to bring the matter to the attention of the Minister, and to say that I will call on him at his office at a later date with respect to it, rather than run the risk of further delaying this sitting.

Vote put and passed.

Votes—Child Welfare and Outdoor Relief, £75,500; Goldfields Water Supply Undertaking, £142,750; Kalgoorlie Abattoirs, £5,964; Metropolitan Abattoirs and Sale Yards, £56,910; Metropolitan Water Supply, Sewerage and Drainage Department, £134,955; Other Hydraulic Undertakings Chargeable to Revenue, £73,545—agreed to.

Progress reported.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Returned from the Council with amendments.

ADJOURNMENT—SPECIAL.

THE PREMIER: I move—

That the House at its rising adjourn till 4 p.m. today (Thursday).

House adjourned at 12.2 a.m. (Thursday).

Legislative Council.

Thursday, 14th December, 1944.

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

QUESTION.

MURESK AGRICULTURAL COLLEGE.

As to Students, Etc.

Hon. W. J. MANN asked the Chief Secretary:

(i) How many students entered Muresk Agricultural College each year since the outbreak of the present war?

(ii) What percentage gained passes in the courses for which they entered?

(iii) What was the cost of maintaining that institution each year?

(iv) What was the value of—(a) stock; and (b) produce produced each year?

The HONORARY MINISTER (for the Chief Secretary) replied:

(i) 1939, 18; 1940, 17; 1941, 14; 1942, 15. The college was closed in July, 1942, owing to Military requirements.

(ii) The following number of students gained diplomas in each year mentioned:—1939, 12; 1940, 11; 1941, 14; 1942, no examination owing to closure of college.

(iii) Treasury expenditure: 1939-40, £14,155; 1940-41, £13,917; 1941-42, £14,537; 1942-43, £8,443; 1943-44, £5,344. These sums are exclusive of interest and depreciation.

(iv) (a) Sale of stock from 1939-40 to 1943-44 as follows:—£1,211, £922, £937, £1,111, £1,857. (b) Sale of produce:—£1,136, £1,199, £1,279, £1,845, £1,817.

BILLS (2)—THIRD READING.

1, Rural and Industries Bank.

2, University of Western Australia Act Amendment.

Returned to the Assembly with amendments.

BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT.

Bill returned from the Assembly without amendment.

BILL—SHEARERS' ACCOMMODATION ACT AMENDMENT.

Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Assembly's Message.

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

BILL—MOSMAN PARK RATES VALIDATION.

First Reading.

Introduced by the Honorary Minister and read a first time.

Second Reading.

THE HONORARY MINISTER [4.45] in moving the second reading said: This short Bill is to validate the rates struck by the Mosman Park Road Board for the financial years ended the 30th June, 1942, 1943, and 1944, and thus rectify errors of procedure, which, if challenged in the courts by a very small proportion of ratepayers, may be declared invalid. Members will have a keen recollection of Supreme Court proceedings in June of this year, when the plaintiff was successful in having the rates struck by the Mosman Park Road Board declared invalid for the year 1940-41. This measure has nothing to do with the Supreme Court decision; neither does it seek to interfere with that judgment. Such a procedure would be highly improper. But as a result of that judgment the three following years' rating is in jeopardy. While the large majority of ratepayers have recognised their obligations and paid their rates, some 112 ratepayers in 1941-42—the number rose to 155 in 1943-44—are sitting pat, and are not paying their rates in the fervent hope that someone will take legal action which may be successful, and thus again save them from being compelled to pay the rates imposed.

I want to stress that the 1940-41 rates which were declared invalid are gone and cannot be recovered. The amount involved is £896 4s. owed by 155 persons, or an average per ratepayer of under £6. The total number of ratepayers in the Mosman Park Road Board district is 1,350. I do not desire to go into any examination of the rights or wrongs of the board at that time, except to say that the then board, in the very laudable desire to effect a settlement with disgruntled ratepayers, was negotiating and arguing with the local progress association, and the turmoil lasted right up to the Supreme Court action. A reduction of the rates imposed for 1940-41, by 50 per cent. was agreed upon with the association, but this was not acceptable to some people. Actually, if ordinary procedure had been adopted, a validating Bill would have been introduced straightening out the complication, but this was not considered advisable. In actual fact the board is being punished, for trying to be just, by being deprived of its revenue. The action in the Supreme Court was taken, the plaintiff was successful, and the road board elections took place. The chairman himself was defeated at the polls, and the Mosman Park Road Board district is now treated as one ward. The then secretary is deceased.

Turmoil within the board is now nonexistent, a new secretary has been appointed, and the new chairman and his board are unanimous in the desire that it be re-established and fortified by Parliament to enforce the rates for the years I have mentioned. The road board has been assisted by the officers of the department and the Under Secretary has been down there several times. The auditors and inspectors have dealt with the matter, and we can say now that all complications have been cleared away.

Hon. J. Cornell: Is this the only board in a similar mess?

The HONORARY MINISTER: No, not by any means. I want to impress upon the House that this request is backed up by a very large majority of the ratepayers who have met their obligations to the local authority. This measure is required in order to deal justly with the ratepayers who have paid their rates. To allow matters to slide would be distinctly unjust to them. A very strict investigation of the accounts of the board over the years involved has been made by the departmental experts. This has disclosed that no shadow of suspicion against the ex-chairman of the board, the ex-secretary or any of the officers has been aroused. On the contrary expenditure of funds has been accounted for, correct allocation to the various accounts has been made, and there is not the slightest foundation for any suggestion of misappropriation against the retiring officers of the board.

Technical mistakes only were made and so far as 1943-44 is concerned the board failed to rate the then south ward. This was done as the board considered that sufficient money was available for the coming year. A mistake was made because the Road Districts Act provides that a minimum rate of one halfpenny in the £ must be struck over the whole district. Had this been done the amount received would have been £62 12s. Notwithstanding this small amount, if the board were legally challenged it must lose the case.

Hon. J. Cornell: The board seems to have done a lot of stupid things.

The HONORARY MINISTER: Everyone does stupid things at times. On several occasions during the last 20 years the Government has had to obtain parliamentary sanction for validating Acts on behalf of various local authorities. In 1922 the Perth Road Board collected too high a rate in somewhat similar circumstances to Mosman Park Road Board and the surplus amounted to £7,367. This was discovered by the Local Government Auditor and the Perth Loan Rate Validation Bill was introduced into the Assembly and the second reading passed on the 1st February, 1923. This Bill was passed without any trouble in both Houses. Compared with the Mosman Park matter that was a mountain compared with a molehill. Since then over the years nine validating Acts for municipal councils and road boards have been passed. I can supply the names of the authorities and the date of the introduction of the legislation if required by members.

I shall quote one instance to support my case for this validating Bill, and I do so because the quotation I shall deal with gives a typical example of what has happened for years past. I might say that at that time the late Hon. W. J. George was Minister for Works. In moving the second reading of the Claremont and Perth Road Districts Rates Bill, the then Minister said—

I will briefly give members the reasons for submitting this Bill, and I hope they will see that there is justification for bringing it forward. In August, 1921, the Claremont Road Board levied a general rate of 3d. in the pound for the district. In the East Ward, which included Nedlands, there was necessity for extra money being expended owing to the special requirements of that particular ward. The board held a meeting and passed the rate. They went through the necessary formalities but omitted, practically through ignorance, to comply with the exact procedure.

I may say that I was a member of the board at that time.

Hon. L. Craig: And so you are taking the blame for all this!

The HONORARY MINISTER: Not quite. The Minister for Works continued—

It was necessary to obtain the assent of the Minister for the time being. They found out their error next day. At that time, I, as the Minister concerned, was ill in bed and could not be approached. Instead of applying to the department to have the matter dealt with by the Acting Minister, the board decided to let the matter stand over until I was well enough to return to the office. When I returned, the matter came before me and the assent was duly given. It appears, however, that this course does not come exactly within the four corners of the legal position under the Act. It is stated that the area should have been declared prior to the levying of the rates and that the application for such ministerial consent should have been made before this had been done. Both actions were taken at the same meeting and were dealt with in the same communication. There is no doubt that the money so raised has been applied for the purposes for which the extra rate was struck. As members well know, wherever we go there are some people who like to take points whenever possible. There are certain ratepayers in the ward affected who know about this point and they have refused to pay the rate although they are benefiting by the expenditure which was levied in good faith although not strictly in accordance with legal procedure. I ask the House to consider the special circumstances and to agree to the Bill which will validate the board's actions.

The Minister for Works went on to deal with a position that had arisen in connection with the Perth Road Board and the levying of rates to meet its liabilities in respect of loans. The board over-estimated the amount required and incurred a surplus which according to law should have been used for loan redemption. An audit revealed the position and the board requested the Minister to help it out, and that was done in the Bill that he then introduced. According to "Hansard," Mr. Thomson, the then member for Claremont, said that he had pleasure in supporting the second reading of the Bill. He said it was the duty of Parliament to help those who were in difficulties.

Hon. L. Craig: That was 25 years ago.

The HONORARY MINISTER: I have here a list of nine other cases since then. Every few years we have to extricate some road board or other out of its difficulties.

There is nothing against any of the officers of the Mosman Park Road Board. They simply made a mistake in not carrying out the provisions of the Act. The position has been concisely explained by Mr. Rosman, and the following facts set out an unanswerable case for the measure:—

(1) That the validating Bill does not seek to upset any decision of the Supreme Court in connection with the recent injunction to restrain the board from suing for rates, as that injunction referred to the year 1940-41 and this validating Bill only refers to subsequent years.

(2) That although advantage was taken of the under-rating by the board the disgruntled ratepayer failed altogether to pay the higher rating.

(3) That in refraining from levying a rate of ½d. in the south ward the board, even on 100 per cent. collection, would have collected only £62 12s. When it is considered what an infinitesimal amount this would represent if individually distributed over all the wards of the board, it will be seen that in refusing again to pay the rates for the year in which the board failed to levy this minimum rate, this ratepayer is more concerned with seizing technical legal loopholes than carrying out his just obligations to the board as other ratepayers are doing.

The decision of the Government to ask Parliament to pass this validation Bill was arrived at only after careful investigation and mature consideration. It is recommended by the officers of the department, by the Under Secretary and by myself as Honorary Minister, and it is introduced by the Government in conformity with the policy of successive Governments representing all political parties during the past quarter of a century. I do not care for this class of legislation, but, as the responsible Minister with a full knowledge of the facts, I have no hesitation in commending this legislation to Parliament. What has happened is that perhaps the board was in too much of a hurry to achieve some rapid development. I know the chairman of the board personally. He is a valued officer in the Civil Service and is carrying on a big job. He may have galloped too fast.

Hon. J. Cornell: I think he ran off the course.

The HONORARY MINISTER: The board could have imposed a far higher rate. The valuations are 40 per cent. below the Government valuations. The land could be sold tomorrow under the National Security Regulations for £1,200 per block. That is really the genesis of the trouble. The board, if it so desired, could increase the valuations from £600 to £1,000. The new board has inherited this legacy, and I hope Parliament will accede to the request of the ratepayers, on the recommendation of the department and the Government. I move—

That the Bill be now read a second time.

HON. L. CRAIG (South-West): I can quite appreciate the Honorary Minister's statement that he dislikes introducing a Bill of this nature. I do not blame him. If any Bill ever came before this House that ought to have been a private member's Bill, it is this one. I am surprised at the Government's introducing it in this House on the last day of the session, when we have the University Bill, the Constitution Acts Amendment Bill and many others to deal with. At the same time, another place has little to do but to discuss the Estimates. It is trying it on the dog, and we are the dog. The measure is complicated. I doubt whether any member of the House fully understands it. Clause 2 reads—

All rates made and levied or purporting to have been made and levied by the Mosman Park Road Board for the financial years ending the 30th day of June, 1942, the 30th day of June, 1943, and the 30th day of June, 1944, shall be deemed to have been lawfully made and levied and all things necessary to be done in and towards the authorising, making and levying of such rates shall be deemed to have been duly performed notwithstanding any failure to comply with any of the provisions of the Road Districts Act, 1919-1943, and notwithstanding any other informality or ground of invalidity relating thereto and the said rates may be recovered by the board accordingly.

Hon. L. B. Bolton: That is pretty clear.

Hon. L. CRAIG: In effect, it says, "Never mind what has been done in the past, it shall be legal." This board was subjected to litigation and the litigant won his case. I do not know much about the proceedings. I am opposing the Bill because it is introduced on the last day of the session, when we have other things to think about besides the whitewashing of a board which has broken the law.

Hon. H. S. W. Parker: If you know nothing about it, why talk about it?

Hon. L. CRAIG: The hon. member is suspect already. The board lost the case.

The PRESIDENT: Order!

Hon. H. S. W. Parker: I did not represent the board. An eminent King's Counsel represented it.

The PRESIDENT: I am sure Mr. Craig will accept the explanation.

Hon. L. CRAIG: If I have offended the hon. member, I withdraw.

Hon. H. S. W. Parker: You did not offend me. I wanted to put the matter right.

Hon. L. CRAIG: The hon. member was concerned in the case. If the board did not break the law it had nothing to fear.

Hon. E. M. Heenan: It did so unwittingly.

Hon. L. CRAIG: I do not think so.

Hon. H. S. W. Parker: You do not know anything about it.

Hon. L. CRAIG: Is this the time to bring in legislation to whitewash a board that has broken the law? I understand the board levied loan rates in excess of requirements and that some of the rates were spent in wards for which the rates were not raised. Is that true?

Hon. H. S. W. Parker: No.

Hon. L. CRAIG: I understand it is.

Hon. H. S. W. Parker: You said you did not understand anything about the case, and you are quite right.

The PRESIDENT: Order! The hon. member will have an opportunity to speak later.

Hon. L. CRAIG: The point is that it was necessary for one ratepayer to approach the court in order to protect himself. The court upheld his view and so he won the case. If the Bill is passed, the same ratepayers will be levied with the old rate.

Hon. H. S. W. Parker: No.

Hon. G. Fraser: The Honorary Minister explained that point.

Hon. J. Cornell: The further we go, the less we know about it.

Hon. L. CRAIG: I admit I do not know much about the case. I did not know anything about the Bill till late yesterday afternoon and neither did any other member. We have had no indication that it was going to be introduced. I have hardly had a second in which to study it; but I am bitterly opposed to a whitewashing Bill of this nature being introduced on the last day of the session. Why not let it stand over until next year, when we can give due consideration to it?

Hon. L. B. Bolton: Quite right.

Hon. L. CRAIG: I hope the House will not agree to the measure without giving it due and close consideration.

HON. C. F. BAXTER (East): I am rather astonished at the hon. member who has just resumed his seat. We are dealing with a Bill which proposes to rectify some mistake that has been made by a body of men who are acting in an honorary capacity, and devoting their time and experience to road board matters. Mr. Craig said that the Government brought the Bill in, but the Honorary Minister, in his capacity as an ordinary member, has brought in the Bill.

Hon. J. Cornell: No.

Hon. C. F. BAXTER: I am rather surprised to hear that.

Hon. L. Craig: Does any member know anything about the Bill?

The PRESIDENT: Order!

Hon. C. F. BAXTER: I know that the members of the road board are honourable men and are acting in an honorary capacity. They are not legally trained and apparently must have transgressed the Road Districts Act.

Hon. L. B. Bolton: They have an authority to which they can go.

The PRESIDENT: Order! I must ask members to allow the hon. member to proceed with his speech.

Hon. C. F. BAXTER: I have acted as a member and as chairman of a road board and have sat on the executive committee. Road board members give their time to these matters wholeheartedly and freely. Should they happen, through some mistake, to transgress the law, they are entitled to the consideration of this Chamber, notwithstanding that it may be late in the day. It is all very well to say that the measure should be postponed till next session, but that would delay the matter for perhaps 12 months. If a mistake has been made by the road board members, it should be rectified.

Hon. L. Craig: What is the Government auditor for?

Hon. C. F. BAXTER: Would I be in order, Sir, in asking for Mr. Craig to be given another opportunity to speak? Apparently he did not say enough previously.

The PRESIDENT: Order! I must ask members to cease making these interjections.

Hon. C. F. BAXTER: We have every right to give due consideration to a proposition like this, where a mistake must have been made—but in all good faith—by men

who are giving their time freely for the benefit of their district and of the State generally. I support the Bill.

HON. H. S. W. PARKER (Metropolitan-Suburban): Apparently there is a misunderstanding. This is a very simple matter. The road board consists of honorary members who devote a considerable amount of their time to the affairs of the district. They had a very able secretary who, unfortunately, was afflicted with a terrible illness and has since died. During the years, various political differences arose, and at one time it was decided to revalue the district. The secretary, who was appointed valuer, did not have time to revalue the whole of the district, but he took those blocks that had been pointed out by the Government auditor as being assessed far below their value as the first ones to revalue. He revalued them, and certain ratepayers objected. They said their rates went up. Their rates did not go up. The values of their properties increased but the rate in the pound remained the same.

Hon. L. Craig: They paid more, though.

Hon. H. S. W. PARKER: The rate in the pound remained the same but the total amount paid increased. They could not appeal against the rates because, in fact, the values placed on the properties were still 50 per cent. of the values placed on them by the Taxation Department. In order to come to an agreement with these people, a committee was formed which met the road board and everything was perfectly happy and everyone was satisfied. It was decided to overcome the difficulty by saying that next year only half the rate would be charged to those who had had to pay more. That was done. The following year, someone on the board moved that again those particular people should pay only half the rate. That was carried at the meeting, though—I may be wrong in this—every member was not present. For two years those people paid half rates. In the third year, an attempt was made to do the same thing but that was not agreed to. In the first year, when the rates were increased, the great majority of the ratepayers paid. But all the ratepayers affected took advantage of the 50 per cent. reduction.

The validity of striking the rate was contested in the court, and the litigant was successful. One ground for the judgment given in his favour was that, under the Act as it stands at present, it is not possible to value one or two blocks without valuing the whole district. I venture to say there is no road board in Western Australia whose district is valued in that way. The other point was that, under the Act and the regulations, estimates must be placed before the board when rates are being struck. Estimates were placed before the board, but they included all the estimates in regard to the spending of loan moneys. There is no need to place estimates regarding the spending of loan moneys before the board, but those estimates were included. Unfortunately, the secretary was too ill to be called to give evidence, so his evidence was taken on affidavit, by arrangement. I do not wish to go into the merits or demerits of the judgment; but I point out that the judge decided that as the estimates were not prepared in the form required, the rates were invalid. Those people who had paid the rates could not by law get them back, and those who had not paid could not be forced to pay. The district is divided into three wards. One ward had quite a lot of money to its credit so it decided there was no need to levy a rate since it did not want any money.

Hon. L. Craig: They used loan money.

Hon. H. S. W. PARKER: My friend, who said he knew nothing about this matter, interjects that they spent loan money for general purposes. It is obvious he does not know anything about it; but if he will listen to me, I trust that by my feeble efforts I may be able to explain. The road board, through ignorance of the law, did not strike a rate for the ward in respect of which money was not needed. But the Act provides that a rate of at least ½d. must be struck. The rate not having been struck, it is thought that the whole of the rates struck for the Mosman Park area are invalid and certain people are endeavouring to take advantage of that. Those ratepayers who have paid rates for the last three years cannot obtain a refund, and the road board does not want to embark on litigation to contest the point and has consequently asked the Minister to bring in a validating Bill. All this Bill does is to validate the rates. The great majority of the ratepayers have paid, and those ratepayers affected by the court's judgment are not being asked to pay. Those who object cannot obtain a refund, and those

who have not paid are not being asked to do so. The court's decision is being accepted by the board. It was suggested by Mr. Craig that the decision was upset because loan money was paid out for general purposes.

Hon. L. Craig: I did not say the position was upset.

Hon. H. S. W. PARKER: The hon member said loan money was paid for general purposes

Hon. L. Craig: Used.

Hon. H. S. W. PARKER: Used, then! That is perfectly correct, up to a point. As every member will understand, rate notices are sent out, but the rates are not paid the next day. Usually they are not paid for two or three months and there is a very lean intervening period. In the bank there was a big credit to the various loan accounts so, for the time being, the board used that loan money, which is the usual practice of almost every road board. The money was refunded as soon as the rates were paid. Had I been on the board, I would have suggested that was the right thing to do in order to save interest. That is the only way in which loan moneys were spent or used outside of strictly legal authority.

Hon. L. Craig: They were over-levied.

Hon. H. S. W. PARKER: No. Again my friend has been talking to someone with a little half-baked knowledge. What happened was that the various wards raised money on loan. One ward raised a very successful loan and did a lot of work very successfully. It was almost paid back, when suddenly members representing the other wards decided it would be a good thing if they got loans, so loans were raised for the other wards, but not so successfully, and the work was not carried out nearly so cheaply. One other thing was done. Instead of the loan being made repayable in 30 years—these are not the exact figures—it was made repayable in half the period, with the result that the rates had to be twice as much as they would ordinarily have been. It is obvious that if a sum of £10,000 has to be paid by instalments in 15 years, twice as much would have to be paid in each instalment as would be necessary if the amount were payable over 30 years. That was the reason for the high rate. Although the people paid a high loan rate, it was only because the debt was being paid off quickly.

There is not the slightest suggestion that there was any dishonesty in any form. There was an error of judgment on the part of the board in not striking a rate when money was not wanted. The members of the board were guided by a secretary of vast experience and by an extremely capable chairman and members, and they themselves were earnest men who had given their time to the district for nothing. Practices that have been adopted by every road board in Western Australia, I think, were adopted by this board, but the matter was contested in the court, and it was decided that the board had not acted correctly. The board not having acted correctly according to the letter of the law, the judge was bound to say that the rate had been wrongly struck and therefore was of no effect. The only thing that surprises me is that the Government did not introduce a Bill to validate all road board rates, because I feel sure that if people decided to avoid paying their rates, they would easily be able to do so if they took advantage of the technical errors of road board members who are not versed in an extremely technical part of the law.

Hon. G. B. Wood: That is a wide statement.

Hon. H. S. W. PARKER: I am sorry I have not made myself clear. The loan rate did not enter into this matter at all. It was only the general road board rate that was queried. It was only the general rate that was not properly struck, and not the loan rate.

HON. L. B. BOLTON (Metropolitan): I am not, as Mr. Baxter suggested, bitterly opposed to this measure. I am not concerned whether it is right or wrong or whether the board has done right or wrong, but with the fact that the measure has been introduced in the last week of this session of Parliament. That is something to which I object every year. In my opinion, this Bill could have been introduced not weeks ago but months ago. The road board knew the position immediately the judge's decision was given. If it were necessary to take the action being taken today, why was it not taken then and why was the Bill not introduced in another place? A Minister of the Crown represents this particular area and there are three representatives in this Chamber, and therefore I say the measure could have been brought before Parliament weeks or months

ago. Every member must hear public criticism of Parliament to this effect, "I see you are rushing legislation through again this year as you usually do. Why do you not meet earlier or sit longer?" I am prepared to sit next week and the following week and the week after that until we clean up the legislation submitted to us, though perhaps to suggest this would be hardly fair to country members. Anyhow, I want to see the job done properly; I do not want to see legislation rushed through. However, to bring in a measure such as this at the last moment is definitely against my ideas of what ought to be done and I shall vote against the second reading.

HON. G. B. WOOD (East): The Honorary Minister should explain why he has introduced the Bill in the dying hours of the session. I have every sympathy with the road board which evidently has made an honest mistake, but I am not going to support the Bill unless we have a satisfactory explanation for its introduction at this late hour. Mr. Bolton suggested that it would be unfair to country members if they were required to come back and deal with this legislation next week. I for one would not object to doing that. This Bill has been sprung upon us, evidently in the hope that it would be put through without anybody knowing anything about it. Certainly we have not had time to consider it as it should be considered. It might appear to be a simple measure, but I shall vote against the second reading unless an adequate explanation of its late arrival is given.

HON. E. M. HEENAN (North-East): I hope that the Bill will be passed, because it is a very simple measure and the Honorary Minister gave a full explanation of the reason for introducing it. It is unfortunate that the Bill has reached us at this late stage of the session but, judging by the experience of previous years, there is less room for complaint on that score than there has been on any other occasion since I have been a member. The Bill is necessary because the members of the road board made an honest mistake, and apparently a Supreme Court action was necessary to prove that a mistake was actually made. Apparently one K.C. was of the opinion that the road board should contest the proceeding. However, it did need a Supreme Court action to show that a mistake had been made, and there the matter rests.

We should free the position by voting for the Bill. The issue is simple and I think the Honorary Minister gave an excellent presentation of the case. There has been nothing snide or crooked; it has been just an unfortunate mistake that should be rectified, and apparently this is the only way to rectify it. The excuse that the Bill has been introduced late and therefore should be rejected is a lame one. Members have less reason for complaint on that score than they have had over the years since I have been a member. Mistakes of this sort will happen, and all legislation cannot be brought down early in the session. We should be more tolerant and should give the road board assistance to have the present unfortunate position cleared up.

HON. F. E. GIBSON (Metropolitan-Suburban): I regret that I was not present when the Honorary Minister moved the second reading, but I have heard the explanation of Mr. Parker, and I am quite sure there is every justification for passing the Bill. Why it was not introduced earlier, I do not know, but I do not think that has anything to do with the case. Somebody else might be responsible for its not having been brought down earlier, but I cannot understand members adopting the attitude that, because it was not brought down earlier they are going to vote against it, quite irrespective of the merits of the case. If that is done, they will merely be penalising people who have not observed the technicalities of road board administration. I gathered from Mr. Parker's speech that no ratepayer will suffer in any way whatever as a result of the mistake made by members of the road board. As a matter of fact, I think some of them will benefit.

Hon. L. Craig: At the expense of others.

Hon. F. E. GIBSON: Not at all! The position is that those who paid too much get no redress at all. We cannot hang up the business of the road board by refusing to pass this Bill. I understand that, as a result of action taken by some of the ratepayers, the board is now constituted somewhat differently from what it was when the Supreme Court action was taken. This is simply an instance of a mistake having been made and it does not necessarily fol-

low that some wrong has been done. The explanation given is quite feasible. The average member sitting around a council table is not familiar with all the technicalities of the law. He is definitely guided by the executive officer, and if the executive officer, as a result of a serious illness, happens to be below par and some mistake is made, it is unfortunate for the local authority and the ratepayer. But I see no reason why the second reading should not be passed in order to make it possible for these road board members, who are working in a voluntary capacity, to carry on the work that has been upset as a result of the mistake. I feel sure that in future the board will carry on within the strict letter of the law.

HON. W. J. MANN (South-West): The main complaint of members is that this Bill has been introduced in the dying hours of the session. It is not long since this House was rising very early because it had completed the work on the notice paper. There is no real reason known to me why we should not pass the second reading and therefore I shall support the Bill. Seemingly all that could be said has not been said about the incidents that led up to the trouble at Mosman Park. I have no worth-while information on the subject, but the little that has come my way is that there were differences of opinion and that personalities were allowed to creep in. Some people discovered that the board had made a mistake. In the joy of having made this discovery, they are trying, in my opinion, to do a very mean thing, namely, refuse to pay their rates. I have no time for a man who refuses to pay his just debts in this way. Many years ago a very wealthy man in a country district, the owner of much property, discovered that the road board had made a minor mistake and he refused to pay what was quite a large sum for the board at that time, and this put the board into a very difficult position. The man could have paid but refused to do so because he was mean. I think that description applies to some of the people concerned at Mosman Park. Mainly for this reason, I shall support the Bill.

HON. G. FRASER (West): Generally, Bills of this sort introduced in the closing hours of the session are passed in a few minutes with little or no discussion, and I think that would have happened in this instance but for the action taken in the Supreme Court.

Hon. J. Cornell: Probably there would not have been a Bill at all but for the Supreme Court action.

Hon. G. FRASER: That is so, because then the question would not have been raised. The measure would have been introduced as an ordinary local government Bill and would doubtless have been passed without debate. Without my entering into the pros and cons of the case at Mosman Park, I consider that Mr. Parker gave a lucid explanation of what occurred. To the best of my knowledge, the whole trouble occurred in a very simple way. In part of the district there is high land overlooking the river. These blocks suddenly became very popular for building sites and increased in value considerably. I know of a man who tried to buy one of the blocks and offered £1,000 for it, but the offer was turned down. Yet that block was rated by the board at £200 or £300.

Some members of the board, realising that that portion of the district had become popular and that values had increased greatly, considered it was high time that the owners should pay something like their just dues according to the value of the land, and so they raised the rate in that part of the district. Had a revaluation been made over the whole district, I take it that there would have been no alteration in the valuations in other parts. The board, however, considered that the only part that needed revaluing was this part, and that was the beginning of the trouble. The board had that portion revalued and increased the valuations.

Hon. L. Craig: Against one section only.

Hon. G. FRASER: Yes. I asked some members of the board why they had not had the whole district revalued, and they replied that values in other parts of the board's area had not increased, whereas in this part they had increased.

Hon. L. Craig: That, of course, is controversial.

Hon. G. FRASER: Therefore the board had only this particular portion revalued.

Hon. L. Craig: I understand it was done deliberately.

Hon. G. FRASER: That is not correct. The board considered that this was the only portion that had increased in value and therefore it was the only part that it was necessary to revalue.

Hon. L. Craig: The whole district should have been revalued.

Hon. G. FRASER: Had I been a member of the board, I would have taken that view. If the hon. member were acquainted with the district, he would understand what occurred. The trouble was caused through the action of the board in having only the land in the higher part of the district overlooking the river revalued. Owners of blocks there were paying rates on valuations of about £200 while refusing to accept £1,000 for them.

HON. W. R. HALL (North-East): I support the Bill. As a Supreme Court action was necessary to deal with the matter, I feel sure, although I do not positively know, that there was an enormous error of judgment on the part of the road board chairman and members. Mr. Parker was quite right in stating that it is not unusual to apply loan money to general purposes. However, such action is merely tentative; sometimes it is necessary to get a bank overdraft for £1,000 or £2,000 to enable work to be completed. This road board did something that contravened the Road Districts Act, but that Act is obsolete in many respects. The passing of the Bill will relieve the position. Plenty of boards have made technical errors, and the same may be said of municipal councils, and those errors have never been brought to light. There should not be such a hue and cry over this mistake. As regards the allegation of wasting time over the Bill, what is an hour or two to this Council at the end of the session?

HON. T. MOORE (Central): After all, members are wrong in taking this matter up as they do. A previous board made an error, and things got into a tangle, and that is to be rectified. Now there is a new board and by this validating Bill, a simple measure of one clause brought in by the Government after consultation with its officers, the position is to be rectified. The law officers have informed the Honorary Minister that this is the right thing to do in order to give the board a chance to clean up matters. Accordingly I support the Bill. Members should realise that this is not a Bill of the usual kind the discussion of which would take hours. The matter is very simple. Let the new board be permitted to clean up a mess that a previous board made. Two minutes will suffice for dealing with the measure in Committee.

THE HONORARY MINISTER (in reply): I take full responsibility for the introduction of the Bill and for any delay occasioned regarding its introduction. Deputations have waited on me in reference to the matter, at a critical time for the board. The reason why the Bill was introduced here is that it is the custom for the Minister in charge of the department concerned to introduce the Bill here before it goes to another place. As I am the Minister charged with the supervision of local authorities, I introduced the Bill here. That is the only reason. The purpose of the measure is to enable a new board to rectify an error made by a previous board.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

Third Reading.

THE HONORARY MINISTER [5.55]: I move—

That the Bill be now read a third time.

HON. L. CRAIG (South-West): I admit I do not know very much about the Bill, as the information came to me only last night. It represents a strong indictment of Government auditors for allowing things that have occurred in connection with this board. The Government pay for an officer to watch for wrongful doings of the board, things which were known to be wrong. Apparently the Government auditor, who was paid a high fee by the board, let these things go on. If that practice is common in the Government department, it is time the matter was looked into. The system of Government audit was accepted readily by boards throughout the State, because it was thought to be an improvement on the system of auditors elected by ratepayers. Do officers of Government departments take no notice of wrongful actions by boards and fail to report them? I hope some action will be taken against the inspecting auditor in this case, who must have known that these things were being done. If he did not know of them, he had no right to be in the position.

HON. H. S. W. PARKER (Metropolitan-Suburban): I have had many years of experience of the gentleman in the department who supervises local government; and I say, as against Mr. Craig's statements, that the matter in question was a technicality. The technicality consisted in that a certain form had to be prepared and to be signed by the chairman of the board. In this instance the form was not signed by the chairman. I have spoken to many members of road boards and, strange as it may seem, I have not found one member of a country road board who can say that this form is as meticulously filled in as the judge said it ought to be. For that reason the rate was disallowed. Mr. Craig suggests that the Government inspector did not report the irregularity. He reported it time and again, and it was as the result of his reports that the valuations were made again. The point was taken that one could not re-value one portion of the district, but must re-value the whole district. That, absolutely, was the point taken. Mr. Craig has undoubtedly been misinformed by some person or else he has not been informed and is guessing.

I consider it very wrong indeed for a member of this House to come along and say that some action should be taken against the auditor. There is nothing wrong with the audit or with the Government inspector. There is nothing in any shape or form wrong with the pecuniary part of the matter. There were, however, technical errors. I should think that Mr. Craig was sufficiently wise to realise that the courts throughout the Commonwealth are continually being moved on such matters, and that technicalities are always being exposed, with the result that things are done which are wrong in law and no-one knows about it until somebody takes the point in a court, and the matter is suddenly exposed. To suggest in a third reading speech that action should be taken against the auditor is something I regret was done.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Message from the Assembly requesting concurrence in the following resolution now considered:—

That the proposal for the partial revocation of State Forests Nos. 4, 26, 27, 33 and 38 laid on the Table of the Legislative Assembly by command of His Excellency the Lieut.-Governor on the 12th December, 1944, be carried out.

THE CHIEF SECRETARY [6.1]: I move—

That the resolution be agreed to.

It is usual when dealing with the partial revocation of State forests to give members brief details of the areas dealt with in the particular proposals. In this instance the lands concerned are situated at Collie, Noggerup, Boyanup, Nannup, and Manjimup, and the particulars are as follows:—

Area No. 1.—About two miles south of Collie. Approximately 24 acres and being Wellington location 4517 has been held under forest lease by the applicant, who is the adjoining settler, for 20 years. Area has been cleared and developed. Alienation desired.

Area No. 2.—Adjacent Collie townsite. Approximately 600 acres required for subdivision into residential lots as an extension to the Collie townsite.

Area No. 3.—Two miles east of Noggerup. About 28 acres of cut-over country not required for forestry purposes. Applied for by an adjoining holder.

Area No. 4.—Five miles south-east of Boyanup. About two acres contained between the applicant's property and a road deviation. A small isolated section of no use for State forest.

Area No. 5.—Two and a half miles east of Boyanup. About 40 acres of good gully land applied for by the adjoining landholder.

Area No. 6.—About five miles west of Nannup. Approximately 38 acres. Heavily cut-over for both milling and hewing timber. Required by the adjoining settler to provide grazing for his dairy herd.

Area No. 7.—Approximately 10 miles south-east of Manjimup. Three small areas comprising about 58 acres required to effect an exchange with alienated land which will improve State forest boundaries, provide access routes and facilitate fire control.

Area No. 8.—About 20 miles south-east of Manjimup. Approximately 14 acres of poor forest. Applied for by the adjoining settler as an addition to his holding.

HON. W. J. MANN (South-West): I have looked into the matter and find that most of these blocks are in the South-West Province. All of them, except the piece of land required for an extension of the Collie municipality, comprise agricultural land. These revocations are really in conformity with the request that has been made in Parliament for many years, that agricultural land adjoining settlers' properties that is no longer required for timber purposes should be made available. I support the motion.

HON. H. TUCKEY (South-West): I commend the Government for making these small lots available. There is a large area of land in the South-West suitable for cultivation, and very little used for forestry purposes. I hope in the future the Government will extend this policy.

Question put and passed, and a message accordingly returned to the Assembly.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading—Defeated.

Debate resumed from the 29th November.

THE CHIEF SECRETARY (in reply) [6.5]: Although this Bill has not been received with open arms, I think the debate has disclosed a disposition on the part of some members to recognise that the time has arrived when there is necessity for legislation of this kind, when the extraordinary powers which the Legislative Council has under the Constitution should be limited in some way, particularly in regard to dealing with those disputes which may from time to time arise between the two Houses.

Hon. W. J. Mann: Not to limit, but to simplify the procedure.

The CHIEF SECRETARY: We may describe it as we like. I suggest that this legislation would limit, if it be agreed to, or reduce the power which this Chamber possesses under the Constitution. It is admitted that there have not been very many occasions when disputes have arisen with regard to money Bills, but there have been many occasions in regard to other pieces of legislation when this Chamber has consistently refused to agree to the proposals of the Government, very often on matters of policy. Some members have exercised their right and have stated definitely that under no consideration are they prepared to give way in any shape or form. Those members I would describe as being perhaps the most conservative and die-hard members of the Chamber. I think the time has arrived when they must realise that the desire of the people as expressed through their Government must sooner or later be recognised.

Whilst I do not want to go into a lot of detail concerning the number of occasions when this House has been adamant, when this House has been persistent in its refusal to see the Government point of view, I must say that those occasions have been very frequent in years gone by. Objection is taken to the Bill by one or more members on the ground that it is based on the English Act. I would have thought that the mere fact that it was based on the English Act would have been something in its favour. However, there again members are entitled to their own opinion. Sir Hal Colebatch, when speaking to the Bill, gave us some historial information as to the circumstances which led up to the English Act of 1911. Whilst I might not be prepared to agree that he was absolutely correct in his historical survey, I think there is some ground for the argument that he used. I cannot, however, agree with the argument when it is used in this way, that because the House of Lords is a hereditary institution—by the way, it is not hereditary in every respect because almost every year there are new appointments to the House of Lords——

Hon. J. Cornell: Nominee and hereditary.

The CHIEF SECRETARY: It would be quite possible for the Imperial Parliament to take steps which would lead to the flooding of the House of Lords with nominees of any particular Government; so that it is not, in my opinion, quite a sound argument to say there is an analogy as between the House of Lords and this Chamber. I repeat that this Chamber has more power under its Constitution than has the House of Lords.

Hon. V. Hamersley: Then why give it away?

Hon. J. Cornell: True Micawberism!

The CHIEF SECRETARY: Mr. Hamersley is not alone in his ideas regarding the policy of "what we have we hold." It would show a more generous attitude on his part, and perhaps a better outlook, if he were to go a little bit of the way and agree that while this Chamber has had such comprehensive power and authority for so many years, times have changed, and in these days it is necessary to have a more modern outlook, and that therefore the desires of the people as expressed by those who have been elected to represent them in Parliament should receive more consideration than they have done at the hands of this Chamber.

I do not propose to go into any more detail at this stage. Sir Hal Colebatch has certain amendments on the notice paper, and of course it will be necessary to deal with them. Anything I could say concerning them at this stage would, therefore, be so much

repetition in that it would all have to be said again during the Committee stage. I hope the Chamber will agree that there is necessity for legislation of this character. The Chamber may not agree that this is the best method to adopt. If members do not agree in all respects with what is in the Bill it is competent for them to embody their ideas in it. I hope that they will pass the second reading in order that we may at long last secure legislation that will assist in the event of there being a deadlock between this House and another place, and I think it is also necessary in order that we might be able to deal more satisfactorily in the future with legislation than has been the case in the past, owing to the very conservative outlook of this Chamber from time to time.

Question put.

The PRESIDENT: There must be a division on the second reading of this Bill.

Division taken with the following result:—

Ayes	10
Noes	16
Majority against	6

AYES.

Hon. Sir Hal Colebatch	Hon. E. M. Heenan
Hon. L. Craig	Hon. W. H. Kitson
Hon. G. Fraser	Hon. W. J. Mann
Hon. E. H. Gray	Hon. H. L. Roche
Hon. W. R. Hall	Hon. T. Moore (*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. A. L. Loton
Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. J. Cornell	Hon. H. Seddon
Hon. C. R. Cornish	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. F. E. Gibson	Hon. F. R. Welsh
Hon. V. Hamersley	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. G. W. Miles (*Teller.*)

PAIR.

AYE.	No.
Hon. C. B. Williams	Hon. E. H. H. Hall

Question thus negatived.

Bill defeated.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 8th December of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 6:

Hon. H. S. W. PARKER: I move an amendment—

> That in line 4 of subparagraph (i) of paragraph (c) after the word "fund" the words "and has satisfied the board that he complies with Section 28A and where his trust moneys are banked" be inserted.

The object of the amendment is that when a practitioner applies for his practising certificate, he shall be compelled to disclose to the board the bank in which he keeps his trust account.

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

Clause 4—New part:

Proposed new Section 28A:

The HONORARY MINISTER: I move an amendment—

> That in line 11 of Subsection (1) after the word "into" the words "and retained in" be inserted.

This amendment has the approval of the Barristers' Board and the Law Society.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

> That Subsection (2) be struck out.

The provision sets out that trust money shall not be available for the payment of a practitioner's debts and shall not be liable to be attached. That would imply that the money could be attached under the Bankruptcy Act, and its retention is dangerous.

The HONORARY MINISTER: I am advised that the provision is included as an additional precaution, and I oppose the amendment.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

> That at the end of proposed new section a new subsection be added as follows:—"(5) All of the provisions of this Act relating to trust funds and the audit thereof shall apply mutatis mutandis to a firm of practitioners and in the case where trust moneys are paid to or held by a practitioner jointly with a person who is not a practitioner."

This amendment has been suggested by the legal fraternity, and it is moved after con-

sultation with the Crown Law authorities and others concerned.

Hon. H. S. W. PARKER: This amendment is dangerous. The object is that every practitioner must have a trust account at the bank and the proviso deals with a firm of practitioners, but the danger arises through the inclusion of the words "held by a practitioner jointly with a person who is not a practitioner." A wealthy man may decide to appoint an accountant and a solicitor as his executors, and such a provision is not uncommon. The accountant would look after the trust accounts and the solicitor would not touch them at all. If the accountant defaulted, it would be wrong that the whole of the legal fraternity would have to pay for the defalcations of an accountant simply because he was a co-trustee with a lawyer. That would be the effect of this amendment.

The HONORARY MINISTER: The information given to me is that the object of the amendment is to make it clear that the provision regarding trust funds shall apply to firms as well as to individuals and practitioners, and be binding on practitioners who may hold trust funds jointly with an outsider.

Hon. H. S. W. PARKER: If an outsider should default it seems to me quite wrong that, merely because he has as a co-trustee a legal practitioner, the whole of the legal fraternity should pay for any such defalcation as that suggested.

Amendment put and passed.

Proposed new Section 28B:

The HONORARY MINISTER: I move an amendment—

> That in line 2 after the word "him" the words "and of all operations on such account" be inserted.

The Bill provides that the practitioner is required to keep an account of all trust moneys received by him, and the object of the amendment is to ensure that he shall also keep a statement of all operations on the account.

Amendment put and passed.

Proposed new Section 28I:

Hon. H. S. W. PARKER: I move an amendment—

> That in line 2 of Subsection (1) the word "legal" be struck out and the word "certificated" inserted in lieu.

The expression should be "certificated practitioners."

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

> That in line 3 of Subsection (3) after the word "vote" the words "Two Trustees shall form a quorum" be inserted.

The chairman is to have a deliberative as well as a casting vote, and my amendment asks that two trustees shall form a quorum.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

> That in line 4 of Subsection (4) after the word "of" the words "acquiring and disposing of real and personal property and of" be inserted

This is a matter of a fund, and as the trustees acquire money they may desire to acquire some properties with that money.

The HONORARY MINISTER: This amendment also is approved.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment.

> That in Subsection (5) a new paragraph be inserted as follows:—(iv) "Ceases to be a certificated practitioner."

I am asking the Committee to agree that a trustee shall cease to hold office if he ceased to be a certificated practitioner.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

> That in line 1 of Subsection (7) after the word "neglects" the words "for three months" be inserted.

The object is to give the board time to select when there is a vacancy instead of having to rush in to appoint someone.

Amendment put and passed.

Proposed new Section 28O—

Hon. H. S. W. PARKER: I move an amendment—

> That in line 9 of Subsection (1) after the word "trustee" the words "Provided that a co-trustee of a certificated practitioner shall not be deemed to be a servant or agent of a certificated practitioner merely because he is a co-trustee" be inserted.

There are two ways of effecting what is desired. One is to delete the words "or agent" in line 5 of the subsection and the words "or agent" in lines 6 and 7, or else to add the words proposed by the amendment. If I am a co-trustee of a person who is not a legal practitioner, whatever we do in that trusteeship we are agents and not servants of each other. Perhaps it

would be better if, instead of moving my amendment, I were to move the striking out of the words "or agent," in lines 6 and 7.

The HONORARY MINISTER: I prefer the section as it stands.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

> That in lines 24 of Subsection (1) the figures "1958" be struck out and the figures "1955" inserted in lieu.

The figures "1958" represent an error.

Amendment put and passed.

Proposed new Section 28P:

The HONORARY MINISTER: I move an amendment—

> That in line 3 of Subsection (5) after the word "malice" the words and parentheses "(proof whereof shall lie on the trustees or any member or servant of the trustees as the case may be)" be inserted.

This subsection states that there shall be no action for damages against the trustees with respect to any notification that is given warning a person against the employment of any particular practitioner. The trustees have the right to give such a warning if they think it is justified, and the subsection sets out that they shall not be liable for damages for so doing as long as they act in good faith and without malice. The amendment states that proof of good faith and absence of malice must be given by the trustees.

Hon. H. S. W. PARKER: I must object to this amendment. One cannot prove a negative; that is world-recognised in law. One can prove only a positive. Here is an extraordinary position that the trustees acting in perfect honesty send along the auditor for a catch audit, and the practitioner gets very irate because he reasons that the trustees would not send the auditor unless there was some suggestion or suspicion. When clients have seen the auditor come in they become suspicious, and the practitioner immediately takes action against the trustees. I do not know how the trustees could prove that they acted without malice, but if there was malice it would be quite easy for the practitioner to prove that the trustees acted with malice. If the words are left in, the trustees will be very wary indeed as regards sending the auditor along to any solicitor for an unexpected audit. But if the words are omitted, the trustees, acting in good faith, can do that at any time without any fear of any action.

Hon. E. M. HEENAN: I take a contrary view. The Bill in my opinion is a very admirable one, and a measure which meets with the full support of the legal profession. It vests extensive powers in the trustees, and one of the most extensive powers vested in the trustees is to send an auditor along to any practitioner at any time for the purpose of investigating his trust account. That is a very big power, and for the protection of solicitors generally these words are not out of place. I disagree that it would be difficult for the trustees to prove they acted without malice. I think it would be simple of proof. They could prove they were acting without malice by saying they had had a confidential report that a man's affairs were not in order, that the Barristers' Board had received complaints regarding his conduct, and, in the light of that evidence, they could prove they were acting without malice. I do not think the trustees ever will act with malice, but this is an additional protection for the legal profession.

The Chief Secretary: Has this not been considered by the Law Society?

Hon. H. S. W. Parker: No.

Hon. E. M. HEENAN: Yes, it has. The Law Society has agreed.

Hon. H. S. W. PARKER: After the Bill was introduced, it was handed to certain members of the Law Society—the Law Reform Committee—which considered it. Mr. Dunphy is a member of the Barristers' Board and, at the request of the members, he sent them a copy of the Bill, which was never discussed by the board as a board. This paragraph has never been discussed. I still maintain that it is not possible for a person to prove that he is acting without malice. The greater freedom we give to trustees the better it is for the Act. The trustees are practising lawyers and they are the people who hear whispers that a man is sailing close to the wind and must be watched. If the information on which they act should turn out to be incorrect it will be difficult for them to prove they acted without malice.

The HONORARY MINISTER: This amendment was submitted after consultation with various members of the profession, including the Barristers' Board and the Law

Society; and it was discussed at a meeting which was held on Monday night.

Hon. H. S. W. Parker: I deny that.

The HONORARY MINISTER: I do not propose to begin starting an argument with a lawyer, particularly when we have had two lawyers opposing each other's views.

Amendment put and negatived.

Proposed new Section 28T:

The CHAIRMAN: Mr. Parker desires to move that after the word "Australia" in line 5 of Subsection (1) the words "or with the State Government Insurance Office" be struck out.

Point of Order.

Hon. H. S. W. Parker: I should first like a ruling as to whether the words in lines 10 to 14 are not out of order in this Bill. They read—

> The issue of or the undertaking of liability under a policy of insurance by the State Government Insurance Office shall by virtue of this Act be deemed to be insurance business within the meaning of Section 2 of the State Government Insurance Office Act, 1938.

The Bill purports thereby to provide for the State Government Insurance Office powers which the State Government Insurance Office Act does not give. This Bill is to amend the Legal Practitioners Act and we cannot, by this Bill, amend the State Insurance Act.

The Chairman: You say this power is not contained in the State Government Insurance Office Act?

Hon. H. S. W. Parker: That is so.

The Chairman: If that is so, I say that the paragraph referred to is not in order.

Hon. H. S. W. Parker: Even if it were in the State Insurance Act, it would be out of place in this measure.

The Chairman: If it purports to amend the State Insurance Act to give the State Insurance Office power it does not possess, it is decidedly out of order.

Hon. H. S. W. Parker: If the State Government Insurance Office has power, it does not want it under this Bill. Therefore the inclusion of the paragraph is out of place if the State Insurance Office has the power; and, if the office has not the power, it cannot be inserted in this Bill.

The Honorary Minister: I am advised this is perfectly in order.

Hon. H. S. W. Parker: By whom?

The Honorary Minister: The Crown Law Department.

Hon. H. S. W. Parker: The Crown Law Department has not read our Standing Orders.

The Honorary Minister: It is a matter for the Chairman to decide whether the Standing Orders are infringed. My advice is that it is not out of order. The reason for the State Insurance Office being included is that it has done work in connection with providing statistics and other information and is capable and anxious to do the business.

Hon. H. S. W. Parker: I am not arguing about that.

The Chairman: The Title of the Bill is "A Bill for an Act to constitute a legal practitioners' guarantee fund, and to amend Sections 3 and 6 of the Legal Practitioners Act, 1893." With regard to the paragraph quoted by Mr. Parker, if the State Insurance Office has the power there is no need for reference to it in this Bill. If it has not, it cannot obtain it under this Bill. I rule that the reference to the State Insurance Office must come out.

Committee Resumed.

Hon. H. S. W. PARKER: I move an amendment—

> That in lines 5 and 6 of Subsection (1) the words "or with the State Government Insurance Office" be struck out.

Amendment put and passed.

The CHAIRMAN: There will be consequential amendments in the next paragraph and also in the proposed new Section 28U.

Proposed new Section 28V:

Hon. H. S. W. PARKER: I move an amendment—

> That proposed new Section 28V be struck out and a new section inserted as follows:—
>
> 28V. If and when the fund amounts to ten thousand pounds then in the event of:—
>
> (a) the death of a certificated practitioner the trustees shall pay to his personal representative a sum equal to the aggregate amount of his contributions to the fund, and
>
> (b) the voluntary retirement from practice of a certificated practitioner the trustees may in their discretion pay to him a sum not exceeding the aggregate amount of his contributions to the fund.

It is unfair that a practitioner should have to go on subscribing up to £10 a year for the whole period of his practice plus up to

£10 a year for the University. Why should we build up a fund for future generations? The more honest practitioners are, the greater will be their chance of getting the money back.

The HONORARY MINISTER: I have no objection to the amendment.

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

Clause 5, Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 8th December.

HON. J. A. DIMMITT (Metropolitan-Suburban) [8.22]: When the Honorary Minister moved the second reading of this Bill he made use of these words—

> This Bill arises out of urgent representations by the Commonwealth Government to all States for the passing of such legislation.

In the Press of the same day on which the Minister made that statement, there was a reference to a statement by the Minister who introduced the Bill in another place. It said—

> Traders could be assured that there would be no haste in proclaiming this Bill.

Those two statements seem to be somewhat at variance, and I wonder which of the two represents the true position. Because of that disparity, I sought information from the other States, and I find that measures have been passed in South Australia, Victoria, and Queensland, but a telegram I received from Sydney dated Monday, the 11th December, reads—

> Textile Products Bill has not been submitted to Parliament.

So it seems to me that the statement of the Minister who introduced the Bill is not quite correct. This disposes of the argument of urgency. One Minister says it will not be proclaimed for a considerable time and in one State the Bill has not yet been presented to Parliament. Another statement by the Minister was that the Commonwealth had asked for special legislation to deal with this important matter and that it had supplied a draft Bill so that legislation in regard to the sale of textile products throughout the States might be uniform in its provisions. I took the trouble to obtain copies of the three Acts that have been passed, namely, those of Queensland, Victoria, and South Australia, and a comparison of those measures shows a great dissimilarity, and they could not by any stretch of imagination be classified as uniform legislation. The Bill presented to us is very different from any of the other three measures.

I wonder where this legislation is getting us. I agree, and I think other members will agree, that it is in the best interests of the woolgrowers of Australia, and of Australia generally, that the public should not be deceived in regard to the trade description of woollen products. Wool is such an important industry that it should be protected, and I think we can agree that legislation should be brought in to ensure that accurate trade descriptions of woollen goods are given to the public who intend to purchase wool and not shoddy. The Bill before us contains a provision which says—

> No person shall deliver for sale or sell any textile product unless there is applied thereto, conspicuously and legibly in such manner as may be prescribed, the full name and the complete address of the manufacturer and also a trade description of the product.

I think it right that a trade description of textile products should be given, although it is going to create many difficulties and absorb a great deal of manpower both for the wholesaler and the retailer. But if this is in the best interests of the wool industry, let us have it, in spite of the inconvenience that might be caused. But why insist upon the full name and complete address of the manufacturer of the woollen products being given? There is no reference to the giving of the name and address of the manufacturer in the draft Bill submitted by the Commonwealth to the States; nor is it referred to in any of the Acts that have been passed in the three States I have mentioned. Suppose we, instead of having legislation that is uniform with the legislation passed in those States, adopt this particular clause and insist upon the name and address of the manufacturer being placed on the product or adjacent to it or on the wrapping, we can imagine the difficulty it will cause.

If a manufacturer oversea or interstate has to provide the names and addresses of other manufacturers, he is not going to bother with the Western Australian market

and if we place such obstacles in the way of the manufacturers we shall experience greater difficulty in getting our normal quotas of goods. All of this will mean extra cost and manpower for the manufacturer, and he will probably say, "Forget Western Australia because everything I can manufacture I can sell over the counter in my own State." I am afraid this would have a bad reaction on the quantity of material Western Australia will be able to import from oversea and other States. My reason for saying this is that the interpretation of manufacturer is so wide. It reads—

> "Manufacturer" means, in relation to textile products any person engaged in the process of spinning, weaving, knitting and felting of textile products for sale and includes contractors, jobbers and makers-up engaged in any preliminary or intermediate process to the ultimate stage of manufacture of such textile products for sale direct or through an agent, wholesaler, or retailer.

I have been assured by softgoods people that a piece of dress material may consist of 95 per cent. wool and may also have rayon, nylon and other fibre contents. It could also contain silk strips and cotton and felt. Thus it may contain wool and four fibres and felt and cotton, and because of this, the names of seven manufacturers and the addresses of seven manufacturers would have to be displayed in connection with the manufactured product.

Hon. L. B. Bolton: Ridiculous!

Hon. J. A. DIMMITT: It is. It will prove so irksome that manufacturers will not be interested in disposing of their goods in Western Australia when they can sell them in other States of Australia without these difficulties. On the notice paper there are some amendments in my name. One I am particularly interested in; it is that which proposes to strike out the words "the full name and complete address of the manufacturer." There is a consequential amendment to that amendment. I have discussed the Bill with wholesalers, retailers and other people interested in wool and none of these can see any virtue in it. The Minister may be able to tell us, but those people can only see trouble, bother and hindrance to the normal flow of trade in Western Australia if the Bill passes in its present form. I do not wish to spend a great deal of time on the matter, but I shall certainly vote for the second reading, because I believe it to be in the best interests of Australia that wool should be protected. I feel that the particular clause to which I have referred will cause great difficulty to everybody concerned. I hope the House will view the matter in the same light as I do.

HON. H. L. ROCHE (South-East): As to whether there should be some minor amendment of the provisions of this Bill in the Committee stage I am not as yet prepared to say. If those amendments, however, should tend in any way to defeat the object of the Bill, which is to protect the wool industry from the threat of substitute fibres and the danger from competition by admixtures of shoddy, then I am not prepared to support them. The purpose of the Bill is to protect the Australian wool industry, which at present represents a matter of £70,000,000 per annum to Australian economy. That the woolgrowers themselves are mindful of the position, and the need to do something about it, is evidenced by the fact that they have made repeated representations to the Commonwealth Government to persuade the various State Governments to introduce uniform legislation in respect to this matter. Speaking from memory, I think there is a provision in the parent Act regarding wool which was inserted at the request of the Western Australian wool producers. But all the Australian wool producers in the last few years have been making urgent and continued representations with respect to this matter, because it was discovered that, owing to the limitation imposed by the Commonwealth Constitution, the Western Australian Act by itself could not achieve what was desired, nor could an Act of the Commonwealth. There had to be uniform legislation to protect wool from admixtures and in regard to branding.

Unless there was this uniform legislation, the safeguards would break down owing to constitutional difficulties. Members may be aware that as the result of a recent Commonwealth proposal, it was decided to spend £600,000 per annum on advertising, propaganda and industrial and economic research in respect of the wool industry. Half of the amount it was suggested would be found by a levy on growers, the other half being provided by the Commonwealth Government. There are possibilities of improvement in the design and general make-up of woollen cloths; that has been proved as a result of experiments and investigations. I do not

wish to detain the House long on this matter, but it is of such vital importance to Australia, and particularly to the people whom I represent, that I would like to read an extract from a report of the Australian Wool Board's News Service which was reprinted in Dalgety's Review. I shall read the quotation to remove any doubt that members might have as to the future prospects of wool in competition with other fibres. The extract reads—

> Fine worsteds patterned in modern design and tie twills printed in traditional blocks, were among the fabrics shown for tailored dresses and shirts, while there were gossamer fine printed nets and nunsveilings which would lend themselves to dainty lingerie. Vivid exotic prints in fabrics suitable for beach wear and sun suits struck a new note, while fairy-like prints, specially designed for children's party frocks, showed how beauty and utility could be combined.

That is only a paragraph from a fairly long extract, but it shows that the work done has already opened up a field for the Australian wool producer to exploit after further investigation and research into the manufacture of materials from wool. One of the governing motives behind the producers' organisations in pressing for this legislation in the various States of Australia has been to preserve to the wool industry the benefit of those developments. While we are prepared to spend money to improve the market for wool, we must realise that throughout the world a considerable development has taken place in wool manufacture with admixtures of various kinds. Cheaper admixtures are being included, but there is very little difference in the ultimate price. The material is not of the same quality as the pure wool, and the public, as well as the producer, is suffering because the market is being impaired. Even in Australia there has been a considerable production of shoddy, that is, reworked wool.

I was discussing this matter some little time ago with a gentleman closely connected with the Central Wool Committee in Melbourne. Just before he spoke to me he had had an opportunity to inspect some of the backyard factories in the poorer quarters of Melbourne. These were almost entirely owned and worked by refugees from Europe. They were using a type of material in such a way that it would not be likely that Australians would handle it. The men were working under unfavourable conditions and handling filthy material—any old scrap and rubbish at all. Although in 1936 the State tried to provide protection to the industry as a whole, nothing much has been done. Despite what Mr. Dimmitt has said, I think I am right in stating that representations were made by Mr. Scully, owing to the growing impatience of the Australian woolgrowers' organisations, that something should be done on a Commonwealth-wide basis. The position is such that it is not possible for the Commonwealth to take action; each State must pass legislation of a uniform character to deal with the matter. Although there are some differences between this Bill and those passed by the other five States they are matters of detail.

The major purpose of this measure, as is the case with the legislation of the other five States, is to protect wool from admixtures, unless it is clearly stated and branded as such. I am prepared to admit that there is some deviation from uniformity with respect to certain details. I do not think Mr. Dimmitt's point with respect to oversea shipments can be maintained. I know myself that years ago oversea shipments—I am not referring to Australian shipments—of material coming into this State had to be branded and the various textile contents had to be clearly stated.

Hon. J. A. Dimmitt: I am not quarrelling with that at all.

Hon. H. L. ROCHE: Shipments from the other States cannot affect the position, because under the Commonwealth Constitution it would be found that if we tried to apply the Western Australian Act to Victorian production, it would be held that we were interfering with the normal course of trade. The Victorian Act would have to deal with Victorian production. I am not a lawyer, but from what I hear sometimes of lawyers my guess might be as good as theirs. I hope members will accept the measure, or at least its main essentials. Whether some slight amendments should be made or not can be decided in Committee. America, in 1941, was ahead of us with this legislation. Congress passed legislation which is more severe than ours. Unfortunately, I have not a copy of the measure, although I have the rules and regulations made under it, as well as a report. I do not think members need be afraid that this Bill will be unduly severe, even if carried in its present form.

HON. A. THOMSON (South-East): I shall not detain the House more than a few minutes, as I am confident that it will in the main agree to the Bill. In January last, the Minister for Customs, Mr. Scully, while speaking at a conference held in New South Wales, expressed the fear that competition of synthetic wool fibre would prove a menace to wool. He said the Commonwealth Government had been carefully watching the position, and that it could not be admitted that synthetic fibres produced from wood or cellulose could be a substitute for wool. He also said that the State Governments had agreed to bring in legislation to provide uniform methods of labelling textiles, etc., and that the labels required by the Customs Department to be affixed to woollen garments on their entering Australia was a rather difficult problem. I have mentioned that phase to back up the statement by the Minister but I regret that there is not absolute uniformity in the legislation that has been introduced throughout the Commonwealth. Nevertheless the principle we are adopting regarding textiles by requiring that they must contain at least 95 per cent. of wool, if they are represented as the products of wool, is to the advantage of both the public and the producers. The organisations from which delegates attended the conference of woolgrowers that was held recently included the following:—

Selectors' Association of Queensland.
Wheatgrowers' Union of New South Wales.
Farmers and Settlers' Association of New South Wales.
Wheat and Wool Growers' Association of Victoria.
Graingrowers' Association of South Australia.
Wheat and Wool Growers' Union of Western Australia.
Primary Producers' Association of Western Australia.

That serves to indicate that the woolgrowers themselves realise the danger that has to be faced with regard to the synthetic fabrics. The value of the pastoral industry, from the standpoint of wool production, has varied from £60,000,000 to £80,000,000 and in those circumstances it is essential that the industry be protected. The people of Australia will have to decide which is the more valuable industry to protect—wool or synthetic fibre. I commend the Government for introducing the Bill, and I trust that at the Committee stage we will succeed in still further protecting the industry.

HON. SIR HAL COLEBATCH (Metropolitan): I have no doubt that legislation of this description is necessary to protect both the public and the wool industry, but I consider the measure requires some amendment. The purpose for which I rose is to say that I am firmly convinced that the future of the wool industry of Australia depends upon two things—quality and price. We have in the natural conditions that obtain in Australia advantages that enable us to produce wool of a better quality at a lower price than can any other country.

Hon. A. Thomson: Do you mean the textiles produced? I mean the cloth.

Hon. Sir HAL COLEBATCH: The Bill is intended to protect the wool industry, and quite rightly so. I do not think legislation of this kind will be effective unless the woolgrowers maintain a high quality and keep down the cost of production. Let me remind members of what took place regarding wheat after the 1914-18 war. It went up to a very high price, about 7s. a bushel. America and Canada, the two largest exporting countries, put their heads together and said, "The Continent must have our wheat and they shall pay this price that we have fixed." There were two immediate consequences to that action. One was the enormously increased production of wheat everywhere, Australia included, even in those countries that were not really suitable for the production of wheat. The other result was an enormously decreased consumption. In Italy the eating of white bread was prohibited, and in France the Government paid 15s. a bushel to encourage people to grow wheat in districts where both soil and climate were unsuitable. The sequel was that this determination by artificial means to sustain high prices brought disaster to the industry.

It is not at all impossible that attempts made along these lines with respect to wool will have much the same result. I had an opportunity in successive years to see what was done in Germany in the production of artificial wool. I think I can most simply and easily describe the position in this way. Take a shirt: In 1936 such an article of clothing made from artificial wool in Germany, when it had been washed two or three times, finished up with the cuffs high up the arm. With each successive year im-

provements were made and each year the shrinkage in the sleeves of the manufactured article became less until in 1939 there was scarcely any shrinkage at all. That serves to show the strides made in the manufacture of synthetic wool in Germany. One of the biggest manufacturers in Germany—he was the man who negotiated the barter agreement with South Africa—told me that up to that year—1936—he had not used one ounce of artificial wool but that he had then been compelled by law to use 50 per cent. in the manufacture of men's clothing, and, I think 70 per cent. in the manufacture of women's clothing. I asked him if that was economical and the manufacturer replied that it was not. He added, "You know that when industries of this kind are built up, vested interests are created and although the industry is not an economic proposition it is extremely difficult to get rid of it." What applies to Germany applies equally in many other countries.

There will always be the danger that if the price of wool is forced up too high then the synthetic article will get a footing, vested interests will be established and it will be hard to get rid of them. While I support legislation of this kind and while it is essential to protect the public against imposition and it is necessary to see that wool is not unfairly competed against, I am confident that the future of the industry will not depend upon methods of this kind for its protection. It will depend upon the use, to the greatest advantage, of our natural conditions and upon continuing to produce better and cheaper wool than any other country in the world can possibly do.

HON. V. HAMERSLEY (East): At the risk of delaying the House for a while, I would like to follow up the remarks of Sir Hal Colebatch. He was quite right, of course, when he said that it was all a question of prices. We know, however, that during and after the 1914-18 war prices rose throughout the world. Such a rise affected us in connection with our wheat. At the same time there was, correspondingly, an increase to the extent of 50 per cent. in the freight rates charged by shipping companies. We were ordered in Australia to see that the people's loaf should not be too expensive. The price of wheat was fixed in Australia at 5s. a bushel but New South Wales had already sold the whole of her crop oversea at 7s. 6d. per bushel without retaining sufficient to feed her own people—and Western Australia had to make up the difference at a loss of 2s. 6d. per bushel. The same conditions applied to wool. The British Government had a magnificent opportunity but gave it away. The Government had control of wool and rubber.

Hon. L. B. Bolton: We were lucky to have someone to give it to at the time.

Hon. V. HAMERSLEY: It was then suggested that what would happen if Britain let go her control over wool, was that the moment the contract ran out the other countries would go on the open market. That is what happened, with the result that there was a pronounced slump and wool prices dropped to bedrock. That led to the establishment of Bawra. By that means wool prices were improved and the commodity was controlled. Sir John Higgins played a wonderful part in stabilising the industry and demonstrated to the world that we could handle our own products. From boyhood I have been interested in the question of prices. I know that in the early days after washing wool we shipped it away first at 2s. 6d. a lb. and later at 1s. 2d. per lb. It dropped then to 10d. per lb. and finally we had to get rid of it at 6d. per lb. We will have that experience again if we are foolish enough to allow conditions to arise so that low prices will apply. It is a question of seeing that adequate control is exercised.

We have been told what happened with regard to South Africa and we know what has happened in the Eastern States. We know that in the East they are manufacturing what is known as the "Dedman" product, which the Commonwealth is attempting to foist on to the public. We are expected to wear clothes made of material of which we are heartily ashamed. I prefer to continue to wear my old clothes rather than purchase a suit made of this inferior material. Despite the position with regard to wool we find an attempt is being made to subsidise the growing of cotton, one of the greatest competitors of wool and one that is largely a product of black labour. Notwithstanding that, Australia is giving a guaranteed price for the growing of cotton. It makes one heartily sick! No wonder the wool-

growers of Australia require to look after their own interests. The Bill may embody a few provisions that will need amending, but anything that can be done to protect the interests of the State and its wool production should be carried out. We are able to market a first-class product and we need not indulge in anything that will detract from its value. The trouble is in connection with the shipping side; that is what causes increased prices. I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—New heading and new sections:

Proposed new Section 4A—

Hon. J. A. DIMMITT: I move an amendment—

> That in lines 4 and 5 of Subclause (1) the words "the full name and the complete address of the manufacturer and also" be struck out.

The effect of the deletion of these words will be that no person shall deliver for sale or sell any textile products unless there is applied thereto, conspicuously and legibly in such manner as may be prescribed, the full name and the complete address of the manufacturer; and also a trade description of the product containing details of the constituent fibres comprising such product. I am not quarrelling with trade descriptions. I want those descriptions, and the trade wants them. Every one of us is interested in protecting wool from the sheep's back to the final purchaser, but the knowledge of the names of all the manufacturers concerned in the article purchased would have no influence whatever on the protection of the buyer.

The HONORARY MINISTER: I oppose the amendment. It is impossible for us to have uniform legislation passed by all the States, but the legislation should be as uniform as practicable. The Commonwealth Government realises that the Bill should be ready to take effective action against any influences that attack wool. The following is the Commonwealth's suggested regulation:

> The tag or label affixed to each textile product shall display only the common generic name of each fibre comprised in such product and shall not contain the words "synthetic wool," "wool substitute" or any other reference to wool otherwise than as provided in these regulations, but may contain the name or distinguishing number of the manufacturer or distributor.

Nothing extravagant will be done. The clause as printed is required for effective protection. The amendment is highly dangerous.

Hon. H. S. W. PARKER: Not only does the clause ask for the name of the manufacturer, but it goes further and defines the meaning of the word "manufacturer." It is such that compliance with it is almost impossible. Very frequently numerous manufacturers are concerned in the production of an article.

Hon. H. L. Roche: What would be the effect of deleting the proviso to proposed Section 4A?

Hon. J. A. DIMMITT: No regulation would be necessary if names and addresses are not called for.

Amendment put and passed.

Hon. J. A. DIMMITT: I move an amendment—

> That the proviso to Subsection (1) be struck out.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

> That Subsection (3) be struck out.

The proposed Subsection (3) provides—

> No trade description shall contain the words "artificial wool," "imitation wool," "synthetic wool," "substitute wool" or (save as otherwise provided) any other expression which includes the word "wool" or "woollen" in relation to any substance which is not wool.

Amendment put and passed.

Hon. H. S. W. PARKER: In all these clauses there are penalties, which bring in quite a new principle, and I fear a dangerous one. The penalty for a first offence is £50, for a second offence not less than £25, for a third offence not less than £50. It is quite possible for a perfectly honest trader to commit a number of offences through errors of his staff. Suppose all these offences come to light at the one time! To the first charge the trader pleads guilty and is fined any amount up to £50. Then comes the question whether the second charge represents in fact a separate offence. A magistrate might quite possibly say, "Yes, it is." Then, although it might be only a technical mistake, he has to pay £25.

There may be a third charge in the same series and he has to pay not less than £50. So he would have to be fined £75 for what might be termed one technical error. My experience is that where there is a minimum penalty there is difficulty. A case is brought before a magistrate in which obviously a technical error has been made and it is a question of seeing whether a penalty is necessary or not. The inspector says it is and the case is tested. A man may be fined, say £25, for a matter not serious in itself and then it is necessary to go to the Minister and ask for a refund, which may or may not be obtained. I move an amendment—

> That in lines 3 to 5 of Subsection (4) after the word "pounds" the words "for a second offence not less than twenty-five pounds or more than one hundred pounds; for a third" be struck out.

The HONORARY MINISTER: I oppose the amendment. There should be a uniform penalty in each State and this penalty will have a big effect upon offenders who, in the main, would be big manufacturers.

Hon. J. A. DIMMITT: Penalties in the different States are not uniform. In the Victorian Act no reference is made to penalties. In the South Australian Act there is a penalty clause. The maximum is £100 and there is no minimum.

Hon. H. S. W. Parker: For any offence—the first, second or third?

Hon. J. A. DIMMITT: Yes. There is a penalty clause in the Queensland Act providing for a penalty not exceeding £50 for a first offence and in the case of a second or subsequent conviction a fine of not less than £50 and not more than £200. The point is that there is no uniformity and whatever we do will be out of line. If Mr. Parker's amendment is carried, it will be nearly in line with the South Australian Act. I think the amendment is worth while.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

> That in line 6 of Subsection (4) after the word "offence" the words "not less than fifty pounds or more than" be struck out.

Amendment put and passed.

Proposed new Section 4B:

Hon. H. S. W. PARKER: I move an amendment—

> That in line 6 of Subclause (1) after the word "pounds" the words "for a second offence not less than twenty-five pounds or more than one hundred pounds; for a third" be struck out.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

> That in line 9 of Subclause (1) after the word "offence" the words "not less that fifty pounds or more than" be struck out.

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

Clauses 6 to 11—agreed to.

New clause:

The HONORARY MINISTER: I move—

That a new clause, to stand as Clause 8, be inserted as follows: A new section is inserted as follows:—

> 7A. A trade description shall not contain—
>
> (a) The expressions "artificial wool," or "imitation wool," or "synthetic wool," or "substitute wool" in any circumstances or for any purposes or in relation to any goods;
>
> (b) Any other expression (except the expressions "reused wool" or "reprocessed wool" when appropriately used in connection with a textile product) which includes the word "wool" and is intended to be descriptive of the goods to which the trade description is applied or of a substance used in the manufacture of the said goods, when the goods are not a textile product, or the substance is not wool.

The proposal speaks for itself and will improve the Bill.

New clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—CONSTITUTION ACTS AMENDMENT ACT, 1899, AMENDMENT.

Second Reading.

HON. C. F. BAXTER (East) [9.32] in moving the second reading said: I make no apology for presenting this Bill at such a late stage of the session because it was beyond my control to introduce it earlier. I had a Bill drafted on somewhat similar lines in 1939, but at that time it was decided that no contentious legislation should be brought forward during the war. This Bill does not cover the same scope as did that one and, of course, this measure is the outcome of the work of the Select Committee appointed

by this House to inquire into electoral reform. Members are aware that the Electoral Act is in bad shape, especially the provisions relating to the Legislative Council. We all knew prior to the committee's investigation that many people entitled to be enrolled for the Council were not enrolled. The evidence has shown that the roll could be doubled if the Act were clarified and certain amendments were made so that those entitled to vote for this House could be enrolled. It is necessary that the Act be made clear in order that people may avail themselves of the opportunity to enrol and also avail themselves of the extended qualifications proposed.

My notice of motion for the appointment of the Select Committee was given on the 3rd August, but not until the 14th September was I able to move the motion, and it was not finally disposed of until the 24th October. From that time onward the Select Committee met frequently, took evidence, and investigated the position fully. It deliberated for a long time, and finally submitted its report and recommendations. There are some requested amendments by the Select Committee that cannot be included in the Bill because they would involve the expenditure of public funds, but the committee has merely carried out the duty imposed upon it by the House. This Bill to amend the Constitution Acts proposes to delete Section 15 and insert another section in lieu thereof. The new section begins by providing that every person of the age of 21 years, being a natural born or naturalised subject of His Majesty and not subject to any legal incapacity, who shall have resided in the State for six months, shall be entitled to be enrolled. The Bill proposes to extend the qualification to the following:—

Has a legal or equitable freehold estate in possession in land situate in the electoral province of the clear value of fifty pounds at least.

Members will realise that that forms part of the present Section 15 of the Constitution Act. The second qualification provides for the individual who—

Is a resident-occupier of a dwelling-house or self-contained flat situate within the province of a rental value of six shillings and sixpence per week at least.

The provision for the resident-occupier and the flat-dweller takes the place of what is at present the household qualification and the ratepayer qualification. The household qualification has been found to be very unsatisfactory. In many instances husband and wife are enrolled for the one property, one as householder and the other as ratepayer. Thus there have been two enrolments for the one property, but only those with inner knowledge of what was possible have been able to take advantage of this. The Electoral Act and the Constitution Act should lay down the position very clearly so that every person may know exactly what are his rights to enrolment. Consequently, the term "resident-occupier" is used, and it is intended that he must be a bona fide resident-occupier paying a rental value of 6s. 6d. a week. This provision will make the position clear to the elector. The third qualification relates to the person who—

Has a leasehold estate in possession situate within the province of the clear annual value of seventeen pounds at least.

This also is in the present Section 15. The fourth qualification proposal is—

Holds a lease or license from the Crown to depasture, occupy, cultivate, or mine upon Crown lands within the province at a rental of not less than ten pounds per annum.

This also appears in the existing Section 15, but later on provision is made to put this qualification on a better footing in that proof must be supplied to the Chief Electoral Officer before enrolment is granted. At present proof is not required. The next qualification reads—

Is the husband or wife, as the case may be, of a person who has a legal or equitable freehold estate in possession in land situate within the province of the clear value of fifty pounds at least.

At present both husband and wife are entitled to be enrolled under the household qualification and this has led to abuse creeping in. The committee's proposal, we believe, will overcome that difficulty. It is only reasonable that both should be enrolled and that the position should be made clear. The sixth qualification reads—

Is the husband or wife, as the case may be, of a resident-occupier of a dwelling-house or self-contained flat situate within the province of a rental value of six shillings and sixpence per week at least, provided that such dwelling-house or self-contained flat is the usual place or residence of such husband or wife.

This applies to people paying rent. It makes the position clear and prevents opportunity for any abuse. People who occupy flats are brought in. At present there are occupiers

of flats that have a separate entrance, and these people are entitled to enrolment. In addition, there are other people occupying flats that have not a separate entrance. Some of these people have been placed on the ratepayers' roll and consequently their names have been transferred from the ratepayers' roll to the Council. As a result, the Constitution has really been over-ridden; they have been enrolled in defiance of the Constitution. As regards the ratepayers' roll, the evidence showed conclusively that good use could not be made of it, because some rolls could not be obtained by the department from the local authorities and those that were made available could be spared for only a few days. Consequently, the use of the ratepayers' roll has not proved a success and is not likely to, and the time has come when it should be disregarded. A number of people on the ratepayers' roll are not entitled to enrolment because they have not the qualifications under the Constitution.

Dealing with the matter generally, the occupier of a flat having a separate entrance has been entitled to enrolment, but a person occupying a flat without a separate entrance could not be enrolled. Parliament should not delay in taking action to extend the privilege to those people who are entitled to be enrolled such as those occupying a flat not having a separate entrance. The definitions of "resident-occupier" and "self-contained flat" will make the position clear. The seventh qualification provision is—

> Being a resident within the province has served or is serving outside Australia as a member of the Commonwealth Naval, Military, Air, Medical or Nursing Services in the war in which His Majesty was engaged between the fourth day of August, one thousand nine hundred and fourteen, and the eleventh day of November, one thousand nine hundred and eighteen, or in the war in which His Majesty is at present engaged.

There has been a good deal of talk about the enrolment of people in the Services. Even during the 1914-18 war, I held the opinion that every man who went away and fought for his country was worthy of being enrolled as an elector of this House. Such a man has patriotically offered to fight for his country, and when a man takes the view that his country is worth fighting for, he is worthy of being given some say in the government of that country. I feel that members will agree with that sentiment. Provision is made that such a person, to be entitled to the vote, must be 21 years of age. This is a reasonable provision. Many of those to whom this privilege would be extended will probably be entitled to enrolment under other qualifications. However, whether they possess other qualifications or not, I am strongly of opinion that such men should be entitled to enrolment for this House. While we are making these amendments, we ought to take the opportunity to tighten up some of the qualifications. I consider the House should be satisfied with the definition of resident-occupier. I now come to the definition of "self-contained flat." It reads as follows:—

> "Self-contained flat" means that part of any structure of a permanent character which is a fixture to the soil, ordinarily capable of being used for the purposes of human habitation provided that such part is separately occupied for such purpose and has no direct means of access to, and is structurally severed from, any other part of the structure which is occupied for a similar purpose by any other person, and has separate sleeping, cooking and bath-room accommodation.

Self-contained flats raise a difficulty. Many people today are living in two or three rooms in buildings which are termed flats. The Select Committee was strongly in favour of extending the franchise to flat-dwellers, who are of course a section of the community and therefore entitled to representation. The Select Committee spent a great deal of time on this subject and considers that the amendments proposed are vital. I think I have explained the measure fully and I do not think any member can object to it. The Select Committee appointed in 1935 laboured long and achieved good results. Much work was done at the time by Mr. Justice Wolff (then Mr. Wolff) and by Mr. Gordon, the then Chief Electoral Officer. When the 1935 Bill reached Parliament, however, it was overloaded with amendments and laid aside, so all the hard work was of no avail and the law was left in the position in which it now is.

Members who have studied the parent Act will admit that it is due for a general overhaul. It is one of the most important Acts on our statute book; to my mind, it is the most important, as it controls Parliament. I look upon the present Bill as a commencement. Life itself is a compromise; we cannot get everything we want. Here is something that can be put on the statute book and that will increase the number of electors at present on the rolls of the Legis-

lative Council by 100 per cent. The measure will have the effect of developing greater interest in Parliament. I ask the House not to make it unworkable and so prevent its passage this session. If it is passed, it will extend the privilege of the franchise to a section of the people who deserve it. I move—

That the Bill be now read a second time.

THE CHIEF SECRETARY: This Bill is certainly a big improvement on the present position, which has stood for many years past. If the Bill be agreed to, it is true that it will considerably increase the number of those who are eligible to be enrolled for the Legislative Council. Nevertheless, it does not go very far along the road that I think we ought to go. During the present session, we have had fairly lengthy discussions on the question of the franchise for the Legislative Council, and I still believe that the only fair franchise for this Chamber is the adult franchise. Notwithstanding that belief, I feel that in this Bill there is something I can support. In one or two respects the committee has gone a long way towards removing some of the objections which I have raised from time to time; for instance, with regard to our womenfolk. Under the present franchise, where the husband is enrolled as a householder of a property the wife has no vote and is not entitled to enrolment. Under this Bill that position is altered; and, vice versa, where the wife is the householder the husband has the right to a vote. To that extent, there would naturally be an increase in the number of persons who would be eligible for enrolment as voters for the Legislative Council. The same will apply to freeholders, and to that extent the measure is an improvement on the present position. If the wife happens to be the freeholder the husband also will be entitled to vote.

Hon. H. Tuckey. That has been the case all along.

The CHIEF SECRETARY: If the husband is the freeholder the wife also will be entitled to a vote. I can see a number of good points in the Bill. When we come to the question of self-contained flats, however, I feel that neither the Select Committee nor Mr. Baxter has gone far enough. For instance, in regard to returned servicemen, the age limitation mentioned by Mr. Baxter—21 years—is something which we should not take into consideration. I claim that a principle is involved. If we give service men and service women a vote simply because they have served Australia in that capacity, we should not limit the age for enrolment of this House to 21 years or over. Some servicemen would not be entitled to vote under the Bill, although, in effect, they have rendered military service outside Australia. Men stationed at Darwin were on occasion sent hundreds of miles away from Australia; but because their base was Darwin they would not be entitled to be enrolled as electors for this House under this Bill.

Hon. J. Cornell: That is not so. They have served outside Australia if they have made a flight.

The CHIEF SECRETARY: I beg to differ from the hon. member. It is not sufficient that they should have served outside Australia in that way if we interpret the provision in this Bill literally. When the Bill reaches the Committee stage I propose to move an amendment in that connection. The Bill will also have the effect of altering our present Constitution by striking out the provision relating to persons on the ratepayers' roll being entitled to enrolment for the Legislative Council. I am in agreement with that provision. I have never been satisfied with that qualification, although I cannot quite agree with the way Mr. Baxter expressed himself upon it. The provision with regard to residents in self-contained flats is an improvement on the present position; but I do not think it goes far enough. In my opinion, there are people living today in so-called flats who would not come under the definition in this Bill.

Hon. L. Craig: You must not legislate for today; those people are not living under natural conditions.

The CHIEF SECRETARY: Does it matter whether they are living under unnatural conditions or not?

Members: Yes.

Hon. W. J. Mann: We do not want to continue present-day conditions, surely. The closing-in of verandahs should not be permitted.

The CHIEF SECRETARY: These people should not be debarred from having a vote for this House.

Hon. W. J. Mann: They are not flats.

The CHIEF SECRETARY: The hon. member has not heard all I have to say. I am pointing out that there are many so-called flats today that cannot comply with the definition in the Bill, yet are perfectly satisfactory as places of residence. In some cases they are large houses that have been subdivided. Many of them probably constitute better residences than other premises that would comply with the conditions set out.

Hon. H. Tuckey: A lot of these premises will be condemned after the war.

The CHIEF SECRETARY: I hope that that will apply to many of them, but that is no reason why, because people are compelled under present day conditions to live in these places, they should be denied the right to vote for this House. As to the equitable freeholder, the Bill contains a provision that alters the present law. It is quite possible to have four equitable freeholders for one property.

Hon. J. Cornell: And so it would be under this.

The CHIEF SECRETARY: That is so, but there is also a qualification in the Bill that does not appear in the Constitution. It will be necessary, if the Bill is agreed to, for those claiming the equitable freehold qualification to give satisfactory proof of their claim to the Chief Electoral Officer. I find no fault with that provision, but it has always been one of the most difficult questions for the department to determine just when one person became an equitable freeholder and when the other person lost that qualification. From that standpoint, the provision in the Bill does improve the present provision. There is one other point to which I shall refer. Under the Constitution at present it is possible for one individual to have a vote for each of the ten provinces. Apparently the Select Committee had not paid any attention to that phase.

Hon. C. F. Baxter: We did not have time to go into everything.

The CHIEF SECRETARY: It would not have taken up much time to deal with that matter.

Hon. C. F. Baxter: It took us all our time to get through what we did.

The CHIEF SECRETARY: I am not really complaining about it, but I thought the Select Committee would have included some provision in the Bill dealing with that phase.

Hon. L. B. Bolton: It might have cost them the Bill.

The CHIEF SECRETARY: I see no reason why one elector should have ten votes for this Chamber whereas no elector has more than one vote for the Legislative Assembly. With these few observations, I support the second reading of the Bill. I have already indicated there are some amendments I will move at the Committee stage. The amendments I shall move are not extensive and I am hopeful that members will be prepared to go not only as far as the Bill suggests, but a little further along the lines I have indicated.

HON. J. CORNELL (South): I support the second reading of the Bill, which after all does very little. All it will achieve will be to give some women and some men a vote whereas they did not possess it before, and it will do away with the ratepayer qualification. The Bill also deals with the men and women in the various services. If there is one vexed question in that regard it is as to who should be singled out for special consideration.

Hon. T. Moore: What about their fathers and mothers?

Hon. H. S. W. Parker: They have got homes.

Hon. T. Moore: Yes, but they are not paying 6s. 6d. a week.

Hon. J. CORNELL: The organisation that speaks authoritatively for the service men and women is itself divided to a large extent as to who shall be allowed to join its ranks. At a recent conference it was decided to admit the militia under certain conditions. Despite that, one State, Victoria, has made it known that, irrespective of the decision of the conference, it will not admit the militia. With the R.S.L. so divided, we should put our considering caps on. If the people best qualified to judge, the R.S.L., are unable to determine the matter unanimously, what is the position? It is that with regard to the league no man could join up unless he had had service outside Australia. That was the position, but now if a militiaman was at Darwin at the time of the first raid and for six weeks thereafter, or if a militiaman, who had volunteered but had not been sent oversea, had been stationed in Darwin

from the time of the raid and up to the 14th November last, he can be admitted but certain other service men and women cannot be admitted unless they have served outside Australia. The House should realise the position that the Select Committee has taken up. It has followed the lines adopted by the R.S.L. in respect of its own members.

Had the Select Committee suggested that the franchise be thrown open to all, it would become rather a farce. It would be a farce if an individual had joined up and had had no possible chance of seeing any service outside the metropolitan area, and yet must be given the same consideration as that extended to a man who had been to the Middle East and elsewhere oversea. That is what its amounts to. The age factor enters into the question. The Commonwealth Electoral Act provides that any person over 18 years of age who has seen service outside Australia shall have a vote, and one of our Acts says the same thing. I do not see how we can go beyond the provisions of the Commonwealth Act with regard to soldier votes at elections. I agree with the Minister that the equitable freeholder qualification has been a headache for all Chief Electoral Officers. A former occupant of that position said the only way to deal with the matter was to wait until the elector put in an Assembly claim card and later tried to transfer it, at which stage the check could be applied and his name could be removed from the roll. Certainly the individual is required to make a declaration but after all that is no proof. I support the second reading of the Bill.

HON. E. M. HEENAN (North-East): I was a member of the Select Committee, and I agree with Mr. Cornell when he said that the Bill does not involve any radical alterations to the existing Constitution. At the risk of being accused of repeating myself, I emphasise the fact that the evidence tendered to the Select Committee disclosed a lamentable situation. It showed that less than 30 per cent. of the voters on the Assembly roll are on the Council roll and, further, that of that small percentage less than one-half on an average exercise the franchise. The evidence clearly established the weakness in that the present qualifications are too involved and ambiguous, and that a great majority of the people who possess one or other of the qualifications are not aware of the fact. That is the predominant reason why such a small percentage of those who are actually entitled to be enrolled are on the rolls. The witnesses were practically unanimous in stating that we should simplify the qualifications. That is the basic weakness in the existing situation.

Hon. T. Moore: Did you have many witnesses?

Hon. E. M. HEENAN: Not many, but we had Mr. Gordon and Mr. Marshall, both of whom stated emphatically that it was all-important to simplify the qualifications—that is, if we want to get all, or a big percentage, of those on to the roll who are entitled to be on it. In existing circumstances people do not understand the qualifications.

Hon. L. Craig: They do not want to.

Hon. E. M. HEENAN: I do not think that is quite a correct statement of the case. The ratepayer qualification, for instance, has never been properly understood. There are some people who by careful study and experience have made themselves fully acquainted with the Act, and they can put 20 people legitimately on the roll whereas the average person, who has not had the experience or practice, would not put more than four or five or six on the roll. I am sure that that is a correct statement of the existing situation. The Bill, I fear, will not alter the situation very much, and will not meet with the advice which Mr. Marshall and Mr. Gordon gave that the qualifications should be simplified. Some day, I am convinced, this House will agree to adult franchise, which I feel is the only way whereby we shall be enabled to get the people of this State on the roll. We have seven qualifications here, and the people concerned will have to choose one or more of them; and then there will still be a lot of doubt and ambiguity as to whether they are entitled to enrolment.

Take, for instance, the definition of "self-contained flat." If a person is occupying a flat—and flats are of all shapes and sizes—if he is an average person he will not, I am sure, be capable of comprehending the definition of what is a self-contained flat. If there is any doubt about it, he is going to say, "Well, I am not looking for trouble; I will not enrol; I have not got any cooking apparatus in my flat, and therefore I am not going to put myself down as a flat

tenant." Another aspect of the Bill I would like to direct attention to is the qualification of "householder," which has been in the Constitution all these years. It has been altered, and the term "resident-occupier" substituted. I think that was unwise, because the term "householder" is about the only one, in my opinion, that is fully understood by the people. The definition reads—

> The householder within the province occupying any dwelling-house of the clear annual value of £17.

The House should realise the alteration which has been made. It reads—

> The resident-occupier of a dwelling-house or self-contained flat situate within the province of a rental value of six shillings and sixpence per week at least.

Then "resident-occupier" is defined as meaning the person who is liable for payment of the rent of the dwelling-house. The point I want to make is that a householder was one who occupied a dwelling of the clear annual value of £17, but did not have to pay any rent at all. In the majority of cases, of course, he did pay rent; but the payment of rent was not compulsory. On the Goldfields we have numbers of people who live on mining leases and on Crown lands. They erect houses and are given a sort of license to do it. The mining companies are generous and say, "We will not be using this area again; we will permit you to build on it." So numbers of people build these houses, but they have no title; they are freeholders, and not leaseholders, but they are occupiers, householders. They do not pay any rent. Up till now those people have been entitled to go on the roll because they are occupying houses which are worth £17 a year judged by standards obtaining in the district. Subclause (2) is going to wipe those people out, because it connotes, or is dependent on, the payment of rent. The resident-occupier is a person who pays rent. So that all those people who own houses which are worth £17 a year——

Hon. L. Craig: If they really own them!

Hon. E. M. HEENAN: They do own them. They do not own the land; they have no interest in the land; but they own the houses. All they own is the structure itself, which may be quite a decent house worth 10s. or 15s. or £1 per week rent. If the ratepayer qualification had been left in, they might have been able to get on the roll in that way.

Hon. T. Moore: Why was the qualification altered? You were on the Select Committee.

Hon. E. M. HEENAN: I do not see any need for altering the qualification of householder. This alteration is going to have the effect of disfranchising a lot of worthy people on the Goldfields. My friend Mr. Seddon, I may say, must agree with that statement; and my friend Mr. W. R. Hall, who is chairman of the Kalgoorlie Road Board, knows how the provision operates. Members may take it from me that people build houses on Crown land or mining leases—and there are numbers of them in Goldfields towns—build near the mines in places like Laverton, and put up houses which are as good as houses in the towns. By this Bill they are not provided for, simply because they are not paying rent. There is another point in the Bill to which I desire to draw attention. I think the Chief Secretary is seized of the position. The Bill proposes to give votes to freeholders and their wives. Subclause (5) provides for that. It proposes to give to a man living in Perth who owns a house in Kalgoorlie, and to his wife, a vote each, or to a man who owns vacant land of the value of £50 and to his wife a vote similarly, whether they reside in the province or not. This provision does not appeal to me, and I point it out for the benefit of members.

HON. H. SEDDON (North-East): As a member of the Select Committee, while I agree with Mr. Baxter's recommendations, there are others I agree to with a considerable amount of misgiving. The Bill as presented to the House by Mr. Baxter does convey what the Committee considered was as far as it could go in this preliminary alteration of the franchise for the Legislative Council. I can appreciate the Chief Secretary's attitude. He is out to get as much as he possibly can from any attempt to alter the franchise. I think we can very well implement the recommendations of the committee and see how they operate before we go any further. In regard to the question of plural voting, I consider there is every ground for supporting the retention of that system if only from the standpoint that a man who has property in various parts of the State should have a say to the extent of the pro-

perty he owns. The question of properties on mining leases has been an important point for many years. We cannot get away from the fact that those people are illegally occupying Crown lands. From that angle, one can justly argue that they have no right to come within the qualifications laid down in the old Act. As a matter of fact, we have the spectacle of quite a large number of persons claiming the householder qualification, which is supposed to be based on £17 a year, and we find that the local authority under its power under the Road Districts Act, has rated the properties at from £3 to £10 a year. Yet, because they said they considered the property worth £17 a year, these people were put on the roll as householders.

Hon. T. Moore: Are they married people?

Hon. H. SEDDON: Some are, and some are occupying camps.

Hon. T. Moore: Would you keep a married person off?

Hon. H. SEDDON: I think the Bill goes a long way to keeping married persons on.

Hon. T. Moore: Why put some off in this way?

Hon. H. SEDDON: Seeing that these people have no real legal qualifications, they have no right to go on the Legislative Council roll for properties they are occupying on Crown lands or mining leases. The qualification of ratepayer has been dropped from the recommendation. The ratepayers should remain in. The Bill goes a long way towards implementing the committee's recommendations; and, on that point, I am chary of opposing it. I support the second reading.

HON. G. B. WOOD (East): I support the second reading of the Bill. So far as I am concerned, it goes quite far enough. As pointed out by Mr. Heenan, there is a definite flaw in the qualifications; I refer to the definition of "resident-occupier" which I do not think should be in the Bill. If that were removed, it would overcome any difficulty confronting the person who occupies a place of a rental value but who does not necessarily pay rent. There are many people who do not pay rent. We have Government officers who occupy Government residences and they do not pay rent. If the definition were removed, the qualification would read—

Is a resident-occupier of a dwelling-house or self-contained flat situated within a province of a rental value of 6s. 6d.

That is all that is necessary. There is no need to state that they must pay rent. That is the only objection I have to the Bill, and I hope Mr. Baxter will agree to that definition being eliminated.

HON. W. R. HALL (North-East): I am worried about the resident occupier definition. I am afraid it is going to disfranchise hundreds of Goldfields residents who, as Mr. Seddon said, are living on mining leases.

Hon. G. B. Wood: Not only there, either.

Hon. W. R. HALL: I realise that, too, but I am speaking now of the North-East Province. I think I could speak for some portions of the South Province as well. Kalgoorlie is so situated that there are many people who, owing to the scarcity of blocks and in order to live in close proximity to the town, have taken upon themselves to erect and live in houses on goldmining leases. I realise that is definitely wrong from the Lands Department's point of view, and that to some extent these people are evading land tax. Some of these people do apply to have the land on which they have erected houses made freehold or leasehold; and, provided the person who is the leaseholder of the mining tenement gives permission and the department is agreeable, those people in time are granted a lease. This definition will disfranchise hundreds of people, and they will not stand for that. If an attempt is made to disfranchise people around Williamstown and on the east side of the railway line, there will be a hue and cry.

Hon. H. Tuckey: Are they on the roll now?

Hon. W. R. HALL: A very fair proportion because, after all, the blocks on which they are living are not residential blocks. People live on them in order to be close to the town. This land has to be set aside as a mining reservation in case the time comes when mining goes ahead, and the person who has had the lease of the land desires to erect plants there. People going on to the leases take a risk, because the leaseholder may come along and say: "Get off; you have no right here," in which case they would have to go. There are hundreds of these people, and I believe Lands Department officials have made some inquiries regarding them and have seen fit to leave them alone at present. The land and housing position is such that nothing can be done and

there is no one in Western Australia who would dare to put them off the leases.

If these hundreds of married couples are disfranchised, I am afraid of the consequences. Some of them desire to have a vote, and the fact that they have gone on to this land in order to be close to the town cannot be helped. There are streets in Kalgoorlie in my road board district set aside on the east side of the railway line in Williamstown and Austral Road that have never been gazetted, but my board has seen fit, in some cases, to put bitumen roads through these places. The roads are gazetted but the houses are not in a residential area. If the definition of resident occupier is omitted from the Bill, I cannot see very much wrong with it. Clause 2 should be sufficient. I hope members will take into consideration the facts I have stated. If this definition remains, there will be an upheaval amongst people at present living on mining leases or Crown lands.

HON. W. J. MANN (South-West): Early in the evening, protests were made about Bills being brought down in the closing moments of the session. I think we have a perfect right to repeat that protest in this instance. This is one of the most important Bills we have had this session, and we are asked to review it and reach a decision the effect of which will probably last for many years, without having had a reasonable opportunity to discuss its merits. A moment or two ago Mr. W. R. Hall put up an excellent case for holding this Bill over until such time as it can be properly investigated. I know a little regarding the type of country he has been talking about and quite a lot about some other country in the timber areas where there have been similar complaints regarding the Legislative Council franchise for many years. I accord all the credit one should give to the Select Committee, the members of which I am perfectly satisfied were imbued with the best motives, but I consider we are unwise to push on this Bill, as is proposed. I confess that in the few minutes we have had the Bill before us, I have not been able to study it in the way I would wish, and I think we can reasonably claim the right to the requisite time to give it the most careful consideration. I am trying to recall the reason for appointing the Select Committee. I hardly think members had in mind that the result of its labours would be the introduction of a Bill of this sort.

Hon. C. F. Baxter: You had the report of the Select Committee.

Hon. W. J. MANN: We had what I understood was an interim report.

Hon. T. Moore: And no evidence.

Hon. C. F. Baxter: The evidence is on the Table of the House.

Hon. W. J. MANN: I am not satisfied with the report. I do not know whether the definition of "flat" is going to cover some of the places in which people are being compelled to live today, and if it does I do not think we can stand for the perpetuation of them. Even the definition of "self-contained flat" does not provide for a room for the people to live in—it refers to sleeping and cooking accommodation. I suppose those people must live in the yard, roost inside as do the fowls, and get up in the morning and have a bath. I do not think that was what was intended. On the grounds that we have not had sufficient time to consider the Bill and also that there will not be an election for this House for nearly 18 months—

Hon. C. F. Baxter: How do you know that?

Hon. W. J. MANN: In the ordinary course of events there will not be an election for this House for nearly 18 months —on those grounds, I shall vote against the second reading.

HON. T. MOORE (Central): With Mr. Mann, I think this is a rather strange way of dealing with a very important matter. To bring in a Bill on the last night or second last night of the session with a view to altering the electoral laws seems to me to be ridiculous, to say the least of it. What possible chance have we to study the Bill and frame desired amendments? I believe every member is of opinion that amendments ought to be made before the Bill becomes law. We have not had the evidence taken by the Select Committee. What chance have we had to peruse it and see what the witnesses said? I would like to know who selected the witnesses to give evidence. The committee would have been justified in selecting two witnesses who know something about electoral rolls and elections, but they would not know much about the country districts or what the

franchise meant in country districts. They would not know anything about the case put up by Mr. Heenan and Mr. W. R. Hall about the people who live and rear families on mining leases.

Hon. G. B. Wood: Mr. Hall could have given evidence had he so desired.

Hon. T. MOORE: He was not asked.

Hon. C. F. Baxter: The Select Committee did not have to go to people and ask them to give evidence. It advertised for witnesses and anybody could have given evidence.

Hon. T. MOORE: I am speaking of the calibre of the witnesses. Did they satisfy the Select Committee that everything to be learnt was learnt?

Hon. C. F. Baxter: There is the report.

Hon. T. MOORE: Was any attempt made to investigate the opinion of the people to whom I have referred, who live in good houses and pay 5s. a week rent for them? Was any attempt made to get evidence from people who live on the Goldfields? I am speaking of married people—not single people—people who have reared large families, people who live in the timber country.

Hon. G. B. Wood: The onus was on them to come forward and give evidence.

Hon. T. MOORE: Those people are very busy and had not the time to leave the mills and come here to give evidence.

Hon. W. J. Mann: They would have a long way to travel.

Hon. T. MOORE: Yes. Despite the fact that no election is pending for the Council for 18 months, this Bill is rushed in during the last hours of the session. Cannot the Bill be allowed to stand over for consideration next session? That would be a fair way of dealing with it. Mr. Seddon referred to the Bill as a preliminary measure, and used a word I did not like. First of all he spoke of the men and women who are living on the mining leases "illegally." After all, this is a free country and nobody objects to their living on the leases. They are doing good work and raising families. There are other men I have mentioned before, nearly all of whom have sons serving oversea. When we talk about giving votes to soldiers, are we going to deny the right to their fathers and mothers who are living in cheaply-constructed places in the sawmill areas, built when timber and iron were cheap, and let to them for 5s. a week? They have reared large families in those homes and are they to be denied the vote? I lived with those people for many years and they have done great service for the State. They battled along when wages were very low. They had to be content to live in those houses though, as time went on, some of them got better homes, but the rents have always been cheap. A house at Nanga Brook, if located in one of the suburbs of Perth, would bring 15s. a week. Because it is at Nanga Brook, because it was built when material was cheap and because the rent is only 5s. a week, the occupants are denied a vote.

Hon. G. B. Wood interjected.

Hon. T. MOORE: Apparently the hon. member does not like the case I am putting up. Is he prepared to give the vote to people living in such houses? If so, he could do it by agreeing to reduce the rental value from 6s. 6d. to 5s. That would extend the vote to a large number of people.

Hon. L. B. Bolton: You are never satisfied.

Hon. T. MOORE: What happened at the proceedings of the Select Committee? That body proposes a reduction from 7s. 6d. to 6s. 6d. a week. Why?

Hon. C. F. Baxter: From 7s. 10d.

Hon. T. MOORE: I will not quibble over the difference of 4d. I want to know what evidence was tendered or whether any evidence was tendered in favour of that alteration. Can the hon. member show any evidence?

Hon. C. F. Baxter: I am not dealing with charges.

Hon. T. MOORE: I think it was childish for the Select Committee to reduce the rental value by 1s. a week. The Select Committee took no evidence on the point and it had no right to propose this alteration. If this House wants to do the right thing, it will bring the amount down another 1s. 6d. That is what I ask. This would entitle a few more people to be put on the roll. Is that asking too much? I do not think it is. I hope Mr. Wood will agree that my request is only a fair one. I repeat that no evidence was given to justify a reduction from 7s. 10d. to 6s. 6d. in the rental value, and the Select Committee had no right to suggest this arbitrary figure. Let the House fix the figure!

If the House wants a definition of a "resident occupier," I would be content if we decided that wherever a husband and wife live together in a house, that is sufficient.

This would be a fair qualification and I do not think any member could object to it. It is ridiculous that this measure should be brought down at this period of the session, because it deserves greater consideration than we can give it now. As regards returned soldiers, I am pleased that at last we are going to do something for them. We attempted to do something for them last year.

Hon. C. F. Baxter: Have you actually found something right with the Bill?

Hon. T. MOORE: We pleaded for votes to be given to them last year and the hon. member said it was sob stuff.

Hon. C. F. Baxter: That was a different matter entirely.

Hon. T. MOORE: Apparently it is all right when the hon. member proposes it. Soldiers are to be provided for, but the merchant seamen have been omitted and some of them belong to this State. Members know that no greater service has been rendered to the nation than that of the merchant marine. I saw some figures from England of the number of men of the merchant service who had been lost during the war, and they were appalling. Those men go out and are shot at and have no opportunity to shoot back. I hope they will be included with our soldiers. I suggest that the Bill be held over until next session, when further consideration may be given to it.

HON. L. B. BOLTON (Metropolitan): For reasons that I gave earlier in the evening, I intend to vote against the second reading. I am being consistent. I will vote against every new measure brought before this House on the last day or two of the session. I am opposed to rushing legislation of any kind.

HON. G. FRASER (West): My attitude towards the Bill is similar to that of Mr. Moore. I regret that when the Select Committee decided to deal with the rent qualification it did not strike out the amount altogether and make it household suffrage. By that means quite a number of persons who I consider are entitled to vote for this Chamber would be given the franchise. On another matter I think great difficulty will be experienced. I refer to the equitable freeholder. The position stands as it is today, with the exception that documentary proof in support of a claim by an equitable freeholder must be produced to the satisfaction of the Chief Electoral Officer. I am sorry I was not present to hear Mr. Baxter when he introduced the Bill; but when he replies I would like him to tell the House what documentary proof must be submitted to the Chief Electoral Officer by an equitable freeholder. Even in the metropolitan area many obstacles will be placed in the way of people claiming enrolment under that qualification. The present qualification is an interest in property worth £50. In future, an equitable freeholder will, as I have said, have to submit documentary proof. At present he signs a declaration on his claim card. Why make this distinction?

Hon. G. B. Wood: He would only require to produce a rate receipt.

Hon. G. FRASER: The only documentary proof that I can think of at the moment would be a contract of sale of a property which the equitable freeholder might be buying. Why should he be forced to produce that document to the Chief Electoral Officer to bolster up his claim for enrolment? He may be living in the country and would have to produce the document to substantiate his claim. If I were an equitable freeholder I would not give the Chief Electoral Officer my contract. I would consider that it was a confidential document between the vendor and myself; besides, it might be the only document evidencing payments which I had made. Unless I produced it, however, it would not be possible for me to be enrolled.

Hon. W. J. Mann: Why not strike out the provision?

Hon. G. FRASER: I would not agree to do that, because in my opinion an equitable freeholder is entitled to a vote. I shall vote for the second reading, because I think the Bill is a slight advance on present conditions. There are one or two provisions in the Bill which I shall endeavour to have altered when we reach the Committee stage.

HON. G. W. MILES (North): I support the second reading. It is, as some members have said, regrettable that the Bill is brought in so late, but that is no fault of Mr. Baxter's. I congratulate the Select Committee on having brought in the Bill and I cannot understand the opposition of some members to it. As the Chief Secretary and Mr. Fraser have said, the Bill is an improvement on present conditions and there-

fore we ought to accept it. The point raised by Mr. Heenan and mentioned by Mr. Wood in reference to the resident-occupier requires some consideration. If the provision were struck out, that would meet with my approval. The only other suggestion I have to make is that the words "in or" should be inserted in paragraph (7) of proposed new Section 15. The paragraph would then read—

(7) being a resident within the province has served or is serving in or outside Australia . . .

Many men who have enlisted have, through no fault of theirs, been prevented from serving outside Australia in this present war. Many men who enlisted for service in the 1914-18 war never heard a shot fired, and yet they are members of the R.S.L. The soldiers retained in Australia are just as anxious to see active service as were the men who served in the 1914-18 war.

Hon. J. Cornell: You can make up your mind that they are all going oversea.

Hon. G. W. MILES: The R.S.L. should set an example. I know of men who enlisted and have had to remain in Australia for four years. They were needed here when this country was right up against it and when we were expecting invasion. I know of one family of boys who enlisted; one joined the militia and was posted to Darwin. He would not be deemed to be a returned soldier by the R.S.L. That is the policy of the league today. If the words I have mentioned are included in the Bill I shall be satisfied.

Hon. J. Cornell: If those words were inserted, there would be no need at all to refer to Australia in the Bill.

Question put.

The PRESIDENT: There must be a division on this Bill.

Division taken with the following result:—

Ayes	21
Noes	6
Majority for	15

AYES.

Hon. C. F. Baxter	Hon. E. M. Heenan
Hon. Sir Hal Colebatch	Hon. J. G. Hislop
Hon. J. Cornell	Hon. W. H. Kitson
Hon. C. R. Cornish	Hon. A. L. Loton
Hon. L. Craig	Hon. G. W. Miles
Hon. J. A. Dimmitt	Hon. H. S. W. Parker
Hon. J. M. Drew	Hon. H. Seddon
Hon. G. Fraser	Hon. F. R. Welsh
Hon. F. E. Gibson	Hon. G. B. Wood
Hon. E. H. Gray	Hon. H. L. Roche (*Teller.*)
Hon. W. R. Hall	

NOES.

Hon. L. B. Bolton	Hon. T. Moore
Hon. V. Hamersley	Hon. A. Thomson
Hon. W. J. Mann	Hon. H. Tuckey (*Teller.*)

The PRESIDENT: There being more than an absolute majority of members voting in the affirmative, I declare the question passed.

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; Hon. C. F. Baxter in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 15:

Hon. T. MOORE: I move an amendment—

That in lines 3 and 4 of paragraph (2) of proposed new Section 15 the words "six shillings and six pence" be struck out with a view to inserting the words "five shillings" in lieu.

My desire is to test the feeling of the Committee on this point. A man and his wife living together in a house should each be entitled to a vote. Years ago another Government introduced a measure providing for household suffrage, which is what I stand for. What is the difference between a house let at 5s. and another let at 6s. 6d?

Hon. H. S. W. Parker: Exactly one shilling and sixpence.

Hon. T. MOORE: All this is a mere figment of imagination. What is the difference between them?

Hon. H. S. W. Parker: One has a bigger stake in the country than the other.

Hon. T. MOORE: This is no laughing matter! I am concerned about the interests of people who are rearing large families but are denied the right to a vote for this House.

Hon. C. F. BAXTER: I oppose the amendment. Mr. Moore complains about the lateness of the appearance of the Bill in this House. As I explained earlier the Select Committee took the rental of 6s. 6d. to make it easier to understand.

Hon. T. Moore: I suppose we could not have understood it if you had made it 5s.!

Hon. C. F. BAXTER: If we had taken the amount at 5s., Mr. Moore would have tried to make it 2s. 6d.

Hon. T. MOORE: That is one of the weakest replies I have ever heard any member put up in connection with a Bill he has introduced. Members should not make a joke of this matter. Surely men and women count—or do they? Have these people

who live out in the bush and help in industry, no better right to be on the roll than have those who reside in Roe-street? What will this mean? It will simply bring in one mill with about 60 or so additional electors, but it will not affect the bigger ones. That is all—one small mill, so far as I can see.

Hon. G. B. WOOD: I oppose the amendment. Mr. Moore seeks to champion the people down in the South-West with regard to enrolment for the Council. If he was so anxious about the matter, why did he not attend before the Select Committee and put up a case for these unfortunate people? He is much concerned about them now! I think the Bill goes far enough.

Hon. T. MOORE: Mr. Wood says the Bill goes far enough. That is no argument.

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

Ayes	9
Noes	16
Majority against	7

AYES.

Hon. C. R. Cornish	Hon. E. M. Heenan
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. T. Moore
Hon. E. H. Gray	Hon. W. J. Mann (*Teller.*)
Hon. W. R. Hall	

NOES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. L. B. Bolton.	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. H. L. Roche
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. F. E. Gibson	Hon. H. Tuckey
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. G. B. Wood
Hon. A. L. Loton	Hon. H. Seddon (*Teller.*)

PAIR.

AYE.	NO.
Hon. L. Craig.	Hon. C. B. Williams

Amendment thus negatived.

The CHIEF SECRETARY: The fifth qualification provides for—

> The husband or wife, as the case may be, of a person who has a legal or equitable freehold estate in possession in land situate within the province of a clear value of £50 at least.

That means that if I own a block of land worth £50 and it is situated outside the province in which I am living, my wife will also have a vote for the Council on that account. I do not know whether that was the intention of the Select Committee. Something is wanted in the paragraph to indicate that if the husband and wife have separate votes, they must be resident in the province. The same thing applies to freeholder and wife, and vice versa. The intention is that if the owner of a block of land of the value of £50 is a married man, then his wife also gets a vote. I would like to add after the word "lease" these words, "and is resident therein." I want to make sure that a freeholder occupying a house of a value of £17 annually shall be entitled to a vote, and that his wife also shall be entitled to a vote, and vice versa. I move an amendment—

> That in line 5 of paragraph (5) of proposed new Section 15 after the word "lease" the words "and resides therein" be inserted.

Hon. W. J. MANN: That is the very thing I fought for when the Bill was introduced. The Committee does not know its own mind. We are now dealing with the franchise of the people who sent us here, and those people are entitled to know whether or not we know what we are doing. The Committee does not know what it is doing. I suggest that progress be reported in order that we may have some idea of what we are about.

Hon. E. M. HEENAN: It would be a pity not to finish the Bill tonight. Subclause (5) merely has this effect, that anyone who owns freehold property in any part of the State, whether it is vacant land or land that has a house on it, is entitled, as a freeholder, to a vote under the Act as it stands. Then there is the feature of giving the freeholder's wife a vote. That is not the intention. I am sure it will not be the intention of members of this House that a man living in Perth and having a block at Norseman worth £50, and his wife also living in Perth should, together with his wife, be entitled to a vote because of that vacant block at Norseman. The Chief Secretary's amendment would clarify the position.

Hon. H. SEDDON: This clause is all right and I hope it will not be amended. If it is fair to give the occupier and his wife a vote it is fair to give a freeholder and his wife a vote also.

Hon. G. B. WOOD: I agree with the Chief Secretary. This is plural voting in its worst sense. We have heard a lot of talk about one man having 10 votes. This would give a man and his wife 20 votes and I am opposed to it. To give a man and his wife votes for land scattered all over the country is highly undesirable. The amendment would get over the difficulty.

Hon. G. FRASER: This is the most vicious thing introduced into this Chamber. Mr.

Seddon said that if it was fair to give an occupier and his wife a vote it was fair to give a freeholder and his wife a vote. But we do not want to give them a vote for one province and then a vote for another; that is duplication.

Hon. H. S. W. PARKER: The idea is to give married women the vote that has been sought by many people.

Hon. G. Fraser: But not two votes!

Hon. H. S. W. PARKER: Plural voting is maintained in this Bill, so wives have plural votes too. The Chief Secretary's suggestion is that the wife shall have a vote in the province in which she resides, but she has that now. If she is residing in a freehold house owned by her husband, she gets the vote by virtue of being the wife of a freeholder. Husband and wife have a vote for the freehold estate, wherever they are residing. But they can only have one vote each in one province.

Hon. A. THOMSON: I suggest to the sponsor of the Bill that as we are going to meet tomorrow progress should be reported in order that we may have an opportunity of understanding what we are dealing with. I have always taken strong exception to Bills being introduced in the dying hours of a session, as has been done in this instance. There is a diversity of opinion as to what the clause means. The members of the Select Committee themselves have different views. How can they expect the rest of us to understand the position?

Hon. C. F. Baxter: No, the committee was of one opinion.

Hon. A. THOMSON: That is not so. What about Mr. Heenan?

Hon. C. F. Baxter: He has been different all the time!

Hon. A. THOMSON: He was a member of the committee. I suggest that the hon. member move to report progress.

Hon. C. F. Baxter: I am willing to accede to the hon. member's request.

Progress reported.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).

Second Reading.

THE CHIEF SECRETARY [11.55] in moving the second reading said: First of all, may I explain that I propose to introduce this Bill in order that members shall know its contents. Then I shall be glad, if members so desire, to have the debate adjourned until the next sitting.

Hon. J. Cornell: I understand there is a long amendment to go on the notice paper.

The CHIEF SECRETARY: Yes. This is a most important Bill and I hope the same objection will not be taken to it as was taken to the previous one. This measure has been before another place and was given a lot of attention. It is very important from the point of view of Government employees. One of the most fruitful causes of friction in the Government Service is the question of promotions. By this Bill it is proposed to provide for appeals in respect of promotions by persons permanently employed by or under the Crown, and for the establishment of a promotions appeal board to hear and determine such appeals, and for other incidental purposes. For some time past, various sections of the salaried and wages employees in the Government Service have been representing to the Government, through their association or union, the desirability of legally establishing a tribunal or board to hear and determine appeals against promotions.

Much dissatisfaction exists amongst Government employees in connection with this matter. In some sections of Government employment there is a right of appeal so far as promotions are concerned, but not by reason of any express statutory provision; whilst in other sections there is no right of appeal of any description. Naturally, such a state of affairs gives rise to a great deal of friction where an applicant for a particular position considers he has been unjustly treated and finds he has no legal remedy by which he may endeavour to rectify the situation in his favour. It is not suggested that all the dissatisfaction referred to is justified, and that every applicant who considers he has been unjustly treated is right in his attitude. But it is suggested that it is wrong to continue a situation in which there develops within the minds of certain Government employees a sense of injustice which has a demoralising effect not only on the person concerned but also on those with whom he is associated in a particular department or undertaking carried on by the Government.

It will be readily appreciated that circumstances under which grievances are thus nursed ultimately undermine the efficiency

of employees, and are to the disadvantage of the department or departments in which they are working. Where there is a right of appeal to a legal authority comprised of men who can give careful consideration to the claims of unsuccessful and discontented applicants, it can be expected that such appellants will not continue to nurse their grievances, knowing full well that they have had the opportunity of having their grievances dealt with by a higher authority expressly constituted by Act of Parliament for the purpose, and that the decision given is final. It is to this end, therefore, that this Bill has been submitted. Much thought and consideration has been given to its drafting, and considerable discussion took place between the Government and the organisations representing the employees before it was possible to submit legislation for the approval of Parliament.

Relevant legislation in other States has been examined and advice has been sought from those States where statutory provision does exist in respect of appeals against promotions in the Government Service. It has been found that legislation in some States is very limited in its application, in that only a certain class of salaried employee was concerned. Finally it was agreed that the Queensland Act should form the basis for this Bill, as the legislation in that State was practically all-embracing in its application and covered the requirements of this State.

Turning now to the Bill itself, the definition of "department" covers any department under the administration of a Minister of the Crown, and includes the Agricultural Bank, every State Trading Concern, and Fremantle Harbour Trust Commissioners, every harbour board, every Government hospital, and every Crown instrumentality, where the employees are paid with moneys appropriated by Parliament. Where two or more departments are administered by the same Minister, and where a department is divided into separate sub-departments, they are to be regarded as separate departments. "Government hospital" is defined as meaning any hospital, maternity home or convalescent home, established, maintained or managed wholly by the Government as a Government institution, whilst the definition of "employee" covers a person employed by the Government in a permanent capacity, this meaning that such employee must be regularly employed in circumstances which justify the belief that employment will be continuous and permanent.

It is set out in the Bill that notice of any vacancy or of the creation of any new office is to be published in such manner and for such period as shall be prescribed by the regulations, thereby giving every employee concerned a reasonable opportunity of making application for appointment. When an appointment is to be made, notice in writing is to be given to the unsuccessful applicant or applicants of the intention to appoint the successful applicant. Notice to appoint an applicant is to be provisional and temporary pending the hearing and determination of any appeal which may be made. The necessary safeguards have been inserted to limit appeals to those employees who had applied for the vacancy. Provision has been made that appeals will not be allowed in cases where the vacancy to be filled carries an annual remuneration at a higher rate than £750, unless the Governor declares that appeals shall be allowed on special grounds, and that appeals will not be permitted where an employee has attained the compulsory retiring age and has continued in employment.

The Bill further sets out that where the terms and conditions of employment appertaining to a vacancy or new office are regulated by the provisions of an award or industrial agreement, only those employees who are members of the industrial union which is a party to such award or industrial union shall have the right of appeal.

Dealing with the establishment and constitution of a board to hear and determine appeals, the Bill provides that for the purposes of the Act a board known as the Promotions Appeal Board shall be established, and that it shall consist of three members, one of whom shall be a stipendiary magistrate or police or resident magistrate, nominated by the Minister. Where there is no union, or the union fails to appoint a representative, the appellant may himself appoint one. The term "union" means an industrial union of workers within the meaning of the Industrial Arbitration Act, 1912-41, and includes the Civil Service Association of W.A. (Inc.), the State School Teachers' Union of W.A. (Inc.), and the West Australian Railway Officers' Union.

The person to act as representative on the board of an appellant who is a member of the Civil Service Association shall be the member of the Public Service Appeal Board

elected by the Civil Service Association, and the representative to act for an appellant who is a member of the School Teachers' Union shall be the member of the Public Service Appeal Board elected by that union. There are provisions dealing with the constitution of the board in cases where it is proposed to deal with two or more appeals against the same promotion. Provision has also been made that the board shall meet for the discharge of business as often as is required and as soon as is reasonably possible after an appeal has been made, and any remuneration to be paid to members of the board shall be that which may be prescribed by regulations.

An important part of the Bill deals with the grounds upon which an appeal may be allowed. These grounds are set out as superior efficiency to that of the employee promoted, or equal efficiency and seniority to the employee promoted. The term "efficiency" means special qualifications and aptitude for the discharge of the duties of the office to be filled together with merit, diligence and good conduct, and in the case of an employee who is a returned soldier, includes such efficiency as in the opinion of the permanent head or the board, as the case may be, he would have attained but for his absence on active service. For the purposes of this definition "returned soldier" means a person who enlisted or was appointed for service abroad and who has been on active service during the war in which His Majesty was engaged between the 4th of August, 1914, and the 11th of November, 1918, or in the war in which His Majesty is at present engaged. "Seniority" is defined as follows:—

(a) As between employees holding positions or offices in the same grade or classification when such positions or offices are graded or classified—seniority by longer period of service.

(b) As between employees holding positions or offices in different grades or classifications when such positions or offices are graded or classified—seniority by higher grade or higher classification.

(c) As between employees engaged in the same kind of employment at the same rate of salary or wages, when the positions or offices held by them are not graded or classified—seniority by longer period of service.

(d) As between employees engaged in different kinds of employment at different rates of salary or wages, when the positions or offices held by them are not graded or classified—seniority by higher rate of salary or wages.

The board shall have the right to decline to hear any appeal which in its opinion is frivolous, unreasonable or vexatious, and may fine any appellant an amount not exceeding £5 where an appeal comes within that category. There is also a provision that the board shall possess the powers of a Royal Commission. Where an award or industrial agreement contains any provisions affecting promotions, the board in hearing any appeal against promotion shall have regard to those provisions and conditions. The decisions of the board are to be binding upon the appointing authority and upon the recommending authority concerned, and due effect must be given to any decisions made. Every appointment then made by the appointing authority for the purpose of giving effect to a decision of the board shall be final and conclusive, and not be subject to any further appeal of any kind.

There are other provisions of a machinery nature, details of which can be supplied when the Bill is in Committee. In conclusion I would like to emphasise the importance of this measure and trust that members will give it their earnest consideration and approval. As I indicated at the outset, there is much dissatisfaction amongst Government employees regarding the non-existence of a legally constituted body to deal with grievances arising out of promotions, and it is considered that this Bill will go a long way towards providing a remedy for the existing situation. Not only should it do this, but it should also ensure that the greatest possible care will be exercised by the recommending authority to see that the best applicant is recommended for promotion, well knowing that there is always the possibility that he might have to justify his recommendation before a board established by Act of Parliament. That is a brief outline of the provisions of the Bill, and I trust the measure will receive favourable consideration. I move—

That the Bill be now read a second time.

On motion by Hon. J. G. Hislop, debate adjourned.

ADJOURNMENT—SPECIAL.

The **CHIEF SECRETARY**: I move—

That the House at its rising adjourn till Friday, the 15th December, at 3 p.m.

Question put and passed.

House adjourned at 12.13 a.m. (Friday).