negatived.

Mr. MARSHALL: I move an amendment—

That in line 3 of subparagraph (ii) of paragraph (f) of Subclause (3) after the word "shall" the words "after consultation with the Chief Electoral Officer" be inserted.

While the Minister may have a broad and long experience as to the conduct of polls and disputes, it might be advisable to have this safeguard.

[Mr. Perkins resumed the Chair.]

Amendment put and passed.

Mr. MARSHALL: I move an amendment—

That at the end of subparagraph (2) of paragraph (f) of Subclause (3) the following words be added:—"for the purposes of this paragraph 'Chief Electoral Officer' means the person holding that office under the provisions of the Electoral Act, 1907-1940."

Amendment put and passed.

Hon. J. B. SLEEMAN: Will the Minister explain why he wants the proviso to paragraph (b) of Subclause (6). It seems that Cabinet does not believe in preference to unionists. There are many members of the legal profession in the Cabinet, and one would think they would put in a word for their suffering brothers outside.

The MINISTER FOR RAILWAYS: Cabinet did not make any decision on this. It has been brought forward from the Act.

Clause, as amended, agreed to.

Clause 42—Regulation of lights: Interpretation:

Mr. MARSHALL: I move an amendment—

That in lines 3 and 4 of Subclause (5) the words "proof whereof shall lie upon him" be struck out.

Here again onus of proof is to lie upon the accused person instead of on the party taking action. That is not what we claim to be British justice. I think this provision has been in the Act since 1907.

The MINISTER FOR RAILWAYS: This was taken from the 1939 amendment. Having heard the hon. member say this was a clause he would never stand for, I turned up that legislation, and although he was in the Chamber, he raised no objection to it. There is no other way in which a person can establish his innocence. If the member for Mt. Marshall were ordered to be in this Chamber at 5 p.m. tomorrow, and he did not arrive until quarter past five, no-one but him could give reasonable proof of his not arriving on time. Even if the words were omitted, the defendant would still have to prove reasonable cause for failure to take the requisite action.

Mr. MARSHALL: Because I happened to miss a similar provision in other measures, I should not be accused of negligence on those occasions. I have always protested against proposals to place the onus of proof on the defendant. Why not allow the prosecution to prove its case? If we place the onus of proving innocence on the defendant in this instance, why not place it on the accused in a murder charge?

The Minister for Railways: A very different thing.

Mr. MARSHALL: Frequently we are asked to pass legislation embodying this principle and it is strange that a member sitting on the Treasury bench will defend it and when in Opposition will oppose it.

The DEPUTY PREMIER: The clause deals with people required to remove detrimental lights. They are to be served with a notice, and if they do not comply with it and have nothing to say in their defence, will be convicted, because proof would be offered that the light was there, that notice had been served, and that the light was still there. The clause provides that the defendant might offer proof of reasonable cause for not removing the lights, and that might be accepted by the court. Unless he was given an opportunity to show reasonable cause, the proof of which must necessarily rest on him, he would be convicted.

Hon. J. T. Tonkin: It really makes no difference whether the words are deleted or retained.

The DEPUTY PREMIER: Very little difference, but their retention will make the position clearer in that both parties will know exactly what is expected. They certainly will not place the defendant in any worse position.

Hon. J. B. SLEEMAN: If I do not oppose the inclusion of the words, I may later be accused of having allowed them to pass on this occasion. I agree that the inclusion of the words will not make much difference, but I do not like the look of them. The Deputy Premier has said that they will not make any difference, so let us strike them out. I object to them as being too close to the principle of throwing the onus of proof on the defendant.

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

Ayes	..	..	..	14
Noes	..	..	..	24
				—
Majority against	..			10
				—

AYES.	
Mr. Coverley	Mr. Nulsen
Mr. Fox	Mr. Pantou
Mr. Hawke	Mr. Reynolds
Mr. Hoar	Mr. Sleeman
Mr. Marshall	Mr. Styanis
Mr. May	Mr. Tonkin
Mr. Needham	Mr. Kelly

(Teller.)

NOES.	
Mr. Abbott	Mr. Murray
Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. Read
Mr. Cornhill	Mr. Rodoreda
Mr. Doney	Mr. Seward
Mr. Grayden	Mr. Shearn
Mr. Hegney	Mr. Smith
Mr. Hill	Mr. Triat
Mr. Leslie	Mr. Wild
Mr. Mann	Mr. Yates
Mr. McDonald	Mr. Brand

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clauses 43 to 46—agreed to.

Clause 47—Deputations:

Mr. MARSHALL: This clause is taken from the railway Act, which has been in force for over 40 years. Why should not a member of Parliament take a deputation to the chairman of the commission or a member of it? I venture to suggest that almost invariably if a member of Parliament took a deputation to the Minister for Transport, the chairman of the commission

would be present. If he were not, the Minister would give no definite reply until he had conferred with the commission. One would think that a member of Parliament was a criminal.

The Chief Secretary: He is sometimes.

Mr. MARSHALL: Members opposite can speak for themselves on that point. What crime is there in a member of Parliament taking a deputation to the commission?

The Minister for Lands: What would you do if the commission turned you down? Would you go to the Minister?

Mr. MARSHALL: That is the practice today. The Minister for Lands, as a private member, would put his case to a departmental officer.

The Minister for Lands: Yes, individually, but I would not take a deputation to a departmental officer.

Mr. MARSHALL: In this case the Minister has no power, or but limited power. The clause is lowering the status of a member of Parliament in the eyes of the public. A member of Parliament should be able to take a deputation to the commission.

The Chief Secretary: Would that not be scabbing on the union secretary? Has he not the privilege of representing the union before the commission?

Mr. MARSHALL: A union secretary who leads a deputation does not inform the member for the district what is happening. I have known of cases where deputations, unaccompanied by a member of Parliament, have been treated with great discourtesy. They would not have been so treated had a member of Parliament accompanied them. I do not agree with this belittling of members of Parliament, lowering their status and denying them the right to help their electors to get something of which in many cases they are most deserving. A member of Parliament is not to be allowed to accompany a deputation to the commission. I disagree with that and I wish to move an amendment.

Opposition members: Vote the clause out! We do not want any of it.

Mr. MARSHALL: I did not want to do that, but in the circumstances I will not move my amendment. Let us knock the

lot out and that will prevent further happenings of this sort. I hope that members following the Ministry will understand the position. They have a lot to learn regarding what happens with these bureaucrats whose position we are consolidating by this measure. We are not denying them any more power than they have had for years past. Parliament, having sanctioned this Bill and the railway Bill, condones and confirms that principle; and then we boast about democracy! We hear a lot about that when it suits members opposite; but they remove from the wrath of the people as far as possible a lot of individuals who have a big responsibility but are answerable to nobody, and they put the representatives of the people in the position of having to fight constantly to obtain reforms and have anomalies adjusted. I am tired of hearing so much about freedom and democracy and the Atlantic Charter, which has been buried in the Atlantic Ocean and about which we have not heard anything for years!

The MINISTER FOR RAILWAYS: I hope the Committee will not vote this clause out. I am surprised at the attitude of the member for Murchison. I can imagine nothing that could more undermine his position as a Minister than to have deputations going behind his back to the commission. What an impossible position that would be! He would meet his constituents, or some other section of the community, and they would ask him for something, and he might take it up with the commission and not be able to get what was wanted, and then there could be a deputation to the commission behind his back which would receive satisfaction and his position would be undermined.

Mr. Marshall: Not if you did not give them so much power and authority.

The MINISTER FOR RAILWAYS: We do not want to give a deputation power to go behind the Minister's back. A Minister would not know what was going on in his department. This is not the only Act in which this provision is operative.

Mr. Marshall: This and the railway Act are the only two.

The MINISTER FOR RAILWAYS: What about the Public Service Commissioner?

Mr. Marshall: No.

The MINISTER FOR RAILWAYS: I think the hon. member will find it is so. It is absolutely essential that if a deputation wishes to make representations regarding railway or tramway matters it should go to the Minister, and a member of Parliament has the right to go to the Minister, but to allow him, if he cannot get what he wants, to go behind the Minister's back and take a deputation to the commission would be the way to undermine the Minister's position.

Hon. J. B. SLEEMAN: I do not think it would be any good going to the Minister with the legislation we are getting lately. What would be the good of approaching the Minister for anything? He would say, "It is out of my hands," and one would be sent to the commission. Where is the harm in a member of Parliament going to the Commission?

The Minister for Railways: None, so long as he does not go with a deputation.

Hon. J. B. SLEEMAN: He would only be putting up a case for the people he represented.

The Chief Secretary: It is better to put it to the Minister.

Hon. J. B. SLEEMAN: The commission will have all the power now.

The Deputy Premier: Why not speak the truth for once?

The Minister for Railways: The commission has very little power under this Act. The Minister has the power.

Hon. J. B. SLEEMAN: I would not be surprised if the Minister said, "I have not the power. The railway Commission or the tramway Commission have the power. Go to them." Then the member of Parliament is debarred from doing so! Why has not the Minister said that a lawyer cannot go to the commission? It is an insult to members of Parliament to say they are not to be allowed to go to the commission when they have some reason for going.

Mr. TRIAT: I could not follow the Minister's argument. He claims that a deputation should go to the Minister.

The Minister for Railways: When accompanied by a member of Parliament.

Mr. TRIAT: The Minister does not say that an ordinary deputation cannot go to the commission?

The Minister for Railways: No.

Mr. TRIAT: But he objects to a member of Parliament doing so. Where is the line of reasoning? The Minister spoke of a member of Parliament not getting satisfaction from him and then taking a deputation to the commission and obtaining satisfaction, thereby undermining his position. If a deputation without a member of Parliament received a refusal from the Minister and then obtained redress from the commission, would not the Minister's position be undermined? Of course it would! The question the Minister raised was that a member of Parliament must not be on a deputation.

The Chief Secretary: That is bringing politics in.

The Minister for Railways: The commission would receive a deputation from constituents. You should go to the Minister to preserve your position.

Mr. TRIAT: The Minister says that a member of Parliament should not be on a deputation.

The Minister for Railways: Yes.

Mr. TRIAT: Ordinary people can go as a deputation.

The Minister for Railways: Yes.

Mr. TRIAT: But you would prevent a member of Parliament from doing so?

The Minister for Railways: Yes.

Mr. TRIAT: If the Minister agreed that no deputation should approach the commission, I would say he had a reasonable argument, but since he wants to exclude one class of persons from accompanying the deputation, I intend to oppose the clause.

Mr. STYANTS: A farcical position exists. We have been told that the Minister has no power over the Commissioner.

The Minister for Railways: There is power under this Act.

Mr. STYANTS: The position has not been altered to any great extent. For years the Minister for Railways in this Chamber has always claimed that he had no jurisdiction over the Commissioner. What is the use, therefore, of a member of Parliament taking a deputation to the Minister if the Minister has no power of direction over the Commissioner? It would be a waste of time. I could not follow the reasoning of the Minister when he said it would undermine his prestige if a deputation, accompanied by a

member of Parliament, were to wait on him and then go to the Commissioner and be granted something that he, the Minister, had refused. He would not think it derogatory to his position, if the deputation, unaccompanied by a member, waited on him and then went to the Commissioner to have its request granted. Who, in these circumstances, would do the undermining? It would not be the member of Parliament, but the Commissioner of Railways. It is a sheer waste of time for a member to take a deputation to the Minister for Railways if the Minister has no jurisdiction over the Commissioner. The better thing to do is to approach the Commissioner direct. If the Minister had power over the Commissioner I would agree to going to him.

The CHIEF SECRETARY: Many members opposite are not treating this matter with the seriousness it deserves. They know that politics are one issue and outside negotiations another. Within the realm of politics there is a proper way to do things, and that is to go to the Minister who is the political head. We do not want politics mixed up with industrial matters.

Hon. A. R. G. Hawke: This is terrible!

The CHIEF SECRETARY: I am sure the member for Northam would agree with that. If he were Minister for Works he would dislike a member of his Party or even of the Opposition negotiating some political matter behind his back. I feel sure the member for Kalgoorlie would not like that either, because he at all times upholds the dignity of this Chamber. Why does a Minister always notify district authorities, through the local member, of any political matter?

Hon. F. J. S. Wise: Does he?

Hon. A. H. Panton: That always happened until the 31st March last.

The CHIEF SECRETARY: I think the Leader of the Opposition would agree that it should happen.

Hon. F. J. S. Wise: That is so, but it does not now.

The Minister for Lands: The only Minister previously who did it was the Minister for Works.

The CHIEF SECRETARY: It is the proper thing to do.

Hon. A. R. G. Hawke: What part of the amendment is this on?

The CHIEF SECRETARY: It only has this relation to it, that there is a proper method of conducting political matters. The member for Murchison has always acted with the greatest courtesy to members. If he were a Minister and I took deputations to public servants in his department he would be the first to resent it.

Mr. READ: I must disagree with the Chief Secretary. I have always found it best to go to the people concerned. If I want to take a deputation of nurses to the Commissioner of Public Health, I go to him. In the case of the Town Planning Commissioner, I would not go to anyone else, and I say that without meaning disrespect to any Minister, who is the supreme man in his particular department.

Hon. A. H. PANTON: These words should certainly be struck out of this Bill. Almost all deputations on industrial matters are taken to the Minister by the trade unions, and not by the member for the district concerned. Much of the work of members when the measure becomes an Act will be related to the routes of trams and trolley-buses. It has already been stated in the Press that it is not proposed to run trams over the new Causeway. I agree that the Minister should not be called upon to discuss questions of tram running and times. That should be a job for the directors. I see no logic in the argument advanced by the Chief Secretary. I hope the clause will be struck out.

Mr. NEEDHAM: I do not see that the proposed commission would have any more authority than had the Commissioner of Railways in dealing with tramway matters, and frequently in the past 15 years I have, as a member of Parliament, introduced deputations to the Commissioner of Railways. If an industrial dispute was pending in the railway service and it was suggested by the trade unions that a member of Parliament should introduce a deputation to one of the commissioners, there could be nothing wrong with that. Other interested organisations might request their commissioner representative to present some aspect of the administration to the other commissioners. If every deputation must be brought to the

Minister, what need will there be for the commission?

Mr. HOAR: The dignity of a member of Parliament is surely equal to that of a Minister. Why should this indignity be specifically preserved in the Railway Department and not in the department of any other Minister? The most natural thing is for a member to approach the executive official. On one occasion I took a deputation to the Commissioner of Railways, believing that I was doing the right thing, but was humiliated by having some prehistoric Act resurrected to show that I had no right to be there. A member representing a large number of people should not be subjected to such indignity when undertaking business on their behalf. The clause is unworthy and should be voted out.

Mr. SHEARN: Nine-tenths of the requests submitted to me regarding the railways and tramways have been on administrative matters. While the Minister is concerned with policy, the questions raised by deputations to him would in turn have to be submitted to the commission. The Minister should leave this question to the good sense of members. On matters of administration, members could approach the commission with much greater satisfaction to the people than by waiting upon the Minister.

Hon. J. B. SLEEMAN: The clause is unnecessary, unwarranted and an insult to members. If I wanted to know anything about fish, I would take a deputation to the Chief Secretary, because he is the ministerial head of the department, but what would be the use of taking a deputation on tramways or railways to the Minister for Railways when we have been told that those concerns have been removed from political control and that the Minister would accept no responsibility? In fact, we had to push on to him some responsibility that he did not want.

Mr. MARSHALL: The Chief Secretary did not explain away the ridiculous situation arising from such a clause. I can, as a member of Parliament, approach the Commissioner of Railways personally, or I could approach the members of the commission personally, but could not accompany a deputation to them. If this would be lowering the prestige of the Minister,

would it not be equally bad for a member to go to the directorate without a deputation and probably undermine the Minister? As the Minister will have no control, his prestige cannot be lowered. The Minister's role will merely be that of a medium between the deputation and the commission, because he would have to confer with the commission afterwards. If he considered that the requests of the deputation were just, all he could do would be appeal to the commission. In such circumstances what good purpose would be served by the clause?

Clause put and negatived.

Clauses 48 to 53, Schedule—agreed to.

New Clause:

Hon. J. T. TONKIN: I propose to ask the Committee to accept a new clause to stand as Clause 10.

The CHAIRMAN: I am afraid the member for North-East Fremantle is out of order.

Hon. J. T. TONKIN: With all due respect, Sir, I am not. I read the Standing Order beforehand and had your advice on this point the other evening, which was that a new clause must come after consideration of the Schedule.

The CHAIRMAN: I propose to accept the new clause.

Hon. J. T. TONKIN: Thank you, Mr. Chairman. If you had any doubt on the matter, I could have referred you to your ruling on the gas Bill, when I sought to insert a new clause. You ruled that it would have to be considered after the Schedule. This is a purely legal matter and one on which I am not fully qualified to speak. It seems to me the clause I propose to add is necessary. The Bill provides for a commission of three members. If at any time there shall be less than three members, then there is not a proper commission. The provision in the Bill dealing with a quorum does not affect the position. If the clause which I propose to insert is not agreed to, there is danger that some acts of the commission may be upset. If there is a vacancy on the commission caused by the death of one member, or due to any other cause, the commission will not be properly constituted. I shall read two sections from the Fremantle Harbour Trust Act dealing with

the point. The first is Section 13, as follows:—

For the conduct of business any three commissioners shall be a quorum, and shall have all the powers and authorities vested in the commissioners.

Section 16 provides—

No act or proceeding of the commissioners shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done, or commenced, there was a vacancy in the office of any commissioner.

In these days it was evidently regarded as necessary to have such provisions in the Act. In my opinion, it is necessary to have a validating provision such as the new clause I propose to move. I move—

That a new clause be inserted as follows:—
“10. No act or proceeding of the commissioners shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done, or commenced, there was a vacancy in the office of any member of the commissioners.”

The MINISTER FOR RAILWAYS: This is really a legal matter. Under the powers contained in the Bill the Minister has authority to appoint an acting commissioner and also a deputy. So I think the position is safeguarded; but in order to leave no doubt I am prepared to accept the new clause.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—CHILD WELFARE.

Council's Message.

Message from the Council received and read notifying that it insisted on its amendments Nos. 2 and 3.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

Council's Message.

Message from the Council received and read notifying that it did not insist on its amendment.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 2).

Council's Message.

Message from the Council received and read notifying that it did not insist on its amendment.

BILL—STREET PHOTOGRAPHERS.

Council's Message.

Message from the Council received and read notifying that it did not insist on its amendment No. 3.

BILL—ELECTORAL DISTRICTS.

Second Reading.

THE ATTORNEY GENERAL (Hon. R. McDonald—West Perth) [9.57] in moving the second reading said: This Bill is to effect a redistribution of the seats in the Legislative Assembly and to prescribe the procedure by which this is to be carried out. The Bill also provides for a readjustment of the boundaries of the Legislative Council following the definition of Assembly electoral districts. The legislation on which the districts of the Legislative Assembly and the Council provinces depend consists in the first place of the Constitution Act, 1889. This was followed by Acts of 1893, 1899, and 1904, all of which are not now in force so far as the definitions of districts and provinces are concerned. In 1911 another measure of the same description was passed for a further revision of Assembly districts and provinces of the Legislative Council. This measure is still in force as far as the Legislative Council province boundaries are concerned. Up to this time all those measures were those in which Parliament itself prescribed the districts and provinces as the case might be by direct legislation proceeding from Parliament; but since that time a new procedure has been adopted through the Electoral Districts Act, 1922, which was amended in 1929, and is still in force.

By the 1922 measure, amended by the 1929 Act, the definition of districts of the Legislative Assembly was referred to a Commission consisting of a judge of the Supreme Court, the Surveyor General and the State or Commonwealth Chief Electoral Officer. The State was divided into four areas. The North-West was to return four members to the Assembly, irrespective of the number of electors. As a result of the 1929 amendment, the rest of the State was to be divided into the metropolitan area, the agricultural area and the mining and pastoral area. By the 1922 measure, apart from the North-West area, there was to be an additional

area known as the Goldfields central area, to be composed of the districts of Boulder, Brown Hill-Ivanhoe, Hannans and Kalgoorlie. In 1922, by the Act of that year, the Assembly districts, apart from the North, were to be determined according to a ratio under which two electors in the metropolitan area were counted as one, the electors in the agricultural area and the districts of Boulder, Brown Hill-Ivanhoe, Hannans and Kalgoorlie counted naturally, that is one elector counted as one, and in the mining area two electors counted as three.

Directions were contained in the 1922 Act by which this ratio was to be applied to determine the number of Assembly seats to be allotted to each of the areas concerned—that is, apart from the North-West area. It has to be observed that, by the 1922 measure, the electors of the districts of Boulder, Brown Hill-Ivanhoe, Hannans and Kalgoorlie, named there as the Goldfields central area, were given the same voting strength as the electors in the agricultural area. The 1929 amendment of the 1922 Act altered the areas and the ratios. The North-West, the metropolitan and the agricultural areas remained as in 1922, but the Goldfields central and the mining areas were combined to form a composite area known as the mining and pastoral area. Apart from the North, which again retained four seats arbitrarily—irrespective of the number of electors—the ratios in the 1929 amendment were altered to provide that three electors in the metropolitan area were to count as two. In the agricultural area they were to count naturally—one counting as one—and in the mining and pastoral area one elector was to count as two.

Under the ratio fixed in 1929, electors in the mining and pastoral area had three times the voting strength of those in the metropolitan area, and electors in the agricultural area had one and a half times the voting strength of those in the metropolitan area. Under the 1922 Act and its amendment of 1929, when the Commissioners had made their allotment of boundaries for Assembly districts, they were required to readjust the boundaries of the Legislative Council provinces, and Bills to carry out the recommendations of the Commissioners in respect of both Houses were to be brought into

Parliament for approval or otherwise. The Act of 1922, as amended in 1929, is still in force, and is the measure which is the basis of the existing districts on which this present House has been elected. The 1929 measure, which prescribed the procedure by which seats were to be allotted to the different areas, was carried into effect by a redistribution of seats Act of 1929, following a recommendation of the Commissioners acting under the legislation of 1922 and 1929. That redistribution of seats Act is the measure which governs the position of this House today.

There has been no redistribution of seats since 1929—a period of 18 years—with the exception of an attempted redistribution to which I shall refer in a moment. As members know, the present distribution of seats in the Assembly is—Metropolitan area, 17; agricultural area, 21; mining and pastoral, 8; and North-West, 4. In the meantime, in 1937, a further definition of Assembly seats was made by the Commission, and a Bill was introduced into this House to implement the recommendation but it failed to pass. Since the Legislative Assembly districts were prescribed by the redistribution of seats Act of 1929, the number of Legislative Council electors has grown from 215,879 to 297,089, an increase of 81,210, or something over one-third, in 18 years.

The number of electors in the metropolitan area since 1929 has grown from 111,027 to 171,379, an increase of 60,352, or more than one-third. The electors in the same period in the agricultural area have increased from 85,556 to 96,694, an increase of 11,138, or a little more than one-eighth. In the same 18 years, the electors in the mining and pastoral area have increased in number from 16,037 to 25,923, an increase of 9,886, or a little more than half. The number of electors in the North-West has decreased from 3,529 to 3,093, about an eighth. These figures are taken from the last general elections held in March of this year. I have obtained from the Chief Electoral Officer figures which are as near as can be estimated at the present juncture. They show that as at the 24th November, 1947, the numbers were as follows:—

Metropolitan area	..	..	172,691
Agricultural area	..	..	95,882
Mining and pastoral area	..	..	27,040
Northern area	..	..	3,229

The figures show, in the intervening period of nine months, a slight increase in the metropolitan area and a slight decrease in the agricultural area, and a larger increase in the mining and pastoral area, with an increase of some 200 in the northern area. The Electoral Districts Act of 1922-1929 provided that if five or more electoral districts became out of balance to the extent of 20 per cent. either above or below their proportionate number of electors, there should be a redistribution of seats, and that was the foundation upon which the 1937 report was made by the Commissioners, and the 1937 Redistribution of Seats Bill was brought before the House—though not successfully. Apart from the increase of population in most areas since 1929—to which I have referred—the number of electors in certain districts has become out of proportion to the number of electors in other districts.

At the general election for the Legislative Assembly last March, the numbers enrolled were, North Perth 6,455, Perth 7,774, and West Perth 7,206, as compared with Canning 15,357, Mount Hawthorn 14,971 and Nedlands, the largest of all, 15,489. It will be seen that in some districts of the metropolitan area the number of electors was less than half the number in other such districts. A marked disparity also appeared in the agricultural areas. For example, York had 2,671 electors and Katanning, in the same area, 5,306, while Swan had 7,452, showing a disparity of two to one, or more, between the numbers of electors in those districts in the same area. In the mining and pastoral area there were variations in March last of more than two to one. For example, Mt. Magnet had 2,101 electors and Kalgoorlie 4,981.

It was obvious—and was clear to the Government of the day in 1937, when that disparity still existed and showed itself—that the disparity in numbers of electors, as between districts, could not be supported either in the terms of the existing legislation or from the point of view of balanced representation of the people. The present Bill aims at restoring what I might call the balance in the number of electors and in the representation of the different districts of the State. The Bill proposes to take into account changes that have occurred in the last two or three decades and which require that the dis-

tribution of Parliamentary seats should be examined in the light of present-day conditions. It proposes that the number of seats in the North-West area shall be reduced from four to three. It will merge the agricultural area and the mining and pastoral area into one area, to be known as the agricultural, mining and pastoral area, and the present metropolitan area will remain as the third area.

The ratio for the determination of the electoral districts is altered to provide that two electors in the metropolitan area shall count as one, while the electors in the agricultural, mining and pastoral area shall count normally—that is, one as one. In other words, the agricultural, mining and pastoral area will have twice the voting strength of the metropolitan area for the purpose of determining the number of seats to be allotted respectively to those areas. I do not wish to speak dogmatically, but on the figures of the last Assembly election in March of this year, the application of the ratio I have mentioned as appearing in this Bill—two to one—would give the metropolitan area about 20 seats.

Hon. F. J. S. Wise: Yes.

THE ATTORNEY GENERAL: And the agricultural, mining and pastoral area about 27 seats. The remaining three seats would go to the North-West, irrespective of population. The Bill provides that where the seats to be allotted to the metropolitan area and the agricultural, mining and pastoral area, after applying the ratio to which I have referred, give a number of seats and a fraction—as must be the case except in some remote arithmetical contingency—the fraction shall be resolved in favour of the metropolitan area so as to give it the next whole number. The reason for that is that the electoral scales are to be weighted to the extent of two to one against the metropolitan area, and it is thought not unreasonable that if there is a fraction to be resolved, the metropolitan area—the residents of which have the adverse side of the ratio—should have the benefit of that fractional part of one.

The Commission, under the Bill, may, in framing districts, depart from the quota of electors, for the purpose of ascertaining the number of electors, to the extent of 10 per cent. more or less. The Bill further provides that the Commission shall consist

of the Chief Justice instead of a judge—although if the Chief Justice is away a judge may serve—the Chief Electoral Officer, and the Under Secretary for Lands instead of the Surveyor General. The Under Secretary for Lands is the third member of the Commission under the provisions of the last Electoral Districts Act of the State of Victoria, and it is considered that he, as departmental head, has a more extensive knowledge of the conditions of the State than would most officers, and that he would be suitable, and that we should follow the example of the latest legislation in Victoria.

An important change is that when the Commissioners have framed their plan for redistribution they shall present it, in the first place, provisionally. It will then be brought under public notice by proper prescribed advertisement, and any member of Parliament or other person who is in disagreement with the proposals regarding any district may forward his objection or representations to the Commission. The Commission would proceed to consider all such objections or representations, and then make its final plan or redistribution of the districts of the Assembly and, on proclamation by the Governor, the redistribution would become law automatically without reference to Parliament. The provision for the automatic application of the final recommendation of the Commissioners is in accordance with the existing law of Queensland and New South Wales, and it is thought proper that the determination of the boundaries of the Assembly districts should be left in the hands of the Commission.

The Bill further provides that when so decided by resolution of the Legislative Assembly, or if five or more electoral districts get out of balance as to the number of electors by 20 per cent. or more, the Commissioners shall proceed to make a new distribution of Assembly seats, and again that redistribution will automatically operate. Further, the Bill provides that having made a redistribution of Assembly seats, the Commission shall adjust the boundaries of the Legislative Council provinces, having regard to the new definition of the Assembly districts.

Dealing with the contentious parts of the Bill—every Redistribution of Seats Bill, whether the old or the new Bill, cannot

agree 100 per cent. with the opinions of all parties concerned—it is considered that under present-day conditions three seats for the northern areas would be a reasonable representation. In fact, the present provision for an arbitrary allocation of seats to the North is a departure from general principles which is to be found, I think, only in the case of Western Australia. Certainly there is no precedent in Australia.

Hon. F. J. S. Wise: It is a precedent of long standing in this State, is it not?

The ATTORNEY GENERAL: Yes, it is a precedent of long standing and also there is a very responsible and weighty difference of opinion on that score, to which I shall refer in a moment. The Northern Territory in the Commonwealth Parliament returns only one member, although the area of the Northern Territory is comparable to that of the North of our State, and even then the Federal member has the right of speech but no right to vote. In Queensland, which is the State most comparable to Western Australia, no such provision has been made for its North as has been the law in this State and is proposed under this Bill.

Some 20 or 30 years ago the electoral population of the North-West districts was in the vicinity of 5,600 electors, but the population has declined from 3,529 at the last redistribution of seats in 1929, to 3,093 at the elections of March last. At the time of those elections, the average number of electors per district was 773, and under the Bill the average will be, taking the last general election figures, 1,031 per North-West seat. In suggesting to the House that there should be a departure from what the Leader of the Opposition has referred to as a long-standing precedent, I would say that it is clear that conditions have changed very considerably from those which obtained 20 or 30 years ago. Then the only communications with the North were by sea or by a somewhat precarious and lengthy journey by road or track, but, as members know, there has been a revolutionary change, I am glad to say, brought about by air services, and in a few hours one can traverse frequently the distance from Perth to almost the remotest areas in the North.

In 1913, as a matter of interest to members, the then Attorney General Hon. T. Walker, brought in an Electoral Districts Bill which, however, failed to become law. Under that Bill the Government of the day proposed that the four North-West seats should be reduced to three. During the debate in 1922, the supporters of the same political beliefs, who were then in Opposition and not in office, maintained the same opinion in very strong words. I do not propose to occupy the time of the House by giving quotations, but members can find the reports in the "Hansard" of 1922-23 at page 718. In fact, reference was made to the North being very adequately and fully represented at three seats and the other side of the House was challenged to say to the contrary.

The next situation is what should be an equitable ratio between the metropolitan area and the other areas in the State, excluding the North-West seats. I have said that at present there are 17 districts in the metropolitan area, 21 in the agricultural area and eight in the mining and pastoral area. As things are today, the metropolitan area has seven-twelfths of the electoral population of the State and approximately one-third of the seats. On the basis of one-man-one-vote, the metropolitan area, on the figures of the last Assembly elections, would have 29 seats today instead of 17. If we take the estimated result under the Bill now before the House, the metropolitan area would have a possible 20 seats.

Hon. A. H. Panton: What are the boundaries of the metropolitan area?

The ATTORNEY GENERAL: The existing electoral boundaries.

Hon. A. H. Panton: There are so many definitions of "metropolitan area" in various Acts.

The ATTORNEY GENERAL: The agricultural, mining and pastoral area, the composite area, will now represent what were previously two areas. A word or two on the question of ratios. In the determination of electoral representation, I think it is clear—and in the debates many members of those earlier days, whose opinions are entitled to great weight, stated it as I believe the correct principle—that the representation of the people basically is a matter of one-man-one-vote. In every case

the inquiry must be to what extent do circumstances justify a departure from the basic principle of one-man-one-vote. It has been thought in the past that there were reasons for departure from that principle, and this Bill proposes to recognise such departure. The question is the extent to which the departure can be justified.

Now, I wish to deal, in the light of those principles for determining ratios, with the matter of the ratio between the metropolitan area and the agricultural, mining and pastoral area. The pre-occupation must be, I think, to ensure fairness to the residents of the metropolitan area, many of whom are compelled to live there and many of whom living there discharge highly useful occupations and pursuits in the interests of the whole State, as much so as do people who live farther afield. So they cannot be entirely sacrificed, and in preparing this Bill it has been considered that the maximum differentiation against the men and women who live in the metropolitan area that could be justified would be a ratio against them of two to one; that is, they should have half the electoral strength of those who live outside the metropolitan area.

In the 1922 legislation the Goldfields central area was taken out as a separate area; that is, the four seats of Boulder, Brown Hill-Ivanhoe, Hannans and Kalgoorlie were treated on the same basis for electoral ratios as the agricultural area. That was altered by the Act of 1929, when the Goldfields central area was combined with the mining area to form the mining and pastoral area. But it is necessary for us in framing, or trying to frame, an equitable redistribution of seats 18 years after the last was framed, to have some regard to conditions today, and I find that they involve these factors: The mining and pastoral area at the last Assembly elections had 25,923 electors, and of that number 15,598, or 60 per cent. approximately, were domiciled in the Kalgoorlie-Boulder district, that is, in the four central Kalgoorlie seats.

The four central Kalgoorlie seats, or the Goldfields central seats, are 380 miles from Perth by rail. The town of Northampton, in the Geraldton seat, is 340 miles from Perth by rail. The town of Northampton, in Greenough seat, is 331 miles from Perth by rail, and the town of Albany, in the Albany seat, is 340 miles from Perth by rail. With regard to rail and road communication, it

can be said, I think with justification, that the central mining seats—the four seats I have referred to—being one-half of the present mining and pastoral area seats, are practically equal in distance from the seat of Government with a number of districts in the agricultural area.

When it comes to air communications—and this is a factor of very great importance today in all legislation of this kind—we find that the Kalgoorlie seats are extraordinarily fortunate in their provision for communications. They have, I understand, two planes per day from Perth to Kalgoorlie for passengers and mail, except Sunday, when there is one plane. The Geraldton seat is served by one daily plane, I understand; the Albany seat by a plane, mail and passenger, which leaves three times a week. In the mining and pastoral districts, outside the central Goldfields districts, there are air services—without going into great detail—to Esperance twice a week and to Norseman twice a week, and there is a not-to-be ignored service that covers Wiluna, Mt. Magnet, Cue, Big Bell, Reedy, and Meekatharra, both in relation to direct transit to Perth and transit to Kalgoorlie, from which there is, as I have said, a service of two planes a day to Perth.

I am afraid that whatever may be our views we cannot escape the fact that, as regards air communications for mail and passengers, the Goldfields central area enjoys communications superior to those of any of the districts in the agricultural area. It can be said for the other districts in the mining and pastoral area that the air communications which they possess are possibly superior to those of the majority of the agricultural area districts. So we find that the weighting in favour of the outer districts against the metropolitan area that has been supported in the earlier days, with reasons of some cogency, is not so easy to support today. Communications were then by horse, by sea or by rail. But now the situation has been revolutionised. We framed our legislation on the basis of what Dr. Evatt has called the horse-and-buggy days; we have changed now into an era which is mechanised and provided with speedy transport by air and by modern road vehicles.

Hon. J. B. Sleeman: Road vehicles will all be on the blocks, with no petrol.

The ATTORNEY GENERAL: Not by the time we can arrange these things. It is therefore impossible to say that under modern conditions the central Goldfields seats, having superior communications for mails and passengers by air services, as well as equal communications, if not superior, by rail, can be weighted as having a double advantage to that possessed by the agricultural areas. With regard to the four seats in the mining and pastoral area, I do not think that a modern plan of redistribution could justify singling out those four seats for a special advantage in the light of the communications they possess today.

Hon. F. J. S. Wise: It takes two days to get to the district.

The ATTORNEY GENERAL: They are fortunately under very favourable conditions today, and when we take a balanced representation and have due regard to the interests of the men and women living in the metropolitan area, then I think that by giving them in this Bill a weighting of two to one, we are proceeding to the maximum that we can fairly attribute to the conditions which they justify. May I refer again to the 1913 Bill introduced by Mr. Walker, which reduced the number of the North-West seats to three instead of four, and which provided that the rest of the State should be divided into 47 seats, on the basis of one-man-one-vote, with this relaxation or this elasticity only in favour of the remoter areas, that in the allocation of districts there could be a margin of 20 per cent. below or above? In 1922 it was very strongly urged in this House that the 1913 Bill contained principles which were the only valid principles to apply, namely, that there should be one-man-one-vote, as there is, for example, in the Federal arena today.

But I wish to say that I do not agree with those principles. I think they would not be fair to the outer areas, and accordingly in this Bill we are preserving the ratio of two to one in favour of the outer areas of the State. If members care to refer to the debates of 1913, and in particular to the debates of 1922 on the Electoral Districts Bill of 1922, they will find some very interesting and authoritative statements on the principles upon which the representation of the people should be framed. Under the Bill and based on figures of the last Assembly elections the quota figures for the

metropolitan district would be 8,568 electors and for the agricultural, mining and pastoral areas, 4,541. The probable result will be that the metropolitan area will be allowed a representation of about 20 seats and the rest of the State a representation of about 30. In other words, the metropolitan area, with a vast preponderance of population and electors, will have two-fifths of the seats and the remainder of the State, with a considerably lesser population, will have the preponderating influence in Parliament to the extent of three-fifths of the seats.

Allow me to add a word or two as to other places. In the Federal arena it is one-man-one-vote and has been so ever since the formation of the Commonwealth. In Queensland, with certain minor variations, it is one-man-one-vote throughout the State. There are some variations regarding towns but nothing to correspond with the ratio which we propose to set up in this Bill. In Tasmania the same principle of one-man-one-vote applies, the State electoral system being based on the Commonwealth system. But in that State they operate proportional representation.

Hon. F. J. S. Wise: You could put Tasmania into some of our electorates two or three times. You could put it into mine three times.

The ATTORNEY GENERAL: We could not put the electors in. In the New South Wales Parliament, the number of seats for different areas is laid down. The Sydney area is given 43 in a house of 90, or nearly one-half. Newcastle area has five seats and the country is given 42; so the Sydney area has 43 seats against 42 for the country areas. In Victoria there are three areas—metropolitan, urban and country. There are 32 metropolitan seats as against 33 for the combined urban and country areas so that nearly half the seats in Victoria go to the metropolitan area. Under Victorian legislation the quota for the metropolitan districts is 25,000 electors; for the urban district 19,500; and for the country 13,800. So there is a ratio of less than two to one. South Australia has no commission and no ratio. The distribution is made by the House itself and in a House of 39 districts there are 26 in the country and 13 in the city.

Hon. F. J. S. Wise: Will you elaborate the new principle of its not being referred to Parliament?

The ATTORNEY GENERAL: Yes, I will. Allow me first to conclude my reference to the Bill by dealing with the Legislative Council. The Bill contains power to adjust the boundaries of the Legislative Council provinces having regard to the new districts defined by the Commission for the Legislative Assembly. Under the prior law there has been a great reluctance to deal with the problem of province boundaries after districts in the Assembly have been re-defined. The 1911 Act allocated a certain number of districts to each province and that is still the basis of the boundaries of our provinces, although since that time the districts have been changed, with the result that a number of provinces contain several full districts and part districts. For example, the Metropolitan-Suburban province contains seven whole Assembly districts and portions of four other districts. Here are the electors for the various provinces:—

Province	No. of electors.
Metropolitan	6,294
West	11,301
Metropolitan-Suburban	30,047
Central	5,545
East	8,780
North-East	4,326
South	3,212
South-East	6,879
South-West	8,076
North	932

The Bill provides that the provinces shall be re-aligned by the Council having regard to the new definition of Assembly districts, with the object of ensuring that there shall be in each province whole districts the boundaries of which shall be co-terminous with the boundary of the province as was intended by the 1911 Act. In reply to the Leader of the Opposition, the view in this Bill is that we appoint an authoritative independent tribunal and they make the investigations and determine according to a ratio prescribed by Parliament what the boundaries of the different districts will be. Without touching on Party grounds, it is obvious that when redistribution Bills come before Parliament there is apt to be a difficult situation not merely for members personally but for members in relation to their districts.

The new distribution, for perhaps very good reasons,, may excise part of a district and may add to it part of another district. The people in that district naturally object and direct their member that they want him to oppose it. The result is that districts may get completely out of balance over a period of years, and yet it is very hard for Parliament, for various reasons, to address itself to a remedy. So, as in Queensland and in New South Wales, and in line with what we may regard as current and prudent practice, we say by this Bill that having secured the right kind of commission, based substantially on the previous commission, we leave it to them; and we, as Parliamentarians, having laid down the principles on which they are to act, allow them to be the final arbiters in the matter of the details of the situation and boundaries of the different districts. I think that as it has operated for a good many years in Queensland and New South Wales, this principle is one that will commend itself to the electors of the State and at the same time enable an electoral balance to be maintained automatically and satisfactorily in a way that has been difficult to achieve in the past.

Hon. A. H. Panton: You do not think Parliament ever tried to alter the areas when they were sent on by the commission?

The ATTORNEY GENERAL: Does the hon. member mean 1937?

Hon. A. H. Panton: At any time.

The ATTORNEY GENERAL: No. Parliament in 1929, which is the only occasion where it previously dealt with the commission, accepted the commission's findings in the redistribution of seats Act of that year. In 1937, when the balance was lost again, the commission made its recommendations and the Government of the day introduced a Bill which was, I believe, entirely based on the commission's findings.

Hon. F. J. S. Wise: And 25 members voted for it but it was not sufficient.

The ATTORNEY GENERAL: That is so. It did not commend itself to the House.

Hon. A. H. Panton: To half the House.

The ATTORNEY GENERAL: Yes. I think it can be said that any redistribution of seats Bill must always run the risk of not being acceptable to a considerable num-

ber of people. I feel that the Bill before the House is endeavouring to meet times which have changed in a revolutionary way in the last 10 or 20 years. It is designed to provide through an impartial tribunal, a balance not only as between districts and provinces, but also as between the metropolitan area and the rest of the State, which composes the outer areas. At the same time it does have regard to the electoral claims and rights of the not inconsiderable number of people—in fact the majority—who must necessarily now and in the future be the occupants of the metropolitan area. I think we have achieved that, and I think the measure represents an approach to a problem that deserves the support of the House. I move—

That the Bill be now read a second time.

On motion by Hon. F. J. S. Wise, debate adjourned.

House adjourned at 10.53 p.m.

Legislative Council.

Thursday, 27th November, 1947.

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Milk Act Amendment (No. 2), 2r.	2210
Government Railways Act Amendment, 1r.	2212
Western Australian Government Tramways and Ferries, 1r.	2212
Increase of Rent (War Restrictions) Act Amendment, Assembly's message ...	2212

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