(2) Is it a fact that under certain conditions, pertaining solely to long service leave, there is a lack of uniformity with regard to dates of retirement which has given rise to some dissatisfaction in the service?

The answers are—

(1) The rule in the Public Service regarding the taking of accrued long service leave at or about the retiring age of 65 is that an officer shall retire on a date prior to his 65th birthday in order that the period of all accrued leave shall expire on the day he attains the age of 65 years.

Exceptions to this rule are made only where special circumstances obtain in respect of senior officers and then only with the approval of Cabinet.

(2) See answer to No. (1).

I am quite satisfied with those answers, but the next questions and answers put a different complexion on the position. I asked—

(1) Under what conditions can Executive Council approval be obtained for an officer of the Public Service to continue his duties up to date of his 65th birthday?

(2) Can any officer gain this approval?

The replies from the Premier are as follows:—

(1) Executive Council approval is not necessary for an officer of the Public Service to continue his duties up to the date of his 65th birthday as the authority is contained in Section 59 of the Public Service Act, 1904-54.

(2) Answered by No. (1).

I think the Premier will realise that, to anyone who listened to them, the answers given were of a somewhat contradictory nature. In fact, answers given to members on both sides of the House are frequently not at all satisfactory. I am not the only member in this House to speak along those lines, and I have heard criticisms from members who are now Cabinet Ministers, in regard to questions asked by them as private members. There is a degree of legitimacy about some evasive quality in an answer given by a Minister, but not about an answer which contains definitely contradictory statements. I think the answers given to my questions, to which I have referred, would leave anyone in as bemused a state as I now find myself in. I hope that at some time in the future the Premier will satisfy me in regard to the interpretation of those answers.

Progress reported.

BILL—UNIVERSITY MEDICAL SCHOOL.

Returned from the Council without amendment.

House adjourned at 6.10 p.m.

Legislative Council

Tuesday, 8th November, 1955.

CONTENTS.

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

QUESTIONS.

ALEXANDRA HOME.

Finance and Method of Construction.

Hon. J. McI. THOMSON asked the Chief Secretary:

(1) What is the amount of money the Government has undertaken to provide for the building of the Alexandra Home for unmarried mothers?

(2) When did the Government undertake to provide this money?

(3) From what source is this money being obtained?

(4) Is it intended to have the work done by contract or by P.W.D. day labour?

(5) If the work is to be done by private contract, is it to be undertaken on the deferred payment system?

The CHIEF SECRETARY replied:

(1) and (2) The purpose of the home is as stated by the hon. member; but it is proposed, in addition, that its services shall be used by the Health Department for the training of infant health nurses in the care of the health of the pre-school child. The intention is to set aside £50,000 during 1956-57 and a further £50,000 during 1957-58.

(3) Loan funds.

(4) This is a matter for consideration by the home when in a position to proceed.

(5) Answered by No. (4).

ALBANY REGIONAL HOSPITAL.

Commencement and Finance.

Hon. J. McI. THOMSON asked the Chief Secretary:

(1) Does the Government intend to honour its promise given in February, 1953, to Albany electors, that work would commence on the Albany regional hospital in the intervening years before 1956, if Labour were returned to the Government of the State?

(2) Would not the same amount provided for the Alexandra Home have been sufficient to enable a start to be made on this regional hospital, and carried on the construction for at least one financial year?

(3) How far has the Public Works Department progressed with regard to the actual commencement of work on the Albany regional hospital?

The CHIEF SECRETARY replied:

(1) Because of unforeseen restrictions in loan funds, it has not been possible to proceed with this large hospital, but the design of the hospital is under active preparation by the Principal Architect and construction will be proceeded with as soon as loan funds are available.

(2) No. As indicated in the reply to another question, the intention is to set aside that money in 1956-57 and 1957-58.

(3) See answer to No. (1).

LEAVE OF ABSENCE.

On motion by Hon. J. D. Teahan, leave of absence for six consecutive sittings granted to Hon. E. M. Heenan (North-East) on the ground of private business.

BILLS (2)—THIRD READING.

1, Superannuation and Family Benefits Act Amendment.

Returned to the Assembly with an amendment.

2, Soil Conservation Act Amendment.

Passed.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd November.

HON. J. McI. THOMSON (South) [4.41]: I listened with interest to the remarks made by the Chief Secretary when introducing this Bill last week. I do not doubt that it contains a few amendments that are necessary; but there are one or two that may not be quite as necessary in the opinion of some members as they are in the minds of the Chief Secretary, and perhaps other members of the House. In particular, I refer to Clauses 2 and 3 of the Bill, which seek to change the title of the departmental head from secretary to director, and to appoint an assistant director.

That may sound all right, but I cannot see the necessity for such a change. Apparently this office has been filled satisfactorily under the title of secretary; and it seems to have been filled to the satisfaction of all concerned. It may seem a very small objection to raise, but I would need to be convinced of the necessity for such a change before I voted for the clause. We are told that in other States the title of the head of the department is director. As we all know, the heads of various departments in this State carry such titles as Under Secretary, Under Treasurer and so forth. I fear that at this juncture I cannot see the necessity to change the title of the head of this department from secretary to director.

I trust that when replying to the debate the Chief Secretary will clarify the position; because if he does so, I will reconsider what I have said in that regard. Accordingly I will leave that clause for the present and proceed to the next amendment with which I wish to deal, and which seeks to extend the jurisdiction of the Children's Court to enable it to try adults who are charged with offences against children.

Up to the present the court has tried offences committed by children only. There may be an advantage in having an adult tried in the Children's Court for an offence committed against a child; but I feel that there is an objection to such a proposal. In my opinion, the accused should continue to stand trial before a jury in the Criminal Court as is the case at present.

I admit it is a very trying experience for a child; but the proceedings in the Children's Court, though not the same, are very similar, because a person is often committed from that court. If an adult were to be tried in the Children's Court, the seriousness of the crime might not appear as great to him as it would if he were compelled to face a jury and the publicity that attends Criminal Court proceedings for crimes committed against children. I doubt the wisdom of the change although I do admit that it is a matter of opinion and is open to debate.

The amendment does make a serious departure from present procedure, and we ought to consider it very closely. Again, however, the Chief Secretary may be able to enlighten the House as to the necessity for this amendment. When he introduced the measure, the Minister pointed out that the people who were closely associated with the Children's Court were of the opinion that this change was necessary. However, before I vote one way or the other, I would like to hear the Chief Secretary's explanation as to why it is considered necessary to depart from present procedure.

Hon. F. R. H. Lavery: That was the procedure before.

Hon. J. McI. THOMSON: I admit it was, prior to 1947. But apparently, in 1947, when the Act was amended, it was then considered advisable for an adult charged with a crime against a child to stand his trial before a jury at the Criminal Court.

Hon. F. R. H. Lavery: I am given to understand that that was because the Rev. Mr. Schroeder was not a legal man.

Hon. J. McI. THOMSON: That may be so; but those are the points I would like to have cleared up. There may be some justification for it, and I would be glad to hear the explanation of the Chief Secretary as to the necessity for the amendment.

I am in favour of the provision that seeks to strike out the section on our statute book whereby a child of 14 years can be liable to imprisonment. I do not know of any case in Western Australia of a child of 14 years or under being imprisoned.

Hon. Sir Charles Latham: You have not read this morning's paper.

Hon. J. McI. THOMSON: I have been too busy, but I will do so later on. I do think, however, that we should take steps to remove such a provision from our statute book. A child of 14 years of age should, in no circumstances, be liable to imprisonment. Accordingly, the clause which deals with that provision has my whole-hearted support. That is something from which we should have departed many years ago.

The alteration to the Second Schedule, as proposed in the Bill, is something that should commend itself to the House, and the proposal needs no further explanation beyond that which we have had from the Chief Secretary. We know the excellent work that these various institutions have done and will, I am sure, continue to do. They play a very important part in correcting the faults of young delinquents who come before the court from time to time.

I think that Sir Charles Latham said that often it is the parents who should stand condemned rather than the children. With that I whole-heartedly agree. Sad to say, there is a greater lack of responsibility on the part of parents towards their children than prevailed in years gone by. No doubt that has been occasioned by the growth of facilities for enjoyment. But I shudder to think at times of the results of the total disregard of parental discipline which is evident in our midst, and I consider it is still very necessary to have well-disciplined children.

How a child behaves in later years largely depends upon the degree of control to which he is subjected in his early days. He is likely to follow the example set by his parents. When we see the number of children who face the Children's Court for misdemeanours, we cannot help feeling it is high time the parents concerned asked themselves where their responsibility began and ended. They have a greater responsibility than some of them are apt to display.

It would be better if we were able to deal more effectively with parents, but that is a difficult matter. You, Sir, could rightly ask me whether there is any reference in the Bill to the discipling of parents, and I would have to admit that there is not. But that has an important bearing on such legislation as this; and the sooner responsibility is accepted by parents who display indifference to the actions of their children, the better it will be for the State and the children. I await the Chief Secretary's replies to my comments, and, if necessary, will place amendments on the notice paper at a later stage.

HON. R. F. HUTCHISON (Suburban) [4.53]: I support the Bill, and I feel that the change of office from that of secretary of the Child Welfare Department to that of director is very necessary. In the Eastern States there are directors of child welfare. The change would allow the department to deal with a wider category of activities pertaining to child welfare.

For instance, there are those who are near adults, and some over adult age, who have juvenile minds. They are able to do some physical work but are not mentally equipped to do the work performed by ordinary people. They have missed the education which those more fortunately placed have been able to enjoy, and they have no proper place in society. I would like to see the position of director created because the ambit of activity of the work of the department could be widened to cover attention to such cases as those I have been mentioning.

I understand that is the main reason behind the proposed change of name. It would enable work to be done in conjunction with outside bodies in a way that is not possible to the secretary of the department at present. I know spastic people whose ages range from 18 to 28, and who have not been fortunate enough to be able to take advantage of the educational facilities that have been available. Yet their lives could be made happier if there were some way of employing them satisfactorily. I support that part of the measure very strongly.

With regard to the next phase of the Bill, I am prepared to leave that to people who have sufficient knowledge of what is necessary, and who are able to give a considered judgment on the matter. I do not know sufficient of the subject to be able to object strongly to the proposal, and I trust that those who are in a position to judge will be able to do the right thing. It is silly for us to say that we believe in this or in that if we have not gone into the matter very deeply.

Times are changing, and I feel that we could support the Bill and try out the new method. Then, if anything were found to be wrong with it, we could do something about the matter. We know the faults that exist under the present system; and I would be prepared to have that system amended; and, if the proposal in the Bill proved unworkable, a further change could be made.

I hope that the House will support the Bill in order that the scope of the department may be widened. It is doing a good and necessary work, and its activities could be extended. A home is being established for mentally incurable children, and we see different categories of children requiring assistance from time to time. There is no way in which anything can be done for them unless we have a director of child welfare. I support the Bill.

HON. G. BENNETTS (South-East) [4.58]: I support the Bill. In the country, over a period of years, the Child Welfare Department has done an outstanding job. From what I can understand of the Bill, there appears to be a reason for the desire to change the name of the head of the department from secretary to director. Apparently the department finds there are obstacles in the way of its doing work that it desires.

In the last 12 months we have been trying to establish a home for children on the Goldfields. I brought the matter up some time ago when there was an appeal on behalf of the Swan Boys' Home, and led a deputation on the subject. A number of children have been sent away from different parts of the Goldfields. Only a fortnight ago, four little ones were sent away from a part of my district, and it was a shame to see them. We must give the child welfare officers full support so that they can put their organisation into complete action.

Hon. Sir Charles Latham: The Bill does not deal with any of that.

Hon. G. BENNETTS: They are asking for a director, and the appointment of a director will give them all the power.

Hon. Sir Charles Latham: The director would not have any additional power.

Hon. G. BENNETTS: There may be a reason for wanting to try an adult in the Children's Court. It may be that in the opinion of the department the other court is not a fit and proper place for a child. The age, I would say—and I am father of seven; I have had a lot to do with my different families—

Hon. Sir Charles Latham: How many families have you got?

Hon. G. BENNETTS: I have seven in mine; and children up to the age of 16 are very peculiar little things, and anything can go wrong with them. They can get themselves into a lot of trouble. To put a child under the age of 16 in gaol is not right. Up to that age, they are only kids, and their minds have not been expanded.

The position might be improved if careful control were exercised in the home: but even that does not always work. I have seen children who have been well looked after get into trouble. It is not always the neglected child who is in bother. I have been told of people who attend public houses, with the result that the children have to get their own meals.

In one particular family I know of, the children practically reared themselves, while dad and mum attended the pubs regularly; and those children have proved to be outstanding. Members know that many children of good families get into trouble by having too much given to them. They go out, and their parents think they are going to a particular place, and it is found later that they have gone somewhere else; so that, in spite of the care that has been exercised, they have gone astray. I will wait to see whether we can extend the age to 16. I support the Bill.

HON. N. E. BAXTER (Central) [5.4]: Like Mr. Thomson, I am in doubt about some portions of the Bill. I cannot see any reason for the alteration in title. To call the secretary the director may perhaps give him a little more standing in the department, but it does not in any way give him the right to do anything additional beyond what the secretary has been doing.

Hon. Sir Charles Latham: He is governed by the powers in the Act itself.

Hon. N. E. BAXTER: That is so. Whether he is a director or a secretary, he is still under the control of the Minister.

Hon. R. F. Hutchison: He is a different person.

Hon. N. E. BAXTER: This will not make any difference to what he can do under the Act. On the face of the little bit of information that the Chief Secretary gave us when he introduced the Bill, I wonder whether it is just a step to place some person in a higher salary scale under the Public Service Commissioner's findings on salaries.

Hon. Sir Charles Latham: That is all it does.

Hon. N. E. BAXTER: That is all it apparently will do. It does not give the director any greater authority. The Minister, when replying to the debate, should give us much sounder reasons than he gave when he introduced the Bill, because then he gave us absolutely nothing.

Hon. Sir Charles Latham: Except the Eastern States position.

Hon. N. E. BAXTER: Yes, except that the officer is called a director in the Eastern States. Under the legislation there, the

director might have much wider powers than he will have in this State; and that may be the reason for calling him a director over there. Whether he is a director or a secretary does not matter one iota unless he is going to get a much larger salary by that title, which I suspect is quite likely. I feel that in the remainder of the Bill there are many good points.

It is suggested that no child under the age of 14 shall be imprisoned. I agree that a child up to that age is not wholly responsible for some of the actions he takes; and, as Mr. Thomson has said, the responsibility for not taking proper care of a child can be laid at the feet of the parents.

In regard to these cases being handled entirely by the Children's Court, I point out that we recognise that certain criminal offences should be tried by juries. To my knowledge, there is no suggestion to introduce juries into the Children's Court by any of these clauses. It may be necessary to take these cases into the Criminal Court in order to deal with the persons who are responsible for committing criminal actions against children. I reserve my decision on the Bill until we get a much better explanation from the Chief Secretary on some of these matters.

On motion by Hon. F. R. H. Lavery, debate adjourned.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd November.

HON. L. A. LOGAN (Midland) [5.9]: Whereas the Chief Secretary took something like 50 minutes to introduce the Bill, a few minutes will suffice for what I have to say. It is the policy of the Country Party, when it considers that private enterprise fails to do a job, that the Government should step in and do it. But I cannot agree with the Chief Secretary in his endeavours to persuade the House that private enterprise has fallen down in the insurance field, and that it is necessary for the State Insurance Office to cover that field.

No one has asked me to urge that extensions be made to the field at present covered by the State Insurance Office. Therefore, I would say that the public is satisfied with the service it is getting; and while that is so, I think we should not interfere with the status quo. I am of the opinion that we should carry on with the State Insurance Office as it is. It is there as a safeguard if at any time private enterprise falls down. Should I ever be of the opinion that the insurance companies are not covering the position as they should, I will be only too happy to help the State Insurance Office to undertake the work.

I know there are one or two fields which could possibly be covered. I have endeavoured to ascertain just why they are not covered, and I have wondered whether the State Insurance Office would cover them. The Chief Secretary stated in his opening speech that it would be prepared to cover the vineyards, but I am led to believe that that statement is not correct.

The Chief Secretary: I do not make incorrect statements in the House.

Hon. L. A. LOGAN: I am inclined to believe that the State Insurance Office would not take it on.

The Chief Secretary: Unless you can prove that, I would not, if I were you, suggest that I make incorrect statements.

Hon. L. A. LOGAN: Neither the State Government Insurance Office in New South Wales nor the one in Queensland will take it on, and from their experience I imagine that this State will not be game to tackle it.

Hon. R. F. Hutchison: It tackled miner's phthisis.

Hon. L. A. LOGAN: I agree; and for a reason. The full story has never been told about that. The insurance companies were asked to nominate a premium for something in respect of which they did not know what the liability was likely to be.

The Chief Secretary: Did the State Insurance Office?

Hon. L. A. LOGAN: Yes, because the information was available then, and it had the State behind it to take care of any shortcomings that might have been associated with the risk. The private companies were dealing with shareholders' money, and they just could not take on anything that might have incurred a loss. I think there is a lot of difference there.

Much has been said about the schoolchildren's fund. The Chief Secretary said that no one else could quote for it. That is not quite correct, because the insurance companies did quote. There is a big difference here, too. The insurance companies employ from 10 to 20 agents in a district; and some are only working men. The companies have to base their premiums on that position. When the State Insurance Office quoted a premium, it did so on the basis that there was no outside expense at all. The money was collected by the teachers or the P. and C., and there was no charge whatsoever against the collections.

The Chief Secretary: Would not the same thing have operated with the private companies?

Hon. L. A. LOGAN: No. The agents would all get their cut. If the Minister wants to cut out employment, well and good; but I do not.

Hon. W. F. Willesee: They are of no benefit to the people.

Hon. L. A. LOGAN: Of course they are!

The Chief Secretary: How was employment cut out because of the P. and C. doing what had to be done?

Hon. L. A. LOGAN: Because the agents of the private companies would get their cut.

The Chief Secretary: They were not doing it.

Hon. L. A. LOGAN: A lot of these agents are on part-time, and they only do this insurance work to make sure that they get a livelihood. If members want to cut them out of a livelihood, I do not.

The Chief Secretary: You are pretty hard pushed to—

The PRESIDENT: Order!

Hon. L. A. LOGAN: When private enterprise fails to live up to what it is supposed to do, then I believe the Government should come in and do the job.

On motion by the Chief Secretary, debate adjourned.

BILL—UNIVERSITY MEDICAL SCHOOL, TEACHING HOSPITALS.

In Committee.

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

Clauses 1 to 3—agreed to.

Clause 4—Power of controlling authority of teaching hospital to enter into agreement with Senate to make by-laws:

The CHIEF SECRETARY: During the debate, Dr. Hislop raised certain points in regard to this clause; and to ensure that I will not miss any of them, I have had a statement prepared. One of the queries related to the words "ipso facto"; and by way of interjection, I said that I could not see that it made any difference whether the words were struck out or remained.

Hon. Sir Charles Latham: It gives a little Latin touch, you know.

The CHIEF SECRETARY: I am one of those who prefer the English touch.

Hon. Sir Charles Latham: You are not a lawyer.

The CHIEF SECRETARY: I am not an enthusiastic supporter of inserting Latin phrases in any legislation. I would rather have pure English, and my remarks apply also to menus. The information which has been supplied to me reads as follows:—

> As the matter of appointing members of the medical staff of the Faculty of Medicine to be honorary staff members of the teaching hospitals is subject to agreement, it makes no difference if the words "ipso facto" are deleted. However, they are not essential. It was not intended in any case that all members of the medical staff should automatically become members of the honorary staff.

I will agree with Dr. Hislop that a wrong impression could be gained from the words in question, but it was not the intention that all members of the medical staff should be appointed. Continuing—

> Dr. Hislop's argument in relation to the inclusion of a hospital administrator on the committee constituted under Clause 5 is logical. If this member is necessary on one committee then he would be necessary on the other. However, as these committees are solely concerned with the teaching facilities provided, it is very doubtful whether the inclusion of a hospital administrator serves any purpose. The amendment was agreed to by the Minister for Health in the Lower House.

What happened in this case was that an amendment was made to one clause, but a similar amendment was not made in another. As far as I am concerned the members of this Committee can move to have the amendment struck out or let it remain, as they wish.

Hon. Sir Charles Latham: We will take it out. It will make the Bill shorter.

The CHIEF SECRETARY: That might be the better course; and if the hon. member moves in that direction he will make the Bill the same as it was when it was first introduced. I am not fussy whether the words remain in or not. Unfortunately, Dr. Hislop is not present today.

Hon. Sir Charles Latham: Strike them out. Dr. Hislop is absent in the Eastern States.

Clause put and passed.

Clause 5—Functions of Advisory Committee:

The CHIEF SECRETARY: The information which has been supplied to me on this clause reads—

> The suggestion that there is a lack of honorary medical staff representation on the committees proposed to be established under Clause 5 is hardly justified. It is considered that one member of an honorary staff of such a hospital—i.e., a hospital without a board of management—would be in a position to speak for his colleagues, with whom no doubt he would consult in such matters dealt with by the committee.
>
> In the case of paragraph (2) at least three of the four members would be medical practitioners.

> In the case of paragraph (3) at least three, and possibly four of the five members would be medical practitioners.

So I fail to see that there is need for any further representation of the medical staff. In one case three out of four members would be medical practitioners; and in the other, possibly four out of five would be medicos. In view of that, I can see no reason for making any alteration to the Bill.

Clause put and passed.

Clause 6—agreed to.

Clause 7—Regulation making power:

The CHIEF SECRETARY: Some objection was raised against this clause and the information I have here reads as follows:—

> The regulation-making power is of general rather than particular significance. At the moment it is not proposed to pay any committee member remuneration, but provision is in the Bill for future use if required. Allowances may have to be paid to members for travelling and other costs. It is not known as yet whether this will be necessary; power to make such payment is needed in case it is required.

So there is no suggestion at the moment that it will be necessary to make regulations. However, we do not want to be in the position, after the Act is proclaimed, of not having the power to do so. In any case, if regulations are made, any member of this Chamber can move for their disallowance.

Hon. H. Hearn: They do not like us when we do, however.

The CHIEF SECRETARY: Whether that be so or not, members still do it. The power to make regulations may be required, and therefore I think the Committee should agree that the clause remain as it is.

Hon. Sir CHARLES LATHAM: The trouble with regulations is that they are in operation for nearly six months, which is nearly as long as Parliament is in session. Departmental heads are very astute, in that they do not seem to make regulations while Parliament is sitting; but the moment Parliament goes into recess they draft regulations and inflict whatever penalty they think fit. I would like to see some review of the powers that are granted to civil servants to make regulations outside of the Act.

If members would read the decisions given by eminent judges, I think they would agree that it is unwise to grant this power to civil servants. We are inclined to be slovenly and say, "Let the civil servants make the regulations if necessary." I would like to see this power to make regulations struck out. Frequently the regulations that are laid on the Table would take one a week to study thoroughly. Moreover, in view of the legal phraseology used in them, I am sure many members are not certain what they mean or what powers are contained in them. I am going to vote against the clause.

The CHIEF SECRETARY: Sir Charles is riding his usual hobby-horse, but in this instance I want to correct him. These regulations will not be made by civil servants, but they may be drafted by them.

Hon. Sir Charles Latham: Who will make them?

The CHIEF SECRETARY: The Minister has the responsibility for all regulations issued by his department, so the blame is not on the civil servants; the blame lies with the Minister. If the hon. member is going to do something about the regulations, I will take the blame.

Hon. H. Hearn: Sir Charles has been a Minister, though.

The CHIEF SECRETARY: He may be one again, and we will see how he gets on then! Regulations must be approved by the Minister, and therefore he must take the responsibility for them.

Hon. Sir CHARLES LATHAM: I am surprised at the simplicity of the Chief Secretary. I am not complaining about the civil servants. What I am complaining about is that this Chamber has the power to take whatever action it thinks fit. But what we are doing is transferring it to the civil servant. The Chief Secretary said the Minister would be responsible; but he would have a great deal of time on his hands if he could read all the regulations that were placed before him by the heads of his various departments.

The regulations are drafted by a Crown Law officer. Certainly they are signed by the Minister; but frequently he does not compare them with the Act. On one occasion, when I asked for the Act, I was told by the departmental head, "We do not usually do that"; and this remark practically stunned me.

Hon. F. R. H. Lavery: You do not know our Chief Secretary.

Hon. Sir CHARLES LATHAM: Yes I do. He is a normal individual, and it would be impossible for any Minister to understand some regulations on occasions. I would like to study the regulations made under the Betting Control Act. I am sure the chairman of the board did not peruse all of them.

Hon. H. Hearn: But he is responsible for them.

Hon. Sir CHARLES LATHAM: Yes; of course he is! I am sympathetic to the Chief Secretary in some respects. He puts up a good case for his fellow Ministers, but in some instances his arguments are not very sound.

The CHIEF SECRETARY: All I have to worry about is the regulations of the department I administer, although I come into contact with many other departments. I say this for myself and for the present Ministers: that when regulations are placed before us, a full explanation of them is sought. Consideration is given to them before they are agreed to.

Hon. N. E. Baxter: Did you examine the traffic regulations and consider their effects?

The CHIEF SECRETARY: Yes. I know the full import of all regulations before I sign them, and I take full responsibility for them.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st November.

HON. L. A. LOGAN (Midland) [5.38]: If I read this Bill correctly, its purpose is to set up an overall authority to deal with the major drainage work of the metropolitan area. If that be the case, I can agree with the Government on this occasion. The local authorities would then be responsible for the subsidiary drains.

As one travels around the metropolitan area one comes across many suburbs which are badly in need of drainage, particularly after a heavy winter such as the last. Four areas come to my mind—Bassendean, Morley Park, Welshpool-Queen's Park, and Carlisle. I know the Welshpool and Carlisle districts particularly well, because I travel through them fairly frequently.

Within two streets of where I live, about 12 houses have been under water for two months, and the house immediately opposite mine has also been under water for a similar period. At present, one Government department has taken steps to pump the water from those two districts into a hole on top of a hill in an endeavour to relieve the situation.

That is all right while the pumping is going on. We know that the water percolates through the soil and drains back to the lower level again. The pumping has done some good, and has given the residents some relief. If the pumps are kept going long enough, the water will be circulated. Evaporation will dispose of a portion, and another portion will be absorbed into the surrounding soil. Thus residents are able to live in more comfortable surroundings. This is by the way.

The responsibility for drainage of the metropolitan area should come under some central authority, so that a co-ordinated scheme covering all the suburbs can be developed. This is not an easy task. I realise that the overall authority proposed in the Bill will have quite a few headaches before it can decide where the water will be diverted to. I understand that the main drains will flow into the river. If that is correct, particular care must be taken to see that no further pollution of the rivers takes place. I notice in the Bill a safeguard to that effect.

I commend to members the report of the Swan River Reference Committee which has been submitted to us. Members will find it very interesting. When I read it recently, I found it was well written, and the first portion was particularly interesting. I commend it to members because it deals with drainage and pollution. Time would be well spent in reading it.

There is only one provision of the Bill with which I am not happy, although I am of opinion that we cannot do much about it. That provision gives a right for prosecutions to be launched within the period of 12 months after any plumbing work has been done by an unauthorised person. I consider that the Government is getting too dogmatic on affairs of this nature.

That provision might well be applied to electrical wiring and installation, where one bad piece of work could cause the loss of human life. I agree also that in the medical and dental professions we must be hard and fast against unauthorised practice. But when it comes to plumbing, we should not apply the same restriction.

Under the existing regulations, no unauthorised person is permitted to change the washer in a tap; but the majority of us do it, and break the law. It seems a silly state of affairs to have regulations which are broken every day of the week. Under the provisions of this Bill if an unauthorised person replaced a washer in a tap, or changed a damaged tap, he could be prosecuted within 12 months after completing the job.

Only the other day I had occasion to engage a plumber to carry out plumbing work in my house. I might point out that with 19 years' experience on the farm I have as much knowledge of putting down water pipes as most men. The work I wanted done was not performed by a licensed plumber but by his apprentice, a lad of 16. With my 19 years of experience on the farm, I know as much about putting down pipes as he does.

Hon. J. McI. Thomson: Usually the licensed plumber does not go near the job, but one of his employees does.

Hon. L. A. LOGAN: That is so. The apprentice did a very good job, and I was pleased with his work; but I have had just as much experience in the laying down of pipes, and I could have done just as good a job. However, I was not permitted. We are making it more and more difficult for people to carry out their own work, and are forcing them to hire licensed or authorised workmen—in most cases at a pretty high charge—to do work, when, in many cases, it is not necessary.

If people were encouraged and permitted to do more of their own work, the community would be better off. We are getting to the stage where the people are being hamstrung in their movements. The time has come when more freedom of action should be given to the individual. That is the reason why I object to this provision in the Bill.

I do not agree with the period of 12 months in which prosecutions could be lodged. It could be in respect of a minor matter; and if the person who did the job were notified 12 months afterwards that he had broken the law, it would not be easy for him to remember all the details. I understand that the existing period for prosecutions is six months. I am sure that is long enough for complaints to be lodged, and for action to be taken in respect of unauthorised plumbing work.

With those reservations, I commend the Government for taking steps to deal with the drainage problems of the metropolitan area. I hope that it will not be long before an overall authority will be created to tackle the problem, particularly in those areas which have been waiting for such a long time for drainage work to be carried out. I know that the Morley Park and Bassendean districts have been waiting for many years for some drainage scheme, and the residents would be very happy indeed if the Government could undertake this job. I support the second reading.

HON. L. C. DIVER (Central) [5.40]: I support the Bill. The drainage of the metropolitan area has been under the focus of the responsible authorities for a considerable time. I understand that in another place acknowledgment was paid to Hon. D. Brand for initiating the contour survey of the metropolitan area, when he was Minister Works, so as to put any proposed scheme on a sound basis and to find out the exact location of flood waters.

The implementing of this amending Bill will be objected to by some people because it provides that owners of land which creates difficulties in the running off of storm water shall be rated. Near the Darling Range there are huge tracts of land that create drainage problems for the residents at the foothills, where several creeks discharge their waters into the sandy soil and help to form the lake system in the suburban area.

The water from the hills is discharged on to the lower land because of the natural fall. The water percolates through the sandy soil to river courses. Adjacent to the rivers there are clay banks which act as walls to hold back the water. In many instances, both on the Swan and the Canning Rivers, the difference between the high-water mark and the lowest point of the water table is many feet. Because there are banks of clay and other impervious material, the water cannot find sea level. As a consequence, there is need for a drainage system.

In the past, the responsibility for such a system was placed on the local governing bodies; and while they recognised the necessity for drainage, they did not have the finance to undertake any effective scheme. In the Bill, it is proposed to vest in the Metropolitan Water Supply, Sewerage and Drainage Department responsibility for the major drainage work of the metropolitan area.

I understand from conversation with an officer of that department that steps will be taken initially to develop the major drains to try to get the greatest relief at the earliest possible moment. Later on, it is proposed systematically to concrete the main channel and keep clear the vegetation which grows prolifically along the drainage system not only in winter, but also in summer. There will be one authority responsible for the main drains and it will have an overall income from the area raised by a rate to be struck. I think that the people living on the higher land from which the water drains on to the lower land should not object, but should consider themselves fortunate in not having a drainage problem to trouble them.

There is another reason why this authority should be taken; namely, the number of instances where the existing drains put in by the local authorities are partially blocked by the big pipes bringing water from the hills. Now it will be the responsibility of the Metropolitan Water Supply Department to attend to this matter. Not only will it be responsible for the drainage, but it will also have to take measures to see that the water pipes are lifted in order to give the drains free flow. Local authorities desired to have those water pipes lifted and have made representations to get the work done. There was not the finance, nor were there the men or materials, to undertake the work; but it will be this department's responsibility to see that such pipes are lifted clear of the drains.

There is another point about which we should be very careful, and I trust that those who are in charge of the drainage scheme will bear it in mind. There is a huge tract of country on the outer fringes of the suburban areas which is substantially grazing land; and while we want to get rid of the huge volume of flood water,

we do not want the spectacle of that land losing its identity as grazing land, at any rate until such time as it is required for building purposes. Consequently the water table should be dealt with with the greatest amount of caution in order to ensure that such land will not lose its value for summer grazing.

A lot of this land has quite a value for summer grazing. It has not much other value, except it be held for speculation. In time it will be drained and will be required as sites for houses, shops and factories, and higher values will then come about. But the matter needs to be dealt with in a considered way. We do not want to find the water table being lowered two or three feet more than is necessary.

As Mr. Logan pointed out, the local authorities will be required to continue with subsidiary drainage, so they will still have certain responsibilities. During the comprehensive tour on Sunday with the Minister for Works and other members, together with the representatives of the local authorities concerned, we obtained quite a good insight into the whole drainage problem in the districts south and east of Perth, and there is no doubt in my mind that the major drains proposed to be installed will have a tremendous effect on the nearer areas.

The point I wished to emphasise— and it is one that I have not heard mentioned—is the risk to the districts further out of excessively lowering the water table. I support the second reading.

HON. J. McI. THOMSON (South) [5.51]: I do not wish to delay the House on this Bill, because I support the main proposals. But I do not agree with the provision in the latter portion of the Bill to provide for a period of 12 months in which a prosecution may be launched against an unlicensed plumber. This is a matter which in the Committee stage should not be overlooked. Mr. Logan ably explained about the laying of some water pipes, not by a licensed plumber, but by his apprentice, a lad of 16. In that case, I take it that the responsibility would rest on the shoulders of the master plumber.

In my opinion, the report of the Master Plumbers' Association showed that they were more concerned about the licensed plumbing trade than the protection of the public. Members will recall the difficulties clients of plumbers experienced when the rise-and-fall clause was in vogue in contracts. I have yet to be convinced that the intention is to ensure further protection to the public as indicated in the report of the president of the Master Plumbers' Association.

Before we accept an amendment of this nature, we ought to consider carefully what its effect may be. For instance, a person may need to put a washer on his tap, and he puts it on; or he may have to do something to the standpipe. During the period of 12 months, somebody else could come along and do the wrong thing, and the first person would be held responsible for the work. The period of six months set out in the Act is quite sufficient to afford protection to the public; and for the life of me, I cannot see any need for extending that period.

In supporting the other amendments, I wish to commend the Government on having introduced them. But I sincerely trust that members will not pass lightly over the proposed new Section 146A, which proposes to extend the time to one year. Members can cast their minds back over the period when the term has been six months to provide protection to the public, and I think we should place little reliance on the advocacy of those who consider this extension to be necessary.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.55]: I thank members for their contributions to the debate. The drainage of the metropolitan area is one of the big problems confronting us today. Quite a lot of trouble has been caused by the subdivisions permitted many years ago of land which could not now be subdivided because of the protection we have under the Town Planning and Development Act.

Apart from a lot of land that was subdivided, sold and occupied in the earlier years, even land which up to recent years was quite safe from flooding has now become liable to inundation owing to other subdivisions that have had the effect of causing the water table to rise. Consequently, Mr. Diver's fears about the possible lowering of the water table are groundless, because in most instances the water table has been rising.

There are many places where the water table needs to be lowered, but the money is not available to do the job. The hon. member need not worry about the possibility of pasture land going overboard. The Town Planning Act requires the permission of the board before any subdvision of such areas is permitted, and quite a lot of the land that the hon. member has in mind could not be subdivided today as the board would not grant permission. Thus there is protection in that way.

Hon. L. C. Diver: I do not think you realise the magnitude of the problem.

The CHIEF SECRETARY: Unfortunately I do; I am meeting with this problem every day of the week. However, I emphasise that there is protection, because permission for all subdivisions must be obtained from the Town Planning Board. The board, with its knowledge of the conditions in the metropolitan area, is continually refusing to permit subdivisions

because they would be premature, or they are proposed in areas which should be rural in character, or for other reasons.

Hon. L. C. Diver: The water table miles away could be lowered and that would have an effect.

The CHIEF SECRETARY: Unfortunately that is occurring in settled parts such as Morley Park, Bedford Park and South Belmont.

Hon. L. A. Logan: What about Midvale?

The CHIEF SECRETARY: The hon. member need have no fear there, because it is not sandy, and only deep drainage will solve the problem. We have the problem all along the Armadale line, South Belmont, Gosnells and Canning, where there is a large area of land which has been subdivided and needs very heavy drainage work. Again we have it right down as far as Rockingham.

The problem is of such great proportions that it will be many years before any Government will have sufficient money to do the work necessary to bring about the effect envisaged by Mr. Diver. So members need have no fear from that point of view. Mr. Logan, Mr. Thomson and others seem to be worried about the period of 12 months.

Members always seem to take an extravagant view of some propositions; and in this connection, mention was made of the liability of a person changing a washer on a tap. Who would know that the offence had been committed? The necessity for the 12 months' period was decided on in view of the experience of the department, mainly in connection with the sewerage side—

Hon. J. McI. Thomson: Then why not differentiate?

The CHIEF SECRETARY: The water supply angle enters into it also, though not to the same extent as the sewerage side. Unauthorised people do plumbing work, and it may be quite a time before the faults manifest themselves. It is only when the department is called in that the facts are discovered; and the experience of the department is that in many cases the existing time limit is exceeded before the faulty work comes to light and so it is not possible to prosecute. Members can dismiss from their minds any query in relation to these minor jobs that are done by every householder in the metropolitan area.

Hon. J. McI. Thomson: Would the Chief Secretary agree to relate this provision specifically to the sewerage section of plumbing?

The CHIEF SECRETARY: I do not think it should be so confined. Individuals will continue to put washers on their taps—

Hon. L. A. Logan: And break the law!

The CHIEF SECRETARY: Yes, if the hon. member wishes to put it in that way. But in that case no damage is done. The only time when the provision would apply would be when the department was called in to rectify the results of unauthorised plumbing.

Hon. J. McI. Thomson: Why not increase the penalty?

The CHIEF SECRETARY: What is the use of an increased penalty if the time has expired and the individual reponsible cannot be charged?

Hon. J. McI. Thomson: Would 12 months be long enough?

The CHIEF SECRETARY: The department thinks it would. Certain other points were raised by members and, following my usual practice, I will give all the information possible in reply. The statement that I have prepared for that purpose is as follows:—The declaration of any particular main drainage area, as provided for under the Bill, could affect more than one local authority area, but this would be provided for by the department striking a drainage rate on all property-owners within the area whose land could be drained into the main drain.

Hon. L. C. Diver: But that could go right up to the Darling Ranges.

The CHIEF SECRETARY: It could cover any country that would drain into the main drain. This would not mean that land within the defined area, which in itself was free from drainage problems, would be free from rating, as the water from that land would be contributing to the necessity for drainage. On the other hand, the boundary of the area is so defined that land being drained in another direction, and for which no main drainage has been provided, would not be rated.

Powers in connection with the levying of storm-water rates have not been altered by any proposed amendment in the Bill. Such powers are given under Section 92 of the Act. Local authorities would be required, as always has been the case, to construct subsidiary drains into the department's drain, and any powers the local authorities now have for rating are not interfered with. All drainage areas are now within the one district, and any drainage rate imposed would be uniform over such district.

When considering a drainage scheme, the prospective revenue therefrom would be taken into consideration. For example, a drainage rate of 1d. in the £ would give approximately £17,000 in revenue, which would provide for a capital expenditure of close on £300,000. If Dr. Hislop was referring to the amendment to Section 75 as moved in the Legislative Assembly, he can be assured that such amendment has no bearing on the drainage rating.

The great majority of the areas in which drainage is required are already rated on the unimproved capital value basis by the local authority, and therefore not affected by the amendment. The points raised by Mr. Griffith are covered by the foregoing. I feel that I have now dealt with all the queries raised by members.

Question put and passed.

Bill read a second time.

In Committee.

Hon. A. F. Griffith in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 15—agreed to.

Clause 16—Section 75A added:

Hon. L. A. LOGAN: In reply to Dr. Hislop the other night, the Chief Secretary said there would be no increase in the rate. But I would point out that, under this clause, valuers could be appointed and increase the valuation of a property, so that the rates could be increased in that way.

The CHIEF SECRETARY: I have not overlooked that point, which has been a bone of contention in the metropolitan area for some years.

Hon. L. C. Diver: The provision has the merit of making the rise uniform.

The CHIEF SECRETARY: That is so. A great proportion of the increase in rates in the last few years has been due to increased values during the years since the previous revaluation of many areas took place. The effect was that for many years many people had very cheap rates, and recent revaluations bringing their valuations up to date involved a tremendous increase. The only way to counteract that would be a reduction of the rate in the £.

Hon. H. K. Watson: That is the logical answer.

The CHIEF SECRETARY: Now that a great deal of land has been revalued, any increase over the next few years would not be so steep; and it may be possible to counteract the increase in values by decreasing the rate in the £.

Clause put and passed.

Sitting suspended from 6.15 to 7.30 p.m.

Clauses 17 to 24—agreed to.

Clause 25—Section 146A added:

Hon. L. A. LOGAN: To a certain extent, the Minister answered some of the queries I raised, particularly in regard to the time lag of 12 months, during which a person could have interfered with the sewerage fittings. I can see the reason for the insertion of the 12-months' period in regard to sewerage fittings, but I cannot understand it in regard to water pipe fittings. I think this new section goes a little too far. We have heard members growling about plumbers' charges. If the man in the street were permitted to do some of his own ordinary plumbing work, plumbers would soon reduce their charges in order to get work. At present, plumbing is a close preserve, and it is difficult for a man to get a licence.

I know of two good plumbers in the country who, because they have not been doing lead work in the city, have not been able to get licences. One man, an excellent tradesman, is working on the wharf, and his services are lost to the public. It is a little difficult to move an amendment, but I wished to voice my objection to all these little pettifogging restrictions on the rights of the individual.

Hon. J. McI. THOMSON: I thank the Minister for the reply he gave to the second reading debate. I can see the necessity for the insertion of the 12-months' period in regard to sewerage fittings; but even after listening to the Minister, I cannot see the necessity for applying the same time limit to all types of plumbing. Any defects in ordinary plumbing work would show up almost immediately, but there would have to be a blockage in the sewerage before any defects would be discovered in that work. So I am prepared to concede that it is necessary to make a time limit of 12 months to cover sewerage work, but I object to the ordinary water fittings being placed in the same category. Therefore, I move an amendment—

> That the word "pipes" in line 8, page 18, be struck out.

Hon. C. H. SIMPSON: I hope the Committee will accept this amendment. Frequently, the fixing of pipes is a simple matter and one which the untrained person can do quite easily; and, as a matter of fact, that sort of work is done on all stations and farming properties as a matter of course. It is impossible for people in those places to call on the services of a tradesman. However, I agree that some regulation is necessary in regard to sewerage work. I think the amendment is a sensible one, and I hope it will be agreed to.

The CHIEF SECRETARY: I hope the Committee will not agree to this amendment. I know what the hon. member has in mind. But has he studied the definition of "pipes" in the Act?

Hon. J. McI. Thomson: What is it?

The CHIEF SECRETARY: It reads—

> "Pipe"—a main, reticulation, or service pipe used for or in connection with the supply of water.

If this amendment is agreed to, it will allow a person to interfere with a main, reticulation or service pipe, and thus will enable him to get away with an offence. I do not think members should allow that.

The hon. member is worried about a person being charged for some small infringment of the Act. Since the department has been in operation, has any person been prosecuted for a minor offence, such as putting in a new washer, or screwing on a tap, or something like that? Do not members think the departmental officers are sensible enough not to prosecute in such cases? Prosecution would be launched only where something serious had been done.

Hon. C. H. Simpson: It could be done, under the Act.

The CHIEF SECRETARY: But it has not been done. The hon. member cannot tell me of one minor offence in respect of which a prosecution has been launched.

Hon. J. McI. Thomson: I would not be prepared to agree that it has never been done.

Hon. L. A. Logan: No; it has been.

The CHIEF SECRETARY: The hon. member cannot quote a case where it has been done.

Hon. H. Hearn: And the Minister cannot prove that it has not been done.

The CHIEF SECRETARY: No; but I am making a statement, and it is for members to knock it over. Surely we have enough confidence in the department and the Minister in charge of it! They would not countenance prosecution for a minor breach.

Hon. H. K. Watson: Have we a definite assurance to that effect?

The CHIEF SECRETARY: Of course!

Hon. H. Hearn: But the Chief Secretary is not the Minister for Water Supplies.

The CHIEF SECRETARY: No; but I am acting for him in this case. As a Cabinet, we discussed all the aspects that members have mentioned this evening. We are ordinary chaps, and we know what happens in everyday life. Heavens above! We know of the things that go on, and probably we have done it ourselves on occasion!

Hon. J. McI. Thomson: And have not been caught.

The CHIEF SECRETARY: There is no worry about a person getting caught for a minor breach. It is only where some serious damage had been caused to the water system that a prosecution would be launched. If the hon. member's amendment is agreed to, he will be helping those who want to break the law in a serious manner.

Hon. G. Bennetts: It would be very dangerous.

Hon. J. McI. THOMSON: I anticipated that the definition of "pipes" would be as stated by the Chief Secretary. As it refers to general reticulation, I desire that the time should not be 12 months. Apparently it will still remain in the Act as it is now. I am sure members who spoke to the second reading of the Bill did not wish to see the time extended from what it is today to 12 months. As it relates to sewerage fittings, we are quite prepared to concede the period of 12 months. But what guarantee have we that even that period is sufficient? If we are going to amend the time now, what is there to prevent another Bill being introduced to amend it again?

The Chief Secretary: If you do not think 12 months is long enough, I will accept an amendment making it two years.

Hon. J. McI. THOMSON: We feel that the time for fittings should not be extended to 12 months.

Hon. F. R. H. LAVERY: I am not happy about the amendment. Some months ago we had a case in Fremantle where sewerage fittings and appliances were installed in a building which had a large verandah. Portion of this verandah was turned into a number of flats, and the person thought she was in order in doing this. It was some time before it was discovered to be against the by-laws of the Fremantle City Council, and the council had to prosecute the person concerned. The fittings cost about £350. The lady fought the case all the way, but she was found to have done wrong. That case could be covered under this provision. Sir Frank Gibson and Mr. Davies know of the case to which I refer.

Hon. H. Hearn: We are not disputing the period of 12 months for sewerage.

Hon. F. R. H. LAVERY: To have sewers working efficiently, pipes must be connected to them.

Hon. J. McI. Thomson: I would like to point out to Mr. Lavery—

The CHAIRMAN: Order!

Hon. F. R. H. LAVERY: I know what Mr. Thomson is trying to do; but if the word "pipes" is struck out, it will not make sense; and, as the Chief Secretary has pointed out, the amendment is not justified.

Hon. A. R. JONES: Since the Minister has explained that a person is allowed to replace a tap or a washer without action being taken against him, why should we worry if the time is extended from six months to six years? It is evident the department wants more time, because some of these plumbing faults are due to bad workmanship and would not show up for about 12 months. Mr. Thomson's amendment would not protect us against anything, and I do not see any reason for it.

Hon. J. McI. THOMSON: The amendment leaves the time as specified in the Act today in relation to water piping for reticulation, etc. The amendment seeks to

cover sewerage drains and fittings. These are earthenware pipes from the pedestal pan to the septic tank or sewer main, and I am prepared to accept a period of 12 months in this case. But for anything else, the time should be allowed to stand as it is today.

Hon. J. M. A. CUNNINGHAM: I do not know whether the amendment could be agreed to. The new clause refers to Section 146 of the principal Act, and deals with what is contained in that Act. Any alteration of this section would not alter what is in the previous one. It carries forward. The amendment cannot apply unless Section 146 of the actual Act is amended.

Amendment put and negatived.

Clause put and passed.

Clauses 26 and 27, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—ADMINISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd November.

HON. H. K. WATSON (Metropolitan) [7.56]: I have studied this Bill so far as one can study the law where the principal Act has to be read in conjunction with about five amending Acts in addition to the Bill. As far as I can see, the measure contains a few worthy suggestions. It endeavours to clarify one or two anomalies with respect to intestate estates, and small estates in the country.

At the moment the position is that where an estate is valued at £1,000 or under, the administrator, or the executor, or the beneficiaries, may deal with the matter through the local resident. They have no need to apply to the Supreme Court. But that applies only to an estate of under £1,000. This Bill proposes to increase that concession to estates of up to £3,000 in value.

The measure also proposes to state in express terms, for the first time, what the position in the future is to be regarding income tax. So far as income tax is concerned, I think the proposition only has to be stated to be appreciated: that Any income tax to which a deceased person may have been liable at the time of his death in respect of income earned up till his death ought to be allowed in calculating the final net balance of the estate upon which duty is to be levied.

Hon. Sir Charles Latham: Does that mean to exclude any income the property earns after his death?

Hon. H. K. WATSON: That is always excluded from estate duty.

Hon. Sir Charles Latham: But not income tax.

Hon. H. K. WATSON: The proposition I submit is that income tax on everything which a testator has earned up to the date of his death, and on which he is liable to pay estate duty, should be an allowable deduction when arriving at estate duty.

Hon. C. H. Simpson: Otherwise he would be taxed twice.

Hon. H. K. WATSON: Over the years there have been peculiarities in connection with that. For instance, at one time the question of whether the income tax was or was not to be allowed as a deduction depended on the relationship of the date of death to the date of the passing of the annual taxing Act. If a man died before the annual taxing Act was passed, he would not be entitled to it; but if he died after it was passed, he would.

Hon. H. Hearn: You had to be careful when you died!

Hon. H. K. WATSON: My word you had! That went overboard with the introduction of uniform taxation; but there was still this peculiarity with respect to income that was earned in one sense before the date of death—but which was not taxed until some years after that—and the amount of income was included in the estate, but the amount of income tax was not allowed as a deduction.

The J.O. wool receipts afford a good illustration of that. A man may have died three or four years ago when payments were due to him in respect of such receipts. The wool receipts could form part of his dutiable estate when he died in 1950, but the income tax payable in 1955, or the year the money was actually received, would not be allowed as a deduction from the gross amount—which, I think members will agree, was unjust.

Similarly, if a doctor or other professional man whose income was on a cash basis died, and at the date of his death his outstanding accounts were £5,000, that £5,000 owing to him at the date of his death would form part of his dutiable estate, but the income tax on it would only be payable by his executor in the year in which it was received. In the past, it has been the practice not to allow as a deduction the income tax so paid, with the result that, although a man had a gross debt of £5,000 and was liable for death duty on it he, in fact, only received probably £2,000 after income tax.

The Bill proposes to rectify those anomalies and to ensure that any income tax which a man has to pay in respect of any income which is included in his death duty assessment shall be taken into account as an allowable deduction. The drafting of the clause could be improved upon. It relates to income assessed in respect of income derived. When the Bill is in Committee, I am going to suggest that after the word "assessed" the words "or assessable," be added, because very

few men when they die have, in fact, received an assessment on income to the day of death. In the nature of things, the assessment has to be made later on.

When an amending Bill was before us last year, I drew attention to the unfortunate position that arises in almost any ordinary family when the husband dies and leaves the house to the widow. Even when the estate consists of nothing except the house, a very substantial amount of death duty can become payable. The submission I made to the House last year, and reference to which I would certainly have liked to see in this Bill, is that a family house should be completely exempt from the dutiable estate in the same way as a person's house is not taken into account in arriving at a decision as to whether he is eligible for a pension. I submit that the value of the family home should be excluded from the death duty assessment and from probate duties in the case of a person dying.

Hon. Sir Charles Latham: Provided they are living in it.

Hon. H. K. WATSON: No; I would exempt it upon death.

Hon. Sir Charles Latham: One house?

Hon. H. K. WATSON: Yes.

Hon. H. Hearn: The family home?

Hon. H. K. WATSON: Yes. We have heard a lot about encouraging home-ownership. This would be a material method of doing so. In New Zealand it has been the practice for many years to exclude a house from the probate statement, provided it was in the joint names of husband and wife and the value did not exceed £6,000.

Hon. Sir Charles Latham: It would only be 50 per cent. accounted for.

Hon. H. K. WATSON: Yes—if the value was not more than £6,000. Within the last few weeks, that measure has been amended to provide that the house, regardless of its value, shall be completely excluded.

Hon. L. A. Logan: Could we not amend our Act along those lines?

Hon. H. K. WATSON: I would like to try.

Hon. L. A. Logan: You would get a lot of support.

Hon. H. K. WATSON: I have not put an amendment on the notice paper only because I had doubts whether it would be within the ambit of the Bill. But I feel there should be some such provision.

Hon. C. H. Simpson: Could you add a new clause?

Hon. H. K. WATSON: This is how serious the position is: Take the case of a person who dies and leaves no life assurance, no money in the bank, nothing at all except the house and furniture worth £6,500—and £6,500 is not very much today. It is not very much on today's values, according to the water-rate valuations which the Chief Secretary mentioned only a few moments ago. If a man died and left to his wife nothing except a house and furniture worth £6,500, the death duty on that would be £390. His widow would have to scrape around and borrow on mortgage, or in some other way, the sum of £390. To me that is unconscionable, and my proposition is well worth considering.

When I moved a similar amendment two years ago, it was rejected by the Premier and Treasurer in another place, largely on the ground that the Grants Commission, in fixing the grant which is to be made by the Commonwealth Government to Western Australia, takes into account the total duties collected during the year in this State by comparison with the average duties of a like nature collected in the standard States of Victoria, New South Wales and Queensland.

I could not see the force of that argument. I feel that, regardless of the consequences, the proposition I submitted was one worthy of acceptance. When I was in Victoria, only a fortnight ago, I was interested to note that the Victorian Parliament was passing amending legislation easing to a very great degree the death duties and the provisions of the Administration Act in that State.

The Chief Secretary: That is not a claimant State.

Hon. H. K. WATSON: But the taxes it exacts are the basis upon which the Grants Commission has a look at our case. My point is that Victoria is gradually easing the rates. The Grants Commission argument two years ago was that our rates were not as high as those in the Eastern States. In the main, they were. The real bone of contention is that we have not as many wealthy people here as there are in the other States. That is where the disparity arises, and not in the actual rates imposed.

But there, they were exempting estates —not merely the house, but, if my memory serves me correctly, whole estates up to £5,000 or something like that; whereas here estates are taxable at £200. I very earnestly submit to the Government, and to the sponsor of this Bill, that some proposition along the lines I have mentioned should be included in the measure.

The Chief Secretary: I think it would be ruled out.

Hon. H. K. WATSON: It might be. That is the reason I did not put an amendment on the notice paper. The Bill is also designed to provide some relief with respect to comparatively small estates which pass to relatives of the deceased. It may be remembered that, up to 1939, the duty on such part of an estate as passed to

a parent, brother, sister, husband, wife or child of the deceased was only half of the specified rate. In other words, there was a 50 per cent. rebate if the estate passed to a relative, regardless of the amount of the estate. In 1939 that concession was cut down, and it was provided that the rebate should be granted only if the estate did not exceed £6,000. If it was more than that amount the estate was liable to the full rate. If it were under £6,000, the half rate could be claimed.

The Bill proposes to modify that principle by providing that if the total estate does not exceed £6,000, the existing 50 per cent. rebate shall apply. If the final balance exceeds £6,000 but does not exceed £8,000, there shall be a rebate of one-third; and if such balance exceeds £8,000, but not £10,000, the rebate shall be one-quarter of the existing rate.

That proposal would do much to remedy the anomaly that exists at the moment. If the estate at present is £6,000, the rate is 2½ per cent., which is 50 per cent. of 5 per cent.; but if it is £6,001, then 5 per cent. must be paid on the full amount. The Bill proposes to ease the position on a graduated scale for estates up to £10,000. I should say that that was the proposal and would be the proposal if the Second Schedule to the principal Act remains as it is today.

To explain the matter, I might mention that the provisions of the measure that grant this rebate provide that it shall apply to persons occupying the relationship set forth in the Second Schedule. If we turn to the Second Schedule we find the relationship is specified as follows:—"Parent, issue, husband, wife and issue of husband or wife." That has been the position since 1939; so that since that time, where an estate has gone to this relationship, there has always been a 50 per cent. rebate up to £6,000. The Bill, however, proposes to amend the Second Schedule.

Hon. A. F. Griffith: I am not going to persist with that. I said in my second reading speech that I would repudiate it.

Hon. H. K. WATSON: I wish to point out why it should be repudiated. So far as one can follow the history of the Bill, it was not in the author's mind when he introduced it.

Hon. A. F. Griffith: The Treasurer put this in.

Hon. H. K. WATSON: It was in the author's mind that these provisions would be a concession; and they would be a concession so long as the Second Schedule remains as it is today. But the Bill proposes to take everything out of the Second Schedule except the word "wife." If you have the Act before you, Mr. President, and you read the Second Schedule together with the Bill, you will notice that even the manner in which it is proposed to make the amendment is most extraordinary.

The Second Schedule states: "Parent, issue, husband, wife and issue of husband or wife." The Bill reads: "The Second Schedule of the principal Act is amended by deleting the words 'parent, issue, husband and issue of husband or wife.'" Those words are all within the one set of quotation marks. After looking at the clause and trying to sort it out, I find the effect of it is to drop all the words in the Second Schedule except the word "wife."

I hope that even if the Bill is given a second reading, the proposed alteration to the Second Schedule will not be agreed to, because the effect of it will be not to grant a concession to relatives, but to deny them a concession which they enjoy at present, and which they have enjoyed almost since probate duty was probate duty. Subject to these reservations, I support the second reading.

HON. A. F. GRIFFITH (Suburban-in reply) [8.18]: I thank Mr. Watson for his considered opinion on the Bill. When introducing the measure, I said that I personally did not agree with Clause 17. I explained that I was handling the Bill here for a private member in another place; and that the Treasurer, for some extraordinary reason, had Clause 17 inserted after allowing the series of rebates, as Mr. Watson mentioned, up to £10,000. I fail to understand the Treasurer's reasoning in allowing relief only to the wife and cutting out the others.

It appears obvious to me that this is a mistake; it would even preclude the children. I do not think a great deal of reason was put into the introduction of the clause. I thought I had made it plain at the time—I repeat it now—that I did not intend to proceed with this clause. When the Bill is in Committee, I will have no objection if Mr. Watson moves—or I will move—to exclude the clause. Regarding the other provision which he mentioned and the inclusion of the words "or assessable", I think that will improve the Bill, and I will be happy to have those words added.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; Hon. A F. Griffith in charge of the Bill.

Clauses 1 to 9—agreed to.

Clause 10—Section 69B added:

Hon. H. K. WATSON: I move an amendment—

> That after the word "assessed" in line 19, page 4, the words "or assessable" be inserted.

The Chief Secretary: Why?

Hon. H. K. WATSON: The clause, literally, refers only to the income tax assessed; but all income which has been earned up to the date of death, whether it has been assessed or has still to be assessed, ought to be an allowable deduction.

The CHIEF SECRETARY: I asked why, because I do not like members just moving for a bare deletion without giving an explanation. Although something may have been said at the second reading stage, the point is better emphasised if it is explained at the time of moving the amendment.

Hon. A. F. GRIFFITH: I am delighted at the Chief Secretary's interest in my Bill. In actual fact, nothing is being deleted, but something is being added. I agree to the amendment.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

> That after the word "assessed" in line 22, page 4, the words "or assessable" be inserted.

The same reasons as applied to my previous amendment apply here.

Amendment put and passed.

Hon. Sir Charles Latham: Just after that place in the proposed new section, it seems as though the assessable income is included.

Hon. H. K. WATSON: No. The portion of the proposed new section that we have been dealing with relates to the income which has been derived up to the date of death, but in respect of which an assessment has not gone out. The remaining portion deals with an entirely different class of income—trustee income. Section 101A of the Income Tax Act says that any income received by the trustee, after the date of death, shall be assessed upon the trustee, but as a separate assessment.

Clause, as amended, put and passed.

Clauses 11 to 16—agreed to.

Clause 17:

Hon. H. K. WATSON: Mr. Griffith has mentioned that he is not going to press for the inclusion of this clause, and I invite the Committee to vote against it for the reasons mentioned in my second reading speech. As it was delivered only five minutes ago, I am disinclined to burden the Committee with a repetition of it.

The CHIEF SECRETARY: I hope Mr. Griffith will stick to his Bill and not allow this to go out. I think he fell into a nice little trap when Mr. Watson suggested that it should be deleted. The hon. member ought to know that if the Premier inserted that clause in the Bill he had good reason for doing so.

Hon. A. F. Griffith: You tell us the reason.

The CHIEF SECRETARY: On reading it, I would say that it would increase the exemptions provided in certain sections of the Act.

Hon. H. K. Watson: That is what the Bill is designed to do.

The CHIEF SECRETARY: Quite so; but the Bill can go too far. I listened to Mr. Watson's explanation; and if his suggestion were adopted, only the wife would be mentioned in the relevant section. I would say that the Premier requires all of these people to be included.

Hon. A. F. Griffith: Oh yes; he requires it!

The CHIEF SECRETARY: If the Premier considers that that is necessary in the legislation, the hon. member might endanger his Bill by voting against the clause. To be on the safe side, I would suggest that the clause should remain.

Hon. A. F. GRIFFITH: I was not falling into any trap by listening to Mr. Watson, but rather I would be falling into one if I listened to the Chief Secretary. The original intention of the Bill was to give certain relief; and the hon. member who introduced it endeavoured to have that relief extended to estates valued up to £5,000. They were correspondingly reduced by the Premier in another place in all estates up to a maximum value of £12,000. Already there has been some agitation in regard to the intended relief. As this clause which was inserted by the Premier would debar relief to those referred to in it, I do not feel inclined to proceed with it. I have only to think of a man who dies and leaves a young family.

Hon. Sir Charles Latham: Or aged parents.

Hon. A. F. GRIFFITH: Young children would be the greatest of his responsibilities. If we agree to Clause 17, those young children would not be entitled to the relief as was intended by the mover of this Bill in another place, because it deletes all reference to anyone except a wife. If the clause remains, the wife would be the only person to whom taxation relief could be granted. It may well be that a young family could be more deserving or in greater need of taxation relief than a wife. No man would thank me for sponsoring a Bill that would deprive his infant children of some protection.

Hon. H. K. Watson: And of some protection which they actually enjoy today.

Hon. A. F. GRIFFITH: That is the point. They already enjoy this protection in regard to an estate that is valued to a maximum of £6,000. However, because it is now proposed that certain other protection—namely, one-half and one-quarter—will be permissible in regard to an estate with a maximum value of £10,000, all these other people will be deprived of any protection. The Treasurer will be

very harsh and unjust if he insists on Clause 17 remaining in the Bill, bearing in mind that before it could be introduced it required a Message. The clause envisaged by Mr. Watson would be acceptable to me, but I doubt if it could be inserted in the Bill. Therefore, I trust that it will not be agreed to.

Clause put and negatived.

Title—agreed to.

Bill reported with amendments.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 2nd November.

HON. R. F. HUTCHISON (Suburban) [8.38]: I support the Bill, and I hope the House will consider very seriously the amendment that is proposed; namely, to allow the wives of householders to have a vote at Legislative Council elections. History has to be studied down through the years to gain a proper appreciation of how slowly the franchise for this House has developed. I think that we can now go at least one step further to enable the wife of a householder to be enrolled on the Legislative Council roll.

When we consider that the Legislative Council first comprised the Governor; Captain Irwin, the commandant, and P. Broun, the Colonial Secretary—with the Secretary of State having the power of veto—and when we reflect on how slowly the franchise has grown in the intervening years, it is no wonder that the people have been dissatisfied, and that we have now reached the stage where we are asking that a step further be taken in its development.

Hon. G. Bennetts called attention to the state of the House.

Bells rung and a quorum formed.

Hon. R. F. HUTCHISON: We are now asking that the wives of householders be given a vote at the elections for this House. There is agitation for this move. However, the agitation is not apparent, because the people are not fully informed as to what the franchise for the Legislative Council really means. That has been due to the lack of publicity. The Press never publicises the Legislative Council elections in the same way as it plays up the Legislative Assembly elections. Therefore the people often lose sight of the fact that this House has the important role of passing or negativing the legislation that is introduced in another place. We know, of course, that within the narrow franchise that now exists, it retains the power in the hands of a few.

On page 140 of the current "Pocket Year Book," it is shown that the number enrolled on the Legislative Assembly roll is 319,941, whilst the number on the Legislative Council roll is 90,150.

Hon. Sir Charles Latham: One is compulsory enrolment and the other is not.

Hon. R. F. HUTCHISON: The number of electors that voted during the 1953 elections for the Legislative Assembly was 192,225 and for the Legislative Council elections the total number of voters was 24,171, which tells a tale of an undemocratic approach to the franchise in this State. I have tried to get the post offices to display the Legislative Council enrolment card on the counters so that people will be aware that they have to fill in the card in order to get on the roll. Permission for even that slight privilege has been refused. No act is too small for the Opposition to resort to in trying to prevent us from informing the people of the Legislative Council franchise. It falls to Labour Party organisers and Labour candidates to inform people by the slow and hard way of word of mouth.

When we consider that this is a young State, and this Chamber represents less than one-third of its people, and the cost to the public of Western Australia is reaching £100,000 a year, we wonder where the democratic approach to this question comes in. No effort has been spared to keep the people in ignorance of the Legislative Council franchise. The franchise is never explained. It is kept in the dark. Of course, the Press is traditionally anti-Labour, and it explains nothing about this franchise. I have found from experience that when the franchise is explained to people, they become eager to get on to the roll, and be ready to vote. My campaign proved that.

We should be governed in a democratic manner, and the voting should be compulsory, the same as for the Legislative Assembly. It is made as difficult as possible for a person to fill in an enrolment card. I have had much trouble in convincing women who had a right to vote. They did not seem to be sure, and some were afraid to get on the roll. The card is framed in stilted legal phraseology which is beyond the understanding of many people.

Hon. A. R. Jones: You told us when speaking to another Bill that women were well informed.

Hon. R. F. HUTCHISON: The woman qualified to vote for the Legislative Council must own property or be a householder which means she has to be a widow, a legally separated woman, or a single woman earning an income living on her own. Those women are very much in a minority. They do not enrol unless someone explains to them that they are entitled to do so. Men have told me that they could not be enrolled because they were not property-owners. I say they are kept in the dark purposely. When one goes around and explains to them the position, they are eager to be enrolled.

The anti-Labour interests are aware that vast numbers of workers are entitled to be enrolled, and do their best to keep those workers in the dark. This Bill has been introduced on more than one occasion, but I hope it will be passed this time.

There is one term on the enrolment card which is difficult for the ordinary person to understand; and that is, "freeholder." The difficulty is to explain the difference between an owner and a freeholder. Another difficulty to be overcome is to convince people that the term "householder" really means the occupier. Those matters should be seen to and altered. It should be made easier for people to get on to the Legislative Council roll. At present, no candidate for the Legislative Council can be under 30 years of age.

I have heard members referring to the abolition of this House, and what the Labour Party did in New South Wales. I have waited for this opportunity to tell members what was done in that State. When the Labour Party had a majority in the Upper House there, a move was made to abolish it; but two Labour members did not turn up to vote, and the motion was lost. They were bought over.

Hon. Sir Charles Latham: Were they members of the Labour Party?

Hon. R. F. HUTCHISON: They were bought over by the Liberal Party. I shall be happy to see the day when we can abolish this House. Through the years, it was by the pressure of the people themselves that the franchise was widened. That time will come again, unless the Opposition is prepared to widen the franchise progressively and bring it more into line with the franchise for the Legislative Assembly.

It is a negation of democracy to allow a man who is a householder to be enrolled, but to deny that privilege to his wife. We have often stood up and declared our faith in democracy; yet here is a situation where the wife of a householder is denied the right to vote. She can be fined £2 for not voting for the Legislative Assembly, but she is not permitted to vote for the Legislative Council where all legislation is finally passed. I wonder why this position is tolerated at all. As the facts become known, it will not be tolerated.

Hon. A. R. Jones: A person is entitled to vote if he is on the roll.

Hon. R. F. HUTCHISON: That is so; but the wife of a householder cannot be enfranchised. She is denied the right, although she may be fined £2 for not voting for the Legislative Assembly. She is denied the right to vote for this House, where every piece of legislation must be passed before it becomes law. I am hoping that this Bill will be passed on this occasion, and that members will support it as a democratic measure.

HON. A. F. GRIFFITH (Suburban) [8.55]: I would like to be able to express a few opinions on this Bill. It is another one of those Bills which have become hardy annuals in the Legislative Council. The opinions I want to express are those which I put forward after having given considerable thought to the matter.

My mind goes back to the original framers of our Constitution, and to the people who decided that the State of Western Australia should have a bicameral system of parliamentary representation; that they should have a Legislative Assembly and a Legislative Council; that the franchise for the Legislative Assembly should include any person over the age of 21 who was a British subject or naturalised British subject; and that the franchise of the Legislative Council should be one of five things, as clearly indicated on this card in print, which is almost one-eighth of an inch in size and can be read by anybody with normal eyesight.

Hon. R. F. Hutchison: And many parliamentarians cannot fill it in.

Hon. A. F. GRIFFITH: I hope that during the next few minutes, during which I propose to speak on this Bill, the hon. member will deal with me as I dealt with her; that is, that she will let me express my opinions without interuption. If she continues to interject, then I want to tell the hon. member, through you, Sir, that I shall not take any notice of her. The Legislative Council has been in existence for many years.

Hon. R. F. Hutchison: Too many years.

Hon. Sir Charles Latham: It laid the foundation of this State.

Hon. A. F. GRIFFITH: It is only in recent years that so much emphasis has been placed on the existence of the Legislative Council.

Hon. R. F. Hutchison: People are waking up.

The PRESIDENT: Order!

Hon. A. F. GRIFFITH: The emphasis has been placed upon it by our political opponents, the Australian Labour Party. I would point out that the Legislative Council was the first House in existence in Western Australia. From it came the basis for what we in this House refer to as "the other place".

I asked the Clerk of the Legislative Council to allow me to look at his record book of Bills—Bills that had been passed by this Chamber. His record goes back to 1914. I want to say to you, Sir, and to members, that this book is literally filled with hundreds and hundreds of Bills that have passed through this Chamber, and—prior to that—the other place.

You, Sir, know the procedure much better than I, because I am only a junior member of this House. Most Bills originate in the other place, and they come to this House

in accordance with the decision of the founders of our Constitution, who decided that we should have a Legislative Council with a certain property franchise to have a second look at the legislation which was brought down.

Having had a second look at the legislation, the Legislative Council may agree to a Bill without amendment, or agree to a Bill with some amendment. Then it is returned to the other place, with a message stating what has been done to it. That has happened in this Chamber on hundreds upon hundreds of occasions. There have been times when the Legislative Council has exercised its right; but I decline to subscribe to the interjection of Mr. Barker about throwing legislation out of the window or words to that effect.

Hon. F. R. H. Lavery: The percentage of such legislation would be pretty high.

Hon. A. F. GRIFFITH: On the other hand, it would be very low, as the hon. member well knows.

Hon. F. R. H. Lavery: What percentage of Labour Government Bills has gone out of the window?

Hon. A. F. GRIFFITH: We have had measures presented to us such as the Prices Control Bill—

Hon. R. F. Hutchison: Which you opposed.

The PRESIDENT: Order!

Hon. A. F. GRIFFITH: —the State Government Insurance Office Bill, the Rents and Tenancies Emergency Provisions Bill.

The PRESIDENT: The hon. member is speaking beside the question and inviting interjections.

Hon. A. F. GRIFFITH: I am trying to make my speech without interjections. The rents and tenancies measure was not defeated in this House. It was considerably amended, and I think history shows the wisdom of the amendments introduced by the Council.

Hon. R. F. Hutchison: Nothing good was left of it.

The PRESIDENT: Order!

Hon. A. F. GRIFFITH: The Industrial Arbitration Bill was a measure that would have forced the Arbitration Court to make adjustments of the basic wage. There were one or two other measures, but not many—Bills that were disposed of, some on the second reading, some on the third reading. They having been disposed of session after session over the last three years, have we not seen them brought up one after the other, for the express purpose of being disposed of in this House so that the high lights could be thrown on the dreadful members of the Legislative Council, who, it was alleged, disposed of those Bills to their own satisfaction? It is interesting to notice that the Bills I have mentioned are all part and parcel of the platform and policy of the Australian Labour Party.

The Chief Secretary: Which were endorsed by the electors at the general election.

Hon. A. F. GRIFFITH: The situation in another House being what it is, I am in a good position to argue with the Chief Secretary on that point.

Hon. F. R. H. Lavery: You would be delighted if you were.

Hon. A. F. GRIFFITH: The hon. member need not try to bait me.

Hon. F. R. H. Lavery: I am not doing that.

Hon. A. F. GRIFFITH: The fact remains that at present the Government has not a majority in that House. I ask members to consider the matter from this point of view. The Legislative Assembly, at the next general elections—

Hon. R. F. Hutchison: We are speaking of women's franchise.

The PRESIDENT: Order!

Hon. A. F. GRIFFITH: —could have all its members unseated. That is a possibility though not a probability. The designers of our Constitution realised that it was a possibility, and that in such an event, there would be 50 members in that Chamber who would have had no parliamentary experience at all. Therefore they fixed on biennial elections for the Council so that members would have had at least two, four or six years experience in dealing with legislation.

Hon. R. F. Hutchison: Do you agree women should vote?

The PRESIDENT: Order: I ask the hon. member to refrain from interjecting.

Hon. A. F. GRIFFITH: That was the reason for framing the Constitution in this way, and now it is a plank of the present Government's platform to alter the situation.

Hon. F. R. H. Lavery: Enrolments for the Council are comparatively small.

Hon. A. F. GRIFFITH: Because enrolment for the Assembly is compulsory. If people do not enrol for that House and if they do not vote, they are liable to a penalty of £2. Evidently the Government desires people to be compulsorily enrolled for the Council and fined if they fail to do so.

Hon. E. M. Davies: This Bill does not provide for that.

Hon. A. F. GRIFFITH: I know it does not; but I feel sure that if the desires of the Government were completely fulfilled, it would deal with that matter. I know as well as Mr. Davies what the Bill deals with.

Hon. E. M. Davies: Then what about speaking to it?

Hon. A. F. GRIFFITH: I think my view is shared by a good many other members that the question could be asked, "Is it better for a man to say that he must vote on Saturday next because voting is compulsory"; or to say, "I think I shall vote on Saturday because I have a moral responsibility to my country?" I suggest that the latter would register the better vote.

I saw a pamphlet issued about 18 months ago dealing with the question of the Council franchise. In addition to referring derogatively to Liberal and Country Party members of the Council, it stated at the bottom in large print, "Voting is compulsory." Beneath the word "Voting," and in print about as large as that on Council enrolment cards, was the word "morally," so that when read properly the statement was "Voting is morally compulsory." I am sure members will agree that that pamphlet was an endeavour to mislead the electors; on the other hand, it was a frank admission by those who issued the pamphlet that voting was a moral responsibility.

I defy any member to contradict my statement that in any post office are to be found enrolment cards not only for the Council but also for the Assembly and for the Commonwealth Houses. I have seen placards in many post offices at the time when Council elections were pending stating that enrolment cards were available and that voting was not compulsory.

Hon. Sir Charles Latham: Electoral Office notices are posted there, too.

Hon. A. F. GRIFFITH: Yes. It is purely a question of principle as to whether the franchise for this House should be extended or not. I consider that the Legislative Council has proved itself under the existing franchise. It is not a difficult franchise. We have been told that people do not understand the franchise.

Hon. R. F. Hutchison: Members in opposition to the Government try to play it down.

Hon. A. F. GRIFFITH: I do not agree with that statement, but there are thousands of people who are entitled to be enrolled for the Council but have not enrolled. However, I have no doubt that in the elections that will take place next year, the numbers will be built up very considerably. We have known of people being elected on the present Council franchise who have stated that, under that franchise, it was impossible for them to be elected. I believe that the Legislative Council has been a good custodian of the people's interests. I think the Constitution should remain as it is and, in conclusion, I would express the sincere belief that on the experiences of the past three years, the Legislative Council has proved to be a protector of the people of Western Australia from socialism. Therefore I hope that the Bill will not be agreed to.

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

Sitting suspended from 9.10 to 9.16 p.m.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I desire to thank you, Mr. President, for the courtesy you extended to us in order to allow us to arrive at our decision regarding tomorrow's sitting. I move—

That the House at its rising adjourn till 7.30 p.m. tomorrow.

Question put and passed.

House adjourned at 9.17 p.m.

Legislative Assembly

Tuesday, 8th November, 1955.

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