

Legislative Council.

Wednesday, 3rd December, 1947.

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

QUESTION.

MILL OFFAL.

As to Reduction of Supplies.

Hon. E. M. DAVIES (on notice) asked the Minister for Mines:

(1) Who is responsible for the 20 per cent. reduction in mill offal supplied to poultry farmers?

(2) Is the reduction in accordance with Government policy?

(3) If not, what steps has the Government taken to bring about an improvement of the supply to poultry farmers and other users?

(4) Will the Government give consideration to the Agricultural Department again taking control of the distribution of mill offal?

The MINISTER replied:

(1) Mill offals are rationed by the Flour Millowners' Association on the basis established by the Department of Agriculture during the war years.

The second half of 1943 is taken as the base period and the percentage distribution to all users is declared each month according to supplies available.

In October, supplies permitted the distribution of 100 per cent. of basal quotas, but in November, the figure had to be reduced to 80 per cent. and during December it will be 75 per cent.

These reductions are inevitable, as several mills have recently had to close down for overhaul of machinery, and allowance must be made for the reduced output which will be brought about by the advent of the Christmas and New Year holidays.

(2), (3) and (4) The National Security Regulation under which the Department of Agriculture controlled distribution was withdrawn by the Commonwealth Government nearly two years ago. There is no justification for seeking legislation which would enable the Department of Agriculture to resume control, as the present rationing procedure is adequate and logical, and is in fact the same system which was operated formerly by the Department.

BILLS (4)—FIRST READING.

1, Egg Production Industry (Trust Fund).

2, Milk Act Amendment (No. 3).

3, Potato Growing Industry (Trust Fund).

Introduced by the Honorary Minister.

4, Health Act Amendment (No. 2).

Introduced by the Minister for Mines.

BILL—CATTLE INDUSTRY COMPENSATION.

Leave to Introduce.

The HONORARY MINISTER: I desire that the notice of motion for leave to introduce the Bill be altered by striking out in line 1 the word "Fund" and inserting the words "two Funds" in lieu.

The PRESIDENT: Has the Minister the leave of the House to alter the motion? There being no dissentient voice, leave is granted.

The HONORARY MINISTER: I move—

That leave be granted to introduce a Bill for "An Act to make provision for the establishment of two funds for the payment of

compensation to the owners of cattle and carcasses of cattle in certain cases and for the purposes connected therewith."

Question put and passed; leave given.

Bill introduced and read a first time.

BILL—LICENSING (PROVISIONAL CERTIFICATE).

Third Reading.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban) [4.46]: I move—

That the Bill be now read a third time.

THE HONORARY MINISTER (Hon. G. B. Wood—East) [4.47]: I wish to refer to a certain part of yesterday's debate which dealt with the distance from the G.P.O. of the proposed license. The information I am about to give I obtained from the Lands Department, which I consider to be the best authority available. That information is that the distance is 18 miles 70 chains from the G.P.O. If a license is granted, the people could not, of course, go there of a Sunday and get a drink because the hotel would be within the limit, which is 20 miles.

Question put and passed.

Bill read a third time and *passed*.

BILL—MILK ACT AMENDMENT (No. 2).

Report of Committee adopted.

BILL—CO-OPERATIVE AND PROVIDENT SOCIETIES ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. G. B. Wood—East) [4.48] in moving the second reading said: This small Bill has been asked for principally by the people of Collie. The present Act, which was passed in 1903, provides that a shareholder in a provident society can subscribe only £200. The people of Collie are desirous of extending that contribution—and I suppose this would affect other people too—to £750 so that the society in that town can provide homes for its shareholders. It is desirable that the way be made easy for the people of Collie to have their own homes, and that is how they have asked for it to

be done. Everyone will agree that, when the Act was first passed in 1903, the value of money was much greater than it is today. This is a reasonable request. I move—

That the Bill be now read a second time.

On motion by Hon. W. J. Mann, debate adjourned.

BILL—IRON AND STEEL INDUSTRY.

Second Reading.

Debate resumed from the previous day.

HON. H. TUCKEY (South-West) [4.49]: I have had no experience of the iron and steel industry, but I am anxious to support the Government as far as possible in assisting to establish it in this State. I do not remember any previous occasion that was more opportune to establish this industry. The rich iron-ore deposit at Koolan Island has lain dormant for many years, and this affords an opportunity to the Government to secure its development. I have read the Bill and the agreement in connection with the transaction and I feel sure the Government has made every essential provision for the protection of the State's interests. There is some doubt as to whether the Nippon Mining Company of Japan is still interested in the concern, but the Bill provides that the iron-ore shall be disposed of only within the British Commonwealth and America. Every safeguard has been provided. In the past the question of costs with regard to the development of the iron-ore deposits at Koolan Island has been the main difficulty but today the position respecting costs is quite different.

During the war period if we could have provided our own steel and iron requirements no-one would have said that any price would have been too high to pay. Success and prosperity cannot be ensured without iron and steel and this presents an opportunity for the heavy industry to be established. In these days it is more than ever important to set up that industry. I can remember many years ago when only £14 per ton was paid for tin plates but today they cost up to £60 odd per ton, and people pay the price readily. In these days the canning of fruit, fish and vegetables in Western Australia has been

hampered through lack of supplies of tin and the sooner we get down to bedrock and make provision in that respect the better for all concerned.

We should endeavour to exploit our natural resources and for that reason the iron-ore deposits at Koolan Island should receive immediate attention. I do not think any member will take exception to the Government adopting that course, and if he has he should state his point of view to the House so that we may consider the matter accordingly. There is only one point with which I am not in agreement and that concerns the holding that the State may acquire under Clause 4 which provides that the State may hold up to 52 per cent. of the shares in the undertaking. In my view, that is definitely wrong and in Committee I propose to move an amendment to restrict the State's shareholding to 50 per cent. I can see no objection that could be raised to the shareholding being on a fifty-fifty basis as between the Government and private enterprise. I certainly cannot agree to the Government holding 52 per cent. as against 48 per cent. by private enterprise.

We should not do anything to stand in the way of the investment of capital in this venture by private individuals. If I had any surplus cash I would willingly subscribe to this undertaking if I were assured that private enterprise had a reasonable say in the management. The Government is fully protected under Clauses 4 and 5 which set out the powers and authorities of the Government, and they are very wide. In the circumstances I cannot see that it is necessary for the Government to insist that it should hold up to 52 per cent. of the share interests in the concern. I trust that members will agree to the amendment I shall propose to provide for equal holdings as between the Government and other shareholders. I am sorry I cannot go into details regarding the industry but I think it is time we did something about the iron-ore deposits at Koolan Island. We are sadly in need of the establishment of heavy industry in Western Australia, and we greatly need the products that could be manufactured as the result of the industry. I support the second reading of the Bill.

On motion by Hon. H. A. C. Daffen, debate adjourned.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Point of Order.

Hon. C. G. Latham: I rise to a point of order to ask your ruling, Mr. President, as to whether this Bill is properly before the House inasmuch as at present a Royal Commission is inquiring into all the activities of the Railway Department and as far as I can understand its terms of reference cover the whole of the ramifications of the department. Today we propose by means of the Bill to interfere with the findings of the Royal Commission inasmuch as we are to set up a directorate as opposed to the present system of management. You will probably tell me, Mr. President, that the point as to whether the matter is sub judice, would be determined if it was before a court of law.

I admit I have attempted to find some authorities in support of my contention but I can assure members that the principle that has been adopted over many years past in both branches of the Legislature in this State has been that where a matter is before a Royal Commission it has always been regarded as sub judice. The only authority I can find in support of my argument is contained in Todd's "Parliamentary Government in England" by Spencer Walpole. On page 101 of that book, when dealing with commissions, it states—

To revoke a crown commission it is necessary that a warrant should be issued under the royal sign manual. When the whole, or any particular portion of the inquiry has been brought to a close the commissioners present their report to the crown through the secretary of state for the home department. The report should be signed by all the commissioners, but, if any of them are unable to agree with the majority in the terms of the report, they are at liberty to record their dissent and to state their individual opinions, either in paragraphs appended to the report, or in memorandums following, signed by themselves. The report is usually transmitted to parliament, by command, or communicated upon an address.

Now we come to the point that I particularly want to stress—

For royal commissioners are not directly amenable to parliament but only to the crown. And parliament ought not to interfere with their proceedings, unless it could be shown that they were acting unfairly or were incompetent or were otherwise unworthy of the confidence of the government, or of parliament, when either House might address the crown for their removal from office.

Whether you, Mr. President, rule that that has application to the present case is a matter for you to decide, but I believe that the action of Parliament in discussing this legislation is tantamount to saying to the Commission, "This is what we want you to do." Yet, by proclamation of the King's representative, this Royal Commission has been appointed and instructed by him. Therefore, I say the case is sub judice and should not be further discussed by this House. I ask for a ruling on the matter.

The Minister for Mines: Is this question open to discussion.

The President: The Minister may speak if he so desires.

The Minister for Mines: I am sorry no intimation was given to me concerning this matter, otherwise I might have been more ready to deal with it. The subject was discussed in another place but I have not had an opportunity to read the debate, and I did not know the point would be raised here. I submit there is nothing in the suggestion put forward, because there has been no argument advanced. To say that because a Royal Commission is sitting, Parliament must therefore stop as regards any particular activity concerning which inquiries are being made, seems to me rather absurd. Carried to its logical conclusion it would mean that we could not bring down even a small amendment to the Government Railways Act, even with regard to taking the trams away from the control of the Railway Department.

According to the extract quoted from Todd's "Parliamentary Government in England," we cannot interfere with the Commissioners. No-one has suggested any interference with the Royal Commissioners. I do not know whether they would take any notice of any argument that might be raised in this Chamber; I submit they have no reason to do so. Their job is to inquire into the mat-

ters set out by the Governor and to do so untrammelled. No-one has suggested that there is in the Bill any suggestion that directions should be given to the Royal Commissioners. I submit the measure is entirely apart from the deliberations of the Commission. Whatever the report may be, it rests with Parliament to give effect to the conclusions arrived at. Surely in the meantime Parliament is not to be debarred from discussing the condition of the railways and endeavouring to improve them pending the decisions of the Royal Commission.

The President: The hon. member was good enough to advise me that he intended to raise this point of order and I thank him. I have looked into the matter and rule that the Bill is in order on the following grounds—

(1) "Sub judice" means—under judicial consideration, or, in other words under the consideration of a court of law.

In this case I contend that the Royal Commission cannot in any way be considered as a court of law. It was appointed to do certain things. I consider that the terms of reference are all-important when we regard the question whether the measure in any way interferes with the operations of the Commission. I find that the terms of reference comprise the following:—

(a) The management workings and control of all branches of the Midland Junction Railway Workshops of the Government railways in Western Australia.

(b) The supply of local coal to the said Government railways generally; and

(c) Such alterations and improvements in relation to the foregoing matters, including the management of the said workshops, as may be advisable for economical and efficient working, having due regard to adequate services.

I consequently rule that as these were the terms of reference and they are not affected by the Bill before the House, the measure could not be regarded as in any way interfering with the operation of the Royal Commission. The Commission is entitled to conduct its investigations within the terms of reference to the fullest extent of its powers and to bring in a report in accordance with those terms. It was appointed to examine, inquire into, and report upon the management etc., of the Midland Junction Railway Workshops and the supply of local coal to the Government

railways generally. The Royal Commission in this case is not a court of law. I point out that my decision is supported by the action of Mr. Speaker in another place. I rule that the Bill is in order.

Debate Resumed.

HON. C. H. SIMPSON (Central) [5.4]: Generally speaking, this Bill sets out to do three things; firstly, to effect a change-over in the control of the railways from the Commissioner to a directorate; secondly, to bring the railway accounts under the Auditor General, and thirdly, by implication to separate the control of the tramways and ferries from the present Commissioner of Railways. It is perhaps unnecessary for me to stress the fact that this Bill is a very important one. It seeks to effect important changes in the control of a great public utility in which the State has an invested capital of £27,000,000. The railways employ about 9,000 men, have an income annually of about £4,000,000, and an expenditure slightly exceeding that, which together with interest charges causes a deficit in our annual budget of about £1,000,000 each year. Unfortunately it appears likely on present trends, unless some drastic action is taken, that larger amounts may be involved. For that reason it is obviously necessary that some action should be taken, but still more necessary that we should have all the information possible to guide us in what is right and proper to do.

That is not the whole story. As members know, the rehabilitation of the railway system has become a pressing and urgent necessity. A huge sum of money is required to counter the lag in the repair programme and restore the system to a proper working standard. To bring that standard up to what the people would expect of a modernised system, would cost probably more millions than this State could afford. Possibly members have perused the published evidence from day to day that has been given before the Royal Commission. They may remember one statement by the Chief Mechanical Engineer to the effect that approximately £10,000,000 would be required to provide an up-to-date power plant and rollingstock. Mr. Hood, the Chief Constructional Engineer, said that in order to lay heavy enough rails to provide a road bed to carry trains capable of attain-

ing a speed of 55 miles an hour would require about £18,000,000 for the equipment of our main lines. That is a lot of money and is far beyond the resources of the State with its small population.

I point out that this problem is so far reaching and complicated that it is absolutely necessary to have before us all the facts so that we may give the matter the serious attention that it demands. I have no doubt that the Government has been impressed with the gravity of the problem and that is why it appointed a Royal Commission to examine the railway system and report upon it. I am opposed to the Bill and hope that other members will also vote against it. It is unfair and an insult to the Royal Commission to bring down a Bill when it is still examining the situation. I am convinced that the problem is one of such magnitude that we shall require all the evidence and expert advice we can get to enable us to arrive at a solution.

I wish to quote a portion of the speech made by the Minister, as a private member, when speaking in opposition to the railway Bill last year. He pleaded with the Government to postpone consideration of that measure until a Royal Commission had conducted an inquiry and had submitted its findings. On page 2,641 of last year's "Hansard" it will be found that the Minister stated—

For many years we have asked for an inquiry into the administration of the railway system. The Minister in his reply to a question a few nights ago intimated that the Government had decided to appoint a Royal Commission. Does not that savour of putting the cart before the horse? The Government arrives at the decision embodied in the Bill, and proposes to strip the Commissioner of Railways of his powers and transfer them to the Minister, and after doing that to appoint a Royal Commission to investigate the administration of the railways. Would it not be more logical to appoint the Royal Commission to conduct a thorough investigation enabling its report and findings to be placed on the Table of the House so that members could deal with the matter next session? I contend that that is the logical course to adopt, and consequently I move an amendment—

That all the words after the word "that" in the first line be struck out and the following words inserted in lieu:—"the Bill be not proceeded with until a Royal Commission has

(a) inquired into the management and control of the Western Australian Government Railways, and

(b) Parliament has the evidence collected by such Royal Commission together with its recommendations to guide it in determining what, if any, alterations are required in the Government Railways Act to enable that department to function more efficiently.

Hon. G. Bennetts: He has somersaulted now and has brought down this Bill.

The Minister for Mines: He said that 12 months ago, before we had an opportunity to appoint a Royal Commission.

Hon. C. H. SIMPSON: I support the remarks of the Minister. He summed up the position correctly. If they had application then, they have greater force today. At that time there was no Royal Commission and no prospect of any Royal Commission being appointed. Now we have a Royal Commission actually in session. When the Minister says he is anxious to improve the railways, I am with him all the way, as I think other members are too. What I criticise is not the principle involved but the method by which it is proposed to be put into effect. I really believe the method employed would prove to be a hindrance rather than a help. We have as yet not sufficient information on this very important subject to guide us as to how to act.

With regard to the separation of the tramways and ferries and omnibuses, I am not particularly interested. That is a matter that is primarily the concern of the residents of the city. As a country member I do not think the country itself will be at all affected. I agree in principle with the proposal to place all railway accounts under the supervision of the Auditor General but I point out that this Bill is unnecessary to give effect to that. The Government under the Audit Act of 1906 already has that power. At one time the railway accounts were brought under the Auditor General, but by Minute it was decided that this was no longer necessary. That Minute was based on a decision of Executive Council. What Executive Council has done it can undo. I wish to quote now what Sir Hal Colebatch said on that point last year. His remarks, which are set out on page 2,765 of last year's "Hansard," are as follows:—

I am in complete accord with most of what the Minister has said as to the necessity of the railway accounts being placed under the Auditor General. But there is no need to introduce this Bill to bring about that result.

If we turn to the Audit Act, which was passed in 1904, we find that Section 44 provides—

The Auditor General or such person as he shall appoint may, whenever he shall think fit, and shall, whenever required so to do by the Treasurer, inspect, examine, and audit the books and accounts of any public accountant, and of any other person in the public service or subject to the provisions of this Act to whose possession or control any moneys have come for or on account of the Consolidated Revenue Fund or (by virtue of his office, service, or employment, or of any legal process whatsoever) for on account or for the use or benefit of any other person.

So, that Act clearly contemplated that the railway accounts would be subject to audit by the Auditor General. But a subsequent section provides—

The Governor may exempt from detailed audit by the Auditor General, but not from appropriation audit by him, the accounts of receipt and expenditure of any department, the peculiar duties, constitution, or circumstances of which may render such exemption expedient.

What has happened is that in 1907 the Executive Council did exempt the railway accounts, to a large extent from audit by the Auditor General. In 1908 there was a further exemption. The sole reason why the railway accounts are not audited in detail by the Auditor General is that the Executive Council—not Parliament—has, in accordance with that latter provision of the Audit Act, exempted them. What the Executive Council has done it can undo. A meeting of that council tomorrow could cancel those exemptions and bring the whole of the accounts of the Railway Department under the Auditor General.

I suggest it is unthinkable that the Government does not know that, and I think it can be assumed that the Government must be thoroughly satisfied with the present audit system in the Railway Department or it would have taken action long before this. However, it seems to me that the core and substance of this Bill is really the suggested change-over from Commissioner control to control by directorate and the questions we have to consider are: (1) Whether such a change is desirable; (2) whether a directorate such as is proposed is the proper solution and (3) whether the directorate should be constituted as proposed.

This question of control has been a contentious one for very many years. In the early days of railway history in this State the Commissioner of Railways was a Minister of the Crown and sat in Parliament. Our railways were then rapidly expanding, and were in a flourishing condition, showing a handsome profit; and the question was, as distinct from now, how to increase that profit instead of trying to

duce an inevitable loss. The railways showed a profit of 20 per cent. over working expenses. After allowing for payment of interest there was a net profit of eight per cent. I am not sure whether depreciation was allowed. The administration of the railways was under a general manager who was directly subject to the Minister-Commissioner and there was naturally a fairly active participation in administrative matters by Parliament.

In 1902 the present system of Commissioner control was instituted with Mr. W. J. George as the first Commissioner and that system has continued without a break up to the present time. Mr. George was appointed for a five-year term and in 1906 when his term had still a year to run the whole question was debated in the House and amongst the speakers for and against the motion were the Hon. T. Walker and the Hon. W. D. Johnson. Mr. Walker, according to "Hansard" of 1906, page 2071, said—

I was present at the debates in another Colony when the appointment of railway commissioners was first mooted; and the great object was I believe to relieve the Minister from the stress of too much political intrigue. . . . Ministers' friends wanted jobs. Weak Ministers had allowed that practice to become a scandal and so the move to appoint a Commissioner removed from political control.

Mr. W. D. Johnson as an ex-Minister for Railways spoke at length and this is an extract from what he had to say—

The Minister for Railways was in control of the railways at that time and under him he had a general manager. There was a lot of dissatisfaction I admit. The people were very much dissatisfied with the ministerial control, or rather with the general management of the Railways at that time.

The interesting thing is that when a vote was finally taken it was resolved in the direction of maintaining the Commissioner system of control, the motion being carried by 21 votes to 14. It was not a Party vote, because if members examine the names they will find that the various parties were represented on both sides of the division and it may be worth noting that those who voted for the motion were men with active and long experience of both forms of control. I mention the foregoing because it has a definite bearing on the question of Commissioner control, as compared with an alternative system such as this measure seeks to introduce.

It has been suggested that the directorate system of control is advisable because our own system has grown to be too big for administration by one man. It might be interesting to compare the amount of capital involved and the number of employees in our local railways with the position in the Eastern States. Here we have a total mileage of 4,831 and the capital invested is £27,000,000. There are 8,598 employees under one Commissioner whom it is proposed to replace by a directorate of five. New South Wales has 6,121 miles, about 50 per cent. more than our own. The capital invested is £155,000,000 and the employees number 56,558. That is to say they have six times as much invested capital and seven times as many employees but only one Commissioner and, so far as I know, there has been no suggestion that the system should be changed.

In Victoria, which has a slightly less mileage than Western Australia, the amount of capital involved is £53,000,000. They have a board of three commissioners, all technical men, with one of their number as chief and they have a total of 26,807 employees. In South Australia there is a lesser mileage than here—namely, 2,577 miles. The amount of capital is £30,000,000 and the railways are operated under one commissioner. It was suggested in another place that a Royal Commission in South Australia had recommended control by a directorate in 1939. It was also suggested that a directorate form of control had been recommended for the South African railways. These arguments were submitted in favour of this Bill. It is worth while to examine the claim. The recommendation in South Australia was not adopted because a commissioner was appointed and was given £8,000,000 to spend. Actually before he had finished he spent £10,000,000. There was a fair amount of hostile criticism but the people of South Australia realise that they have had that work done at pre-war rates and that it was a very good job and that they are now reaping the benefit.

Hon. C. G. Latham: He produced a real good solid asset.

Hon. C. H. SIMPSON: Exactly. It might be of interest to say that as far as running costs are concerned, our own State, despite its dilapidated system, has shown up very

favourably. A couple of years ago the amount necessary to produce £100 of revenue was £99 which meant that the figures nearly balanced. But in that same year it cost the South Australian railway system £104 to earn £100. I do not know whether the idea of a directorate was actually adopted in South Africa but the position there is entirely different. The trend has been to co-ordinate all forms of transport. In that country rail, road and air transport, and to a limited degree sea transport, has been co-ordinated. They also have control of the Tourist Bureau and all tourist activities. On some occasions South Africa has been cited as a model which we might with advantage follow.

I propose to quote a little from the Commissioner's report of 1938 to give details of their system of working. That is some years ago, but the comparable conditions have not changed very much. Before I do that I would point out one or two facts with regard to South Africa. The country has a population of 13,000,000—26 times as large as ours. It has three times the number of miles of railway and a fairly big native population. That population contributes not so much as the white population does per head but it does contribute more than half the total revenue the railways get. It has the added advantage that it provides a very cheap type of labour to carry out work which the railways require to be done. For instance their coal costs only 7s. a ton. I will now read this extract which has some bearing on the subject. It is taken from the report of the Government Railways, Tramways, Ferries and Electricity Supply Department for the year ended the 30th June, 1938, and reads as follows:—

In recent years criticism of the railway system of this State has been voiced from time to time, and certain unfavourable comparisons with the South African Railways quoted. Unless, however, due cognisance is taken of the varying economic conditions and other relevant factors applying in the two countries, the comparisons are of very little value.

To illustrate the fact, it might be mentioned that one of the biggest items in the list of railway working expenses is the fuel bill, and in this direction Western Australia is at a very big disadvantage. From the latest figures available, coal in South Africa was at the time only 6s. 2½d. per ton compared with 13s. 5d. in this State—or considerably less than half the price for a better class of coal.

Then, again, the average wage payable in South Africa is considerably less than in Western Australia. Of the total railway staff in South Africa, approximately 45 per cent. were either native or non-European origin, whose standard of living would hardly compare with ours.

A comparison of South African and Western Australian statistics for 1937, which may be of interest, is shown hereunder:—

	South Africa	Western Australia
Route mileage	13,260 s. d.	4,357 s. d.
Earnings per train mile	11 8	11 1
Working expenses per train mile	7 6x	8 5
Net revenue	4 2	2 8
	£	£
Earnings per route mile	2,405	795
Working expenses per route mile	1,553x	601
Net revenue	852	194

x Includes depreciation.

The effect of population per route mile is amply illustrated by the respective earnings.

It will be observed that the earnings per train mile were practically equal (the 1938 result for W.A. was just over 11s. 3d.)

The comparison of working expenses per train mile establishes definitely the economy of working in this State, when the higher wages and fuel costs are taken into consideration.

It is also worthy of note that the South African net revenue per route mile, £852, exceeded our total earnings per route mile, £795

Dealing more particularly with the constitution of the directorate as set out in Clause 9 of the Bill, I cannot help thinking that the proposed appointment of three directors representing sectional interests will introduce into the railways control a political complexion which it has been the policy of past Governments to avoid. The ministerial nominees are to be technical men and unquestionably they will have no interest but to serve the State to the best of their ability. But the remaining three are to be selected not because they know anything about railways but because each represents a particular interest and presumably to see that that interest gets all it possibly can at the expense of the railways or at least at the expense of one or other of the competing sections.

I take it that the primary concern of the primary producers' representative will be

the interests of primary producers. The industrial representative will be the guardian and spokesman of the workers' interest and the commercial representative will serve the interests of commerce. It has been rightly said that no man can serve two masters and it seems to me that such a clash of interests would contain all the elements of a first-class political row. I do not know if members have ever used the spirit level test. When a tradesman buys a spirit level he first of all places it on some level surface and marks the position of the bubble. If it is at dead centre he then reverses the level. If the bubble does not again come to rest at dead centre he says the level is "out of truth." A principle to be true, must cut both ways, and I will try to apply that theory in this case. Recently a very good wheat marketing Bill was before this House, and under it the marketing board was to consist of four grower members and one Government nominee. Members agreed that that was an excellent method of control, and it was in line with the report of the Royal Commissioner, who stated, *inter alia*—

It should be a basic principle of the Pool that the Board of Trustees should act on strictly commercial lines freed from political influences.

If the pooling system of marketing wheat is to operate successfully and with reasonable chance of permanence, the most positive steps must be taken to prevent the crop being used by any Government as a pawn in the business of internal or external politics.

The most striking sentences occur later. They are—

Efficient service to the industry becomes the paramount objective.

By being located close to the producers, the management does not lose its singleness of purpose, namely, to serve the industry.

If in constituting that board we had laid it down that instead of four grower members, and a Government nominee there should be two grower members, one member representing the railways, one representing the flour millers and one the machinery firms, what sort of reception would it have received? Had I voted in support of such a proposal I would never have got another farmer's vote, nor would I have expected it. Every one of those nominees would have represented some interest vitally concerned with the success of the grower and the wheat marketing pool. I am not altogether against having more than

one Commissioner, and would agree to two or three—though I do not think there should be too many—providing they were all expert railway men with no interest other than to protect their professional reputations and serve the industry that employed them.

Apart from the questionable wisdom of appointing non-experts to do an expert job, I would like more information about the duties of the members of the proposed directorate. I can understand the duties of the departmental members, who would have a full-time and difficult job. I do not doubt that their salaries would be related to the weight of their responsibilities. I notice also that it is proposed that they should continue in office during the Governor's pleasure, which I presume means at the discretion of the Minister or the Government. That would bring them directly under ministerial control, a situation that the present arrangement seeks to avoid. It is the very thing that past legislation has tried to obviate.

I notice that the representative members of the proposed directorate are to be appointed for five years, and are to be eligible for re-appointment, but I think this House should know more about the terms and conditions of the appointments, whether they are to be employed full or part-time, what salaries are to be paid, and what are to be the relationships between these representative members of the directorate and members of the railway service generally. Are the representative members to be merely in an advisory capacity, or are they to engage in actual administration and, if they are, in what way? The Minister was careful to say nothing derogatory to the present Commissioner of Railways, and yet the fact that it has been thought necessary to bring down the Bill, calling for a change in the railways control, suggests to the man in the street that the present condition of the railways is due to the neglect and inefficiency of the Commissioner. The average man would take the view that the Minister has acted to bring about a change in the system, and that action speaks louder than words. I have a high opinion of the character and ability of the present Commissioner of Railways.

I agree with the claim of a former Minister for Railways, who said that Mr. Ellis

was the best Commissioner of Railways this State ever had. Let me briefly state his history. Mr. Ellis was appointed as commissioner on January 15th, 1934. That was for a five year term. He has twice been reappointed for further terms of five years. Shortly after his appointment in 1934 he embarked on a programme of regradings which saved considerable power in haulage, which means a lot at the present time, and also saved a lot of money. During the war he was borrowed by the Commonwealth Military authorities and was in charge of Military Rail Transport. I do not think the Military authorities would have asked for his services unless they had recognised his ability.

Hon. C. G. Latham: That was six years ago.

Hon. C. H. SIMPSON: There has been no suggestion that he failed in that important job. He has proved himself to be a capable and able administrator. From my 20 odd years of close association with the railways, I know what the average railway man thinks of him. They say Mr. Ellis is fair and just, and very approachable. Some years ago he went on an extended trip abroad at his own expense in order to increase his knowledge of overseas railway systems. In view of the fact that a public inquiry into the railways has been entered upon and publicity has been given to the proposed new method of control, I believe it is only right that these matters should be stated on behalf of Mr. Ellis, who is not here to speak for himself.

I am sure that when the findings of the Royal Commissioners are published, they will vindicate Mr. Ellis' administration and ability. It has been freely stated that the Commissioner is to a large degree exempt from ministerial control and it has been proposed that the relationship between the directorate—under this Bill—and the Minister, shall be the same as that which now exists between the Minister and the Commissioner. In view of the powers and limitations which it is proposed to impose on the directorate, it may interest members to know what they are to be. At page 2649 of "Hansard," on the 10th December last year the present Minister for Railways said—

Under the Western Australian Act we find that the Commissioner has to secure the ap-

proval of the Minister before any Government railway shall be declared open for traffic. No additions or improvements to existing railways can be made unless the Minister approves. No system of electric traction can be installed in addition to, or in substitution of, any other tractive power except with the approval of the Minister. The Commissioner must have the Minister's consent before he can fix the charges to be paid on 13 different kinds of services, such as passengers' fares, goods freight, demurrage on rolling stock, carriage of mails, purchasing of locomotives, passengers failing to take out a ticket or failing to produce one on demand. With regard to fixing special charges for special goods, produce or merchandise, for fixing special charges for the carriage or storage of specified classes of goods which, in his opinion, are of a nature liable to loss or injury or for imposing any conditions and regulations with respect to any of the preceding matters, the Commissioner must first have the Minister's approval.

Then, again, the Commissioner of Railways may issue bylaws in regard to 27 different matters but these have to be approved by the Governor and be laid before Parliament. Before the Commissioner can lease any land, the Minister's approval must be obtained. Before granting the use of any works, buildings, wharves or jetties he must secure the approval of the Minister. Ministerial control is also necessary before the Commissioner can grant any easement in, upon, through, over or under any railway land. Then, again, the Minister for Works has the power to delegate all the powers possessed by him with regard to reconstruction of railways to the Commissioner who, subject to the approval of the Minister, has authority to exercise all or any of the powers of that Minister.

There is more of it, but that will give members an idea of the limitations imposed on the Commissioner, and of the powers that he possesses. Those powers are in relation to administration only. It is obvious that if a man is held responsible for running a concern he should be subjected to the least possible interference. Otherwise chaos is created. Apart from the statutory limitations imposed on the Commissioner, it is obvious that when the railways are working at a loss, and year after year the Commissioner has to apply to the Treasury for money, it is idle to say he is not substantially under the control of the Minister, because the man who pays the piper calls the tune.

The railway administration has been faced with rising costs, in line with the cost of living and the rise in wages, but the income side has been static as freight rates could only be increased by political action. That is another instance of where the political factor enters vitally into railway administration. No Government has been willing to

tackle the problem of adjusting railway freights and fares. I have been closely associated with the railways for about 25 years and I know that railway employees are as fine a body of men as one could meet. There are sub-standard men here and there among them, just as there are in any organisation of that size, but the vast majority of them are willing and anxious to do their best. Whenever I had occasion for complaint I met with every courtesy from railway employees, and almost without exception they did their best to correct whatever was wrong. These men resent the public criticism so widely and constantly levelled at the railways. They know they are working with bad tools and are expected to do a job that is beyond their powers in the circumstances, and they feel they deserve sympathy rather than censure.

As one witness before the present Royal Commission said, "the Railway Department is a big goat. Everyone wants to milk it, but no one wants to feed it." I have always contended that the four primary factors in railway matters were: Firstly, political; secondly, administration; thirdly, personnel; and, fourthly, equipment. It is interesting to note that one witness before the Royal Commission said that in his opinion—it bears out my own conclusions—there were six factors affecting railway management. The first was political interference with the management; the second, the system of promotions within the service; the third, the ratio of mileage to population; the fourth, job control by individual railway unions; the fifth, lack of co-operation between management and employees and, sixth and last, lack of responsibility, not only on the part of officials and employees, but on the part of railway patrons and members of the general public who appeared to consider the railways fair game. I submit that the last factor is a very serious indictment and, to the extent to which it is true, it merits very serious consideration.

A charge frequently levelled against the Railway Department is its casualness and lack of courtesy. As I have stated, I have received every courtesy and have no desire to voice any complaints, but in some cases no doubt those charges have been justified. I think it has been a case of expecting workmen to do good work with bad tools. They have had to work with antiquated, worn out equipment, and there can be no stimulation

of pride in men anxious to do a good job when they can take no pride in the tools with which they are expected to do the job. I think we shall find that this psychological factor is having a great influence. I have been told by men from South Australia where the service has been reconditioned and where the employees have been provided with new uniforms that, generally speaking, the service has been pepped up and that one can see the difference between the attention and courtesy given by members of the service there and the corresponding service given here. I think that is the reason.

Another matter to which publicity has been given in the Press is the complaint as to the housing amenities of the railway employees. I can only say, speaking from observations in my own province, that the housing standards are reasonably good. In one town most of the houses are new and are well up to the standard of other houses in the town. In another place the Railway Department has recently undertaken a programme of reconditioning the houses. I saw them a few weeks ago and thought them very good. What impressed me was that the work had been done at very reasonable cost and had not entailed a very big draw upon material. But I suggest that the sub-standard houses, the hovels complained about, have in many instances been built by the railway employees themselves.

Hon. G. Bennetts: Not all.

Hon. C. H. SIMPSON: I know many that have been. It has been the practice of the department to permit employees in out-of-the-way places to erect sleeper houses, for which they are charged no rent. As a matter of fact I believe they are supplied with the sleepers free of cost. These men live in such houses, and when their term has expired, it is quite a regular thing for the incoming man to buy the equity from the man who is leaving. Some of those houses are terrible, but the point is that when a railway man has an opportunity of living in one of these places or in another house, he chooses the poorer place because he has little or no rent to pay. Here again I would say that the rental rates charged for houses, at least in the outlying districts, are remarkably low. I think 10s. is an average figure for men at outlying stations to pay for a house.

There is another point I should like to make dealing with the appointment of an employees' representative. According to the Bill, this representative is to be chosen from a panel of 12 names representing four different organisations of workers. That is all right as far as it goes, but I suggest that the appointment of any one of those men, although he might have more knowledge of the railways than the representative of the primary producers or the commerce representative might have, would be mainly concerned with the set up in his own particular department. For instance, a traffic man would not necessarily have very much interest in, say, the workshops or the permanent way branch.

One matter I wanted to mention was that on account of the strictures passed on the management and the lack of amenities, many members may think that there are few or no amenities provided in the railway service. I should like to inform them on this. I suggest that they peruse the item "Departmental Institutions" which is featured in the annual report of the Commissioner. As members know, employment in the Railway Department is a protected occupation. Right back in 1902 or 1903, a Railway Appeal Board was appointed, and that board considers any appeal against dismissal or any penalties that might have been inflicted. Further, employees have fairly substantial rail privileges, such as market passes, annual leave passes, statutory holidays and long service leave.

Then there are departmental institutions for them embracing facilities in quite a number of country towns. These include recreation halls fitted with billiard tables, reading rooms, libraries, cricket and badminton clubs. There is an education curriculum with tuition, either orally or by correspondence, for employees who desire to improve their education. This includes instruction in safeworking, station accounts, internal combustion and diesel engines, locomotive and vacuum brakes, telegraphy, oxy-acetylene welding and cutting, timetable and rostering, preparation of time-sheets, permanent way and plate laying.

I mention these things particularly because I can say from my own observation that many of the men take advantage of the system of education. Each year over 500 men take up the course and pass out. Apart

from that, employees are particularly encouraged to take up first-aid and ambulance work. In fact, where other conditions are equal, the man who has a good knowledge of first-aid stands a far better chance of being promoted in the traffic branch than the man who has neglected his opportunities.

Hon. G. Bennetts: That is for the benefit of the railways, too.

Hon. C. H. SIMPSON: Yes.

Hon. E. M. Davies: The employees pay for that.

Hon. G. Bennetts: They pay for it. I could tell you a lot about that.

Hon. C. H. SIMPSON: There is also a provident fund covering all sickness. True, employees contribute to this fund, but the fund is there and they are encouraged to contribute. A railway services benefits fund also exists to afford relief in necessitous cases, and there is a death and endowment fund as well as a national insurance and superannuation fund, which at present is coupled with the Commonwealth scheme.

Before concluding, I have one more comment to make. I regard this measure as remarkable, not so much for what it says as for what it leaves out. Members would like to know, and I think the public would like to know, what the Government has in mind in regard to a general transport policy, whether it is intended to remove the restrictions on motor competition and what amount it is proposed to spend on railways rehabilitation, whether there is to be an adjustment of railway freights and fares to meet the increased running costs, and whether it is proposed that there shall be railway motorised services to take the place of some non-paying lines. I admit that these matters are under review by the Royal Commission, but it is this information which should be in members' possession before being called upon to decide an issue of this nature defining the control of the railways.

If the published accounts of the inquiry now proceeding have established anything, I think they have amply supported the claim of the Commissioner of Railways that what the railways are suffering from is malnutrition and financial starvation. When a man is suffering from malnutrition, he requires treatment. He may require a blood transfusion such as I imagine the railways

need, in the shape of money. The point is, when he suffers from any acute form of disease, it is usual to call in a doctor or, if the disease is very acute, a panel of doctors might be consulted. He does not call in his bookmaker, baker, fishmonger, or grocer, no matter how excellent those men might be. He confines himself to those who have their professional reputation at stake and whose one concern is to make him well. These experts might be anxious to keep away even the patient's relatives.

I think we would be quite safe in leaving this job in the hands of experts who have one interest, and one alone, and that is to perform a service to the railways. We must remember, too, that the solution of the railway problem is intimately bound up with the growth and progress of the State. If the State grows and expands, as we know it can and hope it will, the railways can be of enormous assistance in the development and growth of the country and, in turn, that growth and development would help in a large measure to make the railways pay. So we must look to the future and build for it.

I have spoken at length because I think it advisable for members to have all this information in their minds. We would be very well advised to wait for the findings of the Royal Commissioners and to hear what they have to recommend before we take any steps which might commit us irrevocably. For these reasons I hope that members will vote against the second reading.

HON. L. CRAIG (South-West) [5.57]: Mr. Simpson has made a most excellent speech and has expressed almost entirely my own sentiments. He has expressed them very much better and in greater detail than I possibly could have done. He has devoted a great deal of research to the matter, and the conclusions he has reached are conclusions to which I had arrived without the full knowledge of the subject which he has.

I think it would be quite wrong for this House to pass the Bill while the Royal Commission is sitting. It is an insult to the Commission and is an indication to it what the Government is going to do irrespective of its findings. We all know that the Commissioner of Railways has been

hampered and tied hand and foot for years and has not been able to do the job that was imposed upon him. How could any commissioner, however efficient, have kept our railways up to date, starved for finance and not allowed under any consideration to raise the charges when costs have increased beyond all recognition? We have a Royal Commission sitting vested with full powers to inquire into the running of the railways; and to bring down a Bill at this stage is to say in effect, "Whatever findings you arrive at, we are not going to have a commissioner of railways." Is not that an indication of what the Government wants the Royal Commission to find?

The Minister for Mines: I am afraid you did not hear my remarks last night.

Hon. L. CRAIG: I know what the Minister said, but I regard it as an indication by the Government to the Commission as to what it thinks.

Hon. C. G. Latham: It is practically an instruction to the Royal Commission.

Hon. L. CRAIG: I said it was an indication; I do not think the Government for one moment would pretend to give an instruction, but it is an indication.

Hon. C. G. Latham: Parliament will give it if we pass the Bill.

Hon. L. CRAIG: I agree with Mr. Simpson that the morale of the system has declined, but that is because of the shabbiness of the whole system. The House would be well advised to defer consideration of the Bill until the Royal Commission has made its recommendations. Another Bill would then probably be submitted including those recommendations. In the circumstances, I oppose the second reading.

On motion by Hon. H. L. Roche, debate adjourned.

BILL—WHEAT MARKETING.

Assembly's Message.

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

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 3).

Received from the Assembly and read a first time.

BILL—WESTERN AUSTRALIAN GOVERNMENT TRAMWAYS AND FERRIES.

Second Reading.

Debate resumed from the previous day.

HON. E. H. GRAY (West) [6.2]: This Bill is closely connected with the previous measure and I think it should be held over until such time as the Royal Commission which is inquiring into the railways has submitted its recommendations and the Government has decided what action to take on them. I would have much preferred to see legislation brought down unifying all transport, particularly that in the metropolitan area, because the railways between Fremantle and Midland Junction and Fremantle and Armadale are closely linked with metropolitan transport. According to information supplied by the Minister in another place, the tramway system carried 52,000,000 passengers last year, while the private bus traffic increased by 11,000,000 passengers. That is some indication of the difficulty that is facing the Tramway Department. Both forms of enterprise should be combined so that the people may have an up-to-date transport service.

We cannot escape the fact that whoever takes over the management of our tramways will be faced with a grave financial problem. According to the Minister, the loss on the tramways last year was £43,730. For the last three months the loss was over £27,000. If the present loss is maintained—and it is likely to increase—the loss at the end of the financial year will be well over £100,000. In these circumstances, the House would be well advised to accept Mr. Simpson's recommendation on the previous Bill, and hold this Bill over until we receive the report of the Royal Commission. The Government will then be able to declare its policy and make its plans for the co-ordination of both railway and other forms of traffic in the metropolitan area. We cannot ignore the fact that people do not travel in comfort today. They are crowded in trams, and therefore we must look to the provision of motor bus traffic, which is the best-paying and most comfortable. Yet the information we have is that it does not pay.

The authorities, of whom we must take notice, say that diesel engine double-deck

buses are the most suitable for the metropolitan traffic. They are very comfortable and have been found to be extremely popular in New South Wales. It has been said that the big trams are the best medium for shifting large numbers of people over short distances. It is a mistake for the Government to tackle this problem in a piecemeal fashion. It must be solved and the best way would be to appoint a transport board to control all phases of traffic. I congratulate Mr. Simpson on his excellent speech. I agree with his statement that the Commissioner of Railways and his staff, from the stationmasters to the office boys, have been badly maligned. My own opinion is that the Railway Department, notwithstanding the difficulties with which it had to contend, did a magnificent job during the critical war period. It has been starved for money. On each occasion when a proposal was made to increase fares it was defeated. How is it possible for such an undertaking to carry on without sufficient finance? It has been hampered in every possible way and the charges which it makes are admitted to be 12½ per cent. too low.

Hon. L. B. Bolton: Your Government starved them.

Hon. E. H. GRAY: Our Government will take the responsibility, but do not forget we had to contend with the war.

The Honorary Minister: What did you do before the war?

The Minister for Mines: You had to get up to the war!

The PRESIDENT: Order!

Hon. E. H. GRAY: In the circumstances, it is my intention to vote against the second reading.

On motion by **Hon. C. G. Latham**, debate adjourned.

BILL—JUDICIAL PROCEEDINGS (REGULATION OF REPORTS).

Second Reading.

Debate resumed from the previous day.

HON. H. A. C. DAFFEN (Central) [6.10]: This Bill reflects the high moral standard and altruistic outlook of Mr. Heenan, who introduced it. My first thought was that the legislation was long overdue; but, having had time to give it more mature

consideration, I find myself obliged to oppose it. The Bill is designed to prevent injury to public morals by the suppression of publication of the details of divorce cases and matrimonial causes.

Many years ago I expressed the opinion to a friend that a paper, "Truth," which was being published in this State at that time, should be suppressed. He immediately answered that there were two sides to the question. He said he felt certain that if "Truth" could be delivered into all the homes in the State, we should have fewer of such cases coming before the court than there would be if the paper were suppressed. He was also of the opinion that the reports of the sordid behaviour and immorality would cause people to take good care to steer clear of this evil. After Mr. Baxter presented his case last night I could have followed on, but I felt, as indeed I still feel, that my contribution to the debate would sound rather like a pistol shot after his heavy barrage against the Bill.

Members will recall that he touched on this point and mentioned that the cloak of secrecy tended to encourage such subversive and immoral acts and behaviour. There is much in what he said, for we know that the bright light of public opinion has an immense influence on the behaviour of many people. The knowledge that their actions might be made public has no doubt prevented many people from yielding to hasty impulses. Ignorance is not innocence. I suggest that innocence founded on the bliss of ignorance is not substantial, but that innocence and integrity, based on a knowledge of good and evil, is reflected in strong principles. The newspaper is a vehicle of public opinion and we should be careful not to tamper with it. It is a printed medium and if it contains doubtful details which a parent would wish to keep from the younger members of his family, it can be dealt with much more easily than can the radio or the pictures, both of which contribute a great deal more to juvenile delinquency today than do all the newspapers.

Sitting suspended from 6.15 to 7.30 p.m.

HON. H. A. C. DAFFEN: I was saying that in my opinion the influence of the radio and the pictures has contributed more towards delinquency than has that of the newspapers. The horrible murder and other

sensational serials projected by both cannot be controlled by parents, as printed matter can be. They cannot by any stretch of imagination be regarded as educational. We are trying to tackle this problem from the wrong end when we endeavour to suppress the publication of details. One of the biggest influences at the root of these evils is the excessive drinking of intoxicating liquors. That has far more to do with the evils that affect cases that find their way into the courts than have publications in the Press.

Further, the principle of free speech and the free Press is among the things which go to make a solid foundation for our social structure. I would be wary of attempting to curtail those things. If this measure is passed, divorce and separations will increase because of the removal of the fear of publicity. I am also afraid that once we begin to interfere with the freedom of the Press that action will be taken as a precedent and other encroachments will be made or attempted. The free Press is the people's safeguard, and I trust members will keep this point before them when it comes to the vote. On these grounds I oppose the Bill.

HON. SIR HAL COLEBATCH (Metropolitan) [7.34]: Being quite certain that Mr. Heenan is animated by the best possible motives, I regret I cannot support the Bill. At the same time I would like to dissociate myself from one of the remarks made yesterday afternoon by Mr. Baxter when he spoke of the noted hypocrisy of Victoria and South Australia. That was not a very fitting remark to make. It may be that those States have not gone quite as quickly as have some other States in what is called modern progress. But I still believe that South Australia and Victoria are and have been for a long time the two best governed States in Australia. It is a pity that from this House there should come a general charge of hypocrisy against either the people or the Parliaments of those States. I cannot claim to be a very strict observer of the general rules laid down, but I do not think the people who believe in the observance of the Sabbath are necessarily hypocrites. I would be sorry to think so.

The Bill goes a step further than the English Act in that it does not strike only

at the publishers and printers but at anyone selling such papers. I recognise what may be considered the necessity for that, because if we are going to prevent local papers from publishing these things it would be quite unfair to allow papers to be introduced into the State that did not observe these provisions. But what will be the effect of that? It will shut out a number of papers that do not exactly comply with the conditions of this Bill but which, nevertheless, contain a great deal of useful information. Take, for instance, a paper I was looking at only the other day, "The News of the World." It boasts a circulation of something over seven million copies. Much of what it publishes would not comply with the provisions of the Bill, but I would be sorry to see papers of that class excluded.

I agree entirely with Mr. Daffen that we would be establishing a dangerous precedent by passing this measure and I do not care whether it is something that has been done in the other States or not. We live in difficult times. We know there are those who desire to set up something like totalitarian rule in Australia, and the first essential of that is the harnessing of the Press. It may be said that we only want to prevent the publication of news which is detrimental to the interests of the public. In whose opinion will the news be detrimental? The majority of us may think the publication of such matters as are attacked in this Bill is detrimental to the welfare of the people. Others would adopt a different view, perhaps, and consider that news which most of us might think should be published should not be published. By passing this measure we would go from step to step until we harnessed the Press. I am not prepared to take even the first step in that direction.

I had many opportunities to visit Germany during the Hitler regime, and I know what freedom the Press had there—practically none at all. The British newspapers were admitted into Germany, but if they contained anything regarded as critical of the German way of government or life they were destroyed and not allowed to circulate. Today the position in Prussia is much more harsh. No papers at all are allowed to enter that country, except from Soviet States. The people there

are kept in ignorance of what is going on. It might be as well for our Communist friends to remember that. No great objection is raised in any Australian State to the publication of the Communist newspaper, and I hope no objection will be raised so long as it is kept within the law and refrains from advocating the destruction of the Constitution by force.

I suppose the great majority of people would say that we would be better off without these papers and that we should suppress them. We could probably get a bigger majority in favour of suppressing the Communist newspaper than we could get in favour of restricting the reporting of divorce cases. I remember on one occasion the Society of Journalists in London, of which I was privileged to be a member, invited the understudy of Dr. Goebbels to come to London and give us a lecture about the German Press. He adopted the principle that attack is the best line of defence, and brought with him a number of London papers, published within the preceding two or three days, and quoted passage after passage, the publication of which we could hardly deny was contrary to the best interests of the public. He said, "Do you not think it is much better to do as we do in Germany than to allow news to be published that is contrary to the interests of the public?" Certain things with which I disagree might be in the best interests of the public. It would be a mistake for us to take this first step towards destroying the freedom of the Press. I am quite satisfied as to the good intentions of the mover of the Bill, but I feel bound to vote against the second reading.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban) [7.40]: I am rather surprised at some of the speeches. This is a simple Bill which does not suggest any restriction of the freedom of the Press. It provides—

It shall not be lawful to print or publish or cause or procure to be printed or published—

(a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details, being matter or details the publication of which would be calculated to injure public morals; or

(b) in relation to any judicial proceedings for dissolution of marriage, for nullity of marriage, for judicial separation, or for restitution

of conjugal rights, or in any proceedings under the Married Women's Protection Act, 1922, any particulars other than the following, that is to say:—

- (i) The names, addresses and occupations of the parties and witnesses.
- (ii) A concise statement of the charges, defences and counter-charges in support of which evidence has been given.
- (iii) Submissions on any point of, law arising in the course of the proceedings, and the decision of the Court thereon.
- (iv) The summing-up of the judge and the finding of the jury (if any) and the judgment of the Court, and observations made by the judge in giving judgment.

What more does any decent-minded person want? This measure is to prevent flaring headlines, which give the impression of indecent matter, for the purpose, presumably, of increasing circulation. I was interested when Mr. Baxter was speaking to hear him quote extensively from the speech of the Minister for Justice in New South Wales, in 1926—that was the McKell Government. Mr. Downing's speech was made up of quotations, principally from two newspapers, namely, the "Sun" and the "Herald." He quoted excerpts of which the following is one—

In the English divorce case of *Scott v. Scott*, the Lord Chancellor, Lord Haldane, said:

Lord Haldane, has been dead for many years.

Hon. C. G. Latham: He was an eminent lawyer, though.

The MINISTER FOR MINES: Yes, a very eminent lawyer. Lord Haldane said—

In proceedings which, like those in the matrimonial court, affect status, the public has a general interest which the parties cannot exclude. Unless it be strictly necessary for the attainment of justice there can be no power in the court to hear in camera either a matrimonial case or any other case where there is a contest between the parties.

Although the judges now have power to hear a case in camera and prescribe publication, they will not do that of their own initiative because they are extremely conservative people and say, "No, the law courts are open to the public." So they are. Anyone can go to the law courts. Even if this Bill is passed people will be able to go there and listen to the proceedings. The measure deals only with the publication of

the reports of those proceedings. In the *Scott v. Scott* case, Lord Haldane also said—

I am of the opinion that every court of justice is open to every subject of the King. I believe this has been the rule, at all events, for some centuries.

Quite true, and they still are. This Bill will not affect them. Lord Blanesburgh referred to the Canadian tendency to have cases heard in Chambers or in judges' rooms, and he said he did not agree with it. That is the position in Canada. It is a common practice of the divorce courts in England and, I think throughout the Empire, for cases for nullity to be heard in camera. Nobody is allowed in court except the parties concerned because intimate details have to be submitted. Practically all such cases have reference to malformations and so forth, and in such matters doctors have to give evidence.

Then there was the quotation mentioned by Mr. Baxter when he referred to what Mr. Downing had said when he indicated he desired to deal with an article published in the "Sun" of the 1st November, 1931. There again he presented particulars regarding what the "Sun" said someone else had stated. Next there was the reference to the "Evening News" of the 1st November, 1929, in which mention was made to extracts from statements made by the Chief Justice in divorce, Mr. Justice Owen, on the value of divorce publicity. The quotation was—

Mr. Justice Owen made an important statement in the Divorce Court today in the *Bakewell* suit. His Honour remarked that the publication of evidence, especially in the *Bakewell* case, was of material advantage in assisting the administration of justice.

In Western Australia it is a different matter altogether. We do not find in the columns of the daily Press anything about divorce cases except the bare announcement that there was one between John Henry Smith and Mary Smith with someone mentioned as co-respondent. The grounds are given, for instance, as adultery and then that a decree nisi had been granted returnable in six months. In the week-end Press we get sidelights and pictures but they appear after the case is over and the decision has been given. In those circumstances the quotation would not apply. Again, in his speech the hon. member referred to a leading

article published in the "Herald" on the 14th November, 1924, in which the statement appeared—

Year in, year out, the Press has exercised its discretion as to what to publish and what not to publish in the reports of divorce cases.

That is all this Bill is saying. Newspapers conducted in the ordinary way, such as the daily Press, will not be affected by the Bill at all. I doubt if it will have much effect on the weekly papers so long as they stick to what is required. They can publish the whole of the judge's summing up, but they must publish the whole of it and not pick out little bits here and there. Unfortunately newspapers in these days are somewhat too prone to make news or to publish details of something that has a selling value instead of the whole story. We all know that that is so.

During the course of my career as a lawyer many people, especially women, have consulted me. I refer to those who have experienced domestic unhappiness and other troubles that often result in police court cases. They are extremely afraid of publicity. It was my duty to endeavour to prevent people from going to the courts if I could. In those instances where it was absolutely essential that court proceedings be taken, it was generally a matter of the husband having treated his wife very badly. Such experiences cause tremendous distress to the unfortunate women concerned. I always pointed out as regards any individual case that it was nothing more nor less than a nine days' wonder. How many divorce cases that have been reported in the Press can members remember? Let them try to think about it, and they will appreciate that the number is very few. The effect of such proceedings does have a serious effect on the nerves of those concerned. If it be true that divorce and separation cases will double or treble if the Bill is passed, that is a very forceful argument for it to be agreed to.

Hon. L. B. Bolton: That is a ridiculous statement.

The MINISTER FOR MINES: I do not say so; that statement was made.

Hon. C. F. Baxter: It will help lawyers.

The MINISTER FOR MINES: It was stated that, if the Bill goes through, divorce

and separation cases will be doubled or trebled.

Hon. C. F. Baxter: A member of your own profession said that.

The MINISTER FOR MINES: I do not know that he did; if he did, and it should prove to be so, then I claim the people concerned should be entitled to their freedom without fear of the Press keeping them in misery. I think every hon. member will agree with me there. I am quite in favour of the freedom of the Press, and I certainly sincerely trust we shall always have it. At the same time I think the Press should be reasonable. In fact, the Bill would not be required at all if the Press were reasonable. In England the necessity arose for doing something similar and I have heard of no complaints from the Press there in consequence. Some years ago I discussed a similar Bill with various pressmen and they all agreed that such legislation would not interfere with the daily Press one iota. The newspapers can give all the details that are necessary for the protection of public morals without stating the facts in such a way as to corrupt those likely to be influenced. It is suggested that as films are liable to offend, newspapers would be in the same category.

There is a Bill before another place dealing with the censorship of films. I am not at liberty to discuss that measure in this Chamber, but should there be an evil as regards films, why should we allow a similar evil to operate with regard to the newspapers? The Bill will not interfere in any shape or form with any legitimate newspaper that is anxious to give true, accurate, full and proper accounts of divorce proceedings in the law courts. I entirely agree that divorce cases should be reported accurately and fully. I see no reason why a man who has ill-treated his wife should escape being publicised in the ordinary way by the publication of his divorce proceedings in the Press. If the judge has had occasion to castigate a man, I do not see why that should not be made public in the newspapers. That is all the Bill provides for. The judge's summing up and the verdict can be published in full in the Press. In other words, a judge can say what he likes and we know that what he says will be couched in decent language.

I see no harm in the Bill, the second reading of which I support.

On motion by Hon. W. J. Mann, debate adjourned.

House adjourned at 7.56. p.m.

Legislative Assembly.

Wednesday, 3rd December, 1947.

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

QUESTIONS.

HOUSING.

As to Material and Building Costs and Shortages.

Mr. STYANTS (on notice) asked the Premier:

(1) As the increase in the price of the 14 principal commodities connected with the building of houses, comprising bricks (wire-cut and pressed), tiles, corru-

gated roofing iron, baths, sinks, galvanised guttering and down piping, roofing nails, nails (2in. and 3in.), timber, jarrah (4in. x 4in. and 3in. x 2in.), T & G flooring, and wages paid to building artisans, as contained in answers given by him to the member for Forrest on the 22nd October, 1947, averaged only 30 per cent. above 1939 prices, will the Government appoint a Royal Commission to inquire into the reasons why the cost of completed houses has increased to approximately 100 per cent. above that of 1939?

(2) Is he aware that the completion of many houses is held up because T & G flooring is in short supply?

(3) Does he consider the reason for the short supply of flooring is due to the fact that the increase in price of this material is only allowed at about seven per cent. above 1939 prices, and that the mill owners will not supply full quantities required?

(4) If not, what does he consider to be the reason for the short supply of flooring boards?

The PREMIER replied:

(1) The Commonwealth Government has taken steps to exercise control of building prices, and it is understood that a special officer will be appointed. In the circumstances it is not proposed to appoint a Royal Commission at this juncture.

(2) Yes.

(3) and (4) No. The main reason for the short supply of flooring is that the stocks of dried timber were very low at the cessation of hostilities, and that considerable time must necessarily elapse before dried timber is available for use. The position in this respect will improve during the summer months. The Government also has under consideration proposals for encouraging the erection of additional drying kilns.

IRON-ORE.

As to Beneficiation Process of Treatment.

Mr. KELLY (on notice) asked the Minister representing the Minister for Mines:

(1) Has he given consideration to the possibilities of the treatment of iron-ore by the beneficiation system?

(2) Will he outline the process of the beneficiation plant for the treatment of iron-ore?