investigating staff continue their inquiries much longer they will get to the seat of the trouble.

The Minister did not mention the Government's wheat policy and I do not know what it is, but I hope steps will be taken to stabilise the price of wheat if that is possible. I hope it will be done and that the wheatgrowing areas of this State will be extended as far as possible, though I do not suggest going out into marginal areas just because they have had a good season this year. It is no use having one good season followed by seven or eight bad years. I think wheat should be grown wherever it is profitable, and that our land should be confined to the production most suited to it. I do not regard the Great Southern as a wheatgrowing area but it is a wonderful dairying district with a better climate than the South-West, because it has not the excessive rain. A lot of dairying could be carried on in the Great Southern, by growing the necessary fodders. I hope to see the dairying industry spread into that area, where I think people will engage in it more readily than in the excessively wet areas where the working conditions are not the best.

Reverting to fodder banks, in the South-West recently I was struck by the amount of meadow hay being cut this year. I do not wonder that we could not get tractors in my area, because in the South-West I think every farmer I saw had a new tractor and bailer and mower. They are bailing their hay and it does not take much stacking. A farmer in the Midland area had the idea of compressing wheat in order to save it for stock food. I have in my hands a sample that he gave me. It is wheat, mixed with a little molasses and compressed into a compact mass. If a machine were made to compress wheat in this way it could go from farm to farm, processing the wheat, which could then be stored as a food for stock. The compressed wheat could be sent to the northern areas, for instance, if necessary. At present it is a pity to see 20 per cent. of the hay being pitched out because it has been ruined by the weather.

The Minister for Lands: How is that compressed wheat released for use as stock food?

Mr. SEWARD: It is smashed up with a hammer. The sample I have represents 10 lbs. of wheat, which has been compressed into a jam tin. It is pure grain with the addition of a little molasses.

Mr. Doney: It is very palatable to the stock.

Mr. SEWARD: If a machine went from farm to farm compressing the wheat in this way there would be no wastage. At present the farmer cuts the hay and sells it to a merchant, who says he will be round in about a month to cut it up, but instead of that he may come after about six or seven months, when the rain has ruined a large percentage of the hay, and that is the farmer's loss. I commend this idea to the Minister as I think it may provide a fodder bank of considerable value, and one which will not deteriorate as a haystack does.

Progress reported.

House adjourned at 10.58 p.m.

Legislative Council.

Tuesday, 27th November, 1945.

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

QUESTIONS.

STATE SCHOOL CHILDREN.

As to Medical and Dental Treatment.

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

1, What was the total number of school children examined by officers of the Medical Department during the year ended the 30th June, 1945?

2, What number of children were attending school outside the metropolitan area, and of this number, how many required (a)

medical attention, and for what reason; (b) dental attention?

3, What number of children attending school in the metropolitan area required (a) medical attention, and for what reason; (b) dental attention?

4, Are figures available indicating what number of those requiring either medical or dental treatment received such treatment? If so, numbers in both cases?

The CHIEF SECRETARY replied:

(1) 11,952, comprising 5,782 at metropolitan schools and 6,170 at country schools.

(2) 6,170—(a) 1,050 for medical attention for eyes and tonsils; (b) 2,336 for dental attention.

(3) (a) 1,216 for medical attention for eyes and tonsils; (b) 2,545 for dental attention.

(4) The parents of children requiring medical attention are informed of the defects and advised to seek medical treatment. No figures are available of the actual numbers so treated.

As regards dental treatment, 1,595 children in the metropolitan area and 1,103 in the country areas were handled by the department's dentists during the year.

HOUSING.

As to Goldfields Water Scheme Employees.

Hon. G. B. WOOD asked the Chief Secretary: 1, Is the Government aware that considerable dissatisfaction exists among employees of the Goldfields Water Scheme in respect to housing?

2, Is the Government aware that the firemen at No. 4 pumping station are occupying small dwellings which are of a very low standard, built more than 40 years ago, of corrugated iron lined with matchboard?

3, In view of the fact that the engineer-in-charge at No. 4 pumping station was recently provided with improved quarters, including a shed as well as a motor garage with cement floor, and inspection pit, will the Government take immediate steps to improve the quarters of the firemen employees?

The CHIEF SECRETARY replied:

(1) Following a visit of inspection several weeks ago by the Minister for Works at the No. 4 Pumping Station, the question of providing better housing conditions has been receiving active consideration.

(2) The department is aware that the semi-detached quarters occupied by the firemen are unsuitable and proposals have been put forward for a general improvement in the housing of employees at all pumping stations.

(3) The "new" quarters for the engineer-in-charge at No. 4 Pumping Station were erected in 1938, at the same time as one set of new quarters for firemen. The garage referred to is the personal property of the engineer-in-charge and, it is understood, has neither cement floor nor inspection pit.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT.

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

BILL—STATE ELECTRICITY COMMISSION.

In Committee.

Resumed from the 22nd November. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 18, as amended, had been agreed to.

Clauses 19 to 25—agreed to.

Clause 26—Administration of certain Acts:

Hon. H. S. W. PARKER: I wish to insert a new clause to stand as Clause 26. It is usual for new clauses to be moved after those already in a Bill have been considered. Clause 26, however, affects a great many other amendments throughout the Bill, and I was wondering whether my amendment could be taken now.

The CHAIRMAN: No. All new clauses must be taken at the end of a Bill. If a new clause is accepted and affects other portions of the Bill, the Bill can be recommitted.

Clause put and passed.

Clause 27—General powers and duties of the Commission:

HON. H. SEDDON: Paragraph (c) provides that the commission may carry out investigations, surveys, explorations and borings to ascertain the existence, nature and extent of coal or mineral oil deposits or of water power suitable for use in connection with

the generation or production of electricity or other power, etc. It looks to me as though a considerable amount of expenditure will be incurred in this matter in purely investigatory work, and the question arises whether that comes within the scope of the commission, which will be formed for the purpose of generating and distributing electricity. It appears to me to be a class of work more within the province of the Geological Survey Department.

The CHIEF SECRETARY: It is essential that this authority should be in the Bill. We are creating a commission and giving it very wide powers and responsibilities in regard to the supply of electricity throughout Western Australia. We are not legislating for tomorrow but, I hope, for many years to come. This Bill provides only the framework on which will be built whatever the commission might consider necessary in order to furnish, sooner or later, electricity supplies for the whole community of Western Australia. One can quite well understand, in view of experience elsewhere, that it will be necessary for the commission to make inquiries and carry out investigations of all sorts.

The commission will mainly consist of very highly qualified technical men, and there should be no hesitation in giving it power and authority to make the investigations provided for in the Bill. Unless we give the commission authority of this kind, we will tie its hands. It is absolutely necessary that the commission should have the widest possible authority. Any investigations carried out will be given serious consideration by the commission and no-one can predict what its recommendations might be. We would be making a mistake if we decided that because an investigation might cost a little money we should not give the commission that authority. There is nothing in Clause 27 to which I think we should take exception. The wider the commission's authority, the better the results will be.

Hon. H. SEDDON: Before investigatory work of this description is undertaken, it should be subject to Parliamentary consideration and approval. Boring for oil or coal is very expensive, and it appears to me that to empower the commission to go ahead with investigations of that sort without getting the sanction of Parliament would be to give it wider powers than was anticipated In those circumstances, it would be wis later in the Bill to consider an amendmen that would insist on any work of this kin being submitted to Parliament for approva before being undertaken.

The CHIEF SECRETARY: I think Mr Seddon is overlooking the very essentia point that these investigations are in con nection with the generation or productio of electricity or other power and to ascer tain suitable sites for generating station and other works. The commission's investi gations are tied down to that. What will b the use of giving the commission the wid powers set out if we are to say, "Notwith standing that we desire to establish a gene rating station in a certain place, you shal not be allowed to make preliminary investi gations because it requires a certain amoun of boring or other work of that kind?"

Hon. H. Seddon: Boring is for minera deposits.

The CHIEF SECRETARY: The para graph refers to boring to ascertain the exis tence, nature and extent of coal or minera deposits or of water power suitable for us in connection with the generation or produc tion of electricity or other power. We can not separate one from the other.

Hon. H. Seddon: Yes, we can.

The CHIEF SECRETARY: The hon member thinks we can, and it is apparen that he wants to limit severely the authorit of the commission. The Government want to give the commission very wide power covering the generation and supply of elec tricity throughout the State. The Bill pro vides the framework upon which will b built whatever decisions the commission may reach. Anything we do which limits the commission's authority to investigate mus be detrimental to its activities.

Clause put and passed.

Clause 28—agreed to.

Clause 29—Powers of Commission as t undertakings:

Hon. H. SEDDON: I move an amend ment—

> That paragraph (f) of Subclause (1) b struck out.

Paragraph (f) provides for the opening establishment, supervision and operation o works for the production of coal or minera oil, briquetting works and by-product re covery works. Though those activities ma

be desirable, they do not come within the scope of the scheme devised for the generation and distribution of electricity. I do not think we should grant the commission power to establish those works in relation to a scheme of this kind, though such works will consume quantities of electricity in the course of their operations. They are the side issues and are entirely separate from the scheme we have before us.

The CHIEF SECRETARY: I oppose the amendment. I am advised that modern power plants use fine coal, and associated with such plants are by-products of their operations. They have to dispose of the larger coal and they use some of the coal for briquettes and so on, and it is necessary that they have that authority for economical working. At Collie there is a power house provided with coal from a mine close by. All the coal produced by that mine would not be used in the operation of the power house. The commission might find it necessary to deal with by-products such as I have mentioned, and unless we have this clause to give the commission that authority, it could not carry on its activities economically. That is to be seen from the experience of Yallourn in Victoria, and power houses in other parts of the Commonwealth and of the world. We are laying down the framework of the scheme, and unless we leave this paragraph in the Bill, we will hamstring the commission, because it could not undertake some of the work of generating and distributing electricity unless it had the right to deal with the by-products.

Hon. H. SEDDON: At a previous stage we took out of the Bill the power of the commission to acquire coalmines and open cuts. This clause deals with the by-products of coalmines and has nothing to do with the generation of electricity. By leaving the clause in the Bill we would simply authorise the commission to establish what is, in effect, the nationalisation of coal production. That is my objection to the clause—that and the fact that these activities are entirely separate from the generation of electricity. The instance given by the Chief Secretary would only apply if the mine had been acquired by and was used by the commission for its power house, and if it had surplus coal. I think the commission should has the right to buy coal for its power house wherever it could be got most cheaply, and then other producers of coal would have the right to compete for the supply of coal. I do not see any justification for the production of coal or mineral oil or for briquetting works, and certainly not for by-product recovery works, which are usually associated either with gasworks or purely chemical industrial operations.

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

Ayes	13
Noes	11
Majority for	2

AYES.

Hon. C. F. Baxter	Hon. H. Seddon.
Hon. Sir Hal Colebatch	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. E. H. H. Hall	Hon. F. R. Welsh
Hon. V. Hamersley	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. W. J. Mann
Hon. H. S. W. Parker	(*Teller.*)

NOES.

Hon. J. M. Drew	Hon. A. L. Loton
Hon. G. Fraser	Hon. G. W. Miles
Hon. F. E. Gibson	Hon. H. L. Roche
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. M. Heenan.	Hon. C. R. Cornish
Hon. W. H. Kitson	(*Teller.*)

PAIR.

AYE.	NO.
Hon. L. B. Bolton	Hon. W. R. Hall.

Amendment thus passed.

Hon. H. SEDDON: I move an amendment—

That in paragraph (b) of Subclause (2) the words "coal, pulverised coal, oil, briquettes, or any by-products of its works and undertakings" be struck out.

The CHAIRMAN: That amendment is more or less consequential.

Hon. H. SEDDON: Yes. It is in keeping with the previous amendments. If passed it will limit the commission to the sale, supply, and disposal of electricity.

The CHIEF SECRETARY: I imagine there will be by-products even under the conditions laid down by Mr. Seddon. There seems no reason why the commission should not have the right to dispose of and sell any briquettes and by-products of its undertakings. If the idea of this Committee is to hamstring the operations of the commission altogether, that will be all right. That is the only construction I can put on the effect of the amendments which have been agreed to. Other power stations in Australia are engaged in generating and distributing electricity, and

some of the by-products are very valuable. That applies to Victoria in particular. I do not think those by-products are limited to by-products from the actual coal used in the works in Victoria. The Committee would make a mistake if it took away from the commission the right to dispose of pulverised coal, briquettes or any by-products it may be possessed of.

Hon. H. SEDDON: The production of briquettes is separate from the generation of electricity. Briquettes are obtained at Yallourn by processing the coal from the coal face. I have yet to hear what by-products come from the generation of electricity itself.

The CHIEF SECRETARY: Apparently Mr. Seddon desires that whoever supplies coal to the generating stations shall supply it only in pulverised form. If that is so I have no argument, and if that is the idea of the hon. member what sense is there in the amendments we have agreed to?

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

Ayes	13
Noes	11
Majority for	2

AYES.

Hon. C. F. Baxter	Hon. H. Seddon
Hon. Sir Hal Colebatch	Hon. A. Thomson
Hon. J. A. Dimmitt.	Hon. H. Tuckey
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. G. B. Wood
Hon. W. J. Mann	Hon. E. H. H. Hall
Hon. H. S. W. Parker	(*Teller.*)

NOES.

Hon. C. R. Cornish	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. A. L. Loton
Hon. G. Fraser	Hon. G. W. Miles
Hon. F. E. Gibson	Hon. C. B. Williams
Hon. E. H. Gray	Hon. H. L. Roche
Hon. E. M. Heenan	(*Teller.*)

PAIR.

AYE.	NO.
Hon. L. B. Bolton	Hon. W. R. Hall.

Amendment thus passed.

Hon. H. S. W. PARKER: I move an amendment—

That paragraph (c) of Subclause (2) be struck out.

Traders throughout the country provide everything that our citizens require in the way of electricity and power. If we permit a Government instrumentality to trade in these items we shall possibly find ourselves in the same position as we do with other Government instrumentalities in that the people generally will not benefit. No Government institution can be managed as efficiently as can a private concern, because the ramifications of Government departments with auditors, regulations, rules, etc. very often prevent the efficient working that takes place in private concerns. If a Government instrumentality is given the power sought here, people will find that they can neither buy nor sell as cheaply as before. There would be a tendency to form a combine with the Government as is the case in the timber industry, and people would then be compelled to buy at the combine price. The paragraph is unnecessary.

The CHIEF SECRETARY: I am strongly opposed to the amendment, not only because it happens to be part of a Government Bill, but in the interests of electrical traders themselves. One would imagine that the commission was going to be a dealer in electrical equipment of all kinds and might develop into a monopoly in that respect. The exact opposite is the case.

Hon. H. S. W. Parker: I used the word "combine."

The CHIEF SECRETARY: I understand that the Electricity Commission in Victoria sells and trades in electrical equipment of all kinds. Anything that is sold by that commission is guaranteed to be perfectly satisfactory. That is very necessary when one is dealing with electrical equipment. There is the Approvals Board which gives its approval in the case of all electrical equipment, and as a result everything can be deemed to be satisfactory to the purchaser. At one time in Victoria the commission was prevented from selling and trading in electrical equipment. It was not long before traders asked the Government to give the commission power to continue dealing in and disposing of electrical equipment.

Hon. W. J. Mann: Did that happen recently?

The CHIEF SECRETARY: In recent years. Private traders found that their own sales were diminishing and the power was restored to the commission. If the commission proposed in this Bill had showrooms where various types of guaranteed equipment could be displayed, that would boost the sale of equipment of that kind. There

is no intention to provide for the manufacture of these items by the commission. If the undertaking were not given the right provided in this Bill the time would not be far distant when requests would be coming in from people who manufacture such things, that the commission should have the right to sell them. I understand that the usual procedure in regard to sales of this kind is that the goods are sold on a commission basis; consequently, the manufacturers are happy to allow the commission to have that right. There is perhaps a more important point so far as Western Australia is concerned. In Victoria and New South Wales, all articles of electrical equipment must be passed by the Approvals Boards in those States. We have not an approvals board here, and will not have one until such time as the Bill becomes an Act. In the meantime, our people are subjected to the dumping in this State of inferior electrical equipment, much of which, in times past, was manufactured in Japan.

Hon. J. A. Dimmitt: Have you any idea who comprise the Approvals Boards in the other States?

The CHIEF SECRETARY: No, but I could get the information. What higher guarantee could the people of this State have than the fact that the electricity commission in this State was selling equipment? It would be fatal for the commission to sell any equipment of an unsatisfactory kind. I would be more satisfied to purchase equipment from the commission, because I would feel it was guaranteeing what it sold.

Hon. H. S. W. PARKER: I am afraid the Chief Secretary is not correct in some of his arguments. For instance, in connection with our water supply, only a licensed plumber may effect connections to the Government scheme. All appliances used for our water supplies are stamped with the stamp of the Metropolitan Water Supply Department. The Bill contains a provision that all electrical equipment must be passed and approved. It also provides that electrical engineers must be qualified and approved by the board. I question whether any person at present feels safe in purchasing electrical equipment from a store. The Chief Secretary, in effect, suggests that the Government will eventually become the sole traders in electrical equipment. Therefore, we shall lose our freedom of trade, and that is something I do not like.

The CHIEF SECRETARY: I do not remember having suggested that eventually the Government would be the only traders in electrical equipment.

Hon. H. S. W. Parker: If your argument is correct, people would only feel safe in making their purchases from the Government.

The CHIEF SECRETARY: I do not agree that that construction can be put on my argument. We are having a somewhat similar experience in Perth to the experience in the Eastern States. The Perth City Council displays in its showrooms in Murray-street various articles of electrical equipment. Why should members offer any objection to this proposed commission doing the same thing? Some members of this Committee will not have State trading on their minds for five seconds. If they consider that anything is tainted in any shape or form with State trading, they refuse to have anything to do with it. They cut off their noses to spite their faces.

Hon. H. S. W. Parker: No.

The CHIEF SECRETARY: We shall be making a big mistake if we refuse the commission the right to trade in electrical equipment.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 30—Power to Commission to purchase private undertakings, coal mines, etc.:

Hon. H. SEDDON: I move an amendment:

> That paragraph (c) of Subclause (1) be struck out.

The purchasing or taking on lease or subleasing of a coal mine is entirely outside the scope of a commission to be established for the generation and sale of electricity.

The CHIEF SECRETARY: I can only raise my objection to the amendment, which, in view of the success of other amendments, will no doubt be carried. All that we are doing by passing these amendments is to stultify the commission. It might be that the commission would desire to establish a generating plant in some

part of the State where there is a supply of coal which was not being worked, but which was essential for the economical working of the plant. If the amendment be passed, we say to the commission, "You can establish your generating plant, but somebody else must open up the coal deposit." It is even worse. The commission might desire to lease a coal mine, whether it was being operated or not, but if the amendment be carried, it would not have authority to do so.

Hon. H. SEDDON: The argument put up by the Chief Secretary implies that the most economical method of working a coal deposit would be for the Government to take it over. Many members hold a contrary view. I do not want the commission to be tied up to one particular source of supply. The instance given by the Chief Secretary of opening up a new deposit of coal is one that could be dealt with when it arose.

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

Ayes	10
Noes	14
Majority against	4

AYES.

Hon. Sir Hal Colebatch	Hon. H. Seddon
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. J. G. Hislop	Hon. H. Tuckey
Hon. W. J. Mann	Hon. F. R. Welsh
Hon. H. S. W. Parker	Hon. V. Hamersley (*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. C. R. Cornish	Hon. A. L. Loton
Hon. J. M. Drew	Hon. G. W. Miles
Hon. G. Fraser	Hon. H. L. Roche
Hon. F. E. Gibson	Hon. C. B. Williams
Hon. E. H. Gray	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. E. H. H. Hall (*Teller.*)

PAIR.

AYE.	NO.
Hon. L. B. Bolton	Hon. W. R. Hall

Amendment thus negatived.

The CHAIRMAN: I direct the Chief Secretary's attention to Subclause (1). The Clerk will strike out the numeral in parentheses because there is no Subclause (2).

The CHIEF SECRETARY: Very well.

Clause put and passed.

Clause 31—agreed to.

Clause 32—Power for compulsory acquisition of undertaking or of supply authority:

Hon. A. THOMSON: This clause gives the commission power compulsorily to acquire, as a going concern, any undertaking. I cannot find any protection for the public. Many electricity supply plants, with Rushton or Crossley Diesel engines, produce current at a reasonable rate. If this commission compulsorily acquires such undertakings, what guarantee will the people have that they will not have to pay more for their current than they do today? I would also like to know whether the current that will be supplied will be on what is termed the flat rate. Many people give enthusiastic support to this proposed power scheme because it is going to reduce the cost of electric current and assist in decentralisation. If we are going to supply power at Collie at 2d. a unit, for arguments sake, and about 4d. or 6d. in country areas, we shall not be doing anything of benefit from a State point of view. I would like to know what protection country consumers will have if the commission compulsorily acquires undertakings that are giving entire satisfaction.

The CHIEF SECRETARY: This will be a responsible commission. I imagine that where it is necessary to resume compulsorily a power station, it will be done in conjunction with a wider scheme. The commission will not compulsorily acquire a power station because it is servicing a particular town or small district. If the commission is involved in a scheme and it is necessary for it to have the control of the electricity supplies throughout the district concerned, then it will possibly have to exercise these powers. The commission will be able to do that or to make some arrangement with the local authority or the concessionaire. As I pointed out, when introducing the Bill, it seems that, as far as the South-West is concerned, the scheme will cost this State about £30,000 per annum. I quoted the estimate of the charges that would be made by the commission in the event of a South-West power scheme being established. I am given to understand that those rates are far cheaper than those charged by any local authority or that apply in any small power scheme generating electricity there today. That is the protection that those people would get.

Hon. H. Tuckey: Would it be cheaper than Bunbury?

The CHIEF SECRETARY: Even Mr. Thomson will realise that I cannot commit the commission. We will be giving certain powers to this commission and we will expect it to exercise them in a reasonable and proper way. We are providing that there shall be two representatives of consumers in order that the consumers may be satisfied that the activities of the commission are in their best interests. Some members object to the consumers' representatives being on the commission at all.

Hon. H. Tuckey: No, but we would like to elect them.

The CHIEF SECRETARY: Some members object to the consumers' representatives.

Hon. G. W. Miles: I am one of them.

The CHIEF SECRETARY: Others are quite content to have consumers' representatives, so long as they elect them. They do not want the Government to appoint those representatives. There is the protection that any district would get once the commission was operating. The experience elsewhere has been very beneficial. There are few cases that can be mentioned, especially in Victoria, where the commission having acquired, compulsorily or otherwise, a local power station, has not provided increased benefits for the people of the district. We hope to have the same experience even though it may mean, in the initial years of the commission's operations, a substantial loss.

Clause put and passed.

Clauses 33 and 34—agreed to.

Clause 35—Commission may appoint and employ and remove officers and employees:

CHIEF SECRETARY: I move an amendment—

That Subclause (1) be struck out.

This deals with the appointment and employment generally of officers and employees of the commission, and in lieu of it I propose to move for the insertion of a new clause, the idea being that we should include in the measure dealing with the commission, all the conditions under which the employees will be engaged.

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

Clauses 36 to 48—agreed to.

Clause 49—Application of profit:

Hon. H. SEDDON: I move an amendment—

That in line 9 the words "Consolidated Revenue" be struck out and the word "Sinking" inserted in lieu.

The principle adopted so far in connection with many State concerns has been that where a profit has been shown the money has been taken into Consolidated Revenue and used for the general purposes of the State, even though the particular activity concerned may be owing millions of pounds. Obviously if that money were used as additional sinking fund thereby reducing the capitalisation of the activity, the burden imposed by way of interest and sinking fund payments would be greatly reduced, and ultimately we might have an activity the whole of the revenue of which would be appropriated to Consolidated Revenue and would be available for that purpose after the capitalisation had been paid off. That is the reason for my amendment. I can cite the well known example of the Fremantle Harbour Trust, which is a very regular contributor to the revenue of the State although its capitalisation is very high and the reduction of that capitalisation has been very slow. Here I propose to make an accountancy provision that will be entirely to the benefit of the State and the activity specifically concerned, making for the success that its advocates claim for it.

The CHIEF SECRETARY: Unfortunately Mr. Seddon's suggestion is impracticable, and I rather imagine the hon. member knows that just as well as I do. The State is bound by the arrangements with the Commonwealth Government under the Financial Agreement and has to provide a sinking fund in connection with all loan moneys raised through the Loan Council. That is the only source through which we can raise funds for purposes of this description. Members are aware that from time to time the State has been criticised by the Grants Commission primarily due to the Commission's claim that the State Treasurer has not taken into revenue account money he should have in certain circumstances. The State Government has been criticised because it has not secured a sufficiently high return on the loan money expended, and I am advised by the Under Treasurer that is still the position today. In the Bill provision is made for sinking fund, maintenance and obsolescence.

Hon. G. W. Miles: Those are all the conditions you want.

The CHIEF SECRETARY: That provision has to be made before any surplus can be disposed of as set out in the Bill. Furthermore, the matter is left to the discretion of the commissioners. Before any surplus moneys can be paid into Consolidated Revenue, the commissioners have to be satisfied that they have no further use for the funds. Mr. Seddon suggests that the money should be paid into a sinking fund. I understand that once we increase our sinking fund payments, we must continue them at the increased rate.

Hon. G. W. Miles: Why not put the money into a reserve fund?

The CHIEF SECRETARY: I would be delighted if we could do that, but we could not leave the money lying idle. It would have to be made use of in one form or another.

Hon. H. Tuckey: Could not the commission use it?

The CHIEF SECRETARY: It is admitted that in the early years of the scheme considerable losses will result, and the Treasurer will be responsible in that regard. Surely in those circumstances it is merely right that should there be any surplus funds for which the commission can find no use after providing for all contingencies, the money should be taken into Consolidated Revenue.

Hon. F. E. Gibson: Until the losses you refer to are met.

The CHIEF SECRETARY: Unfortunately under the Financial Agreement we are responsible for the loan funds raised for a period of 53 years. Mr Seddon knows that is one of the difficulties we are up against. The State has to pay 5s. in respect of each £100 raised and the Commonwealth commissioners dealing with such matters are insistent upon the condition being carried out. The Grants Commission is very keen on matters of this description and has been critical of the State for not getting the best results possible from the loan funds spent. The Under Treasurer advises me that what Mr. Seddon desires is impracticable and cannot be done. To suggest raising the amount of sinking fund payments merely because a good year has been experienced would mean that the increased amount would have to be paid in succeeding years although they might be bad years. The Under Treasurer is in a far better position to know what is possible in such matters than are we, and I have given the Committee the benefit of his advice.

Hon. H. SEDDON: The Chief Secretary's remarks tend to confuse the position, and the point raised by Mr. Gibson stresses what has happened, for instance, with the Goldfields Water Supply Scheme. The payments made on account of losses have been capitalised, so much so that the scheme is now indebted to Consolidated Revenue to the extent of £1,750,000. Notwithstanding that the State has to comply with the provisions of the Financial Agreement, that does not prevent the Government from increasing its sinking fund contribution. We are dealing with State funds and the State can pay into a State sinking fund without its being a matter for the National Debts Commission. There is no reason why the Government should not in an undertaking of this description, once it is on a profitable basis, apply its funds in the purchase of securities which will be a set-off against the capitalisation of the scheme, thereby reducing the amount of the capital charges the scheme will have to carry. By such a means the commission might ultimately find itself in possession of a concern the capitalisation of which amounted to nothing, and the whole of the profits could be contributed to the State revenue.

Hon. C. B. Williams: They would reduce the cost to the consumer as well.

Hon. H. SEDDON: That is what the commission would aim at. I have in mind the conditions existing in connection with the Fremantle Harbour Trust which has made considerable payments to Consolidated Revenue and yet its capitalisation remains high.

Hon. Sir Hal COLEBATCH: I am aware that the memorandum forms no part of the Bill, but one reference in it has an important bearing on the question under discussion. Clause 2 (b) (iv) states that the commission will be able—

> to acquire by voluntary sale or resumption the undertakings of any supply authorities and incorporate the same with other Government electric works in pursuance of any comprehensive policy or scheme aforesaid.

Is there anything in this Bill making it quite clear that such an acquisition can be

only in pursuance of the comprehensive scheme? If there is, many other questions do not arise, but if there is not, the commission could go around picking up any profitable undertaking with a view to making profit for the Government.

The CHIEF SECRETARY: I think that point is made clear in Clause 32.

Hon. Sir Hal Colebatch: There is nothing in Clause 32 saying that it must be part of the comprehensive scheme.

The CHIEF SECRETARY: The interpretation of "undertaking" would link it up. I think there is some provision to the effect that any such acquisition must be confined to the scheme, though I cannot see it. The commission would not be likely to go around acquiring schemes merely because they were showing a profit.

Hon. Sir Hal Colebatch: I am sure that is not the intention, but the point is not made clear in the Bill.

The CHIEF SECRETARY: I will make inquiries with a view to getting information on the point.

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

Ayes	16
Noes	8
Majority for	8

AYES.

Hon. Sir Hal Colebatch	Hon. G. W. Miles
Hon. L. Craig	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. H. Seddon
Hon. F. E. Gibson	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. H. Tuckey
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. G. B. Wood
Hon. W. J. Mann	Hon. C. R. Cornish (*Teller.*)

NOES.

Hon. J. M. Drew	Hon. A. L. Loton
Hon. E. H. Gray	Hon. H. L. Roche
Hon. E. M. Heenan	Hon. C. B. Williams.
Hon. W. H. Kitson	Hon. G. Fraser (*Teller.*)

PAIR.

Aye.	No.
Hon. L. B. Bolton	Hon. W. R. Hall

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

Clauses 50 to 72—agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

New clause:

Hon. H. S. W. PARKER: I move—

That a new clause be inserted as follows:—"26. The several powers by this part of this Act conferred on the commission shall be exercised only for the purposes of, or incidental to, the manufacture, generation, transmission, distribution, supply and sale of electricity."

This clause should be inserted just before the present Clause 26 and after the words "Part V.—Powers and Functions of Commission." If accepted, it would give the commission power, for instance, to sell cooking appliances which were connected with the sale of electricity. The clause would prevent the commission from selling gas ovens but not any cooking appliances that had anything to do with electricity. Again, the commission could run coalmines for the purpose of securing coal for the generation of electricity, but would not be allowed to run coalmines for general trading purposes.

The CHIEF SECRETARY: I look upon this clause as another move to restrict the activities of the commission. Mr. Parker has made one point I would like to use against him. Suppose the commission were operating a coalmine! All the coal produced would not be suitable, perhaps, for generating power, and large coal and things of that kind would have to be disposed of. Under the proposed new clause, the commission would have no power to do that. There might be many other ways in which the clause would restrict the commission's activities. I do not think we ought to do that, although up to date the Committee has succeeded in limiting the power of the commission to a very material extent. The commission will be a responsible body and is not likely to do things detrimental to its reputation. It will be appointed for the purpose of making a success of electricity and power supply throughout the State, and we should be prepared to trust it in its duties in that regard.

Hon. H. SEDDON: I can see a grave danger unless there is restriction. There is no doubt that once this commission is established, any concern that wants to establish the generation of power—even though it could demonstrate that as a result of the application of scientific discovery it was able to reduce the cost of power production to a fraction of the figure this commission could attain—will not be allowed to operate. The interests of the public and the consumers—which are throughout the Bill subordinate to the objective of trying to estab-

lish, under the guise of the Bill, a State coalmine—should be safeguarded.

The CHIEF SECRETARY: We used to have a member in this House who could see a nigger in the woodpile in every Bill introduced. I think we have a successor to him.

Hon. H. Seddon: That is so.

The CHIEF SECRETARY: The hon. member thinks he can see a nigger in the woodpile in this Bill, but I assure him there is no nigger. This Bill was prepared after much consideration and many consultations with the highest authorities we have here. They surveyed the position and recommended the authority that is necessary for this commission to be successful. It is going to be a hard task, more particularly for the reasons mentioned by Mr. Seddon himself on several occasions: that we have such a large area to cover and such a small population to serve. For that reason the commission should not be restricted as suggested by some members, but should be given the right to function satisfactorily and economically, and that can only be achieved by giving it the power provided in the Bill.

Hon. Sir Hal COLEBATCH: I am in favour of giving the commission all the power necessary for the carrying out of a scheme that has been approved by Parliament. I would like to see Mr. Parker's amendment varied by striking out the words "the manufacture, generation, transmission, distribution, supply and sale of electricity" and inserting in lieu "A comprehensive policy or scheme." Then, on recommittal, we could put into the interpretation that "comprehensive policy or scheme" means "A policy or scheme prepared by the commission and approved by Parliament." The objection I have to the Bill is that anything can be done under it. The commission can go anywhere in the State, buy up anything, and do anything. I think it should have all the power necessary to carry out successfully a scheme, and that its power should be confined to a scheme prepared by it and approved by Parliament.

The CHIEF SECRETARY: It seems to me the further we go, the more restrictive we want to be. I suggest to the hon. member that this case might arise: A certain district desires to have an electricity scheme. It may desire the commission to establish one, but in accordance with the hon. member's idea, it would not be able to do so because it would not be a scheme under his definition.

Hon. Sir Hal Colebatch: Why should it not come before Parliament? Why was the South-West power scheme submitted if we are not prepared to deal with other schemes in a similar way?

The CHIEF SECRETARY: That is a different thing altogether. Suppose a town like Katanning desired the commission to establish a scheme there! That would not be a scheme within the meaning of the hon. member's suggestion. If that scheme were desired, the commission would be quite entitled, if it thought fit, to establish a power scheme in that particular centre. But Sir Hal's idea is that it should not operate unless a scheme was prepared which was going to deal with the whole of a particular area. It has already been pointed out with regard to the Bills that have been before the House, that there are several schemes we are hopeful will be introduced, including the South-West power scheme, for which we have a particular measure; but it may be that there are other areas where it would be desirable for the commission to operate. Surely the hon. member does not suggest it should be necessary for the commission to come to Parliament every time it wants to do that! I do not think that would be the reasoning of the majority of members of the Committee. That is carrying restrictions too far.

The CHAIRMAN: Does Sir Hal wish to submit his amendment? If it is submitted and accepted, the Bill can later be recommitted to provide for the other amendment suggested by the hon. member.

Hon. Sir HAL COLEBATCH: I move an amendment:—

> That the words "the manufacture, generation, transmission, distribution, supply and sale of electricity" be struck out, and the words "a comprehensive policy or scheme" inserted in lieu.

Hon. H. S. W. PARKER: I do not like the proposed amendment. I would rather that the simple amendment which I moved be accepted by the Committee, and then Sir Hal's amendment could come in on recommittal, which would be a different

procedure from this. A comprehensive scheme might be one to take over coalmines and that is what I want to avoid. I want to make it clear that this Bill deals only with electricity.

Hon. L. CRAIG: I think this is confusing and I do not know what is meant by "a comprehensive scheme." I do not know how we are to separate the activities and powers of the commission in this way. The proposed new clause in itself, would give wide powers, though it is supposed to be a bit restrictive. It gives the commission power to do anything incidental to electricity but Sir Hal's amendment would restrict the scheme to electricity, and I do not know that that is intended. The amendment makes it most confusing. I am not enthusiastic about the proposed new clause, though I do not think it will do much harm, but the amendment will certainly do a lot of harm.

Amendment put and negatived.

New clause put and a division taken with the following result:—

Ayes	14
Noes	12
Majority for	2

AYES.

Hon. C. F. Baxter	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. H. Seddon
Hon. L. Craig	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. J. O. Hislop	Hon. G. B. Wood
Hon. W. J. Mann	Hon. E. H. H. Hall (*Teller.*)

NOES.

Hon. C. R. Cornish	Hon. E. M. Heenan
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. A. L. Loton
Hon. F. E. Gibson	Hon. G. W. Miles
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. R. Hall	Hon. H. L. Roche (*Teller.*)

PAIR.

AYE.	NO.
Hon. L. B. Bolton	Hon. T. Moore

New clause thus passed.

New clause:

The CHIEF SECRETARY: I move—That a new clause be inserted as follows:—

36. (1) The Commission may appoint and employ such officers and other servants as it may from time to time consider are necessary to it for the purposes of this Act, and, subject to the right of appeal hereinafter provided for, may suspend dismiss fine or reduce to a lower class or grade any officer or other servant so appointed or employed.

Right of appeal.

(2) (a) Any person, who, being permanently appointed or employed by the Commission is—

(i) fined; or

(ii) reduced to a lower class or grade; or

(iii) dismissed by the Commission—

may in the prescribed manner appeal to an Appeal Board constituted as hereinafter provided.

(b) For the purposes of this subsection a person shall not be deemed to be "permanently appointed or employed" unless he has been continuously appointed or employed for one year.

Constitution of Appeal Board.

(3) (a) An Appeal Board shall consist of the following persons that is to say:—

(i) A stipendiary magistrate appointed by the Governor and to be the Chairman of the Board, or a person appointed in like manner to act as his deputy;

(ii) One person to be appointed from time to time by the Commission, or a person appointed in like manner to act as his deputy; and

(iii) One person, his deputy, and his substitute to be elected from time to time in the prescribed manner from among their number by the salaried staff of the Commission; and

(iv) One person, his deputy, and his substitute to be elected from time to time in the prescribed manner from among their number by the wages employees of the Commission.

Provided that only the person elected by the employees upon that branch of the staff in which the appellant is employed his deputy or his substitute shall act on the Board as the elective member on the hearing of the appeal.

Commission to arrange for attendance of elective members at sittings of Appeal Board.

(b) Immediately upon the election of an elective member of the Appeal Board, the Commission shall take the necessary action in regard to such elective member's employment as will ensure his attendance at each sitting of the Board.

(c) The first election of the elective members of the Board shall be taken as soon as reasonably may be after the commencement of this Act. Thereafter ordinary elections of elective members shall be held at intervals of three years.

Tenure of office.

(d) The Chairman, and the member appointed by the Commission shall hold office during the pleasure of the Governor and of the Commission respectively. The elective members of the Board shall hold office for three years from the date of the election respectively.

Vacancy.

(e) If any elective member of the Appeal Board—

(i) dies; or

(ii) by notice in writing addressed to the Chairman of the Appeal Board resigns his office; or

(iii) ceases to be an employee of the Commission

his seat shall become vacant, and a successor shall be elected who shall hold office for the residue of the period during which his predecessor would have held the same if he had remained a member of the Appeal Board.

Provided that in any case where the seat of an elective member becomes vacant within three months of the ordinary election the member elected to fill the vacancy shall continue in office until the end of the next succeeding term of three years.

Ballot at elections of elective members.

(f) (i) The ballot of elective members shall be taken on the preferential system and in the manner prescribed by regulations.

(ii) If any question or dispute arises as to the regularity or validity of any ballot or to the voting thereat such questions or dispute shall be determined by the Minister in such manner as he thinks fit, and his decision shall be final.

(g) Notice of every appointment or election of a member of the Appeal Board shall be published in the "Government Gazette."

Notice of appeal.

(4) (a) Notice of every appeal to the Appeal Board shall be lodged with the Commission within fourteen days after the date of the decision of the Commission appealed against, and the appeal shall be heard within thirty days from the date of notice being so lodged.

(b) If the hearing of the appeal is not commenced within such thirty days, the punishment appealed against shall be revoked, and the appellant shall be reimbursed any loss of salary or expenses incurred.

Provided that if the hearing of the appeal is commenced within such thirty days the Appeal Board may allow any adjournment thereafter.

Quorum.

(5) The decision of any two members of the Appeal Board shall be the decision of the Board.

Procedure on appeals.

(6) With respect to the procedure on appeals under this section the following provisions shall apply:—

(a) The Board may admit evidence taken at any inquiry held by the Commission at which the appellant was present and had an opportunity of hearing the evidence and of giving evidence.

(b) Evidence of witnesses resident more than twenty miles from the place of the sitting of the Board may be taken by affidavit or otherwise as prescribed.

(c) Any member of the Board may administer an oath to any witness, and the appellant shall be entitled to have the witnesses examined on oath.

(d) No solicitor, counsel, or agent, other than an employee of the Commission or the secretary of the industrial union to which the appellant belongs shall appear or be heard on any appeal, but the appellant shall appear in person or by another employee of the Commission or by the secretary of the union aforesaid, and the Commission by some employee thereof authorised by the Commission in that behalf.

(e) The Board may, subject to the regulations, regulate its own procedure and issue summonses for the attendance of witnesses.

Attendance of witnesses.

(7) (a) Any person who does not appear before the Board pursuant to a summons issued and served upon him under this section after payment or tender to him of reasonable travelling expenses according to the prescribed scale, and does not assign some reasonable excuse for not so appearing, or who appears and refuses to be sworn or examined, or to produce for the inspection of the Board any document which by such summons he is required to produce shall be guilty of an offence.

Penalty—Ten pounds.

(b) In addition to travelling expenses a person attending as a witness shall be entitled to recover from the person at whose instance or by whom he was summoned or requested to attend an amount to be fixed by the Board according to the prescribed scale of allowances to witnesses attending before the Board.

Powers of Appeal Board.

(8) (a) The Appeal Board may confirm, modify, or reverse any decision of the Commission appealed against, or make such other order thereon as it thinks fit, and the decision of the Board shall be final.

(b) The Appeal Board may fix the costs of any appeal and direct by whom and in what proportions they shall be payable, and in every case costs shall be awarded against an appellant whose appeal it considers is frivolous.

(c) All costs awarded against the appellant shall be recoverable as a debt due to the Crown.

(d) All costs awarded to an appellant shall be payable by the Commission.

That new clause is to be inserted to take the place of Subclause (1) of Clause 35, which the Committee struck out. The reasons for the comprehensive new clause being so lengthy are that it provides for appeals by employees against dismissals or penalties inflicted by the commission, the constitution of the board, the attendance of members elected to the board to be present at meetings, the time for which they shall

hold office, how vacanices shall be filled, and even for the method of ballot for the elective members. It provides the procedure on appeals and for the attendance of witnesses, and sets out the powers of the appeal board. There will be no need to go further than the Act itself for the conditions regarding these matters. I do not think there is any fault to be found with it as I believe it indicates beyond doubt what the rights of employees are.

New clause put and passed.

First Schedule:

The CHIEF SECRETARY: When speaking to this Bill, Mr. Gibson drew attention to the fact that this schedule did not include the Fremantle Municipal Tramways and Electric Lighting Act Amendment Act of 1943, No. 26. Unfortunately, that Act had been missed and it should be included in the schedule. I move an amendment—

That the words "Fremantle Municipal Tramways and Electric Lighting Act Amendment Act, 1943, No. 26 of 1943," be included as the second item in the schedule.

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

Second Schedule, Title—agreed to

Bill reported with amendments.

BILL—MEDICAL ACT AMENDMENT.

Assembly's Message.

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

BILLS (2)—FIRST READING.

1, Criminal Code Amendment. (Hon. H. S. W. Parker in charge.)

2, Building Operations and Building Materials Control.

Received from the Assembly.

BILL—LOCAL AUTHORITIES (RESERVE FUNDS) ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [8.4] in moving the second reading said: This short Bill is introduced at the request of the Wyalkatchem Road Board. It will enable a local authority to raise a loan for works for a special or urgent necessity. Section 11 of the parent Act provides—

While a local authority continues to maintain a reserve fund established by it under this Act, and notwithstanding any provision of the Local Government Act to the contrary, it shall not be lawful for the local authority to raise any loan in respect of any works or undertakings, except insofar as the moneys in the reserve fund or any investments representing the same are not sufficient to meet the whole of the expenditure which would be incurred in carrying out the proposed works or undertakings, in which case this section shall not prohibit the raising of a loan to meet the amount of the difference between the amount of the moneys in the reserve fund or the investments representing the same and the amount of the estimated cost of the proposed works and undertakings.

The direction in that section is very clear. In this instance a road board is desirous of taking over a hall from trustees and raising a loan to liquidate the overdraft thereon at the bank, but is prevented from doing so by the provisions of Section 11.

Hon. J. Cornell: This Bill will apply to any road board, not that particular one only?

The HONORARY MINISTER: Yes.

Hon. L. Craig: What about the National Security Regulations?

The HONORARY MINISTER: They do not affect the Bill. The board in question created its reserve fund for repairs to roads and purchase of plant in the post-war period, and does not wish to utilise it for any other purpose, such as augmenting the amount required to liquidate the debt on the hall. It would not be altogether just for the local authority to do so. The overdraft on the hall amounts to £1,300; but as the three trustees are each willing to contribute £100, the hall would cost the board only £1,000. The hall is situated at West Yorkrakine. I am informed that the ratepayers are in favour of the Bill.

Hon. H. Tuckey: Has there been a referendum?

The HONORARY MINISTER: I am giving the information which has been supplied to me. The transaction will be of benefit both to the board and the people in the district. I move —

That the Bill be now read a second time.

HON. H. TUCKEY (South-West) [8.8]: I support the second reading of the Bill. It is a question of altering the law to give effect to the board's desire. As to borrowing, the ratepayers could, of course, demand

a poll, but a board can borrow money without a referendum unless one is demanded by 20 ratepayers in the district.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment to Section 11:

Hon. H. SEDDON: This is one of the Bills sometimes brought before us which I admit I do not understand.

The Honorary Minister: You should read Section 11 in order to understand it.

Hon. H. SEDDON: I would like the Minister to explain exactly what the measure means. The proviso appended to Clause 2 states—

> . . . the Governor, being satisfied that the utilisation for the purpose of the said work or undertaking of moneys then in the reserve fund established by the local authority is neither desirable nor expedient either in the interest of the local authority or the ratepayers of the local authority, approves of the raising of such loan. . . .

The Governor says it is not expedient, yet he approves of it! It may be all right, but it is one of those Bills about which we are always complaining.

The HONORARY MINISTER: It would not be just or expedient to use the reserve fund of a road board to build a hall for a certain locality if the hall would serve only a small number of the ratepayers. Section 11 prevents a board from raising loans at all while it has money in a reserve fund, except in the case of additional moneys being required. For instance, if £2,000 were in the reserve, and £3,000 were required to complete a works programme, then £1,000 could be raised by loan.

Hon. H. Seddon: That is not what the Bill says.

The HONORARY MINISTER: I think it is. In this instance both the board and the ratepayers are on a good wicket, because a debt of £1,300 will be paid off by £1,000, as three trustees are each putting in £100.

Hon. C. F. Baxter: This Bill gives the road board the power, notwithstanding that it has money in the reserve fund, to borrow for a particular work.

Hon. H. Seddon: That sounds all right, but it is not, in my opinion, what the Bill says.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—SOUTH-WEST STATE POWER SCHEME.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Interpretation:

Hon. H. SEDDON: I have on the notice paper an amendment practically on all fours with what we agreed to in the State Electricity Commission Bill. In that measure we struck out the provision allowing the commission to acquire mines and open cuts. The Chief Secretary made it pretty clear that the Government's intention is definitely to acquire and to work coalmines. I fail to see where there is any necessity for these powers to be given to the Government. There can be no comparison between the conditions governing the State Electricity Commission of Victoria and those in this State.

Hon. W. J. Mann: Why not?

Hon. H. SEDDON: Because the Victorian Commission was established for the purpose of utilising the brown coal deposits. The generation of electricity was the one means by which those deposits could be developed. I am going to ask the Committee to be consistent, and to limit the powers of this undertaking to the generation of electricity and the acquiring of coal through the various suppliers of coal. I move an amendment—

> That in line 1 of paragraph (b) of the definition of "Undertaking" the words "mines, open cuts" be struck out.

The CHIEF SECRETARY: This is the same old argument again but with this difference that the Collie power scheme is operated by coal from a mine that is part of the scheme. Members can rest assured that there will be no acquisition of the Collie power scheme unless the source of the coal supplying the power scheme is included in the undertaking.

Hon. W. J. Mann: Quite so!

The CHIEF SECRETARY: It is part of the undertaking. Mr. Seddon will persist in saying that the Victorian scheme was established to make use of the brown coal deposits. As a matter of fact the reverse is the case. Victoria desired to have a State-wide electricity scheme, and decided to use the brown coal deposits at Yallourn for the purpose.

Hon. L. Craig: It is no different from this.

The CHIEF SECRETARY: Not at all.

Hon. W. J. Mann: Without the Yallourn deposit they could not have had an electricity scheme in Victoria.

The CHIEF SECRETARY: At any rate Victoria could not have had the scheme that it has at present. We would be making a big mistake if we tried to restrict the activities of this commission in its efforts to provide an electricity scheme for the South-West, or the whole of the State. I do not know of any other place in Western Australia where a generating station might be established with a coal seam alongside it, but there may be one. In any case we are dealing here with a particular scheme which involves the acquisition of the Collie power scheme of which a coal mine is part and parcel of the undertaking. I hope that members will relent and not strike out these words.

Hon. W. J. MANN: If this amendment is carried, the Bill will, to all intents and purposes, be of no use. Without the acquisition of the Collie power company this scheme could not operate for many years; in fact, not until another scheme was introduced. I appeal to the Committee not to agree to the amendment.

Hon. H. TUCKEY: The explanation is not quite clear to me. Do I understand that this mine supplies only the Collie power company, or does it sell coal to customers in the metropolitan area and elsewhere? Does it mean that there will be no fuel for the power scheme at Collie if this particular mine closes? Surely there are other mines that could supply the coal.

Hon. L. CRAIG: There is no difference between this scheme and the brown coal electricity scheme of Victoria. They both set out to supply electricity to a large area, and to establish works at the pit head. In Victoria the works were built, but here they are already established and belong to the Collie Power Company Ltd. With the power house goes a seam of coal, or it is desirable that it should, as the fuel for the power house. It would be foolish to spoil the ship for a hap'orth of tar. We intend spending £1,000,000 on a comprehensive South-West power scheme and the fuel is at the door. Why exclude only the fuel?

Hon. H. SEDDON: It should be obvious to anyone who has seen the Yallourn scheme that there can be no comparison between those conditions and the conditions obtaining at Collie. Yallourn is an open cut proposition where the coal is mined and handled by machinery from the coal face into the furnace and from the coal face into the briquetting works.

Hon. L. Craig: That could be done here.

Hon. H. SEDDON: How?

Hon. L. Craig: They have open cuts at Collie.

Hon. H. SEDDON: There is no comparison. The mine in question operated for years before the power station was thought of. The power house was placed alongside it and the coal was brought from the mine and handed over to the power company. I am not moving my amendment to prevent the commission obtaining coal from this mine or any other mine at Collie, but I impress upon the Committee that by not agreeing to the amendment it will tie the generation of electricity at Collie to one mine and one set of people getting coal at Collie. The experience at Collie has shown that by doing that there can be only one outcome, namely, constantly increasing costs. We will definitely be tying ourselves to a State coalmine.

Hon. W. J. Mann: It is a State scheme.

Hon. H. SEDDON: In this Bill we are approving of the nationalisation of coalmining which is something that this Chamber has consistently opposed.

Amendment put and negatived.

Hon. J. A. DIMMITT: I move an amendment—

> That at the end of paragraph (e) of the definition of "Undertaking" the words "the term does not include money, credits, book debts, or securities held for money invested" be added.

This will limit the beneficial contracts that may be acquired. It is reasonable to construe money in a bank as a contract by

the bank to pay on demand to the owner of that money such sums as are required. Credit is also a contract, and so are book debts. Securities held for moneys invested are contracts between the borrower and the lender. This amendment will exclude these items which are beneficial contracts that the seller, the Collie power house, has no desire to be compulsorily acquired.

The CHIEF SECRETARY: I do not raise any objection to the amendment. When I first perused it I was inclined to oppose it, but on further consideration I do not object to it.

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

Clauses 4 to 6—agreed to.

Clause 7—Authority to acquire compulsorily the undertaking of the Collie Power Company Ltd.:

Hon. J. A. DIMMITT: I move an amendment—

That in line 9 of subclause (2) after the word "accordingly" the words "provided expressly that such acquisition shall be on just terms" be inserted.

The object is to prevent any possibility of confiscation. I have looked through the legislation referred to by the Minister, but I can see no procedure laid down requiring any such acquisition to be on just terms. The people interested in this matter consider that this safeguard should be included in the Bill.

The CHIEF SECRETARY: There is no need for the amendment. If the company does not agree to accept the offer that is made to it, it can appeal under the Public Works Act and the appeal will be dealt with by a Supreme Court judge and two assessors, whose decision shall be final.

Amendment put and negatived.

Clause put and passed.

Clause 8, Preamble, Title—agreed to.

Bill reported with an amendment.

BILL—SUPREME COURT ACT AMENDMENT (NO. 2).

Assembly's Message.

Message from the Assembly notifying that it insisted on its amendment No. 2 now considered.

In Committee.

Hon. J. Cornell in the Chair; Hon. H. S. W. Parker in charge of the Bill.

Hon. H. S. W. PARKER: I move—

That the Council continues to disagree to the amendment made by the Assembly.

The Assembly's amendment is very involved and cuts right into the real essence of the Bill. It means that if for five years immediately preceding the presentation of a petition for divorce on the grounds that the parties have been separated for ten years, the petitioner has done nothing wrong, he or she can be granted a divorce. It does not matter how bad the petitioner has been prior to that five-year period. I suggest that the Council continues to disagree to the Assembly's amendment with a view to a conference.

The CHIEF SECRETARY: I suggest that the Assembly's amendment be agreed to. If Mr. Parker desires to retain the Bill I think, in view of the general support accorded the amendment in the Assembly, he would do well to adopt that course.

Hon. H. S. W. PARKER: If we insist on the amendment and have a conference we can put the Assembly's amendment into better shape.

Hon. C. F. Baxter: You probably will not see the Bill again.

Hon. H. S. W. PARKER: In any event, I would like the Committee to continue to disagree with a view to a conference.

Hon. C. F. Baxter: You are running a terrible risk with the Bill.

Question put and passed.

Resolution reported and the report adopted.

Council's Request for Conference.

Hon. H. S. W. PARKER: I move:—

That the Assembly be requested to grant a conference on the amendment insisted on by the Assembly and that the managers for the Council be Hon. G. Fraser, Hon. G. B. Wood and the mover.

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

MOTION—TROTTING CONTROL.

As to Inquiry by Royal Commission—Passed.

Debate resumed from the 22nd November on the following motion by Hon. C. F. Baxter:—

That, in the opinion of this House, the Government should appoint a judge of the Supreme Court or a stipendiary magistrate as a Royal Commissioner to inquire into the administration, conduct, and control of trotting in Western Australia; to make recommendations regarding any legislation he may consider necessary to implement his findings; and to report to the Governor.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.43]: In speaking to this motion I would like for a few minutes to refer to the considerations that caused the Government to introduce legislation in connection with this matter. I have said before that trotting in this State is very popular. It looms large in the sporting activities of the people and as it is conducted generally under electric light it is very spectacular and provides relaxation for many people, particularly in the metropolitan area. There are two organisations especially involved in the sport in Western Australia. The first is the W.A. Trotting Association Incorporated, which is the controlling body, and the other is the Breeders, Owners, and Trainers' Association, which represents almost 100 per cent of those who are responsible for the horses that create the sport.

For many years trotting has been developed until today it can be said to be conducted on a very high plane, comparable with anything to be seen in any other part of the Commonwealth or in New Zealand. In June of last year it became apparent that all was not well with it, and members will recall that on the 24th June a meeting was held that ended in a fiasco, the reason being that the owners and trainers boycotted it. Arising out of that fiasco, the Trotting Association took certain action which the owners and trainers resented, believing that it was contrary to the rules of the association. It was at this stage that they approached me as Minister controlling the Racing Restriction Act and asked me to intervene. That was the first occasion upon which the Government had been approached in regard to matters associated with trotting. I had to advise the deputation that I had no authority to intervene in any way because the Trotting Association was in the rather unique position of being a law unto itself. There was no legislation controlling its activities excepting the Racing Restriction Act, which deals only with the number of meetings to be held in the metropolitan area. That is the only restriction there is in this State; it is the only law in the State dealing with trotting.

Incidentally, it is by that Act that the Trotting Association gets its power to control, in that it provides that no trotting meeting and no trotting race for a prize or stake shall be held without a permit in writing from the association. I was instrumental in having that dispute satisfactorily settled. I suggested to both parties that the Crown solicitor, Mr. Dunphy, should be asked to act as arbitrator and that they should accept his decision. Both parties agreed. Mr. Dunphy heard the case and gave his decision, which was in favour of the association, but he pointed out that the publication which had misled the owners and trainers had nothing on it to indicate that it was issued by the Trotting Association and that therefore it should be rectified as early as possible and that any further publications of the kind in future should be certified as being officially issued by the association. The owners and trainers accepted the decision and went on racing, but unfortunately the friction which had existed for some considerable time still continued. Negotiations were being carried on by the owners and trainers with the association, but they could get nowhere, and eventually—I think one member read a letter on this point the other night—the Trotting Association stated very clearly that it did not desire to recognise the Breeders, Trainers and Owners' Association.

These matters were referred to the Government. I was requested to have an inquiry held and to make representations to the Government for legislation to control the sport. The Government considered that matter on several occasions and eventually decided that there should be legislation to control the sport of trotting in this State in a similar way to, if not exactly the same way as the sport of galloping is controlled by the West Australian Turf Club Act and in a similar way to which the sport is controlled in other States of the Common-

wealth and in New Zealand. The Government, believing there was a necessity for legislation, suggested to me that I should approach both parties and see whether I could get them to collaborate and make recommendations so that legislation might be introduced that would be satisfactory to all parties. I am sorry to say that the officials of the Trotting Association refused to have anything whatever to do with that proposal. In the first place they did not even want to meet me. Finally, when they did meet me, they said they did not think there was any necessity for further legislation, and therefore they were not prepared to accede to my request. They made it perfectly clear at the deputation that they did not desire to recognise in any shape or form the Breeders, Owners and Trainers' Association.

On the other hand, the owners and trainers were quite willing. They said they would be only too pleased to collaborate with anyone in order to make recommendations to the Government as a basis on which legislation could be framed. While this friction continued, eventually, as members know, there was a total cessation of trotting over a period of something like four months. Towards the end of March last, the Government requested the then Crown Solicitor to make investigations and submit recommendations in regard to legislation. As a result, the Bill I introduced some weeks ago was prepared. That is the history of the preparation of the Bill. I hope that this explanation will satisfy some members as to the origin of the measure. The Government felt that the Crown Solicitor, who had been quite acceptable to both parties on a previous occasion, would be quite acceptable on the second occasion, and we had sufficient confidence in him to realise that, whatever he did, he would be fair.

The Crown Solicitor made his investigations and submitted his report and a draft Bill. The Government adopted the Bill and submitted it to this House. Unfortunately there has been a lot of loose talk and criticism about Mr. Dunphy's report and some very misleading statements have been made. The Government is of opinion that there must be legislation to control trotting in this State, and in view of the fact that the report of Mr. Dunphy has been discredited by several members in this Chamber, and in view of the necessity for cleaning up the matter once for all so that those associated with the sport may know where they stand all the time and not merely part of the time, is quite agreeable to the appointment of a Royal Commission.

I do not want to go into details on this occasion. If a Royal Commission be appointed, all the facts can be brought out. When all is said and done, what we require is that we should know the actual facts. In the public interest, any sport that has reached the popularity trotting has reached in this State should be under legislative control in the same way as horse-racing is controlled in this State and in other States of the Commonwealth. I have little further to say excepting that I regret very much indeed that some members should have attempted to discredit Mr. Dunphy who was the author of the Bill before the House, because I believe him to be as fair a man as we are likely to get to deal with such a matter. I think he has shown that he could see both sides of the question.

Remarkable to relate, some of the criticism directed against Mr. Dunphy and his report is criticism on points he found in favour of the Trotting Association. I could speak for a long time on that phase, but have no desire to do so. We are anxious in the public interest that trotting should be carried on without a possibilty of repetition of the things that have occurred in the recent past, and I am satisfied after hearing the remarks of some members that the only way to do this successfully is to have the matter cleaned up once for all by taking evidence on oath and by having a Royal Commissioner who we are satisfied is absolutely impartial so that all parties may know where they stand not only at the moment but for many years to come. For these reasons, I shall support the motion.

HON. C. F. BAXTER (East—in reply) [8.58]: Naturally I am pleased that the Chief Secretary on behalf of the Government has agreed to the motion for an inquiry by Royal Commission. I take it this will mean that the Trotting Control Bill now before this House will be laid aside meanwhile. That is the idea I had in mind when I gave notice of my motion. I expected that the motion would be approved by the House, in view of the series

of charges levelled by each side. The report by Mr. Dunphy also made it imperative that there should be an investigation and that the evidence should be given on oath. It may be that the evidence already given will again be tendered on oath; on the other hand, similar evidence may not be forthcoming when it has to be sworn to. That remains to be seen. I think every member feels that we should not proceed with the Bill pending the inquiry by the Royal Commission.

Hon. C. B. Williams: No, there were others who opposed the Bill.

Hon. C. F. BAXTER: It is very necessary that an inquiry should be held not only to clarify the position but also to clear the characters of people whose names have been mentioned. I proposed in my motion that the inquiry should be conducted by a judge of the Supreme Court or a stipendiary magistrate, and I hope the Government will take cognisance of that point.

Hon. C. B. Williams: Do not start quibbling at this stage.

Hon. C. F. BAXTER: We want nothing but the best when the inquiry is made. Pending receipt of the report of the Royal Commission, I hope that the Bill before the House will be laid aside.

Question put and passed; the motion agreed to.

BILL—JUSTICES ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th November.

HON. H. TUCKEY (South-West) [9.0]: In my opinion the introduction of this Bill should have been a matter for Government consideration. If it passes, it may cause inconvenience in certain court work until other arrangements are made to deal with it. There are many justices about the age mentioned in the Bill who are doing a good deal of work in the Police, Traffic and Coroner's Courts. As vice-president of the Justices' Association, which has a membership of 530 justices, I may say that the introduction of the Bill has caused a good deal of criticism, and surprise has been felt at the way in which members have supported it, in view of the attitude they adopted when a similar measure affecting themselves was introduced in the Chamber a few days ago. I hope that some of the previous speakers will reconsider their attitude and will vote against the second reading.

Judges are highly paid and are expected to carry on their duties continuously. This does not apply to justices of the peace. Mr. Fraser said that in some cases justices did not carry out their duties. If those cases were reported to the Government, I feel sure the justices would be struck off the list and would no longer have the honour of occupying that office. I cannot see that that argument has any bearing on the Bill. Mr. Wood complained that there were four or five very old justices of the peace residing at York and the Government would not make any further appointments. I think that is a matter for the members for the district. They should get busy and ask for additional appointments to be made. I cannot see why, because justices are old, the Government cannot appoint any more. That would have to be done even if this Bill became law. These matters are not hard to arrange.

The appointment of justices is the prerogative of the Premier. The Premier's Department does practically everything in connection with these appointments, and it is not difficult for a man to be taken off the list and another justice appointed. Those are minor matters that do not need to be considered very seriously. If the Government said that in future all new appointments for court work were to terminate when the justices reached 70 years of age, thus bringing them into line with judges, those appointed would understand where they stood. But under this Bill, justices who have done years of work are to be told that because they have reached the age of 70 they are of no further use.

Hon. E. M. Heenan: No.

Hon. H. TUCKEY: Well, on the bench. We have some very able justices who are round about 70 years of age and who are doing quite a lot of good work, work just as good as that done by men of similar age in other places. I hope the second reading will not be passed. If it is, it should be amended to exclude justices already in office. That is only a fair thing. But I hope members will be fair and deal with this Bill in a way similar to that in which they treated the Bill which I previously

referred to and which affected members of this Chamber. It is absolutely unnecessary to pass the Bill as it is, and I will vote against the second reading.

HON. SIR HAL COLEBATCH (Metropolitan) [9.5]: I would be content to give a silent vote against the Bill, if it were not that I wish to dissociate myself emphatically from two of the arguments used in its favour. I cannot see the faintest analogy between the case of a Supreme Court judge, or a civil servant—each of whom is expected to devote long hours continuously day after day to doing a job—and the case of a justice of the peace, who may be called upon by the police, generally at the convenience of the police, to sit on the bench and who is a man with a good deal of experience and in every way fitted to carry out his duties. How can such a man be compared with a judge or a civil servant who has to do his five days' work every week? My objection is stronger in another direction.

We are told it is necessary to push the old people out to make way for the young. There are so few jobs that we must get rid of everybody we can in order to make a place for somebody else! That is erroneous. It arises from the misconception that what the world needs is work; whereas what it needs is the product of labour, and its distribution. Where are we going to get if we persist in this policy of pushing out everybody when he gets to the age of 65? Consider what statistics teach us. In 1861, 36.28 per cent of our population were under 15 years of age. In 1901, after a lapse of 40 years, there was scarcely any alteration. The figure was 35.12 per cent. Since then there has been a tragic drop. The latest statistics, which are 12 years old, show that the number under 15 was only 27.58. In the last 12 years there has been a further drop and the number under 15 is getting very small. The number over 65 in 1861 was only 1 per cent of the population. In 1933 it was 6.48, and now it is a great deal more.

It seems to me that the younger people will find themselves in a lot of trouble if they are going to keep on forcing everybody over 65 on to the pension list. The position will arise by and by that each young man will have to maintain three or four people. There will be a way out: the lethal chamber for all who reach 65; and to my mind that would be a more reasonab and more logical course to take than th craze for pushing people on to the pensic list because they have reached 65, althoug they may still be competent to make the contribution towards the well-being of tl community. I shall oppose the second rea ing.

HON. W. J. MANN (South-West) [9.8 I cannot see the slightest reason for th Bill, nor any real purpose it could serv I have not heard a single request for it any time. On the other hand, I have hea it suggested that this Bill is loaded and d signed to discard for police court work m over 70 in order to make way for the a pointment of a batch of new justices, pe haps nominated by certain interests. I w leave members to judge what interests th might be. That, or course, would be mo unworthy. I have heard that in sever places; and I hope that if the Bill is pass that kind of thing will not take place. the same time, we cannot close our eyes facts, and it is well to remember th there have been instances in this State bitter complaints about carefully select justices who have presided with great reg larity to deal with certain types of cases; much so that I think there has been on mo than one occasion some public outcry.

The commission of a justice of the pea is one to be highly valued, and I think th House should take every step to see th it is so regarded in the future. Except f a few references to good service rendered men who have reached 70 years of age a observations of regret that they have reach the stage of scrap-heap value, only one re son has been advanced as to why the B should be supported, and that is because precedent, because certain standards are c served with regard to judges. The spons of the Bill placed considerable emphasis this aspect, but I suggest that mere pre dent does not in any way constitute justi cation. Unless it is supported by other re vant factors, I see no justice whatever f this action on the ground of precedent alo Advanced age seems to me to be the on peg on which Mr. Heenan hangs his co tention. In that regard I am afraid he h lost sight of some important factors.

What we all have to remember is that are just as old as, and no older than, we fe and it is best not to pay much attention

birthdays. It must not be forgotten—and I advance this as important—that the average span of life has been increased by 10 to 15 years during the last century, and old age has been postponed accordingly. The progress of science, increased daily hours of recreation and rest, much longer and more regular holiday periods, and more congenial working conditions have all combined to make the days of men and women healthier and longer. I believe there never was a time under normal conditions when older people got more kick out of life or were less conscious of their years than they are today. The man of 70 today is probably younger in every way than the man of 55 in the last century. Consequently, the urge to thrust men aside because they are no longer young in years indicates a failure to realise the current trend in this direction. I suggest in all kindliness that even Mr. Heenan, when he reaches 70, will be a wiser legislator than he is today. I hope he will be here for many years. He will be richer in comprehension and in understanding and, I think, in mental equipment.

Many of the men whom this Bill proposes to jettison are rendering valuable and honorary assistance to the State; and, because of their mature, human outlook and their knowledge and experience, are capable of rendering very much more service. I think that mental altertness is not necessarily affected by advancing years, That is very clear, and we can all agree with it. One fully realises that youth must have its chance, and I would give it every possible opportunity in those circumstances, even to the extent of providing that wherever possible younger and older justices should be rostered to adjudicate together in police courts. I have had many years' experience in police courts.

I have had to sit with justices who were totally and wholly unfitted for the position. Men, unfortunately, received appointments not because of their ability to adjudicate, in the police court, but because of other considerations. All of them have been decent, and some have been young men. I can recall instances of men of 40 or thereabouts, having been appointed as justices of the peace, who sat with me on the bench, asked the most extraordinary questions and exhibited the most extraordinary ideas of what constituted evidence of guilt I think it would be wise and helpful if young justices and older justices could be rostered together, in order that the young men might be tutored, as far as possible, in their work. We are often told that this is an age of youth, and no-one will deny it, but was there ever an age when people did not claim it to be an age of youth? It was claimed when I was a small boy and I suppose it will be claimed when my grandson is an old man.

Hon. H. Tuckey: It depends on what is meant by "youth."

Hon. W. J. MANN: Youth in the highest sense! If youth is to make the most of its future and its goals and cherished ideals—I think most youths have some cherished ideals—it cannot afford to be unmindful of the established and essential factors in life that are so often best learned through contact with older and successful men. Provided one's physical condition is not unduly impaired, and if one has never lost the art of moving with the times, age has generous compensations. The older man can remain young in his outlook and ideas, and can derive a lot of pleasure out of life.

Hon. J. Cornell: He can, if his ideas are right.

Hon. W. J. MANN: Members are inclined to be mirthful, but I do not know what they mean.

Hon. G. Fraser: A youth like you would not know.

Hon. W. J. MANN: In the highest sense, what I have said is true.

Hon. J. Cornell: Old men have some very youthful ideas.

Hon. W. J. MANN: Experience, discernment and judgment—all of which I think Mr. Cornell can claim to have—are things that the young may not possess, but they are priceless assets which should be preserved for use in our police courts.

HON. W. R. HALL (North-East) [9.20]: I rise to support the Bill, for several reasons, one being that in the past few years in this State it has been difficult to get justices appointed, and I speak particularly of the Goldfields, where there are justices over the age of 70 sitting on police court benches. Men who act in that capacity should be trained men, with a knowledge of police court work. Chairmen of road boards

are ex officio justices of the peace but, as one, I would not like to sit on a police court bench with the object of passing sentence on somebody, without being trained for that job.

Hon. W. J. Mann: He might be a ratepayer.

Hon. W. R. HALL: There may be something in that. It has been found in the metropolitan area, in the past, that justices in a certain place not far from here could always be found on the bench on Monday morning. That shows there is no doubt that most people who have to face a police court bench on Monday morning would rather go before justices of the peace than before a magistrate, stipendiary or otherwise. Most people would make that choice, possibly because the justices are more lenient. The way should be made clear for men who have attained the age of 70 years to be replaced by younger men. There is no reason why they should lose their commissions as justices of the peace. They could carry on witnessing papers and other legal documents, without going on the bench.

Hon. H. Tuckey: Those justices at Fremantle were not over 70.

Hon. W. R. HALL: I did not mention any names. I am speaking about justices on the Goldfields being over 70 years of age.

Hon. J. Cornell: It was not peculiar to Fremantle.

Hon. W. R. HALL: I think the justice who goes on the bench should be fully qualified before he does so, in fairness to himself and to the people who come before him. I know that some members of this House wished to have justices appointed on the Goldfields, but no notice has been taken of them. The move has come from another place. Though the list of justices has been reduced considerably during the last five years the Government has not made any move to replace those who been struck off.

Hon. H. Tuckey: The Government says commissioners for declarations can do the job.

Hon. W. R. HALL: The status of a justice of the peace may be fairly close to that of a commissioner for declarations, but the latter is not a justice of the peace and cannot sit on the bench.

Hon. H. Tuckey: Do you advocate that we should have magistrates only?

Hon. W. R. HALL: Unless we have ful trained justices of the peace, men trained go on the bench. It is not right for ordinary laymen to go on the bench and de out a sentence on a matter where he has l tle knowledge of the Act, and I would n like to do it. He should be trained in th class of work, instead of being called on the police by way of roster, to go on t bench. Some justices of the peace will nev go on the bench, and some never want

Hon. J. Cornell: Surely mercy transcen justice!

Hon. W. R. HALL: I will support t Bill to see whether we can get some fre appointments made, and I think it was wise move on Mr. Heenan's part to bri it down. It may result in more ju tices being appointed and in ensuring th men who have attained 70 years of age w make way for younger men. I do not agr with the manner in which it is proposed make the appointments, but I think new a pointments should be made and that th who have been struck off the list should replaced by others. I have pleasure in su porting the Bill.

HON. E. M. HEENAN (North-East—reply) [9.25]: It is surprising to me th there should be any opposition to t measure. If I have left any doubt in minds of members on this subject, I wa to make it clear that I have the great respect for old age and for the justices the peace in Western Australia, as a bo I feel that I am voicing the opinion gener ly held when I applaud them for the wo they have done and are doing in an ho rary capacity. I hope when members v on this Bill they will not view it as s gested by Sir Hal Colebatch and Mr. Ma that it is an attack on old age, and an atten perhaps to belittle old men or suggest th they have outlived their usefulness, beca that is not my purpose at all. Many me bers in this House perhaps have not practical experience in these matters t Mr. Parker, Mr. Hall and others like th have.

I wish it to be clear that justices of peace have extensive responsible juris tion and duties under our law. In pla such as Esperance, Ravensthorpe and e where, where a magistrate is always available—perhaps the magistr only visits the town once in a mont

grave offences may be committed in the meantime and offenders are brought before justices of the peace. In my second reading speech I quoted from the Justices Act and thought I had made it clear how wide, responsible and important is the jurisdiction justices exercise. The administration of justice calls for the greatest safeguards. Parliaments in the past have decided, in their wisdom, that judges should retire from the administration of justice at 70 years of age, and that magistrates should retire at a similar age. The Government has adopted the same principle with respect to licensing magistrates.

Hon. H. Tuckey: Judges are compelled to retire at the age of 70, but that did not apply to the judges appointed before that provision was passed.

Hon. E. M. HEENAN: That is so.

Hon. H. Tuckey: Why should not the same provision apply to justices of the peace?

Hon. E. M. HEENAN: For the life of me, I cannot understand why a justice of the peace wishes to sit on the bench after he is 70.

Hon. H. Tuckey: He probably does not want to do so.

Hon. E. M. HEENAN: I have seen justices sitting on the bench and nodding. They were sleeping half the time.

Hon. C. R. Cornish: Hear, hear!

Hon. E. M. HEENAN: I want to make it clear that I consider it an honour to be a justice of the peace.

Hon. J. Cornell: A doubtful honour sometimes!

Hon. E. M. HEENAN: And to put the letters "J.P." after one's name is something a man should be proud of.

Hon. W. J. Mann: Sometimes!

Hon. E. M. HEENAN: After a man has sat on the bench for a number of years we should not take his commission from him. What hardship would a justice of the peace suffer if, after he had attained the age of 70, he was told he ought not to sit on the bench any longer.

Hon. G. Fraser: He ought to stand aside.

Hon. E. M. HEENAN: The Bill provides that he shall not sit on the bench after he attains 70.

Hon. J. Cornell: Why not apply that provision to doctors and chemists?

Hon. E. M. HEENAN: That is a puerile argument.

Hon. J. Cornell: Is it? The doctor takes a bigger risk with a person than a J.P. does.

Hon. G. Fraser: A person pleases himself whether he goes to a doctor, but not whether he appears before a J.P.

Hon. E. M. HEENAN: Anyone can quote individual instances. Some of the cases tried by justices occupy all day and sometimes two days, yet on occasions they are presided over by old gentlemen of 70 and 80. As the Act now stands, they could be 100.

Hon. W. J. Mann: So could a lawyer.

Hon. H. Tuckey: You must have different conditions on the Goldfields from those on the coast.

Hon. E. M. HEENAN: We had one man —and Mr. Hall will bear me out in this— sitting on the bench who was over 80. I cannot understand the Justices' Association opposing this Bill. A person over 70 years who wants to sit on the bench is a vain, foolish old man and he should not be allowed to do so. I respect these ederly gentlemen and am grateful for all they have done. As I said, they should retain their commission, but merely witness documents. They could remain members of the Justices' Association. The administration of justice, however, is a thing too vital and precious for anyone over 70 years to be responsible for. I do not think it can be said that we are fighting the battle of youth, and want to kick out the old men, when we say that justices should not sit on the bench after 70, but should retire, as judges and magistrates do.

Hon. H. Tuckey: You know the Police ask them to sit on the bench.

Hon. E. M. HEENAN: I would not like to take the responsibility for some of the things the Police do. I am surprised at the attitude of the Justices' Association. I thought it would have applauded the measure.

Hon. L. Craig: Did the Association have a meeting about it?

Hon. E. M. HEENAN: I think my friend Mr. Tuckey is voicing the views of the association.

Hon. L. Craig: The President of the Justices' Association is 82.

Hon. G. Fraser: One cannot wonder at the association's attitude!

The PRESIDENT: Order!

Hon. E. M. HEENAN: The Bill is a reasonable one and is well justified by precedent and experience.

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

Ayes	16
Noes	9
Majority for ..	7

AYES.

Hon. C. R. Cornish	Hon. W. H. Kitson
Hon. L. Craig	Hon. A. L. Loton
Hon. J. A. Dimmitt	Hon. G. W. Miles
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. F. E. Gibson	Hon. F. R. Welsh
Hon. E. H. H. Hall	Hon. C. B. Williams.
Hon. E. M. Heenan.	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. W. R. Hall (*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. V. Hamersley
Hon. Sir Hal Colebatch.	Hon. H. Seddon
Hon. J. Cornell	Hon. H. Tuckey
Hon. J. M. Drew	Hon. W. J. Mann (*Teller.*)
Hon. E. H. Gray	

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; Hon. E. M. Heenan in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 29:

Hon. H. TUCKEY: I move an amendment—

That in line 1 of the proposed proviso after the word "Justice" the words "appointed after the passing of this Act" be inserted.

I think the amendment will meet with Mr. Heenan's requirements. Our present justices have done much good work for the State and should be exempt from the provisions of the Bill.

Hon. E. M. HEENAN: I oppose the amendment. The only justification for it would be that this Bill may create a shortage of justices of the peace, but if that be so, the shortage could be made good in five minutes. There are many honourable and decent men in every part of the State who could be appointed as justices of the peace without any undue delay. I cannot understand any J.P. taking offence at this. He will still retain his commission.

The CHAIRMAN: This simply gives the same immunity to these men as to judges.

Hon. E. M. HEENAN: Yes. These men are only doing an honorary job. This clause will impose no hardship on them. A financial hardship might be inflicted on a magistrate or a judge under these conditions, but not on these men. We could inflict a hardship on the community if the administration of justice were held up because of lack of appointments. Members will agree that there will be plenty of appointees available.

Hon. H. TUCKEY: Justices do not sit on the bench unless requested to do so by the police and the police are not likely to ask men who are too old to adjudicate to do so. Mr. Heenan said that the old justices are standing in the way of new appointments. That is not so.

Hon. E. M. Heenan: I did not say that.

Hon. H. TUCKEY: The hon. member said that we could not get new appointments while these men held their commissions.

Hon. G. Fraser: That is a fact.

Hon. H. TUCKEY: The position is that for many years the Government has not been willing to appoint justices of the peace where a commissioner of declarations would do. It is rather difficult to get a justice appointed now. I am not a solicitor but I have had to do quite a bit of court work in the past, and I have not known of a single case where difficulty has been experienced because of a J.P. being too old to do his job. This is a reasonable request. If it is fair to leave judges of the Supreme Court out of the Bill there is all the more reason for exempting these men.

Hon. E. M. Heenan: The judges are paid.

Hon. H. TUCKEY: I am merely asking that the Js.P. be granted the same immunity as were judges of the Supreme Court some time ago.

Hon. G. B. WOOD: I hope the amendment will not be carried. I know quite a large town in the country where most of the justices are old men. One is 90.

Hon. W. J. Mann: It must be York.

Hon. G. B. WOOD: They live long there. One is 75 and two are 73. They will not sit on the bench even when requested.

Hon. H. Tuckey: This Bill will not affect those men.

Hon. G. B. WOOD: I think it is desirable, that the Bill as introduced, should stand.

Hon. V. Hamersley: Why does not the Government appoint some more justices?

Hon. G. B. WOOD: If these men were not allowed to sit on the bench I believe the Government would appoint others. In the country there are men ready to be appointed.

Hon. G. FRASER: I hope that the Committee will reject the amendment. I am sorry the Bill does not go the whole hog and make 70 the age at which a J.P. would lose his commission. Because these old people still retain their commission, other people are prevented from being appointed.

Hon. G. B. Wood: That will not stop them.

Hon. G. FRASER: That has happened in my district. If these people still want to sign documents they could be made commissioners for declarations. Mr. Tuckey said that the police asked these old men to sit on the bench because they were the handiest to get hold of.

Hon. W. J. Mann: I thought you said you could not get them to do the job.

Hon. G. FRASER: In the country areas that Mr. Tuckey is speaking of the old men evidently are doing the job.

Hon. H. Tuckey: There is the greatest difficulty in getting men to sit on the bench.

Hon. G. FRASER: They can get hold of the old men of 70 years of age who do not wander too far.

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

Ayes	8
Noes	16
Majority against	8

AYES.

Hon. C. F. Baxter	Hon. V. Hamersley
Hon. Sir Hal Colebatch.	Hon. W. J. Mann
Hon. F. E. Gibson	Hon. H. Seddon
Hon. E. H. Gray	Hon. H. Tuckey (*Teller.*)

NOES.

Hon. C. R. Cornish	Hon. W. H. Kitson
Hon. L. Craig	Hon. A. L. Loton
Hon. J. A. Dimmitt.	Hon. G. W. Miles
Hon. J. M. Drew	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. F. R. Welsh
Hon. E. H. H. Hall.	Hon. C. B. Williams
Hon. E. M. Heenan	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. W. R. Hall (*Teller.*)

Amendment thus negatived.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 10.2 p.m.

Legislative Assembly.

Tuesday, 27th November, 1945.

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

QUESTIONS.

LICENSED PREMISES.

As to Annual Inspections.

Mr. GRAHAM asked the Minister representing the Minister for Police:

1, Is it customary for local secretaries of road boards to accompany police constables in all or any country districts during the annual inspection of licensed premises generally and hotels in particular?

2, Have any instructions been given by the Commissioner of Police that the foregoing procedure should be adopted?

3, If this practice has been followed, will he indicate in what areas and for what reasons?

The MINISTER FOR LANDS replied:

(1) No

(2) No.

(3) The Chief Inspector of Licensed Premises has instructed generally that where considered necessary or advisable the local health inspector could be invited to accom-