Mr. DAVY: The Minister misses my point. I have no objection to giving the Government power to make model by-laws. Under certain circumstances it might be proper for the Minister to compel a board to adopt those by-laws. The point is, however, that having made the by-laws, the moment they are adopted by a board they "shall be conclusively deemed to be within the powers conferred on the board to pass by-laws" under this legislation. In the past it has always been held that, in the last resort, a court of law might rule a by-law out of order as being ultra vires. If this be agreed to, it will merely have to be quoted should the point be raised that a by-law is ultra vires, and that will be an end to the objection. This is no imaginary danger. It frequently happens that a department may make by-laws that are beyond the scope of their powers. I would refer the Minister to the traffic regulations and invite him to ask the Solicitor General whether many of those by-laws are not ultra vires and could not stand in a court of law. If we give subordinate legislative powers to boards, we must have some authority to see that they do not overstep those powers. The Minister proposes to take that authority away. I hope that the amendment will be agreed to.

Amendment put and negatived.

Clause put and passed.

Schedule.—

Mr. SAMPSON: Is there no committee hospital at Cunderdin?

The Minister for Health: Not if it is not included in the schedule.

Schedule put and passed.

Title—agreed to.

Bill reported with amendments.

House adjourned at 11.15 p.m.

Legislative Assembly,

Thursday, 22nd September, 1927.

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

QUESTION—RAILWAYS, DEVIATION WOOROLOO-CHIDLOW.

Mr. J. MacCALLUM SMITH asked the Minister for Railways: 1, What was the object in making the railway deviation between Wooroloo and Chidlows? 2, What is the length of the deviation, and what has been the cost to date? 3, Has the deviation been used for traffic; if not, what are the reasons for the delay? 4, Are additional regrading operations now being undertaken at Wooroloo; if so, for what reason and what is the estimated cost?

The PREMIER (for the Minister for Railways) replied: 1, To enable train loads to be increased by about 80 per cent., and obviate the use of bank engines. 2, Length 5 miles 18½ chains; cost to date £37,000; this amount includes the regrading mentioned in question 4. 3, No; it was not considered advisable to change over during the excessively wet weather. 4, Yes; a deviation of 52½ chains has been made, which is a part of the general scheme; cost is included in amount shown under question 2; both deviations will be brought into use next week.

QUESTION—LANDS, PASTORAL LEASES, SOUTH-WEST.

Mr. RICHARDSON (for Mr. J. H. Smith) asked the Minister for Lands: 1, What is the total acreage of land held under pastoral lease in the South-West Division (not including annual leases)? 2, The number of persons holding such leases? 3, How many leases have been extended to

the 31st December, 1948? 4, What is the total rent being paid to the Crown? 5, Is it his intention to introduce a Bill to extend all leases to 1948?

The MINISTER FOR LANDS replied: 1, 5,388,004 acres. 2, 498. 3, 269. 4, £5,467 per annum. 5, No.

BILLS (2)—FIRST READING.

1. Employment Brokers Act Amendment.
2. Workers' Compensation Act Amendment.

Introduced by the Minister for Works.

BILL—HOSPITALS.

Report of Committee adopted

BILL—TRUSTEES ACT AMENDMENT.

Second Reading.

HON. H. MILLINGTON (Leederville) [4.36] in moving the second reading said: This Bill seeks to remedy a defect in the Trustees Act, 1900. Owing to that defect an administrator of the estate of a deceased person, when acting in the ordinary course of administration, cannot obtain the leave of the Supreme Court to carry on a business that the deceased carried on during his life, or raise money for that purpose until he has cleared off the debts due by the deceased, and holds the net balance in trust for the beneficiaries. One can easily realise what this would mean in certain circumstances. It may be highly desirable not only in the interests of the next of kin, but also of the creditors, to keep the business going, before the debts are cleared off. Indeed, to close down the business would, in some cases, have a disastrous effect on its ultimate sale. If it were a drapery establishment, a grocery store, a butcher's shop, or in fact, almost anything, a cessation of business would mean the destruction of goodwill and, it may be, a serious depreciation of assets. That is what would occur here in Western Australia under the present law, unless the administrator were prepared to take risks he was not justified in taking. The defect in the Act of 1900 is due to the failure of the interpretation of the words "trust" and "trustee" to go as far as the interpretation in the Imperial Act, on which our existing Act is based. The following words have been left out in the definition of "trust" and "trustee": "the duties incidental to the office of the personal representative of a deceased person." These words appear, not only in the Imperial Act, but in the Acts of New South Wales, South Australia, and Queensland. Under this Bill an administrator will be able, with the consent of the Supreme Court, to do all the things set forth in Section 45 of the Trustees Act, 1900. That section reads as follows:—

> 45. (1.) The court may, on the application of any trustee, make such orders as to it may seem meet in all or any of the following matters:—(i) The improvement or repair of any part of the trust estate. (ii) The conduct and management of any business forming part of the trust estate. (iii) The leasing for any term of any part of the trust estate. (iv) The sale or exchange or mortgage of any part of the trust estate. (v) The purchase of any land for the protection or improvement of the trust estate. (vi) All questions arising in connection with the administration of the trust, the control or management of the trust estate, and he construction of the instrument creating the trusts, including the right of all beneficiaries under the trust.

Before the administrator can secure the power to do any of these things, he must approach the Supreme Court when, no doubt, the court will go fully into the matter and arrive at a conclusion as to whether it would be wise or unwise to grant him those powers. This is a very simple amendment to the existing law. The effect of it will be to bring the Trustees Act of this State into line with the Imperial Act and with the Acts of New South Wales, Queensland and South Australia. Under the existing law an executor cannot obtain leave to carry on a deceased person's estate until the debts have been cleared off. This, of course, may have a prejudicial effect on the assets. Under this amending Bill the creditors and also the beneficiaries are fully protected; because the Bill does not automatically give any added power, but merely the right to approach the Supreme Court and ask for an order to carry on the estate even though the debts of the estate have not been cleared up. That explanation, I think, is sufficient justification for the measure and I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

Debate resumed from 20th September.

HON. G. TAYLOR (Mt. Margaret) [4.41]: This is an old friend, for we have had it on two or three previous occasions. However, it bears a slight alteration this time, and is marred by a typographical error, which will have to be remedied. In Clause 2 we find reference to the Act of 1904, whereas of course what is intended is the Act of 1924. That error ought to be corrected. The object of the original Bill was to allow the Government power to take the whole of the revenue from sandalwood less £5,000 per annum to be set aside for reforestation. That has been going on for three years, and we were informed by the Treasurer that the department has in hand certain unexpended moneys amounting to some £6,000. The Bill differs from its predecessors in that it proposes to delete certain words, "re-growth of sandalwood" and insert in lieu thereof, "improvement and reforestation of sandalwood reserves, and the development of the sandalwood industry." That amendment will have the effect of giving the Government wider power. A previous Bill proposed only power for reforestation. How far the Government intend to go if we pass this Bill the Premier may have explained on the second reading, but if he did I missed it. The Premier in replying to the debate will be able to tell us how far he is going. It is not my intention to oppose the second reading, but I assume the Premier or the department desires greater freedom in the way of improving the reforestation of sandalwood, and also for the development of the industry. That, I suppose, connotes that the Government desire to financially assist the sandalwood industry. Whether it is wise for us to give that power or whether it would be wiser to have the money paid into the Treasury and then grant from the Treasury any assistance required for reforestation, should be considered. The latter course would enable the House to maintain a closer hold on the finances. It may be argued that it is advantageous to give the Government the power they ask. I take it that the only money that will be spent will come out of the £5,000, and the only argument against adopting the present system is that otherwise the work of reforestation might be neglected.

HON. SIR JAMES MITCHELL (Northam) [4.46]: I did not hear the Premier's speech on the second reading of this Bill, but he was reported in the Press to have said that £46,000 was expended by the Forests Department last year.

The Premier: I did not say that; that is what the newspaper stated.

Hon. Sir JAMES MITCHELL: I take it that represents the amount of revenue received from sandalwood. I doubt whether we can do very much in the way of the reforestation of sandalwood unless we put down plantations. Years ago we had some plantations but they did not prove very successful. Apart from that the missionaries might Christianise the Chinese before the trees had time to grow.

Hon. G. Taylor: The Premier would see to that.

Hon. Sir JAMES MITCHELL: The Premier is aware that I object to special taxation. It would be wise if the revenue received from the forests were put into revenue, and the expenditure required for forests were voted as is all other expenditure.

Hon. W. J. George: It used to be so.

Hon. Sir JAMES MITCHELL: The Premier himself objects to special taxation. The autocrat in control of hospitals has the entertainments tax, which he disburses at his own free will.

The Premier: We must not follow that bad precedent!

Hon. Sir JAMES MITCHELL: Last night we further elevated that Minister to the position of a Mussolini, and to-day the Premier is seeking to follow the bad example of my autocratic friend.

The Premier: I must endeavour to keep up a bit.

Hon. Sir JAMES MITCHELL: I admit it is only a little bit as compared with the wide powers that the Minister for Health sought and obtained from this House last night. We all approve of the revenue derived from sandalwood going into the Treasury. It is the people's money and it should be expended in accordance with the resolution of this House. I believe we shall be doing our best for the industry by retaining the present system, but there is no doubt that the people are entitled to the benefit of the royalty on sandalwood. The Premier stated that £5,000 was to be devoted to reforestation. There is a considerable balance—it exceeds £6,000—still standing to the credit of the fund.

The Premier: I do not propose to interfere with that during this year.

Hon. Sir JAMES MITCHELL: The Premier does not propose to interfere with the contribution to the fund?

The Premier: No.

Hon. Sir JAMES MITCHELL: But the Premier proposes to take power to use the money in a way other than that originally intended, namely, the restoring of the forests.

The Premier: Yes.

Hon. Sir JAMES MITCHELL: The £5,000 was to be applied to restoring the forests and prolonging the life of the sandalwood industry. Now that the Premier finds the money is not required for that purpose, he proposes to do something else for the development of the industry. The newspaper report does not indicate what he proposes to do.

The Premier: It is found that the terms of the Act are rather restricted. The Act confines us to expending the money on regrowth and the Conservator says it is rather restricted.

Hon. Sir JAMES MITCHELL: It was intended to be restricted.

The Premier: But "regrowth" might mean that we could not erect a fence around the trees.

Hon. Sir JAMES MITCHELL: I do not think so.

The Premier: It could be interpreted in a very narrow way.

Hon. Sir JAMES MITCHELL: I do not think the Conservator of Forests knows much about the interpretation of the Act. He carries on the work in a way best suited to the industry. He has absolute control of the fund.

The Premier: No, he is subject to the approval of the Minister and of Parliament.

Hon. Sir JAMES MITCHELL: But it is necessary, by motion, to bring about a discussion.

The Premier: Not in the ordinary way, but it is in a roundabout way.

Hon. Sir JAMES MITCHELL: It depends entirely upon the Minister. The Minister says he approves of the scheme and there is no member who is in a position to question it to any great extent. Consequently he does have absolute control.

The Premier: But this vote is not on the same footing as are other funds.

Hon. Sir JAMES MITCHELL: That is so; the House in its wisdom placed it on a different plane. We said, "You are cutting out the forests and you are spending nothing to restore the forests." We cannot spend very much on our forests apart from protecting them. We are protecting them from fires and stimulating fresh growth, in which direction good work is being done. The Conservator is certainly doing good work and we are fortunate in having such a capable officer, but as far as is possible and consistent with the work to be done, Parliament should control the expenditure. There should be no departure from that principle. All money paid to the Government should go into revenue and all expenditure should be approved by this House.

The Premier: You recollect that the Act was passed in 1918.

Hon. Sir JAMES MITCHELL: Yes, and both Houses approved of it.

The Premier: The argument then raised was that, if the money were paid into revenue in the usual way, the Treasurer might grab the lot and insufficient money might be made available for reforestation.

Hon. Sir JAMES MITCHELL: The argument was that we could not trust a Government of the future.

The Premier: It was not anticipated that we would be on the Treasury benches so soon.

Hon. Sir JAMES MITCHELL: No one had a right to expect that the hon. member's party would be there; it was a mistake. That, however, is not the point. If we set about legislating in such a way as to prevent any change being made by future Governments, it would be quite wrong. When the people put a party into power, the Government have a right to submit their policy and give effect to it, but they have no right to provide that a succeeding Government may not carry out their own policy.

The Premier: Another Act says that three-fifths of the money must be applied to reforestation, irrespective of whether the amount is required.

Hon. Sir JAMES MITCHELL: Quite so; it might be too little or too much. The annual requirements of the department might well be submitted to this House in the ordinary way and dealt with as we deal with all other expenditure. However, it is of no use discussing that. I take it the Premier wants the right to use the special £5,000 for purposes other than reforestation. Under the Forests Act the Minister has power to estab-

lish a timber mill. He has established one at Wonnerup, and he has been cutting the pine trees of the Ludlow plantation in a small spot mill. If the Premier wishes to do something on those lines, I can understand his request. If it is desired to make a grant to people who are going to extract the oil from the sandalwood—I cannot see what else can be done with it—it is a laudable object, but such assistance should be granted through the channel by which industries are ordinarily assisted. If it were possible I should like to see the product of the sandalwood exported in the form of oil, though I suppose that could be done to only a limited extent. To use some of the money for that purpose would be perfectly right, but I think we should have the opportunity to discuss the matter, just as we have the opportunity to discuss proposals for making advances to other industries. At this stage I shall not do more than enter a protest. The Premier, however, must realise that we are drifting into a system of adopting so many special means of disbursing money that is not compatible with good government. In years gone by the Premier and I discussed many of the new ideas that have been submitted to Parliament and our opinions were usually fairly in accord. If this be a matter of expending the money in the work of prolonging the life of the industry, it will be all right. If it be a matter, as it may well be, of assisting to convert the sandalwood into a product more easy to export and one more valuable, it would have my entire approval, but I should like it to be brought before the House in the ordinary way.

Mr. Griffiths: Are not Plaistowe's doing it now?

Hon. Sir JAMES MITCHELL: Yes. I do not know that that is the Premier's object, but it is one of the things that could well be done. Naturally when discussing the question of providing this amount, we considered all the uses to which sandalwood might be put. I have no objection to the Bill. It is right that the money should be paid into revenue and it is right that a sum should be set aside for the Forests Department. If, however, the £5,000 is more than is required, I should like to see the money paid into revenue and then any extraordinary expenditure necessary could be voted by the House.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Lutey in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of proviso to Section 41:

The PREMIER: There is a printer's error in the third line of this clause. The figures "1904" should be "1924." I take it this will be put right without an amendment being moved to that effect.

The CHAIRMAN: The error will be rectified.

The PREMIER: The member for Northam has raised another point. By this Bill we propose to amend the Act by substituting for the words "regrowth of sandalwood" the words "improvement and reforestation of sandalwood reserves, and the development of the sandalwood industry." That will give the Act a wider scope.

Hon. Sir James Mitchell: It gives the Conservator more power with regard to the £5,000.

The PREMIER: He always has complete power with regard to that.

Hon. Sir James Mitchell: Not quite.

The PREMIER: He has the same power of expending the £5,000 on the regrowth of sandalwood as he has to spend it on reforestation under the principal Act. The Conservator informs me that the regrowth of sandalwood is rather a restricted activity, and that the proposed alteration to the Act will be preferable to the present wording in it. Certain firms or companies have for some time past been endeavouring to distil sandalwood oil in this State and establish an industry. To some extent they have succeeded, but have been put to considerable expense in conducting the experiments because of the difficulties they have encountered. The oil produced here does not conform to the British pharmacopoeia, so that the market in Great Britain has been closed to it. Representations have been made to the proper authorities in the Old Country in order that the Western Australian oil may be placed on the list in the same way as is Mysore oil, but so far without success. Those who have been endeavouring to establish the industry locally have had an uphill fight. They approached me through the Conservator for some small assistance to enable them to establish the industry, just as many other persons have approached the

Government for assistance in respect to other industries.

Hon. Sir James Mitchell: I have no objection to that.

The PREMIER: It was considered that this would be a legitimate charge against the fund. It would be in the interests of the sandalwood industry generally that success should follow this venture. That is principally why the alteration of the Act was suggested. It was considered that the Act as now worded would not permit of financial assistance being given to this distillation industry, but that the proposed amendment would render it possible. The Leader of the Opposition suggests, if this industry is deserving of Government assistance, that it can be given in the same way as it is given in other instances. I think this would be a legitimate charge against the fund.

Hon. Sir James Mitchell: It will only be possible to bonus the industry in some way.

The PREMIER: It will not be a loan, but a bonus. The application for assistance was made but recently, and I think the people concerned are deserving of some assistance.

Hon. G. Taylor: Have you given them anything yet?

The PREMIER: No. They have been battling for years against great difficulties, and at considerable expense to themselves. They are now on a fair way to success, and I hope that they will succeed in their endeavours. Seeing that we have ample money we might well give some small assistance to these people out of the fund. When the new scheme for dealing with sandalwood came into operation it was decided that three-fifths of the revenue would go to the Conservator and two-fifths to the Treasury. When the Bill was first brought in it provided for an expenditure of £5,000, but another place amended it to 10 per cent. or £5,000, whichever was the greater. Members there thought the amount would not be sufficient, and for that reason the operation of the Bill was limited to one year. We have now had three years' experience of the business, with the result that, whereas £5,000 a year has gone into the fund, there still remains in it £6,721. I was wondering whether we could not reduce that £5,000 this year, but the Conservator has pointed out that very little could be done during two years of that time owing to the unfavourable season, and that he anticipates a greater expenditure this year. At any rate the £5,000 is ample for all requirements for the time being. The main expenditure is involved in examining the country, selecting the areas, and fencing them against stock. When the work was commenced, about three years ago, it was not known whether success would attend our efforts. Very little has been known with regard to sandalwood, how long it would take to reach maturity, and to what extent its regrowth could be assisted. The outlook is now more hopeful than it was some years ago. It was thought we were cutting out the sandalwood, and that when we came to the end of it our resources would be exhausted. I believe now we shall be able to bring about the regrowth of sandalwood, and that the future of the industry is assured. Last year we exported 6,820 tons.

Hon. G. Taylor: Some of it was from private property.

The PREMIER: The quantity taken from private property is diminishing every year. The developments of the sandalwood industry in South Australia during the past six months have been rather serious for this State.

Hon. Sir James Mitchell: Is their sandalwood being used?

The PREMIER: Some of our men went there 12 months ago. Sandalwood has now been discovered in that State.

Mr. Latham: The species is different from ours.

The PREMIER: Yes, but I believe it is acceptable to China. People in that State have no experience of sandalwood, and were operating without any regard to our conditions here. With our high royalty it looked as if South Australia was going to put us out of the market. I made representation to the South Australian Government, and induced them to fall into line with us in the matter of royalty, so that we should not be wiped out. Within the last month or so tenders were called in South Australia on the basis of the royalty to be paid to the Crown. The highest tender was for a royalty of £9 10s., which was 10s. a ton more than ours. But, still, South Australia has this advantage, that owing to its sandalwood being at present more easily pulled than ours, pullers there receive a much lower rate than our pullers. When the South Australian Government called tenders for pulling sandalwood on royalty, there was no stipula-

tion as to payment to the puller; and so the South Australian contractor is able to secure sandalwood at whatever price the South Australian puller will accept—say £9 or £10 per ton, as the price used to be here, against our present rate of £16 per ton. During the past six months large quantities of sandalwood, running into hundreds of thousands of pounds, have been stacked at Fremantle, and South Australia has stepped in and sent several shiploads to China, under-selling us there. On this matter I had a conference with the Minister in the late South Australian Government who controlled forests, and we came to an arrangement whereby the output would continue to be limited; because if South Australia produced sandalwood indiscriminately and this State were also in the trade, the Chinaman would reap the benefit and sandalwood would be down to zero.

Hon. G. Taylor: Does the arrangement terminate on the 30th June next year?

The PREMIER: No; on the 31st December of this year, or on the 31st January next year. The South Australian Government have given no guarantee as to next year; and therefore, unless Western Australia comes to terms with South Australia for that year and the two States abstain from competing with each other for the benefit of the Chinaman, the outlook for our sandalwood industry will not be so good as it has been. Another possibility is that South Australia will not be satisfied next year with its present proportion of 2,000 tons. If the total output of sandalwood from Australia is limited to, say, 6,000 or 7,000 tons annually, and if South Australia demands an increased tonnage, our tonnage will be correspondingly reduced. It has been agreed that towards the end of this year, or at all events before the expiration of the current agreement, there shall be another conference between the Ministers controlling forests in the two States, with a view to an agreement for next year. I believe it is thought that South Australian sandalwood will not answer the requirements of the China trade. It is a different variety from our sandalwood. In fact, the South Australians did not even know it was sandalwood until some Western Australian sandalwood getters who were out of work went to South Australia and discovered the wood. At first they did very well indeed, because they were let in at a royalty of 10s. per ton as against the royalty of £9 per ton here. All they could pull found a ready sale in China, while our sandalwood remained stacked at Fremantle. Sandalwood here is bought and paid for on delivery at the railway station, and so long as our merchants are unable to secure a market the position here must remain bad. The puller being paid on delivery, and not on sale, our merchants have to pay interest on £200,000 of money tied up.

Hon. Sir James Mitchell: And out of use.

The PREMIER: I hope the South Australian Government will see the matter in a reasonable light and avoid cut-throat competition.

Hon. Sir JAMES MITCHELL: We might turn the tables by seeing whether we cannot grow South Australian sandalwood better than it grows in that State. It is not true sandalwood.

Mr. Latham: It is very different from ours.

The Premier: When we first approached the South Australian Government on the matter they replied, "We have no sandalwood."

Hon. Sir JAMES MITCHELL: Western Australia exports the sandalwood used by the Chinese in their joss houses. I believe the South Australian tree grows far more readily than our tree.

Mr. Latham: The seeds are altogether different. South Australian sandalwood grows on sand hills.

Hon. Sir JAMES MITCHELL: Our sandalwood is undoubtedly a parasite, and a considerable area must be reserved in order to produce 6,000 tons yearly. With the South Australian tree we could do much better on a more limited area. I am glad that the matter of extracting sandalwood oil is receiving the Government's attention. Attention should also be given to extracting the essential oil of the eucalyptus and other trees. Again, there is the extraction of the essential oil of boronia. These matters would afford excellent scope for the staff of the Conservator of Forests. To get a quantity of eucalyptus oil, which is used freely throughout the world for many purposes, would be a simple matter. Moreover eucalyptus oil would represent an admirable crop under the modern system of cutting the young shoots. The whole of the scrub is cleared away, and there is a harvest of eucalyptus shoots each year, just like a wheat crop. No doubt it will take many

years to establish the industry, but I am highly satisfied with the Premier's statements regarding the people engaged in the extraction of essential oils. If an industry is assisted, enough money must be granted to see it through. To gold mining and other industries this State has given far too little money to enable them to succeed. As a consequence we have spent a good deal of money without adequate results. When competing with other States one must have the most up-to-date plant and appliances. The enterprising people engaged in the work should be encouraged.

The Premier: They have been persisting for some years.

Hon. Sir JAMES MITCHELL: The last five or six years. People who turn raw material into marketable products count for most in any country.

Mr. GRIFFITHS: I echo the sentiments expressed by the Leader of the Opposition regarding the assistance given to firms like Plaistowes, Fauldings and others. Sugar beet growing, the extraction of boronia oil and sandalwood oil, and like enterprises should be encouraged and assisted by the State.

Mr. LATHAM: The clause proposes to alter the provision of the Forests Act relating to sandalwood. According to the latest available report of the Conservator of Forests, that for 1925-26, a sum of £3,269 was expended on reforestation of sandalwood. I notice an expenditure of £923 for the fencing-in of a reserve of 1,650 acres at Karrimindie. The cost strikes one as excessive.

The Premier: The fence has to be substantial in order to keep stock out.

Mr. LATHAM: Farmers' fences have to be substantial to keep stock in.

Hon. G. Taylor: How many miles of fencing would that reserve represent?

Mr. LATHAM: Roughly 7½ miles.

The Premier: The place is away on the goldfields, and the freight on wire is high. Moreover, Karrimindie is a long way out from the railway.

Mr. LATHAM: The posts in the fence are 50 feet apart, which is pretty wide spacing. The usual distance is 12 feet. In fact, this fence is what is known as a "Peter Waite" fence. Whether it is necessary to rabbit-proof country for the growth of sandalwood is extremely doubtful, as rabbits do not attack sandalwood. Indeed, the only apparent advantage in having the fence rabbit-proof is that the rabbits on the reserve will be kept in: the Government do very little to keep down rabbits on reserves. If money is voted for reforestation, let it be used for that purpose, and not spent on fencing at such high cost. I have seen large quantities of sandalwood growing on unfenced jamwood reserves. Sandalwood is protected by its host. My knowledge of sandalwood suggests that we need not worry too much about stock destroying it.

Mr. Panton: The rabbits will eat the bark and ringbark the young trees.

Mr. LATHAM: I do not think we need worry much on that score. The report of the Conservator of Forests shows that the department seeded 770 acres at a cost of £469. I presume that work was also carried out at Karrimindie. I do not know how the department goes about this work, but I know that there is a reserve at Bendering, consisting of about 2,000 acres, and unless we can see better results than are disclosed on that reserve as the result of four years' work, members may well question whether it is worth while spending so much money on this work. At Bendering the results have not warranted the expenditure. Naturally I do not object to the reforestation of sandalwood, but I want to see that the State gets value for the money that is spent. I hope the Conservator will give consideration to the expenditure from the standpoints I have mentioned.

Clause put and passed.

Clause 3—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—INFLAMMABLE LIQUID.

Second Reading.

Debate resumed from the 13th September.

HON. W. J. GEORGE (Murray-Wellington) [5.35]: Presumably there is no doubt in the mind of anyone in this State that the time has arrived when it is necessary to deal with questions relating to the storage of petrol and kerosene in a more comprehensive way than hitherto. I do not know that any great difficulty has been

experienced in the past, but with the advent of motors in increasing numbers, the distribution of petrol extends throughout the whole State. Undoubtedly risks are run to a certain extent by those engaged in the business, although I will not say that it amounts to intentional carelessness. The Bill should be received by all sections of the community with approval, and the only thing about which we should concern ourselves is to see that its provisions are such that while insisting on necessary precautionary and protective measures, we do not set up restrictions on those interested in the sale and distribution of petrol that might be regarded almost as being in restraint of trade. When introducing the Bill the Minister referred to the conditions that have obtained in other countries for many years. His object was to impress upon members the necessity for the Bill, but in my opinion that necessity could hardly be questioned. The instances the Minister quoted in relation to other countries did not apply with equal force in Western Australia because of the wider knowledge gained regarding petrol itself and its use in so many directions during later years. In a Bill of such a description as that under discussion, the main points to be regarded concern the safety of the general public, the safety and convenience of motorists, the safety of depots and the protection of supplies. These important points are in some measure dealt with in the Bill, but the measure will require considerable discussion before being passed. Another phase that should be considered is whether work that is necessary under the Bill could not be dealt with better by the larger municipalities, rather than have these additional activities imposed upon the Government. As hon. members must realise, the activities to be borne by the Government are increasing year by year.

The Minister for Mines: The City Council have already asked the Government to undertake this work.

Hon. W. J. GEORGE: I was not aware of that. We should have some information under that heading because year by year more business is being thrust upon the Government, although much of it is such that could be fairly carried out by local authorities. In our shipping activities we have introduced the principle of decentralisation by giving to various ports their proper local traffic. I do not see why we should not extend that principle in other directions as well. I understood the Minister to say that the officer most closely associated with the Bill was the Chief Inspector of Explosives. I do not know that gentleman and doubtless his qualifications for his position are all they should be, but whether they are such as to make him the proper officer to deal with matters under the Bill is questionable. So far as my reading goes in connection with the use of oil or petrol engines and with the storage of petrol generally, it would seem that the question of explosiveness is not so important as some people imagine. As with coal gas, so it is with petrol vapour; neither will explode unless a certain proportion of air is mixed with it. I suggest that the State Analyst is the officer who could give us the best information regarding the proper methods to be adopted in dealing with inflammable liquids. Then again, the Minister said that some of the bowser pumps that have been erected on the footpaths would have to be shifted. I could understand the shifting of petrol tanks if they were constructed under footpaths, but the necessity for removing bowser pumps is open to considerable question. The replenishing of motor cars from bowser pumps at the edge of footpaths is a simple matter, but if the pumps are to be shifted inside buildings, considerable additional expense will have to be incurred.

Mr. Marshall: It is not the bowser pump that will have to be shifted, but the tank.

Hon. W. J. GEORGE: No, the Minister told us that bowser pumps on footpaths would have to be shifted into buildings. If the bowsers are shifted as he suggested, it is questionable whether they will be rendered more safe than they were when located on the edges of footpaths.

The Minister for Mines: There is not much danger in the tank itself; the danger arises when it is being filled from the footpath.

Mr. Davy: Has that danger ever materialised?

The Minister for Mines: Yes.

Mr. Davy: Where?

The Minister for Mines: I cannot say offhand.

Mr. Davy: It has not been evident in Australia.

Hon. W. J. GEORGE: I have probably seen as much of bowser tanks and the filling of those conveniences as the Minister has, and I have not noticed much danger about it. The travelling tanks have attached to them special hoses that are used for filling the bowser tank.

Hon. G. Taylor: Those hoses are similar to the ones attached to the bowser pumps.

Hon. W. J. GEORGE: At any rate the travelling tank carries with it a hose for that purpose. If I understood the Minister correctly he certainly said that the bowser pumps would have to be shifted. If that has to be done, the result will be that considerable alterations will have to be effected to existing buildings and naturally the motoring community will have their businesses interfered with. While we should aim at assuring as much safety as possible, we should take care that there is not too much interference with those engaged in the trade.

The Minister for Mines: There are not a great number of bowsers on the footpaths in the metropolitan area.

Mr. E. B. Johnston: There are a lot in the country areas.

Hon. W. J. GEORGE: I do not know where the tanks may be located, but I know that there are many bowser pumps fixed at the edge of the footpath, which is the most convenient position for all concerned.

The Minister for Mines: I am speaking about the metropolitan area; I do not know anything about the country.

Hon. W. J. GEORGE: Take the bowsers south of Perth in the direction of Fremantle. Along Mount's Bay-road a new garage has been erected and I admit, at that one, the bowsers are not on the footpath. The next one is at the corner of the Perth-Fremantle-road and the Nedlands-road. The bowsers there are on the footpath and also in the buildings, so that one can get petrol either inside or outside the building. Going along further there is a bowser at the corner of Bay-road. There it was not on the official footpath, I admit, but now they have built one on the footpath. There is another a little further down on the opposite side of the road on the footpath, and again another near the corner of Bay View-terrace, also on the footpath. The next is on the footpath, and then we come to one at the top of the hill near the fire brigade station which is just off the footpath. Going down the hill there is a garage kept by someone of the same name as myself, and the bowser there is on the footpath, and so it goes on all the way to Fremantle. On arrival at Fremantle we find that all the bowsers have been erected on the footpath. With regard to the storage of petrol on the premises, and the provision of retaining walls, I do not know of any store in the country that is likely to require to keep as much as a thousand gallons on the premises. There is no necessity for such a quantity in the country. I am not considering the establishments in the metropolitan area or even the oil companies, because they are big enough to look after their own interests, and no doubt there are hon. members here who will have something to say for those people. I am concerned about the other parts of the State. Take my own constituency. Right through it there are very few storekeepers who would be able to incur the expense of keeping such a large quantity of petrol as 1,000 cases. Country storekeepers are obliged to give a good deal of credit; if they could collect their money they would be all right, but it is not reasonable to expect them to go to the expense of complying with the conditions set out in the Bill. Most of the storekeepers with whom I am acquainted keep their petrol a considerable distance from their business premises. That should be quite sufficient without compelling them to go to the expense of constructing brick retaining walls. If it could be shown that the mere storage of petrol of itself would bring about conditions that might result in an explosion, there might be something to be said for the provision it is desired to put through. As a matter of fact, in the country, petrol is kept, and has been kept, for years past, in tins and cases, from which no danger can arise. Of course, if the building caught fire and the cases became ignited there would be trouble. There must be means provided for ingress and egress with regard to the building. Then again one of the clauses provides that no artificial light shall be brought within 30 feet of any depot or of any inflammable liquid in the store. Then in another part of the Bill it is set out that artificial light shall be provided.

Mr. Marshall: Is not electric light an artificial light?

Hon. W. J. GEORGE: I am trying to discover what is an artificial light.

The Minister for Mines: Read on and you will find that it says "unless such depot or

inflammable liquid is separated from such explosive or light by a screen wall."

Hon. W. J. GEORGE: One paragraph states that there shall be no artificial light within 30 feet of a depot, and afterwards there is provision made for the use of artificial light. I am not trying to make any special point; my desire is solely to endeavour to improve the Bill. I would like the Minister to understand that I am not trying in any shape or form to destroy the Bill. If I can help to make it a good Bill, and it is my business to do that, I shall certainly do so. A screen wall means "a wall of such substance and so constructed as to be efficient for the purpose of preventing the spread of fire from any one place to any other place." That is desirable. The definition goes on—

> . . . and when inflammable liquid is kept in an underground depot, means the surrounding floor, walls, and covering of such underground depot if efficient for the purpose aforesaid.

I do not know whether "underground depot" means an underground tank in the building in which the tank is fixed, and which building has walls of brick all round it. Would that be sufficient, or is it intended that there shall also be walls around the tank? That is a matter that we can leave until we get into Committee. It is provided also in the Bill that clothing cleaners must not keep more than three gallons of petrol on their premises. When the Bill is in Committee I should like to see that quantity increased to four gallons, which is more reasonable than three gallons. Petrol is made up in 4-gallon tins and in drums of eight gallons and 40 gallons. If a cleaner has to send out for three gallons of petrol, he gets an opened tin. Only this morning I was speaking to a man in Fremantle who is engaged in the business of cleaning, and he told me that he could not carry on if he could not have more than three gallons on his premises. And this man who is in business only in a small way, has been accustomed to carry a stock of 40 gallons. Lately he has been using another liquid which is supposed to be quite safe, but what he states proves that the amount specified in the Bill is totally inadequate.

Mr. Davy: Why, it requires four gallons to clean one suit of clothes.

Hon. W. J. GEORGE: Further on in the Bill reference is made to the quantities of petrol that may be kept on premises. I believe some of the garages keep 500 gallons, while in the metropolitan area the quantities are greater. They have to keep these big quantities because of the demand. In the country towns the supplies that are kept are also fairly large. We shall have to give consideration to the question of what may be stored. The smallest bowser, I understand, contains 460 gallons, whilst the capacity of the larger ones is 1,000 gallons. Many of the bowsers have five or six tanks in order to cope with their trade. Clause 9 provides that not more than 800 gallons shall be kept in registered premises, and so many gallons of mineral spirit. This, too, will require consideration in Committee. Further on I notice that there is provision for a penalty of £100. There is no alternative in default of the payment of the penalty. Subclause 2 of Clause 9 is very drastic. It states—

> If any person is convicted of an offence under this section, the Minister may cause the registration of the premises in respect of which the offence was committed to be cancelled, and such premises shall thereupon be deemed to be unregistered.

The offence is the keeping of more than the quantity set out in the commencement of the clause. I submit that it is wrong to take away a man's livelihood because the necessities of the day may cause him to stock petrol in quantities greater than the Bill provides. Arrangements should be made by which there might be an appeal. I do not consider that the Minister should take to himself such autocratic power as to deprive a man of his livelihood, merely because at certain periods he may have a greater quantity of petrol on his premises than the Act specifies. Take, for instance, premises in which industries are being carried on, and in which premises there is petrol-driven machinery. The petrol has to come by rail, it has to be collected and it may remain on the premises for a day or a couple of days. I know that in respect of a concern with which I am connected, at one time our experience was that we were not able to remove the petrol because the roads were in such a bad condition, that the traffic was stopped for several days. It might be an offence if the storekeepr had all this extra stock of petrol, kerosene, etc., on his premises. I know I have only to point that out to the Minister to have it considered. Then we come to another clause——

Mr. SPEAKER: The hon. member must not debate the clauses of the Bill. He must leave that for the Committee stage.

Hon. W. J. GEORGE. Then let me say there is in the Bill provision that the occupier of registered premises must not have a fire or a forge within 50ft of the building. In many small garages petrol is kept for the needs of customers, and the occupier has the necessary tools for the carrying on of repair work. A radiator may be leaking. It requires to be soldered, and for this job the soldering iron is heated at a small forge. Or it may be that some portions of the car have been bent in an accident. They have to be straightened, for which purpose they are heated in a forge. Under this provision the occupiers of smaller garages will either have to acquire larger premises or carry their work right away from the place. That is another point requiring consideration. I agree with the provision that no person should bring matches into a depot. I should like to see it extended to make it an offence for anybody in or near a depot to be smoking.

Hon. G. Taylor: Non-smokers would get a job then.

Hon. W. J. GEORGE: I can tell of an incident I saw last month. A man filling a petrol tank struck a match to light a cigarette. That lighted match might have fallen into the tank but for the action of another man who struck the match away. I should have been better pleased if instead of striking the match away he had struck the offender. I do not think there is as much call for nervousness as is indicated in the Bill, although I agree that, perhaps, too much precaution cannot be taken. It is further provided in the Bill that no person under 14 years of age shall be allowed in a depot. How are we going to prevent that?

The Minister for Mines: There are plenty of other occupations that a lad under 14 years of age can enter.

Hon. W. J. GEORGE: But a client may drive into the depot, having with him his wife and children. How is that to be stopped? And the penalty for any person under the age of 14 being in the depot is no less a sum than £100! The Minister also said there would have to be penalties for the making of vents giving the gas a chance to escape. I suppose he knows that when a pump is put on a hermetically sealed tank, unless a vent is made practically no petrol can be drawn. And apart from a pump, although one punches a hole in a tin of petrol or kerosene, he must also have a vent, if he is to draw off the contents. For Nature abhors a vacuum, and without a vent to let the air in, one cannot get the fluid out. But vents can be made, and I believe are made, that will admit air only when the fluid is being withdrawn from the container. I do not know that it would be advisable to have an open vent that would let the gas get about, but I am sure those having to do with these things are pretty careful. Members will have noticed a small chain dragging from each of the big vehicular tanks, and may have wondered what the chain was for. It is a simple precaution ensuring that in the event of a short circuit occurring the current will be earthed and made secure, thus precluding all danger from fire. The fact that these precautions have been taken for years past is evidence that the companies dealing with these things are very careful. If they take precautions such as that, they are not likely to omit other, more elementary precautions. I notice that power is taken for the Minister to make certain by-laws respecting even wharves, harbours, and the railways. It does not seem to me we should authorise one Minister to interfere with the work of another. It would be dangerous to allow one Minister to make by-laws that might interfere with the department of another Minister. Of course it will be said that the Minister, before making by-laws, would consult with other Ministers whose departments were likely to be affected.

The Minister for Mines: The chairman of the Fremantle Harbour Trust and the Commissioner of Railways were consulted about that provision, and both agreed to it.

Hon. W. J. GEORGE: But neither of them is a Minister. The point I take is that the provision gives the Minister power to make by-laws to deal with the department of another Minister.

The Minister for Mines: Only relating to the carriage of petrol.

Hon. Sir James Mitchell: But he might include sugar or timber or whisky under this provision.

Hon. W. J. GEORGE: We find that inspectors are to have certain powers enabling them to carry out their duties. Under one provision, when an inspector enters upon premises and takes samples, the owner is not to have any say whatever. The inspector can do as he jolly well likes, any time of the day or night, and the owner of the place shall have no say.

I do not think the owner should be entitled to interfere with the inspector, but it is only right that an inspector going on to premises should intimate to the owner, there and then, what he is going to do, and allow the owner to accompany him if he so wishes. I do not think even the police have the right to enter a man's house without his permission. This is not like dealing with the handling of intoxicating liquors, where, if obstruction were offered to the inspector, the evidence he seeks might be obliterated. This is quite a different thing, and in my view the owner of the premises should have certain rights. The inspector himself is well protected, for unless he be guilty of wilful neglect of his duties he cannot be dealt with. We should look after our inspectors very well, but do not let us forget that, as against the inspectors, the taxpayers have rights to be respected. It is provided that the court shall have drastic powers. When a person is convicted of an offence the court can order the forfeiture of the whole of the liquid. If a man contravenes the Act, surely it is sufficient if he is fined or if some other reasonable penalty is imposed upon him. To seize his stock of petrol and destroy it is going too far altogether. I think that in Committee that provision should be amended. I find the general provisions in the Bill are very comprehensive and require to be well considered in the light of all available information. The Bill is not dealing with ordinary matters, but is dealing with the operations of a trade that has grown up very quickly, and is likely to expand to an almost incredible extent. Motor traffic has grown immensely during the last few years, and is doing for Western Australia precisely what Western Australia needs; that is to say, it is giving to almost everybody in the State an opportunity to go about and see what Western Australia really is. Before any hindrances are thrown in the way of that development, they require to be very seriously considered. When I was Commissioner of Railways I caused quite a number of trains from the Great Southern to the Goldfields to pass through the Great Southern in daylight rather than by night. As a result of that policy a remarkable volume of settlement sprang up in that district immediately afterwards.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. J. GEORGE: The Bill provides that certain additional markings shall be placed upon the outside of packages that contain inflammable liquid. Let me point out for the consideration of members that the dealings in this particular commodity are world-wide. Factories are situated in the United States, where certain rules have to be observed as to the marking of packages, and it may be difficult to find room for other markings. However, the practicability of that proposal can be dealt with later on. Part VIII., containing general provisions, stipulates that the regulations made under the measure shall be laid before Parliament and may be disallowed by a resolution of either House. That is the customary procedure, but I think the clause has been redrafted because it contains a provision that is certainly new to me. After stating that a regulation, rule or by-law that has been disallowed shall cease to have effect, it says, "but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime." Members acquainted with parliamentary usage would do well to consider the effect of those words. The object of my remarks, as I stated at the outset, has not been to raise difficulties or to prevent the measure being given the effect of law. Such a measure is needed, but it is capable of being greatly improved. It seemed to me that the Minister was inclined to view favourably a proposal to refer the Bill to a select committee. Although I do not propose to move in that direction, I commend the suggestion to the consideration of the House. When we are entering upon a new field of legislation, it is well that the House should be placed in possession of the views of all those who are likely to be affected by the Bill, and I know of no means by which the House can be so well informed of those views as by appointing a select committee to inquire and report. In almost every instance that a select committee has been appointed, its work has proved valuable to the House. If the Government view the suggestion favourably, I hope some member will move for a select committee. An indication that such a proposal would be favourably entertained would result in curtailing the debate on the second reading, because no good purpose would be served by pursuing the subject further.

Question put and passed.

Bill read a second time.

Referred to a Select Committee.

On motion by Mr. Lambert (Coolgardie) resolved:

That the Bill be referred to a select committee.

Ballot taken and a select committee appointed consisting of Messrs. Angelo, Heron, Lindsay, Withers and the mover, with power to call for persons and papers, to sit on days over which the House stands adjourned, and to report on the 13th October.

BILL—POLICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th September.

MR. SLEEMAN (Fremantle) [7.44]: At the outset let me say I intend to support the amendment indicated by the member for Mt. Margaret (Hon. G. Taylor). The Bill provides—

If a non-commissioned officer or constable is removed under the provisions of Section 8 of this Act, or a charge is made against a non-commissioned officer or constable, and the accused is fined or reduced in rank, transferred or dismissed under the provisions of Section 23 of this Act, such non-commissioned officer or constable may, subject as hereinafter provided, appeal to an appeal board of three members.

There are quite a number of ways of punishing a man. Some people are punished by being fined, dismissed or removed from their positions. In the police force men have been punished most deliberately by not being allowed to go forward for promotion. In support of this statement it will be necessary for me to read one or two extracts from the reports of officers in the Police Department. One of the most glaring cases in this regard relates to Sergt. Anderson, now stationed in Albany.

Mr. Corboy: There is a more glaring case than that.

Mr. Marshall: I know of two other cases.

Mr. SLEEMAN: If there is a more glaring case than that of Sergt. Anderson it is time the police force was cleaned up. Certain remarks were made by Chief Inspector McKenna on the file belonging to Sergt. Anderson. On the 13th September, 1911, the inspector recorded that Sergt Anderson's record sheets showed that his conduct and efficiency were good, and that he was sober and reliable in the discharge of his duties. It was also found that his books were well kept. In June, 1923, Sergt. Anderson was placed in charge of the central station. In August, 1923, however, he was sent back to Highgate Hill. He was told there was no complaint against him, but he was superseded by another officer. In January, 1924, Inspector Barry, who was stationed at Albany, applied for an efficient, capable and energetic sergeant to be sent to him. Sergt. Anderson was picked for the job. He was sent to Albany and was put in charge of that district for seven months. He was practically taking the inspector's position, between the time when Inspector Barry left Albany, and Inspector Mitchell took up the Albany district from Narrogin. During the time the sergeant was in Albany he had 10 stations to look after. On the 11th February, 1924, Chief Inspector McKenna marked Sergt. Anderson's record sheet, "conduct and efficiency good." He had then completed 5½ years in charge of the Highgate station. Although Sergt. Anderson was relieved of his position at the central station in August, 1923, when a good man was wanted for Albany in January, 1924, he was picked for the position. Sergt. Anderson then began to make inquiries as to what was wrong with the system of promotion in the department so far as it affected him, and applied for his file to be sent on to the Minister for perusal. In answer to Sergt. Anderson's application that the file should be sent on to the Minister he was informed that it could not be so forwarded for perusal until such time as Chief Inspector McKenna returned from the North-West. The inspector was then taking out his long service leave in the North-West, prior to finishing up his term of office with the police Department. There was nothing against Sergt. Anderson, and there was no reason why the file should not have been sent on to the Minister. The Commissioner could find nothing to put up against this officer, but the file had to wait until Chief Inspector McKenna returned from the North-West on the completion of his term with the department. The chief inspector had relieved Sergt. Anderson of his position in the central station some 12 months before, although he had endorsed on the sergeant's conduct sheet the remarks that his conduct showed efficiency, and that he—the chief inspector— had chosen Sergt. Anderson for the position at Albany. Despite these facts, on the 28th August, 1924, we find the

following report placed on the file by Chief Inspector McKenna:—

On the transfer of Inspector O'Halloran, who had been in charge of the central station for a number of years, to the new liquor branch on 1st March, 1923, I was instructed to place Sergeant Anderson in charge of the station. He remained in that position until the 13th August, 1923, and during that period did not give satisfaction. I found that the men were doing practically what they liked, and he was rendering me no assistance in seeing that the various duties were carried out. Sergeant Anderson had it brought under his notice by me, but he knew nothing of what was going on, and he was practically useless. The condition of affairs became so acute that on the 13th August, 1923, I sent for him and told him he was a failure, that he as not fit to be in charge of a body of men whom he allowed to do as they liked, that he was the laughing stock of those working under him, and that it was my intention to relieve him of his duties. Sergeant Anderson returned to his station at Highgate Hill, and Sergeant Johnson was placed in charge. Sergeant Anderson expressed his opposition to my action, and stated that he was being made a tool of. He was informed that if he was dissatisfied he could place the matter before the Commissioner. I would add that every time that I visited the streets I found men gossiping in various parts of the town, and that in itself was sufficient to justify me in relieving him of charge of the central station, and placing Sergeant Johnson in charge of it and the town. Men from beat duty were hanging about the station instead of carrying out their duties, and a similar state of affairs existed in regard to the sergeants. It was no wonder then that he was being held up to ridicule by the men at the central station, and seeing that he made an absolute failure of the position entrusted to him, there was nothing else to do but to send him back to Highgate Hill.

That was the opinion of Inspector McKenna 12 months after the sergeant was relieved of his position at the police station, and after he had been selected as the particular officer to be sent to Albany. Something had to be done to prevent the man from getting the promotion that was due to him.

Mr. A. Wansbrough: Was that report made before Inspector McKenna left the service?

Mr. SLEEMAN: Yes.

Hon. Sir James Mitchell: Where did you get that?

Mr. SLEEMAN: Never mind where I got it. The hon. member can have it. In the police regulations we find the following:—

When an officer finds a member of the force whom he has recommended for promotion has since misconducted himself, or in any other way shown himself to be unfit for advancement in the service, he will at once cancel the recommendation, and report the matter to the Commissioner, and when an officer submits an unfavourable report to the Commissioner concerning a subordinate, the latter will be given an opportunity of perusing such report, provided it is intended to place the report on his personal file, or that the Commissioner decides that the report will be used or in any way recorded against him.

There is not enough to warrant this scandalous report being placed on the file. Nothing was said to the sergeant as to this being placed on the file. The regulations of the department lay it down that when a report is placed on the file, it must be notified to the person concerned so that the officer in question may be given a chance to clear himself. One of the immediate results of Inspector McKenna's report was that the promotion board recorded that Sergt. Anderson was not fit for further promotion in view of that report, and that he was not sufficiently mentally endowed to carry out these duties. As far back as 1925 I ventilated the same matter in this Chamber when speaking upon the Address-in-reply. The Minister replied, "He will get his opportunity next week." On that occasion I was asking, in all fairness to the sergeant, that some inquiry should be made into his position. That was on the 11th August, 1925. The officer has never had an opportunity to clear himself. When we see language like this used against him on the file, the least we can do is to give him an opportunity to exonerate himself, and a chance to prove his innocence with respect to what was said in the Chief Inspector's memorandum.

Hon. G. Taylor: When was that put on the file?

Mr. SLEEMAN: On the 28th August, 1924, twelve months after the sergeant had been relieved at the central station and appointed to Albany. We find further that an appeal board was appointed to deal with anything in the way of misconduct on the part of the police officers. Anderson was practically told he could go before that board. Although the appeal board was appointed, it was not empowered to deal with the case, which had occurred prior to April, 1925. Sergeant Anderson was, therefore, again prevented from going to the appeal board, which was in existence last year. I intend to support the amendment, notice of which has been given by the member for Mount Margaret. Officers of the department should have the right to go before the appeal board on the

question of promotion as well as to appeal against any punishment meted out to them. The punishment of being kept back from promotion is worse than any other form of punishment. The one is done in daylight and the officer knows with what he is charged, and has a chance of clearing himself; but in the other case the officer is kept deliberately in ignorance, does not know what is up against him, and has no chance of proving his fitness for the promotion. There are other cases in which men have been kept back until they have reached the age of 60. Most of the promotions to higher ranks in the force are not attained before men get past middle age. Men have been kept back until they are 60, and the Commissioner then has had a legal way of keeping them back still further by producing the regulations under which officers cannot receive promotion after attaining the age of 60. The board appointed last year did not take evidence on oath. I understand the Bill before us provides for the taking of evidence on oath. This will mean a lot to those people who go before the board. Last year there was no provision for witnesses giving evidence on oath. The board last year adopted a procedure of its own, and conducted an inquiry without any recourse to legal form. The board could also receive or reject, as it thought fit, any evidence that might be tendered. The present Bill will be a great improvement in this repect and I hope the new board will administer in a better way than did the old one. Although the Commissioner lost something like seven out of nine or five out of seven cases—I forget the exact figures—if the evidence had been given on oath he might have lost 100 per cent. of the cases that went before the board. I will have something further to say upon that subject when the Bill is in Committee. I hope the House will pass the amendment that will be moved by the member for Mount Margaret.

On motion by Mr. Marshall, debate adjourned.

BILL—CONSTITUTION ACT AMENDMENT.

Second Reading.

Debate resumed from the 23rd August.

HON. SIR JAMES MITCHELL (Northam) [7.58]: This is a very old friend. I do not know how many times Premiers have moved much the same sort of Bill. We have discussed it so often that I do not know whether we need discuss it at any great length to-night. The Premier says that everyone who is entitled to vote for this House should have a vote for another place. This Bill does not provide for that. It merely seeks to further liberalise the franchise, which, as it stands, is already very liberal. It does not say anything more than that. I think there should be some qualification to entitle persons to vote for another place. That is both advisable and necessary. Apart from that, I doubted whether there is any real demand on the part of the people for any alteration of the Constitution in this direction.

Mr. Lutey: A mandate from the people.

Hon. Sir JAMES MITCHELL: There is no mandate from the people.

Mr. Lutey: Yes, there is.

Mr. Davy: You cannot get a mandate from the people.

Hon. Sir JAMES MITCHELL: I have very seldom heard this subject even mentioned, either in conversation with people—and I converse with many who are not qualified to be on the Legislative Council roll—or at public meetings. I doubt whether on the part of the electors generally for this House there is a demand for any change in the franchise of another place. A great many of the electors on the Legislative Council roll failed to record their votes at the last elections for the Upper House. In the contested elections 54,000 might have voted, and only 32,000 did vote. Even the people on the Legislative Council roll do not take the interest they should in elections for another place, or for any place, as far as that is concerned. We know that the abolition of the Queensland Upper House has not improved the control of affairs in Queensland; nor can it be for a moment contended that the New South Wales Upper House has been improved by the addition of gentlemen to that nominee Chamber. The New South Wales Legislative Council is a nominee Chamber, and can be added to upon the recommendation of the Government, subject to the approval of the Governor. In neither case has the governance of the country been improved. Nor do I think that any section of the people of either Queensland or New South Wales have benefited by the change. Indeed, the reverse is the case. One can readily understand why that is so. What would happen if the Upper House of

this State were abolished would be that the control of Parliament would largely pass into the hands of people not in this Chamber. It would pass into the hands of strong party organisations, organisations almost strong enough to dictate to the Government, as apparently is the case in Queensland. In that State four Premiers have come and gone during the last few years, and the present Queensland Premier looks a bit shaky.

Hon. G. Taylor: At least baggy at the knees.

Hon. Sir JAMES MITCHELL: What the people do want is good governance. Except that, what are they to get from this Parliament? If government is bad, the first people to suffer are, quite naturally, the workers; and they suffer most. What the country wants is that its industries shall be carried on with as little stoppage as possible, and that the credit of the country shall not suffer. We can boast that our credit is quite equal to that of any other State, and probably a little better. The interest paid by this State on its loans is lower than the rate of interest anywhere else in Australia; and we get money quite as easily as any other State, and a good deal more readily, when we go on the market, than some other States. The public for the most part are not going to get into Parliament. They have to carry on their various avocations and occupations, influenced by such work as is done for them in this Chamber and reviewed by another Chamber. I am sure the position is as I have stated. There is not any great demand by the people outside for this Bill. Even members who vote perhaps misguidedly are quite content to have the position as it is. I understand, of course, that the outside organisation would very much like to dictate the legislation to be passed. The organisation in question would certainly be in a much stronger position if the Upper House were abolished; but the country, and the many people whom hon. members opposite represent, would be in an extremely dangerous position. We cannot be expected to approve of the Bill.

Mr. Lutey: Do you want to make it more liberal?

Hon. Sir JAMES MITCHELL: No. The hon. member interjecting is pledged to the abolition of the Upper House, as are all hon. members opposite, though of course this measure does not propose abolition. But let them think well before they take any such step. What is it the public hope to gain by the proposed change? They are the people whom we must consider. Our Constitution can be amended, and from time to time is amended, by a vote of both Houses of Parliament; but we have a responsibility to the people which we must discharge. I have no quarrel with hon. members opposite because they bring down certain Bills from time to time. They told the electors that if a Labour Government were returned they would make some such proposal as this. We on this side have just as much right and duty as hon. members opposite to utter our views and to oppose what we consider is not in the best interests of the country. I would be sorry for my friend the Premier if the Upper House were abolished. He would then have a much more difficult task.

The Premier: This Bill does not propose abolition of the Upper House.

Hon. Sir JAMES MITCHELL: It is only a little step on the way.

The Premier: A very long way, I am afraid.

Hon. Sir JAMES MITCHELL: It represents a slice off the £17 qualification. Whilst it may not mean any great change, I hope the Premier will admit that the present proposal will not satisfy the outside organisation.

Hon. G. Taylor: This is only to keep them quiet.

Hon. Sir JAMES MITCHELL: The Premier said something about redistribution of seats when moving the second reading of the Bill. As a matter of fact he also mentioned it when before the electors. Even the Upper House provinces vary from 614 electors in the North to 29,900 in the Metropolitan-Suburban Province. Apart from the North, which of course, is sparsely populated and which admittedly merits special consideration——

The Premier: The disparities you have mentioned are unjust, but there are other disparities more unjust.

Hon. Sir JAMES MITCHELL: The other provinces vary from 3,003 in the North-East Province to 20,930 in the Metropolitan Province. Even within the metropolitan area there is a variation of from 7,000 to 20,000. It is quite time we adjusted these anomalies.

The Premier: Why tackle little anomalies and let the big ones alone?

Hon. Sir JAMES MITCHELL: This is a very big anomaly.

The Premier: The other is bigger.

Hon. Sir JAMES MITCHELL: I am endeavouring to point out that there is something that might easily be done to rectify, to a certain extent at any rate, the disadvantages under which some electors apparently labour; and I hope the Premier will agree to a proper division of provinces.

The Premier: Redistribution?

Hon. Sir JAMES MITCHELL: Our duty is to the public. It may not be the unanimous wish of this House to amend the Constitution; but it is, I hope, the unanimous wish of this House to live up to the Constitution. We have come to this House to do our duty by the country and to obey the country's laws, and certainly to obey the Constitution. Our Constitution does impose upon this House a responsibility for the better fixing of boundaries.

Mr. Panton: Why look at me? I am not the cause of this.

Hon. Sir JAMES MITCHELL: Because you are the great offender.

Mr. Panton: I am no worse than the three men who represent about 500 or 600 North-West electors in the Upper Chamber.

Hon. Sir JAMES MITCHELL: The hon. member is not the worst representative here because he has been sent here by 260 odd voters.

Mr. Panton: Good men, every one of them!

Hon. Sir JAMES MITCHELL: I am not suggesting that the hon. member is not far more reasonable even than the Minister for Health.

Mr. Panton: None of that!

Hon. Sir JAMES MITCHELL: I am not suggesting that the hon. member is not exceedingly capable, or that he should not be Premier.

The Premier: Now, now! There is a limit to compliments.

Hon. Sir JAMES MITCHELL: We are here to see that Parliament does what is right in regard to fixing boundaries. A sacred duty is imposed upon us. We cannot do just what suits each one of us if we do our duty. We shall never get a Redistribution of Seats Bill that will meet with everybody's approval. However, that is not the consideration. Our personal interests must be subservient to our responsibility to the country, and our duty certainly is to see that we make the boundaries of the provinces fairly right. I do not want to say any more about that phase, beyond pointing out that in order to correct the boundaries of provinces we should have a redistribution of seats. All of us must realise, as the Premier has realised, that redistribution is long overdue. Even in the metropolitan electorates the numbers of electors vary from 17,000 in Canning to 3,800 in Fremantle. At a distance of 12 miles we find the member for Canning (Mr. Cydesdale) representing 17,000 electors and the member for Fremantle (Mr. Sleeman) representing less than 4,000. On the goldfields we find the disparity between 3,410 electors in Kalgoorlie and 266 in Menzies. Can it be contended that that is fair and just to the goldfields? In the agricultural areas we have 2,536 electors in the Beverley constituency and 5,695 in the Nelson electorate. If the member for Geraldton were present, I would tell him that he escaped by the skin of his teeth from being the representative of the smallest agricultural electorate, for he has 2,958 electors. He might retort that Northam has only 3,400 electors. Still, the position is as I have disclosed. There is a tremendous difference between an electorate with 266 voters, as at Menzies, and another with 17,000 electors.

Mr. Panton: I have sent up two since then.

Hon. Sir JAMES MITCHELL: I hope 266 more people will go up to the Menzies electorate, but something will have to happen there to make that possible. We must have a redistribution of seats. It is obviously unfair that the boundaries should exist as they are at present. It is unfair that 3,400 people at Kalgoorlie should be equal to only 266 people at Menzies. It happens that we are entrusted with the amending of the Constitution whenever it is required. I would impress upon hon. members that they cannot escape their responsibilities and I hope the public will see that they pay the penalty if hon. members do not do their duty.

Mr. Panton: We are with you there.

Hon. Sir JAMES MITCHELL: There is no justification for any further delay regarding the redistribution of seats. Not even the electors themselves, let alone any other institution in this country, have the power to alter existing electoral boundaries, except as the Constitution provides—by a vote of both Houses of Parliament.

Mr. Panton: Do you think we could get a Bill for that purpose through the Legislative Council if we introduced it?

Hon. Sir JAMES MITCHELL: That is not the hon. member's responsibility. It is his responsibility to bring down the Bill and it is the responsibility of the Council to consider it. I shall have another opportunity to dicuss the question of redistribution, and it seems to me that in this country where rents are high, the franchise for the Legislative Council is liberal. I do not understand how any man in most parts of the State could expect to rent a house for less than 6s. 6d. a week.

Mr. Panton: Then how do you account for the fact that only 66 people have the vote for the Council in the Forrest electorate?

Hon. Sir JAMES MITCHELL: I am afraid very little interest in the Legislative Council is taken in that electorate, and therefore the people have not bothered about enrolling.

Mr. Griffiths: There are hundreds who are eligible to be enrolled, but have not taken the trouble.

Hon. Sir JAMES MITCHELL: That is so. I have not looked up the number of married people in this State, but I know that in this House we have brought down our number of unmarried members to one.

Mr. Panton: No, there are two unmarried members.

The Premier: Yes, we have two in this House, one of each sex, so that we should be able to solve the problem easily.

Hon. Sir JAMES MITCHELL: The sooner the matter is arranged the better.

Mr. Panton: No, we will not have that.

Hon. Sir JAMES MITCHELL: If people who are qualified for enrolment for the Legislative Council franchise neglect to become enrolled, that is their fault. In most instances where people are married, one of them is eligible for enrolment as the owner of property and the other as the occupier. However, I hope the Bill will go to a vote this evening.

The Premier: It is my intention to go right through to-night!

Hon. Sir JAMES MITCHELL: I trust so, for then the Premier's mind will be set at rest upon this question. I do not know how many times he has placed before this House a Bill along identical lines. In his 22 years in this House, he must have moved the second reading of Bills of this description quite 18 times.

The Premier: I have been very unsuccessful.

Hon. Sir JAMES MITCHELL: Not too much enthusiasm is shown regarding it by the members sitting on the Premier's side of the House. For my part I would be prepared to make a bet with the Premier that he cannot go to a vote on the Bill within a month, because he must get his statutory majority.

The Premier: Do you think I will have to bring Government members up to the scratch?

Hon. Sir JAMES MITCHELL: Some of them are sitting back in the breeching now. Not all of them are as enthusiastic as the member for East Perth (Mr. Kenneally), who is new to this House.

Mr. Panton: You suggest he has not had time to cool off.

Hon. Sir JAMES MITCHELL: A good many of the Government supporters have cooled off.

Mr. Kenneally: It is a pity the hon. member has not cooled off a bit more.

Hon. Sir JAMES MITCHELL: I do not intend to support the Bill, and I hope the Premier will be able to take a vote on it without delay. There is no reason why there should be any delay.

MR. E. B. JOHNSTON (Williams-Narrogin) [8.22]: This Bill is becoming a very hardy annual.

The Premier: You voted for it once.

Mr. E. B. JOHNSTON: The Premier's persistence is simply remarkable. He has moved in this direction both as Leader of the Opposition and as Premier. Many of us believe that his constant attacks on the franchise of the Upper House are inspired by a desire to proceed to the ultimate goal of the abolition of the Legislative Council.

The Premier: You are not going back on me, are you? You supported me once.

Mr. E. B. JOHNSTON: Yes, on one occasion, when it was not realised what you really desired.

Mr. SPEAKER: Order! The hon. member must address the Chair.

Mr. E. B. JOHNSTON: The Bill does not seek to make much alteration in the franchise for the Legislative Council, but it proposes to give every occupant of even a permanent camp in Western Australia a vote for the Upper House. That in itself

will not increase the number of electors for the Legislative Council very much.

Mr. Panton: Rubbish!

Mr. E. B. JOHNSTON: To-day almost every householder has a vote for the Upper House, if he has chosen to become enrolled.

Members: That is not so.

Mr. E. B. JOHNSTON: So far as I have been able to ascertain during my travels round the State, there are not many places where married people occupy houses of less value than £17 a year.

Mr. Panton: Why, 90 per cent. of the timber workers are not eligible to exercise the franchise for the Legislative Council! It is taken out of their wages and they cannot get the vote. The same applies in the mining districts as well.

Mr. E. B. JOHNSTON: In my opinion there are a good many people eligible for enrolment, who have not taken the necessary steps to secure the franchise.

Mr. Panton: Why, we have currycombed the provinces to secure all the enrolments possible.

Mr. E. B. JOHNSTON: At any rate, that is my opinion.

The Minister for Agriculture: Do you know that people have been prosecuted for enrolling because it was said that they did not have proper homes?

Hon. Sir James Mitchell: They could not have been prosecuted if they were properly enrolled.

The Minister for Agriculture: It was done by your Government.

The Premier: No, by the Lefroy Government.

Mr. E. B. JOHNSTON: We are dealing with the present time, and I take it nothing of that sort has occurred recently to render this legislation necessary. The present franchise for the Upper House permits of practically every householder, every married man, and every man who is thrifty, to have a vote. We find that all that is necessary to qualify a person for enrolment to secure a vote for the Legislative Council is that he shall occupy a house for which a rental of 6s. 6d. a week is paid. In the more settled parts of the State it would be impossible to secure a house for less than 6s. 6d. a week. Then again the freehold qualification refers to properties of a value of £50, including the value of improvements on a block. Thus even the owner of a very small property is qualified to have a vote for the Legislative Council. Any young man or farmer's son who is 21 years of age and has gone on the land, can secure the vote if he obtains land from the Crown at a rental of £10 a year. It is impossible to get much land from the Lands Department for less than that rental. Recent arrivals are able to secure enrolment.

The Minister for Agriculture: That sort of thing suits you, but what about the married men on the fields and the prospectors too?

Mr. E. B. JOHNSTON: If a prospector has a mining lease, for which the rental is £10 a year, he can secure a vote. Not many leases are available at less than that rental.

The Minister for Mines: Very few prospectors have mining leases. They are usually on prospecting areas, and that does not entitle them to a vote.

Mr. E. B. JOHNSTON: A large proportion of the thrifty family men of the State are qualified for a vote for the Legislative Council, but some of them are not enrolled. The members of the Country Party do not desire an alteration of the franchise. There is not much harm in the alteration proposed to be made, if we view it by itself, but we cannot shut our eyes to the fact that behind the Bill is the objective of the Labour Party——

Mr. Wilson: To which you belonged at one time.

Mr. E. B. JOHNSTON: —and that is the abolition of the Upper House. I believe the people of Western Australia do not desire the Legislative Council to be abolished. The Upper House has been abolished in only one State of the Commonwealth, namely, Queensland, and even there, it was not done as the result of the voice of the people. On the contrary, it was done in direct defiance of a referendum of the electors.

Mr. Panton: And the Labour Government have been returned three times since then.

Mr. Davy: And may be returned for ever if they are permitted to fix the boundaries.

Mr. E. B. JOHNSTON: The people there did not want the Legislative Council to be abolished.

Mr. Wilson: But you voted for this Bill once!

Mr. E. B. JOHNSTON: Of course I did, but in circumstances very different from those of to-day. I have been returned to Parliament since then pledged to oppose the present Bill, and I can assure the hon. member that this particular measure was a

strong issue during the last election in my electorate.

Mr. Kenneally: Like another gentleman, the hon. member has seen the light?

Mr. E. B. JOHNSTON: It is certain that the people of this State have no desire to see the Legislative Council abolished. The people of Queensland, where the Legislative Council has been abolished, signified by a majority of nearly two to one that they favoured the retention of the Upper House. That justifies me in saying that the people of no State in the Commonwealth have indicated a desire for the abolition of the second Chamber.

The Premier: This Bill has nothing to do with the abolition of the Upper House.

Mr. E. B. JOHNSTON: In Western Australia we are fortunate in that the franchise of the Council is broad and liberal, and we are fortunate in that our Constitution has provided for an elective Council, not, as in New South Wales, for a nominated Council. I submit that since we have an elective Council it is not wise to have two Houses, both elected on the same franchise.

The Premier: Under the Bill we would not have them both elected on the same franchise.

Mr. E. B. JOHNSTON: But the Bill is narrowing the difference between the two.

The Minister for Lands: What about the Commonwealth Parliament?

Mr. E. B. JOHNSTON: That is quite a different thing. It was desired under the Constitution that the Senate should represent the States. It is a great pity that party politics have so intruded into the Federal arena that the Senate does not represent the smaller States to the extent that was desired by the framers of the Federal Constitution when they gave each State the same representation in that House. The Minister knows well that Western Australia, with her comparatively small population, has the same representation in the Senate as has each of the thickly populated States of New South Wales and Victoria. We of the Country Party are opposed to this measure because our present platform provides for the bicameral system.

Mr. Kenneally: That is the party to which you now belong?

Mr. E. B. JOHNSTON: The party to which I have belonged for a good many years. When I did not belong to it there was no Country Party in Western Australia. The Country Party is composed entirely of people who have been in the other two parties. There was no Country Party when I belonged to another party.

The Minister for Lands: When you were with us you said the Country Party were the Bulgarians of politics.

Mr. E. B. JOHNSTON: I did not. "Hansard" will show that the Minister for Lands is wrong. That statement was made, not by me, but by a member of the hon. member's party. I can prove that from "Hansard." What I wished to emphasise was that, at the time when I belonged to another party, everyone now in the Country Party belonged to another party. For there were then only two parties in politics in this State. Unavailingly and time after time the farmers tried for justice from both. Not getting it, they formed a separate party, in doing which they followed the example of the Labour Party, and aimed at the same results as the Labour Party had achieved. At one time the working men in this State did not have a fair deal. So they organised politically and secured their objective. The Country Party have followed their example.

Mr. Kenneally: At any rate, they have secured the hon. member.

Mr. E. B. JOHNSTON: Yes, and I am proud to be of them and to speak on their behalf.

Mr. Marshall: Members of the Labour Party in the Williams-Narrogin district have never got anything out of the party you support.

Mr. E. B. JOHNSTON: I have never been backward in giving the Government and their supporters full credit for what they have done. In their occupancy of the Treasury they have done a fair thing by all parts of Western Australia, and it has been their good fortune to provide some of the public works urgently required in the Williams-Narrogin electorate. I am entirely opposed to the Bill. We of the Country Party are pledged to the retention of the Council. We believe the Council is the bulwark of the man on the land. Time after time, during the past four years, the Council has been called upon to protect the interests of the small settler, and on one historic occasion, we have it on the authority of the Premier himself, the Premier exclaimed, "Thank God there is an Upper House."

The Premier: But that was said in my joking days.

Mr. E. B. JOHNSTON: We desire to see the Council retained, if only in the interests of the Government, for it is saving the Government from the extremists in their own party. The Council should be allowed to go on wisely doing its duty as a House of review and preventing anything but sound legislation from finding a place on our statute-book. On behalf of the Country Party, I oppose the Bill altogether.

MR. KENNEALLY (East Perth) [8.35]: Like many other members, I was surprised at hearing that the Leader of the Opposition would oppose the Bill. Also I was surprised to hear the member for Williams-Narrogin (Mr. E. B. Johnston) declare that he would adopt the same attitude. From the remarks of the hon. member one would think the Government had introduced a Bill for the abolition of the Council. I have looked through the Bill but have seen in it no reference whatever to the abolition of the Council.

Mr. Davy: The Government are much too cunning for that.

Mr. KENNEALLY: And our friends opposite are much too cunning to debate the merits of the Bill. They want to side-track it by introducing the bogey of the abolition of the Council. Let me repeat the remarks of some members opposite. They say that if the Bill be carried, even though it does not mention the abolition of the Council, the result will be the same. Are they afraid to trust the people with a vote on that question? What is the value of the claim put forward by members that if the question of the abolition of the Council went to a vote of the people it would never be carried, when those members say also that if the Bill be carried it will mean ultimately the abolition of the Council. What we have to decide by our votes on the Bill is the question whether we are prepared to give to the Asiatic that which we are not prepared to give to the Australian citizen. That is to be determined by our vote on the Bill.

Mr. Davy: Apparently the Premier is prepared to do what you say.

Mr. KENNEALLY: The Premier has introduced a Bill under which the Australian citizen will get a vote; and he has thrown on the member for West Perth the onus of saying whether he will support the proposition to give to the Australian citizen the vote that the Asiatic already has.

Mr. Davy: The Premier has retained the vote in the Council for the Asiatic.

Mr. KENNEALLY: And he wants to give to the Australian citizen the vote already enjoyed by the Asiatic.

Mr. Davy: According to his Bill he would deny it to some Australians.

The Premier: Because I know you will not go half-way with me.

Mr. KENNEALLY: We shall see by the vote the member for West Perth gives on this measure whether he is prepared to remove the anomaly provided by the Australian citizen. If he is prepared to remove that anomaly, I think I shall not be unduly anticipating the ideas of the Premier when I say the hon. member will soon have before him another measure through which he will be able to give full vent to his desire to accord the full franchise to the Australian citizen.

Mr. Davy: What does that mean?

Mr. KENNEALLY: If the hon. member will vote to enfranchise the Australian citizen so far as this Bill goes, he need not worry as to whether the Government will give him an opportunity to remove any of the restrictions that will still exist in respect of the Australian citizen.

Mr. Davy: Presently I will make a bargain of a different kind with you.

Mr. KENNEALLY: We are not prepared to bargain when the franchise of Australian citizens is at stake. It is a question whether the Australian citizen, by virtue of his manhood, or her womanhood, is entitled to vote. If so, there should be no question of bargaining, but we should tell the Australian citizen that we are going to give him a vote. If the Bill ultimately meant that there was to be placed before the people of the State the question whether the Council should be retained in this State, would it be such a calamity? Is anything seriously wrong in putting back on to members opposite their own idea, their own statement, and the claim that they are desirous of trusting the people? What are we to think of members who say they desire to trust the people, but who take the first opportunity to prevent a question going to the people?

Mr. Lindsay: In Queensland the Government did not pay much respect to the wishes of the people.

Mr. KENNEALLY: The action taken in Queensland has resulted in the return at the succeeding elections of the Government that took the action.

Mr. Davy: You trusted the people at the last elections on the present distribution of seats.

Mr. KENNEALLY: Since the Queensland Government have been referred to, let me say that I was interested when that Government abolished the Council in that State. The Leader of the Opposition in the Queensland Parliament declared that that action would be made a live question at the then pending elections. I was interested to see what grounds the then Opposition in the Queensland Parliament would put before the people in support of their opposition to the action taken by the Government. To appease my curiosity, I decided to have sent to me newspapers representing each side of political thought in Queensland, so that I might see what grounds were put forward by the opponents of the Government against the abolition of the Council. Even though it was said by the then Leader of the Opposition that the abolition of the Council would be made a live question at the pending elections, we find that actually it was not mentioned. Yet my friends opposite want us to believe that the action taken by the Queensland Government was so much against the interests of the people.

Mr. Davy: Against the wishes of the people as expressed at a referendum.

Mr. KENNEALLY: It was so much against the wishes of the people that at the subsequent election the Leader of the Opposition was not prepared to make it a question upon which the election would be decided.

Mr. Davy: There had been a referendum taken. That is why.

Mr. KENNEALLY: He very adroitly left the question untouched. That referendum was taken before the Government abolished the Council.

Mr. Davy: Yes, and their action was in defiance of the wishes of the people.

The Minister for Mines: Only 51 per cent. of the people voted at that referendum.

Mr. KENNEALLY: We are told that the Legislative Council of Queensland was abolished in defiance of the wishes of the people. Let us analyse that. After the action was taken, supposedly in defiance of the wishes of the people, the then Leader of the Opposition in Queensland said he would make it a burning question at the subsequent elections. Did he carry that out? No. He did not mention it at the subsequent elections, because he knew full well that no matter what the referendum, taken a considerable time beforehand, disclosed, the people of Queensland, realising the benefit of having got rid of the useless second Chamber, had no desire to see it reinstated. The same would occur in Western Australia if the Upper House here were abolished.

Mr. Griffiths: People in Queensland do not talk like that now.

Mr. Davy: The distribution of seats changed immediately the Upper House had gone.

Mr. KENNEALLY: Of course it did. Let me point out that this Bill in the first place contains no proposal for the abolition of the Upper House and in the second place it contains nothing about a redistribution of seats. Yet members opposite, in the speeches delivered so far, have dealt with nothing else but those two questions. The point for us to consider is, "Are we prepared to stand where we are as regards the qualifications for a vote for the Legislative Council, or are we prepared to liberalise the franchise somewhat in order that possibly an additional 140,000 adults in this community may be enfranchised?" No matter how members opposite attempt to cloak the position, last session they voted to disfranchise 140,000 adults in this State.

The Premier: And then turned round and appealed for their votes in this House.

Mr. KENNEALLY: They said in effect, "You are good enough to have a vote to elect us to this House, but at the same time you are not sufficiently trustworthy to be given a vote that will enable you to say whether the measures we pass through this House shall be ratified in another place." The time has come when we should liberalise the franchise of the Legislative Council. If I were asked whether I was prepared to support a redistribution of seats Bill, my reply would be "When you are prepared to trust the people by giving them a full and unfettered vote in the country's affairs, I shall be prepared to support a redistribution of seats Bill, because it is just as necessary to enfranchise

140,000 adults who are at present denied a vote for the Legislative Council."

Mr. Griffiths: Are there 140,000 who are not entitled to a vote, or are they too tired to get on the roll?

The Premier: How could they be too tired to get on the roll when they are on the Assembly roll?

Mr. Griffiths: I know there are some of that sort.

Mr. KENNEALLY: The member for Avon would be an authority on the question of being tired. The Leader of the Opposition said he had no mandate to alter the franchise of the Legislative Council. Have not the Government, with that as a plank of their platform, sufficient mandate to claim that an alteration should be made? If not, where should we get a mandate?

Hon. G. Taylor: That has been on your platform for about 30 years and people do not take it seriously.

Mr. KENNEALLY: It is on our platform and to my knowledge was espoused from numerous platforms during the recent election campaign.

The Premier: During the last two campaigns.

Mr. KENNEALLY: I am dealing only with the latest campaign. The member for Mount Margaret differs. I will leave that to members who were more closely in touch with him during the campaign. Possibly we should have to consult the postal vote officers in order to find out whether that was so or not.

Hon. G. Taylor: They have nothing to say.

Mr. KENNEALLY: Have they not? Possibly the postal vote officer has more to say in that constituency than appears on the face of it. We are told it would be dangerous to pass this Bill. The Leader of the Opposition made that statement. Why dangerous? Is it dangerous to trust the people? On several occasions during this session the hon. member has appealed to us to trust the people. If this measure is going to be dangerous, it will be because we are prepared to trust the people and because the people, if trusted, may be depended upon to say that the system of enfranchising Asiatics and disfranchising Australians should no longer be tolerated in this State. This Bill will give members opposite an opportunity to trust the people, and it will be interesting to see how they are prepared to put that cry of theirs into effect. We have in operation in the Federal sphere the bicameral system and a franchise that does not require different qualifications for the two Houses. I have not heard members raise any opposition to that system or to the results following its operation. I have not heard opponents of Labour either in the State or in the Federal sphere advocating a property qualification for the Senate. Why? If it is not necessary for the Senate, why is it still held to be sacred for our Legislative Council?

Hon. G. Taylor: You know quite well.

Mr. KENNEALLY: The hon. member will have an opportunity to explain it to the House.

Hon. G. Taylor: It has been explained hundreds of times.

Mr. KENNEALLY: Perhaps the hon. member will tell the House why a property qualification is not essential for the Senate and is essential for our Upper House. If the Federal system is good enough for the people of Australia as a nation, are we in Western Australia so far advanced that it is not good enough for us? We have had before us a measure dealing with joint electoral rolls. For the Commonwealth we have had a uniform roll for the two Houses for some 27 years, and are we not in a position to say whether it has been successful? If we cannot indicate where it has been unsuccessful, surely it is not asking too much that we take some steps that will bring us nearer to uniformity! This Bill provides an opportunity, not to emulate the Federal system, but to approach nearer to the ideal of adopting one vote for both Houses. What is proposed under this Bill? It is provided that a person shall have a vote if he is an inhabitant or occupier as owner or tenant of any dwelling house. What is wrong with that?

Hon. G. Taylor: What is the definition of dwelling house?

Mr. KENNEALLY: I would not care what the definition was.

The Premier: The kind of house the member for Mount Margaret often lived in.

Mr. KENNEALLY: Yes; and in the days when he lived in such a house he would have been prepared to give a vote to the occupant. But things have changed since then.

Hon. G. Taylor: Keep cool! Do not try to lose a vote for your party.

Mr. KENNEALLY: It would require an ice chest to keep the hon. member sufficiently cool to get his vote.

The Premier: He is not entirely lost.

Mr. Mann: He is too old a hand to be influenced that way.

Mr. KENNEALLY: In other days and in other circumstances more than one member at present sitting in opposition would have been only too glad to support a proposal that would give the vote to an Australian citizen as against an alien. To-day, however, things with them are different. Environment means much to many people and, consequently, when the opportunity is afforded them to give to Australian citizens the vote already enjoyed by aliens, we cannot get the support from them that their early experience would lead us to expect.

Hon. G. Taylor: You do not expect people to remain ignorant in spite of experience.

Mr. KENNEALLY: No, but even with experience some people remain ignorant. I trust the result of the deliberations on this Bill will be to affirm that the manhood and womanhood of this State are entitled to a vote for another place. If we are not prepared to give the full and unfettered franchise to the people, need we wonder if they become disappointed as a result of not being able to secure the full expression of their desires through the legislature of the country, and manifest their disappointment by endeavouring to take the direct action that many members opposite criticise them for taking? The best possible safeguard for the country is the unfettered franchise for the people, and when people realise that the opportunity to express their desires through the Parliamentary institutions of the country are limited and that they are frustrated in their desires, there is bred the discontent that often makes for revolution.

Hon. G. Taylor: That is the stuff to give them!

Mr. KENNEALLY: I make this appeal because possibly those of us who have been in the ranks are in a position to judge. Those who do not believe in revolution, but who for years have been advocating the adoption of constitutional means to obtain redress—I claim to be one of them—can judge which is the better method by which to maintain the peace of the community. The peace of the community will not be maintained if the people get the idea that we are prepared, regardless of all considerations, to frustrate their desires to secure improvements through the Parliamentary institutions. History proves, without any elucidation from me, that every revolution that has occurred, involving an uprising of the people, has been because the natural desire to secure reforms though legislative enactments has been frustrated by those who have had the people in subjection Are we going to liberalise to a great extent the franchise of the Legislative Council on this occasion? If we are not going to do so, all the talk of members opposite about a proposed redistribution of seats Bill, or any other measure designed, as they say, to give effect to the will of the people, is so much moonshine and should be regarded as such by members of the Government, until such time as those members let go their strangle-hold on the votes of the people of this country.

MR. GRIFFITHS (Avon) [9.2]: I listened with a good deal of interest to the remarks of the member for East Perth (Mr. Kenneally), to his references to moonshine, his original suggestions in regard to the revolutionary theories that may exist, the downtrodden masses of the country, and to his talk about good old democracy. Those remarks somewhat amused me when I considered the position of this Chamber. Before members opposite begin talking about putting another place in order something pretty drastic should be done to bring about a revision of things in this Chamber.

The Premier: I think that is so too, when I look around the Chamber.

Mr. GRIFFITHS: Yes, when we look around the Chamber we do see some people who would be better out of it. I made an interjection which the Premier somewhat heatedly denied. I say without fear of contradiction, and from personal experience, that when I was contesting one of the East Province seats for the Upper House, I put the names of over 2,000 people on the roll. in Northam, a railway town, over 100, and those that I did not put on I induced to go on. In many cases I had the utmost difficulty in getting men, railway men who were quite qualified because they had cottages or were renting places, to go on the roll, but they would not be bothered to do so.

The Premier: They were not inspired by the possibilities of voting for the candidate who was offering.

Mr. GRIFFITHS: It was not a compulsory roll, which had a good deal to do with the matter. No doubt thousands of people in the State would go on the roll if it were

compulsory to do so, as is the case with the Legislative Assembly. In every town that I canvassed I put scores of people on the roll. In York, Beverley, Kellerberrin, Merredin, Corrigin, Bruce Rock, Wongan Hills, and all round the districts I did a lot of canvassing, and as a result over 2,000 names were added to the roll. I had to use a good deal of persuasion to induce many of these people to put their names on the roll. We have heard a good deal about the downtrodden masses and about denying people the franchise. When one considers that the franchise is on a 6s. 6d. rental basis, it makes one smile.

Hon. G. Taylor: You will be surprised when the revolution comes.

Mr. GRIFFITHS: At the last elections we had the electorates of Menzies, Mt. Margaret, Hannans, Yilgarn and Coolgardie with a total number of votes recorded of 1,852. The electors on these five rolls numbered 3,750, as against 5,237 for the constituency I represent

Hon. G. Taylor: Look at the quality of your votes.

Mr. GRIFFITHS: I had over 1,400 votes to spare more than were on the rolls of those five constituencies.

The Minister for Mines: The member for Canning has a few votes to spare, but he is on this side of the House.

Mr. GRIFFITHS: By comparison with these five electorates, whereas I represent five, he represents about 15 seats.

Hon. G. Taylor: I think it is 17.

Mr. GRIFFITHS: And then members opposite talk about democracy.

MR. LINDSAY (Toodyay) [9.5]: I have listened with a good deal of interest to the remarks of members on the other side of the House, and to what they have had to say about democracy and the rights of the people.

Hon. G. Taylor: And the downtrodden multitude.

Mr. LINDSAY: They seem to harp on the subject that every vote should be placed on an equal footing. The Minister for Lands interjected, "What about the Federal franchise?" The Federal franchise cannot be compared to the franchise for this House. We have five members in the House of Representatives, representing Western Australia. The member for Kalgoorlie in the House of Representatives represents 15 or 20 seats as they stand for this House. For the House of Representatives we have the principle of one-man one-vote, or one vote one value, but that is not the case with regard to this House. How members opposite can compare the Federal franchise with that for this House, I do not know.

The Premier: That is extraordinary logic. The member for Kalgoorlie in the Federal House represents an equal proportion with the other members in the House.

Mr. LINDSAY: I agree as to that.

The Premier: Then there is no comparison between that House and this.

Mr. LINDSAY: I am making the comparison in reply to the Minister for Lands.

The Premier: That is no reply.

Hon. W. D. Johnson: Do you advocate a redistribution of seats on the basis of one vote one value?

Mr. LINDSAY: No. I am advocating that, so far as the Federal House is concerned. When we come to the Senate we also have six representatives, the same as from the other States. We were given that privilege because of our large area and our small population. If we took the two together I would agree that it should be on that basis. If the franchise for the Upper House in this State is wrong, it is wrong with respect to the Lower House. We have the power to alter our own franchise and to effect a redistribution of seats. In my opinion the Government should put this House in order before asking us to put another place in order.

The Premier: That is a good sidetracking argument. You never will get it into order until you alter the franchise.

Mr. LINDSAY: That is my idea. We are members of the lower House, or of the House of Assembly. Every member here knows that we require a redistribution of seats. We should at least attempt to put our own House in order before we think about putting another place in order. If the Premier would bring down the Bill to put this House in order, I would do my best to assist him in putting another place in order afterwards. First of all we must deal with our own House. The member for East Perth talked a lot about Queensland. I was rather surprised to hear him, at the close of his remarks, talk about revolution and the rights of the people. That is the first time in my experience this has been mentioned here. He says, "If you deprive the people of the right to vote, and go on denying them that right, we shall have revolution." In Queensland the people certainly

have the right to vote, and they have not even an Upper House, but that did not prevent a revolution. He also said that the Queensland Government did right to abolish the Upper House. A referendum of the people of that State was held, but a majority of those people said they did not want to abolish the Upper House. And yet we find those who say they represent the people of Queensland doing something which those people by their votes said they did not want done.

Mr. Sleeman: They returned those who did it at the next election.

Mr. LINDSAY: The Government in Western Australia were not returned to office because of any plank for the abolition of the Upper House. The Government were returned because of the pocket boroughs that exist in Western Australia.

The Premier: That is not true. We were returned because we had the majority of the votes of the people of this country.

Mr. LINDSAY: The question of the abolition of the Upper House was not an election cry. It may be as the Premier has interjected. I have not worked out the figures.

The Premier: You know better. You would have worked out the figures if they had suited you.

Mr. LINDSAY: The statement has been made that there is a mandate from the electors to abolish another place. I contend that the electors did not decide that issue at the last election or at any previous election. Many other things than that cropped up at the last election. No definite opinion was expressed by the electors concerning the abolition of the Legislative Council. I do not believe one member sitting on this side of the House would have been defeated if he had said he was not prepared to abolish the Upper House, or that one member opposite was elected because he may have expressed his willingness to have it abolished. The other evening the Premier, in reply to an interjection, said, "Let us deal with both situations. Let us have perfect equality. Let us not have the spectacle of Canning with 17,000 and Menzies with 207." I realise that that was one of the joking moods of the Premier. His interjection was in reply to certain statements made by the Leader of the Opposition.

The Minister for Mines: We hold that that is wrong.

Mr. LINDSAY: Why not right our own wrongs first? Why tell the man next door we are going to right him? Let us right our own position first. The Premier made another comparison. He was dealing with the metropolitan electorates. He drew a comparison to show how bad the position was with respect to the Legislative Council. He said there were 7,274 people on the Council roll and 26,179 on the Assembly roll for the metropolitan area. Is there any comparison between the previous statement of the Premier and this one? Which is the bigger injustice? Here we have at least a third of the votes of the metropolitan area on the Council roll, and for the Canning electorate we have 17,000 and for Menzies 207. Which is the worse position?

The Premier: They are not the same subjects. In the one case it is a question of the voting strength, but with the Council it is a question of no vote at all. The two things are not comparable.

Mr. LINDSAY: The member for Menzies has equal power so far as the legislation of the State is concerned with the member for Canning. In the case of the Assembly the enrolment is compulsory.

Mr. Panton: Your party had just as much chance of altering it as anyone else.

Mr. LINDSAY: My party has never had a chance to alter it. I have always been on the Opposition side of the House. Why blame me? I cannot be twitted with having voted in any other way. I have been with only one party in my life.

The Premier: You are only new in politics.

Mr. LINDSAY: The rolls for the Legislative Council and Legislative Assembly are not comparable. For the Assembly we have compulsory enrolment, but not for the Upper House. All men and women, on reaching a certain age, know that they are entitled to be put on the Assembly roll. No one knows that he is entitled to be put on the Council roll.

The Premier: That is quite right.

Mr. LINDSAY: I know that from my own experience. I have met scores of people who did not know they were eligible to get upon the Council roll. And, what is more, I have met scores of people who did not wish to get on the Legislative Council roll. One of their reasons was expressed thus, "If I get on the roll, I shall be caught for taxation."

The Minister for Lands: Another reason may be that if a man gets on that roll he may be prosecuted, as was done at Kalgoorlie.

Mr. LINDSAY: The member for East Perth (Mr. Kenneally) seriously stated that we on this side are prepared to give the Legislative Council franchise to Asiatics, but not to Australians. The Bill contains nothing about giving the franchise to Asiatics or depriving them of it. It was given to them many years ago, and so why should we be twitted on that score? When the hon. member says that we are not prepared to give the franchise to Australians while we are prepared to give it to Asiatics, he insinuates that this is the case under the same conditions. At the present time if the Asiatic has the property qualification he can vote. Now, I am prepared to assist members opposite to abolish that qualification in the case of Asiatics. Why should this side of the House be twitted in that fashion? My experience in this Chamber does not lead me to the conclusion that the present franchise has made the Upper House a very bad Chamber.

The Premier: That is not the question.

Mr. LINDSAY: I am disposed to think the Upper House has been of great assistance to the Government, at all events since I have been a member of the Assembly. It has happened on more than one occasion that, a Bill having been introduced here, every amendment proposed by us has been absolutely refused by the Government, and that, upon the Bill being returned from another place, the same amendments were gladly accepted.

The Premier: Accepted not gladly but under compulsion. Either that, or lose the Bill.

Mr. LINDSAY: I have had a Minister say to me here, "If you can get that amendment put up in the Upper House. I will agree to it." Yet the same amendment was not agreed to here. During the last three years I have not seen anything seriously wrong with the Legislative Council.

The Premier: That is not the point.

Mr. LINDSAY: As regards the Forrest electorate, the people there, by reason of the fact that they work for timber companies and get very cheap houses, the rents being as low as 1s. per room per week——

Mr. Panton: That fact is taken into consideration when wages are being fixed by the Arbitration Court.

Mr. LINDSAY: When the Arbitration Court fixes the basic wage, that court takes note of the cost of house-rent in Western Australia, but not at 4s. or 5s. per week. I believe the average rent of a five-roomed house in Western Australia is about 21s. per week.

Mr. Panton: Not in the case of the timber workers.

Mr. LINDSAY: The basic wage is founded, in part, on a house-rent of 21s. per week.

Mr. Panton: The timber workers are not working under a State award.

Mr. LINDSAY: No; under a Federal award. The point is that only a very poor house can be obtained in Western Australia for 6s. 6d. per week.

Mr. Panton: The houses on the timber mills are very poor.

Mr. LINDSAY: On the timber mills and also on the goldfields there are many poor houses. The difference in numbers between the Assembly and the Council rolls, however, is due to the fact that compulsory enrolment obtains for the Lower House and not for the Upper House. The member for Avon (Mr. Griffiths) gave an illustration in point. That hon. member had 2,000 people put on the roll for the East province. I do not doubt that even in the metropolitan area there are thousands upon thousands of persons who should be on the Council roll but are not.

The Premier: But when the member for Avon was contesting an election he put on everybody, whether qualified or not.

Mr. LINDSAY: I have a much better opinion of the member for Avon than that He is not a member of the Labour Party. I am sure he would put on the roll only those with a right to be on it. No member of the Country Party does anything of the nature suggested by the Premier.

The Minister for Mines: At one election that hon. member polled 2,300 votes.

Mr. LINDSAY: Under compulsory enrolment. At my last election not 60 per cent. of the people on the roll recorded their votes. I see no great reason to alter the franchise for the Upper House at present, except in the two respects I have illustrated. This Bill is merely an instalment of something to come. We have been told that. If the member for East Perth (Mr. Kenneally) is afraid of a revolution because of the lack of a free and unrestricted franchise for the Upper House, I point to the fact

that in a State with only one Legislative Chamber there was nearly a revolution not so long ago. I am astonished to find a legislator threatening this Chamber with a revolution from the people represented by him unless we do certain things.

Members: He did not say that.

Mr. LINDSAY: The member for East Perth said he had lived amongst those people and knew them. Seemingly he was just giving us a warning, not a threat, as to what we might expect. I do not believe there has been any great demand for the proposed change except from certain annual conferences; neither do I believe that the people of Western Australia desire the change. I am quite prepared to agree with the Premier, provided he will give a guarantee not to do as the Queensland Government have done, but to abide by the wish of the people. If the hon. gentleman does take a referendum, he will discover that there is no demand on the part of the people for the abolition of the Upper House.

The Premier: You say that the people do not want the Upper House abolished, but that it will be abolished if what the Bill proposes is done.

Mr. LINDSAY: It will be done not by referendum, but by the party the hon. gentleman leads, because abolition of the Upper House is a plank of the Labour platform. "If the franchise is so altered as to admit a number of Labour representatives to the Upper House, that Chamber will be abolished," is the argument. Just fancy a lot of hon. members elected for six years carrying a resolution to put themselves out of existence!

Mr. Kenneally. And in order to prevent that, the hon. member is prepared to allow a Chinese or a Japanese with £50 to have a vote.

Mr. LINDSAY: I am not prepared to allow that. If the present Government will bring down a Bill to prevent it, I will vote for the measure. I, as a private member, cannot introduce such a Bill. Again I ask, why should we of this party be twitted on that score? Why should the public be told that members of this party are more disposed to give the Legislative Council franchise to Asiatics than to Australians?

Mr. Kenneally: So you are.

Mr. LINDSAY: The passing of this Bill would not stop Asiatics from voting. I shall not support the measure; but I again state that when a Redistribution of Seats Bill on reasonable lines is brought down, I will vote for it provided I am still in the House.

On motion by Mr. Panton, debate adjourned.

House adjourned at 9.25 p.m.

Legislative Council,

Tuesday, 27th September, 1927.

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

BILL—BREAD ACT AMENDMENT.

As to Reinstatement; President's ruling.

HON. E. H. GRAY (West) [4.31]: I give notice of my intention to move that the Order of the Day for the second reading of the Bread Act Amendment Bill be reinstated on the Notice Paper for this day week.

HON. A. LOVEKIN (Metropolitan) [4.32]: I ask for a ruling as to whether that notice of motion is in order.

THE PRESIDENT [4.33]: Mr. Gray last week asked me if it were possible to restore the Bread Act Amendment Bill to the Notice Paper. I am therefore prepared to answer Mr. Lovekin's question as to whether the notice given by Mr. Gray is permissible. The query I have to answer is whether a motion, which provides for the reinstatement as an Order of the Day of