

The Minister's statement that a member should be free to go home after the poll will not hold water. In the Act there is provision for a member and his wife to be on the roll for the district he represents although he does not live in it. That was written into the Act because he represents the people in that district and his political interests are there. While the Minister seeks to debar a member of Parliament from acting as a scrutineer, there is nothing to prevent his opponent from acting as a scrutineer for someone else. I do not think that every member of the Government knew that the clause was being included in the Bill nor were they aware of the implications or injustice of it. They should induce the Attorney General to withdraw the clause.

Hon. J. B. SLEEMAN: After what has been said, I hope the Attorney General will show commonsense by withdrawing the clause.

The Minister for Education: It cannot be withdrawn.

The Minister for Lands: Why not let it go to the vote?

Hon. J. B. SLEEMAN: The provision is tantamount to saying that a member of Parliament cannot be trusted to act.

Clause put and negatived.

Clauses 20 to 30, Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it insisted upon its amendments Nos. 1, 2, 6, 7, 8 and 9 to which the Assembly had disagreed.

BILL—LAND TAX.

Returned from the Council without amendment.

BILL—WHEAT POOL ACT AMENDMENT (No. 2).

Received from the Council and read a first time.

*House adjourned at 12.36 a.m.
(Wednesday).*

Legislative Council.

Wednesday, 1st December, 1948.

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

QUESTIONS.**STATE SHIPPING SERVICE.***As to Fremantle-Esperance Run.*

Hon. G. BENNETTS asked the Chief Secretary:

(1) Owing to the increased railway freights to the Esperance and Norseman districts, will the Government consider returning to the Fremantle-Esperance run the m.v. "Kybra"?

(2) If not, will he consider placing another ship on this run?

The CHIEF SECRETARY replied,—

(1) It is not practicable at this juncture to divert the m.v. "Kybra" to the South-West run owing to shortage of goods in the North-West.

(2) The matter will receive consideration.

FORESTS.*As to Officer's Visit to Eastern States.*

Hon. A. L. LOTON asked the Chief Secretary:

(1) Was a Forests Department officer, named Weston, recently sent to the Eastern States on departmental business?

(2) If so, to what States; and what parts of the States did he visit?

(3) What was the object of his visit?

(4) Has a report been made?

(5) If so, could his report be tabled?

The CHIEF SECRETARY replied:

(1) Yes.

(2) (a) New South Wales, Sydney; (b) South Australia, Adelaide and northwards to Alice Springs.

(3) (a) To attend the 1948 Forest Products Conference in Sydney; (b) to inspect karri and jarrah sleepers in North-South Railway between Oodnadatta and Alice Springs.

(4) Yes re (a) and (b).

(5) Yes.

BILL—LAND ACT AMENDMENT
(No. 1).

Read a third time and returned to the Assembly with an amendment.

BILL—COUNTRY TOWNS SEWERAGE.*Second Reading.*

Debate resumed from the previous day.

HON. L. A. LOGAN (Central) [4.36]: I was hoping that I would have received some information from the country with reference to the Bill, but unfortunately it has not come to hand. Although I agree with the measure in principle, there are certain aspects of it that may be of doubtful benefit to the rural areas. I think its introduction is rather premature. As I have stressed on a number of occasions in this Chamber, the first necessity in the country districts is water, and until it is available, we cannot install sewerage systems.

In my opinion, the consideration of the Bill could very well be held over until next session in order to allow country municipalities and road boards to consider its provisions and probably submit some worth-while suggestions to put it into better shape. To my mind, it is not right to pass a Bill of this description until those who will be affected by its provisions have had time to consider the subject. We represent the residents of country provinces, and until we obtain their views we are not in a position adequately to present their ideas upon the matter. I would certainly like the Bill set aside until next year. I am not in a position to discuss the Bill at length, but I shall support the second reading in the hope that information will come to hand that will enable me to discuss the various clauses more effectively during the Committee stage.

On motion by Hon. C. F. Baxter, debate adjourned.

BILLS (3)—FIRST READING.

1, Electoral Act Amendment.

2, Road Closure.

3, Reserves.

Received from the Assembly.

BILL—LOAN, £2,315,000.*First Reading.*

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [4.42] in moving the second reading said: The purpose of this Bill is to obtain Parliament's authority to raise loan money to carry out the programme of works detailed in the estimates of expenditure from the General Loan Fund. The amount for which authority is sought in this Bill is £2,315,000, and although this is less than half the amount proposed to be spent according to the Loan Estimates, it will be sufficient, with the unspent balances authorised to be raised by previous Loan Acts, to meet our requirements for this year.

Loan proceeds last year amounted to £2,645,500, out of which £8,964 was paid for flotation expenses. From Commonwealth loan raisings we received £2,258,000 at an interest rate of $3\frac{1}{8}$ per cent. and from domestic raisings, £387,500. Domestic raisings consist of investments of trust funds under the control of the Treasurer and these amounted to £133,500, plus our share of the excess of deposits over withdrawals by the Commonwealth Savings Bank, which amounted to £254,000. Under the Savings Bank Transfer Agreement, we receive loan money from the Savings Bank at one per cent. above the highest rate allowed to depositors, which for many years has been two per cent. Therefore, the money borrowed from the Savings Bank costs the State three per cent.

On the 30th June last, the public debt of the State was £100,274,741, on which we paid an average rate of interest of £3 4s. 7d. per cent. Redemptions effected during the year out of sinking fund moneys amounted to £1,409,575, and there will be available for further redemptions during the current year an amount of £1,200,000. It is necessary that the Loan Bill be approved by Parliament before the Appropriation Bill is passed. As members are aware, the Appropriation Act authorises the spending of the loan money and it is therefore essential that the authority to

raise the money be approved by Parliament before it is asked to authorise the spending of that money. I move—

That the Bill be now read a second time.

Personal Explanation.

Hon. Sir CHARLES LATHAM: I do not know whether or not I am right, but I understand that the Estimates have not been passed by another place.

The Chief Secretary: I am afraid that I cannot take notice of what happens in another place.

Hon. Sir CHARLES LATHAM: It seems extraordinary to me that another place should send to this House a Bill to authorise the expenditure of loan money when the Estimates have not been passed. I asked for a copy of the Orders of the Day of another place to ascertain the position. Certainly, this Chamber does not deal with the Estimates.

The Honorary Minister for Agriculture: Have not the Loan Estimates been passed?

Hon. Sir CHARLES LATHAM: The Bill has been passed by another place, otherwise we would not have it here. I would like the opportunity to check up on the position. We can proceed with the measure at a later stage of the sitting if I have made a mistake.

The PRESIDENT: I take it that this is a personal explanation.

Hon. Sir CHARLES LATHAM: Yes.

On motion by Hon. A. Thomson, debate adjourned.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.*Assembly's Request for Conference.*

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

The CHIEF SECRETARY: I move—

That the Assembly's request for a conference be agreed to and that the managers for the Council be Hon. E. M. Davies, Hon. C. H. Simpson and the mover.

Hon. L. CRAIG: I wish to make this observation: This House decided to object to certain clauses in the Bill. Both the Chief Secretary and Mr. Davies supported the

Government, while Mr. Simpson opposed it. Now we are proposing to appoint as managers three members, two of whom do not represent the views of the House. The Chairman of Committees may chuckle, but I am raising the point. Mr. Fraser, a member of the Labour Party, on a previous occasion opposed the Government. I think the right thing to do is to appoint members from each of the Parties the majority of whom represent the views of the House. I am not going to make any suggestion, but it seems to me that we have always adopted the principle of a representative of the Country Party, one of the Liberal Party and one of the Labour Party, and on all such occasions at least the majority of those representatives have represented the views of the House.

The CHIEF SECRETARY: I am sorry Mr. Craig has raised this point. Over a great number of years, when the Labour Party was in power, as a rule it had only one or two members to support its Bills, and members of the Country Party and Liberal Party were in a majority in this House against the Minister. I would point out that each individual manager has the same power at a conference. The matter is secret, and I trust what happens in the conference room will always be kept secret. I repeat that each manager has the same power as the others, because the decision must be unanimous. If members desire a ballot, there is nothing to prevent that course being followed. As far as I can understand it, Mr. Craig's objection is that Mr. Simpson is included among the managers instead of a representative of the Country Party.

Hon. L. Craig: No.

The CHIEF SECRETARY: The hon. member says there should be a representative of each Party.

Hon. L. Craig: No.

The CHIEF SECRETARY: Then I misunderstood the hon. member. He can call for a ballot if he so wishes. I sincerely trust that the procedure adopted over a number of years will be followed on this occasion, and when we have further conferences I hope members will take me into their confidence and suggest whom they think should be appointed. I do not just pick names out of a hat willy-nilly. It is the time-honoured practice that the mover is one manager, and there is usually a mem-

ber of the Labour Party included, Labour members being asked whom they desire to represent them. Perhaps I neglected to ask the Country Party in this instance whom it wished to have for its representative. I took it that Mr. Simpson, as mover of the principal amendment, should be included and I included Mr. Davies as representative of the Labour Party.

Hon. A. THOMSON: I call for a ballot to be taken.

Ballot taken.

The PRESIDENT: As a result of the ballot, Hon. G. Fraser, Hon. C. H. Simpson, and the Chief Secretary have been appointed managers.

The CHIEF SECRETARY: I move—

That the conference meet in the Chief Secretary's room at 9.30 a.m. tomorrow morning.

Hon. G. FRASER: I do not know whether the conference will last a long time, but I have a particular appointment to keep at 11 a.m. tomorrow.

The Chief Secretary: I cannot do anything about it.

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

BILLS (2)—RETURNED.

- 1, Bank Holidays Act Amendment.
- 2, Public Service Act Amendment.

Without amendment.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. G. FRASER (West) [5.10]: I intend to support the second reading. I am certainly disposed towards the lengthening of the term of the two members on the Bench from three to five years. After examining the Bill, the only doubt I had regarding the matter has been dispelled. At first I thought that to make an appointment for five years was rather loose. A person may be appointed for that period and after a time prove to be totally unsatisfactory for the position. I therefore looked for any loopholes whereby he could be removed from the Bench and I found in the Act itself all the necessary safeguards there.

Points such as a member becoming an undischarged bankrupt or becoming of unsound mind are covered; also, part of Section 56 reads—

The Governor may remove any member of the Court from office who—

(c) Is proved to be guilty of inciting any industrial union or any worker or employer to commit any breach of an industrial agreement or award; or

(d) Is absent without reasonable cause from three consecutive sittings of the Court.

Even this did not satisfy me. I thought there ought to be some other safeguard there.

The Chief Secretary: You could not appoint a communist.

Hon. G. FRASER: It does not say so in the Act.

The Chief Secretary: He would be liable to be "sacked."

Hon. G. FRASER: Section 57 provides a further safeguard which reads—

The Governor may also remove from office the President or any ordinary member on an address from both Houses of Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity.

It was the latter words I was looking for when making my search. The other reasons would automatically cause a man to be discharged from the Bench, but until I discovered that particular section in the Act I was not satisfied. It says that a man could be removed on the ground of proved misbehaviour or incapacity; so, if a man on the Bench is not doing his job, the way is open under that section for both Houses of Parliament to dispense with his services. The appointment of a conciliation commissioner is one in which I believe, because if we had more conciliation and less arbitration we would probably find our industrial concerns would get along much better. I am a great believer in arbitration but I think conciliation is a much better way of ironing out many of the disputes that occur.

One of the complaints of industrial unions in years gone by was the length of time it took to get before the court. By appointing a conciliation commissioner, much delay will be obviated. Apart from obviating the delay in getting to the court, the appointment of a conciliation commissioner should permit of the ironing out of many difficulties so that only major differences between the parties may need to

be referred to the President for decision. Therefore I consider the proposal to appoint a conciliation commissioner a wise one. I approve of his retaining office until he reaches the retiring age of 65. This will put the conciliation commissioner on a par with the President of a court, except that the retiring age for the President is 70 years. However, the conciliation commissioner will retire at 65—the age of retirement applying to the Public Service.

The rest of the Bill deals with the appointment of an assistant registrar. I believe that the additional work that has developed in the court necessitates the employment of this official. I can see nothing wrong with the Bill; in fact, I can see quite a lot that is right with it. This seems to be one of those rare and happy occasions when employers and employees have got together to some effect, and I have no doubt that the Bill will receive a rapid passage through this House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed*.

BILL—COMPANIES ACT AMENDMENT.

Second Reading.

Debate resumed from the 25th November.

HON. J. A. DIMMITT (Metropolitan-Suburban) [5.20]: I desire to indicate my approval of the Bill and will vote for the second reading. I congratulate Mr. Watson on his endeavours to improve a statute that is in need of improvement. Members will recall that the Act was passed some five years ago. During the progress of the measure through this Chamber—I think it took two sessions to deal with it—a number of amendments were sought, but we failed to secure some of them. During the intervening years, efforts were made to induce the then Government to bring down certain amendments, but we were always given the same reply, namely, that the framer of the Bill, who is now a Justice of the Supreme Court, had advised that the Act be given

a year's operation before any attempt was made to amend it. There was a certain amount of sound commonsense in that advice.

The Act was proclaimed at the beginning of this year. Eleven months have passed and those of us who have been associated with the administration of companies, whether public, proprietary or private, have realised some of the imperfections of this legislation. We have passed through the balancing period, which with most companies is June, and this has revealed some of the real difficulties. The Bill represents a genuine effort to straighten out some of the difficulties and solve some of the problems.

I wish to make reference to two or three of the clauses. With most of them I agree, but the wisdom of one seems rather questionable. Clause 5 seeks to alter the composition of a proprietary company by increasing the membership, which is now limited by the Act to 21. I consider it desirable to increase the number who may be members of a private company. This will partly achieve some uniformity with the Eastern States and will allow companies a greater freedom in the transfer of shares.

Many companies, particularly the older ones, have found that a membership of 21 gradually expands, due frequently to the passing of some of the older shareholders. In such a case, the shareholder may bequeath his shares to two or three beneficiaries and so the membership is automatically increased and the company reaches a point where it no longer lives within the provisions of the Act and so ceases to be a proprietary company. The increase of members from 21 to 50 appeals to me as being a very desirable feature of the Bill and I hope the House will approve of it.

Clause 9 provides for the deletion of the word "advertisements," which will relieve companies of a distinct disadvantage, because many companies today are offending against the Act by using illuminated signs bearing names that are not their registered titles. It would be extremely difficult for a company like Foy & Gibson (W.A.) Ltd. to have a neon sign containing all that. I am sure that this and other companies similarly situated have no desire to evade the provisions of the Act, and it is desirable that the statute should be amended to make

it more workable. So long as the registered name of the company appears on official documents and letterheads, it should meet all requirements so far as the public is concerned.

The point I wish to raise with Mr. Watson is dealt with in Clause 11. He is seeking to alter the date for submitting the annual return from the 31st March to the 30th June. I think most companies will agree that the period around the 30th June is the busiest of the year, that is, from an administrative point of view. The secretary, the clerical staff and the auditors are snowed under with an immense amount of work preparing annual returns, statistical returns, balance sheets and taxation returns, and to alter the date for this return from the 31st March to the 30th June appears to me to be a mistake. If it were left at the 31st March, which represents a comparatively slack period in auditors' offices and administration branches of companies, it would be more desirable. I should like to hear Mr. Watson's reason for suggesting the alteration.

Clause 13 provides for a progressive step, namely, the use of loose-leaf stationery. I commend him for having made that proposal. By Clause 15 he desires to insert after the word "services," the words "as directors," which will be a decided improvement because it will clarify the position of directors. I consider that the Bill, regarded as a whole, will make for better working in the offices of companies and auditors, but I hope that he will reply to the point I have raised regarding Clause 11. I commend the hon. member for having introduced the Bill and hope it will meet with the approval of the House.

HON. G. FRASER (West) [5.28]: I support the second reading, but there are some points on which I should like Mr. Watson to give further information in the Committee stage. I recall the time when the honorary Royal Commission was sitting to consider this legislation and one of the things the Commission was concerned about was that there should be no hiding on the part of firms behind other names. The idea was that they must disclose their real identity.

Hon. J. A. Dimmitt: That is dealt with in a different Act.

Hon. G. FRASER: I believe there is another Act dealing with it, but this provision appears in the Companies Act. However, the Royal Commission paid a considerable amount of attention to that phase. Therefore I hope that there is no proposal in the Bill, which I have not yet been able to examine thoroughly, to give companies that opportunity. Possibly the provision is more desirable now than it was when the Commission sat, in view of the big influx of people from other lands, some of whom might wish as far as possible to hide their identity.

I hope there is no loophole here so that a company can shelter behind some name other than its own. I realise the example given by the hon. member is a good one, namely Peters American Delicacy Company, but we do not want a firm using a name to hide its real identity. The only other point I am vitally concerned about is the suggestion to alter the date for the supplying of balance sheets from three months to six months. I admit three months may be a little short, but at the same time I think six months is too long. I hope that in Committee we will strike a happy medium. I support the second reading.

HON. E. M. HEENAN (North-East) [5.31]: The present Companies Act has been in operation barely 12 months, and I think it has gone a long way towards improving our company law and safeguarding the public. It is so vast that in the 12 months very few lawyers, accountants or company directors have yet arrived at a proper and complete understanding of it. In my legal practice I deal very little in company law, so I do not presume to be an authority on that aspect of our legal system, but I do know that the lawyers in Perth have experienced many difficulties, and that there have been misunderstandings and misapprehensions regarding the measure.

I have looked at the proposed amendments in the Bill, and I commend them to the House. My view is, with the greatest respect to Mr. Watson, that it would be advisable to let the Government make a comprehensive review of this piece of legislation. Anyone, to get a proper understanding of it, would have to study it for 12 months and then have plenty of opportunities of applying his knowledge. I have

heard many complaints about the Act. I understand that even officials in the Companies Office have hardly known where they stood on occasions.

The Bill goes only a small way. I hope that next year the Government will make an adequate review of the Act. I believe it needs trimming and stream-lining. It would be well worth while for the Government to appoint some competent tribunal to go into the matter and so improve the measure, which, I understand is really a good one and puts our company law on a better basis than it has ever been previously. I have had brought under my notice, in a letter from a firm of solicitors, some shortcomings in respect to our company law. This firm suggested a few amendments, but I cannot work them into the Bill, so I shall pass them on to the Government; and I hope that next year a comprehensive measure will be introduced.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; Hon. H. K. Watson in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 5:

Hon. H. K. WATSON: On the second reading, I indicated that this was really a pro forma clause to permit me or the Government to bring down a comprehensive amendment to clear up the position as to whether banks and life insurance companies are or are not covered by the measure. I regret that time has not allowed me to give the matter the consideration which is necessary. No good purpose will, therefore, be served by passing the clause as it stands. I invite the Committee to vote against it.

Clause put and negatived.

Clauses 4 to 8—agreed to.

Clause 9—Amendment of Section 101:

Hon. H. K. WATSON: The amendment contained in this clause would not in any way bring about the disability that Mr. Fraser thought might be caused. Under the Act a company must have a name which has to be registered at the court, together with the names of its directors and shareholders. I think Mr. Fraser really had in

mind firms or partnerships other than companies. I might say that they are likewise covered under the Business Names Act.

Clause put and passed.

Clause 10—agreed to.

Clause 11—Amendment of Section 112:

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

That in lines 2 to 4 the words "by substituting for the words 'thirty-first day of March' in lines two and three of Subsection (1) the words 'thirtieth day of June'" be struck out and the following words inserted in lieu:—

"(a) By substituting for the words 'thirty-first day of March' in line six of Subsection (1) the words 'thirtieth day of June';

"(b) by substituting for the words 'date of' in line thirteen of Subsection (1) the words 'thirtieth day of June preceding';

"(c) by substituting for the words 'twenty-one' wherever appearing in Subsection (3) the word 'fifty'".

A mistake in drafting occurred here. The object of the Bill is not that the return shall be lodged on the 30th June of each year, but that the list of shareholders submitted shall be the list as at the 30th June, which in 99 cases out of 100 would probably be the list of shareholders at the date the balance sheet was lodged.

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

Clause 12—Amendment of Section 121:

Hon. G. FRASER: This is a very short clause, and I ask Mr. Watson what the amendment contained in it means.

Hon. H. K. WATSON: Section 121 provides, inter alia, that when a company carries a special resolution, copies of that resolution shall be attached to every copy of its memorandum and articles of association which it may thereafter issue. This applies with respect to any special resolution which either increases the capital of the company or alters the memorandum or articles of association. There is no good reason for cluttering up the memorandum and articles of association with special resolutions, particularly those which have no relation to the articles or memorandum.

Clause put and passed.

Clause 13—New Section 124A:

Hon. L. CRAIG: I am not too happy about this clause and about the keeping of

minute books and records. The Act provides that minute books and registers of members must be kept in bound books. I do not know whether it states that their contents shall be written in or not, or by what other means that shall be done, but, by this amendment, the minute book and share register may be kept in any way as long as they are looked after. I think the clause is a little loose. With decent public companies it would be all right, but I am not too satisfied about the position of other companies. The clause states that "adequate precautions shall be taken." Does that mean locking the books up in a safe, or handing them to the secretary, or the adoption of some other means? It would be difficult to establish what the words "adequate precautions" really mean.

The keeping a minute book is most important, and I consider the loose leaf system for such a book is most dangerous. Directors who have done something they should not have done can remove any mention of their actions by taking out a loose leaf page from the minute book and adding another in its place. If a bound volume is kept and any alterations are to be made, they would have to be scored through with a pen and could then be initialed by directors to say that a mistake had been made; but it would at least be in the book and be available at all times. As far as the share register is concerned, I agree that in these days, where companies have 5,000 or 6,000 shareholders, it is difficult to have them registered in a bound book. I would like some further information from Mr. Watson on this clause.

Hon. H. K. WATSON: The clause is primarily designed to facilitate the keeping of a loose leaf share register. As Mr. Craig has stated, many companies have 1,000, 2,000 or 3,000 shareholders and, by the provisions of the Act, it is necessary to submit the names of shareholders in alphabetical order. The only logical and sensible method of doing it is by a loose leaf system or by a card index system. That principle is recognised to a certain extent in Section 35A of the Interpretation Act.

I am not particularly wedded to the idea that the minute book should be on a loose leaf system, but I do think the share register and similar books could be kept in that

manner. This question was extensively discussed last year in the United Kingdom, and, after investigations, it was recommended that approval be granted for the keeping of loose leaf registers and minute books. The clause is a replica of Section 119 of the Act passed last year in the United Kingdom.

Hon. G. FRASER: I move an amendment—

That in line 2 of Subsection (1) of proposed new Section 124A, the words "minute book" be struck out.

Like Mr. Craig, I am not too happy about the inclusion of the words in this clause.

Hon. H. K. WATSON: I have no objection to that amendment.

Hon. L. CRAIG: I am glad Mr. Watson has adopted that attitude. In any of the companies with which I am concerned, a loose leaf minute book would not be approved. One of the methods for the keeping of a minute book is to have the minutes typed, and then pasted on a sheet in a bound book. The chairman, when signing the minutes, connects the pasted sheet with the original by initialing over the edge, which means that the initials are on the original foundation sheet of the bound book and also on the sheet pasted in.

Hon. W. J. Mann: That does not always stop them.

Hon. L. CRAIG: It is a safeguard, and it would be necessary to mutilate the book to get the page out. However, it is much safer than a loose leaf system.

Amendment put and passed.

Hon. G. FRASER: I move an amendment—

That in line 1 of Subsection (2) of proposed new Section 124A, the words "minute book" be struck out.

This amendment is consequential.

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

Clause 14—Amendment of Section 126:

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

That in line 2 after the word "amended", the brackets and letter "(a)" be inserted.

The amendments I have to the clause are consequential. Dealing with the point raised by Mr. Fraser regarding the period of time for holding annual meetings, he

acknowledged that three months might be too short but that six months might be too long. In practice the desire of all shareholders is that the annual meeting shall be held as soon as possible after the closing of accounts. The period of six months will be the maximum and ordinarily the annual meetings will be held within about four months.

Hon. G. FRASER: Very often the maximum tends to become the minimum; but as six months would bring the date approximately to the 31st December, we can take it for granted that the annual meeting will be held earlier than that.

Amendment put and passed.

On motions by Hon. H. K. Watson, clause further amended by adding the following paragraphs:—

"(b) by substituting for the word 'periods' in line seventeen of Subsection (1) the word 'period';

(c) by deleting the words 'three and' in line seventeen of Subsection (1)."

Clause, as amended, put and passed.

Clauses 15 to 17—agreed to.

Clause 18—Amendment of Section 151:

Hon. G. FRASER: I would like Mr. Watson to give an explanation of this provision.

Hon. H. K. WATSON: Table A of the Companies Act provides that directors are empowered to appoint a managing director and to fix his remuneration, which expresses the universal practice under all Companies Acts, which uniformly embody a similar Table A, and articles of association. The section, however, bears the construction that the salary to be paid to a managing director must be fixed by a general meeting of shareholders. Furthermore, if one of the directors was a professional man and in that capacity undertook work on behalf of the company, his remuneration for those professional services would have to be fixed by the shareholders at a general meeting. No such provision is to be found in any other Companies Act throughout the world, and the amendment I propose seeks to bring our Act into line with other measures.

Hon. G. FRASER: I desired some explanation on the point because the Royal Commission inserted this particular provi-

sion in the Act on the ground that shareholders were entitled to information as to what payments were being made. With the omission of this provision, there will be no necessity to report to the shareholders at all.

Hon. H. K. WATSON: That is not so. The interests of shareholders are protected under Sections 152 and 153, and that covers the point raised by Mr. Fraser. The clause merely obviates the necessity for shareholders' meetings being called to determine what salaries shall be paid.

Hon. Sir CHARLES LATHAM: The alteration of the Act is necessary in this respect, because there is a decided conflict between Section 151 and the articles of association, which also constitute a part of the Act. I drew attention to this matter last year when the Companies Bill was before the Committee.

Clause put and passed.

Clauses 19 to 22—agreed to.

Clause 23—Amendment of Section 402:

Hon. H. K. WATSON: I have on the notice paper an amendment to Section 137 which deals with this matter more appropriately than the proposed new subsection I have included in Clause 23. I therefore invite the Committee to delete the clause.

Clause put and negatived.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 24—Amendment of Sixth Schedule:

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

That in line 2 of paragraph (c) the word "last" be struck out and the word "second" inserted in lieu.

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

New clause:

Hon. Sir CHARLES LATHAM: I move—

That a new clause be inserted as follows:—"7. Section 59 of the principal Act is amended by adding after the word 'company' in line 5 of Subsection (1) a proviso as follows:—

Provided that this subsection shall not apply to a co-operative company registered under the repealed Acts or under Part VI of this Act."

There are, throughout the agricultural dis-

tricts, many small co-operative companies the directors of which give their services free to the shareholders. I have obtained advice from a legal firm on the matter. It is as follows:—

The words used are all-embracing to such an extent that it is clearly intended that this subsection would not be restricted in its operation to share capital and debentures and to commissions and discounts. The section uses the words "in any circumstances or for any purpose, whether directly or indirectly, any financial assistance to any director." I think that were it intended that this subsection should only apply to the provision of finance to a director for the purpose of assisting in the purchase or in connection with any dealing in the shares of the company the subsequent provisions of the section render it quite redundant.

Subsection (2), whilst preventing generally the giving of financial assistance by a company to any person for the purpose of purchasing or dealing in shares expressly provides that this subsection shall not prohibit the lending of money in the ordinary course of business to a person not being a director of the company or the provision of money for the purchase of shares by trustees for employees not being directors of the company or the making of loans to persons other than directors in the employment of the company for the purpose of enabling them to purchase shares in the company.

The provision is unusual; it does not appear in the Companies Acts of the United Kingdom, New South Wales, Victoria, South Australia, Queensland and New Zealand. The legal firm quotes authorities. They say that if any credit at all is given to a director, the company becomes liable under that part of the Act.

Hon. H. K. WATSON: I am not quite clear why it is desired to insert this proviso, having regard to the provisions of Subsection (5) of Section 147. With respect, I doubt whether Section 59 does prohibit the supplying of goods on credit to a director in the ordinary course of business. I have no serious objection to the amendment, but is it really necessary?

Hon. Sir CHARLES LATHAM: I assure the Committee that the legal firm whose opinion I obtained is a reputable one. The present provision is not clear, and for that reason the co-operative companies are very disturbed. Their desire is to protect the persons who give their services free, and I was asked to move this amendment so as to make their position perfectly clear.

New clause put and passed.

New clause:

Hon. H. K. WATSON: I move—

That a new clause be inserted as follows:—
“16. Section one hundred and thirty-seven of the principal Act is amended by adding at the end thereof a subsection as follows:—

(8) A partnership registered under the Business Names Act, 1942, may be appointed auditors in the business name so registered, provided every partner resident in Australia is duly registered as an auditor under this Act.”

New clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—GUARDIANSHIP OF INFANTS ACT AMENDMENT.

Returned from the Assembly without amendment.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Assembly's Request for Conference.

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

The HONORARY MINISTER FOR AGRICULTURE: I move—

That the Assembly's request for a conference be agreed to, and that the managers for the Council be Hon. J. G. Hislop, Hon. E. H. Gray and the mover.

Hon. H. L. ROCHE: I ask that a ballot be taken. We are in an unfortunate position, in that when the Labour Government was in power this House always had a Labour Minister at conferences. We are now in the unhappy position where representatives of the party that forms the Opposition in another place are supporting the Government in this House. With the Minister and one of those members at the conference it leaves only one representative to support the considered opinion of this House. I think the appointing of the managers should be subject to ballot so that the House might decide for itself what representation it wants.

Ballot taken.

The PRESIDENT: As a result of the ballot, it is found that two members have recorded equal votes. In accordance with

Standing Order No. 332, it was necessary for me to determine by lot who would be the member not included. The managers for the Council are Hon. E. H. Gray, Hon. H. Hearn and Hon. G. B. Wood.

The HONORARY MINISTER FOR AGRICULTURE: I move—

That the conference be held at 9 a.m. tomorrow in the President's room.

Question put and passed.

BILL—TRAFFIC ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—HEALTH ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. J. M. A. CUNNINGHAM (South) [8.3]: I secured the adjournment of this debate in the hope that I would be able to obtain some information as to the Government's intention with regard to the establishment of further institutions or clinics for the treatment of tubercular patients. Unfortunately I was not able to obtain such information. There appears to be no intention on the Government's part to open up or establish any further clinics to treat T.B. sufferers. I have therefore great reluctance in granting authority to anybody to restrict the liberty of persons whether they be a danger to the community or for any other reason. At present, there is only one place where T.B. patients can be sent.

As a representative of the Goldfields I say definitely and emphatically that Wooroloo is not, and never will be, a suitable and satisfactory place to send anybody with any type of chest complaint, especially if they have lived the greater portion of their lives on the Goldfields. I maintain that the Goldfields climate is probably one of the most perfect in Australia for a person suffering from chest or T.B. troubles. Many attempts have been made to have one or more groups of people support or start some sort of clinic on the Goldfields. I do not mean the Eastern Goldfields only but on other fields also. However, we have not had any success yet. Invariably, if a man requires treatment for T.B. he has to come down to Wooroloo. This is virtually signing that

man's death warrant. I am not saying that on hearsay because I have very good reason for holding that belief.

Hon. G. Bennetts: Esperance would make a good place for the treatment of T.B. patients.

Hon. J. M. A. CUNNINGHAM: Esperance would be too damp. The Goldfields climate is the ideal one and it is the place where a clinic for T.B. sufferers should be established. There are three types of recalcitrant patients which the Minister wishes to be controlled in some way. There is the moral and mentally defective patient who will not, for that reason, undergo treatment. There is the criminal type with some sadistic tendency who probably even takes a delight in the danger he causes to the community. Then there is simply the careless person who will not enter an institution to ensure the safety of other people. I agree that these people should be under some form of control but not that type of control; it should not be such as would compel them to come down to the climatic conditions existing at Wooroloo.

I have in mind a specific case of a young man named Dudley Peak. He is a man who has worked for many years in the mining areas and for ten years has been a qualified geologist and an expert in his own game. When the war broke out he enlisted in the R.A.A.F. Up to this time he had been examined time and again by the Government Laboratory at Kalgoorlie and had obtained a clear ticket with no trouble whatever. After examination by the R.A.A.F. it was found that he had a scar at the top right lobe of his lung. This man was well aware of that scar which had resulted from an attack of pneumonia he had contracted 20 years earlier. An x-ray plate in his possession showed the scar, and he knew it was on his lung.

Hon. Sir Charles Latham: How then did he get into the R.A.A.F.?

Hon. J. M. A. CUNNINGHAM: I am coming to that. A fortnight after his enlistment the R.A.A.F. said that he was not satisfactory according to their standards and that they were doubtful about his lung. Immediately he went back to the Goldfields he had to obtain a ticket and on reporting to the laboratory it was found that the medical officer had the R.A.A.F. report in

his possession. Dr. Outhred of the Commonwealth Laboratory, in conjunction with his colleagues, inspected this man's lungs again and on the result shown in their plates, together with the R.A.A.F. report, they said they could not give him a ticket.

This all happened within a fortnight. Since then, this man has had various inspections by the same laboratory and he has never been able to get any satisfaction. The only information he has received is that his complaint is becoming worse. But apparently this is not true. This man has accepted the ruling of Dr. Outhred but he says that the only suspicion they had at the Government Laboratory was the scar on his lung. From time to time, this man has been examined by the doctor and at one time he was sent to Perth. He arrived in Perth on the date he was supposed to report at the Royal Perth Hospital and he was there told that they knew nothing about him. He was informed that if he came back on the first of the month, which was three days later, they would find a place for him. That man landed in Perth with his pyjamas under his arm expecting to go into hospital and with about 10s. in his pocket.

He could not afford to stay in Perth so he went to the Mines Department and obtained a rail ticket to take him back to Coolgardie. He is prepared to undergo treatment if he can get some outside corroboration of Dr. Outhred's diagnosis. Meanwhile he cannot be compelled to go to Wooroloo. He is working hard on the railways and filling in his spare time on other jobs in order to make sufficient wages to maintain his wife and two children. Under this Bill that man will be classed as a recalcitrant patient, either morally, criminally or in some other way, and may be brought under control.

The Chief Secretary: Read the Bill.

Hon. J. M. A. CUNNINGHAM: If he fails to do what he is told he may be sent to some institution whether he likes it or not. It would be a better plan if the Government were to assist bodies that were interested in the establishment of suitable clinics either in Coolgardie or Kalgoorlie. Small clinics of that description would obtain support from everyone rather than that the Wooroloo institution should be supported in its State-wide appeal. Many

people have established their homes on the Goldfields and lived in them for many years. A man up there may have gradually become ill and grown worse with his trouble, and under this Bill his home is likely to be broken up.

It may be said that it is better for a few people to suffer in that way than that they should be a continual danger to hundreds of others with whom they may be brought into contact. On the other hand, why should a man have to travel several hundreds of miles away from his home when his wife is in a position to care for him in their own home? She cannot accompany him because she will be unable to obtain any accommodation near the hospital to which he would be sent. She cannot keep her family herself and naturally wants to be with her husband. What better care could a man have than being looked after by his wife in a fairly comfortable cabin on the Goldfields and in the Goldfields climate or in some small clinic such as could have been established in a building that was recently pulled down? I regret to say it was our own municipal council that bought the building in question. This was once an R.A.A.F. hospital and was ideal for the purposes of a clinic. The ground around it was perfect for gardening. The building was sold for a minute portion of its actual worth and was pulled down in order that the material might be put into private homes.

I suggest that if the Government wants the complete support of members, particularly those from the areas where the people are most concerned about this piece of legislation, it should let them know what it intends to do in future. There are organisations on the Goldfields that would jump at the chance of inaugurating some form of clinic suitable for turned-down miners, who constitute a large proportion of the T.B. patients that go to Wooroloo.

There is a huge ward at Kalgoorlie, which has been closed down for many months owing to the shortage of staff and I see nothing to prevent that ward being turned into a T.B. clinic. Many of these sufferers need only a very small amount of actual medical care. In some cases it might be a matter of receiving injections or taking medicine, and a few visits to the doctor would be sufficient to enable him to check up on their condition. Such oversight of

their condition and regular care at the clinic would ensure such men many more years of life than if they were sent to an institution like Wooroloo.

I do not wish it to be thought that I am opposing the measure. I am not, but I feel that it does not go far enough in the direction of giving a guarantee to those of us who are deeply concerned about the people in our own areas—the people who normally contribute the greater proportion of the cases that need to be sent to Wooroloo. I want the Government to consider announcing some desirable scheme while there are organisations on the Goldfields prepared to work to that end. I support the second reading.

HON. G. FRASER (West) [8.17]: Usually I adopt the attitude of supporting the second reading of a Bill because, no matter how bad a measure may be, it usually contains some good points. Consequently, the bad points can be dealt with in Committee and efforts can then be made to put them right. So I say my general attitude is to support the second reading. On this occasion, however, I find the Bill so bad that I cannot vote for the second reading. I have examined the measure very thoroughly and I cannot see any way of amending it in Committee.

I appeal to members to give very serious consideration to the contents of the Bill. I ask them not to regard it as an ordinary measure, but to examine it even more critically than they do most measures. Under this measure we propose to deal with the liberty of the people, and those who will be affected are the most unfortunate section of the community—those who are sick. As it is, sufferers from this disease are condemned to a living death, and, if the Bill be passed, they will be condemned to a living hell.

To sum up the Bill, we find that if a person is suspected of suffering from T.B., there is power to order him into an institution for treatment. I would be prepared to give the Health Department considerable assistance in order to combat the disease, but this Bill appeals to me as going the wrong way about the business. I would go so far as to support a proposal for compulsory x-ray examination, but I would not go so far as to permit the ordering of a patient to enter an institution.

Hon. J. A. Dimmitt: It is done already in the case of many other diseases.

Hon. G. FRASER: Quite so, in the case of a number of infectious diseases. T.B., however, is a contagious disease, and there is quite a difference between the two. If T.B. were an infectious disease, we would not permit visitors to see patients in the institutions. However, though we know it is a contagious disease, we also know that there is not the risk of contracting the disease that there is of contracting an infectious disease.

We must realise that a person suffering from T.B. has a very small chance of recovery. We cannot shut our eyes to that fact. I do not think that even Dr. Hislop would claim that many of the sufferers from T.B. can be cured. True, the disease can be arrested, but very few sufferers can be cured. Therefore we ought to give serious consideration to any legislation we are asked to pass dealing with these people.

Hon. E. M. Heenan: What would you do with the man suffering from the disease who goes around drinking or drugging?

Hon. G. FRASER: I would be prepared to have such a person subjected to a penalty.

Hon. J. A. Dimmitt: You could not do that if you do not pass the second reading.

Hon. G. FRASER: Yes, a man who consumes intoxicating liquor to excess can be dealt with under the existing laws.

The Chief Secretary: No, such a man has to be drunk before he can be dealt with.

Hon. G. FRASER: If a person consumes alcohol to excess, what else can he be but drunk?

The Chief Secretary: That is not right.

Hon. G. FRASER: I would readily support a proposal to provide some penalty in such a case, but I would not approve of banishing such an individual to an institution. Yet that is what we are asked to do under this measure. It is impossible to amend the Bill satisfactorily; we are driven to the alternative of accepting or rejecting it. Under the measure, it is proposed that, if a person is unfortunate enough to be suffering from T.B., provided certain things occur, he shall be put in prison.

The Chief Secretary: Where do you find that in the Bill?

Hon. G. FRASER: The Minister ought to know. If he will read paragraph (g) of proposed new Section 268G, he will find that a man can be put into a hospital in prison. That being so, one might as well be in the other part of the prison, because one would enjoy no more liberty in the hospital section. The Bill goes so far as to propose that an unfortunate sufferer from T.B. may be banished to an institution and there he must stay. If he wants to get out, he may be put in prison.

The Chief Secretary: You are referring to the provision for making regulations.

Hon. G. FRASER: What is the difference?

Hon. E. M. Heenan: What about the poor unfortunate remainder of the community?

Hon. G. FRASER: If Mr. Heenan will study the question thoroughly, I think he will agree with me that the person most likely to spread the disease is not one who knows that he is afflicted but the one who is not aware that he has been attacked. Those people are a greater menace to the community than are people who are aware that they have the disease. I have known a large number of people who were suffering from T.B. and my experience is that the person who knows he has it will do all in his power to keep himself in as good a state of health as possible and take all necessary precautions. Admittedly, there may be some who will not do so, but I am speaking of the generality of people. There is a large number of people walking about today who are suffering from T.B. and who do not know that they have it. That is why I say I would be prepared to support a proposal for compulsory x-ray examination. But I would not support compulsion such as is proposed in the Bill. I do not suppose the Government is going to suspect every person in the community of having the disease.

I have known of cases where patients have undergone an operation and have thereafter suffered a living death. A man suffering from T.B. went to Wooroloo, had the lung collapsed and remained for approximately 12 months. While he was in the institution, he saw certain treatment given

to other patients. After being out for six or 12 months, he re-entered Wooroloo. From there he was transferred to the Edward Millen Home, being an ex-Serviceman. On arrival there the doctor said he was going to subject him to another type of treatment. I have forgotten the name of it, but it involved the removal of a rib.

The man had seen that treatment given to ten patients at Wooroloo and not one of them was alive at the time the doctor suggested that he should undergo similar treatment. The man said, "You are not going to give me that treatment." The doctor tried to insist, but the man said he was leaving and, picking up his bag, he walked out. Had this measure been in operation, he could not have walked out. This happened three years ago and that man is still alive. Admittedly he is still a T.B. patient, but he has enjoyed three years of life, whereas, had this measure been in operation, he could not have left the hospital. Therefore I say I am not prepared to concede such powers as those contained in the Bill.

Hon. C. F. Baxter: There might be only one such case in a thousand.

Hon. G. FRASER: Or there might be many. Most patients have relatives who would be prepared to look after them. What about all the patients who have been in Wooroloo, have received all possible treatment and cannot be cured? Are they going to be kept in hospital until they die? Is it not much better for people to know when they have the disease so that they may adopt all possible precautions and be cared for by their own people in their own homes? The Bill, however, does not provide that they may stay in their own homes. I warn members that once they pass this Bill, the power will exist to keep these patients in institutions.

The Chief Secretary: Only under certain conditions.

Hon. G. FRASER: If they are suffering from communicable T.B.

The Chief Secretary: Yes, and what else?

Hon. G. FRASER: Well, what?

The Chief Secretary: Do not conduct themselves so as to preclude infection by them of other persons.

Hon. G. FRASER: But it would be possible to order them into an institution for the treatment.

The Chief Secretary: No.

Hon. G. FRASER: The Bill says so, and it does not provide that a patient may object to any particular type of treatment. I repeat that I know how dangerous the disease is and that I am prepared to do many things to help the department to combat the disease, but I am not prepared to give the powers set out in the Bill. Therefore I hope the measure will be defeated.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [8.29]: I am rather surprised at some of the arguments that have been advanced against the measure. The object of the Bill is to make a big step forward towards wiping out this dread disease. Mr. Cunningham quoted the case of a man who obviously was not suffering from communicable T.B. Query: Has he got T.B.? Apparently some say he has and some say he has not. Mr. Cunningham does not like the Bill because there is no hospital or sanatorium on the Goldfields. In proposed new Section 268E the Bill provides that the Governor may establish and maintain hospitals and sanatoria for the treatment and care of patients suffering from tuberculosis. The Commonwealth, so we understand, is prepared to pay the capital cost. Mr. Fraser said he would be in favour of compulsory x-ray provisions. Many of us would, but if we introduced a Bill for that purpose there would be a great outcry. At present we have facilities for voluntary x-ray examinations, and we are trying to encourage people to make use of them. Unfortunately those who think they might be suffering will not do so; they do not want to discover that they have T.B.

A few nights ago, I mentioned the tremendous advance that had been made in the treatment of tuberculosis, how much more the doctors knew now than they did a little while back, and how essential it was that we should prevent the spread of infection from people with communicable tuberculosis. Is there anything more dreadful than leprosy? We segregate lepers and place them apart from their

friends. We send them to the backblocks where they are isolated. At present they can go into hospital and be completely cured.

Again, I referred recently to a statement made by Dr. Henzell, who is an acknowledged Australian authority on tuberculosis and diseases of the lungs. He mentioned the number of nurses who had contacted tuberculous, and those who had been completely cured. Some had returned to nursing; some had married and become mothers; some were carrying on other occupations. They can now be completely cured; but obviously not everyone. Mr. Fraser says that T.B. sufferers can be put in gaol. That cannot be done except in certain circumstances such as where the person is so careless in respect of the health of his fellow citizens that he will not submit to treatment. The clause states, "does not conduct himself so as to preclude infection." If he is treated properly, at home or elsewhere, so as to preclude infection, then he can remain where he is. There is no suggestion then of putting him in gaol or anywhere else.

The Bill provides that regulations may be made so that people in a prison hospital can be treated correctly for T.B.; and also that the Governor may make regulations enabling the treatment in a suitable hospital within any prison, of a declared patient who cannot be constrained conveniently in an institution, or a patient who is serving a sentence of imprisonment. A person may be in such a shocking state of tuberculosis as to be a greater danger to the community than a leper, because I understand that lepers can go around without much danger. One was in the Royal Perth Hospital, and a daughter of the Honorary Minister for Agriculture was nursing that patient. We must protect the public and our children against people who are suffering from tuberculosis and will not so conduct themselves as not to be a danger.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—Short Title:

The CHIEF SECRETARY: I move an amendment—

That in line 2 the figures "1944" be struck out and the figures "1948" inserted in lieu.

This is a typographical error.

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

Clauses 2 and 3—agreed to.

Clause 4—Sections 268A—268G added:

Hon. J. G. HISLOP: If the term "approved laboratory" were restricted to the definition here, no private pathologist could sign a certificate that an individual was suffering from active tuberculosis. The Commissioner of Public Health assured me this afternoon that the definition could be extended to cover a laboratory conducted by a specialist pathologist in private practice. So, the doubts I had last night no longer hold. I now wish to deal with proposed new Section 268E.

The measure is designed to protect the public against persons suffering from communicable tuberculosis who will not take such precautionary measures as will prevent them from spreading infection. I deplore that provision. In keeping with Mr. Fraser, I believe we must make certain that when it is passed it will restrain only the person who will not conduct himself in a fit manner. For that reason I move an amendment—

That at the end of subparagraph (ii) of paragraph (a) of Subsection (1) of proposed new Section 268E the following words be added:—"and does not conduct himself so as to preclude infection by him of other persons, whether members of his family or not, with tuberculosis."

I draw attention to the fact that without compulsion, tuberculosis in Australia has lessened considerably in the last 20 years. In 1921, deaths from all forms of tuberculosis, at all ages, were 3,687; in 1931 they were 3,167; in 1941 they were 2,734 and in 1944 they were 2,387. That is a drop of 1,300 from 1921 to 1944. We need not have any doubts when we limit the Bill entirely to the protection of the public against the person who will not properly conduct himself. The cure does not lie in putting men into institutions but in putting them into proper houses with proper amenities and good conditions.

Hon. A. L. LOTON: I wish to discuss something prior to the proposed new section as being amended by Dr. Hislop.

The CHAIRMAN: It will be necessary for Dr. Hislop to withdraw his amendment.

Hon. J. G. HISLOP: In view of the Chairman's explanation, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. E. M. DAVIES: I am seeking an explanation from the Chief Secretary regarding Subsection (2) of proposed new Section 268B.

The CHIEF SECRETARY: At present the Wooroloo hospital comes under the Hospital Act and the Bill proposes to bring it under the Health Act, more for financial reasons than for anything else.

Hon. A. L. LOTON: I would like the Chief Secretary to explain the financial aspect of proposed new Section 268D. What will happen if a man in, say, Kalgoorlie or Coolgardie is ordered by the Commissioner to come to the metropolitan area for a medical examination? Who bears the expense?

Hon. G. Bennetts: We have a laboratory at Kalgoorlie.

Hon. A. L. LOTON: Yes, but the clause states that he shall go where the Commissioner directs.

The Chief Secretary: The Health Department will meet the expenses.

Hon. A. L. LOTON. All the expenses?

The Chief Secretary: I do not know what you call all the expenses.

Hon. A. L. LOTON: Travelling, for instance.

The Chief Secretary: I do not suppose beer would be supplied, but the Health Department will provide the necessary expenses. It does everything it can.

Hon. J. G. HISLOP: I move an amendment—

That at the end of subparagraph (ii) of paragraph (a) of Subsection (1) of proposed new Section 268E the following words be added:—"and does not conduct himself so as to preclude infection by him of other persons whether members of his family or not with tuberculosis".

I have already given my reasons for moving this amendment.

• Amendment put and passed.

Hon. J. G. HISLOP: I am wondering whether it is wise to take very much notice of the expressed intention of a patient. We are dealing with people who are mentally sick and they will threaten many times to do things when they have not the slightest intention of carrying them out. The provisions of paragraph (b) of Subsection (1) of proposed new Section 268E might be pinpricking to the patient and I really do not quite understand what is meant by them. If the man tries to leave the institution, the superintendent should be able to restrain him, but when a patient threatens to leave he may not know exactly what he is saying.

The CHIEF SECRETARY: I have more faith in the medical superintendent than Dr. Hislop has. Where a patient expresses an intention to leave in such a manner that it is obvious that he intends to get away, then the Bill provides that the superintendent can take such steps as may be necessary to prevent him from doing so. It applies only to persons suffering from communicable tuberculosis where they do not conduct themselves so as to preclude infection of other persons.

This part of the clause is put in to give the superintendent power to prevent a patient from leaving when it is quite obvious that that is his intention. These medical superintendents have had long experience with such patients and they would not attempt to apply this section unless it were absolutely necessary. Afterwards the superintendent can go to the magistrate to see whether he can continue to keep the patient in custody, if I may use that term.

Hon. J. G. HISLOP: I am not satisfied because I have acted as a medical superintendent in these institutions. I know very well that the patient might use this part of the clause as a lever to obtain some alteration in conditions, but I do not like to feel that we may be pinpricking a sick patient. I move an amendment—

That in line 1 of subparagraph (ii) of paragraph (b) of Section (1) of proposed new Section 268E the words "expresses an intention, or" be struck out.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. A man must do something more than pack his bag to express an intention that he is going to leave. The superintendent is a man of great experience. He is not a fool. He has a great knowledge of this type of patient and he would not put him under

control unless there was occasion to do so. He will not have any power to do that if we strike these words out. This is only a legal expression to give effect to what I think we all desire.

Hon. C. F. BAXTER: I think Dr. Hislop is on the right track. His experience should be availed of as a guide to the Committee. If patients were to learn that a mere expression of intention on their part might lead to the medical superintendent restraining them, it might have an adverse effect upon them and would certainly tend to upset them. I think the remainder of the provision covers all that is necessary.

Hon. E. M. HEENAN: This is really an argument about little or nothing, and I intend to support the Minister. With regard to one aspect that appears to be worrying both Dr. Hislop and Mr. Baxter, I assure them that in all probability not one patient will ever read the Bill or know what it contains.

Hon. G. Fraser: Don't you worry about that!

Hon. G. Bennetts: I know one man who will read this—and he reads "Hansard," too.

The CHAIRMAN: Order!

Hon. E. M. HEENAN: My idea is that if a man expresses his intention of committing suicide or murder, or doing something he should not do, that is the time when someone in a responsible position should do something about it. If a person in the Fremantle Gaol went about expressing his intention of breaking out of prison that night, I would expect somebody in authority to keep his eyes open.

Hon. H. L. Roche: You would not treat these people like gaol birds?

Hon. E. M. HEENAN: No, and I would expect the hon. member to have more sense than to make such a remark.

Hon. R. J. Boylen: You are optimistic!

Hon. G. FRASER: I do not think it matters much whether the amendment is accepted or rejected. The superintendent of such an institution will act with discretion, and if he were to take notice of all expressions of intention and threats, he would be driven out of his mind. I do not think it is possible to amend the Bill in

a satisfactory way, but I shall support the amendment.

Hon. E. H. GRAY: I support the Minister in this matter. This part of the Bill, I take it, has been inserted at the request of Dr. Henzell.

The Chief Secretary: That is so.

Hon. E. H. GRAY: That suggests that experience has shown it is necessary. It is in the interests of both the public and the patients concerned.

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

Ayes	16
Noes	11
Majority for	5

AYES.

Hon. C. F. Baxter	Hon. J. G. Hislop
Hon. G. Bennetts	Hon. L. A. Logan
Hon. R. J. Boylen	Hon. A. L. Loton
Hon. J. M. Cunningham	Hon. H. L. Roche
Hon. H. A. C. Daffin	Hon. A. Thomson
Hon. G. Fraser	Hon. H. Tuckey
Hon. W. R. Hall	Hon. H. K. Watson
Hon. H. Hearn	Hon. W. J. Mann

(Teller.)

NOES.

Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. Sir F. E. Gibson	Hon. C. H. Simpson
Hon. E. H. Gray	Hon. F. R. Welsh
Hon. E. M. Heenan	Hon. G. B. Wood
Hon. Sir C. G. Latham	Hon. R. M. Forrest
Hon. G. W. Miles	

(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. J. G. Hislop, Bill recommitted for the further consideration of Clause 4.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Chief Secretary in charge of the Bill.

Clause 4—Sections 268A-268G added:

Hon. J. G. HISLOP: It will be seen that complaints are to be heard and determined by a magistrate and it is set out that when the subject-matter of the complaint is established to his satisfaction, the magistrate shall adjudge the person a declared patient and order that he shall enter an institution. I want to be perfectly satisfied in my own mind, and I desire that members generally shall be satisfied, that the subject matter

of the complaint cannot be established to the satisfaction of the magistrate unless it is certain that the person is suffering from communicable tuberculosis and that tubercle are to be found in the sputum. It must be established, also, that the person has not behaved himself in such a way as to prevent the infection of persons around him. If the Chief Secretary will assure the Committee that a man cannot be committed to an institution without a certificate from the commissioner or from the laboratory or a practising pathologist, stating that there are tubercle bacilli, I will let the clause pass.

The CHIEF SECRETARY: There is no loophole whatever. I refer Dr. Hislop to Subsection (2) (a) of proposed new Section 268E, and also to paragraph (b) of the same subsection. I also refer him to Subsections (3) and (4) of the section I have mentioned. The magistrate must be satisfied that the person has communicable tuberculosis. If Dr. Hislop will refer to the definition of "communicable tuberculosis," he will find that it means all forms of pulmonary tuberculosis in which the mycobacterium tuberculosis (tubercle bacillus) has been found in the sputum as the result of tests made in an approved laboratory.

Hon. J. G. HISLOP: I am quite satisfied. I think it well that the Chief Secretary's explanation should appear in "Hansard" to show that it is the intention of the Committee that no man shall be apprehended who has not got tubercle bacilli in the sputum.

The Chief Secretary: That is the whole Bill.

Hon. G. FRASER: The fact of this explanation appearing in "Hansard" will have no effect on the magistrate, because he will not see it. I feel keenly about the measure. It is the most vicious Bill that has been introduced for years. Members who have studied it closely will agree with me. In order to test the feeling of the Committee, I move—

That the Chairman do now leave the Chair.

Motion put and negatived.

Hon. E. M. HEENAN: In view of the reluctance with which Dr. Hislop accepted the explanation of the Chief Secretary, I feel it incumbent on me, as one of the legal members of this Chamber, to assure the Committee that the explanation is absolutely correct.

Hon. Sir Charles Latham: You do what the doctors do, stick to each other.

Hon. E. M. HEENAN: There is only one answer; a thing is right or wrong, and if there is any doubt, those competent to say that it is right should declare themselves.

Clause, as amended in a previous Committee, put and passed.

Bill again reported and the report adopted.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [8.21] in moving the second reading said: This Bill is to amend the State Transport Co-ordination Act. Its main object is to bring Government-owned road transport services, except trams, under the control of the State Transport Board. At present, railway and tramway services are exempt from the provisions of the Act, as are the road services run by those departments. This exemption has seriously interfered with the work of the Transport Board in its efforts to administer an Act to provide for the improvement and co-ordination of transport facilities.

The board's efforts are stultified by the ability of the railway and tramway departments to inaugurate omnibus and trolleybus services, as well as road services, without reference either to the board or to the Minister. As a result of this power possessed by those departments, some duplication of transport facilities has occurred which the board has been powerless to prevent. I feel sure members will readily agree that if we are to clothe a board with authoritative powers over transport, the Crown should not be exempt from its jurisdiction. The Bill therefore seeks to correct an anomaly which is not in the best interests of the public. Under the Bill, all Government-owned road transport services, except trams, will be brought under the control of the Transport Board. The railway and tramway departments will therefore have to seek the approval of the Transport Board before starting a new bus or trolleybus service.

Hon. G. Bennetts: Will that apply also to private companies?

The CHIEF SECRETARY: Yes, the Transport Board will control them also. If a new route is to be opened up, the Government will be in the same position as any private person; it will have to submit a tender, and the matter will be decided without reference to the Minister or anybody else. An omission in the Act will be rectified by the Bill. The board will be given authority, subject to the Minister, to administer the Act. In one circumstance only is the Minister given no authority over the board. That is, as I have said, when the Crown is a tenderer for a transport route. The intention is to absolve the Minister from any charge of favoritism should the Crown be the successful tenderer. This is thought advisable, as it is considered that one Minister should control all classes of transport, both Government and private. This provision is taken from the New South Wales Act, which has proved most successful and has been tested in the courts.

With the bringing of Government road services under the Transport Board, it is proposed that they shall be subject to the license fees which are payable to the board by private enterprise and which are specified in Section 15 of the Act. An important amendment is that designed to extend the period of bus licenses from the present term of 12 months to seven years. It is felt that 12 months does not provide bus companies with a sufficient sense of security, and that it has been responsible for many bus companies being chary of incurring expenditure on their vehicles and on facilities for their passengers. One such matter is the question of bus shelters. These at present are being provided by the local authorities, as the companies contend that they should not be compelled to incur the expense because their license is only an annual one.

Another important amendment is that which will permit of goods being carried over short distances by road instead of by rail. The Act provides that no license shall be necessary for commercial goods vehicles operating within an area of 15 miles from the General Post Office, or within a radius of 15 miles from the owner's home. The Bill will extend this distance to 20 miles. In Victoria, or New South Wales, I think the distance is 50 miles, but those States are more densely populated than ours.

Hon. A. L. Loton: It would be quicker than by rail.

The CHIEF SECRETARY: Probably. License fees collected by the board are paid into a fund. After providing for administrative expenses, superannuation and certain subsidies, the balance is to be paid to local authorities in order to assist them to maintain roads. Quite a considerable amount is paid out in subsidies to country transport services in sparsely populated districts and also in respect of air services to the North-West. Local authorities are concerned over the cost of road maintenance, owing to the larger number of vehicles now in use. Government buses will have to pay license fees, but not trams, as the Tramway Department maintains the road between the lines and 18 inches on each side of the lines. Trolley-buses, however, will pay fees, and that will increase the amount available for local authorities.

Another provision that is in other statutes has been included in the Bill. It is that where any activities of the board interfere with the rights of other Government departments or instrumentalities, then the board or the Minister shall, as far as practicable, confer and co-operate with the other parties. Should any deadlock occur, it will be determined by the Governor. The First Schedule to the Act specifies those items which may be carried by road without licenses being required. I have already mentioned the carriage of furniture by road.

Hon. A. L. Loton: And sometimes producers want fuel in a hurry.

The CHIEF SECRETARY: It is also felt that through giving road transport these extra classes of freight to carry we might put a little more life into the railways, by making them realise that there is such a thing as opposition. It may be that by giving road transport this extra scope we will liven up the Railway Department and make it appreciate that there is another system of transport available to the people. In the present Act there are specified certain goods that may be carried by road and it is thought that it would be far better to amend the legislation so that the Governor may from time to time proclaim what goods can be transported by road. It is suggested that beehives should be

brought within that category. The inclusion of beehives, I might add, is a concession to country members.

Hon. Sir Charles Latham: It has been included only in a general way.

Hon. A. L. Loton: Are they to be allowed to cart the drones also?

The CHIEF SECRETARY: Some of them seem to come here. I move—

That the Bill be now read a second time.

HON. G. BENNETTS (South) [9.35]: The Chief Secretary said that Government buses will have to pay road license fees, just as other buses do, but I would like to know whether the privately owned buses will give the same concessions as are allowed on Government buses. As is well known, the Government buses give concession rates to members of Parliament, school children and others, while many privately owned buses do not.

HON. W. J. MANN (South-West) [9.36]: I was pleased to hear the Chief Secretary say that Government buses are to pay license fees. If members travelled over the roads in the Province I represent, where railway buses run frequently each day, they would find that as the result of that heavy traffic most of the bitumen roads are now in a bad state of repair. They were not constructed, in the first place, to carry very heavy traffic of that kind and I am sure that the Main Roads Board and the local authorities will in the near future be put to a great deal of expense if they are to get the roads back into anything like good condition. The provision that Government buses shall pay license fees is sound. I have referred to this question because it is a serious matter for the country road boards when their roads are cut up by heavy Government buses, and it is therefore only fair that those buses should pay something towards keeping the roads in at least reasonable condition.

On motion by Hon. A. Thomson, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [9.37] in moving the second reading said: No

doubt members are familiar with this measure. It deals with the franchise of this Chamber and is an amendment to Section 15 of the Constitution Acts Amendment Act of 1899. It is similar to a measure introduced last year. It contains four amendments, the first of which—though in some ways a minor one—is quite important.

Hon. Sir Charles Latham: It is important, as it changes the value of our £.

The CHIEF SECRETARY: It refers to "sterling" and the intention is to strike that word out, as sterling at present is worth 25 per cent. more than Australian currency. It was never intended that reference should be made in this regard to anything but our own currency. The second amendment deals with the extension of the franchise to the husband or wife of a householder.

The idea behind the franchise of this Chamber is that the elector should have a stake in the country and it is considered that the wife, who has a vote in the Assembly, and who often does infinitely more work than the husband and works much longer hours, should be entitled to a vote. As the one who brings up the family, it is felt that she should be encouraged to vote, in view of the present state of affairs. The wife carries a great responsibility and, as I have said, does a great deal of the work. It is felt that she should therefore, if the wife of a householder, be given a vote. It is true that she does not earn the money to keep the home going but she does, in fact, keep it going.

The next amendment deals with flat dwellers. Many years ago when flats first became common, all sorts of tenements were called flats and it was necessary for the Chief Electoral Officer to have some definition of what constituted "a flat." It was then decided that a flat was a residence or one of a series of residences in the same building, having a separate entrance to the street. Now there are modern flats—such as Lawson Flats—not one of which has an entrance to the street, as they all have a common entrance. Under the ruling of the Crown Law Department, people living in those flats are not entitled as householders to votes, although part of a four-roomed house, with entrance through a French window on to the street, would come within the definition of "a flat" and the occupier would

have a vote. The definition of "flat" in the Bill is clear and concise.

A flat must be a self-contained residence with its own bathroom, sleeping accommodation and cooking arrangements. The definition will not include apartment houses or those places where the tenants have common use of the kitchen or bathroom. A flat must be a separate entity from a dwelling point of view. The next amendment deals with the abolition of plural voting. If a man at present has a qualification in various provinces, he may vote in each of those provinces. For many years that has been his right and privilege, but it is felt that the time has now arrived, as the country is more settled, when a man should have only one vote for this Chamber, and, if he has previously been qualified to vote in more than one province, should select the province in which he now desires to enrol. The Bill covers the four points I have mentioned. I commend it to the House and move—

That the Bill be now read a second time.

HON. L. A. LOGAN (Central) [9.42]: This Bill could well be regarded as a hardy annual. It will be remembered that at the time of the last election, leaders of the present Government parties promised the electors votes for the wives of householders, on the one hand, and on the other hand votes for flat dwellers. In accordance with that promise it introduced a Bill during the last session of Parliament. We all know the fate of that measure, which was defeated in this House by a small majority. Having introduced that Bill I claim that the Government had fulfilled its promise to the electors.

Hon. G. Fraser: That would be an easy way to do it.

Hon. L. A. LOGAN: Many promises are made on the hustings that never become the subject of legislation and I venture to say that a great many more promises will be made in future and will never find their places in measures brought before Parliament. The Bill to which I have referred was defeated and because five members of the Opposition in another place raised the question, the Government swallowed it hook, line and sinker and timidly agreed to introduce another Bill this session. I claim that the only agitation for the re-

form of the franchise of this Chamber comes from those four or five members in another place and from nowhere else.

From the remarks of the Acting Leader of the Opposition, who told the Premier that he would discipline members of his party in this House, I think it will be seen that we could easily get right away from freedom of individual speech and thought such as has always been considered the right of members of this House. I defy anyone to say that members of this Chamber have not always had those privileges. If the Labour Party had a majority in both Houses to-day there would not be one word spoken regarding this.

Hon. G. Fraser: There would be only one House left.

Hon. L. A. LOGAN: No, there would not. The Federal Labour policy can be given as an answer to that. Its policy was to abolish the Federal Senate and yet we find that the Labour Party has a majority in that House. Labour has every seat in the senate bar three and what is it doing? It is increasing the number of its members.

Hon. G. Fraser: Where did you see that? In "Comic Cuts" or something.

Hon. L. A. LOGAN: The same position will arise in this State. In this House it has been the custom for every member to record his vote according to the dictates of his conscience, but in another place where a member is tied to Party lines we know it is not so easy to do that.

Hon. G. Fraser: What if he has no conscience?

Hon. L. A. LOGAN: Then he can do the other thing. I still contend that freedom of thought and freedom of speech is what we must maintain. These amendments to the franchise may not seem much but when we find a little piece here and another piece there being taken away from time to time, eventually we shall reach the stage when there will be no franchise and the whole thing will turn into a fiasco similar to what has occurred in the Federal sphere. It is said that we are not elected by the majority of electors. I claim we are returned by the responsible votes of men and women who realise what their votes mean; not by men and women who go to the poll simply to save their £2 2s. because there is compul-

sory voting. An article appears in tonight's "Daily News" written by a man named Menzies who states that 50 per cent. of the people do not know what they are voting about. The other 50 per cent. do and I say that we are returned on their responsible votes.

Hon. R. J. Boylen: This will not alter that.

Hon. L. A. LOGAN: We are eating away the franchise a little bit here and a little bit there. It is like a mouse with a bit of cheese which nibbles away little pieces all around until it has nothing left. That is what will happen to the franchise.

Hon. R. J. Boylen: You seem to be scared of it.

Hon. L. A. LOGAN: I am not. I am quite satisfied that the general public do not want any alteration. There has been no outside agitation. The only agitation has come from roughly five Labour members in another place.

Hon. E. M. Heenan: Have you read the leading article in "The West Australian?"

Hon. L. A. LOGAN: I am not worried about "The West Australian."

Hon. E. M. Heenan: Or "The Daily News."

Hon. L. A. LOGAN: I am not worried about "The Daily News." I am here to express my views.

Hon. H. Hearn: Have you read "Hansard?"

Hon. L. A. LOGAN: This House is essential for the expression of impartial views and I hope it always will be so. I can give one good reason why we should retain the Upper House and that is that tonight we have had Bills rushed through another place and placed before us for review without any time being given to us for their consideration. The time that generally elapses between their passing from another place to this House is the only opportunity we have to obtain the people's reaction to them. The people would have been sold a pup with quite a few Bills passed this session if members had not had that time in which to obtain their views.

Hon. R. J. Boylen: Whose pup?

Hon. L. A. LOGAN: The hon. member's. That is the reason why I am opposing any alteration in the franchise. The people are

happy with it as it is now and realise that this House is doing a good job. For that reason we should throw the Bill out.

HON. E. H. GRAY (West) [9.52]: Mr. Logan said nothing about the Bill and I would have liked to have heard some criticism of the various clauses contained in it. Those who intend to vote against this measure should rise and give good reasons for their objections to it.

Hon. C. F. Baxter: Are you supporting it?

Hon. E. H. GRAY: I have been supporting it for 25 years. The first portion of the Bill deals with the alteration of the word "sterling," with which I agree.

Hon. H. Hearn: So do we.

Hon. E. H. GRAY: If that is the opinion of every member of the House, I will say no more about it. The next provision is an important one providing the householder's wife with the right to vote. I would like to hear any member give a reason why the average housewife should not vote for members of this Chamber. In a few instances the wife would be the householder and the husband would not have the vote. The franchise for this Chamber is so wide that every member could reasonably give a woman an opportunity to vote.

Hon. A. L. Loton: You tell us why.

Hon. E. H. GRAY: Because they are citizens. Women today have an increasing voice in the affairs of the State and industry and are recognised as being more than equal to men in many respects. Their work as wives, as mothers of families and their general place in the community should receive recognition. Women have a different position in the community today from what they had when the constitution was drafted. I want to hear arguments from members why women should not receive a vote when they are married to householders. Every decent citizen should be given the franchise to vote for members of this Chamber. The next point in the Bill is that electors shall vote for one province only. There is no argument against that.

Hon. R. J. Boylen: There are a couple of laughing jackasses here.

Hon. E. H. GRAY: Surely we must use more than laughs to wipe away the stigma that only those who have the necessary

wealth shall have the right to vote for every province in the State.

Hon. W. J. Mann: How did they get it?

Hon. E. H. GRAY: They got it through the constitution.

Hon. W. J. Mann: They got it because they were energetic.

Hon. E. H. GRAY: No, because they were lucky and possibly very unscrupulous.

Hon. W. J. Mann: You mix with a nice lot of people, you do!

Hon. E. H. GRAY: I think the time has gone by when electors, because of their wealth, should have the advantage of being able to vote for every Council province.

Hon. H. Hearn: Why has the time gone by?

Hon. E. H. GRAY: Because it is a conservative idea from the dark ages and should be thrown away by every progressive, intelligent citizen. I do not like the levity with which the Bill is being treated. It is a very important one. There are propositions in it which demand the serious consideration of every member and it should not be treated as a joke.

Hon. W. J. Mann: Another frivolous schoolmaster!

Hon. E. H. GRAY: Those are the four essentials in the Bill, and they will be of great advantage to thousands of people. I hope that those members who are treating the measure lightly will give some valid reason why every clause in it should not be carried. I trust it will receive a better fate than did last year's Bill. If members will treat it seriously it will be carried without much trouble.

HON. E. M. HEENAN (North-East) [9.55]: I hope that some of the hon. gentlemen who treated the logical appeal that has just been made by a man who stands high in the esteem of this House and who has had more years of experience than those who treated his remarks so slightly will rise in turn and put forward half as reasoned an appeal in favour of the measure. This Bill has been submitted by the Government and it follows as a statement of policy made by both Government leaders at the last election. Mr. Logan hopes that freedom of speech and thought will be maintained and I am sure that all

of us will agree with him that that is a worthy object.

Furthermore, we will all agree that when leaders of political parties make public statements and are subsequently elected and then honestly make an effort to fulfil those promises, their supporters should assist them to fulfil their commitments. I say this quite advisedly. If democratic leaders make statements to the people and their own supporters then deprive them of the opportunity to fulfil their promises, it will be a very bad day for our democracy and it will certainly be time when a better form of Government is evolved.

Hon. A. Thomson: Such as we have in Russia today, I suppose!

Hon. E. M. HEENAN: Mr. Thomson is not going to get away by putting words into my mouth which I did not use.

Hon. A. Thomson: I will stick to what I said.

Hon. E. M. HEENAN: The hon. member can stand up and say what he likes, but he is not going to put filthy innuendos into my remarks.

Hon. A. Thomson: It is not filthy.

Hon. E. M. HEENAN: It was meant to be.

Hon. A. Thomson: It was not meant to be.

Hon. E. M. HEENAN: I understood and

The PRESIDENT: Will the hon. member resume his seat.

Hon. A. Thomson: I ask that that remark be withdrawn.

The PRESIDENT: What remark?

Hon. A. Thomson: That I made a filthy innuendo in my interjection.

Hon. E. M. HEENAN: I understood and I am sure most members who heard Mr. Thomson's remark understood—

The PRESIDENT: Order! Mr. Thomson has objected to the words "filthy innuendo." I ask the hon. member to withdraw those words.

Hon. E. M. HEENAN: The innuendo was—

The PRESIDENT: Order! I ask the hon. member to withdraw those words.

Hon. E. M. HEENAN: Apparently I have no option to withdrawing, so I withdraw. I was saying it would be a bad day for a democratic form of Government if the statements and promises made by responsible leaders are not fulfilled through their pledged supporters letting them down. Mr. Logan did not deal with the Bill at all and he made very misleading statements. One of them was that the public has made no outcry for this Bill and that it was only demanded by the Labour Party. The hon. member lightly ignored the fact that this Bill had been introduced by the McLarty Government, and I understand that Mr. Logan is a pledged supporter of the Country Party.

There is only one meaning to the word "pledge" and that is a solemn promise or undertaking to adhere to certain rules or standards. One is under no obligation to enter into a pledge. I am a supporter of the Labour Party, which has certain policies, rules and standards, but I was under no obligation to join the party. Having done so, however, I signed a pledge undertaking to adhere to the principles and platform of the party. Therefore, I conclude that anyone who joins the Country Party also takes a pledge to comply with the policy of that party.

Hon. H. Hearn: Members of the Country Party do not get instructions how to vote.

Hon. H. L. Roche: A new champion of the Country Party.

Hon. E. M. HEENAN: I was dealing with the point made by Mr. Logan that there had been no agitation for the measure. Let me refer him to a leading article published in "The West Australian" of the 27th November.

Hon. G. Bennetts: A Liberal paper!

Hon. E. M. HEENAN: It is undoubtedly the daily paper with the largest circulation in the State. This is what it said—

Now that the Legislative Assembly redistribution has been virtually completed, there is no reason why the Legislative Council should not give sympathetic consideration to the latest attempt to widen its franchise and abolish plural voting.

Hon. Sir Charles Latham: Read the end of it.

Hon. E. M. HEENAN: The article continued—

The Bill, which is similar to a Government measure rejected last year by the Council on the motion for the second reading, seeks to extend the franchise to the wife or husband of a householder and to the occupants of self-contained flats, the property qualification being an annual value of £17. In introducing the Bill the Government is honouring a promise given by Mr. McLarty to Mr. Wise late last year. While it is true that, if the measure became law, it would greatly increase the number of persons eligible to vote at Upper House elections (but whether many would avail themselves of the privilege is open to some doubt) no attempt is being made to make enrolment and voting for the Council compulsory.

There would be good arguments against such steps but there is nothing very revolutionary in the proposal to include more women in the franchise and the granting of the vote to husbands and wives occupying bona fide flats would be recognition of an established social change and a concession to those who are forced to live in flats through inability to obtain houses. Last year exception was taken of the absence of provision to enfranchise the wife or husband of a freeholder and the same omission this year could be remedied in Committee. For all practical purposes, plural voting is of little importance.

Hon. Sir Charles Latham: There you are.

Hon. E. M. HEENAN: The article continued—

Its influence is magnified by the Council's critics but the principle on which it is founded is open to objection and it would be in the Council's own interest to discard it, as has been done in Victoria. No attempt is made in the Bill to improve the machinery for settling differences between the two Houses. Acceptance of the measure, however, might help to pave the way for a mutual effort in that direction.

The "Daily News," which has the second largest circulation in the State, had this to say in a leading article published on the 29th November—

In the previous session of the State Parliament a Bill to broaden the franchise for the second chamber was narrowly defeated in the Council.

Last week a Bill containing the same provisions passed unanimously in the Legislative Assembly and should be debated in the Council this week.

Speakers from the Opposition side of the House and one C.D.L. member predicted that the measure would meet the same fate as its predecessor.

The Deputy Leader of the Opposition urged the Premier to crack the whip over members of his party in the Council.

It is unlikely that Mr. McLarty will exert pressure on members of the other chamber.

Hon. Sir Charles Latham: He must have been a good Labour supporter who wrote that.

Hon. E. M. HEENAN: I shall pause for a moment while members have a good laugh. The article continued—

The Legislative Council is nominally a non-party House and dictation is foreign to the first principle of Liberalism.

"Nominally" is a significant word.

But opinions of yesterday are not necessarily the opinions of today, and it will not be surprising if some of last year's opponents of the measure have changed their views.

I am looking at Mr. Mann.

There is nothing revolutionary in the Government's proposals. The most important are the extension of the franchise to tenants of self-contained flats, giving the wife as well as the husband the right to vote in some instances, and the abolition of plural voting.

Exclusion of tenants of flats, whatever the rent paid, while occupants of shacks of a rental value of £17 a year are enfranchised is an absurd anomaly.

Flat life is a comparatively recent development which is certain to increase. This must be recognised.

Abolition of plural voting is less important; but it is in accordance with modern thought on electoral privilege.

Accepting the mild measure of reform in the Liberal-C.D.L. Government's Bill, the Legislative Council would still be the most strongly entrenched second chamber in the British Commonwealth.

Hon. A. L. Loton: What did "The Wheat-grower," which has the third largest circulation, have to say?

Hon. E. M. HEENAN: I shall now read—

The PRESIDENT: Order! I remind the hon. member that, under our Standing Order no member may read extracts from newspapers referring to debates of the Council in the same session.

Hon. E. M. HEENAN: Very well. We have debated similar measures, year after year but, in all earnestness I urge members seriously to consider the Bill on this occasion. Getting away from the lighter side, I wish to say that I have no feeling against anyone, but there is a trend exemplified in those leading articles which almost requires the franchise of this Chamber to be liberalised. I stated last year that we represent a very minor section of the community. It might be said that people are not interested in getting on the Council roll. Whatever the reason may be—the restrictiveness of the franchise or the carelessness of the people—the fact remains that we represent a very small section of the community.

Hon. F. R. Welsh: A responsible section.

Hon. E. M. HEENAN: And we have enormous power. We are living in times when our democratic institutions are being sorely tested. I am absolutely convinced that we shall never destroy Communism or any other harmful creed by shouting down people, labelling well-meaning people as Communists or talking about them in trains. We have to do something more positive and more active than that. I have seen men, otherwise almost unknown and unheard of, working in union meetings and carrying on the fight against Communism.

They are the unsung heroes of the present day. There is in Boulder a man, Mr. Oliver, who, I hope, will soon be a member of the Parliament of Western Australia, and if anyone has done something positive in this fight against Communism, he has. We have an obligation on us to improve our Parliamentary institutions. We know that our deliberations in this House are never reported in the Press. Very few people ever come to listen to our debates. When we put up for election, it is hard to get 50 per cent. of the people interested enough to vote for or against us. That all adds up to this, that the Legislative Council is out of date and out of step with modern times.

Hon. C. F. Baxter: Why stay here?

Hon. E. M. HEENAN: The hon. member can take it from me that the present set-up will not last for ever. It is a foolish and unwise policy for us to be like the ostrich and stick our heads in the ground. Let us be up and doing to improve our set-up; make it more democratic; get the people interested. That will destroy the other creeds that are seducing so many of the people. We all know how members of Parliament are blackguarded. Sections of the community, and sometimes responsible sections, speak most slightly of members of Parliament. They think we are all grafters, and they speak in clubs and hotels, and public places, about parliamentary institutions and members of Parliament.

I have told the people that I have heard speaking along those lines that they are playing the very game the Communists want them to play. Sometimes they are big business and professional men who should know better. I hope this time a modicum of

change will be made in the franchise. It is a long time since any change has been made. In the words of the leading article in the "Daily News," if the Bill is passed we will still be the most strongly entrenched parliamentary institution in the British Commonwealth, but I really think we will, apart from all other arguments, by giving the vote to flat-dwellers who should not be denied the right, and the wives—

Hon. H. K. Watson: What about the de facto wives? Would you agree to them?

Hon. E. M. HEENAN: I do not think I would. That point introduces a little side issue which I think Mr. Watson should leave alone, and confine himself to the main points in the measure. Wives are important people. It would not do any harm to give them the vote. I agree that the principle of plural voting is wrong. Simply because a person owns houses in half-a-dozen different parts of the State that should not give him the right to half-a-dozen different votes. But it does not actually amount to much; there are not many people who have more than one vote. I do not regard that as a very big issue. The giving of the vote to flat-dwellers and to wives would improve the set-up of this House and get more people interested in it. The public would then have less reason for saying that this is an unrepresentative Chamber. It would also make us conform more closely to the accepted definition of democracy today. In conclusion, I am sorry I transgressed. I have no ill-feeling towards my friend, Mr. Thomson, with whom I had a small brush in the course of my remarks.

HON. SIR CHARLES LATHAM (East) [10.22]: I support the second reading. I have tried to see the advantages to be gained. I have carefully examined all the systems in Australia, and I ask members; Do they think the ultimate result we find with the Senate shows that the system there is better than we have in this House? Will they say that with legislation passed by the House of Representatives and sent to the Senate, where the other side of politics has very little representation, a fair deal is given to the minority of the people? I cannot see that that is so. New South Wales has a very limited election of representatives, because the two Houses meeting together decide who shall represent

them in the Legislative Council. I do not suggest that that system is any better than we have here.

If we examine the legislation of this State for the last 27 or 30 years, we find that the Western Australian legislators have nothing of which to be ashamed. Legislation I have seen passed has been held up by the very people who introduced it in another place as being the best Labour legislation ever introduced in Western Australia. I refer to the late Mr. McCallum, with his Arbitration Act, and I refer also to the Workers' Compensation Bill that has recently passed this House. I cannot see where the complaints come from. We can engender criticism. I have delivered a good many political speeches and stood on a good many platforms.

Only once can I ever remember the franchise of this House being referred to, and that was by a union secretary who said, "What about the Conservative control of the Legislative Council?" In all probability he knew little of what he was talking about. The Bill does not make very great alterations. The womenfolk of a house generally go to their menfolk to find out how the men will vote and how they, the women, should vote. If the measure does not give plural voting in one direction, it does there. I venture to suggest that not one woman in fifty exercises an independent vote. She generally goes to her husband, brother, or father.

The Honorary Minister for Agriculture: Are you voting against the Bill or for it?

Hon. Sir CHARLES LATHAM: I am going to support the measure, because I believe in giving flat-dwellers the right to vote, and I cannot give them that right without supporting the second reading.

The Honorary Minister for Agriculture: Therefore, you are not supporting the vote for women?

Hon. Sir CHARLES LATHAM: I think if a woman is the occupier or owner of a house, she should have exactly the same franchise as I would have if I were the owner or occupier. I would not prevent her from having it. From time to time we hear the argument that there should be adult franchise for this place. But this House, after all, represents the people who pay the taxes, the thrifty and the married people.

Hon. G. Bennetts: The women also assist them.

Hon. Sir CHARLES LATHAM: Yes, and because they are married and live in their own houses they have the franchise. Why do we have compulsory voting for the Legislative Assembly of this State? Why do we have compulsory voting for the Federal House? Simply because the people were indifferent to the lower Chambers. I know very definitely that prior to compulsory voting and compulsory enrolment there were many people who took little interest in the politics of the country, and the same position applies today. Look at the informal votes cast! Surely they demonstrate that the people go to the polls quite indifferently.

It has been suggested that the Bill should be passed because the leaders of the two Parties controlling the Government benches in another place had it as part of their policy at the last election. So also was it part of the policy of the Premier to have proportional representation in the Legislative Assembly. I would be very inclined to support a Bill of that sort if it came down. We have had a lot of criticism from another place about our conduct here. One thing I will say is that we do apply ourselves to the subject-matter before us, and do not waste a lot of time criticising the speeches and actions of members in another place. I hope we shall not resort to such tactics. We deal with exactly the same legislation as does the Legislative Assembly and, remembering that we have only three-fifths of the number of members of that place, our discussions cannot be as prolonged.

I believe that we have a better grip on the legislation that comes here from the Assembly for the very reason that we have an opportunity of reading the speeches made there, when we receive our copies of "Hansard" in time. We get very little aid from the leading articles in the Press. I do not want to criticise the Press tonight, but it may be that to educate the people there is no better medium than a good article by a good journalist in a good newspaper. The probability is that they might apply themselves and ask the younger people of this country, and some of the older ones, too, to get to know a little about what politics mean and also to understand it a little better. It is true that students at the university recently took some interest in this Chamber but it was surprising what little

knowledge they had of the activities of this House as well as its limitations.

Hon. E. M. Heenan: And its franchise.

Hon. Sir CHARLES LATHAM: Yes, and its franchise. I listened to some of their arguments and I was amazed just how ignorant they are, and for that reason I suggested we might present them with a copy of our Standing Orders so that at least they would have some knowledge of what they were talking about. I sent along a copy which I hope the students have read with a good deal of credit to us and a good deal of usefulness to themselves. Getting back to the Bill, I propose, of course, to agree with the Minister that it is no use having the word "currency" which applies to the English currency and therefore that will have to be altered.

I believe that we should give a person who lives in a flat some form of voting for this House just the same as those who are renting or living in a cottage. I do not think any useful purpose can be served by giving a woman a vote just because she is living with her husband in a house. That is more or less duplicating the vote. There is some advantage in plural voting because there are many people who have big interests in other parts of the State and they desire to have some representation in those places. I agree with the remarks that have been made and I do not think that the privilege has ever been abused in this State. I should say that the number of people exercising a plural vote would be very limited. I myself am entitled to vote in two provinces but I have never exercised that right because generally the people are so satisfied in one province that they never have an election.

How many members of this House are challenged seriously when it comes to election time? The greatest challenge the Labour people have in this House is by their own supporters when it comes to a selection ballot. Once having won a selection ballot there are not many challenges. As I look around I can see faces that have been here for a very long time. We are making a great big bogey for ourselves when we listen to Mr. Heenan who spoke about what views the extreme element has in respect to this House. I do not think they are interested except that they might envy members who occupy seats in this Chamber and if they

came here they would be no better, and probably a great deal worse, than members who are already elected. If the Bill had not been introduced I would not have shed many tears or expressed any regret. I am prepared to concede that flat-dwellers are justified in having a vote and for that reason I support the measure. I intend to express myself by voting against that part of the Bill giving the womenfolk a vote unless they have property qualification such as the male and then, of course, they are entitled to a vote. As for plural voting, I see no reason why we should alter that section. I support the second reading of the Bill.

HON. G. BENNETTS (South) [10.35]: I intend to support the Bill but I do not think it goes far enough. I would like to see compulsory enrolment.

Hon. Sir Charles Latham: That is awkward, you know.

Hon. G. BENNETTS: But it would be preferable. It has been stated by the leaders of the Government parties that they would bring in a Bill such as this but I heard one member say that he had been asked only one question on the platform about the franchise for the Upper House. I was asked, not only once, but on several occasions during my election campaign, whether I would favour the abolition of this House. I stated that I would favour its abolition and I am prepared to stick to my statement. I made a pledge—

Hon. Sir Charles Latham: You are on very safe ground in this House.

Hon. G. BENNETTS: I do not agree with what some members have said but I made my pledge and I intend to stick to it and vote for the complete abolition of the House if a Bill ever comes forward. I have worked before and I am prepared to go back and work again which many members of this House are probably not prepared to do. There is provision in the Bill that the wife of an elector shall be entitled to receive a vote. I consider that the womenfolk are the ones who take the whole responsibility of the home. A man merely goes to work and does not have anything to do with the family unless he helps the wife in the home. If a man does not help his wife he has no idea just what work she does and does not realise that she has to

nurse the children through sickness and look after them through life. Yet she is debarred from voting and it looks as though she will be prevented in future if some members of this Chamber have their way. Every wife should be able to record her vote if she so desires.

Hon. Sir Charles Latham: I would give a vote to some of the women instead of their husbands.

Hon. G. BENNETTS: Many of the returned soldiers who came back are unable to get homes and they are compelled to live in flats. There is no-one more deserving of a vote for this Chamber than these men. At the last R.S.L. conference it was requested that these men should be entitled to vote for the Legislative Council if they had served a certain time out of the country.

Hon. E. M. Heenan: They carried a resolution to that effect.

Hon. G. BENNETTS: If anyone is deserving a vote it is the boy who fought for this country, while many of us stayed home and hid behind his cloak.

Members: You speak for yourself!

Hon. G. BENNETTS: I was not able to go myself but I had three of my sons in the Army and surely those men are entitled to have a vote the same as anyone else in this country. They fought to save this land and many of them came back crippled and are suffering hardships. Some of them cannot get homes and they are not entitled to a vote. It is an absolute disgrace.

The Honorary Minister for Agriculture: They can vote twice in the Federal sphere as well as for the Assembly.

Hon. G. BENNETTS: We should extend to them the privilege of having a vote for this House. I do not say they will vote for Labour. The majority of them may favour the Liberal or the Country Party but I am not worrying about that. Even if a majority votes for parties in opposition to my own I still think they should be given a vote. Plural voting will not affect us greatly; the other two amendments are the most important ones. I hope members will vote for the second reading of the Bill.

HON. J. M. A. CUNNINGHAM (South) [10.40]: For the second time since making a promise to the public in his policy speech, the Premier has been prevailed upon by

pressure from certain quarters to introduce a measure for the reform of the Legislative Council. I contend that the Premier kept faith with the public and his promise and that he had no need to bring forward the Bill again, either now or at any future date. This continual harassing by men rather long on vindictiveness and rather short in good taste, has had only one good result and that is an airing of the real functions of the Council and its powers for good. We can at least thank them for that.

Through the long-sightedness of the men who framed the constitution of the Western Australian Parliament it was decided that a bi-cameral system should be adopted. It was to consist of a Legislative Assembly and a Legislative Council, one on a restricted franchise and the other on a universal franchise. It was always contended that the Council should essentially be a House of review and that it should act as a check, and only a check, on the passing of hasty, ill-conceived or sectional legislation. In effect, it was to be a completely non-party House. Up to the advent of the Labour Party, the non-party aspect of this Chamber was most apparent. With the advent of Labour and its harsh disciplinary code, compelling its adherents to vote according to Caucus, and latterly with the acquisition of several monotonously loud voiced people in another place, this Chamber has been hard pressed to maintain its decorum and its non-party standard.

Unlike members in another place, we do not generally find it hard or much of a difficulty in being "temperate in our utterances." For a number of years Labour has been a constant and consistently destructive critic of the Legislative Council, accusing it of undemocratic and reactionary activity and of having prevented it from carrying out Labour policy. The Labour Party has on many occasions attempted to bring down legislative reform and/or complete abolition of the Legislative Council. That was denied once earlier in this House but later was admitted by at least one member.

Hon. E. M. Heenan: Why do you not give us your views instead of reading what somebody else has prepared for you?

Hon. J. M. A. CUNNINGHAM: These are my own views and are notes written in my own handwriting. It must be remembered that it is the constituted policy of the

Labour Party to abolish the Legislative Council. Any willingness on our part to accede to any request of this militant section to grant them any attempt at all to widen the franchise will do nothing more than add fuel to their desires. It will be one step further towards their ultimate aim to bring about at least if not the complete abolition of this Chamber, then the negation of its true functions, and make it nothing more than a mirror of that section of those people.

A study of the actions of this Chamber over many years will produce no evidence whatever to show that it has ever taken action which has prevented any Government of any colour from carrying out its declared policy. There is absolutely no evidence whatever that this Chamber has in any way at any time prevented any Government from carrying out its policy. That point was conclusively answered in the "Kalgoorlie Miner," which published facts and figures over the years of Bills completely rejected by this House. The only question needing consideration is whether the changing ways of life and conditions have made necessary slight reforms as, for instance, in extending consideration to flat-dwellers. I agree that those people have as much right as anyone else, provided they comply with the normal qualifications, to exercise a vote in connection with this Chamber.

Supporters of the abolition of the Legislative Council claim that the franchise for this Chamber is a denial of democracy. That is merely an expression of opinion—nothing more than that. A clear annual value of property of £17 sterling a year equals about 8s. per week in Australian currency. Surely that is low enough to allow almost anyone in this State to comply with the qualifications necessary to enable him to exercise the franchise. If a person cannot comply with that small qualification, then I suggest there is something wrong with him. We have heard some talk about miners' shacks on the Goldfields. All that is necessary for a man to qualify for a vote for this Chamber is that he shall pay rent amounting to 8s. a week. Is that not little enough? It is said that some of the miners' shacks on the Goldfields are not such as will enable the occupants to have a vote. I would like to know how many of them could not qualify if they so desired.

Hon. G. Bennetts: They cannot get permits to build houses.

Hon. J. M. A. CUNNINGHAM: In that case, if the qualification they possess is not enough, what is there to prevent them from getting a home?

Hon. G. Bennetts: They cannot do so.

Hon. J. M. A. CUNNINGHAM: Why not? In the early days they were able to provide homes for themselves.

Hon. G. Bennetts: But they cannot get permits nowadays.

Hon. J. M. A. CUNNINGHAM: They got all the permits they wanted in the early days and they were able to provide themselves with homes.

Hon. E. M. Heenan: Would you agree that returned soldiers should have a vote for this Chamber?

Hon. J. M. A. CUNNINGHAM: Yes, in some circumstances.

Hon. E. M. Heenan: In what circumstances?

Hon. J. M. A. CUNNINGHAM: If he cannot comply with the qualification regarding 8s. a week—

Hon. E. M. Heenan: Then no vote?

Hon. J. M. A. CUNNINGHAM: No vote.

Hon. E. M. Heenan: Now we know.

Hon. J. M. A. CUNNINGHAM: I will mention some of the ridiculous arguments that have been advanced regarding the qualification necessary for the exercise of the franchise for the Legislative Council. One statement was made that any scoundrel, no matter how dark his reputation might be, was entitled to a vote for this House if he possessed property that qualified him to qualify. I suggest that any legislation that would widen the franchise would not prevent any such scoundrel from having the vote, but it might give it to many more scoundrels. I shall quote a statement that has been made about this matter—

Irrespective of the amount of intelligence a person may possess, no matter how great his educational attainments may be or the extent of his knowledge of political affairs—be he ever so respectable and law-abiding, honest and industrious as a worker—though he may hold or have held responsible positions—though he may have served his country with honour in the Armed Forces and even won distinctions—none of these qualifications is taken into account in determining whether he shall be entitled to enrolment for the Council.

What utter piffle! I suggest the inference to be drawn from that is that all American Servicemen, whether black or white, who served in this country during the war, should be entitled to a vote for the Legislative Council.

Hon. E. M. Davies: Whose remarks were those that you quoted?

Hon. J. M. A. CUNNINGHAM: I will tell the hon. member privately: I am not an old member, but I have been taught to be cautious. There are those who contend that persons who have a stake in the country should be entitled to additional rights. That is the only claim left to us that is different from considerations that apply to the Legislative Assembly. Any widening of the franchise will merely serve to bring us nearer to the objective of those who seek the abolition of this Chamber. Alternatively, it will merely bring us nearer to the basis on which the Legislative Assembly is elected. Should that time ever arrive this Chamber will be merely the mirror of the Legislative Assembly, and our usefulness will have ended. That is the aim of some people, but it is not our aim. Such a course is against our policy and we intend to fight against it all the way. The bald fact is that the Council franchise today is far wider than many persons think.

Hon. G. Bennetts: Would you debar a woman who is rearing a family from the right to vote?

Hon. J. M. A. CUNNINGHAM: I suggest that the woman who is rearing a family will in almost every instance be qualified for that vote. It will be found, if the hon. member likes to investigate the position, that nearly all those women have their own homes and can exercise the vote.

Hon. R. J. Boylen: You know different from that.

Hon. J. M. A. CUNNINGHAM: That is not so.

Hon. G. Bennetts: At any rate, it is not correct.

Hon. J. M. A. CUNNINGHAM: I think it is.

Hon. E. M. Heenan: Are you a member of the Liberal Party?

Hon. J. M. A. CUNNINGHAM: I am proud to say that I am.

Hon. G. Fraser: But you are not very proud of its legislation.

Hon. E. M. Heenan: Do you not believe in honouring the promises of your leader?

Several members interjected.

The PRESIDENT: Order!

Hon. J. M. A. CUNNINGHAM: Any promise I made I will adhere to, and I made no promise with regard to the reform of the Legislative Council. I was not asked any questions about that.

Hon. Sir Charles Latham: And the Premier did not speak for you at the time.

Hon. J. M. A. CUNNINGHAM: No.

Hon. G. Fraser: But you endorsed the Premier's policy.

Hon. J. M. A. CUNNINGHAM: Yes, and I am proud to say that I did not have to sign any undertaking to that effect. I was not asked to sign—

Hon. H. Hearn: On the dotted line.

Hon. J. M. A. CUNNINGHAM: No, certainly not. It will be remembered that in 1944 a Select Committee proved that provision for compulsory enrolment would result in 160,000 electors being given the franchise instead of 80,000. It is true that that would have provided more voters, numerically speaking, but not necessarily more discerning voters. Compulsion does not increase a man's ability nor his responsibility in exercising the franchise.

Hon. E. M. Davies: There is nothing about that in the Bill.

Hon. J. M. A. CUNNINGHAM: That point was mentioned. If at present there are 80,000 people entitled to vote and many of them do not attempt to exercise the franchise, I see no particular reason why we should increase the number of people qualified to vote. If we were to increase the number to 300,000, a large proportion would still not worry to vote.

Hon. R. J. Boylen: The Bill does not attempt to give them a vote. ²

Hon. J. M. A. CUNNINGHAM: There is no need to do so; they do not want to vote. It is a profound truth that any Government whose legislation is rejected by the Legislative Council, may make it an issue and go to the people to secure their verdict. That is a simple solution for any Government, but it has not yet been adopted. I do not argue that the present franchise for the Council could not be improved. I agree

that its simplification and clarification are desirable. There is, for instance, the necessity for the provision of machinery to overcome deadlocks between the two Houses. It is not my province to do something about that but it should be attended to.

I agree that flat dwellers are entitled to the franchise, but I am not in favour of the abolition of plural voting. If a man has investments in more than one section of the State, I contend he has a very real interest in the country and is so much greater because of that very fact. He is entitled to the right to votes in support of those interests. I also suggest it is not very consistent to take away the right to exercise additional votes in view of his extra interests, and at the same time give to three separate people the privilege of exercising the franchise in respect of one property of a clear annual value of £17.

In my opinion, it is not right that a man who has properties in several provinces and is helping to develop the State in distant parts, should be restricted to one vote. Then again I object to the methods adopted in the endeavour to bring about the so-called reform of this Chamber. I emphatically protest against the continued unchecked penchant of members of another place who indulge in too much debunking of the Legislative Council and not enough in debating worth-while legislation. I support the second reading of the Bill, but with reservations.

HON. C. H. SIMPSON (Central) [10.56]: I support the second reading of the Bill because I am convinced that the right of flat dwellers to exercise the franchise should be recognised. I also think that the anachronism regarding sterling should be rectified. There are other parts of the Bill that I shall watch closely during the Committee stage, but at the moment I am not altogether in favour of some of them. Most of what I intended to say has already been mentioned by other members, but there are one or two points respecting which I think opinions should be voiced.

Something was made of the resolution carried at an R.S.L. conference to the effect that returned soldiers should automatically be entitled to enrolment for the Upper House. There are a number of returned soldier members of this Chamber, and I am

convinced we all recognise the right of returned men. We would do anything to re-establish them in civil life and if there is anything we can do to assist in that direction we would be only too pleased to do what is necessary. We have every sympathy with returned soldiers, and if any measure were placed before members for the betterment of that section of the community, it would be received more than sympathetically.

Hon. G. Fraser: We tried to give the returned soldiers a vote, but this House prevented it.

Hon. C. H. SIMPSON: As to the R.S.L. conference carrying a motion on this matter—

Hon. E. M. Heenan: The conference carried a resolution asking for it.

Hon. C. H. SIMPSON: I know there was a great body of opinion that the resolution should never have been tabled.

Hon. E. M. Heenan: It was carried unanimously.

Hon. C. H. SIMPSON: It was brought forward by Mr. Hartrey, a member of the Kalgoorlie branch of the R.S.L. and some years ago a prominent member of the National Party.

Hon. E. M. Heenan: The motion was brought forward by the Kalgoorlie branch and Mr. Hartrey was the mouthpiece.

Hon. Sir Charles Latham: We know how it originated.

Hon. C. H. SIMPSON: And in any case we know that the motion came from a branch located in a place where the people generally lean towards one political point of view. The point I am making is that the R.S.L. is supposed to be a non-political organisation, and the question arises as to whether such a motion should have been tabled at the conference.

Hon. G. Fraser: It is not a political question.

Hon. J. M. A. Cunningham: At any rate, that point was strongly debated at the conference.

Hon. C. H. SIMPSON: We have every right to protect the interests of returned men and to help them to secure properties,

so that they may be entitled to the franchise. As a matter of fact, there should not be many of them lacking that qualification.

Hon. E. M. Heenan: That is nonsense.

Hon. C. H. SIMPSON: I shall here make reference to something said in another place, as reported in "The West Australian" of the 6th November, as follows:—

Legislation passed by the Legislative Assembly was being decimated, emasculated and massacred by the Legislative Council, said Mr. Graham (Lab., East Perth) during the general debate on the Estimates in the Legislative Assembly.

For its supineness, the McLarty-Watts Government deserved to be known as the Hearn-Watson Government, said Mr. Graham. To whatever tune Messrs. Hearn and Watson called in the Council their colleagues there were prepared to hum. On numerous occasions the only support for Ministers in the Council was supplied by Labour members.

Unfortunately, perhaps, for Mr. Graham, in the same issue of "The West Australian," there appear, among other headings, a few as follows:—

£1,000,000 Scheme for Bunbury Harbour.
Control of Fish Prices.
Air-borne Beef to Wyndham.
Esperance Light Lands Development.
Reduced Water Charges.
Aid to Marginal Gold Mines.

Admittedly, the last-mentioned item is a Federal matter, but it has been strongly supported by the State Government. In addition, there was this year, according to the Statistical Report, a trade peak above any previously known. So much for the achievements of the McLarty-Watts Government and for the accusations levelled against it by Mr. Graham in another place! Members of this Chamber, who know the facts, will agree that never in its history have they been so frequently called upon to exercise their right to vote according to their conscience as they have during this session. They have not danced to anybody's tune. Anyone who knows the facts will, I think, respect this Chamber for the independence of thought of its members.

On motion by Hon. C. F. Baxter, debate adjourned.

Sitting suspended from 11.2 p.m. to 2.15 p.m. (Thursday).

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Conference Managers' Report.

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

The conference met, discussed the amendments and agreed to same. I move—

That the report be adopted.

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Conference Managers' Report.

The HONORARY MINISTER FOR AGRICULTURE: I beg to report that the conference managers met in conference on the Bill and reached the following agreement:—

Amendment No. 1, agreed to.

Amendment No. 2, agreed to.

Amendment No. 5, withdrawn.

Amendment No. 6, conference agreed to delete only the words "and mixed law and fact" in line 29, page 21.

Consequently, to delete the words "or mixed law and fact" in lines 37 and 38, page 21.

Amendment No. 13, conference agreed to delete the proposed paragraph (d) and to insert the following paragraph (d) in lieu:—

(d) (i) In any one year the Board may levy contributions to the Fund of an amount equal to—
the amount of compensation estimated as hereinafter provided as payable in that year pursuant to the provisions of paragraph (b) of Sub-section (i) of Section 35 of this Act plus:—

a sum of eight thousand pounds—

but shall not levy contributions in excess of that amount unless authorised by resolutions of both Houses of Parliament.

(ii) For the period of the first year in which the Workers' Compensation Act Amendment Act, 1948, comes into and is in operation the amount of compensation referred to in the last preceding paragraph shall be estimated by the Board and for each year thereafter the estimate of the amount of that compensation shall be based upon the amount of the compensation payable during the next preceding year.

Amendment No. 18, conference agreed to delete the proposed words to be inserted after the word "practitioners" and to insert in lieu the following words:—"to be selected from time to time from a panel of names of medical practitioners supplied to the Board by the Medical Board constituted pursuant to the provisions of the Medical Act, 1894-1946.

Amendment No. 19, agreed to.

Amendment No. 20, instead of deleting sub-paragraph (iii) of para (g) the sub-paragraph has been amended as follows:—

Insert before the word "providing" the words "formulating recommendations and preparing estimates for submission to Parliament of the cost of" and also insert an additional sub-paragraph (iv) as follows:—

(iv) providing facilities for rehabilitation and re-employment of workers who have sustained permanent or temporary disablement from personal injury by accident within the meaning of the Act in accordance with the recommendations and estimates referred to in the last preceding sub-paragraph when those recommendations and estimates have been approved by resolution of both Houses of Parliament.

Amendment No. 21, agreed to.

Amendment No. 22, agreed to.

I move—

That the report be adopted.

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

Sitting suspended from 2.21 to 2.46 p.m.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Assembly's Further Message.

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Assembly's Further Message.

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

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. H. S. W. Parker — Metropolitan-Suburban): I move—

That the House at its rising adjourn till 3 p.m. this afternoon.

Question put and passed.

House adjourned at 2.48 p.m.

Legislative Assembly.

Wednesday, 1st December, 1948.

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