The MINISTER FOR MINES: Section 56 of the Fremantle Gas and Coke Company's Act sets it out simply. If the council decided to take over the gas company tomorrow it would have to pay for new plant of similar capacity, which would be an enormous price. The amendment would not be of much value, and I think the clause should be struck out.

Hon. G. FRASER: Section 50 of the Act provides for the appointment of an arbitrator, but gives no basis by which he is to arrive at a price. The clause is essential, to be read in conjunction with Section 50 of the Act. It means that the local governing authority, in taking over the plant, will pay the present-day value of the property and plant. It will safeguard both the company and the municipality.

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

Clauses 24 to 28, Title—agreed to.

Bill reported with amendments.

ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till Tuesday, the 16th December, at 3 p.m.

Question put and passed.

House adjourned at 10.20 p.m.

Legislative Assembly.

Friday, 12th December, 1947.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTION.

MURRAY RIVER.

As to Nanga Brook-Dwellingup-road Bridge.

Mr. REYNOLDS (on notice) asked the Minister for Works:

(1) Is he aware that the previous Minister for Works allocated £2,500 for a bridge over the Murray River on the Nanga Brook-Dwellingup-road?

(2) Does he intend to honour the promise given that the bridge would be constructed this year?

(3) Is he aware that this is the best period to commence construction?

The MINISTER replied:

(1) Yes.

(2) No promise was given that the bridge would be constructed this year, but it will be undertaken as soon as the Main Roads Department is in a position to do the work.

(3) Yes.

BILL—POTATO GROWING INDUSTRY (TRUST FUND).

Leave to Introduce.

First Reading.

THE MINISTER FOR AGRICULTURE (Hon. L. Thorn—Toodyay) [2.16]: I move—

That leave be given to introduce a Bill for "An Act to authorise and provide for the administration of a trust fund in relation to the potato growing industry and the application of moneys in the fund for purposes incidental thereto."

May I explain the reasons for the motion before leave is given?

Mr. SPEAKER: Yes.

The MINISTER FOR AGRICULTURE: The explanation of this action arises out of the fate of the milk Bill last evening. The object of presenting the Bill to members is to make doubly sure that the same problem will not arise in this instance. Hence the measure will be introduced in the Assembly. The intention had been to submit it first in the Legislative Council. The legislation has been sought by the potato growers and I hope I shall have an opportunity to move the second reading at a later stage of the sitting, so that the Opposition may secure the adjournment of the debate and look through the Bill before we meet again next Tuesday.

Hon. F. J. S. Wise: Have you got many more Bills?

The MINISTER FOR AGRICULTURE: No. The course I have indicated is advisable.

Question put and passed; leave given.

Bill introduced and read a first time.

Message.

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

ASSENT TO BILLS.

Messages from the Lieut.-Governor received and read notifying assent to the following Bills:—

1, Royal Style and Titles.

2. Fisheries Act Amendment.

3. University of Western Australia Act Amendment.

4, Factories and Shops Act Amendment (No. 1).

5, Native Administration Act Amendment.

6, Stallions Act Amendment.

7, Road Districts Act Amendment (No. 2).

8, Municipal Corporations Act Amendment (No. 2).

BILLS (3) THIRD READING.

1, Acts Amendment (Allowances and Salaries Adjustment.)

2, Bread Act Amendment.

Transmitted to the Council.

3, Companies Act Amendment (No. 2).

Passed.

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.

In Committee.

Resumed from the previous day. Mr. Perkins in the Chair; the Premier in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 2 had been agreed to.

Clause 3—Amendment of Section 6:

The PREMIER: Last evening, concern was expressed about second-hand material and members generally indicated that they did not want any restriction imposed upon its use. According to my investigations, this amendment will not make any difference in the control that might be exercised in future, but the object is to confirm the interpretation of the Act that has been adopted by the Commission. Under the interpretation the cost of second-hand material is included in deciding whether a permit shall be issued or not. I explained last evening that this is necessary. No house or building can be built of second-hand material without new material being used with it. This might involve considerable cost, and it is necessary to direct second-hand material to housing and not to other purposes. There is a decided tendency to direct second-hand material—good housing material—into other avenues, and the amendment will tighten up the Act in that direction. The fears of the member for Kalgoorlie and the member

for Murchison that it will prevent the pulling down of a house and its re-erection elsewhere are groundless. The Act does not now require a permit where the cost does not exceed £100 for business premises or £50 for houses. Therefore, I hope members will agree to the proposal.

Mr. MARSHALL: If it were permissible to buy second-hand material without supervision, it might be used unwarrantably, considering the urgent need for such material for home-building. A person could purchase second-hand material and obtain new material to use with it. I quite realise the necessity for some supervision over the purchase of second-hand material and the purpose to which it is to be devoted. That, however, should not apply in the case of a man who dismantles a house in some goldfields district for the purpose of removing the material to another town and using it in the erection of a home for himself. There is only one avenue where large quantities of second-hand building materials can be obtained, and that is the Disposals Commission, and it should be simple enough to exercise control in that case. The Housing Commission is exercising too much authority; the Commission is just a little too thorough and in consequence many people are being handicapped and inconvenienced.

The Premier: My experience has been that the Housing Commission has always tried to encourage the building of houses with second-hand material.

Mr. MARSHALL: In some cases that is not so. As an instance, material was lying on a vacant block of ground, unguarded, for six weeks, during which time the owner was trying to obtain a permit to build. There was grave risk of the material being stolen. People get discouraged in such cases if they cannot get a permit to build. I agree with the Premier that there should be some restrictive provision in the Bill regarding second-hand material; but when it comes to administering the Act, people living in the far back areas should be treated liberally and no obstacle should be placed in their way with respect to using second-hand materials.

Mr. STYANTS: If I thought this part of the Bill would be administered in the spirit outlined by the Premier, I would not have any great objection to it. I have not sufficient confidence in the State Housing Commission, howeve, to believe that it will administer the Act in that way. I do not say so without reason. A business man in Kalgoorlie bought a large quantity of second-hand material at an R.A.A.F. disposals sale, intending to use it in the construction of a block of 10 flats in the sewered part of Kalgoorlie. He had plans prepared of the building and submitted them to the Housing Commission. The Commission refused him a permit, notwithstanding that he had 98 per cent. of the material required for the building. He needs in addition three enamel baths and basins and 1,000 feet of half-inch water piping. The Commission did, however, say that it would grant this man permits to build houses on the outskirts of Kalgoorlie. This would not be a good business proposition, because if there were a decline in the goldmining industry, the outskirts of the city would be the first to suffer, the tendency being for people then to live in the centre of the city.

The Commission made all the excuses it could think of for refusing the permit. It tried to pass the buck from one person to another. First, the Commission referred the matter to the Town Planning Commissioner, but he has no authority to determine the type of building to be erected on the block. Then they sent it to the Commissioner of Public Health to see whether they could pass the buck to him to find some fault, and he did; but it is no use the Commissioner setting a building standard on the Goldfields on the same plane as that in the metropolitan area, because Kalgoorlie is a mining town and the climate there is entirely different. But the local authority, under whose jurisdiction the building laws of the district come, can pass the plans all right. This man has now reduced the number of flats from 10 to 8 and the matter is again under consideration by the Commission. If he is not given a permit, he will build a type of structure on which we do not want this material used. He will build warehouses or something of that sort. I do not doubt that it is because of this case that the Commission is seeking power to control the material this man possesses. It is quite a large amount.

The Premier: I am sure that it is not one individual case which is influencing the Commission.

Mr. STYANTS: Now that most of the sales of surplus Military and Air Force material have taken place I do not think there is a great deal of second-hand material available. What I am concerned about is whether I should agree to a proposal which would allow the Housing Commission to interfere with the man of whom I spoke yesterday, who wants to shift his home from Wiluna to Kalgoorlie.

Hon. E. H. H. Hall: There are other such cases.

Mr. STYANTS: I suppose there are many such cases apart from that one. I know that scores of houses were taken from the Murchison Goldfields to Geraldton for re-erection. I am very doubtful whether, if we allow this to go through, the power will be exercised as moderately as the Premier expects.

Hon. F. J. S. WISE: The wording of this part of the clause needs amendment. It is obvious that after the word "used" the words "as provided" should be inserted. Secondly, the definition of "building materials" in the Act which is being amended in this part of the clause specifically exempts materials previously used. Therefore, in spite of the addition of the words "when used" in Part IV of this Act, it cannot mean there is any control over the materials used and the application of Part IV can only mean that all building materials, whether previously used or not, must be the subject of a license. Is that the correct interpretation of the clause?

The Attorney General: I think not.

Hon. F. J. S. WISE: Then does it mean all building materials excepting those previously used are to be the subject of a license?

The Attorney General: Yes.

Hon. F. J. S. WISE: If that is so, the objection of the member for Kalgoorlie and the member for Geraldton falls to the ground.

Mr. Styants: That is not what the Premier said last night.

Hon. F. J. S. WISE: That is what I am getting at. Reference to a license for building materials, excluding building materials previously used, would mean that the application would be to new materials only.

The ATTORNEY GENERAL: The matter is somewhat technical. There are three parts in the Act with which we need to concern ourselves. Part III relates to building operations—that is the putting up of a building—and it says that that cannot be done without a permit except in certain cases—as, for instance, where the cost, in respect of a residence, does not exceed £50 and, in the case of business premises, £100. Putting up a building includes, in Part III, removing an old or existing building and re-erecting it. That is a building operation. Part IV deals with acquiring or disposing of materials, and Part V confers on the Commission certain powers to direct the use of materials and calls for particulars of materials in a person's possession.

In the definition clause, "building materials" is defined as excluding materials previously used—that is, secondhand materials. Bearing that in mind, in Part IV of the Act, which deals with acquiring or disposing of materials, the term "building materials" is used. So it is required to have a license to secure or dispose of building materials and, by the definition, it is not necessary to have a license to acquire or dispose of second-hand materials. In Part V also, dealing with the power of the Commission to direct the use of materials, the term "building materials" is again applied, so the power of the Commission to direct the use of materials does not apply to second-hand materials by virtue of the definition I have mentioned. It is one thing to acquire materials, secondhand or otherwise, and another to use them to erect a building.

So the Act provides that, although materials may be acquired under Part IV, when it comes to erecting a building, Part III shall apply. The term "building materials" is not used in Part III. The definition of cost includes the fair value of all materials used in connection with a building operation. So, the draftsman has been careful, in Clause 3, not to use the term "building operations" which would bring in the exclusion of second-hand building materials. He has, to my mind, by not using the term "building operations," excluded the exemption of second-hand materials. The result is that although second-hand materials, by virtue of the term "building material" employed in Parts IV and V of the Act, would not be covered by

those parts, as a different phrase is used in Part III, second-hand materials are not excluded.

The Act, in my opinion and in accordance with that of the Commission, in effect provides that when we undertake a building operation the cost has to be looked into to determine whether a permit is needed or not, and included in the cost is to be the value of all materials, including second-hand materials. It is a little intricate, and I am not sure that I have made it particularly plain.

Mr. Styants: It is clear, but it is very fine.

The ATTORNEY GENERAL: Yes. It has been suggested from time to time that although Part III does not mention the term "building materials" nevertheless it should be implied that the term has application to that part, and that therefore, in connection with a building operation, second-hand materials would not be taken into account in estimating the cost. I think that interpretation is not the correct one, and it is not in accordance with the interpretation under which the Commission has been acting. The Commission, therefore, to avoid challenges in connection with any proceedings it might take, is suggesting by the amendment that the term "building operations" and the exclusion of second-hand materials shall be confined to Part IV. It should also have added Part V. If the amendment is accepted it will be clear that the term "building materials," as defined in the Act, will not be applicable to Part III, relating to building operations. It would also mean that in estimating the cost of building operations, to determine whether the permit figure has been exceeded, the value of second-hand materials as well as first-hand materials and labour would have to be included. The amendment aims at leaving the Act at where it is today on the interpretation hitherto placed on it by the Commission, and which I believe to be correct.

Hon. F. J. S. Wise: I think you will be needed to explain this to members in another place.

The ATTORNEY GENERAL: I do not know that I have done too well here. The amendment will not, I think, mean any greater restriction than applies today. But it must be borne in mind that if the amendment is accepted there will still be need of a permit for the re-erection of a second-hand building. The amendment can be regarded as not extending the restrictions, but clarifying the position. It is quite sufficient, except that it should also include the words "and Part V" because the term "building materials" is used in both parts.

Hon. F. J. S. Wise: What do you think of the words I suggested?

The ATTORNEY GENERAL: I think they may be helpful.

Hon. F. J. S. Wise: Would you insert them?

The ATTORNEY GENERAL: Yes. I move an amendment—

> That in line 2 after the word "used" the words "as provided" be inserted.

Mr. STYANTS: That the Commission claims to have the right to refuse a person a permit to re-erect a dwelling in which all of the materials are second-hand is news to me. A lot of this type of building has been carried out in the Eastern Goldfields and I have from time to time discussed the matter with officers of the State Housing Commission. On no occasion has the Housing Commission expressed to me the view that under existing legislation it has the right to refuse a permit to dismantle and re-erect a building when no new material is required in the rebuilding. If any new material is required the Commission can refuse a release for it, often with the effect of preventing the building being re-erected.

The health and local building bylaws have nothing to do with the Commission. That is an authority that the Commission has taken to itself in the case I mentioned at Kalgoorlie, where it will not give a permit for the building of the eight or ten flats, for the erection of which I received a petition from 71 of my constituents. I favour the continuation of controls over new materials, but not control over second-hand materials. The Attorney General claims that under existing legislation the Housing Commission has power to refuse permission to re-erect a building entirely of second-hand material. The Commission has not, so far, claimed to have that power.

Amendment put and passed.

The ATTORNEY GENERAL: It is mainly a matter of administrative good sense.

If we tried to meet the case of removals without permits, that would require extensive alterations to the Act, which would not be practicable under this Bill. No doubt the Premier will bear in mind what has been said.

Hon. F. J. S. WISE: If there is an officer of the administration dealing with licenses of this kind, without having them in any priority order, that will meet most of the objections.

The ATTORNEY GENERAL: I move an amendment—

That in line 2 of paragraph (b) after the numeral "IV" the words and numeral "and Part V" be inserted.

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

Clauses 4 to 8, Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—COAL MINERS' WELFARE.

In Committee.

Resumed from the 10th December. Mr. Perkins in the chair; the Chief Secretary in charge of the Bill.

Clause 9—Membership of board (partly considered).

The CHAIRMAN: Progress was reported after the clause had been amended.

The CHIEF SECRETARY: As originally drafted the Bill provided that the board should consist of three members to be appointed annually by the Governor. One was to be the chairman of the board; another representing the coalminers and the third a representative of the owners of coalmines. In Committee the clause was amended to provide that the chairman of the board should be the president of the combined coalmining committee and the second was to be the president of the Australian Coal and Shale Employers' Federation of Workers while the third was to be a person representing the coalmine owners. It is considered that the Government should have the authority to appoint a representative to the board without any tags attached to it. With that object in view I propose later on to move that the Bill be re-committed for the purpose of striking out paragraph (c) with a view to giving the right to the Government to nominate a representative without any directions in the Act at all.

Clause, as amended, put and passed.

Clauses 10 to 27, Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Chief Secretary, Bill recommitted for the further consideration of Clause 9.

In Committee.

Mr. Perkins in the Chair; the Chief Secretary in charge of the Bill.

Clause 9—Membership of the board:

The CHIEF SECRETARY: The clause provides that the board shall consist of three members to be appointed annually. It has been suggested that the Government should be left free to select the third member. Therefore I move an amendment—

That paragraph (c) be struck out.

Mr. May: I have no objection to the amendment.

Amendment put and passed.

Mr. MARSHALL: Surely some provision should be inserted in lieu of the paragraph struck out! Who is to be appointed? Without some assurance from the Minister, the Government could get its own way by nominating a representative of the mine-owners, as was originally proposed.

The CHIEF SECRETARY: Admittedly, it would still be possible to appoint a representative of the mine-owners, but the Government should be able to appoint anybody considered to be suitable. Previously the Bill provided that a representative of the owners must be appointed, but now it will be optional.

Mr. Marshall: That will stultify the Committee in view of the decision to strike out the paragraph.

Clause, as amended, agreed to.

Bill again reported with a further amendment and the report adopted.

BILL—CENSORSHIP OF FILMS.

Second Reading.

Debate resumed from the previous day.

HON. A. R. G. HAWKE (Northam) [3.30]: For a long time there has been an increasing public opinion for action to be taken to exercise far stricter supervision over the exhibition of films. It took many years for that public opinion to harden sufficiently to impress the governing authorities in Australia. However, last year a conference of Commonwealth and State representatives was held at which the subject was thoroughly discussed. The result was that the conference recommended that action be taken to have suitable legislation prepared for consideration by all the States. Two States have already passed the legislation which has been agreed upon, while other States are considering it, just as we are this afternoon.

Unquestionably, many of the films shown in recent years have been entirely unfit for children. Strangely enough, some of the worst films are shown on Saturday afternoons and these are the programmes which are supposed to cater for children. Consequently, there is every justification for the introduction of controlling legislation to prevent the exhibition of unsuitable films, especially for children. This Bill appears to contain all the power necessary in that respect, although the power seems to be extreme. However, I believe it is necessary to give the authority proposed to be set up by the Bill all the power in the world, not that it may be necessary for the authority to use it; certainly it will not be necessary for the authority to use it all the time.

Claims have been made by the film industry from time to time that it is concerned with the type of film exhibited and that it is anxious to exhibit only such films as are suitable for both adults and children. However, I think that the main motive of those financially interested in the film industry is the profit motive. We know that films nowadays are turned out very much like sausages in a butcher's shop. The main reason for this is that people all over the world have become film-minded. Pictures are their major source of entertainment, probably because of the cheapness of the entertainment. In consequence, it is perhaps an impossibility for the film industry to produce enough really good films; if it did so, it certainly would not be able to provide all the changes we now get. If the film industry concentrated wholly on producing suitable films, perhaps only 25 per cent. would be produced as against the number now produced.

If the controlling authority has the effect of reducing the number of films made, but increasing the number of suitable films, that would be a step in the right direction. There is no question about the influence of films upon the minds of people, especially upon the minds of young people. I am not sure whether all the provisions of the Bill will prove to be practicable in operation. I foresee some difficulty in keeping out of theatres, where undesirable films are being shown, those who should not be allowed to enter. This legislation is the first move of its kind in the State and if after nine months or so it is found that amendments are required to make the policing of the measure more effective, it will be a simple matter at that time to amend the Bill in such a way as might be found necessary. The Bill is desirable, and indeed necessary in my opinion. I have much pleasure in supporting it.

MR. LESLIE (Mt. Marshall) [3.37]: I commend the Government for bringing down this Bill. I agree with the member for Northam that it is highly desirable, but while it goes a long way towards preventing the screening of pictures which are unsuitable for exhibition to children it does not make provision for preventing children from attending such screenings.

Mr. Marshall: Why should undesirable pictures be shown at all? That is the point.

Mr. LESLIE: There is at present some sort of censorship. I direct the attention of members to the fact that in all advertisements and display matter relating to pictures, there is an intimation as to whether they are suitable for general exhibition or whether they are not suitable for exhibition to children. But such an intimation has not the effect of stopping a child from attending a picture show, whether or not the screening is suitable for children under 16 years of age. Nor will this Bill have that effect. The Bill certainly contains a provision that pictures which are not suitable

for exhibition to children under the age of 16 years shall not be exhibited on Saturday afternoon before 5.30, on a holiday, or during a school term. That is an excellent provision. Nevertheless, such pictures are exhibited at other times; and, although there is a notice displayed in front of the theatre as big as the theatre front itself that the picture is not suitable for children, no steps are taken to prevent children from entering the theatre.

I draw attention to the fact that many children attend picture shows unaccompanied by their parents. I believe the majority of parents are concerned over what their children see at the pictures, as many children are barred from attending picture shows because their parents cannot accompany them in order to make a suitable choice of where they may go. The parents say, "No, you cannot go to the pictures because I cannot go with you to make sure you go to the right show." But if we provide that a theatre shall not admit a child of that kind who is allowed to go along unaccompanied to see a picture, that would overcome the one weakness that exists. If a parent is so regardless of his child's interests as to take that child to an undesirable picture, that is O.K. by me; that is the parent's business. There are, however, many pictures which might be labelled undesirable for children but to which I might be prepared to take my children with a view to using those pictures as lessons. Other parents may be prepared to do that. However, I consider that there should be some provision in the Bill along the lines I have suggested, and when the measure is in Committee I shall move an amendment that will have the effect of prohibiting an exhibitor from allowing a child, unattended by an adult, to be admitted to a theatre where a picture is being screened which has been labelled "Not suitable for children under 16."

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 20—agreed to.

Clause 21—Censor may retain film and advertisements when approval refused:

Mr. HOAR: According to my interpretation of this clause, the film censor would have the right to order the destruction of a film or portion of a film. I think it would be wrong for us to give a censor as much power as that. I am not fully informed regarding the financial or business relationships that exist between distributors in this State and those in the Eastern States and further afield in America, where most films are produced. But I should imagine that the particular film under censorship would not be the property of the person in this State. He might be tied up with some financial arrangement with other bodies elsewhere which would create an awkward situation if the censor ordered the destruction of a long length of film which properly belonged to somebody else in another country under entirely different censorship rules from those existing here.

The CHIEF SECRETARY: Films from oversea are censored by the Commonwealth Censor before their importation is permitted. Any film locally produced or produced in Australia would not be so censored but would come before the local censor. As suggested by the hon. member, the censor would have power to destroy the film, but before doing so would have to give the owner one month's notice and then if the owner were not satisfied with the censor's decision he would be able to appeal to the court. We can well imagine that a film might be produced that should be destroyed. It might not be produced by commercial operators but by some private person with a distorted mind. This power, therefore, is given to the censor. Any such person would have the right of appeal, and the film would not be destroyed until after the appeal was lost. This clause corresponds with like provisions in the legislation of the other States.

Mr. NEEDHAM: I do not like the last sentence of that clause which states—

> The censor may, however, return such film or part of a film or advertisement to the applicants, if satisfied that such applicant will dispose of the film or part of a film or advertisement in the manner directed by the censor.

The idea of censorship is to prevent the exhibition of films which would be injurious to public morals. After the censor's deci-

sion has been made, in regard to the film, and an appeal heard, and lost, there should be no opportunity for anyone to exhibit the film.

The CHIEF SECRETARY: We must leave this matter to the discretion of the censor. I can imagine a class of film which would be very good for students but highly improper for general exhibition, and it might be released for display under those conditions. Any party, not only the person who submits the film, but any member of the public, can appeal against the censor's decision.

Clause put and passed.

Clauses 22 to 26—agreed to.

Clause 27—Penalties:

Mr. LESLIE: I have already informed the Committee of my intention to move to insert words to make provision to forbid an exhibitor allowing a person apparently under the age of 16 years to be admitted to films considered by the censor as not suitable for exhibition before children. The amendment I wish to move at this stage is to insert a number in paragraph (ii) of Subclause (1) to refer to the new clause I wish to be included in the Bill.

The CHAIRMAN: Order! The hon. member cannot move such an amendment now. There is nothing in the Bill to which he can relate it. If the new clause, of which he has given me notice, is accepted by the Committee, then it will be necessary to recommit the Bill to make any consequential alterations.

Mr. LESLIE: Very well.

Clause put and passed.

Clauses 28 to 31—agreed to.

New clause:

Mr. LESLIE: I move—

That a new clause be inserted as follows:—

19. No exhibitor shall admit, or permit or suffer the admission of any child apparently under the age of sixteen years when the child is not accompanied by an adult to any picture theatre where a film aproved by the censor as being not suitable for exhibition before children is being or is intended to be exhibited.

I will not elaborate at this stage unless members desire further information.

Mr. SHEARN: I ask the Committee to consider the position in which an exhibitor might be placed. The man on the door at a theatre on Saturday afternoon could not possibly be sure whether in fact the person accompanying children was an adult. While exercising all possible care an exhibitor might frequently become liable. What is to be the penalty?

Mr. LESLIE: The position visualised by the member for Maylands could not arise. An exhibitor cannot, under the provisions of the Bill, exhibit on a Saturday afternoon a picture not suitable for children under the age of 16 years. The amendment is to apply at a later hour, when children should be in bed.

The CHIEF SECRETARY: I see difficulties in policing this amendment. The exhibitor could not be sure that the person accompanying a child or children was an adult.

Hon. F. J. S. Wise: Do not some of the parents also need disciplining?

The CHIEF SECRETARY: Yes. I believe that we should educate the parents to discipline their children. I feel that the amendment is not necessary. By means of advertisements, the display outside theatres and notices projected on the screen, parents will be warned that a film is not suitable for exhibition to children.

Mr. MARSHALL: I do not know that I have thoroughly grasped the purport of the amendment. I imagine it will be as effective from the standpoint of the age limit of the child as the provision in the Licensing Act with regard to the selling of liquor to a person under the influence of intoxicants. While I admire the spirit animating the member for Mt. Marshall, I do not like agreeing to any measure that will enable a child ultimately to gain access to a picture that has been declared by the censor as unsuitable for young people, merely because that child is accompanied by an adult or its parent.

Mr. Leslie: They can do it now and there is nothing to prevent them.

Mr. MARSHALL: That may be so. I had an experience on one occasion as a member of a managing committee of a cinema show. One of the conditions on which the pictures were released on circuit was that no child under 16 years of age was to be admitted to witness certain films. One can imagine how quickly some children

grew up! The committee that evening had a headache in their endeavours to keep children out. When young folk get to know that a picture is being shown from which they are supposed to be excluded, it is strange to realise the extent to which they go to gain admission. Personally I would like to see any picture unsuitable for a child prohibited altogether.

The Minister for Education: Think what you would miss!

Hon. F. J. S. Wise: I would not miss anything.

Mr. MARSHALL: The damage that is done to children between 16 and 20 is what should concern us most. I do not think anything has had a more demoralising effect upon the minds of children than the cinema with its pictures dealing with gun-play, murder, the eluding of detectives and immorality. I do not think the amendment will achieve the results contemplated and the member for Mt. Marshall might be more explicit with regard to how it will operate in imposing restrictions upon the admission of children to picture shows. While it is difficult enough to determine the age of a male child, it is much more so with regard to girls who are able so to arrange their appearance as to get away with it. It is regrettable that the Bill has only been before members today and they have had no opportunity to study its provisions.

Mr. HOAR: Occasionally the member for Mt. Marshall and I get together, and this is one of those occasions. I do not regard the proposition as a perfect solution of the many points raised by the member for Murchison. The perfect solution would be for the film companies of America, England and elsewhere to provide a constant flow of films weekly for children so that there would be a sufficient number exhibited for young people throughout the world. At present the average annual output of films for children includes 35 cartoons of seven minutes duration each, 16 to 20 travelogues of 9 minutes duration each, and 6 industrial films of 35 minutes duration each. Obviously that is not sufficient to cater for the wants of children here and elsewhere. We have to decide what we can do by way of legislation to discourage children from witnessing films that we consider unsuitable for various reasons.

The Bill seeks partly to solve that problem by setting out that certain types of films must not be exhibited before 5.30 p.m. on the days and at the periods mentioned. That is the weakness in the measure. It is tantamount to saying that after 5.30 p.m. the films can be exhibited without any restriction. The Minister pointed out that it would be difficult to determine the age of a child and quoted the experience under the Licensing Act with regard to the serving of drink to lads between 20 and 21 years of age. I agree that there is that difficulty, but I am certain the Minister will admit that the position regarding youths under 21 years of age has been largely dealt with as the result of the Licensing Act. We can expect something similar with regard to children under this measure in relation to the exhibition of films. If a film can be censored and advertised as not being suitable for children, the best judge as to whether a child should attend a theatre after 5.30 p.m. is the parent.

The Chief Secretary: Undoubtedly.

Mr. HOAR: Under the Bill, there is no need for a boy to appeal to his parents.

The Chief Secretary: Is not there control in the home over a boy of 16?

Mr. HOAR: The Minister may have had a different upbringing from mine. No matter what type of film comes to my district, all the children go to see it, however harmful it might be. It is not a matter of parents being forgetful; it is a matter of an entertainment coming only so often.

The Chief Secretary: Should not the parents be responsible?

Mr. HOAR: A child could witness a doubtful film after 5.30 in the company of parents or an adult. That is all the amendment proposes. As we cannot get the ideal, let us approach it as nearly as we can. If we can induce parents to be more selective, we should do so. This is a step in the right direction.

The CHIEF SECRETARY: The provision will be difficult to police, and that is my objection to it. If a child of 15 years were determined to attend, he could be accompanied by an adult, perhaps only for purchasing the ticket.

Mr. Leslie: That is far-fetched.

Hon. A. H. Panton: No, it is not. It is in a similar way that the natives get drink.

The CHIEF SECRETARY: The amendment does not provide a penalty for the attendant admitting the child; the penalty will be imposed upon the person conducting the theatre. Why should a man be penalised for the act of an employee?

Mr. Hoar: The general effect would be good.

The CHIEF SECRETARY: The parent will not be liable to a penalty, although he provides the admission charge for the child. The theatre attendant on the door would have no real opportunity to check up on the age of the child.

Mr. TRIAT: I favour the amendment, but regret that it does not go far enough. If a child should not see a picture alone, because of its being detrimental to his morals, is the position improved on his seeing the picture in the company of the parent? Provision should be made that no child at any time should see an unsuitable picture, irrespective of whether it is accompanied by an adult. If a penalty is provided, the theatre attendants would be careful to check up on the ages of children.

Mr. MARSHALL: The Minister placed great importance on the picture proprietor being able to determine the age of a person seeking admission to his theatre. That same difficulty would exist after 5.30 p.m. just as much as before that hour. The amendment overcomes the great weakness in the Bill. It is designed to prevent a child viewing an undesirable picture at any time, unless accompanied by an adult. As the measure stands, children who cannot view such pictures before 5.30 will not trouble to gain admission to the theatre until after that hour, when they will have an open go.

Mr. NEEDHAM: I am surprised at the opposition of the Chief Secretary to this amendment which to my mind is the essential part of the Bill. We have heard a lot about child delinquency from time to time and I consider that it will be difficult to deal with that problem unless steps are taken in homes. That is where children should be shown a good example; otherwise our legislation can be rendered largely ineffective. However we should try our best to meet the situation; and although the amendment will not eliminate delinquency, it will help to minimise it, since it will prevent children from seeing undesirable films. Our desire is to ensure that only those films shall be exhibited in the presence of children that will teach them the right way to go. The Minister raised the objection that it would be difficult to determine the age of a child, but that difficulty will exist at any time. Even if the amendment is accepted, no doubt some juveniles will find means of evading the provision. But that does not remove from us the obligation to do what we can in this matter. I know of no more effective means of corrupting children than by allowing them to witness films that are not of a proper moral standard.

Mr. LESLIE: I wish I had the ability of the Minister to see things I want to see and believe things I want to believe, and airily to dismiss fundamentals. I am not treating this as a political question. It is vital to every member. Yet we have a Minister who airily dismisses the welfare of children.

The Chief Secretary: That is not correct.

Mr. LESLIE: I am a family man and I am concerned about the welfare of children. I have forbidden my children to go to pictures indiscriminately because there is no law to protect them. I am asking this Parliament to provide that law. Apart from this amendment, the Bill is merely a pious attempt to rectify matters and provides for little more than what already applies except that it forbids undesirable pictures to be shown to children on Saturday afternoons and during holiday periods. The amendment is designed to protect the parent who is prepared to discipline his children and to enable them to enjoy good pictures, and it is a safeguard against parents who will not discipline their children but allow them to roam around and see things they should not see and learn things they should not learn. I agree that the provision will be difficult to police, but the Minister is well aware that anybody who wishes to break the law can do so any day of the week, in spite of the penalties that may be provided. However, the law acts as a deterrent to some people; and if this measure does no more than prevent half-a-dozen children from going the bad way, it will have achieved something.

Mr. MARSHALL: If a picture is certified by a censor as being unsuitable for children, they should not be permitted to

go into a theatre at any time of the day or night to see it. It is of little use the censor deciding that a picture is unsuitable if children are permitted to see it after 5.30 p.m.

New clause put and passed.

Schedule, Title—agreed to.

As to Recommittal.

Mr. LESLIE: I move—

That the Bill be recommitted for the further consideration of Clause 27.

The CHIEF SECRETARY: It would be better to have the matter dealt with in another place. The member for Mt. Marshall need not be worried about the penalty, because a penalty of not more than £50 is already provided in Clause 27.

Mr. LESLIE: I will accept that, though I would prefer a specific clause. I accept the Minister's assurance that the matter will be attended to in another place, and wish leave to withdraw my motion.

Motion, by leave, withdrawn.

Bill reported and the report adopted.

BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [4.47] in moving the second reading said: This is a Bill to amend the Associations Incorporation Act of 1895. The Act, which is now 52 years old, has the distinction of never having been amended. Experience has shown that an amendment is now desirable. The object of the parent Act was to enable people to incorporate themselves as an association to promote literature, science, art or like objects, or any other objects approved by the Attorney General or Minister for Justice as proper for an association registered under the Act. No association can register to be formed for the purpose of trading or securing any pecuniary benefit or profit to its members from its transactions. Many associations in this State are registered under the Act. Many sporting clubs, literary societies, philanthropic organisations and other societies and bodies are registered under this Act.

Under the Act an association, on registration, files a memorial of its objects and a copy of its rules. The Act provides that the rules may be altered by the necessary sanction of the constitution of the association, from time to time, and a copy of the altered rules is filed at the Supreme Court. There is an omission from the Act in that it does not provide that the objects may be altered by the association. There is no power to vary or add to the objects as originally stated when the association was registered. There is no doubt that many associations in this State have from time to time altered their objects, having done so in good faith but without legal authority.

Hon. E. Nulsen: What is the real meaning of the objects?

The ATTORNEY GENERAL: The objects are, for example, that members shall engage in the activities of a cricket club, an historical society, bowling club, literary society or some charitable organisation.

Hon. F. J. S. Wise: Or to grant loans to members.

The ATTORNEY GENERAL: Not that, because that might give a pecuniary profit. that would come under the building societies or friendly societies legislation. Associations are forbidden to register if there is any pecuniary profit to be derived, or if they are to trade in any way. A specific instance has recently arisen of how an association has reached a difficult position by reason of its inability—or lack of power—under the Act to alter its objects. The Commercial Travellers' Association in this State was formed nearly 50 years ago and was registered as an association under the Act. At that time its objects were very shortly stated. Since the registration of the association, in complete good faith and in the interest of its members and the work it does for commercial travellers, it has altered its objects in a variety of directions. Those alterations were either beyond the power of the association, or very doubtfully within its power.

In particular, the association developed an auxilliary organisation known as the Commercial Travellers' Club, which it caused to be registered as a limited liability company. Its allied associations, in the other States, run the association and the club together, and one object of the association here is

to absorb the club and run it, with the association, as one entity, but it has no power to alter its objects—under the present Act—or to proceed along those lines. I have given the matter consideration and have made some inquiries. I am advised and believe that a Bill such as this, enabling associations, with the requisite sanction of their members, to alter their objects from time to time, will be of assistance in promoting the value of associations under the Act.

The Bill provides that no alteration of objects can be effective unless the Attorney General or Minister for Justice certifies in writing that the association with the altered objects will still be an association of the kind that can be registered under the Act. That safeguard will exist and the Bill provides the usual machinery—similar to that contained in the Act, as to rules—by which any alteration of objectives must be filed in court and verified, and a certificate supplied that the necessary sanction of the members has been given. There is every likelihood that a number of associations have in good faith, and in accordance with the schemes for which they were formed, from time to time varied their objects, but without the necessary authority.

If the House is prepared to accept the Bill all such associations will have opportunity of putting their positions constitutionally in order, and future associations will have opportunity of amending their objects where such an amendment is necessary or desirable. All such amendments will be safeguarded by the provision that the approval of the Attorney General or Minister for Justice must be secured before the alteration can become valid.

Hon. F. J. S. Wise: Would you explain any reasons why such an association should not become a limited company? Is there any objection to that course?

The ATTORNEY GENERAL: These associations, which are non-trading and non-profit-earning bodies, and which provide for certain activities of their members, are in general not of a kind that fits within the frame-work of the Companies Act. A limited liability company is one which is based upon a theory in general of trading. As such it comes under the Companies Act and has to comply with a great number of requirements that are necessary to safeguard shareholders, creditors and the public interest. For an association to register as a company would represent an acceptance of a constitutional framework that would be alien to the purposes for which an association in general is formed. These associations are usually assemblies of people who wish to proceed in a democratic way, but with no great degree of regulation, managing their own affairs on a domestic basis—bodies such as country bowling clubs, racing clubs, and so on.

Hon. A. H. Panton: We have a few by-laws in the bowling club, and we go ahead.

The ATTORNEY GENERAL: On the whole, they work very well. Many of them in this State have continued for 40 or 50 years. It is a kind of incorporation that protects members from liability, but which at the same time is not too rigid for the purpose for which those concerned desire to associate. There has been this difficulty, that they cannot add another object, although it is in keeping with the original scheme for which the association was formed, or vary an object, and the purpose of the Bill is to enable them, with safeguards, to add to or vary their objects in the same way as they can at present, under the Act, add to or vary their rules.

The Bill is worth while. In the instance I mentioned, the Commercial Travellers' Association—without some such sanction as this—may have to pursue a complicated and expensive course in order to regularise its position. The same would apply in the case of other associations which, in good faith, have varied their objects without the necessary statutory authority. I move—

That the Bill be now read a second time.

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

BILL—PUBLIC WORKS STANDING COMMITTEE.

In Committee.

Resumed from the 10th December. Mr. Perkins in the Chair; the Minister for Works in charge of the Bill.

Clause 21—Power to refer any matter involving expenditure of public moneys:

The CHAIRMAN: Progress was reported on this clause, to which an amendment had

been moved by the Minister for Works as follows:—

That a new subclause be inserted as follows:—"(3) Any such proposed public work as referred to in subsections (1) and (2) of this section may be referred to the committee—(a) upon resolution of either House of Parliament on motion made in the usual manner by any Minister or any other member of either House of Parliament; or (b) by the Governor."

The MINISTER FOR WORKS: When the clause was previously under discussion, I intimated a desire to withdraw my amendment with the object of substituting the one appearing on the notice paper. This was the subject of a disputed ruling, and the Speaker considered I might withdraw my amendment with the object of moving the other one. I ask leave to withdraw the amendment.

The CHAIRMAN: There are already contradictions in the clause which, in my opinion, can be resolved only on recommittal. I strongly suggest that if the amendment be withdrawn, further consideration of the clause be postponed until recommittal. The first three lines of the clause do not reflect the intention of the Committee. However, the matter is in the hands of the Committee.

Hon. J. B. SLEEMAN: The other evening you ruled, Mr. Chairman, that the amendment was not contradictory.

The CHAIRMAN: Order! We are not discussing that now.

Leave (to withdraw amendment) refused.

The MINISTER FOR EDUCATION: The only difference between the amendment before the Committee and the one proposed in substitution is that the Minister for Works desires to remove the reference to "Subsection (1)" and to substitute the word "shall" for the word "may." As leave to withdraw the amendment before the Committee has been refused, I move—

That the following words be struck out.—"subsections (1) and" with a view to inserting the word "subsection."

There is some substance in the argument raised the other evening that the amendment would cause duplication, but by altering the amendment as I have suggested, the difficulty can be overcome.

Hon. F. J. S. WISE: The objections previously raised still apply. If the Minister recommits the clause and carries out his intention, the effect will be the same; the one subclause will be mandatory and the other optional. Subclause (1) is the vital provision if the public works committee is to have any value at all.

The Minister for Works: We can debate that on recommittal.

Hon. F. J. S. WISE: We debated it conclusively and successfully the other night, when the word "may," was struck out and the word "shall" inserted in lieu. Because the division did not suit the Minister, he wants to get it altered.

The CHAIRMAN: The Leader of the Opposition is not in order in discussing an earlier part of the clause at this stage.

Hon. F. J. S. WISE: It has a direct relationship to the amendment. If the committee is to exert any authority on the Government or on future public works, it should have an opportunity to consider all the matters for which the Bill provides. I oppose the amendment because I consider that this subclause also should have reference to all parts of the clause.

Mr. NEEDHAM: I cannot understand why the Minister is adopting such involved procedure.

The Minister for Education: He is compelled to.

Mr. NEEDHAM: The two subclauses should be brought into line and made mandatory. If the Minister recommits the clause with a view to re-inserting the word "may," it will be the third time we shall have been asked to change our minds.

Hon. J. B. SLEEMAN: I object to the striking out of this subsection. When we divided the House the other night the Minister voted with members on this side of the House. I cannot understand the position.

The CHAIRMAN: The hon. member must speak to the amendment before the Chair.

Hon. J. B. SLEEMAN: The Minister agreed with me that the clause was not in order. I think it would be better to drop the whole Bill. The session is getting late and the Bill will not be worth the paper it is written on if the Minister gets his way. It might be worth something, but not much, if we get our way. Subclause (1)—

The Minister for Education: The hon. member is not dealing with the right subclause. Another subclause has been inserted, Subclause (2). The member for Fremantle has not been following the Bill.

Hon. F. J. S. WISE: It is well that the Committee should know exactly what is contained in Subclause (2).

The CHAIRMAN: Order! The amendment before the Chair relates to Subclause (1).

Hon. F. J. S. WISE: The amendment has the effect of confining the subsequent part of the clause, as amended, specifically to Subclause (2).

The Minister for Works: Quite right.

The CHAIRMAN: Order! I am afraid the Leader of the Opposition cannot discuss Subclause (2) on the amendment before the Chair.

The MINISTER FOR WORKS: It is admitted that the position has become somewhat involved, but I imagine that to the two ex-Speakers on the opposite side it will be plain. The Leader of the Opposition seems to consider that this should not be the subject, a little later, of recommittal, but I ask him to say whether recommittal is the proper way out of the difficulty or not.

Hon. F. J. S. Wise: You are the only one who is in difficulty.

The MINISTER FOR WORKS: No. I see the way quite clearly, but there is a great deal of obfuscation on the part of members opposite. The member for Perth sees nothing wrong in substituting "shall" for "may" in one subclause, but sees a great deal wrong in exchanging "shall" for "may" in another clause. Precisely the same principle applies to each case.

Hon. J. B. SLEEMAN: I still think the right thing to do is to defeat the Bill. The Minister admitted the other night that a mistake was made.

The MINISTER FOR WORKS: I never heard such strange reasoning for maintaining the status quo, namely, the hon. member does not understand the position and therefore does not want any change.

Hon. J. B. SLEEMAN: The Minister does not understand any part of the Bill. He has displayed lack of knowledge and ignorance in the way he has attempted to explain the measure.

Amendment (to strike out words) put and passed.

The MINISTER FOR EDUCATION: I move—

That the word "Subsection" be inserted in lieu of the words struck out.

Hon. F. J. S. WISE: It is now clear that this subclause applies specifically to Subclause (2).

Amendment (to insert word) put and passed.

The MINISTER FOR EDUCATION: I move—

That in line 3 the word "may" be struck out and the word "shall" inserted in lieu.

Hon. F. J. S. Wise: You had better explain why.

The MINISTER FOR EDUCATION: It is perfectly clear to me. The subclause, as now amended, deals only with Subclause (2). The obvious intention of Subclause (2) is to provide for a compulsory reference before a Bill can be introduced. The necessary corollary is the insertion of the compulsory word in the amendment we are now discussing.

Amendment put and passed.

Hon. J. B. SLEEMAN: It seems to me that Subclause (2) is wrong in the wording. I would like your opinion Mr. Chairman.

The CHAIRMAN: This is not the time to take a point of order. The Committee has already resolved that this subclause shall be inserted. The question at the moment is that the subclause as amended be agreed to. There is no point of order at this stage.

Amendment, as amended, put and passed.

The CHAIRMAN: The question is—

That the clause, as amended, be agreed to.

Point of Order.

Hon. J. B. Sleeman: Subclause (2) provides—

After the first day of July, nineteen hundred and forty-eight, it shall not be lawful for any person to introduce into Parliament any Bill authorising the construction of any public work estimated to cost, when complete, more than seventy-five thousand pounds unless the

public work has first been inquired into and reported upon by the committee in the manner provided by this section.

I claim that no matter how many committees make reports "any person" could not, as is suggested here, introduce a Bill into Parliament. It could only be done by a Minister on a Message from His Excellency. I would like to hear your opinion on that, Mr. Chairman.

The Chairman: I rule that it is not out of order.

Committee Resumed.

Hon. F. J. S. WISE: Would you, Sir, give a reason why you so rule? Subclause (2) is either out of order or it is redundant.

The CHAIRMAN: What point of order is the Leader of the Opposition raising?

Hon. F. J. S. WISE: Do you, Sir, rule that it is in order?

The CHAIRMAN: I have done so, even though it may be redundant. The Committee inserted the subclause.

Hon. F. J. S. WISE: Yes, but that does not make it necessarily in order. Neither does it make it applicable or useful. It is pertinent to show just how useless and ineffective is the subclause.

The Minister for Education: Do you think the South Australian law is ineffective? The wording is exactly the same.

Hon. F. J. S. WISE: If the Minister has his way in connection with this clause, he will, on recommittal, make it permissive instead of mandatory because he will take out the word "shall" and insert the word "may." That will mean that the Government may or may not refer works to this committee. It will not be effective, and the Minister knows that.

The Minister for Works: He does not know that at all.

Hon. F. J. S. WISE: The Government may not refer anything to the committee. Is it to rest with the Government as to whether any matters shall be referred?

The MINISTER FOR WORKS: I do not think the Leader of the Opposition—

The CHAIRMAN: Order! The Minister for Works cannot discuss what he proposes to do at the recommittal stage.

The MINISTER FOR WORKS: The Leader of the Opposition has said that it will rest with the Government as to whether public works shall be referred to the committee. If he reads the subclause which he is now criticising he will find that the Government has not a mandate to do that, but that the onus of deciding whether these questions shall or shall not be referred rests on the House by its own resolution.

Hon. F. J. S. Wise: It rests with the Governor. That is the alternative.

The MINISTER FOR WORKS: The Leader of the Opposition did not mention any alternative.

Hon. F. J. S. WISE: It is a matter of pretence on the part of the Minister to make such an assertion. The subclause provides that any question, etc., may be referred to the committee by the Governor.

The Minister for Education: Then follows the word "or."

Hon. F. J. S. WISE: Let us ignore the alternative. Let there be no pretence about this. Who is the Governor? The Governor in Council is the front bench—the Government. I submit that the word "or" provides, in any construction, an alternative. It does not combine it with the first mandatory portion as an obligation but as an alternative. That being so, the latter part of the clause beyond the word "Governor," is redundant if the Government decides to act.

The Minister for Works: Which is sheer nonsense.

Hon. F. J. S. WISE: Then the Minister is making very heavy weather in providing an explanation.

The Minister for Education: Because you are drawing red herrings over the trail.

Hon. F. J. S. WISE: This is no red herring at all.

The Minister for Education: It is certainly a red herring.

Hon. F. J. S. WISE: If the word "may" is included, the effect of the clause will be as I have indicated.

The Minister for Works: But equal rights will vest in Parliament.

Hon. F. J. S. WISE: If the word "may" is inserted upon recommittal, the Bill will become a mere pretence.

The MINISTER FOR WORKS: I appreciate that the Leader of the Opposition has been a member of this House far too long to believe what he says.

Hon. F. J. S. Wise: You come in limping through pulling your own leg so much!

The MINISTER FOR WORKS: The clause provides that certain action may be taken by the Government. If the Governor takes the action, it is not necessary for the House or any member of it to do so. If the Governor does not, then it rests with the House as to what shall be done.

Hon. F. J. S. Wise: That is merely a specious argument.

The MINISTER FOR WORKS: There is no obstacle to the action suggested being taken.

Hon. F. J. S. Wise: You may just as well adjourn this, because we will talk all night on it.

Mr. NEEDHAM: If Parliament were in recess, and works costing more than £75,000 could be referred to the committee by the Governor, there would be some sense in the mandatory provision with regard to the other portion of the clause coming into operation. As the Leader of the Opposition pointed out, there is every possibility of the whole matter being left entirely in the hands of the Governor who would decide whether or not the project would be referred to the standing committee. I am confirmed in that opinion for two reasons. One is the intention of the Minister to move for the recommittal of the clause with a view to reinserting the word "may" in lieu of the word "shall" which was previously inserted by the Committee. The other reason is that the Minister for Education on another occasion when the Bill was discussed made no secret of the intention and desire of the Government being that many of these projects should be referred only by the Governor. He pooh-poohed the idea that every undertaking of an estimated cost of over £75,000 should be referred to the committee.

Because of those very strong reasons, I can see what is underlying this subclause. It will mean reference by the Government and not by resolution of Parliament or in consequence of action taken by any member of Parliament. Strong advocate as I am of the creation of a standing public works committee, I realise that under such circumstances the committee would be a sham, a delusion and a snare. With the projected amendment on recommittal—the Minister would not suggest that course if he were not sure of his majority—the Bill will be rendered absolutely useless because the Government can do today what it would be able to do under the Bill.

The MINISTER FOR EDUCATION: As each red herring has come out of the basket and has been disposed of, the anxious fishermen look around for more to draw across the trail! First of all, we were told that these proposals were out of order. You, Mr. Chairman, successfully disposed of that objection. After that, we were told that certain words were redundant. Then we were told that the alternative proposal in the clause that matters may be referred by resolution of either House or on the motion of any member, has no effect if the Governor does or does not do anything. Lastly, we have the contention of the member for Perth that in view of the ultimate aim of the amendment the legislation would be rendered completely valueless. If that were so, it is strange that precisely the same provisions as are contemplated by the amendment have been in force elsewhere since 1935 and probably since 1927 because the Public Works Standing Committee Act of South Australia is dated 1927-35. Section 25 of the South Australian Act reads—

> (1) After the first day of July, 1928, it shall not be lawful for any person to introduce into either House of Parliament, any Bill—
>
> (a) authorising the construction of any public work estimated to cost when complete more than £30,000; or
>
> (b) appropriating money for expenditure on any public work estimated to cost when complete more than £30,000;
>
> unless such public work has first been inquired into by the committee in manner provided by this section. *

Regarding that aspect of the amendment, it will be found that the wording in the Bill is identical with the provision in the South Australian Act. When I was in South Australia last, I had an opportunity on many occasions of speaking with a member of the Labour Party who was, I think, known as the Leader of the Opposition in the Legislative Council. He was a man with whom it was a pleasure to discuss various matters that came under notice at the time. I re-

member that he had been a member of the South Australian Public Works Standing Committee and he told me that the results of the Act there had been most gratifying. I believe that gentleman was here when the South Australian Public Works Standing Committee visited the State three or four years ago, and if my recollection serves me right, he made a somewhat similar statement in this House to members he met here. To go a bit further, I will quote Subsection (2) of the section of the South Australian Act I have referred to, which reads—

> (2) Any such proposed public work as referred to in the next preceding subsection may be referred to the committee.—
>
> (a) upon motion made in the usual manner by any Minister or any other member of either House of Parliament; or
>
> (b) by the Governor.

Here again, the wording is almost identical except that in our Bill we make the reference to the Governor first. It has never been suggested that under the South Australian legislation important public works have not been referred to the committee. The facts are quite to the contrary. We were also told this afternoon that if the legislation were passed in the form proposed, it would be useless—another red herring thrown across the trail! The whole aim and object of these suggestions has been to instil in the minds of certain members of this Committee a sense of dissatisfaction with the proposal in order that the Opposition may defeat the Bill. That is the reason, as I understand it, for their actions.

If the Bill with the amendment embodied in it would be useless, it is extraordinary to find that similar legislation in another State, couched in similar language, has been eminently successful. Obviously, there must be some aspects of public works that would not be referred to the committee by any man in his sane senses. To suggest that we must in all circumstances refer every question regarding any matter associated with public works to a committee of this description would be plain insanity. Thus, the Opposition in its earnest and unmistakable desire to defeat the Bill says that because there is no mandatory clause, works will not be referred to the committee at all; but, in view of the experience in South Australia under legislation almost word for word with that proposed here, that is not likely to happen. I go a step further and point out that a member on either side of this Parliament can move a motion requiring such a question to be referred.

Hon. A. H. Panton: And having moved the motion, would he not want a majority to support it?

The MINISTER FOR EDUCATION: Yes, but has not the political thought of this legislature been that what could not be done in one House could be done in another?

Hon. A. H. Panton: You have proved it time after time.

The MINISTER FOR EDUCATION: Yes we have. And members opposite might remember that. It has had its value in the past and it may have its value in the future.

Hon. F. J. S. Wise: This is a big mullet and not a red herring!

The MINISTER FOR EDUCATION: It was about time somebody was frank about this, because we have had all the red herrings it is possible to conjure up or produce dragged off the trail this afternoon and previously to induce somebody—I do not know who and I am not going to try to find out—to believe that the proposals of the Minister for Works are so different from those that exist everywhere else that they are going to be impracticable and unworkable. I have offered proof of the fact that they are identical with the legislation in a neighbouring State where it has been freely agreed that that legislation has been eminently successful. I suggest that members who are in doubt should forget the red herrings and the somewhat dubious points of order that you, Sir, have disposed of regarding this matter and deal with the question on its merits.

Mr. NEEDHAM: I want to assure the Minister that nothing that has been said on this side against the measure has influenced my attitude to the Bill, but what he himself said earlier in the debate has influenced me. It has been said that when the Bill is recommitted the mandatory portions will disappear; and with them will disappear my support of the Bill: because in those circumstances, when it comes to the third reading, I intend to vote against it. The Minister instanced the South Austra-

lian legislation as proof of his contention, but he did not mention the Commonwealth measure which is mandatory in every respect. I contend that the Bill will be useless without the mandatory provision.

Progress reported.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington) [6.6]: I move—

That the House at its rising adjourn till 3 p.m. on Tuesday, the 16th December.

Question put and passed.

House adjourned at 6.7 p.m.

Legislative Council.

Tuesday, 16th December, 1947.

CONTENTS.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

QUESTIONS.

WATER SUPPLIES.

As to Local Source for Brookton and Pingelly.

Hon. A. L. LOTON (on notice) asked the Honorary Minister:

(1) Has any investigation been made by the Public Works Department into the possibility of utilising the water on A. Edward's