

The hon. member also asked whether the Government's contribution to the fund was of the nature of a book entry or whether the increases would be paid from members' contributions.

The position is that the amount payable by the State is a direct payment from the Consolidated Revenue Fund to the Parliamentary Superannuation Fund and involves the amount provided in the Act, viz., £4,160 per annum. From accumulated funds made up of members' contributions and the State contribution all benefits due to ex-members or their dependants are made.

In reply to Mr. Craig's suggestion, I can report that the question of lump sum payments in lieu of weekly pension instalments has been considered; but in view of the lack of time in the present session to promote a concrete proposal on those lines, the Premier has advised that further improvements to the scheme generally will be considered next year.

Hon. A. L. Loton: Is the amount from the Treasury paid into the fund?

The CHIEF SECRETARY: Yes.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and passed.

BILL—LICENSING ACT AMENDMENT (No. 2).

Returned from the Assembly without amendment.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Assembly's Request for Conference.

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

The CHIEF SECRETARY: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be Hon. H. Hearn, Hon. L. A. Logan and the Minister for the North-West, and that the conference be held in the room of the Chairman of Committees, Legislative Assembly, at 10 a.m. today.

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

Sitting suspended from 1.55 a.m. to 11.20 p.m., (Friday).

Friday, 18th December, 1953.

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The PRESIDENT resumed the Chair at 11.20 p.m.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Conference Managers' Report.

The CHIEF SECRETARY: I beg to report that the conference managers met in conference on the Bill and reached the following agreement:—

No. 1. Deletion of Clause 2 agreed to.

Substitute a new clause to stand as Clause 2 as follows:—

2. Section 11 of the principal Act is amended (a) by adding after the word, "term" in line 2 of subsection (1) the words "subject to the provisions of Section

12A of this Act"; and (b) by adding after the word "inspector" in line 4 of Subsection (2) the words, "and subject to the provisions of Section 12A of this Act."

No. 2. Amendment not agreed to, but it is agreed that Clause 3 be deleted and the following new clause, to stand as Clause 3, be substituted for it, namely—

3. Section 12 of the principal Act is amended by adding before the word, "Rent" in line 1, the words, "subject to the provisions of Section 12A of this Act."

And it is further agreed that a new clause, to stand as Clause 4 be added, namely—

4. The principal Act is amended by adding after Section 12 the following section—

12A. On the thirtieth day of April one thousand nine hundred and fifty-four the provisions of Sections 10, 11 and 12 of this Act cease to operate and the provisions of Section 13 of this Act operate in their stead on and after the first day of May, one thousand nine hundred and fifty-four during the operation of this Act.

No. 3. Amendment not agreed to but it is agreed that a new clause be substituted for Clause 4 as follows:—

Section 13 of the principal Act is amended—

(a) by adding to Subsection (1) after the subsection designation, "(1)," the paragraph designation, "(a)";

(b) by adding the following paragraph—

(b) on and after the first day of May one thousand nine hundred and fifty-four, the rent of premises for any period during the operation of this Act shall be such as agreed between the lessor and the lessee, but whether the lessor and or lessee have or have not agreed, or negotiated for agreement, as to the rent the lessor or lessee may subject to the provisions of Subsection (4) of this section and of Sec-

tion 15 of this Act, from time to time make application for the amount of rent of the premises to be determined;

(c) by substituting for the words, "The lessor or the lessee may make application in writing to a rent inspector appointed under the hand of the Minister to" in lines 3, 4 and 5 of paragraph (a) of Subsection (2) the words, "a rent inspector may upon application being made to him by the lessor or the lessee, or of his own motion";

(d) by adding after the word, "force" being the last word in paragraph (a) of Subsection (2) the words, "and of their rights of appeal mentioned in Subsection (4) of this section;

(e) by substituting for the word, "may" at the end of line 2 of Subsection (3) the word, "shall"; and,

(f) by substituting for the passage commencing with the word, "shall" in line 4 and ending with the word, "terms" in line 7 of Subsection (3) the passage—

"so that the rent determined for—

(a) premises which are leased otherwise than in parts, yields a fair net annual return being not less than two per centum per annum and not more than eight per centum per annum on the capital value of

the premises at the date of the application; or

- (b) premises being part of premises which part is leased separately, yields a fair nett annual return determined on the basis mentioned in paragraph (a) of this subsection with such additional return, if any, as the court or the inspector, as the case may be, is hereby authorised to determine and does determine as fit in the particular circumstances of the case;

but the court or the inspector shall not during the term of a lease of premises which has been or may be entered into for a fixed term exceeding twelve months, alter the rent reserved by the lease."

No. 4. Deletion of Clause 5 agreed to, but it is also agreed, in consequence of the agreement mentioned in Item number 2, that the following new clauses, to stand as Clauses 5 and 6 be inserted namely—

5. Section 17 of the principal Act is amended by adding before the words, "The provisions" in line one of Subsection (2) the words, "Subject to the provisions of Section 20A of this Act."

6. Section 18 of the principal Act is amended by adding after the word, "Act" in line 1 of Subsection (1) the words, "and subject to the provisions of Section 20A of this Act."

No. 3. Deletion of Clause 6 agreed to.

Substitute a new clause therefor as follows:—

Section 19 of the principal Act is amended by adding after the word, "Section" in line 3 of Subsection (1) the words, "but subject to the provisions of Section 20A of this Act"

No. 6. Deletion of paragraph (a) of Clause 7 agreed to; and it is also agreed that the following paragraph be substituted therefor—

(a) by adding after the word, "Part" in line 1 of Subsection (1) the words, "in general, and to the provisions of Section 20A of this Act in particular."

No. 7. Deletion of paragraph (b) of Clause 7 agreed to. It is further agreed, in consequence of the agreement mentioned in Item No. 2, that after Clause 7 the following new clause, to stand as clause 8, be inserted, namely—

8. The principal Act is amended by adding after Section 20 the following sections—

20A. On the thirtieth day of April one thousand nine hundred and fifty-four the provisions of Sections seventeen, eighteen, nineteen and twenty of this Act cease to operate and the provisions of Section 20B of this Act operate in their stead on and after the first day of May one thousand nine hundred and fifty-four and during the operation of this Act.

20B. On and after the first day of May one thousand nine hundred and fifty-four the lessor of premises shall not during the operation of this Act commence or continue proceedings to recover possession of, or eject the lessee from, premises unless he has given to the lessee notice to quit of at least twenty-eight days or such longer period as that to which the lessee is entitled at law.

It is also agreed, in consequence of the agreement mentioned in Item No. 2, that Clause 8 be deleted and that the following clause be substituted therefor—

Section 21 of the principal Act is repealed.

No. 8. The deletion of Clause 9 is agreed to.

No. 9. Amendment not agreed to—Clause 10 to stand.

No. 10. In consequence of the agreement mentioned in Item No. 2, proposed new clause not agreed to.

Realising that members might consider the foregoing so much double-dutch, we have prepared a statement which clearly shows what was agreed to by the managers. It reads as follows:—The provisions of the existing Act in respect of recovery of possession of premises, and control of rents of premises both for residential and business purposes will continue until the 30th April next.

On and after the 1st May next and until the 31st December, 1954, in regard to evictions affecting both residential and business premises, 28 days' notice to quit or a period of notice under rights at law, whichever is the longer, will be necessary in order to terminate a lease.

On and after the 1st May next and until the 31st December, 1954, in regard to rents of both residential and business premises the rent will be that mutually agreed upon between the lessor and the lessee, subject to appeal by either party to the inspector or the court, or in the event of there being no agreement, either party may appeal to the inspector or the court, as the case may be.

The inspector or the court shall determine a rent taking into account such factors as are considered relevant, but so that such rent will allow to the owner a fair net return being not less than 2 per cent., and not more than 8 per cent. on the capital value of the premises as at date of application.

Where parts of premises are let the foregoing formula will apply, and the inspector or court as the case may be, will have discretion to make some adjustment of the rent to compensate for the letting of the premises in parts instead of as one unit.

Rents of parts of residential premises may be determined by an inspector either upon his own motion or upon application being made by either the lessor or lessee. The inspector will be clothed with adequate powers to enter parts of residential premises for the purpose of inspection and in order to obtain necessary information. These provisions will continue in operation till the 31st December, 1954.

It will be noted that the provisions relating to protected persons have been maintained in their present form and will continue till the 31st December, 1954. I move—

That the report be adopted.

Hon. Sir CHARLES LATHAM: I hope that some time will be given to us to have a look at this report. Perhaps I am the dullest man in the House, but I cannot understand it.

Hon. H. S. W. Parker: That does not matter.

Hon. Sir CHARLES LATHAM: To me it does matter. This report will commit the House, if adopted; and until we have some knowledge of what is being done, how can we be expected to understand the position? If the Minister will give us an opportunity to have a look at the report, that will be satisfactory to me. The item could be put on the notice paper, and we might meet again either early next week or some time after the holidays.

Point of Explanation.

The Chief Secretary: On a point of explanation, Mr. President, I would like to mention that the submission of an explanation of a conference managers' report is something new. I have been here a long time, and I think this is the first occasion on which explanatory notes have been supplied. In this way we have endeavoured to do the best we could for members. I think the statement I read out was fairly clear, and should have given members the information they require. I do not mind adjourning the matter to a later stage of the sitting.

Hon. Sir Charles Latham: I do not mind when it is.

The Chief Secretary: Unless the report is adopted tonight, it will be too late.

Hon. Sir Charles Latham: That is so.

Hon. C. H. Simpson: Mr. President—

The President: The debate has been closed.

Hon. C. H. Simpson: I thought the Chief Secretary rose on a point of explanation.

The President: Does the hon. member wish to ask a question?

Hon. C. H. Simpson: I am sorry. I thought that the Chief Secretary had risen on a point of explanation.

The President: Very well, we will take it as such. The hon. member may proceed.

Debate Resumed.

Hon. C. H. SIMPSON: I think it is the accepted rule that when conference managers furnish their report through the leaders of the respective Houses, such report shall be accepted. I agree that, in my rather short experience, it has not been usual to furnish an explanation with the actual report of the conference. To me, the report that the Chief Secretary made was quite clear. The House had, or should have had, a fair idea of what the conference was called upon to resolve. In the circumstances, I thought that the report as submitted, bearing on the points at issue, which should have been known to members, was quite clear. I am ready to leave the matter to the House, of course; but as far as I am concerned, I am prepared to vote on the motion.

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

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.*Conference Managers' Report.*

The MINISTER FOR THE NORTH-WEST: I beg to report that the managers met in conference on the Bill and reached the following agreement:—

Page 2—Clause 1: Add a subclause after Subclause (3) as follows—

“(4) This Act shall come into operation on a date to be fixed by proclamation.”

Page 2—Clause 2: Delete Clause 2.

Page 3—Clause 3: Line 12: Add the following after the word “country”—

“and adding the words ‘but does not include such members of the worker's family who do not reside permanently in the State at the time the worker dies or is incapacitated if his death or incapacity occurs after a period of five years of his first residing in the State.’”

Page 3—line 13: Delete paragraph (b).

Page 3—line 20: Delete Clause 4.

Page 3—line 22: Delete Clause 5.

Page 4—Clause 6, line 37: Substitute for the word “eight” the word “one”.

Page 5—line 3: Delete paragraphs (a) and (b). Page 5—line 36—Paragraph (c): Substitute for the word “eight” the word “one”.

Page 6—line 1: Delete paragraphs (e) and (f) and substitute a paragraph as follows:—

Substituting for the words “(d) Any worker who subsequent to the coming into operation of the Workers' Compensation Act Amendment Act, 1948, receives the full amount of one thousand and two hundred and fifty pounds, or who prior to the coming into operation of such Act received the full amount of seven hundred and fifty pounds in respect of such period or periods of incapacity” in lines 23 to 26 (inclusive) of subsection 14 the words—“A worker who has received the full amount of compensation—

(a) of seven hundred and fifty pounds prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1948;

(b) of one thousand two hundred and fifty pounds prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1951;

(c) of one thousand seven hundred and fifty pounds prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1953; or

(d) after the coming into operation of the Workers' Compensation Act Amendment Act, 1953, of the sum of two thousand one hundred pounds in respect of such period or periods of incapacity or, in the case of worker whose disease has resulted in an injury also entitling him to compensation under the Second Schedule of the Act, of the appropriate maximum amount in respect of such period or periods of incapacity and such injury.”

Page 6—Clause 8—line 35: Substitute for the word “eight” the word “one”.

Page 6—line 37: Delete Clause 9.

Page 8—Clause 10—line 28: Delete paragraphs (b) and (c).

Page 9—Clause 11—line 13: Delete subparagraph (ii).

Page 10—Clause 11: Delete all words after the word “determination” in line 3 down to and including the word “accordingly” in line 35.

Page 10—Clause 12 lines 40 and 41: Substitute for the words “two thousand four hundred pounds” the words “one thousand eight hundred pounds”

Page 11—line 3: Substitute for the words “seventy five” the word “sixty”

Page 11—line 4: Delete paragraph (c).

Page 11—line 8: Delete paragraph (d).

Page 11—line 13: Delete paragraph (e).

Page 11—line 15: Delete paragraph (f).

Page 11—line 21: Substitute for the word “eight” the word “six”.

Page 11—line 24: Substitute for the words “seventy five” the word “sixty”.

Page 11—line 25: Delete paragraph (i).

Page 11—line 27: Delete paragraph (j).

Page 12—Clause 13—line 12: Delete paragraph (a).

Page 12—line 17: Substitute for the words “fifteen shillings” the words “twelve shillings and six pence”.

Page 12—line 21: Substitute for the words “two pounds” the words “one pound sixteen shillings”.

Page 12—Delete paragraph (d) and substitute the following—

Substituting for the words “one thousand seven hundred and fifty” in lines 37 and 38 the words “two thousand and one hundred”.

Page 12—Clause 14—line 34: Delete paragraph (a).

Clause 14—page 13—lines 29 and 30: Substitute for the words “five pounds” the words “three pounds twelve shillings”.

Page 13—line 31: Delete paragraph (c).

Page 13—line 41: Substitute for the words "one pound" the words "fifteen shillings and sixpence".

Page 13—line 44: Substitute for the words "six pounds" the words "four pounds sixteen shillings".

Clause 15—page 14—line 4: Substitute for the words "one pound" the words "fifteen shillings and sixpence".

Clause 15—page 14—line 7: Substitute for the words "six pounds" the words "four pounds sixteen shillings".

Clause 16—page 14—line 12: Substitute for the word "eight" the word "one".

Clause 17—page 14: Delete the clause.

I have not prepared a written explanation, but generally the 20 per cent. increases which were agreed to by the Chamber have been retained. A new provision has been added whereby dependants living overseas will be covered by the Act for a period of five years following the entry into Australia of the worker. Neither Dr. Hislop's schedule or the one in the Bill—was agreed to. The old schedule remains, and the amounts remain the same. I move—

That the report be adopted.

Hon. SIR CHARLES LATHAM: After hearing Mr. Simpson inform us that he could clearly understand the amendments to the previous Bill, I realise that mine is a voice crying in the wilderness. I have been unable to understand these amendments, and I expect they were delivered as clearly as possible. I am not sure whether the contents of the messages were all that was considered. From my memory of the Bill, some parts of it, outside of what was contained in the messages, were amended.

I protest against this procedure. The Leader of the House prepared a precis in connection with another Bill to give an idea of what the amendments meant. Usually, when that sort of thing is done, the precis is distributed among members, but that has not happened on this occasion. If three members of the House can get together and come to an agreement with three members of another place, without the rest of us understanding the agreement, then this House, instead of having 30 members, need have only three.

Hon. H. S. W. Parker: Bunkum!

Hon. Sir CHARLES LATHAM: I think I have just as much sense and power of reasoning as the hon. member. I have always been against this form of legislation.

Hon. H. L. Roche: What do you suggest in its place?

Hon. Sir CHARLES LATHAM: I suggest that some little time be given to members to understand what the amendments mean. I dare say there are some brilliant men in the House—I am not amongst them—who know what these amendments mean.

The Chief Secretary: You have excluded yourself.

Hon. Sir CHARLES LATHAM: Yes; and I am not ashamed to do so. If 29 members can stand up and say honestly that they know what is meant by these amendments, then I say I am not faithfully representing my people, because I have not the intelligence to do that. We have a perfect right to adjourn this discussion until we clearly understand the position. I admit that a lot of work has been done by the conference managers; and, if they have gained sufficient knowledge to speak effectively on behalf of the other 27 members, there is no need to have those other 27 members in the House.

The PRESIDENT: Order! I draw the hon. member's attention to the fact that the question before the Chair is that the report be adopted.

Hon. Sir CHARLES LATHAM: I am pointing out that it should not be adopted immediately. Are you, Sir, going to rule me out of order?

The PRESIDENT: I ask the hon. member to keep that in mind.

Hon. Sir CHARLES LATHAM: Yes. I want some adjournment of the debate so that I can have an opportunity to understand the matter. So much legislation is being pushed through in the last few hours of the session that it is not possible to give it the consideration that it deserves. I do not know whether the Minister intends to finish this evening or not, but I would like a little more time to look at the proposals before I decide whether I shall support the adoption of the report.

Hon. H. HEARN: I have listened with a good deal of interest to the remarks of Sir Charles Latham, and I can appreciate that it might be difficult for anyone to follow the report that was read out. But if the hon. member studied the amendments listed on the notice paper and followed the report given by the Minister for the North-West, he would find that the report deals with the discussions that took place on those amendments; and, in the main, the Bill now follows the course decided upon by this House. The only alterations are to the maximum—which is increased from £2,000 to £2,100—and a compromise on the question of overseas dependants. I can understand the hon. member's difficulty; but if he studies the amendments on the notice paper, he will see that we have dealt with nothing outside those amendments.

Hon. H. S. W. Parker: I only want to reply to Sir Charles Latham, because obviously he does not appreciate the Standing Orders. The hon. member, like myself, agreed to the appointment of three members of this House to act as

managers at a conference on this most important measure. We considered those members the most suitable to represent us, and their appointment was unanimous. They have conferred for a considerable number of hours, and have unanimously agreed to the propositions brought forward. Whether I understand in detail the report presented does not matter. I was prepared to let them consider the matter and come to a conclusion, and I entirely agree that that is the best way to resolve these matters.

This is the normal procedure as set out in our Standing Orders and this evening an explanation of one report was given, which is somewhat unusual. I cannot see any object in delaying the matter, because we have bound ourselves by appointing these managers; and I think the hon. member should have objected to a conference before it took place, and not afterwards.

THE CHIEF SECRETARY: I cannot let the occasion pass without replying to Sir Charles Latham. I will concede that the hon. member has every right to lodge an objection; but one would have thought, by the tone of his voice and the objection he raised, that this procedure was something new. He has been a member of this House for many years, and he was a member of another place for many years. He was also a Minister of the Crown, and he did exactly the same thing as we have done in this case.

Hon. Sir Charles Latham: As far as possible, we always distributed copies of the report.

THE CHIEF SECRETARY: One would think we were attempting to do something extraordinary. Like the hon. member, I am not entirely satisfied with the procedure; but until some alteration is made to the Standing Orders and to the method of dealing with these matters, we have no option but to accept it. The hon. member complained about the system, but I cannot remember his ever taking steps to do anything to have a better one evolved. So it ill becomes him, at this stage of the proceedings, to raise an objection to the system. As Mr. Parker said, he should have objected before the conference managers were appointed.

Hon. Sir Charles Latham: I have no objection to a conference, but I want to know what the contents of this report mean to me.

THE CHIEF SECRETARY: The hon. member has had more information regarding the result of this conference than he ever gave to members when he was a manager at any of the conferences in the past.

THE MINISTER FOR THE NORTH-WEST (in reply): I see no point in adjourning the discussion. The report

must be adopted or rejected, and I can assure Sir Charles Latham that we have not departed from the amendments listed on the notice paper. No new matter was brought into the conference and very little change has resulted. The 20 per cent. increase which was agreed to in this House has been granted, and the maximum payment has been fixed at £2,100. The only other addition is the provision for overseas relatives, and that will operate for a period of five years after a person enters the country. The schedule will remain the same as it is in the Act and the schedule which was in the original Bill and the one introduced by Dr. Hislop, have been rejected. The conference managers were unanimous on the report.

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

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

BILL—LAND AGENTS ACT AMENDMENT.

Read a third time and returned to the Assembly with amendments.

BILL—PENSIONS SUPPLEMENTATION.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [12.0] in moving the second reading said: As members probably know, the superannuation or pensions Acts now operating in this State for ex-employees of the Government number three. The first is that which applies to what are known as the 1871 pensioners. The second was passed in 1938, and is entitled the Superannuation and Family Benefits Act. It covers a considerable number of Government employees in this State, including both those on the salaried staff and those in receipt of wages. The third Act was passed in 1948, to grant pensions to wages men, who normally could be considered to have been covered by the 1871 Act, but who were excluded from the advantage of participating in the superannuation benefits conferred by that Act.

This Bill is a measure quite separate and apart from the Acts I have mentioned, and therefore, if passed by Parliament, will become a separate Act. The purpose of the Bill is to assist various groups of pensioners who receive pensions under the three Acts to which I have referred.

Members are probably aware that pensions paid under the 1871 Pensions Act and the 1948 Government employees' pensions Act are those to which the pensioners concerned made no contribution during the period they were in the employ of the Government. People who come under the benefits of the 1938 Act were, of

course, contributors, although quite a number of them did not contribute very much to the scheme before they were due for retirement.

There are only three officers now in the employ of the Government to whom the provisions of the 1871 Act are certain to apply, and one officer whose claims have not yet been fully substantiated. Under the 1871 Act there was granted, in 1947, an additional 25 per cent. on pensions of £288 per annum and less. Pensions between £288 and £360 per annum were increased to £360 per annum. Again, in 1951, the pensions up to £260 per annum were enlarged by 20 per cent. and pensions between £260 and £650 per annum were increased by £1 per week. Pensions between £650 and £702 per annum were increased to £702.

Increases in relation to the 1948 Act, after the passing of that Act, were granted in 1951. In that year pensions were added to by 20 per cent. In practically every case the increase was from £130 to £156. In 1947 increases were granted under the 1938 Act. The unit scale was enlarged from 12 to 20 units on a maximum salary or wage exceeding £1,040 per annum. The unit value of all units was increased from £26 per annum to £32 10s. per annum on which the State's share became £19 10s. in lieu of £13 per annum. In 1951 the unit scale was increased from 10 to 16 units on a maximum salary or wage exceeding £1,664 per annum. The unit value of the first eight units of pension was increased from £32 10s. to £39 per annum on which the State's share became £26 per annum. The value of each unit over eight remained at £32 10s. per annum on which the State's share was £19 10s. per annum.

The total number of free pensioners as at the 1st July this year under both the 1871 and the 1948 Acts was 574. The annual cost of the pensions under that heading was £191,500. The whole of that cost, as I mentioned previously, was met by the State. The total number of pensioners under the 1938 Act at the same date was 3,639 and the total annual cost was £530,600, of which only £54,000 was met from the fund; the balance of £476,200 was met by the State. A grand total of all pensions at the date to which I have referred was £722,100 per annum. The fund met £54,500 of that amount and the State £667,700. The charge is naturally a very heavy one on the resources of the State.

It is expected that the commitment of free pensions will lessen; on the other hand, the cost of contributory pensions will be greater because of the increase in the number of contributors reaching the retiring age from year to year. It is estimated that the pension costs to the State will continue to increase at the rate of about £15,000 annually until it flattens out at approximately £800,000 per annum. It will be realised that this is a very substantial cost to the State. However, this

is an obligation that Parliament has established and therefore there can be no quarrel about it.

In view of the very large financial burden upon the State in connection with pensions, I think it would be generally agreed that there might be no justification at the present time at any rate, for the granting of increases in pensions to pensioners who are now receiving £500 a year or more in pension payment from the Government. On the other hand, it is felt we should concentrate at this stage on what we are able to do financially to assist those pensioners on the lower pension rates.

Members will know that many of our lower-rated pensioners were unable to receive the full benefit of the Commonwealth social service pensions scheme because of the limitations imposed by the means test. The recent extension from £78 to £104 per annum in relation to the means test will permit some of those pensioners to receive more from the Commonwealth, but the total income of a great number will still be below the permissible income of £11 per week for a married couple and £5 10s. weekly for a single person. The Bill has been designed mainly to help those people.

Under the existing Acts we have to continue to pay pensions at the rates authorised by those Acts, even though we know that in some cases part of the amount we are paying causes a corresponding reduction in the pension which the Commonwealth has to pay or would otherwise pay. It would be silly to go on supplementing pensions in that manner and so adding to the cost to the State without providing any benefit whatever to the pensioners concerned.

It is believed that increases in pensions are needed particularly by those pensioners whose total income is less than £500 per annum, and most of all by widows and those whose income, except for social service pensions, is less than £312 per annum. There are 3,595 pensioners who receive a pension of £312 per annum and less. There are 338 who receive a pension of over £312 per annum but less than £500 per annum, and there are 102 only who receive more than £500 per annum.

There are 3,149 who receive £156 and less per annum and 444 who receive between £156 and £312 per annum. There will be 338 receiving between £312 and £500 per annum, and 102 receiving over £500 per annum. In percentages, 78 per cent. receive £156 and less; 11 per cent. receive between £156 and £312; 8½ per cent. between £312 and £500; and 2½ per cent. over £500. Although 78 per cent. of the number are in the lowest grouping, they receive only 57 per cent. of the amount paid out, and the 2½ per cent. of the total number who get more than £500 per annum account for over 9 per

cent. of the total outgoing. The reason for this disparity is mainly to be found in the 1871 Act group of 88 pensioners who receive more than £500 per annum and whose average free pension rate from the State is £665 per annum.

Subject to pensioners being able to accept the amount without a consequential reduction of any social service benefit they may be receiving from the Commonwealth, it is proposed, by the Bill, to supplement normal pension payments in the following manner:—

1871 Act pensions:

An increase of 10s. per week on all pensions up to £156 per annum.

An increase of one-sixth—which is 10s. to a maximum of £1 per week, on all pensions exceeding £156 per annum, but not exceeding £312 per annum.

An increase of £1 per week on pensions exceeding £312 per annum, but not exceeding £448 per annum.

So far as pensions that exceed £448 per annum but do not exceed £500 per annum are concerned, the proposal is to increase all these to £500 per annum, or by £26 annually, whichever would be the greater. All pensions of over £500 will be increased by £26 per annum.

In regard to pensions paid under the 1948 Act, the proposal is for an increase of 10s. per week on all pensions. At present the maximum pension under this Act is £156 per annum. Dealing with the 1938 Act contributor pensions, it is proposed firstly to increase by 10s. a week all pensions of eight units and less—that is, pensions up to £312 per annum in the case of retired contributors, and £156 per annum in the case of widows. In the second instance, it is proposed to increase by 5s. per week pensions above eight units and not exceeding 12 units—that is, pensions exceeding £312 per annum and not exceeding £442 per annum in the case of retired contributors; and £156 and £221 in the case of widows.

It might appear that pensions under the 1871 Act will be preferentially treated because the supplementation in their case may be up to £1 per week in comparison with 10s. weekly paid to 1948 Act pensioners and contributory scheme pensioners. But it must be remembered that pensions under the 1871 Act do not confer any benefits for the widow of a deceased pensioner. Under the 1938 Act a pension at half rate is payable to the widow. Also, 1871 Act pensioners are, in general, more advanced in age, and few of them, if any, would be able to earn any additional income. The 1948 Act amount of 10s. is the same as for the same pension group under the 1938 Act.

The estimated gross annual cost of the supplementation under all heads is slightly more than £108,000, and that will be dis-

tributable to a total of 3,931 pensioners in the following manner:—Under the 1871 Act, the total increases will amount to £15,563, which will be paid to 330 pensioners. Under the 1948 Act, the total increase will be £4,056 per annum, and it will be paid to 156 pensioners. Under the 1938 Act, £88,465 will be paid by way of increase and will be shared by 3,445 pensioners. The grand total will be £108,084 per annum, distributed to 3,931 pensioners.

However, the total of £108,000 is the gross amount which could be distributed under the provisions of the Bill. The actual total payment on an annual basis will probably be less, as a number of pensioners will not be able to accept the full amount applicable to their present pension rate without suffering a reduction of Commonwealth social service pensions. On the increases that have been granted, it would be £108,000, but if the Commonwealth social services' contributions are taken into consideration that amount may be reduced slightly. It would in such cases be silly of the State to pay out additional money to pensioners if the only result was to relieve the Commonwealth social services scheme of payments which it would otherwise be making or, in the event of new pensioners, would have to make.

To assist in obtaining a proper assessment of what each pensioner will be able to receive without reducing Commonwealth social service payments to a particular pensioner, it is proposed to invite pensioners to submit claim forms to the Superannuation Board. Those forms will be sent out with the next pension cheques after the passing of this Bill, and steps have been taken to ensure that no delay will occur in assessing the amount of increase which each pensioner will be entitled to receive as soon as the necessary information has been made available to the board.

It has not been practicable to make an authoritative estimate of the reduction which will have to be made because of the limitations imposed by the Commonwealth means test, but it is possible that it will equal one-quarter of the gross figure of £108,000 that I have given as the distributable sum. If that occurs, the net annual cost of supplementation will be £81,000. The additional annual commitment, including increases to be granted by this Bill, will be £803,000 per annum, on which the charge on the Consolidated Revenue Fund will be approximately £749,000. In the circumstances, I think the proposed increases are reasonable.

I expect that if greater amounts were proposed, there would still be complaints that they were not sufficient. However, the amounts proposed for the different pension groups will be of some assistance to the pensioners, and will help to ease the battle they are carrying on to live an existence which might be considered reasonable, or nearly reasonable, in this

community. The proposed increases will operate as from the 31st October of this year, which is the most suitable day we can choose nearest to the date on which the increase in Commonwealth social service pensions commenced. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and passed.

BILL—ACTS AMENDMENT (ALLOWANCES AND SALARIES ADJUSTMENT).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [12.18 a.m.] in moving the second reading said: This Bill is very similar to the measure that has just been passed. It proposes to amend the Audit Act, the Stipendiary Magistrates Act and the Public Service Act. The amendments will increase the present maximum salary of the Public Service Commissioner from £2,050 to £2,150, and of the stipendiary magistrates from £1,550 to a maximum range of £1,550—£1,700. The Auditor General's present salary is £2,000. He has moved up £300 from 1950 because he was then on £1,700. He has been entitled to annual increments which have taken him to £2,000. Consequently, he is not entitled to any increase at this stage. There will, therefore, be no increase at this time in his salary. However the Public Service Commissioner will, for reasons I stated in connection with the previous Bill, go from his present maximum of £2,050 to £2,150.

Stipendiary magistrates will come under the same principle, if the Bill becomes law, by their salary range of £1,550 to £1,950 being increased to a minimum of £1,550 and a maximum of whatever the Government from time to time shall determine. It is thought that, instead of Parliament always being approached in connection with salaries covered by the three parent Acts, the Governor should have power to fix a new maximum at any time it is considered reasonable to do so. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and passed.

BILL—INCOME AND ENTERTAINMENTS TAX (WAR TIME SUSPENSION) ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it disagreed to the amendments made by the Council now considered.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

No. 1. Clause 3, page 2—Insert after the word "two" in line 16 the word "four."

No. 2. Clause 3, page 2—Delete all words from and including the word "and" in line 20 down to and including the word "fifty-three" in line 25.

The CHAIRMAN: The Assembly's reasons for disagreeing are—

The acceptance of the amendments would suspend the operation of the State Entertainments Tax Act which was brought into operation again on the 1st October last, and thereby deprive the Government of revenue which is being devoted to assist very deserving causes.

The CHIEF SECRETARY: I move—

That the amendments be not insisted on.

Question put and passed; the Council's amendments not insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

Sitting suspended from 12.28 to 12.45 a.m.

BILL—TRAFFIC ACT AMENDMENT.

Assembly's Amendment.

Amendment made by the Assembly now considered.

In Committee.

Hon. E. M. Davies in the Chair; the Minister for Lands in charge of the Bill.

The CHAIRMAN: The Assembly's amendment is as follows:—

Clause 10, line 35, page 11: After paragraph (iii), add the following paragraph:—

(iv) In addition to all other penalties, as provided by paragraphs (i), (ii) and (iii) hereof, to have an Order made that no Licensee under the Licensing Act, 1911-1952, shall sell or supply to him any liquor for not exceeding the space of two years, commencing from such date as may be ordered.

Upon such an Order being made, the provisions of Section 160, subsections 3, 4 and 5 of the

Licensing Act, 1911-1952, shall apply as if the subsections had been specifically repeated and enacted by this Act.

Hon. J. G. HISLOP: I would like your ruling, Mr. Chairman, as to whether it is possible to insert this paragraph in the Traffic Act. Earlier in the session I moved that, after a man had been convicted for drunken driving on the second offence, the court should have the power to commit him to Heathcote for psychological treatment. Following advice received, it was generally accepted by members of this Chamber that there was some doubt as to whether we could insert such a provision as that in the Traffic Act. How are we to inform a hotel licensee that he shall not supply such persons with liquor for a period of two years? If my amendment had no bearing, then neither has this provision. I think it is ultra vires the Act.

The CHIEF SECRETARY: I was of the same opinion.

Hon. Sir Charles Latham: Are you moving to agree or disagree to this amendment?

The CHIEF SECRETARY: I am going to move that the amendment be not agreed to. If we did agree to it we would have the Traffic Act and the Health Act all coupled up if this sort of thing went on. I move—

That the amendment be not agreed to.

Hon. Sir CHARLES LATHAM: It would be absolutely impossible to give effect to this provision. If the order were made in Perth, and the man went north, how could such an order be enforced? If an order such as this were issued, any hotel licensee would have great difficulty in knowing the person who was affected by it.

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

Resolution reported and the report adopted.

A committee consisting of Hon. Sir Charles Latham, Hon. J. G. Hislop and the Chief Secretary drew up reasons for not agreeing to the Assembly's amendment.

Reasons adopted and a message accordingly returned to the Assembly.

BILL—COMPANIES ACT AMENDMENT (No. 2).

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendment No. 2 made by the Council and had disagreed to amendment No. 1 now considered.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

No. 1. Clause 5, page 2:—Insert after the word "up" in line 38 the following words and parentheses.—"(other than a member's voluntary winding-up)".

The CHAIRMAN: The Assembly's reason for disagreeing is—

The Registrar of Companies does not look favourably on the amendment.

The amendment is unnecessary because proper provision is already made in the Act for the appointment, in a special case, of an interested party who might otherwise be prohibited from acting as liquidator.

A person disqualified under the section may by approaching a Judge in Chambers, get an order for his appointment as liquidator.

This is not an expensive procedure and has been availed of on numerous occasions in the last few years.

If, before a winding-up commences, the majority of the company's directors are prepared to make a statutory declaration that the company will be able to pay its debts in full, within a period of twelve months from the commencement of the winding-up, the winding-up is termed a members' voluntary winding-up.

If the directors make that declaration in bad faith, or are subsequently proved to have based their opinion wrongly, the winding-up is still a members' voluntary winding-up but the company has proved to be insolvent.

In other words, it should have been conducted as a creditors' voluntary winding-up from the outset.

Such a case would get the benefit of the proposed amendment when it should not do so.

It is considered important that a liquidator should not be placed in a position where self-interest and duty as a liquidator conflict. The section as proposed in the Bill originally was designed to achieve that end.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Hon. H. K. WATSON: We should insist on this amendment. I do not think there will be any fear of a conference if we do. The reasons given by the Assembly for disagreeing with the amendment do not raise any fresh ground. Members will recall that when this amendment was moved originally the Chief Secretary, in opposing the amendment, gave the very reasons set forth on the notice paper. He said the Registrar of Companies was not enamoured of the Bill. It is the opinion of this House that should prevail rather than the opinion of the Registrar of Companies, particularly as he seems to approach the question from the angle that in the majority of cases directors act in bad faith.

I took exception to that at the time, and I do so again. It implies that there is a possibility of abuse, and that directors will act in bad faith. There may be the odd case, but we must legislate on the assumption that the majority are law-abiding citizens. Unless the small private company can appoint its own liquidator, it will be put to tremendous expense in winding up the company.

Hon. Sir Charles Latham: Would this have to be sent to a meeting of shareholders?

Hon. H. K. WATSON: Yes. A liquidator can be appointed only by resolution of the shareholders.

Question put and negatived; the Council's amendment insisted on.

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

BILL—ELECTRICITY ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendment No. 1 made by the Council but had disagreed to amendment No. 2 now considered.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

No. 2. Clause 4, page 5: Delete proposed new section 33D.

The CHAIRMAN: The Assembly's reason for disagreeing is as follows:—

It is considered necessary to have power to proceed against more than one member of a corporation; 33E provides penalties only against offences by individuals.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Hon. SIR CHARLES LATHAM: Every one of the persons concerned in this provision is to be considered guilty unless he can prove that the action took place without his consent. That might be difficult. This is a case of onus of proof again; and not just one individual is concerned but there are many, and they have to prove that they had nothing to do with the action complained of, or that it was done without their knowledge. This is a dangerous provision.

Hon. H. K. WATSON: I agree with Sir Charles that the clause is rather too drastic. Yesterday we inserted in a Bill a clause of somewhat similar purport, but it read that any director or officer who participated in the offence should be liable to a fine or some other penalty. However, the onus of proof in that instance was not on the officer concerned. In this case

there is a bald statement that the chairman of directors and every other member of the governing body, and every officer concerned in the management, is automatically guilty unless he proves his innocence. I feel that we should insist on our amendment, with the possibility of having the provision modified.

Hon. H. S. W. PARKER: It is obvious that the Assembly did not understand what is meant. Section 33E says that a "person" is guilty. The Assembly says it provides penalties only for offences by individuals. That is entirely wrong, because the word "person" means corporation under the Interpretation Act; so the penalty is not only against an individual. If a corporation is charged with the offence, the corporation can be fined. It seems a bit rough that someone has to go to gaol because a corporation cannot be imprisoned.

Hon. C. H. SIMPSON: Is there not a possibility that as Section 33E specifies the penalties that attach to an offence, if a director is connected with an offence and theoretically is liable to penalties, he could easily be a director concerned in a number of companies and could commit his third offence innocently by reason of his association with three companies, each of which had been penalised for some little offence? Being an innocent party, he could theoretically be mulct in heavy penalties under paragraph (c).

Question put and negatived; the Council's amendment insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

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

That the proposal for the partial revocation of the State Forests Nos. 25, 27, 29, 37 and 39, laid on the Table of the Legislative Assembly by command of his Excellency the Governor on the first day of December, one thousand nine hundred and fifty-three, be carried out.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [1.24 a.m.]: I move—

That the resolution be agreed to.

This is the usual proposal for the revocation of certain areas from State forests which is submitted to Parliament towards the end of each session. Details regarding the proposed revocations were laid on the Table of the Legislative Council on the 3rd December. The excisions proposed on this occasion are as follows:—

Area No. 1.—About a quarter of a mile South-West of Wellington Mill: Approximately five acres of land on

which the applicant resides and which is already under cultivation as a market garden and orchard.

Area No. 2.—About five miles South-West of Donnybrook: Approximately 62 acres of heavily cut-over country applied for by an adjoining landholder as an extension to his property.

Area No. 3.—About two miles South of Donnybrook: Approximately 17 acres of poor forest country, containing a number of disused and dangerous mining shafts, applied for by the son of an adjoining landholder who proposes fencing off the shafts and developing the land for dairying purposes.

Area No. 4.—About three miles North-West of Grimwade Settlement: Approximately 85 acres to be exchanged for approximately 87 acres of Nelson Location 1113 for inclusion in State Forest.

Area No. 5.—About 12 miles South-East of Mayanup: Approximately 16 acres of cut-over country applied for by an adjoining landholder as an extension to his property and to give him frontage to the main road.

Area No. 6.—About four miles South-West of Pemberton: Approximately six acres to be exchanged for approximately eight acres of Nelson Location 8210 for inclusion in State Forest.

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

BILL—JUDGES' SALARIES AND PENSIONS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West [1.27 a.m.] in moving the second reading said: This small Bill provides for an increase in the salaries of the judiciary and for the salaries to be subject to rises in the basic wage. There has been no alteration in judges' salaries since the 1st September, 1950, when the parent Act was amended to increase the Chief Justice's salary from £2,600 to £3,000, and that of the puisne judges from £2,300 to £2,600.

It is considered that the judiciary are entitled to the same consideration as that extended to those other senior officers of the Crown whose salary rates are affected by basic wage fluctuations. Had this been so, the present salaries would have been £3,300 for the Chief Justice, and £2,900 for the puisne judges.

In view of this, the Bill seeks to increase the salaries to those figures, the increases to be effective from the 1st January, 1954. Also, it is provided that in future the salaries shall be varied in accordance with rises in the basic wage.

It is proposed that reductions in the basic wage shall not affect the judges' salaries. This will enable Parliament to discuss any suggested reductions to the salaries. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and passed.

BILL—CREMATION ACT AMENDMENT.

In Committee.

Resumed from the 3rd December. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 7—Section 8A added (partly considered):

Clause added and passed.

Clauses 8 and 9—agreed to.

Clause 10—Section 11 amended:

THE CHIEF SECRETARY: Dr. Hislop raised certain queries which I put to the department, and I received the following reply:—

The purposes of the Cremation Act and of this Bill are largely concerned with the prevention of the destruction of evidence of an unnatural death. If the referee is not satisfied with the circumstance producing death, he refers the matter to the coroner who will order a post-mortem examination, if he considers it justified.

The objections to the Bill raised by Dr. Hislop are apparently based on a desire to increase the accuracy of death certification and to improve our statistical information therefrom. Such being the case they should apply to all death certification and not merely to the 15 per cent. that refer to cremations. Furthermore the permit issued by the referee does not contain any reference to cause of death, and therefore it is not a statistical document.

The legislative changes required by Dr. Hislop are changes to the law regarding post-mortem examination, and therefore they should be brought forward as amendments to the Anatomy Act and not the Cremation Act.

Clause put and passed.

Clause 11, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [1.35 a.m.]: I move—

That the Bill be now read a third time.

HON. J. G. HISLOP (Metropolitan) [1.36 a.m.]: It was useless to try to amend the Bill in Committee, because the department was obviously unaware of the real reasons behind the suggestions I made, and of the whole purpose of the Act. I appeal to the Council at this stage to vote against the measure, and give the department time in which to think the matter over. Since the Bill was last before the House I have been able to make further extensive inquiries, and I think, I have sufficient grounds now to ask for the rejection of the measure.

First of all, the department, when replying, said that my idea was purely to see that the statistics were better kept. That is not so. The one thing I want to ensure is that when a cremation certificate is issued, the referee knows the full details of the death, because once cremation has occurred there is no question of exhumation or of examination for criminal investigation purposes, except in a few isolated cases.

The Registrar General does not want the Bill, because he says it is beyond his scope, and will lead to his doing something which legally is not his duty. We have already been told by the Chief Secretary that the Public Health Department does not want to handle this matter either. So it has been handed to the profession. The only difference that is made now is that instead of each medical officer who is asked to act as a referee signing a certificate and receiving a fee of one guinea, a limited number of referees will be appointed, and they will have authority to sign the certificate.

It is suggested that the fee to be paid to them will be two or three guineas. This visualises the possibility of a total payment of £2,000 or £3,000 a year, because the number of cremations will increase. If half a dozen men are appointed to act as referees, each of them will receive an emolument of anything up to £400 or £500 a year, which will be in the giving of a department. The Bill contains no clause which lays down even the qualifications of the referees. A medical man can be a referee the day after he has qualified, apparently, whereas most of us believe a referee should be a man of at least 15 years' standing.

None of us likes the idea of a department of any sort being able to hand out to a limited number of the profession a total emolument of some hundreds of pounds a year. What happens in the Eastern States is that where crematoria are owned by private bodies, the crematorium authority appoints its own medical officer, who is therefore removed from the field of practice and is able to say, definitely, whether or not a body shall be accepted for cremation.

Hon. L. Craig: Would he not be in practice as well?

Hon. J. G. HISLOP: Not necessarily. If the Karrakatta board were to appoint its own medical officer, and a deputy, each would receive a salary of about £1,500 a year within the next year or two. The task would be one for a man who, in the field of medicine, had reached semi-retiring age. We feel that, in addition to this authority, he should have power to demand to know everything leading up to the cremation; in other words, he should know exactly what the person died from, even to the point of asking for a post-mortem examination. I ask the House to give the department time to consider this matter and, therefore, to vote against the third reading of the measure.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [1.43 a.m.]: I hope the advice given by Dr. Hislop will not be taken, and that the Bill will not be defeated at the third reading. The measure probably does not come up to the full expectations of the hon. member. We appreciate his efforts to improve the position, but the department considers his proposal is unsatisfactory. It appears to be the adoption of the practice in New South Wales and Victoria, where private doctors are appointed, not by the Government or the department, but by the crematoria. The department thinks, too, that since its officers will be the referees, the position is not satisfactory, because any appeals made must go to the principal medical officer, who would be adjudicating on his own staff.

Hon. Sir Charles Latham: Two certificates have to be issued here, now.

The CHIEF SECRETARY: Yes. The referees who would be appointed would be appointed in various parts of the State. There would not be a large number of them.

I have forgotten the point I was about to make. The department considers that with the appointment of certain referees throughout the State the position will be met.

Hon. L. A. Logan: You were going to make reference to the money received.

The CHIEF SECRETARY: No; it was in regard to appeals that might be lodged. The commissioner would have to sit in judgment on his own staff on appeals. However, I do not think any harm has been done by the debate on this matter. While the department thinks the Bill is a good one, if it is not agreed to the department will have to sit up and take notice of the hon. member's comments.

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

Ayes	.....	11
Noes	.....	10
Majority for	.....	1

Ayes.

Hon. C. W. D. Barker	Hon. C. H. Henning
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. L. Craig	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. A. F. Griffith
Hon. W. R. Hall	(Teller.)

Noes.

Hon. L. C. Diver	Hon. A. L. Loton
Hon. Sir Frank Gibson	Hon. J. Murray
Hon. J. G. Hialop	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. J. McI. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
	(Teller.)

Question thus passed.

Bill read a third time and *passed*.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

Assembly's Message.

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

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

No. 1.—Add at the end of Clause 6 the following proviso:—

Provided that nothing contained in this Act or in any regulations made pursuant to authority granted by this Act shall in any way alter, prejudice or affect or permit the alteration of the terms or conditions of any perpetual lease heretofore granted or the terms or conditions upon which the Minister has heretofore approved of the granting of any perpetual lease or has otherwise agreed to grant leasehold rights to any applicant within the meaning of the repealed Acts or render any such applicant liable to pay rental or purchase money for land and/or non-structural improvements and/or structural improvements in excess of that rental or purchase money which he would have been liable to pay if this Act or any such regulation had not been passed or made.

No. 2.—Clause 9, page 7: Insert before the word "Things" in line 16 the words "Subject to the proviso to Section Six of this Act."

No. 3.—Clause 10, page 7: Insert before the word "The" in line 21 the words "Subject to the proviso to Section Six of this Act."

The CHAIRMAN: The Assembly's reasons for disagreeing to the Council's amendments are as follows:—

1. As the amendment stands, it prevents the conditions under which the scheme has been operating since 1952 being applied to any lessees, even although such lessees occupied their properties after the acceptance of the conditions by the State.

2. The Commonwealth will not agree to the issue of the 1947 lease, as it will force complete development of a farm before it can be granted under lease conditions, so that the initial occupational value of the farm would, in effect, become the final valuation. This, in effect, is the original intention of the Soldier Settlement Scheme for which the lease was designed, but has proved quite impractical to implement.

3. If the amendment is agreed to, and the Commonwealth desires certain action which requires regulations to implement, then the Minister would be placed in the invidious position of either obeying the law as represented by the amendment or run the risk of a hold-up in settlement with the Commonwealth involving the refusal of payment through not complying with conditions under Commonwealth legislation.

The inclusion of the amendment would prevent the State from making regulations under which a lease is issued which would be acceptable to the Commonwealth and in conformity with their conditions as laid down.

THE MINISTER FOR THE NORTH-WEST: I think the reasons set out are quite plain and illustrate that the scheme could not operate if our amendments were agreed to; and there is no doubt that chaos would result. If the amendment is rejected, even to the extent of defeating the Bill, the effect would be that the Minister would be in a stronger position to continue land settlement under existing conditions. The 1951 Act gives power to make regulations, provided the Commonwealth agrees to such regulations. The regulations would include a lease satisfactory to the Commonwealth. If Parliament wished, it could disallow the regulations, which would not affect the servicemen except in the issue of a lease document.

Under existing conditions, settlement can proceed, farms can be occupied by notification that such farms are held under the conditions imposed by the Commonwealth, grants can be made, and final valuation, as approved by the Commonwealth, can be issued. This, in fact, is being done. The ex-servicemen, however, cannot obtain a lease, whether or not the Bill is passed, unless the Commonwealth agrees to the conditions of the lease.

If this Bill is amended along the lines suggested, there will be no power to make regulations. The power to make regulations was included in the 1951 Act. This measure, however, authorises the Minister to enter into agreements with the Commonwealth for settlement under schemes referred to in Section 103 of the Re-establishment and Employment Act, 1945. The Commonwealth, because of its weakness in the acquisition of land, will not enter into

agreements with the States, but in 1952 made available funds to States on conditions laid down by the Commonwealth. The 1953 Bill is designed—

- (a) to advise Parliament of the conditions imposed by the Commonwealth.
- (b) to enable regulations to be made so as to implement these conditions, including the granting of the lease.

The other provisions are similar to those of the 1951 Act. As legislation has been enacted from time to time by the Commonwealth Government and by the State Government, we have arrived at a position where a Bill such as this is essential so as to empower the Minister to make regulations. Under those conditions, an agreement to occupy is made. It is not called that; it is a form under which a lease is issued. This acts as an interim document to give ex-servicemen some authority to borrow money from banks.

If this amendment is agreed to, it will not be accepted by the Minister and will result in a conference. The Minister would prefer to lose the Bill rather than lose these conditions. Both amount to the same thing. He would then be unable to issue leases to settlers until such time as Parliament reassembles and a Bill is passed. Therefore I hope members will not insist on the amendments. I move—

That the amendments be not insisted on.

Hon. A. L. LOTON: For the reasons I outlined I would ask the House to insist on the amendments.

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

Ayes	.....	6
Noes	.....	14
Majority against		8

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. R. J. Boylen (Teller.)

Noes.

Hon. L. Craig	Hon. L. A. Logan
Hon. L. C. Diver	Hon. A. L. Loton
Hon. Sir Frank Gibson	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. S. W. Parker
Hon. C. H. Henning	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. McI. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson (Teller.)

Question thus negatived; the Council's amendments insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—PUBLIC WORKS ACT AMENDMENT.

Assembly's Message.

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

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Assembly's Message.

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

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

No. 1. Clause 2, delete paragraph (a) in lines five to thirteen.

The CHAIRMAN: The Assembly's reasons for disagreeing are—

It is recognised in many industries to be an advantage to have a representative of the employees on the board of management. The Railway Department employs a greater number of workers than any other industry in Western Australia, and it is thought that to have a representative of the employees on the commission would bring about a better relationship and understanding between the commission and its staff, to the mutual benefit of both parties and the service.

This representative would not be engaged only on industrial and welfare questions, and the Bill provides for his attending to any other matters which the commission may allot to him.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

I shall not open up a debate on this matter other than to say that the very solid reasons given by the Assembly should be sufficient for the Council not to insist on the amendment.

Hon. C. H. SIMPSON: I think the opinion of this Chamber is that there are other ways and means of meeting employees without embarrassing the commission as a whole by having one of its members elected on the grounds set out.

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

Ayes	.....	6
Noes	.....	14
Majority against		8

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. R. J. Boylen (Teller.)

Noes.

Hon. L. Craig	Hon. A. L. Loton
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. S. W. Parker
Hon. C. H. Henning	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. McI. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. A. F. Griffith (Teller.)

Question thus negatived; the Council's amendment insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—FIREARMS AND GUNS ACT AMENDMENT.

Assembly's Request for Conference.

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

The CHIEF SECRETARY: I move—

That the Assembly's request for a conference be agreed to.

Hon. Sir CHARLES LATHAM: I understand that a conference will not get us anywhere and therefore it would be useless to hold one. For my part, the Act can remain in its present form.

Question put and passed.

The CHIEF SECRETARY: I move—

That the managers for the Council be, Hon. Sir Charles Latham, Hon. C. H. Henning, and the mover, and that the conference be held in the Chief Secretary's room at 10 a.m. on Monday, the 21st December.

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

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT (No. 1).

Assembly's Request for Conference.

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

The CHIEF SECRETARY: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be the Minister for the North-West, Hon. L. A. Logan and Hon. C. H. Simpson, and that the conference be held in the room of the Chairman of Committees, Legislative Assembly, at 10 a.m. on Monday, the 21st December.

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

BILL—ELECTRICITY ACT AMENDMENT.

Assembly's Further Message.

Message from the Assembly received and read notifying that it no longer disagreed to the amendment on which the Council had insisted.

BILL—LAND AGENTS ACT AMENDMENT.

Assembly's Message.

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

Sitting suspended from 2.30 to 3.5 a.m.

BILL—WAR SERVICE LAND SETTLE- MENT SCHEME.

Assembly's Request for Conference.

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

The MINISTER FOR THE NORTH-WEST: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be Hon. C. H. Henning, Hon. A. L. Loton, and the mover, and that the conference be held in the Minister's room at 4 p.m. on Monday, the 21st December.

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

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Assembly's Request for Conference.

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

The CHIEF SECRETARY: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be Hon. L. A. Logan, Hon. C. H. Simpson and the mover and that the conference be held in the Chief Secretary's room at 2 p.m. on Monday, the 21st December.

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

Sitting suspended from 3.10 a.m. (Saturday) to 10.23 a.m. on Tuesday, the 22nd December.