

committee of the Road Board Association, on the 5th October, 1944, we find that the executive committee persuaded the Under Secretary for Works to send to all road boards a scheme on this insurance matter. In it nine different headings were set out, but the response was very poor, and was on the basis of the pool. Finally, at the road boards conference, about which we have heard so much, a motion was carried at the instance of the Merredin Road Board as follows:—

That an amendment to the State Insurance Act be sought to enable the State Insurance Office to do the whole of the business for any group of road boards on the basis of an insurance pool.

That was the motion that was carried, and not what appears in the Bill before us. I will vote for the second reading of this Bill, but am going to press hard for some amendments to give effect to what I have suggested, and to confine the operation of the measure to those boards that have formed themselves into a pool, so as not to open the door for individual road boards to transact business through the State Insurance Office.

Hon. H. Seddon: Would not that require an amendment of the Road Districts Act?

Hon. C. F. BAXTER: I think the Road Districts Act would have to be amended, as I do not think there is provision in it for that. Having gone into all the figures. I am afraid that there is not a great deal of profit made out of road board insurance generally. I think it is easy to give the losses direct where claims have been paid, but in employers' liability or anything of that nature it is difficult for the road boards to have a record of it. I therefore do not place much confidence in the figures on the savings to be made. If the Bill cannot be amended to meet the desire of the road boards to provide for pools only to insure with the State Insurance Office, I shall vote against the third reading.

I do not wish to open the door to State trading. I know too much about the results of State trading concerns, as I have handled them as a Minister of the Crown, and know what they mean. Experience has shown me that it is not possible for a State trading concern to be conducted on the same basis as a business run in a private capacity, because there are so many different ways in which it is handicapped. Nationali-

sation is bad in any country, and nationalisation of this kind means loss of revenue. Insurance companies pay very heavy taxation, and if we put this business through the State Insurance Office we will lose that amount of revenue. If the second reading is carried, I hope the Honorary Minister will hold over the Committee stage to allow me to put certain amendments on the notice paper for tomorrow, so that members will better appreciate them. Otherwise, I am prepared to go on tonight. My action on the third reading will be based on the fate of those amendments.

On motion by Hon. H. Seddon, debate adjourned.

*House adjourned at 6.10 p.m.*

## Legislative Assembly.

*Tuesday, 30th October, 1945.*

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

### BILL—SUPREME COURT ACT AMENDMENT (No. 1).

Read a third time and transmitted to the Council.

### BILL—CHILD WELFARE ACT AMENDMENT.

Report of Committee adopted.

### BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 25th October.

HON. N. KEENAN (Nedlands) [4.37]: This is a Bill to amend Section 10 of the Land and Income Tax Assessment Act to extend to two new classes the exemption

granted under paragraph (f) of Subsection (1) of that section, which is at present confined to pensioners under the Invalid and Old Age Pensions Act of 1908. The extension of those exemptions is provided for in Clause 2. The exemptions are to extend to that class which comprises widows who are receiving pensions and to a second class comprising those provided for under the Australian Soldiers' Repatriation Act, 1920-1943. Both those classes of the community are subject to the same tests as those applying in the first instance to pensioners enjoying pensions under the provisions of the Invalid and Old Age Pensions Act. In the circumstances there can be no possible reason for objecting to this legislation, although it is a peculiar fact that in the case of rates due to local authorities, although a pensioner during his or her lifetime is exempt from rates, those rates become chargeable against his or her estate upon death. In this instance those debts will be wiped out and are not allowed to exist. Perhaps that generosity, which is not very great, is well deserved, so I desire to support the Bill.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

### **BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).**

#### *Council's Amendments.*

Schedule of seven amendments made by the Council now considered.

#### *In Committee.*

Mr. Rodoreda in the Chair; the Minister for Works in charge of the Bill.

No. 1. Clause 2, (2)—Delete the words "or the provisions of any other Act" in lines 11 and 12.

The MINISTER FOR WORKS: There is no objection to this particular amendment. If the Committee agrees to it the necessity will arise further to amend the subclause more or less consequentially. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

On motion by the Minister for Works, Subclause (2) consequentially amended by striking out in lines 8 and 9 the words "and the provisions of any other Acts."

No. 2. Clause 5, (1)—Insert the words "at the time of the commencement of this Act" after the word "which" in the second line of subparagraph (i) of paragraph (a) of the proviso.

The MINISTER FOR WORKS: The acceptance of the Council's amendment would complicate the legislation very considerably. As the clause is now drafted, the legislation would be uniform; the principle would be the same throughout irrespective of what a certain office or classes of offices might be at the time the legislation came into force. We should not try to draw a line simply because the legislation is being passed now, as that would be, in effect, saying that there should be no appeal against any office which at the time of the passing of the Act carried a salary of £750 or over. As to new positions that might be created, however, there would be an appeal. There would also be an appeal as to positions which might be reorganised and the salary rate altered. In my opinion, the legislation should be kept uniform for all positions, as we aimed at doing in the Bill as it left this Chamber. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 3. Clause (1)—Delete the paragraph (b) of the proviso.

The MINISTER FOR WORKS: We had considerable discussion on this point when the Bill was in Committee in this Chamber. There was a sharp division of opinion, and I do not think that I would be able to convert any of the members who then opposed the Government's point of view, nor do I think that any of those members on the Opposition side who opposed the Government's view could convert members on this side of the Chamber.

Mr. McDonald: Do not say that!

The MINISTER FOR WORKS: I therefore think any great discussion on this amendment is unnecessary. Paragraph (b) of the proviso sets out that the right of appeal shall be given only to those employees who are members of an industrial organisation which is a party to the appropriate award or agreement. That is a clear-

cut provision in the Bill and was put in for two purposes. I have already mentioned the first. The other was to keep the different groups of employees covered by the separate awards within the boundaries of the positions covered by those awards. But the Government takes its stand on the first of those principles and, as a result, is not prepared to accept the amendment. I therefore move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 4. Clause 13, (2)—Insert a new paragraph after paragraph (c) to stand as paragraph (d) as follows:—(d) The applicant recommended shall if he defend his claim at the appeal be entitled to receive expenses similar in every respect to those laid down in this section for the appellant and such expenditure to be part of the cost and expense of administering this Act.

The MINISTER FOR WORKS: By this amendment the Legislative Council is endeavouring to give the applicant recommended for promotion the right to receive expenses similar in every respect to those which the board may grant to an appellant. The Bill, as it passed this Chamber, provided that any employee-appellant might, at the discretion of the board, be granted justifiable expenses in connection with his appeal. The Legislative Council desires the same right to be given to the applicant who has been recommended to a position when other employees have appealed against the recommendation. I have no objection to the recommended applicant being put on the same basis as the unsuccessful applicants who are appealing against the proposed promotion. The amendment of the Legislative Council goes much further than that because it states—

The applicant recommended shall if he defend his claim at the appeal be entitled to receive expenses similar in every respect to those laid down in this section for the appellant.

I have already mentioned that the payment of expenses to employee-appellants is at the discretion of the board, and the amount will be decided by the board. But this proposal is mandatory and gives the board no discretion except, possibly, in regard to the amount. We ought therefore to amend this amendment so as to give the board the necessary discretion. Every employee con-

cerned would then be on the same footing. I think that is fair and reasonable. I move—

That the amendment be amended by striking out in line one the word "shall" and inserting the word "may" in lieu.

A further amendment will be necessary later.

Hon. N. KEENAN: I think the Minister is under a misapprehension as to the meaning of the word "shall" in this amendment. If he looks at it he will see that it is mandatory to this extent that the applicant who appears on appeal and is successful will have absolutely the same rights—that is where the word "shall" comes in—as the employee-appellant who lodged objection and was not successful. It does not relate to a right to receive this consideration, but relates to the position that he occupies as compared with the employee-appellant. If there is any doubt about that, the way to cure that doubt is to say that the applicant recommended shall, if he is successful on appeal, be entitled to the same consideration in regard to the allocation of costs as the employee-appellant under the previous section. The matter would then be quite clear. I think another place wanted to make certain that the applicant recommended should not be in a worse position than the employee-appellant, and that is why the word "shall" is used. I gather from what the Minister said that he has no objection to that. He properly said that an applicant who has been recommended for promotion and appointment, and who has appeared at the hearing of an appeal, should be entitled to receive the same consideration as an employee-appellant who appears at the appeal. Is not that so?

The Minister for Works: Not quite.

Hon. N. KEENAN: I understood the Minister to say that he did not want any distinction to be drawn between the two parties, that is, between the employee-appellant who appears in support of his appeal, and the recommended applicant who appears to support the recommendation.

The Minister for Works: Some of what you have said is right, but some of it is not quite right.

Hon. N. KEENAN: I cannot see which part is wrong. If we strike out the word "shall" and insert the word "may" the

position will arise that the applicant recommended will not be entitled to the same treatment as the employee-applicant, but entitled to the same treatment only if the board thinks it is right to extend it to him. That is not what another place desires, and I do not think it is what we desire. If we are going to put the two on the same basis we should do so in plain language. I do not think the word "shall" should be struck out.

The MINISTER FOR WORKS: It might clear the air if I indicate the further amendment I propose to move. If it is agreed to the Legislative Council's amendment will then read—

The applicant recommended may, if he defend his claim at the appeal, be granted by the board expenses similar in every respect to those laid down in this section for the appellant.

Hon. N. Keenan: Yes, that would do.

Mr. McDONALD: I wish to say a word in support of the amendment made by the Legislative Council. When an employee appeals it is not right that he should be guaranteed his expenses of the appeal because his appeal may not be justified. But the recommended applicant stands in a different position. He is the person chosen by the Governmental authority to occupy the vacant position. The recommended applicant does not initiate any proceedings. He is, so to speak, dragged before the board to defend not only his recommended appointment, but the governmental authority that has recommended him to fill the position. As the proceedings of the appeal are not the responsibility of the recommended applicant, it seems to me not unreasonable that he should be assured of his expenses. I can hardly conceive of an applicant recommended attending before the board otherwise than absolutely, properly and justifiably. The attendance of the applicant recommended is not merely in his own interests, but also for the benefit of the governmental authority who has chosen the applicant recommended as the proper person to fill the office under review. In those circumstances I can see some reason for giving appointees of the Government this amount of confidence, that if the appointment is attacked by some other officer of the service, the original appointee can, with confidence, go before the board, knowing that he is not to be left

in the lurch with expenses, possibly for a trip from some outlying centre. I see no reason why the applicant recommended should not be assured of his expenses.

The MINISTER FOR WORKS: I think the applicant recommended has most to fight for and I do not think he is entitled to any absolute legal guarantee of expenses, any more than an applicant not recommended for appointment but who appeals against the proposed promotion. If we are prepared to trust the board to do the right thing with the appellants, surely we should be prepared also to trust it to do the right thing with the recommended applicant. I think it essential that the board should have some discretion in matters of this kind.

Hon. J. C. Willcock: The appellant may bring in a lot of unnecessary witnesses.

The MINISTER FOR WORKS: Yes, he could do all kinds of things if so inclined, and the cost of carrying on this system of allowing appeals against promotions could be built up to a prohibitive level, causing the system to be abandoned in years to come. I think we should have some measure of control over this side of the activities of the system when it is established. The board will be a responsible one and will be able to measure reasonably what is fair and just. It will be able to rule out what it considers unnecessary expenses, built up unjustifiably. I think the board should have a discretionary right as to both appellants and applicants recommended for promotion. I suggest to the Committee that it agrees to the amendment I have already moved, and I hope it will agree to the amendment that I will move later.

Amendment on amendment put and passed.

The MINISTER FOR WORKS: I move—

That the amendment, as amended, be further amended by striking out in lines 2 and 3 the words "entitled to receive" and inserting the words "granted by the board" in lieu.

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

Question put and passed; the Council's amendment, as amended, agreed to.

No. 5. Clause 14, (3)—Delete all words after the word "means" in line 16, down to and including the word "conduct" in line 18, and substitute the following words:—"potential efficiency, special qualifications, aptitude for the discharging of the duties of the office to be filled and personal charac-

teristics conducive to harmonious working, together with merit, diligence and good conduct."

**The MINISTER FOR WORKS:** This amendment deals with Subclause 3 of Clause 14. I think the mover in the Legislative Council searched the dictionary carefully, gathered up all these words, and put them into the amendment.

**Hon. N. Keenan:** They were all accepted in another place.

**The MINISTER FOR WORKS:** That is so.

**Hon. N. Keenan:** They were accepted by the Minister.

**The MINISTER FOR WORKS:** They might have been. I am not concerned as to whether they were accepted or not. If these words go into the legislation I think appeal cases before the board will be argued until doomsday, and speeches made by witnesses, and especially those by advocates, on these words, will be gems of oratory. They will be the most long-winded and flowery imaginable. I think the inclusion of these words in the Bill would clutter up, almost hopelessly, the work of the board. The members of the board would require to be supermen.

**Mr. J. Hegney:** And experts in psychology.

**The MINISTER FOR WORKS:** They would require to be supermen to make decisions based on the wording which the Legislative Council would include in the Bill. No one could say what "potential efficiency" was and in my opinion it would be too risky to put that into the legislation. There would be endless arguments as to what was meant and how much potential efficiency one man had as against another. Then there would be special qualifications, aptitude for discharging the duties of the office to be filled, and so on. I can imagine the member for Nedlands advocating someone's cause on that basis, and I am positive he would make the best speech of his long and distinguished career.

**Mr. McDonald:** I think they are the qualifications for a Minister.

**The MINISTER FOR WORKS:** Possibly, but they are the kind of things that could not well be judged by a board.

**Mr. McDonald:** I think the Minister's speech is a good sample of the kind of speech that might be made.

**The MINISTER FOR WORKS:** I think so, too, and this is the only kind of speech that could be made on wording of this description. I ask members to look at this from a commonsense viewpoint. There will be plenty to discuss when dealing with "efficiency" without complicating the matter by incorporating all this flowery language in the legislation. I move—

That the amendment be not agreed to.

**Hon. N. KEENAN:** I am in agreement with a good deal of what the Minister has said, but I think a lot of the criticism offered by him on this amendment might well have been made on the clause itself. I think Subclause (3) is pretty wide.

**The Minister for Works:** It is not very mild.

**Hon. N. KEENAN:** The wording opens the door to a whole chapter of praise or criticism, and that is not the end of it, because the proviso says "Provided that, in the case of an employee who is a returned soldier, the term shall include such efficiency as in the opinion of the permanent head of the department concerned or the board, as the case may be, the employee would have attained but for his absence on war service as such soldier." That is making a guess at what would have happened had he not gone to the war. The question is whether he would have become more efficient and the reply probably is that he would, though it might just as well be that he would not. No one can tell what would have happened to anybody had he not done what he did. There is an old rhyme about what happened to somebody because he did not do something other than what he did. I think the wording is open to all the objections that the Minister has properly voiced and that it consists of flowery, ridiculous and impossible language. Are we going to leave that wording in and then say to another place, "Your addition to the flowers is not acceptable"?

Question put and passed; the Council's amendment not agreed to.

**No. 6. Clause 16—Delete the words and parentheses "(not being a legal practitioner)" in lines 32 and 33.**

**The MINISTER FOR WORKS:** The Legislative Council proposes in this instance to remove from the Bill the prohibition against a legal practitioner acting as an agent before the board. The Bill provides that any employee appearing before the

board either to justify his proposed promotion or to appeal against the proposed promotion of some other officer may be represented by an agent, but not by a legal practitioner. The Legislative Council desires to allow legal practitioners to represent those who appear before the board. When we previously considered this matter in Committee, arguments for and against legal practitioners being allowed to appear before the board were put forward and we decided they should not be allowed to appear as agents or representatives of employee-appellants.

Mr. McDonald: Has not the Civil Service asked permission for legal practitioners to appear?

The MINISTER FOR WORKS: I am not in a position to say whether that is so.

Mr. McDonald: I am not sure, but I have an idea that a request was made.

The MINISTER FOR WORKS: The practice in this State has been to prohibit legal practitioners from appearing in such cases. The Industrial Arbitration Act contains that prohibition and it would be desirable to retain it in this legislation. I believe that appeals would be dealt with more expeditiously and at lower cost if the prohibition were retained. Therefore I move—

That the amendment be not agreed to.

Mr. ABBOTT: I wish to make it quite clear that legal practitioners may appear to represent an appellant if he so desires. Some members of the committee of the Civil Service Association have informed me that they have urged the Government more than once to allow legal practitioners to appear. They are definitely of opinion that such cases would be more logically submitted and that much time and trouble would be obviated if they could be represented by legal men. The Minister suggested that time would be saved by prohibiting experts from appearing.

Mr. Needham: And charging.

Mr. ABBOTT: Agents charge for their services.

Mr. Needham: They do not charge.

Mr. ABBOTT: Agents in the Arbitration Court do charge.

Mr. Needham: No.

The CHAIRMAN: Order!

Mr. ABBOTT: Legal practitioners are trained in logic and in marshalling facts, and to say that an amateur could do equally

well is unreasonable. May I also use the word "victimisation" which we often hear from the other side of the Chamber? I move—

That the amendment be amended by striking out the words "a legal practitioner" and inserting the words "and insert in lieu the word 'or' " in lieu.

The MINISTER FOR WORKS: If the hon. member had said that some lawyers are trained in logic, he would have been right. I have studied his amendment for hours and have been unable to make sense of it.

The Minister for Lands: Because you are not a lawyer.

Mr. Needham: And not trained in logic.

The MINISTER FOR WORKS: There does not seem to be a scrap of logic in it unless it is a variety of logic that has nothing to do with commonsense or ordinary English. If the words proposed to be struck out by the hon. member were deleted and those he proposes to insert were inserted, the portion of the clause with which we are dealing would read—

shall be entitled to be represented by an agent not being or who may examine witnesses and address the board.

Even if we admit that some words have crept into the amendment in error and that the hon. member wishes to insert the word "or," the passage would read no better. It seems that the hon. member either has not given the matter the close consideration it should receive or in some way has failed to appreciate what is required to achieve the purpose he has in mind. That, however, has nothing to do with my opposition to the object he is seeking to attain, which is to permit of the representation of appellants by legal practitioners. I oppose his object on principle. If he wishes members to consider what he desires to achieve, he will have to withdraw the amendment and word his proposal in an altogether different way.

The CHAIRMAN: In order that members may not be misled, I point out that I think the Minister has overlooked the fact that the member for North Perth wishes to amend the amendment made by the Council and that the effect of the amendment by the member for North Perth would be to make the Bill read—

represented by an agent or a legal practitioner who may examine witnesses and address the board.

The amendment moved by the member for North Perth is in order as to actual meaning and effect. The Minister's proposal will result in retaining in the clause the words "not being a legal practitioner." If the amendment on the amendment is agreed to, it will mean that an appellant may be represented by an agent or legal practitioner.

Mr. ABBOTT: You, Mr. Chairman, have ably put the argument in reply to the Minister. I am proposing to amend, not the Bill, but the Council's amendment. If the Council's amendment as I propose to amend it is accepted, the relevant portion of the clause will read—

shall be entitled to be represented by an agent or a legal practitioner who may examine witnesses and address the board.

Mr. STYANTS: I hope that neither the Council's amendment nor the proposal of the member for North Perth will be accepted. Both would permit of a legal practitioner appearing on behalf of one of the parties to an appeal. To agree to this would place some appellants at a disadvantage as compared with others. One might be in a financial position to afford to pay the usually high fees demanded by lawyers while another might not be able to do so. One of the parties might have a relative who is a solicitor and who would be prepared to conduct the appeal without making any charge. The system of barring legal representatives has worked well in the Arbitration Court and in relation to other appeal bodies. An appellant may conduct his own case and there would be a trained representative in his calling to put the case effectively. It is the fear of cost that deters many innocent and victimised people from approaching the law courts. They do not know how far they will become financially involved if they take a case to court, and so they put up with the injustice rather than risk the loss of any small amount of wealth they might possess. If lawyers are permitted to appear before this board, some people without financial means will refuse to appeal through lack of funds to employ a lawyer to appear on their behalf.

Mr. Abbott: The Civil Service wants it.

Mr. STYANTS: I would like to know what special qualifications a solicitor would have to deal with appeals under this measure. What, for instance, would a solicitor know about an appeal against the appoint-

ment of the superintendent of locomotive running in this State?

Mr. Abbott: It does not say there must be a solicitor.

Mr. STYANTS: No; but the man appealing against the appointment may engage a solicitor, and all the solicitor would know of the case would be what the appellant was able to tell him. I will admit that usually legal gentlemen are very apt pupils and pick up a case very quickly; and they would be able to submit a case to the detriment of a man who was not in a position to afford legal representation. If we are going to permit the insertion of the word "may," it is inevitable that solicitors will appear, because there will be people who think a solicitor more able to submit a case than they, and can afford his services. Proceedings in the Arbitration Court or in Appeal Board cases have not demonstrated that the need for solicitors has been felt, and consequently we would be unwise to adopt any provision enabling them to appear in connection with this legislation.

Hon. N. KEENAN: The member for Kalgoorlie says that people suffer injustice rather than risk going into court to have that injustice removed. If that is so, we had better remodel the whole system.

Mr. Fox: Hear, hear!

Hon. N. KEENAN: And appoint the member for South Fremantle Chief Justice.

Mr. Fox: He would be more concerned with justice than with law.

Hon. N. KEENAN: He might be concerned with neither. The argument of the member for Kalgoorlie has no merit nowadays. There is specialisation in all professions and, because the law is specialised, it has led to the argument used by the member for Kalgoorlie. The Minister used a much more specious argument. He said that precedents showed it was not desirable to allow legal practitioners to appear in certain courts. The only court I know of in which the appearance of legal practitioners is prohibited is the Arbitration Court, and it is on that circumstance alone that the Minister's argument rests. Very conveniently, he forgot there is a statute which is almost on all fours with this Bill; namely, the Public Service Appeal Board Act, 1921. That was designed to provide the right of appeal for every member of the Public Service who had any injustice done to him,

either by not being promoted when entitled to promotion or being refused appointment in the service to which he was entitled. Unfortunately, the Bill was badly drawn, with the result that the court found it had not power to override a recommendation made by the Public Service Commissioner, if it was a case within his jurisdiction, or otherwise by the permanent head of the department concerned. So the measure defeated its own object. In that legislation there was no provision debarring a legal practitioner from appearing; and I personally appeared before the tribunal appointed under that Act, which is under the chairmanship of a judge, on behalf of an appellant. I believe that that Act, if it had been properly drawn, would have made the present Bill wholly unnecessary. So far from its being correct to say that precedent justifies the exclusion of the legal profession, the very contrary is the case. I hope the Minister will reconsider his decision.

**Mr. NEEDHAM:** I hope the Minister will adhere to his decision. The Promotions Appeal Board would not be a court of law and there is no need for lawyers to appear before the tribunal.

**Mr. Abbott:** Will not the marshalling of facts and logic apply?

**Mr. NEEDHAM:** Yes; but I do not admit that the hon. member's profession has a monopoly of the ability to present facts logically.

**Mr. Abbott:** Members of the profession are trained to that end.

**Mr. NEEDHAM:** It is an honourable profession, but I do not admit it has a monopoly of presenting facts in a logical manner. The history of the Arbitration Court proves conclusively that representatives of the workers have been able to present a complex situation logically, without the assistance of the legal profession.

**Mr. Abbott:** Other people could load ships, but they are not allowed to.

**Mr. NEEDHAM:** That was unworthy of the hon. member. If lawyers appear before the board, it will be costly for appellants. Some members of the service might be able to afford the cost; others would not. By keeping lawyers out altogether, there would be equality. It has been suggested that an appellant might not be able to submit his case very well, but I feel confident he would find a colleague able to compile a case to

put before the tribunal. It has also been suggested that agents appearing in the Arbitration Court are paid. That is not so. The majority of representatives appearing in the court are secretaries of unions, and the only remuneration they receive is by way of salary or wages as secretaries, which they would receive whether they appeared before the court or not.

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

Ayes	..	..	..	..	10
Noes	..	..	..	..	27

Majority against	..	..	17
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## AYES.

Mr. Abbott	Mr. McLarty
Mr. Keenan	Mr. North
Mr. Lealle	Mr. Perkins
Mr. Mann	Mr. Willmott
Mr. McDonald	Mr. Seward

(Teller.)

## NOES.

Mr. Berry	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Fox	Mr. Read
Mr. Graham	Mr. Shearn
Mr. Hawke	Mr. Smith
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Telfer
Mr. Hoar	Mr. Tonkin
Mr. Holman	Mr. Triant
Mr. Johnson	Mr. Willcock
Mr. Leahy	Mr. Wise
Mr. Marshall	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Needham	

(Teller.)

Amendment on amendment thus negatived.

The **CHAIRMAN:** The question now is that the Council's amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 7. Clause 18, (1)—Insert after the word "authority" in line 34 the words "to the applicant recommended."

The **MINISTER FOR WORKS:** This deals with Subclause (1) of Clause 18, which provides that the decision of the board on an appeal shall be reported to the appointing authority, the recommending authority, and the employee-appellant. The Council's amendment provides that notification shall also be given to the applicant recommended. That is very desirable, and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported and the report adopted.

A committee consisting of Mr. McDonald, Mr. Styants, and the Minister for Works, drew up reasons for not agreeing to certain of the Council's amendments.

Reasons adopted, and a message accordingly returned to the Council.

### **BILLS (3)—RETURNED.**

1, Soil Conservation.

With an amendment.

2, Closer Settlement Act Amendment.

3, Administration Act Amendment (No. 2).

Without amendment.

### **BILL—CONSTITUTION ACTS AMENDMENT (No. 2).**

*Second Reading.*

Debate resumed from the 23rd October.

**MR. SEWARD** (Pingelly) [5.58]: I do not wish to take up the time of the House on this Bill, but I hope the Minister will not push it through the Committee stage until such time as the Leader of the Opposition, and other members who are held up by the inevitable and infernal vagaries of the Western Australian Government Railways reach this House.

The Premier: Their amendments can be moved.

**Mr. SEWARD**: I know that the Leader of the Opposition is anxious to move his own amendments. It would be unfair to penalise him when I understand the train may have already reached Perth, and that he and other members may arrive at Parliament House during the tea adjournment. I hope the Minister will hold up the Committee stage until that time. All I wish to say on the Bill I think I said on the occasion when a similar measure was before the House last year. When I entered the Chamber late a few nights ago, I heard a member making the usual statement that members are elected to another place not by intelligence or anything of that description, but simply by clods of earth or blocks of land, or some stupid statement like that. Of course that is not so; everyone knows it is not.

It is obvious that taxation must bear more heavily upon those who have property and, generally speaking, legislation

throughout is more or less of greater benefit to those who have no money or property. Consequently it gives those people who have that stake in the country the right to say who shall represent them in the House of review—the Legislative Council. On numerous occasions it has been pointed out that a mere nominal rental of 7s. will entitle an individual to the right to exercise a vote for the Legislative Council. If any person who pays that small amount in rent has not his name on the electoral roll for his province, there can be one reason only for the omission. It is that he does not wish to be on the roll. At any rate, when there has been any desire to increase the number of enrolments for a Legislative Council election, no difficulty has been experienced.

A little organising can be relied upon to increase the enrolments anything up to 100 per cent. In such circumstances, if some people are not enrolled it can only mean that they do not wish to exercise the franchise. The Bill comprises two parts, the first of which deals with money Bills. It seeks to provide that this House shall be supreme in dealing with Bills of that type. With that provision I am in agreement provided, of course, that the franchise for the two Chambers remains as at the present. In those circumstances this House should have the right to say that a money Bill must be passed and another place should not be allowed to block its passage. On the other hand, I am of opinion that some provision should be made in accordance with what was attempted on a previous occasion, and a body set up that could say actually what is a money Bill. That is not such an easy matter to determine as may appear on the surface. We have had instances in this House to prove that, and on one occasion it was even ruled that any revenue derived from farming operations, in certain circumstances, was Government revenue. That was a very wide interpretation as applying to money Bills. Consequently I hope the Bill will be amended before it leaves this Chamber so as to afford Mr. Speaker some assistance in carrying out the duty, which this Bill will impose upon him, of deciding just what is a money Bill.

I want it to be clearly understood that I do not for one moment impugn the impartiality of Mr. Speaker because that is quite beyond doubt. I believe he will be placed in a very invidious position at times

if he is called upon to determine what is a money Bill, and he should be entitled to assistance similar to that provided in the House of Commons where a special panel of members sits with Mr. Speaker to determine whether a Bill is, or is not, a money Bill, and if it is, it furnishes a certificate accordingly. The Bill also provides that if a measure other than a money Bill is sent to the Legislative Council on three different occasions but is not passed by the Council, it shall become law. That is a different proposition altogether. In drafting the Bill I do not think the Minister has taken into consideration the position that would arise regarding some measures that would have the effect of altering the Constitution, which position is to be provided for in amendments placed on the notice paper by the Leader of the Opposition. That is why I am anxious that he should be here to move his amendments and place before the Chamber evidence he has to submit in support of them. There is no logical reason why Bills other than money Bills should be forced through the Council. That is my opinion, and it is an opinion expressed by the member for Geraldton who has laid it down in this House that the social legislation of Western Australia is equal to that prevailing in any other State and that in fact ours is the envy of other States. That legislation was passed by the Legislative Council, so it cannot be regarded as an obstructionist Chamber.

The members of the Upper House have exercised their right to amend Bills and if we have not been able to devise some means of avoiding deadlocks between the two Houses, it is certainly up to us to make some further effort to overcome that defect. When it comes to the consideration of a Bill that provides that if a measure, quite irrespective of what it may deal with, is sent to the Council three times and the Council refuses to pass it, that measure shall become law, it is obviously unfair that such a Bill should be rushed through. I again ask the Minister to defer the Committee stage for the seven or eight minutes necessary in order that the Leader of the Opposition and other members who have been held up owing to the late running of a train, may be present to participate in the proceedings after the tea suspension.

**MR. McDONALD** (West Perth) [6.8]: I do not propose at this stage in the consideration of this legislation to deal with

the merits or demerits of second Chambers in general and of our Legislative Council in particular. What I want to do is to draw the Minister's attention to the illogical position that appears to confront the House. We know quite well from the proceedings last year and from the notice paper as it appears today, and further from what has already been said in the House, that the present Bill proposes to provide that the decision of the Legislative Assembly shall prevail after a Bill has been passed three times in this House, although rejected by the Legislative Council. Other legislation appearing on the notice paper seeks to provide for the adult franchise for the Legislative Council. The only possible justification for a Bill on the lines of the British Parliament Act, by which the Legislative Assembly will be able to override the Legislative Council, is the restricted franchise of the Upper House. If the Government proposes to ask this House to pass that Bill and succeeds in its effort so that adult franchise shall apply to the Legislative Council, and should the Council itself agree to the Bill, then the reason for the former legislation completely disappears.

If there is to be adult franchise for the Legislative Council then we will have two popular Chambers, as the phrase goes, and both being elected on the adult franchise and both being popular Chambers, they will have the same authority. In those circumstances there can be no justification whatever for one Chamber over-riding the other. We could just as logically provide that the Legislative Council's decisions should over-ride the decisions of the Legislative Assembly.

The Minister for Justice: But the Council will still be a House of review.

**Mr. McDONALD**: When we get to that stage we might just as well have a single Chamber.

The Minister for Lands: Hear, hear! That is what we should have had long ago.

**Mr. McDONALD**: The position would be farcical if all the Bills on the notice paper were to become law. If the Legislative Council becomes a popular Chamber, to use the phrase currently adopted, the methods of election will be different in that the Council will have three-member constituencies and those members will be elected at different times. Although elected on the adult franchise the alignment of opinion in

the Legislative Council may at any time be different from the alignment of opinion in the Legislative Assembly. If all the Bills on the notice paper are passed, the position could arise that a Bill might be passed three times in this House and ultimately become law under the present Constitution Acts Amendment Bill before the House, yet actually in both the popular Chambers there might be an aggregate majority against the Bill. It could be passed by a small majority in the Legislative Assembly and rejected in the Legislative Council by a large majority, even allowing for the difference in the membership of the respective Chambers.

The Minister for Justice: It has worked splendidly in England for many years.

Mr. McDONALD: The position in Great Britain is entirely different, and the Bill is drafted on the basis of a second Chamber which is not a popular Chamber. In view of the legislation that has been submitted the position is something like this: The Minister wants to get to a certain place but he finds that a lion is on the road. He immediately forms two expeditions. The first is to cut a road to bypass the lion, and the second expedition is to go out and shoot the lion. If the Minister decides to send out a party to shoot the lion, he does not need another party to go out and cut a road so that he can bypass the animal. The whole situation will be most illogical for this Chamber and this Parliament, if it passes one Bill based on a certain state of affairs, namely, the restricted franchise of the Legislative Council, and simultaneously in the same session passes another Bill to remove the restricted franchise. The first Bill as presented is based on certain stated facts and the second Bill proposes to remove the whole of the reason and justification, if any, for the former Bill.

I suggest to the Minister in all humility, as well as to my colleagues in this Chamber, that the Government must make up its mind to adopt one course or the other. If it takes either course, there is a certain degree of logic associated with the decision; but if it decides to continue with both, the legislation is distinctly contradictory. The Bills cannot exist together; one nullifies the other from the point of view of reasoning. That is an inescapable fact. If this Parliament passes legislation in those circumstances, it will stultify itself as a reason-

ing Chamber. With regard to the other provision in the Bill, I have no objection to some steps being taken to overcome deadlocks between the two Houses, even if there may not have been any in the past. I have no objection, if the Legislative Council remains with its present or some similar restricted franchise, to the decisions of this House ultimately prevailing. Even there the analogy of the House of Lords is very far from accurate. Still, I am prepared to support machinery to provide that the views of this Chamber shall ultimately prevail in the event of a disagreement. When I say that the analogy of the House of Lords is inaccurate it is because of the constitutional position that has been explained by the member for Nedlands and others, and because those entitled to vote for the Legislative Council represent in number practically one half of the total entitled to vote for the Legislative Assembly.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. McDONALD: The report of the Select Committee of the Legislative Council last year stated that the present enrolment of persons qualified to vote for Legislative Council elections, approximately 80,000, is less than one half of those actually qualified. It would appear from the report that about 160,000 people, in the opinion of the Select Committee, are qualified to vote for the Legislative Council, which is a little short of one half of the number of adults entitled to vote for the Legislative Assembly. I mention these figures because, if we are to pass any legislation such as that contemplated by this Bill to enable the determinations of the Legislative Assembly to be paramount in the event of a dispute arising between the two Houses, we should ensure that the opinion of the Legislative Council is not lightly or arbitrarily overridden in view of the fact that the electors of the Legislative Council represent possibly 160,000 people, or very nearly one half of the adult population of the State.

This is the reason why I hope that, if any provision is made such as is contemplated by the Bill, the decision of the Legislative Assembly will not become paramount unless an election has intervened for the Legislative Assembly between the first passage and last passage of the Bill through the Legislative Assembly.

Hon. W. D. Johnson: Of course, that does not apply in Britain.

Mr. McDONALD: I am speaking subject to correction, but I have an idea that it does.

Hon. W. D. Johnson: No.

Mr. McDONALD: Whatever may apply to the House of Lords, we must bear in mind that it is a body with no electoral basis at all, whereas with our Legislative Council, with a substantial electoral basis, the precaution of having a general election of the Legislative Assembly intervening between the first passage and the last passage of the Bill through the Assembly appears to be something we owe to the people and those who elect the members of the Legislative Council. If the view of the Legislative Assembly is correct and if that view should over-ride the contrary opinion of the Legislative Council, there is nothing to be afraid of in allowing the people themselves to express their views in the meantime at a general election of the Legislative Assembly. Consequently, I hope that the amendments on the notice paper in the name of the Leader of the Opposition will receive the favourable consideration of the House.

MR. MANN (Beverley) [7.35] I shall oppose the Bill.

The Minister for Lands: No; you cannot do that.

Mr. MANN: The Minister for Justice, in moving the second reading, was not very impressive, and the member for Pilbara, in his speech, was even less impressive. I was anxious to hear a contribution to the debate by the Premier. From his knowledge of affairs, he might have been able to influence some members on this side of the House. Speaking without any party bias or influence whatever—

The Premier: If I thought I could influence you, I would speak.

Mr. MANN: By members on this side of the House, I say this Bill is not regarded as a party measure, but it is one which members on the Government side could have made more impressive to members on the Opposition side. I believe every member is looking forward to hearing a speech by the Premier. The member for Nedlands made a very sound and able contribution to the debate.

Hon. W. D. Johnson: On everything but the Bill.

Mr. MANN: Probably like the hon. member, who, when he addresses the House, speaks on anything but the Bill before the House. I should like to know why the Government is so concerned about getting this Bill passed. What is the motive behind it?

The Minister for Lands: That is the question.

Mr. MANN: What is the motive?

The Minister for Justice: To end a deadlock.

Mr. MANN: A deadlock!

The Minister for Justice: Yes.

Mr. MANN: But a deadlock never existed. The member for Geraldton has definitely told us that the industrial legislation of this State is the best in Australia, and that legislation has been passed largely by the help of another place.

The Minister for Lands: Did he say that?

Mr. MANN: Very definitely.

The Minister for Lands: I have very grave doubts about it.

Mr. MANN: What is the nigger in the woodpile? Why are members on the Government side so keen to get this Bill passed into law?

Mr. Doney: I do not think the Minister knows.

The Minister for Justice: We know.

Member: In order to make the State progressive.

The Minister for Justice: We cannot be progressive if our legislation is blocked.

Mr. SPEAKER: Order!

Mr. MANN: That is an extraordinary view to express, seeing that the Legislative Council is equally responsible for the legislation that has been passed in this State. The Minister himself was most unimpressive in speaking on the Bill. I hope I am taking a broad view of the question.

The Minister for Lands: A broad view!

Mr. MANN: A very broad view. If I can be convinced by the Government that this Bill is essential to the welfare of the State, I will support it.

The Minister for Lands: You are unconvinced.

Mr. MANN: That is not so, but the speeches by members on the Government side have been very weak.

The Minister for Lands: And the speeches are getting weaker.

Mr. MANN: Unfortunately, the speeches by members on the Government side have shown a party bias. I do not think anybody can honestly say otherwise. Of course, had the member for Guildford-Midland contributed to the debate, he would have presented an entirely different aspect. I hope that a broader view will be taken of the measure.

The Minister for Lands: For whom are you stonewalling the Bill?

Mr. SPEAKER: Order!

Mr. MANN: I am not stonewalling. It is my privilege as a member to address the House. This Bill has been hanging about for a long time.

Mr. J. Hegney: Give us your reason for opposing it.

Mr. MANN: If I spoke for half-an-hour, the member for Middle Swan would not be at all impressed.

Mr. J. Hegney: I might be.

Mr. SPEAKER: Order!

Mr. MANN: I sincerely hope the Premier will tell us very candidly the reason why it is necessary to pass this Bill and why he hopes to get better legislation for the State. I am quite open to conviction. At present, however, I feel compelled to oppose the Bill. If I could be assured that by my vote I could advance the best interests of the State, I would readily give my support to the measure. I want to assure the Government that this side of the House is not narrow or parochial in its views. Members on this side of the House are quite open.

The Minister for Lands: We never suspected that!

Mr. MANN: We are open to conviction. Can the Premier advise us?

The Minister for Lands: You ought to be convicted!

Mr. MANN: Having heard the reasons advanced by the member for Nedlands, and in view of the fact that the Premier secured the adjournment of the debate on the last occasion, I hoped that we would hear from the latter tonight what his ideas were, and also what he had to say on the views expressed by the member for Nedlands. I

hope that before the debate concludes on this very important Bill—important it is from the Government's point of view, it from no-one else's—the Premier will make his contribution to the debate.

Mr. Withers: What, again?

Mr. MANN: The Premier has not yet spoken to the Bill. I want him to do so in order that we may understand the problem. I cast no reflections whatever on the Minister for having introduced the Bill; although every member will admit that he made a very poor attempt to instil into the House the importance of the measure.

MR. SHEARN (Maylands) [7.42]: Like the member for Beverley, I looked forward with a great deal of interest to an explanation from the Premier of the provisions of this measure. I know of no other Bill which has been introduced so persistently and has always met with the same fate as this, in an attempt to overcome the deadlocks which occur between this Chamber and another place. The House knows where I stand on this matter. When a similar measure was introduced into this Chamber some time ago I voted for it, because I was then unsophisticated and I believed that the measure would receive the same consideration at the hands of another place as it received in this Chamber. On this occasion, however, I say quite bluntly that the members of the Government, the members of the Opposition, indeed every member of this Chamber, know full well that the present Bill will pass by a majority vote of this House; but I consider I am safe in hazarding the guess that it is equally certain—unless there is a change of opinion in another place—what the fate of the Bill will be in the Legislative Council. We are therefore not deceiving ourselves nor the electors; we are simply wasting time in discussing the Bill. That is all it amounts to, because it can get us nowhere in the light of conditions that prevail elsewhere.

Mr. W. Hegney: What do you mean by elsewhere?

Mr. SHEARN: When England in 1890 granted what is commonly termed in this State Responsible Government to Western Australia, the British Parliament, advisedly or inadvisedly, did not make provision in our Constitution for the situation which this measure is designed to correct. I say frankly that there is indeed a definite obligation on another place to do its part to make our

Constitution fit in with our present changed conditions and with the spread of education, which calls for greater responsibility for the needs of the electors. If I were a betting man I could make a small fortune tonight by going outside and laying the odds against this Bill being passed in its present form by another place. If the Government is sincere in its efforts to overcome the deadlocks that occur from time to time between our two legislative Chambers, then I say let the Government withdraw this Bill and bring down one providing for a referendum of the electors of the State on the point.

Mr. Cross: Would the other House agree to a referendum?

Mr. SHEARN: I am coming to that point. I would challenge another place then to refuse to pass that legislation.

The Minister for Lands: It would refuse, all right!

Mr. SHEARN: I know quite well what the fate of this Bill will be when it leaves this Chamber. We are only beating the air and getting nowhere. Of course, if it is being used for political purposes—which I do not suggest for a moment—the Government should let us know. If my suggestion for a referendum is adopted, the delay which would take place would not be of a serious nature. The referendum could be submitted to the people when the next elections are held, as that would be a fitting time for the electors to decide the question. If the referendum passes, then another measure could be introduced here and sent forward in the usual course to another place. If then another place refused to pass it, we would have an alternative, namely, to prepare a case and submit it, through a delegation, to the British Parliament. The case could set out the position which has arisen through the defect in our Constitution, and we could ask that the Constitution be amended accordingly.

I am sorry to note that the member for Nedlands is not present to hear my remarks, as he might remind me of a delegation which left this State some years ago to put another matter before the British Parliament; but I would suggest to the hon. member, were he present and interjected on that point, that the two cases are not parallel. The first case was what I might term a family concern of the Australian States, and I believe the British Parliament did the right thing

when it said to the delegation, "You go back to your family and settle your differences yourselves." But this is an entirely different matter. It concerns the Constitution of this State and the people of this State only; so it is one that could be fittingly resolved, in the last analysis, by the British Parliament. I support the Bill; but I again assert that it is positive "hokey" to bring forward this legislation again. Every member of this Chamber, as well as every member of another place, knows that we are only deceiving ourselves and the public by bringing in a Bill on these particular lines.

**MR. LESLIE** (Mt. Marshall) [7.47]: As a comparatively new member of the Legislative Assembly, I am actuated in arriving at my decisions either by my own personal knowledge of the subject-matter which is before the House for consideration; or, where I am not in the fortunate position of having acquired that knowledge, by the explanations given and the evidence tendered by others of their actual experiences. As a newcomer to the Chamber, I must confess that I do not altogether understand the relationship which it has been indicated exists between this Chamber and another place when differences arise between them. So I studied the speeches of members who have spoken to the measure. First, I read the speech of the Minister who introduced the Bill; then I read the speeches of those who supported it, and lastly I read the speeches made by Opposition members. I did so to ascertain the reason why the measure was submitted, in order that I might exercise a reasoned judgment on it. I find that mention has been made of one of the purposes of the Bill, namely, to overcome the deadlocks that occur between the two Chambers. Then I read that the other Chamber is not democratic and that we have allowed that state of affairs to continue.

Reference was made to the fact that, whether or not it was a representative Chamber, the people who are enrolled to vote for it do not exercise their franchise, so that it becomes a question of members getting into that Chamber entirely on their own account. I found that one of the purposes of the Bill was to enable legislation, which had been passed no fewer than three times by the Legislative Assembly and rejected by the Legislative Council, to become

law. But I found no actual case where the government of the country has been interfered with because the Legislative Council refused to pass legislation when requested to do so by this Chamber. So I am left in a quandary. I agree that this Chamber is directly responsible to the people for the money it gets from them and spends, and must of necessity have a major say in regard to the financial conditions of the State. But regarding law and matters of law, I consider that the whole of Parliament—this Chamber and the other place—is equally responsible to the people. I cannot find anything in the Constitution which appointed the Legislative Council to the effect that it was appointed to represent property owners. I cannot find any ground for the assumption that that was the reason for the creation of that Chamber—that it was to represent one particular section of the people.

The Minister for Lands: They assume that all the same.

Mr. LESLIE: I doubt that. I think it is the other side of this House which is assuming it, and which is putting up that bogey for somebody else to knock down.

The Minister for Justice: You have another guess coming.

Mr. LESLIE: I think the assumption is all on the other side of this Chamber. I take it that the Legislative Council was created as a House of review. I put it to members on the other side that only financial members of unions are entitled to vote at union meetings.

Mr. J. Hegney: What is wrong with that?

Mr. LESLIE: Nothing; but those men must be responsible individuals. The man who has a realisation of his responsibilities to himself, his family and his organisation, is therefore entitled to the final say.

Mr. J. Hegney: Everyone in an industry is in the union associated with that industry.

Mr. LESLIE: But not everybody exercises the right to vote. I point out that nearly every man and woman in this country has a right to vote for the Legislative Council.

Several members interjected.

Mr. SPEAKER: Order!

Mr. LESLIE: There is a qualification which entitles any member of an organisation to exercise his vote, and there is a

qualification which entitles every member in this community to exercise a vote for the Legislative Council. It is a man's own pigeon whether he goes to his union or association meeting and exercises his vote or not and by the same token it is the right of the individual who is qualified to be an elector for the Legislative Council to exercise his vote or refrain from doing so as he wishes. The fact that so many do not worry about enrolling or voting is no condemnation of the system. If it is, we must wipe out the practice which allows a decision to be dependent on a voluntary effort by a body of people on any vital matter.

Mr. Holman: What about those who cannot obtain the qualification?

Mr. LESLIE: It is a matter of a few shillings rental a week. How many people could not obtain that qualification?

The Minister for Justice: Thousands!

Mr. LESLIE: Any man with a sense of responsibility who sets up a home for himself is entitled to and can obtain that qualification.

The Minister for Lands: Even all those in boardinghouses!

Mr. LESLIE: However, I have been sidetracked. I only touched on the question of the qualification of electors because it was mentioned during the debate. There is nothing in the Bill about qualifications. Consequently I must turn with an element of suspicion towards the reason for the introduction of the Bill. I cannot help it, because so many matters have been brought in apparently to cover up something with which the sponsors of the measure do not want us to be conversant.

The Minister for Justice: We have nothing to cover up at all.

Mr. LESLIE: I have looked in vain for any justification for the Bill. Mention was made of the House of Lords. The arrangement existing between the House of Lords and the House of Commons is something which it is suggested is desirable to introduce here—at least part of it. However, I cannot see the slightest resemblance between the House of Lords and the Legislative Council.

Mr. Triat: There is not any.

Mr. LESLIE: There is not the slightest resemblance in the method of election or anything else.

The Minister for Lands: We agree on that.

**Mr. LESLIE:** Because something exists in regard to the House of Lords, I do not consider it a reasonable argument that we should adopt a similar procedure here. If it is good enough to adopt the procedure there, with regard to the passage of legislation as between the House of Lords and the House of Commons, we must extend the principle and declare that the method of election, appointment or creation of members of the House of Lords, is equally justifiable of application in Western Australia.

**Mr. W. Hegney:** And you still call yourselves a democratic party!

**Mr. LESLIE:** Very much so! I am in agreement with the member for Maylands that the measure is something that has been put up as an Aunt Sally to be knocked over but, if it should become law, there is one point of real significance which the Minister and his party appear to have overlooked. They are actually making provision whereby the Legislative Council could, with reasonable excuse, hang on to any legislation which is passed by this House, for the period of two years. In effect, we are saying to the Council, "You have two years. We can pass legislation three times and you have two years in which to consider it."

**The Minister for Lands:** They have taken ten years to consider some measures.

**Mr. LESLIE:** The Legislative Council could take two years to consider all Bills other than money Bills, and it is necessary that a money Bill should be clearly defined.

**The Minister for Justice:** We are satisfied to take that risk.

**Mr. LESLIE:** Considering it is an elective Chamber, why not give the other place an equal right with this Chamber? If it introduces legislation other than a money Bill and passes it three times, and we refuse to accept the legislation, why should the Council not be given the same right to say that that legislation shall become law? Why not extend the principle further so that when this Chamber carries a motion asking that the Government should take a certain course of action, that course of action shall automatically be given effect to?

**The Minister for Lands:** That would be lovely!

**Mr. LESLIE:** That is democratic. It would be lovely! We are only trying to follow out to their logical conclusion the argu-

ments put forward. Why restrict the privileges to one side? Reference has been made to deadlocks, but not one instance has been advanced during the debate of a deadlock that has seriously interfered with the business of this country. The only deadlock I regard as being worthy of consideration is one as a result of which the Government of the country or its economy or the carrying out of its activities is interfered with, but not one instance of that kind has been quoted. Because of that, and because so much matter has been introduced that has no connection with the subject at all, I feel that I cannot support the measure as it stands.

**MR. CROSS (Canning) [8.0]:** Members seem to have overlooked the fact that this Bill seeks to overcome the occasions when there are deadlocks between the two Houses.

**Mr. Doney:** That has been stated often enough.

**Mr. CROSS:** On occasions Bills have been carried almost unanimously in this Chamber but another place has disagreed and the only way out of the deadlock has been to hold conferences, so that instead of Parliament deciding the issues they were decided by six members of two Chambers. When we get down to bedrock, we can see that they became the decisions of one man. I recollect that when the Leader of the Opposition was speaking earlier in the debate—about four or five weeks ago—I challenged him to tell us the qualifications for enrolment for the Legislative Council. I still say those ten qualifications are, even today, so complicated that not one member here can get up and tell us what they are. Only five are set out on the enrolment card, but there are five others. One of the qualifications on the card today is so stupid as to be almost silly! That is the qualification of being a ratepayer. That qualification does not mean the possession of property but the fact that a person's name is on the municipal roll. As a result, what happens? In some country towns where a man and wife rent a place, the man is actually the householder but the wife goes to the municipal office and pays the electric light bill. The town clerk says, "We had better put you on the ratepayers' roll." That is her qualification to vote for the Legislative Council and she gets on the roll.

**Mr. Leslie:** You have given me an idea.

Mr. CROSS: The hon. member need not worry! Not members of the Labour Party but those of another party tried to do that in the North-East Province and then wondered why a great many more names went on the roll. In the metropolitan area the man, as he is entitled to be as head of the house, is the householder, and his name goes on the ratepayers' roll. The ratepayer qualification is not of much use in the metropolitan area. When names are put so casually on a municipal or road board roll, the qualification is extended to the man and the woman. Take the qualification of leaseholder! People with a lease can get on the Legislative Council roll. I wonder how many times the leases are checked. There is a proviso to that qualification, namely, that the lease must have a year to run or the leaseholder is not eligible to be on the roll. Those two qualifications are ridiculous.

Let us deal with the qualification of an equitable freeholder. It is possible for four houses in a row to have either one, two, three or four votes because, if the house was being purchased in the name of the wife, she would be qualified as an equitable freeholder, and the husband, being the legal householder, would also be qualified. It might be found that the next-door house is in the names of the wife and the son, who would both be qualified, and the husband would be qualified as the householder. There is one street in Victoria Park where four houses were built at the same time at a cost of £500 each, and they carry one, two, three and four votes.

Mr. Abbott: Do you object to that?

Mr. CROSS: I think it is silly because, in the first house, where there is only one vote, nine adults are living. They have not all got votes, yet the value of the property possessed by that family is the same as that of each of the other three. The present qualifications for enrolment for the Legislative Council are ridiculous and undemocratic. A man might live in a suite of rooms in an hotel and put £100,000 into the war loan, but he would not therefore be qualified to vote for the Legislative Council. There are men in this State who live permanently in hotels and boarding-houses, and have not got a vote. But, because in some cases four and five people buy a house and put it in the names of the lot, they all get a vote. I think that is just silly.

Mr. Leslie: It is not a rich man's place, then?

Mr. CROSS: As a matter of fact, as the member for Mt. Marshall knows, a man need have only a £50 block of land in each of the ten provinces to have the right to vote for each one. There are people who have and do exercise that right. They get ten votes for £500 worth of property, whereas another man could own £100,000 worth of property without having the right to vote for the Legislative Council. Where is the equality in that? There is nothing democratic about it. This Bill is brought down because these anomalies exist. A Select Committee of members of another place sat last session. They were not game to have a show-down. What have they done about this matter? Nothing! The member for Nedlands, when speaking on the measure, dragged a red-herring across the trail. If the Government had done something else, the member for Mt. Marshall would still find fault. This is a genuine attempt to improve the position. If a Bill passes this Chamber for three sessions—and it need not be the same Parliament; it might even be wanted by the democratic party, so-called, but that party is out of step with democracy and that is why it is losing its members—

Mr. SPEAKER: Order! I do not think there is anything about that in the Bill.

Mr. CROSS: No. This Bill is a genuine attempt to settle deadlocks. It is a fair proposition that if a Bill is sent to another place three times, possibly with the unanimous approval of this Chamber, it should become law.

The Minister for Works: This is a crushing reply to the member for Mt. Marshall!

Mr. CROSS: To show how undemocratic are the qualifications for enrolment for the Legislative Council, I instance the Metropolitan-Suburban Province. Practically half the electors of the State live in that area and they are represented in the other place by three members. The North-West Province, with about 400 names on the roll, also has three members. On the roll of the Metropolitan-Suburban Province there are about three times as many electors as there are on that of the Metropolitan Province. The one is comprised of four Assembly seats, while the other, Metropolitan-Suburban, is comprised of ten Assembly seats. Where is the democratic principle in that?

I believe it is possible, even under present conditions, for any party to capture a seat in the Metropolitan-Suburban Province, but enrolment is so complicated that very few people know about it.

Mr. Watts: Your argument puts the cart before the horse. Why not amend the qualifications?

Mr. CROSS: There have been attempts to amend the qualifications, since I have been in this Chamber. The only way in which to do it is a simple way, and the Leader of the Opposition would not support it, though that would be the really democratic way to do it. I think members opposite should support this Bill. I notice that the member for Maylands said, "Put up a Bill for a referendum," but he knows that the Legislative Council would also have to pass that Bill.

Mr. Leslie: It might do so.

Mr. CROSS: Let us try this one.

Mr. Leslie: Try the other one first.

Mr. CROSS: Whatever was done would not suit the member for Mt. Marshall. He reminds me of Johnny, in the Army. All the Army was out of step except our Johnny. I am pleased the Government brought down this Bill, as I know there is a large number of people who think it useless to put up legislation in the Assembly unless there is a real chance of its being carried in the Council. People complain that Bills are slaughtered. When there is a deadlock between the two Houses the matter goes to conference and is decided by the domineering men from another place. That is why so many measures fall by the wayside. People in other countries found that they could not get reform by democratic methods, so they used other means. I think the people of this State have reached a stage in their history when they will demand reform in the Upper House. I therefore support the Bill.

**THE MINISTER FOR JUSTICE** (Hon. E. Nulsen—Kanowna—in reply) [8.12]: I have listened attentively to the arguments put up, but have heard none that convinced me. The only arguments I have heard excuse the position as it exists today.

Mr. Mann: The Minister has not convinced us, either.

The **MINISTER FOR JUSTICE**: It would be impossible to convince the member for Beverley. He seems to be com-

pletely traditional and orthodox. He has relation only to the past, and not to the present or to the future. The Government is earnest in its endeavour to put up something to cope with the deadlocks that often exist between this House and another place. This measure has nothing to do with adult franchise or with the liberalisation of the franchise of the Legislative Council.

Mr. Watts: If we let the Government pass this measure, will it go on with the franchise Bill as well?

The **MINISTER FOR JUSTICE**: It would not make any difference. No matter how its members were elected, the other place would still be a House of review, as the Senate is in the Commonwealth Parliament. There they have adult franchise for the House of Representatives, and for the Senate, and also a method of dealing with deadlocks. If another place would agree to a similar method of overcoming deadlocks, I think this Government would be agreeable to it; that is, by a double dissolution on a similar franchise. Deadlocks on legislation between the Legislative Assembly and another place are all that worry us just now. These are two separate measures, with no relation to each other. One can stand without the other, and there is no interlocking of their provisions. I do not agree that one Bill is alternative to the other. No matter on what franchise the other place is elected, it is still a House of review.

Mr. J. Hegney: Only in name!

The **MINISTER FOR JUSTICE**: In any case, it is supposed to be a House of review, and that was the reason for its establishment. It is a House that reviews legislation, resolutions and so on passed by this House. It does not introduce much legislation. If elected on the adult suffrage basis the Legislative Council would not cease to be a House of review. There is a large number of Bills passed by this Assembly that are not Government Bills and that do not carry Government policy. I refer to Bills introduced by private members, perhaps supporters of the Government, not dealing with policy at all. Members consequently vote on such measures as they desire, and the Legislative Council is still there to review that legislation impartially. This Bill was not brought down

for any purpose other than to deal with deadlocks. It was not brought down for the purpose of abolishing the other place, and it will not disturb the present electoral boundaries or interfere with the duration of this or the other House. That was never intended, and we only wanted some means of dealing with deadlocks. Every State in Australia has some method of meeting that situation, as was ably pointed out by the member for Pilbara and, from his experience, by the member for Perth. This, in principle, is on a similar basis, but it has the greater precedent of the Mother Parliament. Surely, if it is suitable for England with a population of 44,000,000, it should be adaptable to the needs of this State.

I ask members to recall that a little over 16 per cent. of the electors of the Legislative Assembly recorded their votes at the last election. On the Assembly roll there are 274,856 electors and the number who voted at the last general election was 237,832. Members will probably feel inclined to say that there were quite a number of uncontested seats, but the facts and figures I have given are on record. The number of electors on the Legislative Council roll is 79,889, of whom only 39,000 recorded their votes, equal to 49.48 per cent. All the arguments advanced by members on the Opposition side of the House have been hypothetical. They have used the subjunctive mood, saying, "If this were done" or "If that had been done," but I am dealing with facts and figures that cannot be disputed.

Mr. Seward: What has that to do with the deadlock?

The MINISTER FOR JUSTICE: It has much to do with the deadlock. It has been argued that this House should be elected on the same basis as is the Legislative Council.

Mr. Seward: You said this Bill had nothing to do with the franchise.

The MINISTER FOR JUSTICE: If that is so, it is not fair that this House should be subject to the decisions of another place.

Mr. Doney: You are getting a bit mixed.

The MINISTER FOR JUSTICE: No, I am satisfied that I am on solid ground, and I defy any member opposite to contradict the figures I have quoted.

Mr. Doney: We are not trying to contradict them.

The MINISTER FOR JUSTICE: Members opposite have argued that had there been compulsory enrolment and compulsory voting for the Legislative Council, the position would have been very different. Of course, if we had had this and if we had had that, things might have been different.

Mr. Mann: Bring down a Bill to provide for those things.

The MINISTER FOR JUSTICE: It is not for this House to frame a Bill to provide for compulsory enrolment and compulsory voting for another place. If there is a desire to cure the present position, another place should introduce the legislation. Under the existing franchise, there could not be more than a 50 per cent. vote for the Legislative Assembly. I remind members that the legislation introduced in England in 1911 has stood the test of 34 years and has not been amended and this being so, surely we in this State can give it a trial.

Mr. Seward: Our Constitution has stood the test of a considerably longer period.

The MINISTER FOR JUSTICE: Yes, but it has not proved very progressive. I have a list of the Bills turned down by another place since the year 1933, showing a total of no fewer than 50, measures which this House was very anxious to place on the statute-book in order to help the people of this country. A few minutes ago the Minister for Lands mentioned the State Government Insurance Office legislation, which took us 10 years to get on the statute-book.

Mr. Mann: By slow and steady work, you got it.

The MINISTER FOR JUSTICE: Slow and sure, but no progress at all. This list of Bills shows that some measures have been turned down by another place six times, some five times and some four times.

Mr. Seward: Read out the list.

The MINISTER FOR JUSTICE: The Industrial Arbitration Bill was presented five times before we had any success; the Factories and Shops Bill was presented five times without success; the State Government Insurance Office Bill was before Parliament for 10 years before we were successful.

Mr. Seward: But you got it eventually.

The MINISTER FOR JUSTICE: The Employment Brokers' Bill was presented three times.

Mr. Watts: And now you are giving that work over to the Commonwealth.

The MINISTER FOR JUSTICE: Some measures have been presented four times, some three times, some twice and have been turned down by another place. If members of the Opposition can describe that as being progressive, they have another "think" coming. It seems to me that members opposite are not keeping abreast of the times but are being guided by a precedent 50 years old.

Mr. Mann: A very unkind statement.

The MINISTER FOR JUSTICE: I do not know about its being unkind; I have presented facts that speak for themselves. One member on the opposite side of the House said that any comparison between the number of the electors on the rolls of the two Houses was misleading. That statement, in my opinion, was absurd. For the Council we have a roll containing fewer than one-third of the electors for the Assembly, and a little over 16 per cent. of the electors recorded their votes. We have heard the statement, "One person one vote; one vote one value." I ask members from the country whether they would subscribe to that statement. Would they allow the metropolitan area to dominate? I remind members that many years ago the people of Kalgoorlie complained of the domination of the metropolitan area, and said they were determined to have separation for federation. Yet today we have members of the Opposition advocating one vote one value independent of the community or the area in question. Is there anything reasonable about that? Would such an arrangement bear equitably? One member said there had been no clash of opinion between the two Houses. I have mentioned the number of clashes that have occurred since 1933.

Mr. Seward: You would not expect another place to agree with us on everything.

The MINISTER FOR JUSTICE: No, but I do expect another place to be reasonable and progressive. The Council should not predominate all the time and retard progress. We have been told from the Opposition side that we do not represent a majority of the electors. That was a ridiculous statement. In the Federal sphere there are some small electorates, but the five members returned to represent this State in the House of Representatives received an absolute majority of the votes, as also did

the four members elected to the Senate. That might not have very much to do with the question, but I contend that the corresponding party on this side of the House has the same platform and the same political and ideological aspirations.

Mr. Seward: Idiotic?

The MINISTER FOR JUSTICE: If I were referring to members opposite, that is probably the word I would use. To say that we do not represent a majority of the people of this State is ridiculous. I hope the Bill will be passed without many amendments. There might be one or two amendments to which the Government can agree. We should realise that we represent the people and that, comparatively speaking, there are only a few members in another place. The Legislative Council consists of 30 members who are elected for a term of six years. The Legislative Assembly consists of 50 members who have to face their electors every three years: Consequently, when we weigh up the facts, we must admit that this House truly represents the people. Members of this Chamber have to appear before their constituents every three years whereas the whole of the members of the Council never go before the people at the one time because one-third of their number retires every two years.

Mr. McDonald: Three years is too short.

The MINISTER FOR JUSTICE: We cannot get away from facts; the period is three years, and I feel that when a deadlock occurs we should have some means of coping with it. The other place will have plenty of time to review legislation; it will have plenty of time to compromise; and it will have plenty of time to make suggestions to this Chamber on Bills, other than money Bills, that are sent up a month before the end of the session. Bills, other than money Bills, which are sent up a month before the end of the session and not agreed to by the Legislative Council, would become law if passed by this Chamber for three consecutive sessions. I do not see any reason why there should be strenuous opposition to the Bill.

Question put.

Mr. SPEAKER: I have counted the House and assured myself that there is an absolute majority of members present and, there being no dissentient voice, I declare the question duly passed.

Question thus passed.

Bill read a second time.

*In Committee.*

Mr. Rodoreda in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Definitions:

Mr. WATTS: I move an amendment—

That in line 19 of the definition of "Money Bill" after the word "Bill" the words "and that in this opinion he has the concurrence of the majority of the whole number of the Standing Orders Committee for the time being of the Legislative Assembly which concurrence was obtained at a meeting of the members of such Committee convened by him for such purpose" be inserted.

On the second reading debate I expressed surprise that this provision was omitted from the Bill. The Minister for Justice lays great stress on the desirability of accepting all that this House accepts but, when it suits him, apparently he can ignore as much as anybody else that which this House has accepted, because these words were inserted in a similar Bill last year without a division—if I remember aright—and I believe even without dissent. During the second reading debate I was at some pains to read reference works on the duties and responsibilities of Mr. Speaker, and I noticed that Captain Fitzroy, a former Speaker of the British House of Commons, laid stress on the fact that responsibilities of this character laid on Mr. Speaker alone were unreasonable for him to have to bear. Every member knows the constitution of the Standing Orders Committee of this House. The wording of my amendment is exactly the same as that in the Bill passed by this Chamber last year and I have no doubt the Committee will again be prepared to accept it.

The MINISTER FOR JUSTICE: I cannot quite understand why the Leader of the Opposition should have moved the amendment, because I know him to be an able legal man, thoroughly acquainted with the position from a legal point of view. The Bill, as drafted, gives the Speaker of the Legislative Assembly power to decide what is and what is not a money Bill.

Mr. Watts: We all know that.

The MINISTER FOR JUSTICE: The amendment would make the Speaker's power subject to the concurrence of the Standing Orders Committee, and I can see no reason for that at all. Under the Eng-

lish Parliament Act, the Speaker may consult two members of the panel appointed from the Chairman's panel. If it is practicable, he may consult them, but he is not obliged to do so. There is nothing mandatory about it. But under this amendment, the Speaker must compulsorily consult the Standing Orders Committee and get a direction from a majority of them in regard to a money Bill. There is a difference between the English Parliament and our Parliament in that respect. In Western Australia, the Speaker is subject to the law of the State; his ruling may be disagreed with and it can be the subject of an appeal to a court of law. His decision, therefore, is only *prima facie* evidence of its correctness; whereas in the English Parliament the Speaker's decision is final and conclusive; there is no appeal from it.

In this Parliament, Mr. Speaker has the privilege of consulting with his two clerks and also with the members of the Standing Orders Committee. I feel sure he would consult them were he in doubt as to whether a measure was a money Bill or not. I am certain he would not act capriciously, but would give due and proper consideration to the points which he is called upon to decide. The definition of "Money Bill" is very clear; it would be very difficult for anyone to draft a Bill and hide exactly what is meant by that definition. We have always held our Speakers in the highest respect, but this appears to me to be a slight slur on their capacity and integrity. I feel certain that no Speaker would give a decision unless he had been properly informed. If he should make a mistake, we would still have redress in the courts; whereas, under the English Act, there is no such redress. Admittedly, the amendment will not alter the principle of the Bill; but I feel it is superfluous. We have carried on for a long time under our Constitution, and there have not been any arguments we have not settled ourselves. If the House did not agree with the Speaker's decision he dare not insist on it. There will be plenty of time for the House to debate any decision he might give, because the decision as to whether a Bill is a money Bill or not will be attached to the measure when it leaves this place, and not before.

Mr. McDONALD: The Minister has properly said that this amendment will not affect the principle of the Bill; in fact, his

only objection appears to be that it is not necessary. The suggestion that any reflection on the Speaker is intended can be dismissed straight away, but there must always be a question as to whether the decision of a Speaker, or any other person, is correct on money Bills or any other question. No person is going to claim to be infallible; least of all our present or any future Speaker. I can see no reason why the Committee should not accept the amendment, as was the case last year. It does not in any way interfere with the Minister's purposes, but provides a convenient safeguard on a matter of some importance; because, if the Bill is a money Bill, it can become law at once. It has not to run the gauntlet of being passed three successive times by this Assembly; and, while the definition of "Money Bill" might be reasonably clear in general, I have recollections of occasions when Bills have been given some complexion of a money Bill in order to secure for them that extra degree of immunity from Upper Houses which a money Bill appears to carry with it. In all the circumstances, this appears to be a convenient way in which the Speaker will be fortified and helped, and the House will be assured that the question of whether or not a Bill is a money Bill will have adequate consideration. I support the amendment.

Mr. SEWARD: In commending the Bill to this Chamber, the Minister drew largely upon what the House of Commons and the British Parliament had done. Now he abandons the British Parliament, and thinks we should not follow the lead of the House of Commons. As was mentioned by the Leader of the Opposition, when the Bill was before the House last year an amendment similar to this one was moved and adopted by the Committee without a division. Consequently it was only right to assume the same view would be taken on this occasion. In the "Journal of the Society of Clerks-at-the-Table in Empire Parliaments" for 1937, there is a reference bearing on this matter by the Speaker of the House of Commons. He stated—

The Speaker is the servant of the House, and as such is always willing to undertake duties put upon him by the House. When it is suggested that a new and difficult task is to be added to the existing burdens of the Speaker, it is as well, before doing so, fully to con-

sider the effect that the exercise of these duties might have upon his status in the House, and his relations to its members.

How wide Governments should frame their Money Resolutions so as to give scope for amendments to the Bills which are founded upon them is a question which may give rise to extreme controversy between different parties in the House.

I commend those words to the consideration of the Minister, because that is what we are doing with this Bill. We are throwing on the Speaker the responsibility of declaring whether a Bill is a money Bill or not. Only a few years ago there was a controversy as to whether the whole of the revenue received by a farmer from his Agricultural Bank property was Government revenue. That was a matter on which legal authorities differed. The Crown Law Department said it was; other authorities said it was not. The Speaker gave a decision in favour of the Government, saying that it was Government money, and against the Bill that was introduced by members on this side of the House. I maintain that that placed a duty on the Speaker which affected his status in the House and his relations with members, because, however impartial he is—and I give every credit to the Speaker's impartiality—he ruled against the Opposition and in favour of the Government, on whose nomination he was made Speaker; and at this stage I point out the difference between the Speaker of this House and the Speaker of the House of Commons, who is a non-party man.

We propose to ask the Speaker of this House to carry out a duty which is not exercised by the Speaker of the House of Commons. The latter has the assistance of a panel consisting of the Chairmen of Committees. We have not such a panel here, and it is therefore suggested that the Speaker should have the concurrence of a majority of the members of the Standing Orders Committee, on which the Government has majority representation. The Minister knows that the Standing Orders Committee consists of Mr. Speaker, the Chairman of Committees, Mr. Doney, Mr. North and Mr. Withers; so there are three Government nominees and two from the Opposition. All the Speaker requires is the concurrence of the majority of the committee in his decision that a Bill is or is not a money Bill. That would improve and uphold the status of the Speaker; otherwise,

the Opposition, which has not the privilege of nominating the Speaker, could, in the event of his upholding the Government, feel that he was biased in favour of the Government. If he had the opportunity to consult that committee any unpleasant impression would be removed. I hope the Minister will accept this amendment which was agreed to last year without even going to a division.

Mr. WATTS: The Minister should be reminded of his utterances on this question last year and also of the fact that he carefully skimmed over that aspect of the matter in offering some opposition to my amendment this evening. "Opposition" is hardly the word; shall I say, some observations thereon. The original amendment moved was that the Standing Orders Committees of both Houses should be consulted, and to that the Minister for Justice objected. The member for Williams-Narrogin, as disclosed by "Hansard" of the 7th November, 1944, moved to strike out the words "Legislative Council" so that there would be no reference to the Legislative Council's Standing Orders Committee in the amendment. The Minister for Justice said—

I have no objection to the amendment on the amendment. Apparently it means that the decisions of the Speaker will be subject to the Standing Orders Committee of the Legislative Assembly.

The amendment on the amendment was carried on the voices, and then the member for West Perth said—

I wish to ask the Minister whether the amendment, as now amended, is acceptable to him.

The Minister for Justice: Yes.

So it has taken the hon. gentleman something like 12 months to discover one or two arguments which might be used in opposition to a proposal to which he had no comment to make other than the word "Yes" when he was asked if he agreed to it. Quite apart from the obvious desirability of accepting—if one is bona fide in one's intentions—the amendment passed by this Chamber a year ago, there is the fact that the Minister expressed himself as being in favour of it. There is also the more important fact, perhaps, that it is a desirable proposal for the reasons given by the member for West Perth and, more particularly, by the member for Pingelly. I

hope the Minister will see fit to take up the same attitude as he did last year.

The MINISTER FOR JUSTICE: I have no violent objection to the amendment. Probably the position was not quite what I thought it was last year. The Speaker of the House of Commons has more power than our Speaker. Also the Speaker has the aid of his clerks and of his Standing Orders Committee. I have no real objection to this amendment and will, therefore, leave it to the Committee.

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

Clause 3—Amendment of Section 2:

The MINISTER FOR JUSTICE: I move an amendment—

That in line 2 the word "adding" be struck out and the word "inserting" inserted in lieu.

Amendment put and passed.

The MINISTER FOR JUSTICE: I move an amendment—

That in lines 2 and 3 the words "lines five and eight" be struck out and the words "line four" inserted in lieu.

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

Clause 4—Enactment of legislation by joint sitting or by Legislative Assembly alone:

The MINISTER FOR JUSTICE: I move an amendment—

That in lines 3 and 4 of paragraph (i) of proposed new Section 2A the words "the end of the session" be struck out with a view to inserting the words "The date of the conclusion of the business transacted in the Legislative Assembly in the session in which such Bill is passed as aforesaid" in lieu.

Mr. WATTS: I presume that the Minister will move to insert the words on the notice paper in lieu of those he proposes to strike out. I warn him that by striking out these words he will not cure the difficulty, as I see it, because he will still have an unascertainable date. I would like to know if his only proposal is the one set out on the notice paper.

The MINISTER FOR JUSTICE: The Leader of the Opposition argued that the House is adjourned and not prorogued, and that there might be some difference of opinion if we left the Bill as it was printed. That is the reason for my bringing forward this amendment on the advice of my legal advisers.

Amendment (to strike out words) put and passed.

The MINISTER FOR JUSTICE: I move—

That the following words be inserted in lieu of the words struck out "The date of the conclusion of the business transacted in the Legislative Assembly in the session in which such Bill is passed as aforesaid."

Mr. WATTS: I am afraid this is not going to cure the defect with which the Minister is faced. Having got rid of the words "the end of the session," which were open to the objection he mentioned—and which I think I first mentioned to him—he now proposes to make it the date of the conclusion of the business transacted in the session in which the Bill was passed. When is the business of the Legislative Assembly concluded for the session? The notice paper simply shows a motion that the House at its rising adjourn to a date to be fixed by Mr. Speaker. There may be no items of business not disposed of on the notice paper, but there may be many such items on it. There may be half a dozen Bills and motions such as are finally referred to as being among the slaughtered innocents. Then I take it the business on the notice paper, which is the business of the session, is unconcluded, because some of it is unconcluded. It would be quite practicable for the Speaker to decide to call the House together again after three or four weeks, or some other period, and for the House to proceed with that same business, which would still remain on the notice paper, being the unexpired business of the then current session.

I therefore submit that the Minister is no nearer a solution of the problem than he was 10 minutes ago, before striking out the words "the end of the session," nor do I suggest that I have the answer to the problem. We cannot leave it in the air so that a Bill, introduced a week or two before the motion to adjourn to a date to be fixed by Mr. Speaker is passed, can be regarded—notwithstanding that the Legislative Council is not sitting, when it does sit at some future time—as having been brought before it within the time prescribed by this measure. In seeking to help the Minister to effect a solution I submit that some contribution to that end may be made by adding to the amendment now before us the words "or the day on which the Legis-

lative Assembly adjourns to a date to be fixed by the Speaker, whichever is the earlier day." Then if there does come a day when the business is actually concluded and there is nothing left on the notice paper, the words sought to be inserted by the Minister will, as I see it, be operative. If, on the contrary, we simply say it shall be with a half finished notice paper, by moving that the House stands adjourned to a date to be fixed by Mr. Speaker, that will be the day—if my wording is accepted—upon which the time limit for the Legislative Council will be calculated. On those grounds, and to clear up this rather strange position, I move—

That the amendment be amended by adding the following words:—"or the day on which the Legislative Assembly adjourns to a date to be fixed by the Speaker, whichever is the earlier day."

The MINISTER FOR JUSTICE: I am anxious to overcome this difficulty, and I discussed the matter fully with the Solicitor General, who maintained that this amendment would overcome the objection raised by the Leader of the Opposition. He had read what the Leader of the Opposition had to say, and he is a draftsman of high standing, with a great deal of knowledge. I think he gave that aspect consideration. On the other hand I cannot, as a layman, see any harm in the amendment moved by the Leader of the Opposition. I think we might have that amendment inserted in another place. We could then look at this measure again and perhaps find something that would be more effective.

Mr. WATTS: If the Minister allows it to go in here, and if his legal advisers say it is unsuitable, and the Bill is going to pass another place, it can there be taken out. I think that is the more reasonable proposition.

Mr. McDONALD: I appreciate that there is some difficulty in arriving at an exact expression to meet the situation pointed out by the Leader of the Opposition on the second reading of the Bill, but I am inclined to think the present wording will meet the case. All the Government need do is to ensure that the business of the House is carried on for a month after the Bill is sent to the Legislative Council. In the case of a Bill that the Government knows may be controversial or possibly subject to rejection by another place, it would take the obvious precaution of sending the Bill on

from this House to another place at a time when it was reasonably certain that there would be a month's further business before the House. If there was any doubt about that it would be competent for the Government to continue the business of the House sufficiently long to make up the necessary one month. I appreciate the position outlined by the Leader of the Opposition, but I think the present amendment will meet the situation.

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

Mr. WATTS: I move an amendment—

That after paragraph (i) of proposed new Section 2A a new paragraph be inserted as follows:—(ii) A "Money Bill" shall be deemed to be passed by the Legislative Council without amendment if it is passed by the Legislative Council and returned to the Legislative Assembly with a recommendation that a part or parts of such Bill shall be altered or omitted or new words inserted. Provided that the Legislative Assembly may at its absolute discretion accept or reject such recommendation with or without modifications.

As I understand the Bill before the House, the Legislative Council has no right to do anything with a money Bill, once it has passed this House, except to reject it. It cannot make a suggestion or an amendment of any kind, whereas the procedure even in the House of Commons, in relation to the House of Lords, is that the House of Commons is prepared to give consideration to recommendations that may be made, and it has been stated that that has been of value in enabling corrections to be made in matters which were overlooked in the House of Commons. If this Bill is to become law I do not want a state of affairs different from that. I have made the position plain by saying that the Legislative Assembly may, in its absolute discretion, accept or reject such recommendations, with or without modification, and in the case of rejection that would be the end of it. I think it is desirable to make it plain that such a suggestion or recommendation, supposing this Bill becomes law, can be made by the Legislative Council even to a money Bill; hence this amendment.

The MINISTER FOR JUSTICE: This is really superfluous because the amendment refers only to a recommendation, and naturally this Chamber can use its discretionary power in determining whether it

will, or will not, accept any such proposal. However, the amendment will not alter the principle of the Bill and in the circumstances I have no objection to it.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That in line 3 of paragraph (ii) of proposed new Section 2A after the word "years" the words "or to reduce such maximum duration below three years or a Bill to amend the Constitution Act, 1889, or the Constitution Act Amendment Act, 1899, or this Act or a Bill by which any change in the constitution of the Legislative Assembly or of the Legislative Council shall be effected" be inserted.

It seems to me that the Bill provides only that the special provisions in regard to the restriction on the right of veto by the Legislative Council shall apply only in the case of a Bill to increase the lifetime of Parliament and certainly to nothing else. I think it should apply to the Constitution Acts, especially to the particular amendment embodied in the Bill because, if the Government succeeds in having this Bill passed, I assume it will be satisfied for some time to come. Any other limitation imposed on the Legislative Council should not apply to the provisions of this Bill if it becomes an Act. I do not think it should apply either to the Constitution which expressly provides for certain methods by which it can be amended. These amendments do not concern only the rights of the Legislative Council or the Legislative Assembly as such; they concern the rights of the people to an equal extent and also conserve the rights of members of Parliament. I do not think that in any circumstances the Constitution Acts should be included under this measure, at least at the present time. If I read aright the mind of the Minister for Justice in this matter, what has actuated him in this measure—whether he is right or wrong in his view does not matter—is that the Legislative Council has been a disturbing or obstructive element with regard to social and progressive legislation of various descriptions. Let us suppose that his point of view is correct. There is no good reason in that point of view why the Constitution Acts should be included in the very stringent paragraphs of this Bill.

The MINISTER FOR JUSTICE: I do not think we should oppose the amendment, because the Bill was not brought

down for the purpose of abolishing the Legislative Council. That point has been emphasised on every occasion possible. Its object is to deal with deadlocks. We should not interfere with the Constitution per medium of this Bill. This matter has been given a lot of consideration and the Government realises the effect the Bill could have on the Constitution with regard to either House of Parliament. In order to show that it is sincere in its endeavours, I shall not oppose the amendment.

Amendment put and passed.

The MINISTER FOR JUSTICE: I move an amendment—

That in lines 7 and 8 of paragraph (ii) the words "end of the session" be struck out, with a view to inserting the following words:—"date of the conclusion of the business transacted in the Legislative Assembly in which such Bill is passed as aforesaid" in lieu.

Amendment (to strike out words) put and passed.

The MINISTER FOR JUSTICE: I move—

That the following words be inserted in lieu of the words struck out:—"date of the conclusion of the business transacted in the Legislative Assembly in which such Bill is passed as aforesaid."

Mr. WATTS: In view of the earlier amendment, it will be necessary consequentially to amend the Minister's amendment. I move—

That the amendment be amended by adding the following words:—"or the day on which the Legislative Assembly adjourns to a date to be fixed by the Speaker, whichever is the earlier day."

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

Mr. WATTS: I move an amendment—

That the following words be added to paragraph (ii):—"and unless a general election of the members of the Legislative Assembly has been held between the second and third sessions in which such Bill was passed by the Legislative Assembly."

It will be noted that the Bill proposes that where a measure has been passed by the Legislative Assembly in three successive years and rejected by the Legislative Council, unless the Assembly directs to the contrary, it shall become law on the assent of the Governor being signified, notwithstanding that the Legislative Council had not consented to the Bill. The paragraph goes

on to set out that this provision shall not take effect unless two years have elapsed between the date of the second reading of the Bill in the Legislative Assembly in the first of those sessions and the date on which it passes the Assembly in the third session. I wish to insert my amendment at the conclusion of that provision. I take it seriously that this represents an opportunity to submit contentious proposals to the people. We have heard much from the Minister and other speakers about democratic principles.

Without attempting to define something that is extremely difficult of definition, it is quite clear that what most of us mean when we talk about democracy is the will of the majority of the people. There is only one way to gauge the will of the majority of the people and that is to ask them to vote upon the question. Now we come to the position where some controversial piece of legislation has been passed by the Assembly twice and rejected by the Council twice. The Government that introduced the measure goes to a general election. If it is returned and the Council again rejects the measure, it will become law whether the Council likes it or not, because the people will have spoken. On the contrary, if the Government were defeated, it would be quite obvious that the measure it desired to foist on the Council, and incidentally on the people, was not desired by the people and should not be put upon the statute-book. Here we would have the true test required of the democratic intentions behind the measure.

The MINISTER FOR JUSTICE: I have been very generous, but I must oppose the amendment because it will be restrictive and will delay legislation. When the Government goes to the people, it will do so with a policy, and the people will be perfectly informed on it and will understand exactly what is desired. This having been done, there could be no reason why we should return to the House to put into operation the policy announced during our campaign only to have to wait for another session. Under the Bill, the Government would have the option of not introducing anything contentious until the second year because it could still carry on into the following session, if it so desired. If the Government had any vital legislation that it wished to place on the statute-book, the

effect of it would be made clear to the electors. If we moved in one year, we would have only two years of the life of Parliament remaining to us, and then the measure would have to be brought down in the first year of the next Parliament in order to be in time. I do not think the Leader of the Opposition is quite sincere about the amendment. I believe he is progressive and would not wish to hold up any vital legislation. Members opposite might have some legislation that they desired to get passed and the amendment would mean that the measure would be delayed for 12 months.

Mr. McDONALD: I think the Minister would be wise to accept the amendment. If there was disagreement between the two Houses on three occasions, it would follow that the matter was one of some moment and that there was justification for differing views. If the matter were urgent, the Government could ask for a dissolution of the Assembly and could go to the people and get rapid endorsement of its policy in order to ensure that the overriding of the Council could proceed in the minimum time set out in the Bill. The Upper House is admittedly an elective body and some provision should be made to consult the people before taking the extreme step of imposing upon the Upper House the will of the Lower House. The amendment is desirable and I strongly support it.

Hon. J. C. WILLCOCK: I hope the amendment will not be seriously considered. If there is any likelihood of members agreeing to the principle contained in the amendment that an election should intervene, I cannot see why it should be between the second and third time the measure is passed. Legislation might be introduced for the first time in the last session of the Parliament and, as long as an election intervened, it could be passed the second and third times in the next Parliament, but the amendment seeks to make it mandatory that the election be between the second and third sessions in which the Bill was passed. If the word "second" were struck out of the amendment and the word "first" inserted in lieu, it would not matter when the election took place. This would meet the view of the Leader of the Opposition that an election should intervene. I move—

That the amendment be amended by striking out the word "second" and inserting the word "first" in lieu.

Amendment on amendment put and passed.

Hon. J. C. WILLCOCK: I wish to make my position clear. I am not voting against the Minister; I simply moved the amendment I did in case the amendment of the Leader of the Opposition were carried.

The MINISTER FOR JUSTICE: I cannot agree to the amendment. The matter will have gone before the people, who will have decided upon the policy. The amendment is restrictive and will delay progress.

Amendment, as amended, put and negatived.

The MINISTER FOR JUSTICE: I move an amendment—

That in line 5 of the words of enactment in paragraph (vii) of proposed new Section 2A the figures "1899" be struck out and the figures "1889" inserted in lieu.

Amendment put and passed.

The MINISTER FOR JUSTICE: I move an amendment—

That in line 6 of the words of enactment in paragraph (vii) of proposed new Section 2A after the word "Constitution" the word "Act" be struck out and the word "Acts" inserted in lieu.

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

Title—agreed to.

Bill reported with amendments.

## **BILL—STATE ELECTRICITY COMMISSION.**

### *Second Reading.*

Debate resumed from the 18th October.

MR. DONEY (Williams-Narrogin) [9.34]: I unhesitatingly support the second reading of this Bill, which is of the utmost importance to members in the South-West part of the State and no less to members along the Great Southern line. It, and the other two related Bills, may be said to be the first necessary step in the implementation of what has become known as the South-West power scheme. It can be said of the Bill that it is well drawn; possibly that is because it is based so largely albeit not wholly upon a comparable measure in Victoria. I have no doubt it can properly be said to be a compliment to the draftsman in this State. At all events, I welcome the scheme. It is a big and a bold scheme. It has been asked for. It should assist settlement, and it should minister, too, to industrial progress.

I hope that not many years will pass before similar schemes are installed in other parts of the State. Certainly, it will not assist the householder—I am referring now, of course, to the present Bill—in centres where local authorities or concessionaires operate; that is, of course, unless there happens to result some substantial lessening of the cost of light and power. It will certainly lighten the load for the farmer's wife and children and for the farmer himself as well; equally so will it end drudgery in many an isolated home.

It may not be in the servicing of isolated homes that the commission will do its most profitable work, but in that direction it will be doing what I conceive to be its best work; and very certainly we on these benches—and I suppose every other member of this Chamber, for that matter—may be relied upon to use every effort to assure that the effectuation of that phase of the commission's responsibility is not unduly delayed. As I see it, it is the duty of this House and another place thoroughly to debate this and the other two Bills in order to master their many complexities, and not finally to pass them unless we feel an assurance that they meet the needs for which they were designed. I put the question: Are we competent to discharge that duty? I reply, not wholly, at present anyway. It can readily be agreed, I am sure, that in order to comprehend the feasibility and the fairness of the proposals, we need light upon their technical, their financial, their constructional and their legislative aspect. There is no doubt at all—at least I imagine so—that the last three are well within the scope of our understanding; but as to the technical aspect, we need to remember that we have not a single technician among us, or, if there is one, his ability in that direction has been kept well hidden.

I therefore think the House will agree that we need the technical facts—so frequently referred to in the three Bills—submitted to us in a plain way, so that plain men can understand. It will be claimed that we have experts to meet our technical needs—I know that that is so—but the point is that someone has to check up on the experts. I know very well that we have our Mr. Taylor, our Mr. Edmondson, our Mr. Orr, and behind them stands our Mr. Dumas—a solid, reliable and very thorough man—our Chief Engineer in this State, our

Director of Works and holder, I suppose, of quite a number of other offices. He is a man we esteem very highly indeed. These gentlemen, with the exception of Mr. Edmondson, who is not in the Government Service, are all our own public servants, our very best, and very much more to our liking for a job of this kind than anybody we could have imported from the Eastern States. But we have no right to take even their conclusions for granted. The House knows very well that at the third reading of these Bills, we shall be called upon finally to approve of those conclusions. I submit this question: How can we possibly approve if we do not first understand? I would have liked these gentlemen to appear before this House so that, by a process of question and answer, they might explain why certain decisions were arrived at—mainly technical, occasionally financial. For, after all, the Minister cannot be expected to have stored up in his mind all the answers to the many problems of this many-sided project.

It is noted that we are now to change to what is known among technicians as standard frequency—that is to say, to the 50-cycle from the 40-cycle frequency that we have had for so long—and therefore, of course, will conform to the system adopted throughout the Commonwealth, I think, and also—I believe, but again I am not sure—throughout the Empire. Hitherto, and for that matter still, we have had and have the 40-cycle frequency. Surely that must have been to our detriment. I can imagine Eastern States manufacturers coming here perhaps to open up a branch of their enterprise, but changing their minds when they found that the standard machinery and the general equipment they had brought with them could not be used under our out-moded 40-cycle frequency, short of costly adjustments. We are now accepting standard frequency. I ask: Why did we not at the same time plump for a standard voltage? I do not mind admitting that I need considerable tuition in this matter, but most of us know that voltage is the term that denotes electrical pressure.

We are told in the report that the intention is to instal in connection with the works under review 440/250 volts in lieu of 400/230 which is the standard voltage used in England and also by the Victorian Electricity Commission and elsewhere. Admittedly the other States have not adopted

the standard voltage—that is the 400/230 voltage—but theirs is much nearer to it than is the voltage the committee proposes for use in this State. Actually, I believe the Eastern States have the 415/240 voltage as against the committee's 440/250. That may not seem very much to the lay mind, but to the technician it is a very big and consequential disparity indeed. I admit that I know very little about these matters, and I have no doubt that the committee could put up convincing reasons for what it has done, for, to the members of that committee, the matter of variations in voltages would be most elementary. Still, although we lack the knowledge—and possibly all the more so on that account—we want to be apprised of the reasons; I think we are entitled to have the reasons for that and any other reasons we seek in connection with our investigations into this matter. To the lay mind I suppose there would appear little difference between the standard 400/230 and our own proposed 440/250.

Mr. North: There is the question of costs.

Mr. DONEY: The question of cost may come into it. But we must not forget we are laying the foundations for a structure which is to last for a long time, and we should be very tardy indeed in regarding cost as a prime factor in this matter. I was trying to make the point that whilst to the lay mind there would seem to be little difference between the 400/230 and the 440/250 voltages, I had thought myself that in actual practice the 440/250 would very considerably shorten the life of any apparatus of standard voltage connected with it. I put the question to the Minister who, I hope—in fact I feel sure—is listening, whether that is so. That is one of the points I want some information on.

The Minister for Works: The last word has not been spoken in regard to that.

Mr. DONEY: That indicates to me that there is apparently some point in the remarks I am making.

The Minister for Works: Yes, there is.

Mr. DONEY: I put further to the Minister the question whether the committee could not just as easily and without unduly increasing the cost have installed this standard voltage; or, if not, then the next best—the 415/240 voltage of the Eastern

States. I am mentioning the 440/250 voltage as being the accepted voltage of the committee because that is the one it named in its report. I do not know whether the voltage is named in either of the three Bills. It probably is not; but if any is mentioned, it is that one.

The Minister for Works: The points you have raised are receiving further consideration by the committee.

Mr. DONEY: I am glad to know that is so. I am willing to admit that if ultimately it chooses the 440/250 voltage, having regard to what I know of the personnel of the committee, it will have excellent reasons. I understand—though I do not assert it—that all major research in the electrical world is carried out under standard voltage; and that for general manufacturing purposes, for medical apparatus and for general electrical equipment, standard voltage is used. It might be quite proper to raise the objection that all that would be necessary to accommodate the 440/250 to apparatus of standard voltage would be simply a few easily contrived adjustments. That may be, but one is entitled to put the question: If that is so, why not instal the standard voltage at the commencement, because it needs no adjusting? I would ask, too, whether the absence of immediate adaptability to standard voltage apparatus from the Eastern States would not in some cases discourage certain Eastern States firms from opening branches here. I put to the Minister the question as to whether that aspect of these problems had been considered by the committee.

The Bill gives to the commission, if I have read it correctly, the right to make and sell electrical apparatus. I ask whether it chose the 440/250 voltage, which is different from all other voltages, because it would then have a virtual monopoly, not only of the manufacture but also the sale of its own apparatus and appliances.

Mr. North: Are they hard to manufacture?

Mr. DONEY: I have not sufficient knowledge to be able to answer the hon. member's interjection. If that is the reason I hold it to be a quite proper and allowable one, but I say that standing by itself it is not a sufficient reason. The Minister will need to show that what we gain there—that is the profit on apparatus of our own

manufacture—is not later lost by our inability to accommodate standard and Eastern States voltages. I admit again that the committee is probably right in its decisions. I hope it is and I hope it can justify them, but many electrically-minded people think to the contrary and, of course, they are entitled to have their fears set at rest. After reading the three Bills with reasonable care, my judgment is that not for some years yet will there be any question of assuming control of plants run by local authorities and by concessionaires. Might I ask what is the intention as to the staffs at present running these plants? Will they be retained? Plainly that is a question of substantial consequence to the various people employed in the different centres throughout the State. To me the obvious answer is “yes.” I would, however, like the Minister to make a statement on that question. I assume that there will be line maintenance, attention to the needs of the sub-stations and, in due course, additional work attendant upon the extensions to farms. So there would appear to be plenty of work—probably more than there is now—to keep busy, on the Government’s account, the existing staffs.

The Minister for Works: Generally speaking the present staffs would be taken over by the commission.

Mr. DONEY: That is the decision that I anticipated. Obviously some reasonable process of selection would be followed, and here and there a man, found not to be entirely suited to the job, would for good reasons be passed over. I take it, of course that they would become the same as other servants of the commission, so that in due course they would be eligible for the benefits under the Superannuation and Family Benefits Act and such other benefits as Government servants get. I would like to ask whether, during the committee’s tour of the South-West and the Great Southern it canvassed the municipalities and road boards for their opinions as to their willingness to come under the scheme. In discussing this matter with local authorities I have not noticed any dislike to the scheme; on the contrary I have been impressed by the fact that they seem to appreciate it deeply.

One part of the Bill that makes a very special appeal to members on these benches is that which envisages the extension of electric light and power to farm houses. But

I do not recall seeing anything in the Bill to indicate any early activity on the part of the Government to commence these extensions. I realise that everything cannot come first.

The Minister for Lands: That would not be in the Bill, anyhow.

Mr. DONEY: Well, it might possibly have been included in the Minister’s speech, but he did not mention it. Nor is it to be found in the report. So I think it a quite proper matter to submit to the Minister for enlightenment a little later in the debate. What I did see, incidentally, were three paragraphs, Nos. 10, 11 and 12 of the report that I like very much. To me they read like three paragraphs that might have been lifted from the platform of the Country and Democratic League. As part of the report they constitute a form of plagiarism that I readily and cordially condone. These paragraphs deal with the long hours, the hard work and the general lack of amenities available to the women and children on the land.

The witnesses who gave evidence in respect of extensions to farms prompted, I think, the conclusions of the Electricity Advisory Committee, that migration to the city can best be arrested by making rural home life more attractive. In that conclusion I naturally and readily concur. I am among the many who consider that the farmer and others who live similarly isolated lives are entitled to all feasible labour-saving amenities. Let it not be said that, as a class, they were denied an early opportunity of having them. Let us stretch a point wherever possible, so that the largest number may benefit. This is their opportunity, and if they do not get it now they may never get it in their lifetime. It must be recognised that the greater the isolation the less the likelihood of their being attended to quickly, if ever. I do not know whether the House will be able to find a solution to that problem but I hope that during the debate some clue may be given to its solution. In its report the committee asks that farmers shall be required to pay the expenses of being connected with some selected centre.

The Minister for Lands: That is the snag.

Mr. DONEY: The Minister refers to that as a snag, and I know of no word more descriptive of the position than that. It will be hard to take. I do not know whether the committee can suggest any suitable

amendment. We cannot very well suggest an amendment, because the reference I am making is to be found in the report, and I know of no way in which we can amend that report. That is a matter on which I think I should touch, but I will first refer to one of the Eastern States, which has a far better financial status than that of Western Australia. That State features farm extensions through its State Electricity Commission. In reading up that matter I noticed that during the year ended the 30th June last, and despite the many supply difficulties encountered, that commission linked up an additional 1,327 farms to its system. Prior to that its biggest success was in 1939, when it linked up about 900 farms. I agree that those figures are far beyond the competency of this State. I am not mentioning these figures to disparage in any way the efforts of this State, and I have ascertained that they are beyond what has been achieved by any other State.

The Minister for Lands: In Victoria the farms are within a stone's throw of one another.

Mr. DONEY: That is so, and for that and other sound reasons I say such figures are beyond the competency of this State. Here the distances are greater and farms are more widely dispersed. Supply difficulties are more intensive here than on the eastern side of the continent. We do not yet know the personnel of the proposed commission. In its report the Electricity Advisory Committee requires the House to agree to the appointment of the three existing members of the committee, plus a representative of the Treasury. I think that appointments along those lines would have been acceptable but it appears that, whilst they may figure in the proposed commission somewhere, there is still to be a substantial departure from what the committee asked. I care not who they are, so long as they know their job and are fair to all parties and possess that rare quality, a rural complex.

The Minister for Lands: They also need a bit of vision.

Mr. DONEY: I am glad the Minister takes that seriously for once.

The Minister for Works: Would the member for Williams-Narrogin agree to giving the consumers representation on the commission?

Mr. DONEY: Yes, and I know the question that follows that one. I agree to the consumers having representation on the commission.

Mr. McLarty: How would one select them?

Mr. DONEY: If I had a method for selecting them, what use would it be to tell it to the House? The Minister has his own way and if that question was put to him it should not present a very big problem.

Mr. Abbott: How can any individual represent the consumers as a whole?

Mr. DONEY: How can anybody represent anybody else? We choose a man with certain specialised knowledge having a bearing on the problems and needs of the people he seeks to represent.

The Minister for Works: How can the member for North Perth represent the electors of North Perth?

Mr. DONEY: Completely and properly! I have no fears in that regard and neither have I any fears as to the appointments to this commission. I think it is safe to predict that when this Bill is in Committee there will be diverse views, particularly as to the transfer of assets, obligations and liabilities to the commission, regarding compulsory acquisition and the commission's powers as to undertakings, etc. There is power given, compulsorily or otherwise to buy all or any of the coalmines at Collie, but with what object would the commission seek to acquire them? Since the commission will have the power—plainly set out in the report and in the Bill—to investigate coal deposits, will it investigate those known to exist, where a considerable amount of the earlier investigatory work would not be necessary, at Irwin and Eradu?

The Minister for Lands: That has already been investigated.

Mr. DONEY: I admit that the Minister has made some investigations and I am obliged to him, because I know that country. I know how much work the Minister has put in there, and it is not a great deal.

The Minister for Lands: It is more than anyone else has done there.

Mr. DONEY: I know that, but the Minister realises that the work is not one-tenth completed. He would not be able,

from the investigations so far made, to put up a report that he would consider satisfactory and, therefore, his work in that direction has only started. He does not know what those fields contain. Investigation and exploitation of the fields I mentioned would be with a view to their use for the supply of electric power for the proposed Geraldton district, and so that to some extent by building up reserves of coal we would render ourselves less subject to disturbances at Collie. I am sure the Minister will agree with me regarding the necessity to build up reserves for that purpose.

The Minister for Works: The commission can have no policy because as yet there is no commission.

Mr. DONEY: No, but we need not overlook the fact that the committee has set down its hopes and fears with regard to the future of that which they refer to as "the scheme," and by and bye we will be asked to adopt the committee's report which will contain instructions for the commissioners when they commence their work. The Minister is a little dubious as to the title for the scheme, as to whether it should be known as the South-West power scheme or the South-West and Great Southern power scheme. I notice that the several proposed districts have been named according to their respective geographical situations, and if we follow those lines, since the scheme we are now discussing will have almost as long a mileage of overhead wiring on and over the Great Southern as it actually has in the South-West, there can be no doubt that the scheme had better be referred to in futuro as the South-West and Great Southern power scheme. However, whatever the title may be I do not think it matters very much.

Mr. Withers: What is in a name?

Mr. DONEY: Quite so, but we might as well be geographically exact. As the matter of acquiring the Collie power scheme is one of the recommendations of the Electricity Advisory Committee in the report that is now in the hands of members, we must remember that the report contains many other recommendations as well, and the Bill requires members to approve of the report.

The Minister for Lands: What Bill are you supposed to be discussing?

Mr. DONEY: The Bill now before the House does not do that, but one of the other electricity Bills deals with the question and

asks Parliament to approve of the report and to adopt the committee's Collie and other recommendations as well as to authorise the effectuation of the South-West power scheme in the manner set out in the report. In essence, therefore, the report becomes a part of the Bill and, in my opinion, the most important part. Consequently it becomes necessary for every member closely to study the report. In doing that we are handicapped because we lack knowledge, particularly on the technical side. Short of that it can, I think, be said that our four friends of the advisory committee have been considerate enough to frame the report in terms generally suited to the limitations of the lay mind. For that I and, I assume, every other member of the House must feel very appreciative; I know that I do. As a matter of fact, however, the report is not—I cannot understand why it is so—an integral part of the Bill.

I am personally somewhat dubious as to the consideration of the report in the debate and in our ultimate decisions. It may be possible that our legal members may care to discuss the question whether it might not have been better had the report been an addendum to the Bill. As things are, members will have noted that its descriptions, formulae and recommendations will, with the passing of the Bill, be clothed with just as much authority as if they had been a portion of the Bill itself. As matters stand, I presume we will not be able to amend the report. I do not know what attitude will be adopted in that regard, but I cannot see how we could amend someone else's report and afterwards describe it as their report. Of course we could accept it in part but we could not add to or alter it.

The Minister for Works: I think you ought to discuss all these matters on the South-West State Power Scheme Bill, not on the State Electricity Commission Bill.

Mr. SPEAKER: It appears to me that the hon. member is discussing the South-West State Power Scheme Bill.

Mr. DONEY: Yes, but I do not think the Minister was quite so precise as that in dealing with this matter. All these major pieces of information were given by him on the first Bill he dealt with. I was not in the House at the time and can speak only from my perusal of the speech he delivered, which I have since seen.

Mr. SPEAKER: If the hon. member looks up the Minister's speech he will find otherwise.

Mr. DONEY: If you, Mr. Speaker, say that is so, I know very well that it would be so. I merely wish to state that I had desired to speak for a few minutes more on this matter because that would lead up to, and be a suitable explanation of, an amendment which I find it necessary to submit. In view of what you, Mr. Speaker, have said, and which I must accept as a ruling from you, I shall curtail my remarks and intimate that I wish to move an amendment. Before doing so I say to the Minister in particular that I have no wish to delay the consideration of the Bill, but quite the contrary. I regard it as essential in the consideration by the House of a matter so extremely important as this is, that we should thoroughly understand what we are doing. Consequently, in respect of the Minister's motion that the Bill be now read a second time, I move an amendment—

That all the words after "that" be struck out with a view to inserting the following words "further consideration of the Bill be suspended pending the calling to a special meeting of the House of the members of the Electricity Advisory Committee for the purpose of answering questions submitted by members in respect of the South-West Power Scheme, the day and hour of the meeting to be determined by Mr. Speaker."

Mr. J. Hegney: Where is the special meeting to be held?

Mr. DONEY: In this House, not while members are sitting but at a special hour.

**THE MINISTER FOR WORKS** (Hon. A. R. G. Hawke—Northam—on amendment) [10.21]: I do not propose to support the amendment, the effect of which might easily be to delay the passing of this legislation until next year. That could easily be the effect of the amendment, though I am not suggesting that it is the intention behind the amendment. The proper course to follow is to debate the Bill. I have already arranged to receive a "Hansard" proof of every speech made on the Bill. Each such speech will be carefully checked by the secretary of the Electricity Advisory Committee and every relevant question of importance that is raised will be dealt with in replies that will be given in this Chamber.

If any member is in doubt about any technical aspect of the Bill, he has the right to discuss the question with the secretary or chairman of the committee or, if it is thought to be important enough, to discuss it with the full committee. This would provide a reasonable avenue for members to use for the purpose of more fully informing their minds upon any special phase or for the purpose of clearing up any doubt that might exist regarding anything contained in the Bill. If this course were followed, I am sure that every member would soon place himself in the position of being able to frame any amendments he considers advisable. This would conserve the time of everyone.

If the members of the Electricity Advisory Committee were to come here and be questioned and cross-questioned, I am afraid we would have a mammoth sitting or several very long sittings, and it might easily be that in the welter of questions and cross-questions, we would finish up very much more confused than any of us might be at the moment. I hope, therefore, that any member who has questions or doubts or suggestions will take early advantage of the opportunity of discussing them with the secretary or chairman of the committee or, if necessary, with all the members of the committee. I feel confident that this method of approach will be found to be completely satisfactory.

**MR. WATTS** (Katanning—on amendment) [10.26]: I think we should be indebted to the member for Williams-Narrogin for having given the Minister the opportunity to make the remarks which he has just uttered and which are very satisfactory to me. I frankly confess that when one reads these Bills, and more particularly the report of the committee, one finds some difficulty having little or no knowledge of matters electrical, of grasping just what is intended or the implications of the statements made. It was quite obvious to me—and I think to the member for Williams-Narrogin also—that if some definite method were not available to members of having those little problems solved, it would not be a fair proposition to ask them to arrive at a conclusion on matters of this sort. However, what the Minister has said is satisfactory to me, and the various points I have in mind will be taken up with the committee and doubtless they will be answered satisfactorily by one or other of the methods suggested by the

Minister. Therefore I suggest to the member for Williams-Narrogin that he should withdraw his amendment if he feels as satisfied as I do with the Minister's observations.

Mr. DONEY: In view of the Minister's very satisfactory offer—satisfactory to me, at any rate—and having received the concurrence of my colleague, I had already decided to ask leave of the House to withdraw my amendment.

Amendment, by leave, withdrawn.

On motion by Mr. North, debate adjourned.

## **BILL—ELECTRICITY.**

### *Second Reading.*

Order of the Day read for the resumption from the 18th October of the debate on the second reading.

Question put and passed.

Bill read a second time.

## **ANNUAL ESTIMATES, 1945-46.**

### *In Committee of Supply.*

Resumed from the 25th October; Mr. Rodoreda in the Chair.

*Vote—Crown Law Offices, £99,750—agreed to.*

*Vote—Licensing, £2,700:*

Item 1, Salaries and Allowances, £2,530.

Mr. TRIAT: Has the Minister or the Government given consideration to the question of the enormous amount of traffic taking place within the State of public houses tied to breweries? In my opinion this would be a fruitful source of revenue. I understand that action has been taken in this direction in both New South Wales and Queensland. I should say that fully 75 per cent. of the hotels in the metropolitan area are tied to breweries, while all the hotels on our goldfields are also tied to breweries. There are three major breweries carrying on business in Western Australia, the Swan Brewery, the Emu Brewery and the Hannans Brewery. I understand that these are now amalgamated and are under one control. A hotel is taken by a lessee at probably the nominal rent of £8; then, within a very short period of time, his rent is reviewed and considerably increased, until we find that the rents of some of the hotels in

Western Australia are outrageous. I know that as much as £30 a week is being paid for some hotels on the goldfields. Not only have the breweries the sole right to supply beer and spirituous liquors to the hotels, but also groceries and household linen, from which they no doubt get a rake-off. I earnestly ask the Minister to give this matter serious consideration and to bring down legislation next session similar to that now in force in New South Wales and Queensland.

Mr. Withers: Canada is the country we should copy.

Mr. TRIAT: I understand there is a community hotel at Cunderdin. The member for Hannans has drawn my attention to it. I believe it is not tied to any brewery, although it is working on an overdraft. The hotel gives excellent service to its customers and supplies good refreshments. Most of the hotels seem to have been turned into beer houses; the accommodation provided for travellers is extremely poor, as is the food. Too much attention is paid to the lounge bar trade, where the charge for the liquor is higher than it is at the front bar.

Mr. J. HEGNEY: I am fully in accord with what the member for Mt. Magnet has said. The matter to which he drew attention should be given consideration at the earliest possible moment. We are aware that the breweries are getting a strong hold on the hotels in Western Australia and the time has arrived when Parliament should apply itself to that problem, because a definite monopoly exists. Many people complain about the service and accommodation provided by hotels for the travelling public; both are far from satisfactory. The Licensing Court has been in existence for a great number of years and I would like to know whether the members of that court have lately been touring the country districts and inspecting hotels. In company with a Cabinet Minister I was travelling in the country and at one hotel we had to rise early in the morning.

Mr. Doney: Shame!

Mr. J. HEGNEY: The accommodation was bad; to use an Australian term, it was rotten to have to rise early to leave that particular hotel. In my opinion, the Licensing Court should travel more extensively in country districts and inspect the hotels there. If

the members of the court cannot do so, then magistrates should be appointed to discharge that particular duty. The lavatory accommodation, the washing facilities and accommodation generally at some of the hotels in the South-Western towns are far from satisfactory. The proprietors seem to concentrate upon the sale of liquor, rather than upon accommodation for travellers.

Mr. WATTS: The member for Middle Swan has raised a matter which ought to receive more earnest attention than it does. During the past 12 months I have stayed at a great many country hotels in this State. I was accompanied by the member for Mt. Magnet, who spoke a few moments ago on this item. We were taking evidence for the Royal Commission on vermin, and I must say that the standard of accommodation and food was very much lower than was justified by manpower difficulties and food control. Making all allowances for those things—and some allowance must be made for them—nevertheless there was a spirit abroad, so far as one could see, of not caring very much for the travelling public, except insofar as they were contributors to the bar revenue. I found the same fault at one of the State hotels I visited as I did at a number—not, all, of course—of the hotels privately-owned or managed. The State hotel, I suppose, was as bad as any of the others. I regarded the meals served to me and to another member who was in my company as being the worst I had ever had. I did not think they were justified by the difficulty of obtaining sufficient supplies.

I believe, as the member for Middle Swan said, that there is an inclination to pay too much attention to the more profitable side of the business, which is the bar trade, when the public is entitled to some consideration in regard to the other side of the business, which is the board and lodging of those who are compelled in the course of their business or for some other reason to seek accommodation for a period at those hotels. The Licensing Bench has almost complete authority. It can, if it will, do almost anything to control and direct these various matters. Even suppose we admit that what has happened up to date has been justified by war difficulties, a continuance of that position is not justified. The war has been over for three or four months, but in recent visits I found no change in one or two places. It is obvious that better things can be done. At one

country hotel one will find things extremely poor. Fifteen miles away, at no better premises, which have apparently no more staff, one finds a very different position.

In one district one may find every hotel well managed and apparently well supplied; therefore, the service at other hotels cannot altogether be attributed to war conditions. Let us assume it could. The war is now over, and it seems the obvious duty of the bench to get busy and insist on an improvement. If the members of the bench do not take some action, it will be time, as the member for Middle Swan said, for this House to take more interest in them and insist on such action. It is our duty to the travelling public to make sure that they get reasonable accommodation. If it is a question that the proprietors cannot afford better accommodation in return for the charges made, let those charges be slightly increased, but do not let us leave the position as it is.

Mr. HOLMAN: I, too, have noticed a great difference between country hotels. At one centre the hotels provide very good accommodation. For instance, throughout the war the two hotels at Donnybrook have provided the very best accommodation. If they could do that in spite of war difficulties, quite a number of other publicans could have done the same, but they did not even try; I know that from personal experience. In some places one has had almost to beg for one's breakfast. Those places evidently relied on their liquor sales. I suggest this matter should not be left to the Licensing Bench alone. We all know that when the members go on tour, the publican has an idea that they are coming, and the whole situation is changed for the occasion.

I suggest that a sum be set aside for the appointment of inspectors to ascertain the conditions obtaining in the hotels. They could go to the districts unannounced, just as an ordinary traveller would do; and I venture to say that in that way many offences against the Licensing Act would be discovered, and the travelling public would receive better treatment. It has been suggested that travellers with a grievance should lay a complaint before the bench, but there are few people who desire the publicity that such action would entail. Moreover, people feel they should not run the risk of being unduly penalised by suffering further discomfort when they next

visit centres about which they have complained. I also suggest that the Minister should bring under the control of the Licensing Bench, and such inspectors as might be appointed, boarding-houses in country districts. We hear a lot about hotel accommodation, but I had the doubtful honour of staying in a boarding-house recently and was very shocked at the conditions that prevailed therein.

Mr. Read: That is the local governing authority's job.

Mr. HOLMAN: The people who board at these places do so because there is nowhere else where they can go.

The Minister for Lands: They are under the Health Act.

Mr. HOLMAN: It is our duty to see that they are treated differently. If the health authorities are not doing their job it is high time that the Minister took steps to see whether it is possible to have them brought under the control of the Licensing Court, by licensing them in the same way as hotels. I know they come under the Health Act or the local authorities, but some local authorities are not doing their job. The Minister should take steps to see that they are brought under some other competent body.

Mr. McLARTY: Some member when speaking to this Vote drew attention to the fact that two new appointments had recently been made to the Licensing Court. Can the Minister tell us what particular qualifications those gentlemen have for their appointment? I feel that for years past the party in power has been able to appoint its supporters to this court.

Mr. Abbott: It has done so, too.

The Minister for Lands: So did your side.

Mr. Abbott: Yes.

Mr. McLARTY: When we have been speaking of the personnel of boards in the past suggestions have been made that certain sections should be represented on those boards. We often hear that consumers should be represented and the same with regard to other sections, but not so in connection with this court. I have never heard of any particular qualifications being possessed by any of its members. Those who are interested in the liquor trade should have the right to say, "We should have rep-

resentation on this court, or some person with a thorough knowledge of the liquor trade should be a member of it." I think that an architect, who knows something of the layout of hotels, would be qualified to be a member of the court, and the third member, probably the chairman, might be a man with a wide knowledge of the State and—

Mr. Abbott: Some legal experience.

Mr. McLARTY: Yes. He might be a man who is able to sum up matters. At present the court is not satisfactorily constituted. The mere fact that a person is a supporter of some political party should not be sufficient qualification for his appointment to the Licensing Court. It is an important court, and the welfare of the travelling public is of considerable importance. The Minister might tell the Committee what qualifications the two members, who have recently been appointed, possess.

Mr. ABBOTT: Members should make inquiries and verify their information before making statements here. I do not think the member for Mt. Magnet took the trouble to inquire from the company concerned whether the statements he voiced tonight were true or not.

Mr. Triat: The lessee told me.

Mr. ABBOTT: Why not verify what the lessee said? I do not think he was telling the truth. The statements that have been made are foolish.

Mr. Triat: Do you know whether there are any tied houses in Perth?

Mr. ABBOTT: There are some.

Mr. Fox: Do you know of any that are not tied?

Mr. ABBOTT: Yes, Parliament House for one.

Mr. Triat: About the only one, too!

The Minister for Lands: It has not got any beer, I believe.

Mr. ABBOTT: I do not greatly favour tied houses, but on the other hand I do not like inaccurate statements being made. It is all very well to say that better service should be given, but are we going to do that at the expense of the taxpayer as is done in the State hotels? Is that the proposition being put forward? We do know that during the war it has been impossible to get staff, and

it is impossible today. Many hotels in the city cannot give service for that reason.

Mr. Styants: They can give plenty of service in their bars.

Mr. ABBOTT: No. They cannot give proper service there.

Mr. Styants: They can sell all the beer they can get.

Mr. ABBOTT: They are compelled to remain open at times when they do not wish to.

Mr. Seward: They close when they like.

Mr. ABBOTT: They do not.

Mr. Seward: Do not be stupid!

Mr. ABBOTT: The Commissioner of Police has ordered that they are not to close on Saturday afternoons. If they do so they are liable to prosecution.

The Minister for Works: They open and sell lemonade.

Mr. Holman: How do you account for the fact that some can get sufficient—

Mr. ABBOTT: Who was working at the Donnybrook hotel?

The CHAIRMAN: Order! The member for North Perth will address the Chair and disregard interjections altogether.

Mr. ABBOTT: The Licensing Court has some say in the control of hotels. The police have a perfect right at any time, if a hotel is not being conducted in accordance with the Licensing Act, to take action in connection with the accommodation or the meals supplied, etc. I suggest that the local policeman knows more about the way the hotels are run than does any inspector. Before members make these statements they should verify them; and an opportunity should be given to the licensees to get staff before complaints of the nature we have heard tonight are made.

Progress reported.

*House adjourned at 10.59 p.m.*

## Legislative Council.

*Wednesday, 31st October, 1945.*

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

### QUESTION—NATIONAL FITNESS COUNCIL.

*As to Attendances of Members.*

Hon. C. F. BAXTER (without notice) asked the Chief Secretary:

1, How many meetings have been held by the National Fitness Council appointed by the Government?

2, What has been the number of attendances at each of such meetings?

The CHIEF SECRETARY replied:

1 and 2, There has been 11 meetings, with attendances as follows:—25, 20, 15, 13, 18, 14, 13, 15, 14, 14, 14. Since the Council was appointed one member has died and has not yet been replaced, while two are on leave of absence in the Services. The executive board meets every month to deal with routine matters.

### BILL—CONSTITUTION ACTS AMENDMENT (No. 3).

*As to Leave to Introduce.*

HON. L. CRAIG (South-West) [4.35]: I move—

That leave be given to introduce a Bill for "An Act to amend the Constitution Acts Amendment Act, 1899, by making provision therein prohibiting the nomination of persons over the age of seventy years as candidates for election to the Legislative Council or Legislative Assembly."