Legislative Assembly.

Wednesday, 24th November, 1948.

CONTENTS.

The SPEAKER took the Chair at 7.30 p.m., and read prayers.

QUESTIONS.

"HANSARD" ACCOMMODATION.

As to Temperature Conditions.

Mr. SHEARN (without notice) asked Mr. Speaker:

Are you aware that the efficiency of the Chamber is being endangered by the conditions under which members of the "Hansard" staff operate, inasmuch as last evening they were working in a temperature of over 90 degrees in a building in connection with which you, yourself, made an impassioned appeal three years ago? I ask you, Mr. Speaker, whether it is within your province to alleviate this undesirable state of affairs which, as I have suggested, may have some bearing upon the efficiency of the "Hansard" staff, which is an integral part of the House?

Mr. SPEAKER replied:

The matter is controlled by the House Committee, to which I shall refer it.

TRAFFIC.

As to Delay at Railway Crossings.

Mr. SHEARN asked the Minister for Transport:

(1) Is he aware that considerable inconvenience and economic loss is being occassioned to an increasing volume of vehicular traffic between the city and northern suburban districts due to time lost at railway crossings whilst waiting for protection gates to open?

(2) Has this problem received any departmental consideration?

(3) If so, what remedial measures, if any, were recommended?

(4) If not, will he have the matter investigated and reported upon at an early date?

The MINISTER replied:

(1) Delays to vehicular traffic do occur, but the gates are closed only to meet the essential needs of train working.

(2) Yes.

(3) Remedial measures are dependent upon the reorganisation of the Perth Station Yard, which in turn is awaiting finalisation of standard gauge proposals, and until these matters are decided, it is not possible to proceed with the detailed investigation necessary.

(4) Answered by No. (3).

NATIVE ADMINISTRATION.

As to Udialla and Munja Stations.

Hon. A. A. M. COVERLEY asked the Minister for Native Affairs:

(1) Is it a fact that the Government proposes to sell, lease, or abandon Udialla and Munja native stations?

(2) If so, what reasons have been advanced in support of either proposition?

The MINISTER replied:

(1) No decision has been made to sell, lease, or abandon Udialla or Munja stations.

(2) Udialla has been heavily over-stocked and is in need of resting. Its future as a departmental institution is under consideration.

Proposals are being considered under which the Presbyterian Missions which control Kunmunya Mission should also control Munja station. It has been considered that this would afford a number of advantages and would serve the interests of native welfare in those areas.

PETROL RATIONING.

As to Reduction in License Fees.

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

Following the answer to my question on the 7th September last, will he now indicate whether legislation will be introduced this session to provide for the reduction of motor vehicle license fees, on account of the three reductions in petrol allowances since the fees were raised last year?

The MINISTER FOR EDUCATION replied:

Legislation is now in course of preparation for introduction this session to enable the Government, in the event of further petrol cuts, to make reductions prior to the 1st July next year.

QUARRY, BUNBURY.

As to Order for Closure.

Mr. MURRAY asked the Minister for Lands:

(1) Is he aware that a resolution was carried at the last meeting of the Bunbury Municipal Council to send a deputation to him requesting permission to further quarry on an "A" class reserve by cutting a 12ft. channel to the sea, thus allowing the quarry to fill by action of the sea over a period of years?

(2) In view of above resolution, will he again assure the House that no further infringements of the rights of the people will be permitted.

(3) Can he now advise what steps are being taken to ensure that no further delay occurs in returning this reserve to its intended purpose, i.e., recreation?

The MINISTER replied:

(1) No.

(2) Yes.

(3) The Bunbury Council applied for an extension of time in regard to the use of the quarry, and a reply was sent on the 15th instant advising that the Government insisted on the immediate closure of the quarry.

SERVICEMEN'S LAND SETTLEMENT.

As to Chidlow-Mokine Scheme.

Hon. A. R. G. HAWKE asked the Minister for Lands:

(1) In view of the report of the Chairman, Land Settlement Board (Mr. Baron Hay) covering the suggested Chidlow-Mokine Land Settlement Scheme, as submitted to the Government by the Bakers Hill-Clackline Sub-Branch of the R.S.L., does he intend to proceed with the whole or any portion of the suggested scheme?

(2) If so, what main preliminary steps are proposed?

(3) When are those steps likely to be taken?

The MINISTER replied:

(1), (2) and (3) It is not proposed to resume the land in question for War Service Land Settlement at present.

COAL.

As to Imports from Newcastle and Use.

Mr. MAY asked the Minister representing the Minister for Mines:

(1) How much coal has been imported into Western Australia from New South Wales for the ten months, January to October (inclusive), 1948?

(2) What percentage of Newcastle coal has been used for the following:—(a) Railways; (b) shipping; (c) gas works?

The MINISTER FOR HOUSING replied:

(1) 99,227 tons.

(2) (a) Railways, 12 per cent.; (b) shipping, 40 per cent.; (c) gas works, 46 per cent.; others, 2 per cent. Total, 100 per cent.

RAILWAYS.

As to Use of Fuel Oil.

Mr. MAY asked the Minister for Railways:

In 1946, 1947 and 1948, the following quantities of fuel oil were used by the railways, respectively:—1946, 251,000 gallons; 1947, 1,060,000 gallons; 1948, 5,272,000 gallons. What percentage of this fuel oil was used for locomotives as a result of the shortage of coal supplies?

The MINISTER replied:

1946, nil; 1947, 91.4 per cent.; 1948, 89.1 per cent.

MILK.

As to Amending Legislation and Price.

Mr. SHEARN asked the Minister for Lands:

(1) Can he definitely say when the proposed Bill to amend the Milk Act will be introduced?

(2) When is it proposed to deal with, and give a decision upon, the case recently presented to the Minister for Agriculture by the retailers?

The MINISTER replied:

(1) Notice has been given.

(2) Now under consideration.

BILLS (3)—FIRST READING.

1, South Fremantle Oil Installations Pipe Line.

2, Cattle Industry Compensation.

Introduced by the Minister for Lands.

3, Marketing of Apples and Pears.

Introduced by the Minister for Housing.

BILL—ACTS AMENDMENT (INCREASE OF FEES).

First Reading.

Introduced by the Premier and read a first time.

As to Second Reading.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington) [7.41]: I move—

That the Bill be printed and the second reading made an Order of the Day for the next sitting of the House.

MR. GRAHAM (East Perth) [7.42]: Before the motion is put, Mr. Speaker, I wonder whether the Premier could give some indication as to his intentions. I know it is not usual to speak at this juncture and that it is not customary to indicate the terms of a Bill to be introduced. However, Sir, if you will observe the motion I think you will agree that it is all-embracing, and it may so happen that it pertains to question No. 3 on the notice paper which I asked today and which would run counter to what I hope, and I think, a great majority would desire.

I ask the Premier to indicate in what respects and with regard to what Acts—perhaps the latter question is more important than the former—charges and license fees shall be increased. I think it will be appreciated that leave has been granted to introduce a Bill which may cover everything or anything. I think I am giving voice to the feelings of members generally and that they desire some indication as to what Acts are to be amended, and what fees are to be increased. I think we are entitled to this information before allowing the matter to proceed further and I ask the Premier to indicate, having regard to Parliamentary procedure, what it is sought to do in the Bill.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington—in reply) [7.44]: This is a most unusual request and something of which I have never heard.

Hon. J. T. Tonkin: It is a most unusual notice of motion.

Mr. Hoar: You could not have anything more vague.

The PREMIER: It is a most unusual request. The title of the Bill is vague as are most Bills when read for the first time. As the hon. member knows, explanations of Bills are given on the second reading, and all I am prepared to say at this stage is that the Bill is one which will provide for an increase in certain fees that were fixed 30 or more years ago.

Mr. Hoar: Who by?

The PREMIER: By the Government of the day.

Mr. Hegney: Under what Act?

The PREMIER: Under various Acts, and the hon. member will be informed of them when I move the second reading of the Bill.

Question put and passed.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Bill read a third time and transmitted to the Council.

BILL—LAND TAX.

In Committee.

Resumed from previous day. Mr. Perkins in the Chair; the Premier in charge of the Bill.

Clause 3—Imposition of land tax (partly considered):

The PREMIER: When discussing the Bill last evening certain questions were raised. The Acting Leader of the Opposition asked for an explanation as to the 50 per cent. rebate mentioned in the Bill. I tried to explain then that agricultural land was exempt provided that it was improved to the extent of £1 per acre or one-third of its unimproved value whichever was the lesser. This 50 per cent. rebate applies to city or urban land only. Does that make the point clear?

Hon. A. R. G. Hawke: Yes.

The PREMIER: The member for Pilbara also raised a point in regard to the amount of tax on city or urban land. There will be an increase of 25 per cent. in the tax.

Mr. Graham: Only over £250.

The PREMIER: I am coming to that point. On all land where the unimproved value is over £250, the tax will be increased by 25 per cent.

Hon. A. H. Panton: My garden will not go up.

The PREMIER: If the hon. member's block is not worth more than £250 unimproved value he will not pay any additional tax. The Bill will provide an additional tax on land which is paying an unimproved land tax today, irrespective of whether it is in the agricultural areas or in the city or urban areas.

Clause put and passed.

Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. A. R. G. HAWKE (Northam) [7.51]: The Bill contains three principles. In the first place, it will embody in the principal Act a definition of "unimproved value" in respect of pastoral leases. In the second place, it will make it unnecessary for the rate of tax in respect of pastoral leases and of alienated land to be recited twice in two separate pieces of legislation, namely, in the principal Act, which this Bill is to amend, and also in the Land Tax Act. If the Bill becomes law, the rate of tax in respect both of pastoral leases and of alienated land will be covered by the one provision in the Land and Income Tax Assessment Act whereas previously it was dealt with in the principal Act, which this Bill will amend, and the Land Tax Act. The third point is perhaps the most important because the other two I have mentioned are more or less of a machinery character.

In 1931, Parliament passed legislation exempting completely from land tax, all land used principally or solely for primary production purposes. That legislation was passed because of the extremely depressed economic conditions existing in the farming areas in that year. At that stage, it was thought the legislation would be temporary in its operation and, therefore, the amending Bill of that year had relation to the Land Tax Act, and it was considered that when conditions improved in the farming areas, this temporary measure of relief would not require to be re-enacted. However, 17 years have come and gone since that day, and this temporary measure of relief, given by Parliament to farmers and farming producers generally in 1931, has continued, despite the fact that in the last eight years or so the primary industries of the State have been very greatly improved by the increased prices for primary products, which have been available to all classes of farmers.

The Government has evidently decided that this temporary measure of relief should be made permanent and, therefore, desires

by this Bill to include it as a permanent provision of the Land and Income Tax Assessment Act. I think primary producers who have benefited very greatly at least during the last eight years from this 1931 temporary measure of relief, have no longer any real need for the continuation of that relief, because the financial position of 99 out of every 100 primary producers is at least good enough to enable them to pay the taxation that they paid under this particular provision prior to 1931.

Out of the goodness of its heart or perhaps with a desire not to create any dissention in the ranks of primary producers, from which section of our population it draws a great measure of support at elections, the Government seems to feel that this relief should be made permanent, irrespective of what the price of wheat, wool, meat, butter or of any other primary product might be and irrespective of how prosperous the farmers might become. As the desire of the Government in that direction has something to commend it, I do not find myself in the position of being able to condemn it for its action, nor yet in a position where I could suggest to other members of the House, let alone to myself, that this particular provision of the Bill should be opposed. I therefore support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and transmitted to the Council.

BILLS (3)—RETURNED.

1, Legal Practitioners Act Amendment.

With an amendment.

2, Government Railways Act Amendment.

3, Western Australian Government Tramways and Ferries.

With amendments.

BILL—GUARDIANSHIP OF INFANTS ACT AMENDMENT.

Received from the Council and, on motion by Hon. J. T. Tonkin. read a first time.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

MR. HEGNEY (Pilbara) [8.2]: I desire to assure the Attorney General that I wholeheartedly support the Bill. The Minister indicated, in reply to an interjection by the member for Leederville last evening—and I am not saying this by way of criticism—that neither of the interested parties had been consulted as to the extension of the tenure of office of the lay representatives of the Arbitration Court from three years to five years. When I refer to interested parties, I obviously mean the State Executive of the Australian Labour Party, which represents the industrial unions of workers, and the industrial union of employers known as the Employers' Federation. I am aware, of course, that the President of the Arbitration Court, by virtue of his office, is in close touch with both those organisations and consequently has his finger on the pulse of the industrial position. That is the reason why I do not oppose the extension of tenure of office of the lay representatives. In fact, I welcome it, because I believe that those who may accept the position should be assured of security of office. When all is said and done, three years is not a long period.

Under the parent Act, it is incumbent on the Minister—I will not say to seek—but to invite nominations from the employers' representatives and the representatives of the industrial unions for the appointment of an employers' and an employees' representative on the Arbitration Court bench. It is immediately evident that any person in the industrial trade union movement who possesses the necessary ability to undertake the duties of the employees' representative on the Arbitration Court would desire to be assured of security of office for at least five years. I would say that this would apply also to the representative of the employers. In passing, may I say that the members of the Legislative Assembly of South Australia are elected for a period of five years, and that under certain other Acts of Parliament nominated representatives are elected for a period longer than three years.

Notwithstanding that the trade union movement was not consulted on this occa-

sion, I do not think it will offer any violent objection to this proposed amendment. On the contrary, I think it would, together with the members of the Employers' Federation, agree that no person should be recommended for appointment to such an important position unless he had a certain industrial background and could fill the position with ability and satisfaction to those he represented. I have consulted with individual representatives of the trade union movement and could find no opposition to the proposed alteration. Personally, I have much pleasure, as I have said, in supporting the proposed alteration.

The third amendment in the Bill is more or less of a machinery nature. It deals with the appointment of an assistant registrar. Members will no doubt agree that the amendment is merely a matter of administration and placing the assistant registrar on a status more in conformity with the position he will occupy. I now propose to address myself for a few moments to what I consider to be the principal amendment in the Bill. I refer to the appointment of a conciliation commissioner. May I say without any qualification whatever, that I heartily congratulate the Attorney General on this amendment. The previous President of the Arbitration Court, Mr. Walter Dwyer, was appointed to that honourable position in 1926. He found at the outset that he had certain onerous duties to perform in laying down the principles that were to govern such an important tribunal as the Industrial Arbitration Court. From 1926 until he retired some few years ago, Mr. Walter Dwyer, as President, played—I think it will be generally conceded—a most important and very prominent part in the industrial affairs of the State.

The Minister for Housing: Hear, hear!

Mr. HEGNEY: Time goes on, and Mr. Walter Dwyer was obliged, owing to age, to relinquish the position. A younger man has taken his place in the person of Mr. Dunphy. In 1926, a large number of unions were registered under the Act; but since then many other unions have been registered. I think it will be generally agreed that the majority of workers in this State lean towards State arbitration rather than Federal arbitration. Consequently, the work of our court has considerably increased. I have known the present President of the court for many years and I do not believe for a moment that he would have suggested the appointment of a conciliation commissioner unless he, himself, had found it impossible to cope with all the work that he and the two lay representatives on the bench were called upon to perform. Mr. Dunphy is a man of enthusiasm and of almost unlimited energy; but, on account of the increasing work with which the court has to deal, he has found it impracticable, if not impossible, to perform all the work without some assistance.

I believe that the Government has taken advice from the President of the Arbitration Court, and quite rightly so, inasmuch as it has seen fit to make a specific amendment of the Act to provide for the appointment of a conciliation commissioner. If members will peruse the parent Act, they will find the provision for the setting up of the court itself. As every member is conversant with that provision, I shall not waste time in dealing with it. But the Act contains another provision which deals with industrial boards. These boards can be granted by the President at the request of the organisations concerned. The members of the board may consist of a representative of the employers and a representative of the workers, or two each of such representatives, and a chairman to be mutually appointed. Failing agreement, the chairman will be appointed by other processes laid down in the Act. That provision of the Act has been largely availed of by industrial unions and employers over the years.

I have had the honour of representing industrial unions on such boards on various occasions. But Section 88 of the Act also provides that the award of an industrial board may be appealed against. Either party may appeal to the full Arbitration Court against the decision of an industrial board. I think that should be so, because we must have uniformity in relation to certain principles as they affect margins, district allowances, wet pay, danger money and so on. Obviously if an industrial board were allowed to lay down a set of conditions for one industry and a different set of conditions in another where similar circumstances obtained, the industrial field would soon be in chaos.

In saying that either party should have the prerogative of appealing to the Arbi-

tration Court, I recollect vividly that in 1937 the unions endeavoured to obtain an award to cover the iron-ore industry at Yampi Sound, and on that occasion evidence was submitted to the Industrial Board—of which I was a member—showing clearly that a district allowance of 30s. a week should be paid to employees on Cockatoo Island and Koolan Island. There was no evidence at all against the payment of that allowance, but the chairman of the board, Mr. Frank Walsh, who is now in Kalgoorlie—he was then Industrial Registrar—and Mr. H. Vail, the employers' representative, contended that £1 per week should be the district allowance payable to those workers.

As a representative of the unions concerned, and in view of the evidence submitted, I advised the organisations to appeal to the full Arbitration Court. On the appeal that court had no hesitation in providing for a district allowance of 30s. per week for the workers concerned, in view of the evidence submitted by the organisations —evidence that was in no way refuted by the employers with regard to Derby, Broome, Koolan Island or Cockatoo Island. That is why I believe that, although provision is made at present for industrial boards under the Arbitration Act, the final appeal should lie to the full Arbitration Court of Western Australia. Both the unions and the employers have at times availed themselves of the facilities under the Act and have requested the court to set up industrial boards. On many occasions the decision of the board has not been appealed against, as both parties found it fair and equitable.

A good example of that is the industrial board for the building industry, in 1937 or 1938, of which Mr. Justice Wolff was chairman. He made an award for that industry and all the parties agreed to abide by his decision. It was a comprehensive award, and there was no appeal. I think the Attorney General will agree that under the present Industrial Arbitration Act there is provision for the appointment of conciliation commissioners. There is ample provision under Section 172 of the Act for the appointment of commissioners to determine or settle industrial disputes, and under the definition of "industrial dispute" is included an impending industrial dispute. A conciliation commissioner appointed under that section has, in certain circumstances, the powers of an Arbitration Court judge.

About six months after I was elected as member for Pilbara a dispute arose at Port Hedland in consequence of the Railway Department controlling the jetty there as well as controlling the railway from Port Hedland to Marble Bar. The A.W.U. had an agreement with the Harbour and Light Department and the Public Works Department, providing for certain rates of pay on wharfs along the North-West coast. We required a separate agreement with the Railway Department for the jetty at Port Hedland, because the Railway Department and not the Harbour and Light Department controlled that jetty. Adjacent to the jetty, as many members know, railway sheds were erected and the men in those sheds worked under a railway award. The rates of pay for overtime under that award were lower in certain respects than the rates paid to the men loading and unloading ships at the jetty.

As a consequence of that a dispute arose and the workers at Port Hedland said they wanted the same rates of pay to apply for loading and unloading cargo in the railway sheds as obtained for similar work on the ships at the wharf. I think the member for Kanowna, who was Minister for Justice at that time, will remember that Dr. Vickers, the flying doctor, was appointed as conciliation commissioner to adjudicate on that dispute. The men were so incensed at the differentiation in rates of pay that they wanted the commissioner to make his decision before they would determine what they intended to do. They believed the anomaly was so glaring that no conciliation commissioner would rule against them.

I assured the men that Dr. Vickers, as conciliation commissioner, would be stripped of all legal technicalities and that there would be no formalities about the hearing of the case. I said I would put their case to the best of my ability, while Mr. McKenna, industrial officer for the Railways Department, would submit the department's case and Dr. Vickers would deliver his decision on the evidence submitted to him. He was able to see the wharf and the railway sheds and he knew every man involved. However, the men eventually decided that they would not have arbitration. I had no hesitation in telling them that if they desired arbitration they would have to agree to

abide by Dr. Vickers' decision. That was a case in which it was found that the temporary nature of the appointment of a conciliation commissioner was not satisfactory to the men.

Section 172 of the Act envisages, as I see it, the temporary appointment of conciliation commissioners for specific purposes. A dispute arising at Kalgoorlie, Meekatharra or Esperance may involve industries of an important nature and the Government, under the provisions of the Act, may appoint a conciliation commissioner or commissioners to deal with the dispute on the spot and give a decision. Under the Act provision is also made for the appointment of conciliation committees. As I read the Bill, its purpose is the appointment of a full-time conciliation commissioner who will be obliged, in the course of his duties, to co-operate with the President of the Arbitration Court, or the full Arbitration Court, being more or less under the direction of the President.

I feel that the Bill, as drafted, in many respects could not be better. I have in mind the 15 or 16 conciliation commissioners appointed under the Commonwealth Conciliation and Arbitration Act. They have been clothed with fairly wide powers and since their appointment in March or July, 1947, have performed valuable service in the settling of industrial disputes in various parts of Australia. Even there, however, there is a conflict of opinion as to what should be the actual functions of the commissioners and what should be the prerogative of the full Arbitration Court. I understand that a Bill has been brought down, or will be introduced soon into the Commonwealth Parliament, providing for certain powers to repose in the full Arbitration Court with respect to the determining of female rates of pay, and so on.

It is obvious that if the Government appointed a conciliation commissioner under our own Industrial Arbitration Act, with the powers of a judge of the Arbitration Court, to lay down decisions and draw up awards that might have no regard for the principles followed by the full Arbitration Court, it would not be long before the industrial unions of employers and of employees would endeavour to pick out one award as against another. I believe that that is the reason why, under the Bill, it is provided that the conciliation commissioner shall in certain respects be subject to the direction of the President of the Arbitration Court.

Although I have not the figures at hand, I understand that under our Industrial Arbitration Act there are 100 or 110 industrial unions of workers registered. When one realises the tendency of employers and the increased tendency of workers to avail themselves of the Industrial Arbitration Act machinery of this State, it will at once be agreed that the work of the court is such that the President does need some assistance. I have no hesitation in saying that the conciliation commissioner would work in close conjunction with the President of the Arbitration Court and would, to a great extent, relieve the congestion which arises in the hearing and consideration of claims by employers and employees.

There was a time in the history of this State when certain interests and certain members of Parliament discounted the idea that industrial arbitration should find a place on the statute-book, but, owing to the circumstances which arose from year to year, it was found that some legislation was necessary to ensure a certain amount of peace in industry and to regulate the relationship between employers and industrial unions. That was effected by the introduction of the Industrial Arbitration Act, which has been in operation for many years. The more we remove from the industrial arbitration machinery any legal or formal technicalities, the better it is for both the employers and the industrial unions concerned. I also believe that the tendency in this State—I refer specifically to this State—is to mould our industrial arbitration machinery to make it more accessible to both the employers and the employees, and so create more goodwill and co-operation in industry.

It appears to me that the expanding work of the Arbitration Court—and especially that of the President—fully justifies the appointment of a conciliation commissioner because, apart from his hearing of claims for industrial awards, there are many other duties that fall upon the President. Regardless of whether we pay him £2,000 or £10,000 a year, it would be impossible for him to deal with all the claims presented to the Arbitration Court. The appointment of a conciliation commissioner will allow him to study industrial trends and be cognisant

of up-to-date aspects of industrial legislation. I would like the member for Leederville to correct me on the statement I am about to make. As far as Western Australia is concerned, about 29 or 30 years ago, through the A.L.P., there was set up what is known as the State Disputes Committee.

Hon. A. H. Panton: It was formed in 1919.

Mr. HEGNEY: Yes, that is 29 years ago. Its formation resulted from a dispute among the Fremantle wharf workers. Since that time, the industrial unions have, from year to year, appointed an industrial disputes committee for the express purpose of endeavouring to prevent any industrial dispute arising, and it imposes an obligation on industrial unions to submit to it particulars of their disputes before any cessation of work takes place. So, the Industrial Disputes Committee, having regard to all the interests of the workers and, indeed, the public of Western Australia, endeavours on every occasion so to negotiate with the other party to the dispute as to obviate a cessation of industry. I have had the personal pleasure of being a member of the Industrial Disputes Committee for 16 years, and on many occasions impending disputes have been referred to it, and that body has contacted the Employers' Federation and other parties with the desire to arrange a settlement without any trouble, to the satisfaction of all parties. In other words, it has set itself up, in the interests of the public generally, as a conciliation committee.

It has been suggested in certain quarters that it is a body established to create industrial disputes, but nothing is farther from the truth. That committee has been appointed by the aggregate of industrial organisations of Western Australia to prevent disputes because—I say this without any equivocation whatsoever—the policy of the Western Australian Labour movement and the industrial unions has been one of conciliation and arbitration. It is true that at times industrial disputes arise before anyone has a chance to adjudicate or consider the pros and cons of a particular problem, in an endeavour to settle them before any cessation of work occurs. But on the average I think the statistics, as far as the industrial relationships between employers and employees are concerned, will show that Western Australia has been largely free of industrial disputes compared with the Eastern States.

From inquiries I have made in all the other States and comparing their machinery with ours, I find that to a large extent the reason why this State has been comparatively free of industrial disputes for the last 20 years is firstly because of the constitution and functioning of the State Disputes Committee, and secondly, because of the increased tendency of the Employers' Federation and its constituent parts to recognise the desire of the State Disputes Committee and the industrial organisations to obtain a reasonable settlement before a strike takes place. So I welcome the provisions of this Bill and, although I have not had an opportunity of consulting all the organisations concerned, I believe that as their policy is one of conciliation and arbitration every organisation will welcome them. The measure will tend to expedite the hearing of claims of certain organisations before the court at present.

I visualise the conciliation commissioner as one who would not be bound by many legal technicalities, but if he found a dispute likely to arise in any industry, no matter how important its character, would immediately leave his office and call the principals on both sides together to resolve the dispute before a cessation of work took place. If, in the final analysis, they cannot resolve their differences, reference could be made to the full Arbitration Court. But I believe that in ninety-nine cases out of a hundred—and I speak with a great experience of dealing with employers and employees' organisations—there would be no appeal from the decision of the conciliation commissioner because we know that he would, before any award was delivered by him, have regard to the general principles and the bases from time to time laid down by the State Arbitration Court and the Federal Arbitration Court—more particularly the State court, because he would be appointed under the State Industrial Arbitration Act—and be governed by those principles.

In conclusion, I believe that the relationship existing between the Employers' Federation and its constituent parts and the larger executives of the Labour Party, would be improved because the principals know one another personally, and it would be in-

cumbent upon them to be able to assure their respective members that only in the greatest emergency would a stoppage of work take place. I believe the appointment of a conciliation commissioner will help to relieve the President of the Arbitration Court as well as the court itself. It will also help to expedite the settlement of industrial disputes and ensure the industrial unions, the workers and the employers, that their applications for variations of awards or lines of demarcation or any other matter provided for under the Act will in future be more expeditiously settled than has been the case in the past. I congratulate the Minister in bringing down the Bill and I believe it will pass this Chamber. I have no hesitation in expressing the hope that it will become law in due course.

MR. GRAHAM (East Perth) [8.44]: I support the second reading. I believe that the introduction of the Bill is indicative of modern trends whereby the importance of the working man as a unit of our economic make-up is being more readily appreciated instead of himself, his conditions and his rate of pay being regarded merely as an element in the cost of production. As this measure seeks to take steps to make possible the anticipation of industrial trouble so that it may be dealt with before it develops, it is certainly to be welcomed.

With the member for Pilbara I say that the Government should recognise that the Disputes Committee of the A.L.P., although having no legal standing, has become an integral part of the industrial machinery of the State. Speaking from a limited experience, I am aware of many industrial disputes that did not become matters of public concern because that unofficial body was responsible, in consultation with the organisation representing the employers, for settling the matter so that the dispute did not reach the stage of causing an interruption of work, which interruption, of course, would have been detrimental to the community as a whole.

The provisions for the appointment of an assistant registrar and a conciliation commissioner indicate that the Government, in sympathy with the viewpoint held by people generally, considers that every effort should be made to avoid too-frequent interruptions of production. It is well-known that Western Australia has been comparatively free of such interruptions, but there is always a possibility, without there being any major issue in dispute, of the industrial machinery being disturbed, with consequent repercussions upon the whole community. Accordingly the proposal to appoint a conciliation commissioner should be welcomed. It is a step in the direction of making better facilities available to the parties to a dispute while, at the same time, it indicates that the Arbitration Court, which has done a particularly fine job, is finding itself overburdened with work, especially in matters of detail.

To one provision in the Bill I wish to address myself particularly and I should like the Minister to consider the viewpoint I am about to mention. The matter relates to the appointment of the representatives of the employers and the employees as part of the bench of the Arbitration Court. The Bill proposes to extend the period of appointment from three to five years. With that extension, I am heartily in accord. However, as less than twelve months has elapsed since the present occupants were appointed to those responsible positions, and as the Government has recognised that some permanency is desirable, I ask the Minister whether he would agree to the proposed extension applying to the terms of the present occupants.

I understand that the employers unanimously approved of the appointment of their representative. I understand, too, that the industrial unions overwhelmingly approved of their representative. As they were appointed less than twelve months ago, a wait of over two years would be necessary before the provision became operative. Within the last few days, the term of office of members of the Licensing Bench, another judicial authority, has been extended. Therefore I do not think it would be at all out of place to extend the term of the two representatives who sit on the bench of the Arbitration Court.

We should bear in mind that these men, Mr. Gill and Mr. Schnaars, fulfil a judicial function. Following their appointment, they had to take an oath and give an undertaking to be completely impartial in their judgment of matters coming before the court. Very few judicial authorities are

appointed for limited periods. Unfortunately, there are few Arbitration systems comparable with ours, but I repeat—because the fact cannot be over-emphasised—that our system has in all respects worked admirably.

In Queensland, where the set-up of the court is comparable with that in Western Australia, the appointments are of a permanent nature. As members are probably aware, judges are permanently appointed to the bench of the Federal Arbitration Court, and recently a large number of conciliation commissioners were appointed under legislation passed by the Commonwealth Parliament, and they, too, have been appointed for life. Therefore the trend is towards making these appointments, if not for life —with the safeguard of a retiring age—then for as long a period as possible. To some extent an appreciation of that fact is shown by the Government in seeking to extend the term of the representatives here from three to five years.

I think I am right in stating that the present occupants of seats on the court bench —the representatives of the two parties—would have been appointed irrespective of the term; that is to say, had the period been for two, five or ten years, I believe that the same persons would have been appointed. Owing to the shortness of notice to which the member for Pilbara referred—we are all aware of the desire, not confined to the Government side, to bring the session to a close—it has not been possible for us to consult the various parties concerned, directly or indirectly. The great bulk of the organisations that make nominations for the appointment of an employees' representative to the court are affiliated with the A.L.P., and therefore the general secretary of the A.L.P., to a great extent, has his finger on the pulse of those organisations. I understand that he has no objection to the period of that representative being extended from three to five years.

The Attorney General: What is his name?

Mr. GRAHAM: Mr. T. G. Davies. Yesterday, some consideration was given to the position of temporary officers employed in the Public Service. I feel confident members will agree that an appointee to any position will do far better work if the position is permanent, or, if necessity demands that a period be fixed, then the longer the term, the more efficient is likely to be the service given. I hope the Attorney General will not think that I am over-emphasising a particular point. Whether he agrees to my suggestion to extend the term of the present representatives on the bench of the Arbitration Court, or not, I believe that the same persons, if they were prepared to act, would probably be re-appointed. I feel certain that they have given satisfaction to the organisations that nominated them and have been impartial and judicial in their decisions.

I hope that the Minister will indicate his attitude to the proposal I have made for extending their term to five years. Otherwise, it will be more than two years before effect can be given to the amendment contained in the Bill. With that qualification, I have pleasure in supporting the second reading and commend the Government for having recognised, firstly, the importance of industrial matters, not only to the workers, but also to the whole of the State, and, secondly, that if we wish the President of the Court and his two confreres to give full and complete consideration to the work, they should not be overburdened with duties.

MR. WILD (Swan) [9.0]: I do not intend to delay the House, but I wish to add my small contribution to the debate. First of all I congratulate the Government on bringing down this measure. When speaking on the Mining Bill the other evening I said it was essential for us to have peace in industry. I feel that by introducing this amendment of the Industrial Arbitration Act we are putting our best foot forward to bring about that desirable result. The first portion of the Bill deals with increasing the term of office of the occupants of the Arbitration Court bench from three to five years —I refer to the employers and the employees' representatives. That is highly desirable. The member for Pilbara mentioned the fact that men desire to have some continuity of employment. He rightly said that, for a man to occupy one of these positions, he must have industrial experience spread over a number of years and, therefore, have reached in that occupation or profession a certain standard. When he gives up his position to go on the Arbitration Court bench he is entitled to know that he can look forward to a fairly lengthy guaranteed period of service.

The last provision in the Bill deals mostly with administrative aspects in that it provides for the appointment of an assistant registrar. The second provision is the whole crux of the Bill—the appointment of a conciliation commissioner. The Minister, when introducing the measure, said that this was included at the instigation of Mr. President Dunphy owing to the great amount of work he had to do. Without doubting the Minister I made certain of the facts as to the number of awards, conferences, industrial board awards, boards of reference, and apprenticeship applications, etc., that had been undertaken by the President and his confreres, and his predecessors for 20 years past. For the 12 months prior to 1928 there were 127 of these various awards, conferences, etc., and for the 12 months prior to 1938 it rose to 208. In 1948 there were 857. It can, therefore, be said that Mr. President Dunphy and his confreres are doing more than a fair day's work.

I hope that the Government, when appointing a conciliation commissioner, will not be niggardly. We want a good man. I do not care whether we pay £2,000, £3,000 or £10,000 because we want peace in industry, and if we have the wrong man we can lose a lot more than any of those amounts, in one week. If we have a good man who can maintain peace in industry he will be the means of saving many thousands of pounds. I have pleasure in supporting the measure.

MR. BRADY (Guildford-Midland) [9.4]: At this stage I support the proposal for the appointment of a conciliation commissioner. I know that for some time past the Arbitration Court has been overburdened with work. As part-time secretary of small unions, I am aware that they have had to put up with a lot of inconvenience. Many members of those unions are losing the benefits of margins and conditions to which they are entitled because the Arbitration Court is not in a position to deal with their applications. In February, 1947 as secretary of the Superphosphate Workers' Union, I lodged an application for a case to be heard. At the end of approximately 10 months nothing had been done. I ventilated my opinion about the position in certain quarters, and, as a consequence, the President of the Arbitration Court called the parties together. Despite the fact that he did everything possible to bring about a conference between the superphosphate companies and the union I represented, it transpired that the actual agreement or award was not finalised until after the lapse of several more months. I venture the opinion that during that time all the employees in the industry were losing considerably in wages and conditions. The remarks I have made apply equally to the members of other small unions.

That brings me to the point that I hope that if a conciliation commissioner is appointed, some way will be fuond to allow him to deal with the applications of the smaller unions and let the President of the Arbitration Court deal with those of the bigger ones. In the normal course of events a case is dealt with by the Arbitration Court, if it goes through the usual procedure, in from five to six weeks. As one of the previous speakers mentioned, with 110 unions on the register, it means that it would take a union over two years to get into the court after lodging its claim, if it came up in its proper turn. That, of course would, be the case only if there were no industrial disputes, stop-work meetings or other industrial upsets in the meantime. So, like other speakers, I feel that the appointment of a conciliation commissioner is a welcome suggestion.

I wish to say something else here for the benefit of the Government, and members of Parliament generally. I believe the time is overdue when our system of arbitration should be streamlined. The present Arbitration Court prevented a considerable number of industrial disputes last year and early this year by streamlining arbitration in such a way that major industrial matters were dealt with on a holus bolus system. By that I mean that 50, 60 or 70 unions approached the court in bulk, by agreement between the court, the Employers' Federation and the unions, and, as a consequence, major reforms such as the 40-hour week were granted to the members of the unions concerned in one fell swoop. A similar procedure was adopted in connection with the ten public holidays.

If the Arbitration Court were to adopt more of that streamlining and take all the unions into its confidence in regard to such things as sick pay, overtime and margins for skilled, and even semi-skilled, work, its proceedings would be facilitated. I feel confident that the margins for the majority of unionists have not kept pace with the increase in prices, and I say that advisedly.

It may be that the bigger unions, such as the railway and the engineering unions have had their margins considerably increased in the last two years, but the margins for the members of the smaller unions have not kept pace with prices. If the Arbitration Court adopted more streamlined methods it would make for greater industrial peace, and greater production which is the objective of all leading industrialists and the Prime Minister. It would also bring about better relations between the employer and the employee.

Personally I am not particularly concerned about whether the employees and employers' representatives on the Arbitration Court are appointed for three or five years. I do not think either of the present occupants has much to worry about, because I believe that each enjoys the confidence of his respective organisation and so will be re-appointed. I do not think they should look forward to a longer term of office than members of the Legislative Assembly enjoy; and we are appointed for only three years. Their salaries are quite comparable with ours and the same calls are not made on them. I support the idea of the appointment of a conciliation commissioner. I hope that the Bill will be passed.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth—in reply) [9.12]: I appreciate the way the House has received the measure, and I am particularly pleased that the member for Pilbara was able to give it his full support because, as he said, he has been intimately connected with the industrial affairs of Western Australia for practically the whole of his life. I wish to make it quite clear that when Mr. President Dunphy suggested the appointment of a conciliation commissioner, he did so on the ground that it would expedite the hearing and finalising of matters in the court. He stressed expedition. As to the point raised by the member for East Perth, it would be unusual to make the term of office retrospective. I agree with him that security of tenure is highly desirable.

Hon. A. H. Panton: Dr. Somerville was elected for 32 years, every three years.

The ATTORNEY GENERAL: Yes. I also agree with members who have spoken, that the work of the present occupants is of a high quality. The organisations were not consulted on the question of the term; in my opinion it would have been wrong, without seeking their approval, to have made it retrospective. I have no personal views on the matter. If members feel they know the wishes of the organisations concerned, and an amendment is moved to apply the terms of the Bill to the existing occupants, then I think there would be no objection to such an amendment. It is, however, a matter entirely for the Chamber.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Hill in the Chair; the Attorney General in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 50:

Mr. GRAHAM: I move an amendment—

That the words in line 1 of Subclause (2) "only to" be struck out with a view to inserting the words "to the present and".

The Minister did not indicate his viewpoint as to this clause but suggested that it might be left to the Committee to decide.

Mr. MARSHALL: I hope the Minister will not accept this amendment. There has been no justification for any alteration in the provision of the Bill as it stands. Those who have been appointed to this high and responsible position accepted the appointment for a three-year period without demur, protest or complaint. If the period had been for five years instead of three, there probably would have been other applicants for the position and they may have been more suited to it than those who were selected. I have no authority from any industrial organisation in my electorate to extend the period without at least my organisations having some say as to who shall enjoy the longer period. I oppose the amendment.

Hon. A. H. PANTON: I intend to oppose the amendment. It is unfortunate that the Bill was brought down last night and is being put through tonight. I have been associated with the Arbitration Court and industrial movements ever since 1912. Dr. Somerville was one of the earlier Labour representatives elected for three years and he was there until he retired. I think it was a period of some 30 years. The industrial organisations appoint their representatives just the same as do the employers and

without consulting them we have no right to make the terms of a clause such as this retrospective. These people were elected for three years and we have no right, without consulting the industrial organisations, to alter that term. Let them go the other two years and then the industrial and the employers' organisations will have an opportunity to say what men they will elect for five years. My electorate contains most of the affiliated organisations and I have had no opportunity of finding out from them what their views are.

Mr. STYANTS: I intend to oppose the amendment for the reasons already given. The Minister would be well advised to leave the Bill as it stands because it does not inflict an injustice upon the holders of the positions. They took these positions on the terms set out at that time, which were for a three-year period. I do not know what the views of the industrial organisations in my electorate are about the proposal. I have no objection to it as I think it would be an improvement. If the Attorney General were to introduce a Bill to increase our tenure of office beyond three years I might be favourably disposed towards that too, but I would of necessity have to consult by organisations who are responsible for my being here. Let the present occupants complete the period of three years for which they were appointed, and then let them come up for re-election on the understanding that the term will be extended to five years.

Mr. BRADY: I have no instructions from any unions in my district on this matter, but I feel I would be on safer grounds by sticking to the three years for the present. Subsequent appointments can be increased to five years. If I remember correctly unions do not have a ballot to fill the position at all, but they nominate a man for the job and it is up to the Minister in charge of the department to make the appointment.

Mr. GRAHAM: I do not intend to press the amendment but to leave it to the Committee. There has been no opportunity for us to consult the interested parties. In reply to those moralists who suggested we might be doing something wrong in making this retrospective, I would refer them to March of last year when there was a general election and we were all appointed by the people for a term of three years at a salary of £700. Yet not many members' consciences were stirred when we—

Hon. A. H. Panton: You will not go very far with that argument. You are not blameless.

Mr. GRAHAM: But at least I am being consistent. If it is wrong for the present occupants, who were appointed under certain conditions, to have this made retrospective then I say all of us are culpable in that respect.

Hon. A. H. PANTON: I do not intend to let the member for East Perth get away with that argument. When I voted for an increase in salary, I voted for myself. There was nobody else concerned. On this occasion I am asked to do something about the representatives of approximately 110 organisations. That is not comparable in any way.

Hon. J. B. Sleeman: You were worth it, were you not?

Hon. A. H. PANTON: I was worth more.

Mr. Graham: About 10,000 people put you here.

Hon. A. H. PANTON: That is where the hon. member is wrong. Only about 4,200 people put me here; the rest voted for my opponents.

Mr. Graham: The decision was unanimous last March, in your favour.

Hon. A. H. PANTON: And I hope it will be the same next time. The member for East Perth puts in a quip which is not comparable in any way with the present situation. We on this side of the Chamber are elected by the industrial movements in this State, otherwise the 10,000 people that the member for East Perth speaks of would not have any say in electing us.

Amendment put and negatived.

Clause put and passed.

Clauses 4 to 7, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—BUSH FIRES ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [9.31] in moving the second reading said: The Bill is being introduced to give effect to a number of amendments which have been requested at

various times by local authorities, farmers' organisations and other interested bodies. At the same time, opportunity is being taken to incorporate amendments which will enable the easier operation of some sections of the Act, and to redraft others, the effects of which, from a legal aspect, were not clear. These particular amendments do not alter the principles already contained in the Act, but merely clarify the wording.

All the amendments which vary the provisions of the Act have been recommended by the Rural Fires Prevention Advisory Committee, which is a representative body. Its membership includes three from the Road Board Association, so members will appreciate there is ample opportunity for the views of local authorities to be considered by the committee. Before outlining the proposals contained in this measure, I think it is advisable to explain several important features of the Act which are dealt with in this Bill. A good deal of confusion exists regarding two different periods specified in the Act. The first extends from the 1st October to the 31st May in every yearly period. During this time, burning may only be carried out when certain precautions have been taken, and quite a number of conditions specified in the Act have been complied with.

The second period concerns prohibited burning times. These are declared by the Governor and vary for different parts of the State. They may cover any time of the year, and in practice they fall between, or overlap, the first period I mentioned—the 1st October to the 31st May. During this latter period burning can only take place subject to a number of conditions, but during the prohibited burning times no burning can take place at all except for certain special purposes, and under very stringent conditions. In the agricultural areas, the prohibited burning times commence in October, November or December, and burning under the control provisions must then cease. In other words, the prohibited burning periods which may be declared for any time of the year take precedence over burning carried out under any other provisions of the Act, except those specifically dealing with burning during prohibited times. One of the purposes of the Bill now before the House is to clarify the two periods I have mentioned.

I will now outline the main provisions contained in the Bill. The Act gives the Governor power to suspend the operation of declared prohibited burning times to enable railway land and land under the control of the Conservator of Forests to be burned during those declared periods. It is necessary that this protective burning should be carried out, but owing to variable seasonal conditions, it is rarely known until nearly the commencing date of the prohibited time whether the burning can be completed. If the work cannot be finished, there are then only a few days left in which to make application to the Governor for the suspension to enable the burning of firebreaks to be carried out.

It is difficult to obtain the Governor's consent in the time available and it is therefore proposed that these particular powers shall be exercised by the Minister. The powers to suspend the declared prohibited times to which I have just referred, extend to any "railway reserve," but because of the use of the words "railway reserve" in the parent Act, it has not been possible to grant these suspensions to the Midland Railway Company as that company's land is not covered by the term. However, it is desirable that firebreaks should be provided on the Midland line as well as on the Government railways.

It is hoped that, in future, a way will be found to provide these firebreaks by means other than burning, but at the present time this is not practicable. The burning of these firebreaks takes place at a rather dangerous time, and the section of the Act concerned does not lay down any conditions governing the burning, presumably as the only person concerned was the Commissioner of Railways. As the privilege of burning these breaks will be extended to a private organisation, it is considered there should be some condition specified to ensure that the work is done with adequate precautions, and provision has been made in the Bill to enable this to be prescribed.

Another amendment deals with the burning of firebreaks on private land adjoining the railway at the same time as the railway land is being burned. At present, the adjoining landholder may burn back on his own land a distance of one chain. In certain circumstances, one chain has proved insufficient to afford reasonable protection and

many requests have been received to extend the distance to a maximum of three chains. That is the only change actually made by the amendment, but the opportunity has been taken of redrafting this particular section. An extension of the permissible width of a firebreak on land adjoining the railway is considered very reasonable as it is unlikely that any person would burn a wider break than he felt was necessary for protection.

The Act provides that permits may be issued by authorised officers for the burning of clover during the prohibited times, to enable clover burr to be collected. The authorised officer has power to refuse to issue a permit when he considers conditions are such as to render burning dangerous, but he has no power to cancel a permit once issued, irrespective of the fact that very dangerous conditions may have developed after the issue of the permit but before burning had actually taken place. The issue of these permits involves an inspection of the land concerned and many local authorities have asked that they be permitted to charge a fee for this inspection. Provisions to cover these matters have been included in the Bill.

Under the principal Act, any person burning the bush within two miles of a State forest is required to notify the nearest forest officer if the burning is intended to take place between the 15th December and the 15th March. In some years, a considerable number of fires lit after the 15th March have escaped into the State forests, and it is desired to extend the period during which it is necessary to notify the Forests Department to the 15th April.

Returns received over a number of years have indicated that tractors are very frequently instrumental in starting serious fires. As a result, a strong demand has been made by local authorities and farmers' organisations for the fitting of spark-arresters to, and the carrying of knapsack sprays on, tractors to be compulsory so there would be a ready means at hand to extinguish a fire before it could escape. Requests are still being received for this amendment, and it could almost be said that the demand is unanimous.

On the recommendation of the Rural Fires Prevention Advisory Committee, a special committee was appointed to consider the desirability of these amendments. As a result of that committee's report, and the strong desire which exists throughout the country for this control, this particular amendment has been included in this Bill. It will not come into force immediately this Bill is proclaimed as it is realised that some considerable time must elapse before farmers can so equip their tractors. Standard type spark-arresters are obtainable locally, and there should be little difficulty in regard to supply. However, the position will be carefully watched and every opportunity given for compliance with the Act before this particular section is enforced.

It was apparently the intention of the Act to provide that fires burning on the 1st October should be extinguished unless they conformed to the provisions of the Act which permitted fires after that date. It was found that the words "conformity with the Act" could be taken to cover almost any fire, and the term was so wide that many fires which it was intended should be extinguished, were in fact, burning "in conformity with the Act." Amendments are, therefore, being submitted to clarify the particular section of the Act concerned, and to ensure that fires burning on the 1st October are extinguished unless they conform to sections of the Act, which have now been specified. It is proposed to give a local authority power to carry out, at the request of the owner or occupier of any land, works for the removal of fire danger, and to recover the cost of carrying out the request. The purpose of this amendment is to enable absentee owners or persons unable to do the work, to arrange for the local authority to clean up property which would otherwise constitute a fire menace.

For some years past, it has been the practice to request local authorities to submit a return showing particulars of estimated fire losses, with causes of fires occurring in their districts. The majority of local authorities have co-operated in every way, but, unfortunately, the information desired has not been obtained from all districts, approximately only 70 per cent. of the local authorities complying, and much of its value has been lost. These statistics, if they covered the whole State, would be of very great importance, as from them it could be ascertained which districts, over a number of years, have a higher fire hazard than others, and it would also indicate those areas where

the prevention and control organisation was not operating as effectively as it might.

Possession of this information would also enable efforts to improve the fire prevention organisations to be directed where they would be most beneficial. It is therefore intended to make the submission of an annual report of fire losses a requirement under the Act. I agree that the information that would be obtained if these returns were submitted to the extent of 100 per cent. would enable us to prepare statistics and other data that would be very valuable to the State. It would indicate to us where the greatest fire hazards were and give us an opportunity to organise in order to take greater precautions in those areas. When this return is in operation, it is proposed to pin-point on a map at the department all fires which occur during the fire season. This is done in Victoria. The information shown would be most beneficial as an aid in keeping fire losses to a minimum.

Section 39, dealing with general penalties for offences against the Act, has been redrafted, a minimum penalty of one-tenth of the maximum having been laid down. It is also provided that when a person has been convicted of an offence against the Act, any expenses incurred by a bush fire brigade or by other persons in connection with the offence may be recovered by applying to the same court which convicted the person concerned. At present, the application for these expenses must be made separately to another court. The provision in the Bill will not prevent application being made to another court, but will simplify the existing procedure in the majority of cases. Finally, it is provided that when a person sets fire to the bush, complies with all the provisions of the Bush Fires Act and is not negligent, he shall not be liable for damages arising from his action. I move—

That the Bill be now read a second time.

On motion by Mr. Hoar, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. A. R. G. HAWKE (Northam) [9.47]: This Bill aims at liberalising the franchise for the Legislative Council. It has a somewhat sticky history behind it, in the same way as a similar Bill introduced last year in this House had a sticky history behind it. Last year it was my privilege to introduce a Bill to amend the franchise for the Legislative Council, for the purpose of enabling a larger number of people to have at least the right to claim enrolment. Soon after that Bill was introduced and explained, the then Attorney General (the present Minister for Housing) strongly challenged it on the ground that a private member of the Legislative Assembly was taking into his hands the work of introducing into Parliament a Bill which the Government parties had undertaken in their Policy speeches in February and March, 1947, to introduce, if in fact they did become the Government. The then Attorney General was able to get sufficient support in the House to prevent my Bill from being further considered. Subsequently he introduced the Government's Bill, which was supported by every member of the House and passed the second reading on the 29th October last year.

The Government had been in a great hurry about the Bill up to that stage. It had almost broken speed records in racing the Bill through, from the day of notice of intention to introduce it to the completion of the second reading stage. Then the Government seemed to be severely affected with palsy, because from the 29th October, 1947, to the 9th December of that year, nothing further was done by the Minister or the Government in connection with the Bill. On the 10th December, 1947, the Government graciously allowed it to be considered in Committee. It passed through Committee, passed the third reading and was then transmitted in the normal way to the Legislative Council for its consideration. A division was taken on the second reading of the Bill in that Chamber on the 16th December, 1947, when it was defeated, 13 members voting for and 14 against it.

The names of those who voted against the Bill are interesting and I think are worthy of being again recorded in "Hansard." They are: Hon. H. A. C. Daffen, Hon. J. A. Dimmitt, Hon. R. M. Forrest, Hon. Sir Frank Gibson, Hon. W. J. Mann, Hon. C. H. Simpson, Hon. F. R. Welsh, Hon. H. Tuckey, the late Hon. L. B. Bolton, Hon. Sir Charles Latham, Hon. L. A. Logan, Hon. A. L. Loton, Hon. H. L. Roche

and Hon. G. W. Miles. In my opinion, only one of those members had a right to vote against that Bill. He was the Hon. G. W. Miles, because he is, or claims to be, a straight-out Independent, and therefore has no party affiliations. The other 13 members are men who belong either to the Liberal Party or to the Country and Democratic League. Consequently, they were bound as much by the election declaration of the Premier and the Deputy Premier as was every other Liberal Party and Country and Democratic League member in this House.

No explanation has ever been given to this House, or to the general public, of the action of the 14 members of the Liberal Party and the Country and Democratic League in voting against a plank of the policies of their respective parties. I want the Premier to tell the House during this debate what action he has taken, and what action the Deputy Premier has taken, to ensure that these members of their respective parties are not permitted, on the occasion of the consideration of the present Bill, to be so politically dishonest as to talk and vote against the Bill which is now before us, and which we are told by the Premier contains the declared policy of the parties in the present Government in respect of the franchise for the Legislative Council.

The Attorney General: I think you have enough to do to look after your own party.

Hon. A. H. Panton: The Acting Leader of the Opposition has such a good party that he has spare time!

The Attorney General: If he does what I say, he will be doing well.

Hon. A. R. G. HAWKE: I hope the Attorney General is not trying to shed his own special responsibility for this Bill by suggesting that there is something I should do about members of the Opposition in regard to it. The Attorney General's responsibility is to take all action possible to ensure that the Bill becomes law, because he this year is the Minister who introduced it and is piloting it through Parliament. He therefore has a special responsibility to ensure that the Bill does pass.

The Attorney General: I shall do all in my power to see that it passes.

Hon. A. R. G. HAWKE: It will not be nearly sufficient for the Attorney General merely to introduce the Bill and explain its provisions, which he did in a very short speech. He gave few reasons in support of the Bill. He merely recited what the provisions were, and I suggest members could easily understand them by reading the Bill. If the members of the Legislative Council whose names I gave a few moments ago search the Attorney General's speech when introducing the Bill in order to find reasons to convert them from their attitude of last year, they will find nothing helpful. I hope, therefore, that when the Bill is introduced in the Legislative Council, the Minister there will spend much more time in explaining the provisions of the Bill than was spent by the Attorney General in this Chamber. The only effective speech made in the Legislative Council in support of last year's Bill was that made by Sir Hal Colebatch. He had introduced in the Legislative Council a somewhat similar Bill himself, either the year before last or the year before that. I think subsequent events demonstrated clearly that Sir Hal Colebatch was marked down for political slaughter by the inner group of the Liberal Party because of the initiative and courage he displayed in attempting to liberalise the franchise for the Legislative Council.

The Premier: That is far from fact.

Hon. A. R. G. HAWKE: I am inclined to think it hits the nail on the head.

The Premier: No.

Hon. A. R. G. HAWKE: Perhaps the Premier will explain to us—

The Attorney General: Why the Premier all the time?

Hon. A. R. G. HAWKE: Perhaps the Attorney General will explain why, in the Legislative Council election of last year, Sir Hal Colebatch, the sitting member for the metropolitan province, had an opponent endorsed by the Liberal Party for his seat, whereas for the special vacancy for the same province, although there were 17 applications for Liberal Party endorsement, only one endorsement was made, that of Hon. H. K. Watson. The Attorney General was extremely anxious a few seconds ago to take from the Premier the responsibility of explaining this point, and I am waiting now for him to attempt to explain it. It is obvious to you, Mr. Speaker, in view of your experience from time to time in regard to Liberal Party endorsement, and prior to

that in regard to National Party endorsement—if not to the Attorney General—that a Liberal Party candidate was endorsed for Sir Hal Colebatch's seat in order that the real inner group of that party should have the opportunity to do its utmost to bring about the defeat of Sir Hal so that a true blue and dyed-in-the-wool conservative like the Hon. H. Hearn, who would oppose to the death any attempt to liberalise the franchise of that Chamber, might be elected in Sir Hal's stead.

The Attorney General: I doubt that very much indeed.

Hon. A. R. G. HAWKE: Of course, the Attorney General would doubt it, but I am submitting the facts and I think it is a most logical deduction—

The Premier: It is far from fact.

Hon. A. R. G. HAWKE: It is a logical deduction to say—

The Attorney General: Why do you not wait and see how the voting does go?

Hon. A. R. G. HAWKE: Because I have before me the results of what happened last year.

The Attorney General: Is the Hon. H. Hearn's name there?

Hon. A. R. G. HAWKE: No, but I know from the experience we have had of him in Parliament that he not likely to support a Bill of this description. I am sure Sir Hal Colebatch was marked down for political slaughter by the inner group of the Liberal Party because he dared to be a strong advocate of the liberalisation of the franchise of the Legislative Council, and went even further in daring on his own initiative to introduce into that Chamber a Bill for the purpose of making that franchise more liberal to a greater number of people within the State.

Mr. Styants: It was what is called "liquidating" him.

Hon. A. R. G. HAWKE: I come now to a consideration of the Bill before the House. There is no doubt that the attitude of the Government in relation to this measure has been remarkable in the extreme and I am anxious briefly to recite the history of the matter in order that members of the public, at any rate, may measure correctly the sincerity, if any, of the Government in relation to the Bill. We are now within two weeks of the day upon which the session will close. The Bill is a most important measure, the aim of which is to amend the Constitution of the Legislative Council in order to give enfranchisement for that Chamber to a greater number of people than it is now available to. From experience over the years we know that there is one excuse more than another that the majority of members of another place will grasp in order to defeat a Bill—if they wish to defeat it—when it comes to them late in the session, especially if they regard the Bill as being important. As is well known, that excuse is that the Bill has been introduced too late to enable it to receive adequate and serious attention.

The Minister for Housing: I think they will welcome it as an old friend. They cannot say they have never heard of this before.

Hon. A. R. G. HAWKE: I am confident that the Bill will be defeated in another place.

The Attorney General: Why do you not deal with the Bill, instead of with idle speculation?

Hon. A. R. G. HAWKE: The Government will be responsible, more than any other unit or individual, for the defeat of the measure. If the Premier and Deputy Premier were to take the stand they should take, they would be able to guarantee beyond question that the Bill would not only pass through this House with the unanimous support of both Government parties, but also through another place with the same support from members of the Government parties in that Chamber. I say frankly to the Premier that he cannot go on, session after session, introducing into this House legislation implementing Government policy, as promised to the people in the election speeches of himself and the Deputy Premier, and allow such measures to be defeated by members of the Government parties in another place and then say to the people, "We, as members of the Government, did our best to have the legislation passed, but unfortunately the majority of our members in the Legislative Council refused to pass it." If the Premier thinks he can put that sort of thing over the people and get away with it I believe he has a severe shock coming to him on the first occasion when the public of this State have a decisive voice in the matter.

As this session has progressed members on the Opposition side of the House have developed the fear that the Government would loaf on the question of introducing this measure. We based that fear and suspicion on the fact that the Government went slow with a similar Bill last year. On the 2nd September last the member for East Perth asked the Attorney General if it was his intention to introduce a Bill this session to give effect to the Government's policy of broadening the franchise of the Legislative Council. The Attorney General replied that the matter was receiving the consideration of the Government. On the 22nd of September last he assured the House that the Government was considering the question of introducing this legislation. As nothing had happened in the matter by the 22nd of September I asked the Premier, by way of question on notice, whether, in view of the attitude of a section of Legislative Council members, the Government was certain to introduce this session a Bill to liberalise the franchise for that Chamber and, if so, when the Bill was likely to be introduced.

The Deputy Premier, on behalf of the Premier, replied that the legislation would be introduced and went on—cleverly I suppose—to say that the decision to introduce the legislation had been made prior to, and so had no relation to, the circumstances mentioned in the question with regard to the attitude of a section of the members of the Legislative Council. He also said that the Bill would take its place in the Government's legislative programme for the session. By the 26th of October neither the Premier nor any member of his Ministry had taken action in this House to bring that legislation down. On the 26th of October I asked the Premier whether he was yet able to indicate when the Government was likely to introduce that legislation. He replied, in effect, that the measure would be introduced during the current session. The current session continued until, on the 17th November, I asked the Premier what was the reason for the delay on the part of the Government in introducing the measure. The Premier had arranged with the Attorney General, on receiving a copy of my question in his office the day before, to have up here the next day, before my question was answered, notice of his intention to introduce the Bill. It was as obvious as the noonday sun on a cloudless day that the Premier, when he received the copy of my question in his office, rang up the Attorney General and growled at him because he had not yet reached a stage when he could give notice of his intention to introduce the measure into the Legislative Assembly.

The Attorney General: You must have noticed that I was looking depressed.

Hon. A. R. G. HAWKE: As a matter of fact, when the Bill—even after its late introduction—was due to be read a second time in this House, it could not be so read because at that stage it had not been printed, and printed copies were not available to enable the Attorney General to proceed with the second reading.

The Attorney General: How do you know?

Hon. A. R. G. HAWKE: I know, because when the item was called on, one of the messengers explained that printed copies of the Bill had not yet arrived from the Government Printing Office.

The Attorney General: I was not aware of it.

Hon. A. R. G HAWKE: I would not expect the Attorney General to be aware of it, but nevertheless those are the facts.

The Attorney General: More speculation.

Hon. A. R. G. HAWKE: It is surprising that a private member should be able to tell the Attorney General so much of what is really Government business, in connection with which the Attorney General should have a full and detailed knowledge. As the answer which the Premier gave to my last-mentioned question was so obviously a "frame-up"—and I say that without meaning any offence of any kind; I say it semi-humourously—to enable the Premier to dodge giving to the House the reasons why the Bill has been so long delayed, I asked the Premier on the 18th November, the day following, who was responsible for the delay in introducing legislation to this House, and the Premier's reply was—

The Minister for Education: Classical!

Hon. A. R. G. HAWKE: —to avoid the issue, because he answered, "The reason for the long delay in the introduction of the Bill this session was because the Government was obliged to give every aspect of its legislative programme careful consideration."

Hon. J. T. Tonkin: That was probably the reason for the delay in introducing the vermin Bill, too.

Hon. A. R. G. HAWKE: So, Mr. Speaker, we have found through the currency of this session the Government wilfully delaying the introduction of this legislation.

The Premier: You got the Bill in plenty of time.

Hon. A. R. G. HAWKE: I got it in plenty of time, but I am not concerned with my attitude because it is a favourable one. I am not concerned in the attitude of any member of this House, because I think the Bill will be approved unanimously in this House as it was last year. My complaint against the Premier and the members of his Government in regard to this Bill is that they have deliberately delayed its introduction until this extremely late stage in the session, giving to members in another place an excuse, and a fairly acceptable excuse—

The Attorney General: It would not be an acceptable one to you.

Hon. A. R. G. HAWKE: —for refusing even to consider the legislation. As a matter of fact, members would be justified in voting against this Bill as soon as it was explained by the appropriate Minister, on the ground that the Government was insulting members of the Legislative Council by introducing such a vital piece of legislation so extremely late in the session.

The Minister for Housing: You should not put such ideas into their heads.

Hon. A. R. G. HAWKE: I do not think it is necessary for me to put ideas into the heads of another place. They have more ideas than are good for them and certainly more ideas than are good for the welfare of the country. The responsibility for the defeat of this legislation last year was not so much upon the members of the Legislative Council, who voted against it, as it was upon the heads of the Parliamentary Leader of the Liberal Party and the Parliamentary Leader of the Country and Democratic League. If this Bill is defeated in the Legislative Council a much greater measure of responsibility will be upon the heads of the two leaders of the parties I have mentioned than upon the heads of the Legislative Council, who will probably vote against it to bring about its defeat. We will establish an impossible situation in any political party when it becomes not only possible, but apparently extremely easy, for members of a party, pledged to a certain line of legislative action to vote against that pledge when the necessary legislation is introduced to give effect to it.

I again warn the Premier and the Deputy Premier that their parties cannot play fast and loose with the public of this State in that manner, because they would not stand for that sort of thing. The people would expect—and rightly so—that every Liberal Party member of Parliament and every Country and Democratic League member of Parliament would be bound to support legislation which contains pledges given by the members of the Government party to the electors during the election campaign. How is it possible, how could it be possible, for the Attorney General, for instance, to stand up and say, or argue that because a Parliamentary member of the Liberal Party or a Parliamentary member of the Country and Democratic League happens to be in the Legislative Council he is not bound, as members of those parties in the Legislative Assembly are bound, to support Government legislation, in respect of which the Parliamentary Liberal Party and the Parliamentary Country and Democratic League Party are, as a result of the promises given to the electors during the election campaign in the early part of 1947, themselves pledged to support?

As the Attorney General explained in introducing this Bill, the more important amendments contained in it are three in number. It is true that there is a fourth deleting the word "sterling" from the Act, but it is of no importance because the word "sterling," although it has appeared in the Act over the years, has not been taken any notice of in the administration of the Act by the electoral authorities. The important provision in the Bill is the inclusion of, or the attempt to include, dwellings as self-contained flats. Under the proposals in the Bill, the occupier of a self-contained flat will be entitled to claim enrolment for the Council and the wife or husband of the occupier of any such flat will also have the right to claim enrolment. The second important amendment extends the right of enrolment to the wife or husband of the occupier of any ordinary dwelling-house. The third and last important amendment

aims at abolishing plural voting. If this amendment becomes law, we shall see the end in this State of the very unfair principle of one person on a Council election day having the right to exercise more than one vote.

Plural voting should be abolished, because it is a vicious principle and gives votes on the basis of wealth and not necessarily on the basis of worth and merit. I support the Bill whole-heartedly. Though, in my opinion, it does not go anywhere near as far as it should, it represents three steps in the right direction, and I sincerely hope that those important steps will be achieved. I tell the Premier and the Deputy Premier that the steps contained in this Bill will not be achieved unless they, as the leaders of their respective parties, take very strong action to ensure that all members of their parties in the Council are called upon, in accordance with the pledges given by the Government to the people, to support the Bill.

On motion by Mr. Hegney, debate adjourned.

House adjourned at 10.25 p.m.

Legislative Council.

Thursday, 25th November, 1948.

CONTENTS.

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

QUESTION.

RAILWAYS.

As to Fines Inflicted on Employees.

Hon. W. R. HALL asked the Chief Secretary:

(1) What was the total amount received by way of fines inflicted on railway employees during the last five years?

(2) Where was this amount credited?

The CHIEF SECRETARY replied:

(1) £1,516 17s. 8d.

(2) Railway Servants Benefit Fund Account.