

total amount of interest pro rata amongst the estates.

Again, when an estate is wound up, the interest will not be made up to the day before but to the last quarter-day. This will make very little difference to each individual estate, but a tremendous difference to the work and accountancy required of the Public Trustee. It will greatly simplify his work and will not do material damage to any estate—even to a large one, which he is not likely to handle. With a small estate, the amount of current interest for one or two months is very small, being a matter of only a shilling or so. We know what savings bank interest is. Members may require further information so if, in their second reading speeches, they will let me know what it is, I shall be only too pleased to endeavour to inform them in any way I can. I commend this measure, and move—

That the Bill be now read a second time.

On motion by Hon. G. Fraser, debate adjourned.

*House adjourned at 7.54 p.m.*

## Legislative Assembly.

Tuesday, 23rd September, 1947.

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

## QUESTIONS.

### HOUSING.

(a) *As to Rental Homes and Brick Foundations.*

Mr. GRAYDEN (on notice) asked the Minister for Housing:

(1) In view of the recent statement that restrictions were placed on the use of bricks in house foundations during the term of the previous Government, will he inform the House whether, during the three months, preceding the 1st April of this year, permits issued by the Workers' Homes Board for brick homes to be constructed under the Rental Homes Scheme, carried an endorsement preventing the use of bricks in foundations?

(2) Were permits for homes being constructed under the Rental Homes Scheme endorsed in such a way at any time prior to the 1st April of this year?

(3) If so—(a) Will he place on the Table of the House all papers relating to these restrictions? (b) Will he advise if and when these restrictions lapsed?

(4) Will he advise the number of homes constructed under the Rental Homes Scheme prior to the 1st April of this year?

(5) Will he inform the House whether any steps were taken by the present Government to restrict the use of bricks in foundations?

(6) If so, what steps?

The MINISTER replied:

(1) Permits were not endorsed because plans and specifications were prepared by the State Housing Commission. Plans and specifications provided for stone foundations.

(2) Answered by No. 1.

(3) (a) There are no relevant papers. (b) Restrictions were lifted in special cases when contractors had difficulty in obtaining stone.

(4) On the 31st March, 1947, 689 rental homes had been completed under the Commonwealth-State Housing Agreement and at that time there were 563 under construction.

(5) and (6) General restriction of brick foundations still applies but special exceptions are made, particularly in areas where concrete foundations are necessary, or in the case of timber framed houses.

*(b) As to Use of Bricks for Fences.*

Mr. GRAYDEN (on notice) asked the Minister for Housing:

(1) Will he inform the House the number of houses having brick fences constructed during the year ended the 1st April, 1947?

(2) Is he aware that the use of bricks in fences during the term of the previous Government has contributed to the prevailing shortage of bricks available for the construction of houses?

(3) Will he inform the House what steps have been taken by the present Government to reduce the number of brick fences being constructed?

The MINISTER replied:

(1) The information is not available.

(2) The use of bricks in fences was forbidden during the term of the previous Government, but the restriction was temporarily relaxed last year, for a period, in an endeavour to improve the dried timber position. Restriction re-imposed.

(3) The restriction will continue.

Mr. GRAHAM (without notice) asked the Minister for Housing: Adverting to the reply to that question, is he aware that fences of new bricks are still being constructed and that he may see at least one fronting Canning Highway, just west of the Applecross wireless mast?

The MINISTER replied: I am not aware that brick fences are still being erected.

**BETTING.***As to Appointment and Personnel of Royal Commission.*

Mr. GRAHAM (on notice) asked the Attorney General:

(1) Has the Royal Commission to inquire into the incidence of betting in this State, as announced by him (*vide* "The West Australian," 9/8/47) yet been appointed?

(2) If so, whom does it comprise, and what are the terms of reference?

(3) If not, what is the present position, and when will the appointment be made?

The ATTORNEY GENERAL replied:

(1) No.

(2) It is hoped to complete arrangements with the Government of Victoria

whereby the services of Mr. Charles McLean, Senior Metropolitan Magistrate, Melbourne, may be secured as chairman. Apart from the chairman, the other members will be Mr. T. D. Teahan, J.P., Mayor of Boulder, and Mrs. Isobel Johnston, J.P., formerly President of the State Women's Service Guilds.

The terms of reference will be drawn up when the appointments are finalised.

(3) It is hoped that the appointments will be made at an early date and that the inquiry will be commenced as soon as arrangements can be made to enable it to proceed continuously in order that Mr. McLean may not be withdrawn from his duties in Melbourne longer than is necessary. The commencement of the inquiry will also be subject to Mr. McLean's arrangements for leave from his duties in Victoria.

**SHIPPING, INTERSTATE.***As to Building and Medical Supplies per "Momba."*

Hon. J. T. TONKIN (on notice) asked the Honorary Minister:

What was the nature and quantity of building material and medical supplies brought to this State on the vessel "Momba," which discharged cargo at Fremantle during last week.

The HONORARY MINISTER replied:

(1) Housing—10 tons conduit screwed, 12 tons nails and clouts, 28 tons sheet lead and lead pipe, 5 tons fly wire, 5 tons paints, etc., 4 tons plywood, 20 tons nuts and bolts, 9 tons electrical goods, stoves and gas cookers, 4 tons sash cord and sewing thread. Total, 97 tons.

(2) Hospital and Medical—8 tons hospital equipment, 4 tons hose and hospital equipment, 4 tons auto filter units, 2½ tons copper tubings, 6 cases hospital equipment, 7 tons hospital equipment, 7 tons general paraffin oils, baby powders, cod liver oil, boracic acid, liquid drugs, etc., 5 tons Farex and Glaxo, 50 tons Lactogen and powdered milk. Total, 93½ tons.

Those figures have been taken from the shipping list; they were not obtained from the statistician. If the hon. member in future would give a little longer notice, such figures could be obtained from the Statistician's Department.

## POTATOES.

### *As to Ships' Stores and Exports.*

Hon. J. T. TONKIN (on notice) asked the Honorary Minister:

(1) Did the figures 17,777 cwt. of potatoes which she stated was the quantity exported to the Eastern States and oversea during July include potatoes necessarily supplied as ships' stores and 6,260 cwt. supplied to the British Army Service and British Admiralty?

(2) Will she deny that excluding potatoes supplied as ships' stores, no potatoes have been exported to the Eastern States since January of this year?

The HONORARY MINISTER replied:

(1) The figure stated did not include ships' stores, but did include 6,260 cwt. supplied to the British Services at Singapore.

(2) I definitely deny that no potatoes were exported to the Eastern States. 43,309 cwt. were exported from this State to the Eastern States from January to July, and did not include ships' stores.

Hon. J. T. Tonkin: Where are you getting your figures?

## BILLS (2)—FIRST READING.

- 1, Constitution Acts Amendment (No. 3).
  - 2, Electoral Act Amendment.
- Introduced by Hon. A. R. G. Hawke.

## SITTING DAYS AND HOURS.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington) [4.42]: I move—

That the House, unless otherwise ordered, shall meet for the despatch of business on Thursdays at 4.30 p.m., as on other days, and shall sit until 6.15 p.m. if necessary and, if requisite, from 7.30 p.m. onwards.

I told the Leader of the Opposition that I contemplated introducing this motion. When the session started, the Government agreed—and here again the Leader of the Opposition was conferred with—that we should commence our sittings on Thursdays at 2.15 p.m., with the idea of rising at teatime to enable country members to return to their homes. Members will realise that, with the notice paper becoming more crowded and the Budget yet to be introduced and the Estimates to be discussed, Parliament will have a lot of business to get through, if we

are to finish before Christmas, and that has always been the objective.

Members on the front bench opposite know that, apart from Parliamentary work, Ministers have administrative duties to attend to which are an important part of their work. Then, we have to attend party meetings one afternoon a week, with the result that Ministers are finding it particularly heavy and also inconvenient. I do not wish to keep members here this session for any all-night sittings, which I think are most undesirable and not in the best interests of legislation. Accordingly, I hope the House will agree to the motion as I think it will help us to get through the business more expeditiously. I think it will also be necessary, at a later stage in the session, to sit on Fridays. My predecessor did save us from all-night sittings during the time he was on this bench, and I think that was appreciated by all members. It is the desire of the Government to do the same, and I hope the House will accept the motion.

HON. F. J. S. WISE (Gascoyne) [4.45]: When the Premier moved early in the session that Thursday sittings should commence at 2.15, and intimated that they would be likely to end at 6.15, I suggested to him that I thought it was not a move likely to prove satisfactory and, because of that, when he desired to change the hours of sitting on Thursdays I would be pleased to facilitate his wishes. I am not surprised the Premier has found this motion necessary, because I know from experience that it is a very great strain on Ministers to devote any one day to Parliamentary duties, and that Ministerial and Governmental business thereby suffers. The serial number of Orders of the Day—the notice paper—is 21, and the average number of notice papers through the years has been about 60 a session, which means that, so far as the time occupied is concerned, we are a third of the way through the session.

There are 21 items of Government business on the notice paper, many of them consisting of Bills that have not been introduced. One can readily think of eight other Bills that must still be brought forward, for continuance and other purposes, and that does not include any Bills of importance that the Government may still have to submit. Even by our sitting from 4.30 p.m. on Thursdays and anticipating Thursday night sittings, I

expect that Christmas Eve will be the earliest day on which the House can rise, on present indications, unless there is much expedition in the handling of business. I am anxious, as I said in my initial speech this year, to collaborate with the Government in facilitating its business. That being my desire, I have no objection to the motion.

Question put and passed.

### **BILL—CROWN SUITS.**

Read a third time and transmitted to the Council.

### **BILL—WESTERN AUSTRALIAN TROT- TING ASSOCIATION ACT— AMENDMENT.**

Report of Committee adopted.

### **BILL—ECONOMIC STABILITY ACT AMENDMENT (CONTINUANCE).**

*Second Reading.*

Debate resumed from the 17th September.

**THE ATTORNEY GENERAL** (Hon. R. R. McDonald—West Perth—in reply) [4.50]: The Leader of the Opposition took me to task, Mr. Speaker, when addressing himself to the second reading of this Bill, on some fancied ground that a continuation Bill of this type was not in accordance with the policy that had been expressed on prior occasions by members of the Government, and by me in particular. The Leader of the Opposition, I am afraid, made his remarks under a misapprehension as to the situation that this Bill is designed to meet. He referred to some statements of mine on the second reading of the parent Bill, which he introduced last year. It is true that then I referred to the undesirability, in general, of legislation by regulation. In my remarks on that occasion, having made some observations on the general principles of government by regulation, I said:

But we have to take things as they are.

And having said that I proceeded to support the measure that the present Leader of the Opposition had brought forward for the approval of the House, because whatever may be our views on the principles of legislation, there are times when the existing situation does not enable one to put

them into force. In his speech on the second reading of the present Bill the Leader of the Opposition quoted what I understood to be a declaration made by me last year to the effect that the Capital Issues Regulations had outlived their value and usefulness. What I said, as appears in the "Hansard" report of the debate, was:

It has been urged on me with some force and I think some justification that the whole of the Capital Issues Regulations have outlived their value and usefulness and that they are now a clog on industry and a vexation and should be done away with.

I then went on to say:

I have not felt able to take the responsibility of advocating that view myself here.

I would have some hesitation still in advocating that view, but since I spoke on the parent measure some ten months ago the situation has undergone something of a change, and by amendments to the Capital Issues Regulations the position of initiating new finance for companies and the floating of companies has been considerably eased. Nowadays, as compared with a year ago, the Capital Issues Regulations are so generous that one hears little complaint about their operation. It appears to me that there is today so much more freedom allowed under the regulations and their administration that, on the whole, the issue of the necessary capital for deserving ventures can proceed without undue restriction. It was suggested—I desire to make this quite clear—that we might have brought down in this House our own legislation to deal with the matters referred to in the Bill—that is, prices, landlord and tenant, economic organisation and capital issues. The situation, however, is that the Commonwealth Government originally brought down regulations relating to these questions in the exercise of its power over defence matters, and it still claims that it has power under the Defence Section of the Constitution to continue to legislate by regulation in relation to such matters. Where the Commonwealth legislates State legislation cannot be validly enacted on the same subject.

We might bring down 40 Acts of Parliament in this House, purporting to deal with prices and the other subjects referred to in the Bill, but so long as the Commonwealth assumes and maintains that it has power to legislate on these matters by re-

gulation, our Acts will not be worth the paper they are written on. We cannot legislate on these subjects validly until such time as the Commonwealth retires from these fields, or until the Commonwealth regulations are declared by the High Court to be *ultra vires*; as being unconstitutional and beyond the power of the Commonwealth Government. So far the Commonwealth regulations have not been declared *ultra vires* by the High Court, and the Commonwealth Government has such confidence that its powers still continue, that, by legislation to be introduced in Canberra this month, it proposes to continue for a further year, under the Defence (Transitional Provisions) Act, power to make regulations in respect of the matters referred to in this Bill, Commonwealth legislation by regulation on these matters remains valid, as far as any decision of the courts is concerned.

As to the Commonwealth retiring from these fields, exactly the opposite is the case. By a measure brought down by the Leader of the Opposition in 1945, we expressly referred to the Commonwealth power over prices until the 31st December, 1947, and that is an added argument or reason why we cannot legislate on prices in derogation of a power which, until the end of this year, we have expressly conferred on the Commonwealth. So far from the Commonwealth retiring, as regards both prices and landlord and tenant matters, it has intimated that by referendum, probably next February, it intends to ask the people of Australia to give it permanent power over both those spheres. In those circumstances we must be realistic, as the Leader of the Opposition was last year, and ask ourselves whether we might be embarrassed if, say, on the 1st March next year, when Parliament is not sitting, a regulation such as the Economic Organisation Regulation, which deals with maintaining the prices of land against inflation, is declared by the High Court to be invalid.

By this Bill, operating in the same way as the parent Act brought in last year, it is proposed that if at any time a Commonwealth regulation is declared to be unconstitutional and therefore of no effect, power should be given by means of which the same regulation, in the same or in amended form, can be proclaimed as a State regulation to operate by virtue of our State

sovereignty and continue in operation until such time as Parliament meets and passes legislation to supersede it. So the position is that while the Commonwealth legislation on this subject remains valid and exclusive of State legislation, as it is today, we have to work under Commonwealth regulations, but if at any time any of those regulations fall to the ground and become of no effect, then by this measure we can, if we want to, pick them up straight away, proclaim them as State regulations and maintain continuity until such time as Parliament meets and passes legislation to deal with the subject-matter of the regulations to which I have referred. Without labouring the matter further, I suggest to the House that the good reasons which actuated the Leader of the Opposition in introducing the parent Act last year, and which I supported, still obtain and would make it prudent for us to continue this legislation through the year 1948 so that if it is needed it is there to meet a situation that might be caused if any of these regulations should become of no effect, having been proved unconstitutional.

Hon. F. J. S. Wise: If the landlord and tenant regulations, for example, should not be alterable by action of this Parliament, would you consider making representations to the Commonwealth Government to have them varied?

The ATTORNEY GENERAL: I would. I think in those circumstances an application should be made to have the regulations varied. The present situation is that, by consent of the Commonwealth Government, in this case the Federal regulations apply to part of the field of landlord and tenant matters, and the State Act applies to the other part.

Hon. F. J. S. Wise: That is so.

The ATTORNEY GENERAL: So far from indicating any desire further to surrender its control over landlord and tenant matters in this or any other State, the Commonwealth has indicated that it wants to withdraw from this State the part of that control it now possesses. The Commonwealth Government has told the people that it will seek an amendment of the Constitution to enable it to have exclusive and permanent power over all landlord and tenant matters. In the circumstances, the

time would not appear to be particularly promising to go to the Commonwealth Government, in view of its expressed attitude on this subject. In landlord and tenant matters in all the other States, the Commonwealth regulations cover the whole field. We, in Western Australia, are the only State where part of the field has been left to State legislation. Let me say one thing further: I think we are all agreed, or most of us are, that the sooner supply can overtake demand and leave normal processes of trade and commerce to proceed without regulation, the better it will be. However, the Prime Minister himself has not found that time arriving as speedily as he hoped. There are indications that he and the Commonwealth Government are anxious to withdraw from regulation in a number of directions; but they have found that with the continued shortage of materials, with the world situation as it is, and with British economy in such a difficult position, some degree of regulation must continue.

This Bill, as I said, is to deal with a situation that could arise when Parliament was not sitting and thereby enable Commonwealth regulations, which might fail through being unconstitutional, to be carried forward without interruption and without confusion to the people, until such time as Parliament could meet and replace them with such legislation as it thought desirable to pass. I believe the Bill, like the parent Act, will still prove useful and I submit it to the House.

Question put and passed.

Bill read a second time.

*In Committee.*

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

## **BILL—STATE HOUSING ACT AMENDMENT.**

*In Committee.*

Mr. Perkins in the Chair; the Premier in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Amendment of Section 9:

The PREMIER: I move an amendment—

That in line 1 all the words after "amended" be struck out with a view to inserting other words.

If the amendment be agreed to, I propose to substitute in lieu of the words struck out the following:—

"by—

- (a) substituting the word "seven" for the word "five" in line one of Subsection (1), and for the word "five" in line one of Subsection (2);
- (b) adding after the figures "1939-1945" in line five of paragraph (c) the following:—
  - (d) one shall be a woman, and
  - (e) one shall be a discharged member of the Forces as defined in Section four of the Re-Establishment and Employment Act, 1945 (No. 11 of 1945 Commonwealth)."

During the second reading debate, I expressed my view regarding the need for the alteration proposed. The intention is to increase the personnel of the Housing Commission from five to seven, and the two additional members will be a woman and an ex-Service man, as laid down in the Re-Establishment and Employment Act, 1945. As the amendment seemed to be acceptable to members who participated in the debate, I shall not go over the ground again.

Mr. GRAHAM: As the clause deals with the personnel of the Housing Commission, it embraces, because of their responsibilities, the whole of the activities of that body. Because of the debate that has already taken place regarding the Bill, and in connection with some of the aspects that were raised, it is necessary for me to address myself at some length to the subject. I open my remarks by saying that, so far as I am concerned, the addition of a woman or a returned soldier to the Commission makes not one tittle of difference, to my mind, to the functions of that body. As I intimated earlier, while I have no objection to the additional members seeing that I do not think any harm will be done by their inclusion, for the life of me I am unable to see what earthly good they are likely to do in the promotion of housing and building operations generally.

Mr. Hoar: It is window dressing; that is all

Mr. GRAHAM: And, in addition, as I suggested previously, there is a political motive behind the appointments. I want

to deal with the position generally as I see it in furtherance of what I said during the second reading debate, so that I hope members will agree with me when I suggest that what we are doing is merely fiddling whilst Rome burns. I suggested that there were a number of practices indulged in by the State Housing Commission as at present constituted or by the servants of that Commission, that warrant the fullest and most searching inquiry. The Premier has intimated that a Royal Commission will be appointed, and I am pleased at his decision. I sincerely hope and trust that the fullest examination will be made of all the facts and of the ramifications of the Housing Commission.

#### *Point of Order.*

Hon. E. H. H. Hall: On a point of order. Not having had an opportunity to speak on the second reading, I want your ruling, Mr. Chairman, as to whether it is your intention to allow a general debate on this clause.

The Chairman: Certainly not! There cannot be any general debate. Any remarks that members desire to make on this particular clause will have to be connected with the amendment.

Hon. E. H. H. Hall: All right! I claim the same right as other members do.

The Chairman: If members wish to speak on principles, there will later be opportunity on the third reading. The member for East Perth will proceed.

#### *Committee Resumed.*

Mr. GRAHAM: I intimated that I desired to convey unmistakably to the Committee my belief that the increase in membership of the Commission from five to seven is of no importance whatever. I feel it to be my bounden duty to give reasons for that opinion and to show what is being done, what is not being done, the practices that are engaged in, and the general administration of the Commission. After all, the Commission is the body charged with the responsibility of administering housing and building operations generally. I hope the Royal Commission will result in a full and complete inquiry into all the activities and ramifications of the Commission and the malpractices, prejudices and favouritism shown

in the granting of building permits and tenancy houses and also the disregard of breaches committed.

The CHAIRMAN: The member for East Perth will need to connect his remarks up directly with the alteration of the membership of the Commission. I am afraid that he is getting away from the scope of the clause.

Mr. GRAHAM: Very well, Sir. I shall, as you have suggested, have an opportunity at a later stage to deal with this point, although I confess I am at a loss to know where the limitation is. I am not disputing your ruling. I shall conclude by repeating that the amendment, whether it be window-dressing, flag-flying or a political move, matters not one tittle to the administration of the Housing Commission, the allocation of permits and rental houses and so on. What is required is a full investigation into the manner of the Commission's administration. This amendment certainly will achieve nothing along those lines. I have no objection to the alteration in the personnel; it will not do much harm if it does not do much good.

Hon. E. H. H. HALL: I find myself largely in agreement with the member for East Perth and it was only to save time that I asked for your ruling, Sir, as, if he intended to traverse the whole Bill, I would claim a similar right. I had already decided to take advantage of the third reading to do so.

Hon. A. H. PANTON: I would ask the Premier to explain subparagraph (e) of paragraph (b). I assume the Premier proposes, if the Bill becomes an Act, that the person to be appointed will come strictly within the Re-Establishment and Employment Act, 1945 (Commonwealth). He will be a person who served in World War II.

The Premier: That is so.

Amendment (to strike out words) put and passed.

The PREMIER: I move—

That the following words be inserted in lieu of the words struck out:—

“by—

- (a) substituting the word “seven” for the word “five” in line one of subsection (1), and for the word “five” in line one of subsection (2);

(b) adding after the figures "1939-1945" in line five of paragraph (c) the following:—

(d) one shall be a woman, and

(e) one shall be a discharged member of the Forces as defined in section four of the Re-Establishment and Employment Act, 1945 (No. 11 of 1945 Commonwealth)."

Mr. TRIAT: Subparagraph (d) of paragraph (b) provides that one member of the board shall be a woman. Personally, I think one woman is not sufficient, unless she is of a strong and determined character. I have sat on boards where women almost predominated and I felt, as a male, very small fry; but on boards where the men have been in the majority the men were able to use a big stick. An additional woman member could be selected from one of the arms of the Services. In order to test the feeling of the Committee, I move—

That the amendment be amended by striking out the word "one" in subparagraph (d) of paragraph (a) and inserting the word "two" in lieu.

The CHAIRMAN: I point out to the member for Mt. Magnet that his amendment involves the alteration of the word "seven" in the first line of paragraph (a).

Mr. TRIAT: I do not wish to take that step. The Premier could arrange for the appointment of two women to the board.

The PREMIER: We could of course appoint an ex-Service woman to the Commission, but I am not going to make any promise to the member for Mt. Magnet that we shall do so. Our intention is definitely to appoint a woman, and I do not think the hon. member need worry about her being lonely and ineffective. We have a woman in this House of 50 members; and there is a woman member in the House of Representatives, consisting of 75 members. The hon. member can no doubt recall other instances where women are acting on boards and Commissions. The idea is to obtain the woman's point of view. I suggest to the member for Mt. Magnet that he withdraw his amendment, as the Government will not view the appointment from the political aspect. We wish to appoint a woman who is interested in the housing problem and who has practical ideas on the subject.

Hon. E. H. H. HALL: I cannot support the amendment, although I am not opposed to the appointment of one, two or three women to the Commission. My desire is to get on the Commission someone with experience of this most important subject. Whether the Government intends to appoint a lady or a returned soldier does not concern me very much. I do not know what lady the Government has in mind, but if it can satisfy the Committee that she has the necessary experience, I for one shall gladly vote for her inclusion on the Commission. What I am more interested in and concerned about is that the members of the Commission shall devote their whole time to this important subject. I shall defer my further remarks till the third reading.

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

Ayes	..	..	..	13
Noes	..	..	..	29

Majority against 16

#### AYES.

Mr. Fox  
Mr. Hawke  
Mr. Hegney  
Mr. May  
Mr. Nulsen  
Mr. Pantou  
Mr. Reynolds

Mr. Sleeman  
Mr. Styanis  
Mr. Tonkin  
Mr. Triat  
Mr. Wise  
Mr. Hoar

(Teller.)

#### NOES.

Mr. Abbott  
Mr. Ackland  
Mr. Bovell  
Mrs. Cardell-Oliver  
Mr. Cornell  
Mr. Doney  
Mr. Graham  
Mr. Grayden  
Mr. Hill  
Mr. Kelly  
Mr. Leahy  
Mr. Leslie  
Mr. Marshall  
Mr. McDonald  
Mr. McLarty

Mr. Murray  
Mr. Nalder  
Mr. Needham  
Mr. Nimmo  
Mr. Read  
Mr. Rodoreda  
Mr. Seward  
Mr. Shearn  
Mr. Smith  
Mr. Thorn  
Mr. Watts  
Mr. Wild  
Mr. Yates  
Mr. Brand

(Teller.)

#### PAIRS.

AYES.  
Mr. Johnson  
Mr. Coverley  
Mr. Collier

NOES.  
Mr. Hall  
Mr. Mann  
Mr. Keenan

Amendment on amendment thus negatived.

Amendment (to insert words) put and passed; the clause, as amended, agreed to.

Clause 5—Amendment of ss. 26 (1), 31 (2) (b), 40 (1) (b), 47 (2) and 49 (2) (b).

Mr. NEEDHAM: During the course of my remarks on the second reading I referred to the increase mentioned here. I think I

am in order in asking the Premier to give consideration to the suggestion I then made about having an inquiry into the exorbitant cost of building today. Will the Premier give consideration to my suggestion that if a Royal Commissioner is appointed to inquire into the charges made by the member for East Perth, the same Royal Commissioner shall, when that investigation is completed, be empowered to inquire into the exorbitant costs of building? If the Premier will not do that, will he inform Parliament later on the result of Mr. Wallwork's inquiry, about which we have heard nothing? I, and many others, think that the costs are too high. Some remedy might be found to decrease them so that good houses will be within the reach of people on low incomes.

The PREMIER: Personally I am anxious to have the charges brought by the member for East Perth cleared up.

The CHAIRMAN: I am afraid the Premier cannot deal with that on this clause.

The PREMIER: I am sorry I cannot reply to the member for Perth. It was stated on the second reading that a man would never own his home under the conditions laid down in the present Act.

Hon. A. H. PANTON: A man on the basic wage.

Hon. J. T. Tonkin: The nationalising of banking will fix that.

The Chief Secretary: They will not get a home at all!

The PREMIER: A man with an income of £500 a year is eligible to apply under the Act. Furthermore, he is allowed £25 extra for each child under sixteen and, in addition, there is child endowment. This particular class of man, who, after all, is not on a very large income, would have the opportunity to get a house to the value of £1,500 at a fairly reasonable rate. On the basis of  $4\frac{1}{4}$  per cent. he would pay £1 8s. 11d. per week over a period of 35 years. Let us allow another 5s. a week for rates, taxes and water.

Hon. J. T. Tonkin: What about maintenance?

The PREMIER: That would mean that the man on £500 a year would pay £1 16s. 8d. a week for 35 years. There is provision in the measure allowing him to pay a greater amount, if he wishes to do so, and

thereby lessen the time in which to complete the final purchase of the house. This amendment will enable a considerable number of people to own their home.

Hon. A. H. PANTON: Whilst I appreciate the difficulty of the Premier and the Government in trying to build cheaper houses, I would say definitely that the greatest worry I see about the housing scheme is that it is not for people on the basic wage at all. The Premier talked glibly about £500 a year. There are thousands of men working in Western Australia a long way short of £500 a year. These men want a home.

The Premier: They are provided with a rental home, and assisted with the rent, too.

Hon. A. H. PANTON: The Premier jumps from a man owning his home to one renting a home. I agree that every man should have the opportunity to own his home. I started out in 1914 with a worker's home, but it did not cost £1,250. It cost £505, but it could not be built today for £1,250.

The Premier: The maximum is £1,500.

Hon. A. H. PANTON: No man on the basic wage can afford to pay £1 11s. 6d., plus rates and taxes, to say nothing of maintenance—and there is a considerable amount of maintenance on a home, particularly where there are children. It is just as well for the workers to understand that it will be better for them to get into a house for which they will pay rent. I admit that by owning a home they have some equity in it and do not have the landlord raising the rent if they improve the garden. There are hundreds of men in this State who are not likely to get much more than the basic wage. It is impossible for such a man to pay £2 a week off his home and keep a wife and family on the remaining £3. We should not lead people to believe that they are going to get a home under these conditions.

If we are going to build homes costing up to £1,500 for men drawing salaries of £500 a year, then let us say so. But do not lead the basic wage workers astray. There are hundreds of young couples today approaching members of Parliament in order to see what can be done. Such people come to my place day after day. They will pay anything, no matter what salary they

receive, to get a home. They are not very concerned as to whether they will pay it off in 35 years or not. Whatever Government is in power in the next ten years will have a tremendous number of homes on its hands, or available for letting purposes. We had that experience from 1913-1914 on, when there was a much lower rental, and, of course, a much lower basic wage. The more I hear of the £1,250 to £1,500 proposition the more I am satisfied that the housing scheme will be one for people who are a long way above the basic wage. It will not be a workers' homes scheme.

Hon. F. J. S. WISE: I wonder whether the Premier has any information as to what is envisaged in the plans for the £1,500 homes. Are they to be 3-bedroom homes or are they to be planned similar to those that, three or four years ago, were costing £1,100? Is there to be any improvement in the plans, or any alteration compared with what constituted the general run of homes erected by the Workers' Homes Board? If the plans for which the £1,500 provision is now being made are the same plans, he should enlighten the Committee.

The PREMIER: The reason for the increase in the cost is the general all-round increase in costs. I am unable to tell the Committee at this stage what class of house will be built for £1,500 or a lesser amount. The Housing Commission has issued a book of plans to assist people to choose a home, and it also gives them an idea of what the cost will be. The reason for increasing the amount to £1,500 from £1,250 is to keep up with the increase in costs generally.

Hon. J. T. Tonkin: I thought you were going to reduce costs.

The PREMIER: I cannot do that without the full co-operation of the hon. member, nor can I do anything about the basic wage increase, the increase in shipping costs, shorter hours, etc.

Mr. May: The Commission is not building houses at present.

The PREMIER: Not for sale, but it proposes to do so. We believe this amendment to the Act will allow a large number of persons to obtain houses that can be bought. Many persons would rather pay a

little more under those conditions than they would for a rental home.

Mr. May: Will the purchasing apply to Commonwealth-State houses?

The PREMIER: Provision is made that when the Commonwealth-State houses are offered for sale, their value will be fixed.

Hon. F. J. S. Wise: The cost will be assessed on the value.

The PREMIER: Yes, and depreciation will be allowed for. This amendment provides for houses that the Commission proposes to build.

Mr. FOX: I think this will apply only to the favoured few. People who can afford a £1,500 house should finance themselves. The object of the Workers' Homes Board was to provide homes for working people, those on the basic wage or a little above it. No man on the basic wage could afford to own a home costing between £1,250 and £1,500. The Premier said the rent would be about 31s. 6d. a week. Those most in need of homes are people who are not in constant employment. We should do all we can to cater for them. Most workers lose their pay when they fall ill, and yet they would have to go on finding 31s. 6d. a week.

The Premier: The people the hon. member is speaking of are protected under the Commonwealth-State rental housing scheme.

Mr. FOX: I would prefer to see the Housing Commission build more houses for rental. That is a fair proposition. If the Premier wants working people to obtain cheap homes, will he ask the Commonwealth Government to provide the money at the cost of administration?

The Premier: The Premier of Tasmania brought a similar request before the Premiers' Conference, but it was refused by the Prime Minister.

Mr. FOX: Would the Premier be prepared to provide money for housing at the cost of administration?

The Premier: I would take all the cheap money the Commonwealth Government will give.

Mr. FOX: I am not very much in favour of this amount being raised. The people I represent would have no chance of getting a home under such conditions.

Mr. MAY: I should like an assurance from the Premier that the £1,500 would not be the cost of the standard houses that are to be built. It is understood that the Housing Commission has already drawn up plans and specifications for the type of house to be built. Is the price to be £1,500?

Hon. F. J. S. Wise: That is the maximum.

The Premier: The maximum amount is £1,500.

Mr. MAY: Are all the plans and specifications that have been drawn up based on that standard, or is there to be a lower standard for the worker?

The Minister for Education: The cheapest brick house would cost about £1,100 and a weather-board house about £900.

The Premier: There is nothing to prevent people from applying for a cheaper house.

Mr. MAY: That is the assurance I wanted. The £1,500 proposition will not become the standard price of houses.

The Premier: No.

Mr. TRIAT: With regard to a number of wooden houses to be erected in the Fremantle district, some tenders were received by the Housing Commission five or six months ago, but it refused to accept any of them. The cost of such homes was about equivalent to the price of a brick house. The raising of the amount to £1,500 will I fear, induce builders also to increase their prices, unless the Housing Commission can control the matter by constructing houses by day labour and stopping competition.

The PREMIER: The building costs for which we are now providing have been advancing progressively over a considerable period.

Hon. F. J. S. Wise: It is part of the "housing muddle."

The PREMIER: The Commission will not permit contractors to say, "Here is a house that will cost £1,600", when it considers that £1,500 is the most it is worth. It will carefully watch all prices.

Hon. F. J. S. Wise: The Architectural Department makes estimates for the Housing Commission.

The PREMIER: Yes. We have practical men on the Commission as well. The

hon. member need not fear that prices will get away in the manner suggested by him.

Mr. SMITH: When the Workers' Homes Board was in operation, applicants were in a position to exceed the amount laid down for a home by supplying the extra money themselves. When the cost was fixed at £850, there was nothing to prevent an applicant from building a £1,000 home if he provided the additional funds. The price is now to be raised to £1,500. Is the principle which applied in the case of the Workers' Homes Board to apply in the case of the Housing Commission? The fixing of a maximum of £1,500 does not seem to be in accordance with the provisions of the State Housing Act. Is it intended that that sum shall be the maximum in all circumstances? I do not approve of the £1,500 and will vote against that provision. The sum of £1,250 is quite sufficient for a worker's home as the maximum. The higher figure is likely to prove an incentive to send up building costs, whereas we should do all we can to bring them down. Those interested in the building industry should apply themselves to the problem of building houses in which people can live in comfort at less than they are costing today.

The PREMIER: The Act says—

Provided that the cost of erection or conversion, including sewerage connections, shall not in the case of any dwellinghouse, exceed the sum of £1,250.

We are now proposing to increase that amount to £1,500 as the maximum. We cannot get away from the Act.

Mr. Smith: What about the applicant who wishes to provide extra money to obtain a better home?

The PREMIER: The difficulty there is material. People are not encouraged to go beyond a certain price for a home. In actual fact, material is playing a more important part than is the actual cost. I think we had better adhere to the position as laid down in the Bill.

Mr. STYANTS: While I agree with much that has been said from this side of the Chamber, I appreciate the necessity, through circumstances beyond our control, for raising the amount to £1,500. A man on the basic wage would not be able to pay for a home of that value, but quite a number of men who would come under the defi-

nition of "worker" and who earn a livelihood by the sweat of their brow would be able to get a home over a period of 35 years for less than they would have to pay if renting a home. If speculators become able to build comparable homes, they would be let, not for 31s. 6d. but in the vicinity of 45s. or 50s. a week, and the occupier moreover would have no security of tenure.

The basic wage for the metropolitan area is £5 9s. 6d., but only a very small proportion of workers draw the actual basic wage. Building tradesmen receive nearer to £8 a week, and it is for the sake of such people that I intend to support the increase to £1,500. Many men receiving margins of 10s. or 15s. a week over the basic wage have children who are earning and the joint income, with certain economies, would enable the family to pay for one of these homes.

A home under this scheme need not necessarily cost £1,500. On the Goldfields, comfortable homes of reasonable size are being built on the purchase system for about £960. Before the war, comparable houses were built on the Goldfields under the Workers' Homes Scheme for £495. If an exhaustive inquiry were made into building costs, I believe they could be reduced. It has been said that the sanctioning of the higher amount might be an incentive to builders to increase their charges, but I consider that the Housing Commission is quite competent to ensure that no unnecessary charges are levied.

The Premier: An inquiry has just been completed by the Commonwealth into the costs in every State.

Mr. STYANTS: The Commission has competent officers to assess genuine increases in cost, and contracts would not be let for homes at a rate higher than was considered reasonable. The Premier said that the shorter working week led to an increase in costs. The shorter hours will not operate until January next, but I am afraid that, when they do, there will be an increase in the cost of homes as well as of many other requirements. Will the Premier inform me whether the amount of £1,500 is to include the cost of the land also? I regret the need for increasing the amount to £1,500, but I believe many workers will avail themselves of the oppor-

tunity to get a home and will then be living under better conditions than they would be if they were paying rent to a landlord.

Mr. YATES: I am opposed to any increase in the cost of house-building if it can be avoided. An ex-Serviceman recently received approval to build a home, and there was a difference of £320 between the lowest and highest tenderers. If such a margin can occur when materials have to be bought at the same price by every builder, I am afraid the raising of the amount to £1,500 would lead to builders tendering at a higher figure. Not many members of Parliament on the present salary and with their heavy commitments can afford to live in a luxurious home. If a member had to pay 30s. or 40s. a week, it would be a drain on his income, and I can understand what a drain it would be on the pay of the lower wage earner, who is the man I am most concerned about. Before long many more men will be on that lower rate. As conditions become settled, many jobs such as roadmaking and works construction will be done by men on the basic wage, for which type of work there are few margins, and these are the men we have to protect. To increase the amount to £1,500 will make it more difficult in the years to come for such men to own their homes unless they win the Charities Sweep or make a rise in the world.

The Premier: The amount of £1,500 would be the maximum.

Mr. YATES: But there would be an incentive to builders to increase their charges.

Hon. F. J. S. Wise: It would become the standard.

Mr. YATES: I am certain of that.

The Minister for Education: Has £1,250 become the standard for all homes?

Hon. F. J. S. Wise: Close to it.

Mr. YATES: Certainly not far from it.

Hon. F. J. S. Wise: For homes of wood and asbestos.

Mr. YATES: Most people affected by the housing problem are of the poorer class. I know that definitely from the number who call upon me about their housing difficulties. Many of them cannot pay much rent and they are forced to live under bad conditions. It is hard to envisage a man having 35 years of employment in order to pay for one of these homes.

Mr. MARSHALL: Every requisite in order that people may exist has increased in cost, and side by side is the ghastly fact that there has been a depreciation in quality. This applies to the cost of a home, a suit of clothes or a pair of shoes.

Mr. Yates: How can the worker pay rent with all those increased charges for goods?

Mr. MARSHALL: I agree with those who believe that an increase of the amount to £1,500 may be an incentive to contractors to raise their prices for home building. I do not know whether the Premier is able closely to supervise the administration of the Housing Commission, but I suggest there is need for the exercise of the greatest care by his architects and others to ensure that tenders are not greatly in excess of what they should be.

The Attorney General: That is what they are there for.

Mr. Triat: They do not carry it out.

Mr. MARSHALL: Strict supervision would be a safeguard. If £1,500 is made the maximum, it does not imply that a home of lesser value may not be built. The choice in that direction will rest with the applicant.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. MARSHALL: Before tea I was endeavouring to point out that in my judgment the maximum of £1,500 does not in itself prevent an applicant for a home from having some degree of choice and thus having erected for him a home of lower value. If I thought the amendment would be instrumental in enhancing the profits of contractors, I would be prepared to take up the attitude of the member for Brown Hill-Ivanhoe and refuse to support it. It behoves the Premier to see that his architects and other experts in the Housing Commission so calculate their estimates as to make it utterly impossible for contractors to exploit the Commission and, in consequence, the successful applicant for a home.

Already we notice all over the Commonwealth a bold endeavour on the part of all Governments to maintain within reasonable limits the cost of constructing homes and we have gone to extreme measures to keep the price of such buildings within reasonable range of the pockets of those we hope to supply with homes. In fact, I take strong exception to the extent to which we have gone in that direction. We find that a 9ft.

6in. wall is considered quite sufficient. In this climate it is definitely not! We observe, too, that homes constructed by the Commission have little or no verandah, another most objectionable feature in a warm climate such as ours. The lack of verandah space on the homes being built in the vicinity of the Claremont Show Grounds is deplorable. If one went to the hill immediately adjacent to those homes and looked down upon them, one would imagine one was looking on a team of jockeys riding horses, with the peaks of their caps protruding. That is all the shelter which the people have from the heat of the sun.

Hon. F. J. S. Wise: There is a verandah on the back.

Mr. MARSHALL: That may be so. I did not have an opportunity to look at the back. We find, too, that the area of each room has been materially reduced in order to save costs. It is high time we had a look at the cause of the rapid increase in the cost of homes. I agree with the Premier that, having regard to the rapid increase in cost, it is wise and essential to support the amendment, because should it happen that there was a rapid increase in the cost of home building, the Commission's activities would be more or less stultified as it would reach the point in the near future when it would be able to construct only the most inferior type of dwelling. Confronted with those facts one feels that one has no alternative but to support the proposal.

There is a factor involved in the cost of building that has never been mentioned, yet I think it is mainly responsible for the high and ever-increasing cost of almost everything we use. Only recently I was reading a paper from America where some statistician went into the ramifications of the multiplicity of taxes on many of our everyday commodities. He was quite satisfied that even in the production of what we know as a hot-dog roll there were no fewer than 72 taxes involved, and in a loaf of bread 52 taxes. If he is anywhere near accurate, the multiplicity of taxes involved in the building of homes must be astonishing in the extreme, for I do not think there is much difference between taxing methods in America and in other parts of the world.

The CHAIRMAN: I do not think the hon. member is entitled to go into costs on this clause.

Mr. MARSHALL: I do not propose to do so other than to draw comparisons in order to show where the actual material increased cost in home construction lies. I think I am safe in saying that our homes could be reduced in cost at least from 30 to 40 per cent. if it were not for the number of taxes involved. I protest against the provision of inferior types of homes and of inferior classes of all sorts of commodities generally to the people.

The PREMIER: In reply to the member for Kalgoorlie, who asked me if the price of land would be included in the amount of £1,500, I point out that there is a provision in the Act which says that the land on which a dwelling is erected shall, after appraisalment, be let to the applicant under a perpetual lease subject to reappraisalment every 20 years, such reappraisalment being based on the capital value less the value of the dwelling-house. So I do not think the hon. member need be concerned about the cost of the land.

Hon. J. B. SLEEMAN: I have found out the reason for the increase in the price of buildings. I thought there was a nigger in the woodpile. The anti-Labour parties are made up almost exclusively of people whose incomes are derived from investments.

The CHAIRMAN: The hon. member is not justified in discussing that under the clause.

Hon. J. B. SLEEMAN: I am trying to show the reasons for the increased cost of housing.

The CHAIRMAN: There is nothing about reasons in the clause, which only proposes to increase the amount from £1,250 to £1,500.

Hon. J. B. SLEEMAN: This circular sets out why the amount is going to be raised. It states definitely the reason for the increases in the cost of buildings in this State. The reason is that the anti-Labour parties are made up exclusively of people whose incomes are derived from investments. Anti-Labour parties are principally concerned with organising industry so as to guarantee dividends to the people who invest capital in industry. So the Government is very concerned about the master builders making their big profits, the master builders who are supporters of the National-Country

and Democratic League people. The member for Beverley looks very interested. I would like to hear his views, seeing that this pamphlet has been distributed for the use of himself and the members of his Party. It is marked "confidential" and has been circulated by the Government Parties for the use of their members. What I have just said appears in the circular, copies of which have apparently been put on the benches of Labour members by mistake. There is one of the reasons for increased costs: members opposite do not want to see their big capitalistic friends, the master builders, suffer in their pockets.

The CHAIRMAN: The hon. member is getting away from the clause. He must get back to it or resume his seat.

Hon. J. B. SLEEMAN: I am right on the clause.

The CHAIRMAN: I rule that the hon. member is not.

Hon. J. B. SLEEMAN: We are discussing the increase in the cost of building and I claim the right to discuss that increase and to assert that what I have said is one of the reasons for the increase. I want the Committee to bear with me when I say that, and agree.

Mr. Mann: You are not the Chairman!

Hon. J. B. SLEEMAN: We are looking for reasons for increased costs, and in distributing this circular the Government is trying to advertise one of the reasons.

Hon. A. H. Panton: What is that circular?

Hon. J. B. SLEEMAN: It is marked private and confidential and it was put around by the Government Parties for the use of their members.

Mr. GRAYDEN: I had not intended to say anything about this amendment. However, there has been considerable opposition to it. I know from experience in Middle Swan that the cost of four-roomed brick homes is in the vicinity of £1,250 and five-roomed houses cost £1,500. Therefore the issue is clear. If we do not agree to raise the amount to £1,500, we shall simply deny large families the right to share in the benefits of this scheme. A house capable of containing a large family costs that amount and I consider that people with large families deserve our fullest considera-

tion. If we are going to be adamant and declare that £1,250 is sufficient we shall deprive these people of the right to obtain homes and condemn them to build in weatherboard and asbestos. The stage has been reached in this State—

Mr. Fox: Why should they not build weatherboard houses?

Mr. GRAYDEN—where a weatherboard home costs almost as much as a brick home. I have a file here of 40 applications for homes in Middle Swan and not one of those applicants wants to build in weatherboard and asbestos. They want to build in brick, because the price is practically the same, and the brick home is the better article. If we will not permit people with large families to go into brick homes we are condemning them to live in localities in which they may not want to live. I have no objection to the raising of the maximum to £1,500. The member for BrownHill-Ivanhoe pointed out that it is possible to go to the Housing Commission, when the limit is £1,250, and have it raised by £100 or £200. If that is so, the measure will simply put the whole matter on a more satisfactory basis. It is obvious that if a house could be built for £1,250 in the past, the rise in costs which must occur when the 40-hour week is introduced in this State will raise the cost to the vicinity of £1,500. I therefore support the amendment.

Hon. J. B. SLEEMAN: The member for Middle Swan need not shed crocodile tears over people who want brick homes having to live in asbestos homes. I know of a mother of nine children living in a hut at Gun Park in the Fremantle area, and she has received no consideration.

Mr. Grayden: Whose fault is that?

Hon. J. B. SLEEMAN: I can remember when the Government, now on this side of the House, said that that was the sort of woman Western Australia should encourage, but what encouragement is she getting? Such people cannot get even wood and asbestos homes at present.

Mr. TRIAT: I said, earlier, that I thought the builders' costs were excessive. During the tea adjournment I availed myself of information that can be obtained from a member of this House. The facts are these, that a good type of house built of weatherboard, wood and cement bricks, was built

recently by day labour. The tradesmen such as stonemasons, carpenters and others on the job were paid 35s. per week above the margins allowed, which would give an excessive cost for skilled tradesmen. When the work was completed members of the Workers' Homes Board were invited to inspect it and put a valuation on it. They made a thorough inspection and eventually decided that the house was worth £1,050. Figures produced for their information proved that the house did not cost £850. It is therefore evident that if a builder tenders for a house at £1,050, when it can be built on day labour, paying 35s. per week above the normal margins set for tradesmen at a price £200 below the tender, there is something wrong.

Mr. Grayden: Are you suggesting that the Workers' Homes men do not work?

Mr. TRIAT: I am suggesting that the building contractor tenders at an excessive price, and I am speaking of a job done on day labour.

Mr. Grayden: What about those that are not tendered for?

Mr. TRIAT: Any member can get the actual figures and the details tonight, if he so desires. I draw attention to this case because I am of the opinion that houses can be built more cheaply than is the case at present. I do not object to a man paying £2,000 for a house if he can afford it but, as the member for Canning said, no working man can pay that amount of money. After 35 years he would still have a heavy burden round his neck.

Mr. FOX: I also think the member for Middle Swan is shedding crocodile tears when he speaks of workers being compelled to live in weatherboard houses. I doubt if he has ever seen an asbestos cottage with a tiled roof, but I have been in hundreds of them and think they are every bit as good as a brick home. The only difference is that the upkeep costs a little more. At Hilton Park there is a large number of very nice weatherboard and asbestos homes. If the Government could build a lot more of them there would be no difficulty in obtaining tenants. If they were built in Middle Swan I am sure there would be hundreds of applicants for them. My complaint is that some road boards will not allow the construction of wooden and asbestos homes in their areas. I would rather

live in such a home than place a millstone round my neck for the rest of my life.

Mr. Grayden: They cost nearly as much as brick houses to build.

Mr. FOX: The member for Middle Swan is speaking for those who have plenty of money to invest. They wish to invest only in bricks and mortar. That was a better investment before the Labour Party came into office in the Commonwealth Parliament.

The CHAIRMAN: The hon. member is getting away from the clause.

Mr. FOX: The cost of homes is right on the clause.

The CHAIRMAN: I point out to the hon. member and to the Committee that this clause deals only with an alteration of the maximum price of homes from £1,250 to £1,500.

Mr. FOX: A decent weatherboard home can be built for £1,250 or less, and by raising the maximum to £1,500 we will only encourage the erection of brick homes, which is just what the moneyed people want. That is why the member for Middle Swan advocates the erection of brick homes.

Progress reported. -

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

*Council's Message.*

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

#### **BILL—RURAL RELIEF FUND ACT AMENDMENT.**

Returned from the Council without amendment.

Mr. MARSHALL: Is there no signature attached to the messages you have read, Mr. Speaker?

Mr. SPEAKER: Both of them are signed by the President, Hon. Harold Seddon.

#### **BILL—LOTTERIES (CONTROL) ACT AMENDMENT (CONTINUANCE).**

*Second Reading.*

Debate resumed from the 18th September.

HON. F. J. S. WISE (Gascoyne) [7.55]: This is a Bill to continue the duration of the Lotteries (Control) Act for three years. The first occasion when an attempt was made in this House to have the Act applied for three years was many years ago. In 1944 a Bill was introduced by the then Minister for the North-West to exclude entirely from the parent Act any provision for a date to which the Act should be continued, so that it would be accepted by Parliament that the Act was here to stay. Although I think it is freely acknowledged by the vast majority of people in the community that there is no likelihood of the lotteries Act being annulled or repealed, there appears to be a tenderness, particularly in the Legislative Council, when it comes to agreeing that the Act should be a permanent measure on the statute-book.

An interesting debate developed in 1944 on the question of whether the Act should be continued for one year, as had formerly been done, or whether it should be permanent. Although that Bill passed this Chamber, it was defeated in another place and because of the confined position of members, under the Standing Orders, when the Bill was defeated, because it could not be amended as desired, it was necessary for a fresh Bill to be introduced that session to allow a three-year term which now applies in the Act. When the Labour Party was on the other side of the House it made many attempts to lengthen the term of the lotteries Act to more than one year. I do not think it is something that should be treated in a narrow or insular way, but should be accepted as the will of the majority of the people.

I asked the Chief Secretary by interjection, the other evening, whether he would give consideration to a principle, brought before the House in other amending Bills, to continue the life of the Commission to the extent of the duration of the Act. That would mean that although the Act itself provides—I think in Section 12—for the Commission to be appointed annually, if it be necessary to have security for the future on the financial side, to arrange contracts and the like as explained by the Chief Secretary, it is necessary that the Commission should have a contract continuing at least for the duration of the Act. The answer the Chief Secretary gave was that this was a matter of policy and that

he would have to think about it. I hope the hon. gentleman in his reply will tell us that he has thought about it, and that later in the session an amending Bill will be introduced to make the life of the Commission at least the duration of the Act.

I could draw the attention of the House to very many statements that have been made in this Chamber on similar legislation. I recall clearly the speech of the Honorary Minister, particularly on the Bill of 1944, which was defeated, and also the speech of the Minister for Works, both of whom strongly attacked the principle that this should be an Act without a limited period. Members will find that on all occasions when this legislation has been before the Chamber, the Honorary Minister has said that, while she remained in the House, she would vote against it. We know that the hon. lady will not vote against it on this occasion.

The Honorary Minister: How do you know?

Hon. F. J. S. WISE: It would be very interesting to test the position, but we know she will not. So I say that, on an occasion like this, we should be quite honest about the matter and admit that the measure is necessary in order that the community may have control of this aspect of gambling. Unless it is done in this way, the alternative is to revert to the evils associated with the indiscriminate forms of lotteries, which were unlicensed and uncontrolled, before the passing of the parent Act. I believe that no citizen, no matter how his views might be influenced by religious or ethical ideas, would desire that those conditions should be reverted to.

It is not necessary for us to argue that a very small percentage of the takings of the Commission are ultimately distributed to charities. If a larger portion were made available for distribution, there would not be the public patronage of the lotteries, because the prizes would not be as large or as numerous. So I find myself not at all desirous of indulging in any carping criticism on statements of the past, but I say, as I said on the introduction of similar measures for two or three years when on the Government side of the House, that I support the Bill. At the same time I should like to see it made a permanent measure and should also like to see provision made

for a longer term of office for the Commission itself.

MR. MARSHALL (Murchison) [8.3]: I am particularly easy about this piece of legislation. I am not one of those who consider that, to make an investment in a lottery is in itself immoral, because we have examples the world over of lotteries having been conducted for many years, and I say that the people of those countries are no more immoral than are the people in this country. I support this legislation because of the state of affairs that prevailed before the introduction of the parent measure, as referred to by the Leader of the Opposition. True, on one or two occasions, I opposed the measure, because I felt that to pass it would be relieving the people of a responsibility that was properly theirs. I felt that it was essentially a financial liability of the Treasurer, not that in itself it was immoral. I was of opinion that those in authority were not shouldering the responsibility that was rightly theirs.

An argument advanced by the Chief Secretary was that this legislation should be extended for three years in order that the Commission might adopt a long term programme, which was most essential. If there is any logic in that argument, why limit the duration of the measure to three years? Those whose attitude is towards limiting the life of such legislation constantly oppose—and probably some of them do at this moment—any proposal to make the statute permanent. Those who give any thought to such an attitude might reasonably imply that it is beyond the prerogative of Parliament to repeal the Act at any time. Such is not the case. To my knowledge, there is no statute that is immune to repeal. So why do we have a measure of this sort constantly being submitted to the House if there is any logic in the Minister's statement?

The Commission would like some security of tenure in order to be able to adopt a permanent programme, but as the life of the Act is so short, they are denied the opportunity. I subscribe to the utterance of the Leader of the Opposition regarding the Commission itself. Its members cannot be expected to give of their best under existing conditions. The original measure was introduced in 1932, approximately 15 years ago, and remained an annual Act until 1944, when

the duration was extended for three years. Thus gradually but surely we are getting indications that those who were previously opposed to such legislation are at last seeing the light. Either the Act should be made permanent or should be removed from the statute-book. I should like to know what the Honorary Minister is going to do about this Bill. In no uncertain language and with no lack of persistency, she invariably entered strong protests against the continuance of the Act. She even spoke of this Chamber as being immoral, because a majority of the members sanctioned the passage of lotteries legislation.

The Honorary Minister: Unmoral.

Mr. MARSHALL: Well, unmoral; it is a difference without a distinction.

Hon. J. B. Sleeman: Amoral, too.

Mr. MARSHALL: I should like to know whether the Honorary Minister intends to sacrifice all her righteousness in order to remain a member of a Cabinet that introduced legislation which she regards as being unmoral.

Hon. F. J. S. Wise: "Immoral" was the word used.

Mr. MARSHALL: I am prepared to divide the House on this question in order to ascertain exactly where the Honorary Minister will stand. This is the third or fourth occasion on which we find the Government, or individual members of the Government, endeavouring quietly to swallow something which they threw at previous Governments. I might remind the Honorary Minister what she said on one or two occasions in respect of this legislation. In "Hansard," 1936, page 1974, I find that the Honorary Minister said—

I consider that lotteries are not in the best interests of the State, and particularly of the youth of the State. During my election campaign I denounced the Government for endeavouring to finance hospitals and other charitable institutions by means of games of chance. I believe that other candidates were equally vehement in their disapproval of this means of raising funds for financing charitable institutions. I feel that those members now have a chance by their votes to show what their election speeches were worth.

The Honorary Minister now proposes to vote for the Bill. How is the Honorary Minister going to reconcile her action with what she said in 1936?

The Minister for Lands: That is a secret.

Mr. MARSHALL: We will put it to the test. Let me quote from "Hansard," 1942-43, page 1787. The Honorary Minister had this to say—

I cannot let the opportunity pass without recording my protest against the continuance of the Act.

Hon. J. B. Sleeman: Quote "Hansard" of 1937.

Mr. Leslie: Do not encourage the member for Murchison.

Mr. MARSHALL: The Honorary Minister continues—

I feel that the Lotteries Commission has been very fair in distributing the funds. Nevertheless I am of opinion that all the activities to which funds are distributed should be supported by the State. If there is one thing likely to induce people to vote in favour of the Federal issue, it will be the fact of our passing certain Bills such as the one before us. Many people are disgusted at the knowledge that our charities are dependent almost entirely upon the proceeds of lotteries.

The Honorary Minister never failed to condemn this legislation and to do so in no uncertain language. In 1944—

Mr. Leslie: You have not read 1937 yet.

Mr. SPEAKER: Order!

Hon. A. H. Panton: The hon. member is not allowed to go back.

Mr. MARSHALL: I do not require the assistance of the member for Mt. Marshall. In "Hansard," 1944, page 1695, we find the Honorary Minister said—

If it is non-moral, then we do not know the difference between right and wrong . . . To legislate for something that is immoral is wrong. Therefore I wholeheartedly oppose the Bill.

At page 1696 the Honorary Minister had this to say—

I believe the Bill will pass this Chamber, because the Government has the numbers; but I do not think it will pass another place, and I shall do all I can to see it does not pass here. I am wholeheartedly against the Bill, and I hope members will not allow an absolutely immoral measure to be re-enacted.

What is the Honorary Minister going to do about this immoral legislation? Will she do all in her power to oppose the passage of the Bill? As the Opposition received neither courtesy nor respect while on the Ministerial Bench from the Honorary Minister, I feel we should now force her to disclose to the people of the State what her attitude is, she being

a member of the Government. I am of the opinion that this legislation should be made permanent, or alternatively, that we should remove it from the statute-book altogether. I can see no justification for Parliament constantly considering this legislation, because, if it were permanent, it would be within the province of the Government, and even of a private member, to move for its repeal. That safeguard is ever with us. There is no necessity for the time of the House to be taken up constantly in discussing this particular legislation. I repeat to the Minister that if there is any logic or soundness in the argument that it is necessary to continue the legislation for three years, it is equally logical to argue that it should be made permanent, and thus give the Commission every opportunity to frame a programme to which it can adhere to the satisfaction of all concerned.

**THE CHIEF SECRETARY** (Hon. A. V. R. Abbott—North Perth—in reply) [8.17]: I regard the Lotteries Act as a class of legislation which, under British jurisdiction, has always been viewed with some suspicion. I suggest that no-one can approve of taking £500,000 out of the pockets of the people for public works irrespective of their means to pay, and that is what this legislation does. We have provided very large sums of money for permanent buildings, which in my opinion should have been paid for out of the ordinary revenue of the State. However, whatever system has been adopted in the past, I suggest this is the sort of legislation over which we should keep some control. As a matter of fact, members are aware that Great Britain has never passed, except annually, the Act which permits the Navy.

Mr. Marshall: What is the virtue in that?

The CHIEF SECRETARY: Great Britain has never passed the Act which permits the standing army for more than one year. Why not make those Acts permanent? Because the people of Great Britain are of the opinion that the Navy and the standing army should be kept under the strictest control. That is the reason why this Bill is of a temporary nature. So far as I am concerned, I do not care whether the Honorary Minister walks out or votes for the Bill. The Bill is in the hands of the House. It is not a party measure. If

she decides to vote against the Bill she is perfectly entitled to do so. As to the question whether it would be wise to appoint the Commission for a period longer than one year, I look upon the Commission as being in a position similar to that of senior managers in an executive position in civil life. Very few people demand a longer period of notice of termination of their employment than one year. The usual notice given to an executive is six months, and I do not see any reason why the Government should be compelled to give longer notice than would be provided in civil life. A year's engagement is quite a reasonable and fair appointment and I do not propose that any longer period should be provided.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Hill in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 21 of the principal Act:

Hon. J. B. SLEEMAN: If it is necessary to increase the period until 1950, why not till 1955? It is only a matter of degree. If the Honorary Minister thinks it is immoral she should not agree to extend the period to three years. The Minister says he does not approve of legislation like this; yet he approves of the extension for three years. If it is good enough to extend the period for three years, I maintain it is good enough to make it five, seven or ten years. I move an amendment—

That in line 3 the word "fifty" be struck out with a view to inserting other words.

Hon. F. J. S. WISE: I hope the Minister will accept the amendment.

The Minister for Lands: Why did you not attempt it yourself?

Hon. F. J. S. WISE: We did, as the Minister should know. That is a foolish interjection! We attempted to make it permanent and the Minister supported that.

The Minister for Lands: Did I?

Hon. F. J. S. WISE: Yes, in 1944.

The Minister for Lands: I do not remember it.

Hon. F. J. S. WISE: It is there in "Hansard". In introducing the Bill the Chief Secretary strongly stressed the point that with a term longer than 12 months the Commission would find itself able to undertake the support of certain charitable institutions and undertake certain commitments over a longer period.

The Chief Secretary: A reasonable period, I think I said.

Hon. F. J. S. WISE: I agree entirely with that suggestion. Such an extension of time provides the Lotteries Commission with an opportunity to arrange finance to meet its commitments and assist organisations which are private and those which have some Government association. As for the hon. member stating that this is not a party Bill, history certainly would have been created if I had agreed to a suggestion made to me and forced a division on this measure, because it would have gone down in history that a measure introduced by the Government was opposed by a member of the Government. That has never happened in this State. I am glad it did not happen, because the Honorary Minister was able to raise her voice and yet no vote was recorded. I hope the Chief Secretary will give full consideration to the argument he himself so strongly stressed, that it is necessary for this measure to have an extended term to enable the Commission to arrange its future commitments and to assist even Government institutions.

The CHIEF SECRETARY: I cannot support the amendment. I feel that this is an Act over which the strictest supervision should be maintained.

Mr. Rodoreda: Why do you not make it 12 months, if that is the case?

The CHIEF SECRETARY: Let the hon. member move an amendment along those lines and see what happens!

Mr. Rodoreda: I am not in charge of the Bill; it is your work not mine.

The CHIEF SECRETARY: All right!

Hon. A. H. Pantor: Keep your tempers.

The CHIEF SECRETARY: The commitments that were sanctioned by a previous Government are very onerous and I consequently do not feel it would be reasonable to make the period any shorter than three years. The Commission was permitted by the Minister in charge on the previous occa-

sion to accept very serious commitments in connection with the building of hospitals in this State. I have recognised that and the measure has been renewed for what the Government and I consider a reasonable period in the circumstances.

Hon. A. R. G. Hawke: All the Government?

Mr. GRAHAM: There have been suggestions that the time of Parliament is wasted by unnecessary talk. As members know, the notice paper is cluttered up and only this afternoon the Premier had to take certain steps so that we could deal expeditiously with the business before us. If there is any sincerity in the allegations that we need to save time in our deliberations here, we have an opportunity to give effect to that idea now. The position is that except for one or two faddists in this Chamber and in the Legislative Council as well, there has never been any question raised by anyone with regard to the advisability of the continuation of the Lotteries Commission. That we should be afraid, like so many children to give by law permanent existence to an institution which has become, so far as we can see, a permanent one, is beyond me entirely. Only last year we agreed that the Lotteries Commission should have power to acquire its own premises. Does that suggest there is anything temporary about the Commission? It has entered into long-term commitments in regard to charities. It has a large staff engaged on the work of administering thousands of pounds to help deserving cases. No-one would seriously say that there is need to terminate its activities.

This is the 14th time the Bill has been before the Chamber, yet the Chief Secretary is prepared to see that we shall again indulge in this farce in three years' time. If there were no longer any need for the continuation of the Lotteries Commission, the Government, irrespective of its political colour, could introduce legislation for the repeal of the Lotteries (Control) Act, and we would have an opportunity to express ourselves forcibly. I believe the Lotteries Commission could be established on a permanent basis because of the extent of its work, the enormous amount of money it handles, and the large permanent staff employed. I repeat that the Act should be extended for a permanent period. I suggest there should not be a term less than ten years. I support

the motion to delete the ridiculous portion extending the time for three years.

**The MINISTER FOR LANDS:** I believe in being consistent. I have always opposed this measure being placed permanently on the statute-book. If we make the Act permanent it can become a vicious and political piece of legislation.

**Mr. Graham:** So can every Act of Parliament, on that basis.

**The MINISTER FOR LANDS:** You have had your say.

**Mr. Graham:** I can come again, though.

**The MINISTER FOR LANDS:** If members want to keep complete control of this legislation, they should re-enact it from time to time. That is something I would not alter. It is the whole object of the measure, particularly as it is one to control gambling. I would not make it permanent but would retain the protection whereby from time to time we would have the privilege of being able to get up and support its re-enactment, or vote against it. The Lotteries Commission is doing an excellent job and I am saying nothing against it, but if we want to get the best out of any body we will do so by making it subject to re-appointment.

**Hon. A. H. Panton:** That does not apply to the Public Service.

**The MINISTER FOR LANDS:** That is no analogy; it is a red herring. We will get better service from this Commission if its members come up for appointment from time to time instead of being placed in a permanent position without the likelihood of being emptied out.

**Mr. Bovell:** Like members of Parliament.

**The MINISTER FOR LANDS:** Yes. We have to face the people from time to time, and why should not members of the Lotteries Commission face this Chamber? I have always fought for that principle. I hope members will not be led astray by some of the arguments put forward.

**Mr. Graham:** At least they are arguments.

**The MINISTER FOR LANDS:** Yes, but that of the hon. member was not too good. I would like to read what I said in 1944. At that time I had this to say—

With the present method of control we are all in accord. However, I do not consider it necessary to make this Act permanent. If we want to keep control, the best way to do so is to re-enact this measure when necessary.

I have never supported the placing of this Act permanently on the statute-book. I hope that members will retain the right to have the privilege of speaking on the measure whenever it comes before us.

**Mr. NEEDHAM:** I was surprised at the argument adduced by the Minister for Lands. I cannot see any connection between the amendment and the Minister's argument about permanency for members of the Commission.

**Hon. A. R. G. Hawke:** I do not think the Minister understands what is being attempted.

**Mr. NEEDHAM:** They are two entirely different matters. I support the amendment, but that does not mean that I support a motion for the members of the Commission being put there permanently. Let us first determine the length of time we shall allow the Lotteries Commission to operate. We can then look at the period we will allow the members of the Commission to administer the Act. The Minister for Lands knows that there are innumerable Acts on the statute-book that provide for the establishment of boards to administer the Act.

**The Minister for Lands:** Yes, and they are all for about two or three years.

**Mr. NEEDHAM:** While those Acts remain until Parliament otherwise determines, the members of the boards are elected for periods of three, five or seven years, or whatever it may be. The Milk Act was not passed for one year or for seven years; it is on the statute-book until Parliament repeals it. But the members of the board are not there permanently. They must come up periodically for election and appointment. The same applies to other Acts.

**The Minister for Lands:** Name some of them.

**Mr. NEEDHAM:** It is really dragging a red herring across the trail to mix up the question of the permanency of membership of the Commission with other aspects. I would rather have seen the member for Fremantle move an amendment to test the feeling of the Committee as to the permanence of the Commission altogether. The Commission is doing a good job and has proved its value time and time again, until now

I think we would be justified in making it a permanent body, leaving it to the Government to appoint individual members of the Commission for whatever period was thought desirable. Members know well the splendid work the Commission has done in assisting charitable objects. Remember the help it has rendered the new Royal Perth Hospital! If it did nothing but provide the interest on the money borrowed for the erection of that building the Commission would fully justify itself, but of course there are many other ways in which it has proved its worth.

Parliament would be wise to amend the present Act so as to make the Commission permanent. There are those in the community who decline to accept assistance from the Lotteries Commission for their charities, and I believe such objections are sincere, and due to religious beliefs, but until we have a state of society in which the Government can take full responsibility for providing for the poor and indigent, I think we should welcome the operation of a Commission which has done so well. I hope the measure will be discussed on the merits of the question as to whether the Commission should remain as a permanent body until such time as Parliament decides otherwise, leaving till later the question of the length of time for which members of the Commission should serve.

Hon. J. B. SLEEMAN: Two Ministers have brought up the question of the Commission and have talked about it not being made permanent.

The Chief Secretary: We did not raise that question.

Hon. J. B. SLEEMAN: The Chief Secretary said that not much good would be done by making the Commission permanent and the Minister for Lands left no doubt that he was against it.

The Minister for Lands: Why do you not stick to the matter before the Committee?

Hon. J. B. SLEEMAN: The Minister for Lands said that he wholeheartedly approved of the Act and hoped that the Bill would be accepted.

The Minister for Lands: Do not read only bits of what I said.

Hon. J. B. SLEEMAN: The Minister said that he wholeheartedly supported it with a term of two years. He must know the difference between right and wrong.

The Minister for Lands: I do.

The CHAIRMAN: Order!

Hon. J. B. SLEEMAN: If the Commission is right it should be permanent, and if it is wrong it should be defeated tonight. If it should be there for two years the Minister will agree it should be there for 200 years. What is the difference?

The Minister for Lands: None.

Hon. J. B. SLEEMAN: While the Minister for Lands and the Chief Secretary complained that the Commission might be made permanent, the Minister for Works said that if the Government could only rely on this Commission being permanent he might vote for it for 100 years. He said that he did not suppose there could be found two better executives than Mr. Kenneally and Mr. Green, and that if he could be assured that they would be there for the next 100 years—

The Minister for Works: I did not say, "100 years."

Hon. J. B. SLEEMAN: Surely the Minister does not want me to read out what he did not say. I will get the Leader of the Opposition to check it up.

The Minister for Lands: Why do you not make a speech, instead of reading out what other people have said?

Hon. J. B. SLEEMAN: It is no use beating about the bush. I hope the amendment will be carried.

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

Ayes	..	..	..	18
Noes	..	..	..	21
Majority against				3

# AYES.

Mr. Fox  
Mr. Graham  
Mr. Hawke  
Mr. Hoar  
Mr. Kelly  
Mr. Leahy  
Mr. Marshall  
Mr. May  
Mr. Needham

Mr. Nulsen  
Mr. Panton  
Mr. Reynolds  
Mr. Sleeman  
Mr. Smith  
Mr. Styants  
Mr. Triest  
Mr. Wise  
Mr. Rodoreda  
(Teller.)

## NOES.

Mr. Abbott  
Mr. Ackland  
Mr. Bovell  
Mrs. Cardell-Oliver  
Mr. Cornell  
Mr. Doney  
Mr. Grayden  
Mr. Leslie  
Mr. McDonald  
Mr. Murray  
Mr. Nalder

Mr. Nimmo  
Mr. Perkins  
Mr. Read  
Mr. Seward  
Mr. Shearn  
Mr. Thorn  
Mr. Watts  
Mr. Wild  
Mr. Yates  
Mr. Brand

(Teller.)

## PAIRS.

## AYES.

Mr. Johnson  
Mr. Coverley  
Mr. Collier  
Mr. Tonkin

## NOES.

Mr. Hall  
Mr. Mann  
Mr. Keenan  
Mr. McLarty

Amendment thus negatived.

Hon. J. B. SLEEMAN: I move—

That the Chairman do now leave the Chair.

Motion put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

### BILL—SUPREME COURT ACT AMENDMENT.

#### Second Reading.

Debate resumed from the 18th September.

**HON. F. J. S. WISE** (Gascoyne) [8.52]: This Bill has been introduced because of the march of time enabling Australia to have representatives as ambassadors in foreign countries and to facilitate the attesting of documents by ambassadors in other countries within the provisions of the Supreme Court Act, 1935. Section 177 of the Act empowers British ambassadors in any country to take affidavits under the Supreme Court Act of this State, and it has been the practice, where necessary for affidavits to be taken, that such documents be witnessed by and the appropriate oath sworn before the British ambassador. This Bill is a simple one to specify that "British" includes "Australian." Thus Section 177 will read—

Affidavits for use in the Supreme Court, or in any other court, or for any purpose or in any way whatsoever authorised by law, may be sworn and taken in any place out of Western Australia before a British ambassador which includes an Australian.

This Bill, I understand, is the result of a request from the Prime Minister of Australia to the Premier to arrange that busi-

ness be facilitated in this way, and similar provision is to be made by the other States. It is a Bill that one can have no objection to and I support the second reading.

Question put and passed.

Bill read a second time.

#### In Committee.

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

### BILL—UNCLAIMED MONEYS ACT AMENDMENT.

#### Second Reading.

Debate resumed from the 18th September.

**MR. STYANTS** (Kalgoorlie) [8.57]: This Bill proposes to amend the Unclaimed Moneys Act, the provisions of which were set out in fairly lengthy detail by the Attorney General when moving the second reading last week. The Act provides that each company having unclaimed money for a period of six years must, in the month of January, compile a register showing any amount in any one account in excess of £5, and the register must be kept at the head office of the company in this State. Before the 15th February in each year, the company must have a copy of the register published in the "Government Gazette," and a penalty of £2 per day is provided for each day on which this obligation is not carried out.

Under the Act, all unclaimed money so notified in the "Government Gazette," after a period of 12 months must be paid to the State Treasury and the Treasurer has the right to invest the money in the purchase of Government debentures or stock. The company may reimburse itself from the unclaimed money for the cost of publicising the "Gazette" notice. I believe there is no limitation to the time in which a claimant may make application for his money and, upon his substantiating the claim, the Treasurer is authorised to make payment to him. The interest derived from unclaimed moneys is paid into consolidated revenue, and, if there is a claim upon the Treasurer, he is authorised to refund the principal amount without interest.

There is one peculiar feature about the Unclaimed Moneys Act which seems to be

contrary to the usually accepted custom that, when money is placed in trust for a person, the trustee becomes liable to see to its proper application. This Act provides that should a person make application to the Treasurer for unclaimed moneys and the Treasurer decides to pay them out to him and it is subsequently found that they have been paid to the wrong person, the person who is the real owner has no claim against the Treasurer, but can proceed against the person to whom the money was paid. That seems to be a perpetuation of something which we have endeavoured to upset this session. I think it is a perpetuation of the theory that the Crown can do no wrong.

Perhaps the Attorney General, with his wide legal knowledge, will be able to tell us, in the event of the Crown Suits Bill becoming an Act, which of the two Acts—the Unclaimed Moneys Act or the Crown Suits Act—will be paramount in this connection, because the Unclaimed Moneys Act provides, contrary to the usual custom, that the Treasurer, who is a very high official of the Crown, can pay out money wrongly that has been entrusted to him and that the individual owning the money shall have no claim against him. On the other hand, the Crown Suits Bill proposes to make the servant of the Crown responsible in exactly the same way as an ordinary individual would be. From my knowledge of the law, I think that if money is placed with a trustee and he pays it out wrongly to somebody, action can be taken against him by the rightful owner. Perhaps the Attorney General would be able to tell us whether the two Acts would clash.

On making inquiry, I ascertained from the Registrar of Friendly Societies that there are seven permanent and three what are known as self-terminating building societies in this State. The amendment in the Bill is really a question of enlarging or expanding the definition of "company" as it appears in the Unclaimed Moneys Act by providing that, for the purposes of the Act, building societies shall be considered as companies. The terminating societies are known as Starr-Bowkett societies. They form what are called groups. A certain number of contributors pay in an amount per share and when sufficient money is available a ballot is held for what is known as an appropriation. But there is a definite termination to each one of those groups;

they work themselves out. It seems to me that there is no great objection to the proposal in the Bill. These unclaimed moneys cause a certain amount of labour and trouble to the building societies. They have no claim to them and do not wish to be burdened with having to enter the amounts in the register and advertise every twelve months in the "Government Gazette." If the moneys were paid over to the Treasurer these societies would be in the same position as companies. The Treasurer would invest the money in Government stocks or debentures and the interest derived from those investments would be paid to Consolidated Revenue. The Bill would do no harm; in fact, only benefit could be derived by the House adopting the proposal contained in it.

**THE ATTORNEY GENERAL** (Hon. R. R. McDonald—West Perth—in reply) [9.5]: In answer to the query raised by the member for Kalgoorlie, the Crown Suits Bill, as it has passed this House so far, does not disturb any protection given to the Crown specifically under any existing Act of Parliament. There are certain Acts of Parliament dealing with, say, trading concerns, or it may be the Rural and Industries Bank, under which the Crown or the Government is afforded certain protection against losses or claims and where statutory protection is given in this way. The Crown Suits Act does not endeavour to take away that protection. In the legislation now about to be amended, if the House so agrees, there is a protection, as the member for Kalgoorlie said, where money is paid away to a claimant who subsequently turned out to be an impostor, some other person being the true owner asserting a claim to the money. In that case, in my opinion, provided the Crown exercised reasonable care in the transaction of paying the money over in the first place, then the Crown would not be under any liability.

Although the Crown is protected if it pays money over to the wrong person, I am of opinion it still means that, before the Crown passes over the money to a claimant, it must take the same steps which a prudent man would take to ensure, as far as possible, that the applicant was the true owner. Those steps would be evidence of identification and a statutory declaration verifying the claim, and perhaps one or two other pieces

of evidence of a kind that would normally suggest themselves to identify the claimant and to identify the claimant's association with the money. So I would say this: That if the Crown were negligent or careless in paying the money over it would still be liable to the true owner; but if it exercised reasonable care in paying the money over to the first claimant then I think it would be protected by the statute. As the member for Kalgoorlie said, the Act will be made more useful by the addition of societies of this type coming within the scope of its provisions.

Question put and passed.

Bill read a second time.

*In Committee.*

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

**BILL—MUNICIPAL CORPORATIONS  
ACT AMENDMENT.**

*Second Reading.*

Order of the Day read for the resumption from the 17th September of the debate on the second reading.

Question put and passed.

Bill read a second time.

**BILL—COMPANIES ACT  
AMENDMENT.**

*Second Reading.*

**THE ATTORNEY GENERAL** (Hon. R. R. McDonald—West Perth [9.12] in moving the second reading said: The House will recollect, and the member for Kanowna as former Minister for Justice will recollect, as he had the onerous responsibility of piloting this legislation through the House, the Companies Act of 1943. That Act received the Lieut.-Governor's assent on the 3rd December, 1943, but it was provided that it should not come into operation until proclaimed and not while hostilities were proceeding. The reason for that extension of time before the Bill operated was that it was a very comprehensive restatement and expansion of our legislation on companies. It involved many more observances on the part of companies, which it would have been difficult to carry out during a time of war

when communications were by no means reliable and were sometimes very delayed. Further, it was desired that the people concerned with the administration of the Act, such as accountants and lawyers and executives of companies, should have an opportunity to study and familiarise themselves with its contents and make arrangements in advance to comply with its more exacting terms.

Members will recollect that prior to the Act of which I am speaking our legislation, passed in 1893, was a re-enactment of the English Companies Act of 1862, so that up to the present we have been operating in this State under company law of fairly ancient vintage. I am not saying that this was altogether to our disadvantage, because in a State which is not highly industrialised it was perhaps in some ways an advantage not to have too exacting a type of legislation for companies: I mean too many observances which might be difficult of fulfilment, particularly by companies operating in gold-fields areas or small country towns, and which might find some requirements to be much more onerous than would be the case with companies operating in large capital cities and with expert advice available. Further, the new legislation of 1943 has now had full study by the companies it will affect and by those concerned in company law and company accounts, and it is now proposed that the Act shall be proclaimed to come into operation at the end of this year. It was intended last year that it should come into force on the 1st October of this year, but there were difficulties in the way of securing accommodation for the additional staff needed and it was thought desirable that the proclamation should be delayed until the end of the current year.

The intention now is that the Act shall be proclaimed and its operation shall commence at the end of 1947. In the meantime a study of the Act by the Registrar of Companies, Mr. Boylson, and his expert staff and by the companies themselves and the accountancy and legal professions has resulted in certain suggestions being made, in some cases to remove anomalies and in others to make the Act more logical and more efficient and simpler in its workings. The result is that there is now placed before the House a Bill to amend the legislation

and, if the House is agreeable, to incorporate those amendments in the parent Act of 1943 so that that Act as amended by the Bill will be ready for operation or proclamation at the end of this year.

In dealing with the Bill, I point out that the first amendment proposed to be made relates to Section 3 of the parent Act. That section contains the definitions of terms used in the Act. It is what is called the interpretation section and the definition which is proposed to be dealt with is that concerning the word "court". The intention is to delete the present definition which simply says that "court" shall mean the Supreme Court of Western Australia or a judge thereof and to substitute this definition: that court means the Supreme Court or a judge thereof and includes the Master, when exercising in accordance with the rules of the court, the jurisdiction of the court. Under Section 407, Subsection (1) (b) of the parent Act, the judges are empowered to make rules as to procedure, and it is clear that such rules will almost certainly mean that the judges will devolve minor and procedural matters of the Registrar of Companies—or, rather, the Master of the Supreme Court—to lessen the volume of business falling on the judges, as is the case with many other Acts. The Master is also the Registrar, and one of the officers of the court operating under the judges.

Hon. E. Nulsen: This amendment really only brings in the Master of the Supreme Court.

The ATTORNEY GENERAL: The next section proposed to be dealt with is Section 28, Subsection (1) (a), which deals with the names of companies. It provides that a new company shall not be registered which attempts to use the same name as an existing company or firm. An existing company or firm may have been established for many years and have built up a goodwill which would attach to its name, and the idea is that some other company shall not be able to come in and, by using a name so similar to that of the old-established firm as to mislead people, and thereby profit from the goodwill of the old-established firm.

The Registrar of Companies has power to ensure that there is no misuse of a company's name so as to cause confusion with an existing company. Although com-

panies formed and registered under our State Act were protected from new companies endeavouring to copy their name, that protection was not afforded to foreign companies registered here. Those are companies formed outside the State but registered here. Therefore, companies registered outside the State, but operating here would be subject to the possibility of a new company being registered and using a name which might be confused with that of an old-established company. This amendment is to give to companies registered outside the State but carrying on business here the same protection against imposition as is given to companies formed and registered under our State Companies Act.

The next amendment deals with the same section, namely 28 (1) (a). This is merely a machinery amendment. At the time this legislation was passed in 1943, this section referred to the Registration of Firms Act. After 1943, that Act was repealed and its provisions re-enacted and extended by an Act of this Parliament called the Business Names Act. The object of this amendment is to use the term "Business Names Act"—the present name of the Act—in place of the old name "Registration of Firms Act," which has been superseded.

The next amendment to which I desire to refer relates to Section 56 of the parent Act. This again is a minor or machinery type of amendment, the need for which has been detected from an examination of the Act by the Registrar of Companies and his staff. Section 56 provides that a company limited by shares may make an allotment of its shares, and within a certain time it has to file particulars of the allotment with the Registrar of Companies for inspection by the people. Throughout the Act there has been a degree of uniformity in that the times within which things have to be done by companies have been either 14 days or 28 days. But in line 3 of this section the time within which an allotment must be made is one month. It is desired, by the Bill, to delete the term "one month" and substitute "28 days," so that instead of having a somewhat elastic period, such as a calendar month, or a month, we shall conform to the general scheme of the Act and have the time as being 28 days, or some multiple of seven days.

I turn to Section 154(6). This section provides for the disclosure by directors of any interest they may personally have in a contract which is being made by the company of which they are directors. Subsection (6) provides that a director of a company who is in any way, whether directly or indirectly, interested personally in a contract or proposed contract with the company, shall not be qualified to vote and shall not vote, either personally or by proxy, upon any resolution relating to such contract or proposed contract. It has been pointed out that this section, although it may be regarded as salutary in applying to a company in which the public is interested, is not of a kind applicable to two types of companies, one being a co-operative company and the other a proprietary company. A co-operative company is one in which it is inherent that the members deal with the company. In a co-operative company under the Rochdale system—as members will remember and as the member for Guildford-Midland has said on occasions—the idea is that a distribution is made to those who take shares in the company, in proportion to their dealings with it. At the end of the year they get a rebate based on the purchases they have made from the company in order to expand its business.

The main idea of the co-operative company is that those who belong to it give it their business. It is therefore considered that such a company would have as a director a man who was interested in the company, one of the most prominent in trying to give as much of his own business as possible to the company, and therefore the reason which applies in the case of trading companies with large bodies of shareholders does not apply to the co-operative company. Similarly, in the case of the proprietary company, membership is generally limited by the Act to 21 persons. Such companies are mainly family concerns or little more than partnerships, in which the members deal with the affairs of the company more on the basis of a syndicate or partnership than is the case in a large company in which considerable numbers of shareholders are interested.

The directors of a proprietary company may well comprise those chiefly interested in its affairs, and I am advised that this is a case where a provision such as is

found in Subsection (6) of Section 154 is not applicable, and would be oppressive and difficult to apply. It is therefore proposed that the proprietary company and the co-operative company shall not be subject to that provision. I had the benefit of a personal visit from the Hon. T. H. Bath, who is well known for his interest in the co-operative movement. He drew my attention to the effect of this section on the co-operative movement and pointed out to me, in particular, that if such a section applied it would be impossible for companies, such as Co-operative Bulk Handling Limited, in which the directors would be men who themselves were farmers and interested with other farmers in contracts made by the company for the carriage of wheat, to operate.

I pass now to Section 163 of the parent Act, Part V, which refers to no-liability companies. Under Section 163 such companies have to file certain returns by the 31st March each year, and among the particulars to be supplied in such returns are—in paragraph (viii)—Matters such as a detailed account of the indebtedness of the company in respect of mortgages or charges, a list of which is required to be registered or filed with the registrar under this Act. By an oversight in drafting the paragraph refers to mortgages and charges required to be registered under the Act whereas, in the case of these companies, mortgages or charges are not required to be so registered. Therefore the words “required to be registered under the the Act,” and “filed with the registrar under the Act,” are to be struck out and the words “mortgages affecting the property of the company” inserted in lieu.

In Section 165, paragraph (g), again dealing with no-liability companies, provision is made in relation to shares of such companies which are forfeited and, as members from goldmining areas in particular know, are sold after notice is given in the Press. This section goes on to say that if shares are so sold for the non-payment of calls the company must pay the nett returns or price, after deducting calls due, to the owner, if there is a nett return. It goes on to say that after three years, if the proceeds of the sale of the shares are not claimed by the shareholder, they can be regarded as the property of the company,

and paragraph (g) says "this section" dealing with the sale of forfeited shares "shall apply in relation to all forfeited shares offered for sale after the date on which this Act receives the Royal Assent."

That again is an error in drafting, as the Act in fact received Royal Assent in 1943, although it has not yet come into operation and will not do so until proclaimed. It is therefore possible that if the Act remains in the present form this section could be deemed to be retrospective to 1943, thereby causing complications for companies that may have sold forfeited shares between 1943 and the end of 1947.

Hon. A. H. Panton: It is a new idea to amend an Act before it is proclaimed.

The ATTORNEY GENERAL: It seems to be a good idea. The intention is to correct that reference to the commencement of the Act and provide that this section shall not apply until the Act is proclaimed and comes into general application.

I come now to Section 330, which deals with foreign companies. These are companies formed and registered outside the State, but which trade inside the State and register as foreign companies under the provisions relating to companies of that class—provisions that are found in our Companies Acts. By Section 330 every foreign company, which in future commences business in the State, is required to file with the registrar particulars and make certain advertisements of the place where its principal office is situated and the hours at which it shall be open for business. As this section is drawn, it has been considered that a foreign company which has been already registered under the Acts that are now about to be repealed will not be required to file this notice and it is considered that it should be called upon, for the sake of uniformity, to lodge such a notice giving these particulars of its address and hours of business, just as are other companies. An amendment is being made accordingly. Further by an amendment to Subsection (5) of Section 330 it is also provided that foreign companies of the kind I mentioned previously shall, in addition, insert the usual advertisements in the daily newspapers and the "Government Gazette" regarding their registered office and hours of business.

I pass now to the next section of the parent Act which is to be recast and re-enacted in a somewhat different form. I refer to Section 331. The reason for that is the new scale of fees that is provided in the 1943 legislation in relation to companies which register in future under that Act, is based on a sliding scale referable to the amount of their capital. It had been intended that companies previously registered under the old Act, which is about to be repealed, should be called upon to conform with the terms of this scale just as new companies will be required to do. This provision, as redrafted and included in the Bill, is intended to ensure that all companies that register under this measure, whether they are those associated previously with the expired legislation or later ones coming under the new enactment, shall uniformly comply with the terms of the scale of charges as provided in the Tenth Schedule, which is the uniform scale the Act will require to be applicable to companies registered under it.

The next to be amended is Section 335, again dealing with foreign companies. That section provides for certain information to be given to the Registrar of Companies in certain cases where the statute, or charter, or memorandum, or articles of foreign companies are altered, or the directors of the company undergo a change or the address or name of the agent authorised to accept service of any writ on behalf of a company is altered. It is desired to extend the application of the section because, as now drafted, it makes no provision for the registration of the change of name of a foreign company, which is a most important matter, and such change should be notified to the registrar and be duly registered. An amendment in the Bill embodies provision for that. Another alteration makes more effective the intention of this section by which the name of the local agent of a company in this State will be notified and identified and made available to any person who may seek to hold the company liable and may desire to serve on the agent of the company any writ or other process designed to make the company liable under any contract or for any other liability. The section as re-drafted is intended to make more efficient the procedure by which the name of the agent, from time to time,

is available to the person who desires to take proceedings against a company and by which he may receive a certificate from the registrar setting out the name of the agent. Such certificate shall be evidence in the court that the person named in the certificate is, in fact, the true agent for the purposes of the proceedings.

Again dealing with foreign companies, Section 337 requires all such companies, before voluntarily ceasing to carry on business in Western Australia, to give at least three months' notice of their intention to do so. The object is to enable those to whom such companies may owe money some time in which to render their claims and see that they are paid before any such company withdraws itself and its assets from the jurisdiction of the courts in this State. By an oversight the notice of intention to cease business, as required by Section 337, had to be advertised in three consecutive issues of the "Government Gazette" but in only one issue of a Western Australian daily newspaper circulating in Perth. An amendment included in the Bill provides that such notice shall also be advertised in three issues of a daily newspaper circulating in Perth. Thus, there will be a greater opportunity for people dealing with the company to be aware that it intended to cease business within three months and to withdraw its assets.

The next amendment relates to Section 347 which, in relation to foreign companies, provides that local or branch registers of shareholders shall be kept. That was one of the features of the 1943 Act in response to demands from a good many people who held shares in companies with head offices in London, Melbourne or Auckland or some other centre, that the local office of the bank or stock and station firm or whatever the business established in Perth might be, when it carried on business in this State should provide a register, known as a branch register, in which the names of people who held shares in the company and lived in the State might be recorded therein as shareholders of the company. Obviously that would provide certain advantages in the way of facilities for selling shares and also certain consequences in relation to the place where death duties could be paid.

It was found on re-examining the Act of 1943 that while the obligation to keep

branch registers for local shareholders would apply to foreign companies that might come to this State after the Act had come into force, the obligation apparently would not apply to foreign companies which had registered under the Companies Act now about to be repealed and would continue under the Act about to be proclaimed. In order to require a branch register to be kept, not only by future foreign companies registering here but also by companies which had registered in the past, provision has been made to make the obligation uniformly applicable to foreign companies, whatever may be the period of their registration in this State.

In connection with Section 347, there is a further amendment to make it clear that the obligation to keep a branch register means that such branch register will be confined to the names of people who live in the State. The provision was considered to be not clear in that respect, and it would be oppressive if people who live in another State or country were allowed to elect, for some reason of their own, to have their names on the branch register of the company in this State. Therefore this privilege on the part of the shareholder and obligation on the company in relation to a branch register in Western Australia will be confined to shareholders who actually live in this State and therefore might be conceived to have a reasonable claim to be included in a local register.

I turn now to Section 356, which is in that part of the Act dealing with foreign companies. The section relates to the local register of shareholders, and refers to a case which might happen when the register is rectified, usually by order of the court. For example, some name may have been directed to be taken off the register or put on the register of local shareholders. The section refers to the case of a company hereby required to send in a list of its members to the Registrar of Companies under this Act. A foreign company is not required by the Act to send in a list of its shareholders to the Registrar of Companies here. Obviously a company that might have many thousands of shareholders, such as a company in England or in the other States, might be embarrassed if it were required to send in a list of shareholders to the registrar in every State in which it

operated. These words were inserted in error, because the Act does not in fact require a company of this description to send a list of shareholders to the registrar. That error is corrected in this Bill.

Passing now to Section 359, which it is proposed to repeal, this section, again in the part dealing with foreign companies, says that on an issue by the company of new shares or new debentures, a proportion is to be reserved for members of the company in this State. On the face of it, that seems to be a very reasonable proposition, but in actual practice, it has been found to be beset with many difficulties. For instance, it might happen that a company registered in New South Wales or in England, might issue new shares or debentures in order to pay for another company or for property which it is taking over. In that case the new debentures or shares go to the vendor of the property being taken over. Obviously it would not be possible to provide that a portion of the new shares or debentures, which are earmarked as the price of something being paid for by the company, should be distributed in part to shareholders in this State.

A case might arise or might not arise, but that would be looking into the political future, and I do not pretend to be a seer, in the case of the contemplated merger of two of our chief banks, both of which are foreign companies in the sense of the Act, and both of which have their head offices in Great Britain. I understand that one bank would pay the shareholders of the other bank by an issue of shares or debentures; that is to say, the shares or debentures would be issued by way of price and, as such, would be handed over intact for distribution amongst the shareholders of the institution being absorbed. In such a case, one could not demand that a certain part of the issue of shares or debentures should be offered to the shareholders of the vendor institution in this State, because the whole issue would be earmarked as the price the vendors were to receive for the assets being passed over. It has been found, therefore, that although this provision might, on the face of it, look desirable, in actual practice it represents very serious difficulties, far too serious to be implemented, and I have been recommended to submit to the House that it be repealed. Members will be

relieved to hear that I am approaching the end of this marathon, which I am far from enjoying, even if members are enjoying it still less.

Hon. A. H. Panton: It is very interesting.

The ATTORNEY GENERAL: There are only 400 sections in the Act and, as I have reached Section 364, we are approaching daylight at last. Section 354 comes in that part of the Act which deals with receivers or managers; that is to say, those people who not infrequently in the last days of a company act as undertakers and dispose decently of the remains. They are very necessary people and have, in relation to companies, a not inconsiderable amount of work, because statistics show that only one company in 20 of those that are formed results in a permanent, profitable institution. So the part in any legislation dealing with receivers and managers of companies is by no means to be ignored.

Section 364 provides that any receiver or manager of the property of a company who is appointed shall file his accounts with the Registrar of the Court, who will keep a certain check and make sure that the receivership or management is being prudently conducted. Under this same section, the registrar has power, if he thinks fit, to secure the services of an outside auditor and commission him to examine the receiver or manager's accounts and assure the Registrar of Companies that they have been properly presented. The Bill proposes to add to this section in order to rectify an omission which it now shows; that is to say, the Bill enables the Registrar of Companies, when he secures an outside auditor, to direct that the costs of the audit shall be paid by the receiver or manager out of the property of the company, provided that for good cause shown the registrar may ask the court to order that the costs shall be paid by the receiver or manager personally if he has made default in the discharge of his duties.

The next section is Section 371 and I am pleased to say that this is even simpler than the ones with which I have been previously dealing. This section is in a part of the Act which deals with sharebrokers. It is the definition section and contains a definition of what it calls "the appointed day." Although in some other Act of Parliament, at some time or somewhere, there was the expression "the appointed day" in this par-

ticular Act this is the only place where it occurs.

Hon. F. J. S. Wise: Many people would like to know what is going to happen on the appointed day.

The ATTORNEY GENERAL: So, with every confidence, I ask the permission of the House by this Bill to take out the reference to the appointed day. Under the same part of the Act, Section 374(e), the lucidity and transparency characteristic of Acts of Parliament is not so manifest as usual.

Hon. F. J. S. Wise: What? Worse than that, is it?

The ATTORNEY GENERAL: Therefore it is proposed to amend paragraph (e). The idea is this: The Act, in Sections 372 and 374, provides for a class of person known as authorised sharebrokers. The man who is going to be a sharebroker under this Act has to be free from all possible suspicion, like a certain historic personage is alleged to have been. But there is this concession, that he may have a representative. For example, a sharebroker in Perth who is a member of the Perth Stock Exchange may have an authorised representative at Kalgoorlie to conduct his business there and it is presumed that he will ensure that his authorised representative at Kalgoorlie is also a man free from any possible doubt as to integrity. The term "registered shareholder" can include an authorised representative. In paragraph (e), as members will see by examining it, there is reference to the authority of a registered sharebroker terminating by his death, or, in the case of an authorised representative or agent, when he ceases to be the employee or agent of another registered authorised sharebroker. That is putting one chain of cause and effect on the other, and the amendment makes this paragraph refer to the case when he ceases to be the agent of a member of a recognised stock exchange.

Section 387 (2) is the second to last section to which I desire to refer. That is a case which again will not demand any serious consideration by the House. Paragraph (a) of Subsection (2) refers to a person who is called a share dealer. That is a small, but not-to-be-ignored error, because it should be "sharebroker". Not in any other place in the Act is there reference

to share dealers, and the Bill makes that correction.

The last section I shall deal with is Section 404, Subsection (5), which requires that only persons registered with the Registrar of Companies may act as auditors or liquidators of companies. The object was to make sure that they were tried and efficient men who undertook these important duties. In Subsection (5), however, it is recognised that it might not always be possible, say, in an outlying area to obtain the services of one of this select band of registered auditors or liquidators, so by Subsection (5), if the Attorney General is satisfied that it is impracticable or inconvenient for any company to appoint a registered auditor or registered liquidator, then he may authorise some unregistered person, who he thinks is reasonably satisfactory, to undertake the work for that particular company. A slight error was made there, because under a previous section—Section 184—it reserved to the court, that is, to a judge, the authority to appoint an unregistered person as an auditor. He alone has power to appoint an unregistered person as a liquidator, or to go outside the registered list of liquidators. So the authority given to the Attorney General in Subsection (5), paragraph (iv) should be limited to auditors who cannot be obtained from the registered list, and should not extend to liquidators because, by a prior section of the Act, the more important duty of liquidator must be fulfilled by a registered liquidator unless dispensed with by a judge himself. The amendment is to make the Act consistent with the prior section.

Members will observe that on the whole this is a machinery measure. I feel reluctant to describe it as a machinery Bill because some members may think I am endeavouring to reduce its importance and perhaps slip something through which is more important than mere machinery. So I am quite prepared to define this as a substantive Bill if any member would sooner have it so described and that will give him warning that it is full of tricks and surprises and may turn the Companies Act inside out. I do not think it will, but that is my personal view. These are suggestions which have been made by the Registrar of Companies, Mr. Boylson, and his staff, who are most efficient officers and have given

a vast amount of attention to this. I am sure the member for Kanowna will agree with me in that. They have been passed through Mr. Boylson by various companies concerned and members of the various accountancy and legal firms which deal with company matters most and they are amendments which I think can be conveniently made and which will facilitate the work of this legislation. If I can supply any further information in Committee I shall be glad to do so but I think that at this stage I am justified in moving—

That the Bill be now read a second time.

On motion by Hon. E. Nulsen, debate adjourned.

### **BILL—DENTISTS ACT AMENDMENT.**

*Second Reading.*

**THE HONORARY MINISTER** (Hon. A. F. G. Cardell-Oliver—Subiaco) [10.14] in moving the second reading said: This is a very small Bill. It may be explained as the Dentists Act Amendment Bill to amend Section 44 of the Dentists Act of 1939.

Hon. J. B. Sleeman: Mr. Speaker, would it be possible for the Honorary Minister to move up where we can hear her? We cannot hear her buried away down there.

Mr. SPEAKER: The Honorary Minister may address the House from the Table if she so desires.

The HONORARY MINISTER: I think the hon. member will be able to hear me.

Hon. J. B. Sleeman: I hope so.

The HONORARY MINISTER: It depends on what I say. The Bill is framed to enable persons graduating from the newly-formed course in dental science in the University of Western Australia to be registered by the Dental Board to practise in this State. Subsection 1(d) of Section 44 states that graduates of certain universities of the British Empire, including those of Australia, are eligible for registration in Western Australia, provided they are entitled to registration as dentists in the country where they graduated. As there is no provision in the State Act for registration of a person holding a degree from the University of Western Australia, the subsection I have quoted does not apply to persons graduating locally.

It is therefore necessary to insert in the Act specific reference to persons possessing

a Western Australian diploma or degree in dental surgery or dental science. As is known, we need to keep in this State all those qualified to practise this profession. We are urgently in need of dentists so that the teeth not only of the public generally but especially our children may be attended to. At present we are short of dentists and many people suffer disadvantages from neglected teeth. I also feel that those men who study in Western Australia and pass their qualifying examinations should be able to practise here. I commend the measure to the House and move—

That the Bill be now read a second time.

Mr. Marshall: If you had committed your speech to memory you could have delivered it much better than by reading it.

On motion by Hon. F. J. S. Wise, debate adjourned.

### **BILL—INSPECTION OF MACHINERY ACT AMENDMENT.**

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. A. V. R. Abbott—North Perth) [10.18] in moving the second reading said: Section 54 of the Inspection of Machinery Act of 1921 provides that there shall be a board of examiners, and Subsection (4) gives the board power to grant the following certificates:—Winding enginedriver's certificate, first class enginedriver's certificate, and so on. Then, Section 58 provides that, subject to the provisions of the Act, all certificates of competency shall be granted by the board after examination. Section 59, Subsection (1), provides that all applications for examinations shall be forwarded to the Chief Inspector of Machinery at Perth, accompanied by the prescribed fee. Subsection (2), which is the part this Bill deals with, provides as follows:—

Every applicant for a certificate shall be a British subject, and shall satisfy the board that his knowledge of the English language is sufficient to enable him to perform the duties required as the holder of a certificate.

Therefore, this subsection limits the application for a certificate to those who are British subjects.

Hon. J. B. Sleeman: What do you propose to do?

The CHIEF SECRETARY: This Bill proposes to remove from the Act the words, "shall be a British subject and" so that any competent or suitable person, whether a British subject or not, may apply for a certificate and act as an engine-driver or otherwise under the provisions of the Act. This is necessary to enable, amongst others, certain American citizens who are ex-Servicemen and now resident in this State and who have the necessary qualifications to pass this examination, to be permitted to apply for a certificate and sit for the examination. There may also be citizens of other nations. The point is that so long as they have suitable qualifications, are proper persons and can pass the prescribed examination, they should be permitted to hold a certificate.

Hon. A. H. Panton: They are expected to be able to understand and speak the language, I suppose.

Mr. Reynolds: Would they be naturalised?

The CHIEF SECRETARY: No. That would not be reasonable. A residential qualification of five years is necessary before any foreign subject can become naturalised. That, of course, would prevent any American citizen, or ex-Serviceman, who now wishes to make his home in this State, from applying for a certificate. It might be said that in the 1904 Act, which operated in this State prior to the 1922 measure, there was no such provision, so that any person having the necessary qualifications, was entitled to hold a certificate to act in the capacity of enginedriver, or otherwise, as specified by the Act. This Bill is considered necessary, because it is only reasonable, if we are to encourage American citizens, or suitable people from other parts of the world, to come and reside in this State, that they should have the right to earn their livelihood by the occupation or profession in which they are most competent.

Hon. J. B. Sleeman: You mean to say, they did not need to have a certificate prior to 1904.

The CHIEF SECRETARY: No, they did not have to be British subjects to obtain one. I move—

That the Bill be now read a second time.

On motion by Mr. Marshall, debate adjourned.

*House adjourned at 10.23 p.m.*

## Legislative Council.

Wednesday, 24th September, 1947.

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

### MOTION—ELECTRICITY ACT.

*To Disallow Radio Workers' Regulations.*

Debate resumed from the previous day on the following motion by Hon. A. Thomson:—

That Regulations Nos. 113, 117, 118, 119, 123, 124, 129, 130, 131, 132, 133, 139 and 142 made under the Electricity Act, 1945, as published in the "Government Gazette" of the 27th June, 1947, and laid on the Table of the House on the 5th August, 1947, be and are hereby disallowed.

HON. A. L. LOTON (South-East) [4.36]: I rise to support Mr. Thomson's motion to disallow these regulations dealing with radio-workers. It has been stated that these regulations have been in force and that the matter is now brought here because the regulations are coming under the control of the Electricity Commission, but that is not right. I will quote a statement made by the chairman of the Radio Traders' Association, Mr. F. D. Beames, at the 18th annual general meeting of that body. He said—

By far the most important episode this year was the introduction of legislation under the State Electricity Act, making it necessary for