Legislative Council

Tuesday, 22nd November, 1955.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Zoological Gardens Act Amendment.
2, Roman Catholic Bunbury Church Property.
3, Health Act Amendment.
4, University Medical School.

MOTION—STANDING ORDERS SUSPENSION.

Closing Days of Session.

THE CHIEF SECRETARY: I move—

> That during the remainder of the session, so much of the Standing Orders be suspended as is necessary to enable Bills to pass through all stages at any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith, and that Standing Order No. 62—limit of time for commencing new business—be suspended during the same period.

I wish to assure members that I have no intention of endeavouring to push legislation through at any one sitting. It is necessary to move such a motion in the closing days of the session to enable Bills to be dealt with and passed through all stages at one sitting. This motion relates particularly to some measures that are yet to come here. I would like at least to be able to move the second reading of those Bills as soon as they are received in this Chamber. Whether members wished to continue with the debate after that would be for them to decide. The second readings having been moved, however, members would have more time to consider the Bills. As the motion also relates to the introduction of new business after 10 o'clock, I would point out that if we are to finish the session this week, we do not want to have our time limited by inability to introduce new business after 10 o'clock.

Hon. A. F. Griffith: Do you mean the session will close by Thursday?

The CHIEF SECRETARY: That is in the lap of the gods.

Hon. A. F. Griffith: It may be in the lap of the Chief Secretary.

The PRESIDENT: Order! The Chief Secretary is making an explanation.

The CHIEF SECRETARY: Whether we finish by Thursday or Friday, depends entirely on how talkative we are.

Hon. C. H. SIMPSON: The Leader of the House was kind enough to apprise me of his intention to move this motion. I think it is desirable that the motion should be supported. It will enable certain second readings to be placed before the House so much earlier, and will give us more time to consider the essential measures we are called upon to discuss. I have the Chief Secretary's assurance that there will be no attempt to unduly hurry the debate. The object of the motion is to allow us more time to consider any Bills that may come before us. I feel sure members will take the view that I do, and support the motion.

Question put and passed.

QUESTION.

BETTING.

Establishment of Off-course Totalisators.

Hon. J. MURRAY asked the Chief Secretary:

(1) How much progress (if any) has been made regarding investigation into the establishment of totalisators, as provided for in Section 8 of the Betting Control Act, 1954?

(2) Will the board be able to submit this report to the Minister in the time specified in the Act?

(3) If the answer to No. (2) is "No," why not?

The CHIEF SECRETARY replied:

(1) Information has been sought from various Governments regarding inquiries they have made on the subject, and the conclusions they have arrived at. Various other bodies have been written to, with a view to obtaining their opinions, and the grounds therefor. Documents available within the State are being perused with a view to obtaining any useful data.

(2) There is no reason to believe, at the present time, that the report will not be available to the Minister within the time specified.

(3) Answered by No. (2).

BILL—TRUSTEES ACT AMENDMENT (No. 2).

First Reading.

Introduced by the Chief Secretary and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.42] in moving the second reading said: The object of this Bill is to assist the W.A. Fire Brigades Board in its efforts to raise loans for the very necessary purpose of fire protection. For some years, the board has found it difficult to obtain adequate loan money, the sole source of loans being through the Commonwealth Bank. If this Bill is approved by Parliament, the board will be enabled to obtain loans from the W.A. Fire Brigades Board Superannuation Fund and other sources, such as the W.A. State Government Superannuation Fund, which can invest money only in authorised trustee investments.

Section 5 of the parent Act specifies the investments in which a trustee is authorised to invest trust funds. The proposal in the Bill is to add to these the debentures or other securities which are charged upon the property and revenue of the Fire Brigades Board, and which are certified to by the Treasurer and published in the "Government Gazette" as suitable for trustees to invest in. Similar action has been taken in Victoria to enable trustees to invest in debentures issued by the Country Fire Authority and the Melbourne Metropolitan Fire Brigades Board.

The Under Treasurer agrees that the board should be given the authority requested in the Bill. I would point out that any moneys borrowed by the board would form part of the programme approved by the Loan Council; and, as such, would require the approval of the Treasurer, which is provided for in Clause 2 of the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

BILL—PERPETUAL EXECUTORS TRUSTEES AND AGENCY COMPANY (W.A.) LIMITED ACT AMENDMENT (PRIVATE).

Second Reading.

HON. H. K. WATSON (Metropolitan) [4.44] in moving the second reading said: This Bill is designed to amend the principal Act under which the company has been authorised to operate. Its object is to permit the company to increase its permitted charge of commission on corpus—that is, on the capital—from 2½ per cent., which is the present permitted maximum, to 4 per cent.

Being a private Bill, it has followed the usual course of private Bills, and, before being passed by another place, was submitted to and received the unanimous endorsement of a select committee consisting of Mr. Court, the member for Nedlands; Mr. Ross Hutchinson, the member for Cottesloe; Hon. J. B. Sleeman, the member for Fremantle; Mr. Lapham, the member for North Perth; and Hon. A. F. Watts, the member for Stirling.

There are two trustee companies operating in this State under private Acts. One is the Perpetual Trustee Company, to which this Bill relates; and the other is the West Australian Trustee Company. Inasmuch as both companies operate on much the same terms; and inasmuch as the next item on the notice paper is a Bill of precisely the same purpose in its effect upon the W.A. Trustee Co., I would request your permission, Sir, to allow my remarks on this Bill to apply with equal force to the succeeding Bill.

This Bill is a very small one and has no other purpose than to permit the trustee company to increase its maximum charge on corpus from 2½ per cent. to 4 per cent. The cause which has prompted this application and the submission of the Bill is a consent agreement which the two trustee companies made with their employees some time ago to be effective from the 1st January, 1955. That agreement related to the marginal increases which

in accordance with the marginal increases granted in other industries, was to be granted to the employees of those two trustee companies.

In the case of the Perpetual Trustee Company, the added cost arising from that agreement was £5,000 a year; and in respect of the West Australian Trustee Company, the added cost was £6,000. In each case, such added cost would, in the absence of some added income, absorb the whole net profit of both companies.

Members may be interested in a few figures demonstrating this rather remarkable result. In respect of the Perpetual Trustee Company, the position is that its profit last year—that is, what might be called its real trading profit, excluding interest from investments but including the rents derived from the building in which it carries on business—was £4,424, that is, before income tax. So it will be observed that an added charge arising from this consent agreement of £5,000 would have completely absorbed that profit; indeed, the company would have been running at a loss. The net income from the carrying on of the business of the West Australian Trustee Company, and its rentals, amounted to the comparatively small sum of £3,667.

These profits represent, in the case of the Perpetual Trustee Company 4.6 per cent. on shareholders' funds; and, in the case of the West Australian Trustee Company, 3.4 per cent. Most businesses, when wages are increased, pass on the added cost, but the trustee companies do not deal in goods. They have nothing to sell but services, the remuneration for which is fixed in accordance with an Act of Parliament. In the circumstances it will be appreciated that within the framework of the existing legislation these companies found that unless they were permitted to increase their commission rates they would not be able to carry on at a profit.

I think that the explanation I have given to the House will commend the Bill to members. Both the companies have had long and creditable careers in this State. The West Australian Trustee Company was formed in 1892, so it has been in operation for 63 years; and the Perpetual Trustee Company was formed in 1922, so it, therefore, has been in operation for 33 years. It is most important that nothing should be done to undermine the general financial stability of trustee companies.

These companies feel that their financial stability could be undermined if they were not given the opportunity to charge these increased rates. I point out also that the proposed increase from 2½ per cent. to 4 per cent. is a maximum; and the companies do not intend to charge that maximum in every case. I also point out that the trustee charges are, in any event, still under the jurisdiction of the court, and I would like to quote Section 16 of the principal Act which states—

> Such commissions and fees shall be received and accepted by the company as a full recompense and remuneration for acting as aforesaid, and no other charges beyond the said commission and fees shall be made by the company, but if in any case the court shall be of opinion that any commission or fee charged is excessive, it shall be competent for the court to review and reduce the same, provided that commission chargeable under paragraph (a) of this subsection shall not exceed the amount of the scale of commission published by the company from time to time.

Members, therefore, can see that even with that maximum rate, the trustee companies are still amenable to the jurisdiction of the court.

The only further explanation I need offer in support of the Bill is to mention that in the Eastern States it has been found necessary to give to the trustee companies the same easing of the position as is sought by the Bill. In New South Wales, Queensland and Victoria, the permitted rate on corpus is now 4 per cent. It was increased to that figure during the past two or three years. In Tasmania, it is 3¾ per cent.; and in South Australia, it is 5 per cent. For some reason, which is not quite clear, it has been 5 per cent. in that State for the last 50 years. I move—

> That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; Hon H. K. Watson in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 16 amended:

Hon. Sir CHARLES LATHAM: This is the vital clause. It raises the commission from 2½ per cent. to 4 per cent. There should be some limit in the case of big estates. Normally the executors or trustees are expected to wind up a deceased estate within a reasonable time, but some seem to keep going on perpetually like the company itself. I sometimes think the attention that might be given to these big estates by the officials, is not given. I do not know that much attempt is made to sell undeveloped lands, especially in the metropolitan area.

The rate of 4 per cent. is very high. Mr. Watson said that the amount charged may not be that much, but we generally find that whatever we provide by statute as the maximum becomes the amount charged. Some of the trustee companies —I do not say anything about the Western Australian ones particularly—are pretty dilatory in carrying out some of their obligations. I hope that with this additional money they will wind up estates more quickly than they have in the past.

Hon. H. K. WATSON: The point raised by Sir Charles is interesting, and it is well taken. We can assume that, definitely, the maximum rate of 4 per cent. will not be charged on all the estates, particularly the large estates. I can best illustrate my point by explaining what is being done under the maximum rate of 2½ per cent. That amount is not being charged on all estates; or it has not been under the existing system. The companies have charged 2½ per cent. on estates valued up to £50,000; 1½ per cent. on the amount from £50,000 to £100,000; and 1 per cent. on the amount over £100,000.

Hon. Sir Charles Latham: They get commissions as well.

Hon. H. K. WATSON: Yes, on the income; this is dealing with capital. The commission has been charged on a sliding scale; and what has been done can be taken as a fair indication of the basis on which they will work when they are permitted to charge 4 per cent. Probably the companies will charge 4 per cent. on the first £50,000; 3 per cent. on the next £50,000 and then continue on a descending scale until, probably, they arrive at the 1 per cent. that they charge here on anything over £100,000. Just what is in mind I do not know, but I think the actual practice in the past can be taken as a pretty good guide to the future. They have not, in fact, charged the maximum rates, particularly on the larger estates where the rate has been on a sliding scale.

Hon. A. R. JONES: There is one inquiry I wish to make. Is it left to the jurisdiction of the court before any figure is arrived at, or is it through an application by some person interested in the estate?

Hon. H. K. WATSON: Section 16 of the principal Act covers that point. The position, as I understand it, is this: When a person appoints a trustee company as an executor, he is aware of the commission rates it charges. In the absence of any special arrangement between the client and the company, it would levy the scale of charges which it submits in pamphlet form to anyone who is interested. If the charge the company made was considered by any beneficiary to be excessive, I imagine that the application to the court for it to exercise its discretion under Section 16 would have to be made by the beneficiary.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed.*

BILLS (2)—FIRST READING.

1, Marketing of Eggs Act Amendment.

2, Loan, £11,604,000.

Received from the Assembly.

BILL—FAIRBRIDGE FARM SCHOOL ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.7] in moving the second reading said: Section 4 of the parent Act provides that the Fairbridge Farm School properties, which are described in Section 2, should be vested in two societies. The first of these is shown in the Act as the Fairbridge Farm Schools (Inc.), a non-profitmaking company incorporated in England and registered in Western Australia, and then having its office in Savoy House, London. This society is now known as the Fairbridge Society (Inc.), and its address is Creagh House, 38 Holland Villas Road, London. The other society was the Kingsley Fairbridge Farm School Society of W.A. (Inc.), which had its headquarters in Western Australia.

Section 4 vested the Fairbridge Farm School properties in the two societies as joint tenants in trust for the purposes of the English society, until such time as the membership of the Western Australian society fell below 11, or until the 31st December, 1953, or until the earlier merger of the two societies. Whenever one of these contingencies occurred the properties would become vested absolutely in the English society.

The W.A. society ceased to exist some time ago, but, owing to the wording of Section 5 of the parent Act, the Registrar of Titles cannot endorse the Certificates of Title to show the property is vested solely in the English society, as required by Section 4.

Section 5 provides that the necessary endorsements on the certificates of title shall be made on application by the English and Western Australian societies. This cannot be done as the Western Australian society has no members, no committee of management and no trustees. Under the rules of the defunct society new members

can be introduced only on the nomination of an existing member and after election by the council of the society acting through a quorum of five.

Since the society has no members, it is apparent that no new members can legally be admitted. Therefore, the two societies cannot make the joint application to the Registrar of Titles as required by the principal Act. The only way to overcome the difficulty is by the proposal in the Bill which repeals Section 5, vests the properties absolutely in the English society and authorises the Registrar of Titles to make the necessary endorsements on the certificate on application only from the English society.

Mr. Ernest Tindal, of Lohrmann, Tindal & Guthrie, a firm of Perth solicitors, represents the English society. He was previously a member of the Western Australian society and is now on the board of the English society. I move—

That the Bill be now read a second time.

HON. L. CRAIG (South-West) [5.10]: I used to be a member of the council of the Fairbridge Schools Society of Western Australia (Inc.), as it was called in those days. There were two bodies, the Western Australian and the English body. The English society found the money and the Western Australian body spent it. The English society sought and sent out the children; but as is inevitable when there are two bodies thinking along different lines, difficulties grew up between them as to how the money should be spent, and eventually the Western Australian body of which I was a member retired, and the English society assumed control.

It would appear now that the Western Australian society as recently constituted, has also ceased to exist because it has no members. As the Western Australian society no longer exists, there is only one body that can hold the property, and to me this looks like a machinery Bill to bring that about. I think the name of Mr. Ernest Tindal is sufficient guarantee that this proposal is in order. He was a member of the Western Australian board, and is a man of the highest integrity. I would be prepared to sanction anything with which he was associated. Without knowing much about it, I think we can agree to the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed.*

BILL—CONSTITUTION ACTS AMENDMENT (NO. 3).

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.15] in moving the second reading said: I do not think there is any necessity for me to elaborate on the reasons for the introduction of the Bill, which provides for increases in the remuneration of the Governor of the State and of his private secretary.

The Bill provides for the Governor's salary to be increased from its present rate of £4,000 per annum to £4,600 as from the 24th December, 1954, and £4,750 as from the 1st December, 1955. The addition of £600 is based on the marginal formula increase which dated back to the 24th December, 1954; and it is intended, in addition, to provide a further increase of £150. It is advisable to know that, in addition to his salary, His Excellency receives an allowance of £4,500 per annum for the maintenance of his establishment. This sum is subject to basic-wage adjustments, and is now approximately £5,000 annually.

The private secretary's salary will be increased from £350 to £500 as from the 1st December, 1955. I might add that, in addition, the private secretary also receives £349 per annum under the departmental estimates, which includes the marginal adjustment granted to the Public Service. While the Bill shows a sum of £350 per annum for the Clerk of the Executive Council, no such payment is made at present as this position is now included in the duties of the Under Secretary of the Premier's Department. No provision is made in the Bill for the salary of the official secretary, Government House, as this is paid from departmental sources. I move—

That the Bill be now read a second time.

HON. C. H. SIMPSON (Midland) [5.18]: All members can safely support this Bill. I, for one, am grateful to receive the assurance of the Chief Secretary that additional allowances have been proposed for His Excellency the Governor for the very good job he is doing. The amount of his salary, which was published in the Press, was considered by many people as a very economical, if I may use that word, recompense for the work done by His Excellency.

The allowances that have been proposed —I take it they have been the subject of discussion behind the scenes—are a long overdue recognition of the highly responsible duties attached to the position

of Governor of this State. Although this House has no power to amend money Bills, if consideration were given later on to increasing the allowances, having regard to the expenses which must accrue for carrying out the duties of Governor as they are performed by the present holder of that office, members on this side of the House would have no objection.

It has been a long time since we in this State had a Governor who has been so active in travelling from one end of the State to the other, and in coming into contact with every class of the community; and who has been so popular with most of the people that they consider him the ideal of what a Governor should be. I am pleased to support the Bill and to have the knowledge that the original amount is supplemented by a further allowance set forth in the Bill.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—JUDGES' SALARIES AND PENSIONS ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.21] in moving the second reading said: The purpose of this Bill is to increase the Chief Justice's salary from £3,300 to £4,150, and the salaries of the puisne judges from £2,900 to £3,500. In addition, it is proposed to provide a separate salary for the Senior Puisne Judge who, under the Bill, will receive £3,650. The senior judge will be the judge with the greatest length of service.

Of the Chief Justice's increase of £850, it is proposed to date back £540 to the 24th December, 1954, as a marginal adjustment increase, and to make a further £310 available as from the 1st December, 1955. For the Senior Puisne Judge, £500 will be retrospective from the 24th December, 1954, and £250 payable from the 1st December next. Puisne judges will obtain a marginal adjustment of £500, and an extra payment of £100 from the 1st December, 1955.

Members may wish to know the salaries paid in other States. The remuneration of the Chief Justice ranges from £5,925—including an allowance of £350—in New South Wales, to £4,000 in Tasmania. Puisne judges receive from £4,975—including £250 allowance—in New South Wales, to £3,500 in Tasmania.

Since the 1st January, 1954, the judges' salaries in this State have risen in accordance with variations in the basic wage. Reductions in the wage, however, do not affect the judges, as it is considered their salaries should not be reduced without the consent of Parliament.

To cover the retirement of a puisne judge between the 24th December, 1954 and the 1st December, 1955, the Bill specifies that his pension shall be based on an annual salary of £3,400. This includes the marginal adjustment of £500. I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

BILL—ACTS AMENDMENT (ALLOWANCES AND SALARIES ADJUSTMENT).

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.25] in moving the second reading said: This Bill deals with increases in salaries payable to members of Parliament, the Speaker of the Legislative Assembly, the President of the Legislative Council, the Leader of the Opposition, Ministers, Chairmen of Committees, and others.

The proposals in the Bill are that the basic salary of a member of Parliament will be £2,100. The following allowances, in addition to the basic salary, are provided for:—

	per annum. £
The Premier of the State	1,900
Deputy Premier	1,400
Minister, other than Premier and Deputy Premier	1,300
Leader of the Opposition in the Legislative Assembly	700
Leader of the Legislative Council	1,450
Leader of the Opposition in the Legislative Council	400
Speaker of the Legislative Assembly	450
President of the Legislative Council	450
Chairmen of Committees	250

In addition, an allowance of £400 per annum is provided for the member recognised as the Deputy Leader of the Opposition in the Legislative Assembly. If, however, there is a second party in the Assembly with seven or more members, the Deputy Leader of the Opposition will receive only a £200 allowance, and the leader of the other party will receive £400 per

annum. If there are two or more additional parties, the leaders will equally share the £400 allowance. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—WEST AUSTRALIAN TRUSTEE EXECUTOR AND AGENCY COMPANY LIMITED ACT AMENDMENT (PRIVATE).

Second Reading.

HON. H. K. WATSON (Metropolitan) [5.27] in moving the second reading said: This Bill has precisely the same object as the one passed by this House a few minutes ago in regard to the Perpetual Executors Trustees and Agency Company (W.A.) Ltd. Whilst it may be advisable to tell a good story twice, I feel it is quite unnecessary for me to burden the House with a repetition of what I said in moving the second reading of the Bill dealt with previously. I shall content myself by assuring members that the sole purpose of the Bill is to enable the company to do precisely what is permitted to be done in the Bill just passed; namely, to permit the West Australian Trustee Executor and Agency Company Ltd. to increase its maximum rate of commission on corpus from 2½ per cent. to 4 per cent. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed*.

BILL—HOSPITALS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.31] in moving the second reading said: The purpose of this Bill is to enable the board of the Royal Perth Hospital to finalise its arrangement for the purchase of the Grand Hotel as residential quarters for nurses. This private hotel is situated on the south side of Wellington-st., a short distance east from Barrack-st. In view of the extensions that are taking place to the hospital and owing to the termination of the hospital's tenancy of Forrest House in St. George's Terrace, the question of nurses quarters is becoming acute.

The board has been able to arrange a satisfactory cash price for the building, but in doing so found it necessary to obtain a mortgage of £40,000 over the property. The solicitors for the mortgagees, however, were doubtful as to whether the principal Act authorised the hospital board to purchase land and to borrow for that purpose.

The principal Act provides that the board of any public hospital shall be deemed to have the powers of an institution within the meaning of the Public Institutions and Friendly Societies Lands Improvement Act, 1892, and may exercise, in respect of lands vested in it, such powers as are thereby given to institutions. A board shall also, with the consent of the Governor, have power to sell, lease, or exchange any lands vested in it, and to pay or receive money by way of equality of exchange.

It would, therefore, appear that a hospital board has the power to borrow only in connection with land already vested in it. The Crown Law Department agrees with this and the Bill therefore seeks to give hospital boards the power to acquire land and other property and to borrow on such security as the Governor approves. I move—

That the Bill be now read a second time.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—SUPPLY (No. 2), £16,000,000.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.34] in moving the second reading said: This is the second Supply Bill of the present session. The previous measure requested the provision of £17,000,000 made up of: Consolidated Revenue £11,500,000, General Loan Fund £4,000,000 and Advance to Treasurer £1,500,000. Expenditure for the three months ended the 30th September, 1955, was—Consolidated Revenue £12,294,406 and General Loan Fund £2,957,013, a total of £15,251,419.

The revenue collected during that period amounted to £10,752,298, leaving a deficit in the Consolidated Revenue Fund of £1,542,108. This is not surprising as, in the early months of the financial year, expenditure always outstrips revenue. The reason is that while expenditure does not vary much each month, revenue does.

In the early part of the year no revenue at all is received from some sources and little from others. Further, the Commonwealth disabilities grant has not been received in its due monthly proportions. At the present time, the Commonwealth is about £600,000 behind in its payments to the State. However, it is expected this

leeway will be made up shortly and will result in a considerable improvement in the Consolidated Revenue Fund.

The Bill before us asks for a further £16,000,000, which will enable the services of the State to be carried on until the Estimates are passed. This sum is composed of: Consolidated Revenue Fund £13,000,000, and General Loan Fund £3,000,000. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Message from the Assembly requesting the Council's concurrence in the following resolution now considered:—

That the proposal for the partial revocation of State Forests Nos. 28, 29, 51 and 53 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 16th November, 1955, be carried out.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.36]: I move —

That the resolution be agreed to.

This is the usual request for parliamentary approval for the use of parts of State forests for purposes other than those for which they were originally dedicated. Particulars of the proposals and plans showing the locality of each were tabled by me earlier today.

The first proposal entails, approximately, 15 acres of country about ¼ mile north-west of Nannup. This piece of land has no forest growth on it, and extends into the property of an adjoining landholder, who wishes to buy it. The second area is one of 25 acres, situated two miles north-east of Greenbushes. This is open forest country which probes triangularly into private property, the owner of which also desires to purchase it.

The third transfer concerns about 243 acres, approximately 3 miles north-east of the Mooterdine Siding, which is on the Narrogin-Pinjarra railway line. I am glad that I was informed where that siding is; otherwise I would not have known. This land has private property on all sides except the south. It is not required for forest purposes and has been applied for by an adjoining landholder.

The fourth and last proposal comprises two areas, one of 11 acres and the other of 28 acres, about 5 miles south-west of Yornaning. Both pieces of land, which are very suitable for agricultural purposes, have been requested by a neighbouring settler, who will take them in exchange for a part of his land of, approximately, the same area, which is suitable for forest purposes and which is severed from the rest of his property by the main Yornaning road.

HON. J. MURRAY (South-West) [5.39]: I support the proposal for the partial revocation of these small areas of State forest, but in doing so I suggest that the Chief Secretary recommend that, when the papers are laid upon the Table, the reasons for these partial revocations should be attached. It is usually late in the session when motions of this sort are brought before us, and unless such information is given with the papers, it is difficult to appreciate the purpose of the revocations.

In the first two instances, apart from the fact that the settlers concerned wish to take up the areas, the revocations will have the effect of straightening the boundaries of State forests and aiding the department in its work of forestry control. This also applies to No. 53.

The third transfer, No 51, however, involves an area of 243 acres, and unless we had been given some explanation by the Chief Secretary, I would have found it very difficult to agree to that proposal. If such information as the Chief Secretary has given in his speech were attached to the papers, the facts could more readily be understood.

I should like to issue a warning regarding the yearly revocation of areas of State forests. In the past, settlers who have had small areas of forest country made available to them by the department have, at a later stage, suggested that their holdings of 25 acres or 50 acres were insufficient to afford them a living and so they have sought a further slice of State forest. The conservator, when speaking at a luncheon the other day, said that we were in danger of having no timber available for export in 1970, and in view of that statement, we should take stock even of partial revocations that may be proposed.

On motion by Hon. Sir Charles Latham, debate adjourned till a later stage of the sitting.

(Continued on page 1891.)

BILL—EDUCATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th November.

HON. SIR CHARLES LATHAM (Central) [5.43]: I have one objection to this Bill. In the first place, it provides for paying up to £50 for certain equipment for schools, and also for paying for writing materials; and, in addition, it is proposed to give free transport, wherever a Government service is available, to children attending private schools.

I hope that in Committee consideration will be given to another point, namely, that while the Bill will enable us to authorise these things being done at present, they may in future be done by regulation. I think that is a very improper provision.

In the past the private schools, which charge fees to parents of the students, have provided these facilities for themselves; and if it would help them to improve their education of the children, I would have no objection to this provision being made for them. But I do object to introducing a new system, which this will be, by providing that in future anything that any Government likes to make available for the benefit of private schools may be done by regulation.

If provision of this sort is to be made for private schools, Parliament should be informed of it. Admittedly the regulations would be made under the Education Act, and would be tabled in this House; but such regulations are seldom looked at unless they contain something of importance. The Minister may smile, but he knows that is true. These regulations are generally worded by lawyers, and it is difficult for the average layman to understand what they mean.

During the present session, a good deal of attention has been paid in this House to regulations. I hope that in future we will pay still more attention to them, and that there will be fewer. I think the Government should come to Parliament and ask for authority in matters such as this, instead of delegating authority to civil servants.

I presume that these regulations will be drawn up by the Director of Education, or one of his officers, as the Minister could not be expected to do it. But at all events, they would be submitted to him for his signature. Like most Ministers, he might sign them without fully understanding them, and perhaps without even reading them. It is therefore my intention, when the Bill is in Committee, to move an amendment the purpose of which will be to ensure that Parliament retains this authority.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—New Section 9A added:

Hon. Sir CHARLES LATHAM: I do not know whether the £50 mentioned here is to cover both items or whether it is £50 for each separately—

Hon. H. K. Watson: I imagine the cost of a projector would be more than £50.

Hon. Sir CHARLES LATHAM: I thought I saw provision in the Bill for this to be done by regulation.

The Chief Secretary: That is in paragraph (c).

Hon. Sir CHARLES LATHAM: There is no "(c)" in my copy of the Bill.

Hon. H. Hearn: The Chief Secretary must have a special ministerial copy.

Hon. Sir CHARLES LATHAM: I would like an up-to-date copy of the Bill, Mr. Chairman.

The CHAIRMAN: I take it the hon. member has a copy of the Bill as amended.

Hon. Sir CHARLES LATHAM: Could we report progress until the matter has been straightened out?

The CHIEF SECRETARY: I understand that paragraph (c) was struck out in another place and that all we have before us now ceases at paragraph (b). However, I agree to report progress to a later stage of the sitting.

Progress reported till a later stage of the sitting.

(Continued on page 1891.)

BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).

Second Reading.

Debate resumed from the 17th November.

HON. C. H. SIMPSON (Midland) [5.50]: This is a machinery Bill, which seeks to ratify and implement the agreement between the Commonwealth and the States in regard to main roads. I think this is the eighth occasion upon which such a measure has been before the House. Prior to 1941, the Commonwealth Grants Commission held the view that this State benefited at the expense of the standard States as, unlike them, it did not allot certain collections which it made through its Transport Board towards the servicing of main roads in the metropolitan area. The Grants Commission therefore penalised this State to the extent, I believe, of £60,000.

The passing of this Bill will do what the Grants Commission requires to be done, and will also provide that any revenue over and above that which is authorised to be allocated to the Main Roads Trust Fund shall go into Consolidated Revenue. As it avoids the possibility of our being penalised by the Grants Commission, and as the money will be spent on a service of utility to the State, I suggest that we pass what is, after all, a necessary machinery measure. I support the second reading.

On motion by Hon. Sir Charles Latham, debate adjourned to a later stage of the sitting.

(Continued on page 1891.)

BILL—FERTILISERS ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th November.

HON. SIR CHARLES LATHAM (Central) [5.52]: Having considered this measure, I have no objection to it, and therefore I support the second reading.

HON. L. C. DIVER (Central) [5.53]: There are some features of this Bill which I think require clarification. One such provision is that which would force the manufacturers of superphosphate to substitute a card with each bag of super in lieu of the invoice as a form upon which the formula of the superphosphate contained in the bag is given. I oppose this proposal, which I think would be a retrograde step, and I believe it better to allow the position to remain as it is. I understand that Mr. Logan has drafted some amendments and will move them during the Committee stage. If they are agreed to, they will remove my objections to the measure.

HON. F. D. WILLMOTT (South-West) [5.55]: Having examined this measure, I would not be prepared to agree to it in its present form. As printed, the Bill virtually prohibits the sale of superphosphate in bulk, just as the parent Act did, although it is evident that a blind eye has in the past been turned to what has been done in that regard. While we are considering amendments to this legislation, I feel it would be wise for us to remove altogether the prohibition on the sale of superphosphate and other fertilisers in bulk. I made some inquiries in the South-West in order to see whether there were any deliveries of bulk super, and I found that the Picton works, from which most of the superphosphate in the South-West comes, is arranging for a contractor, during the coming season, to deliver fertiliser in bulk to farms and spread it on the farmers' paddocks.

It is visualised that in this way anything up to 2,000 tons of superphosphate will be delivered from the Picton works alone, and that would mean a considerable saving—about £3,000—to the farmer through the cost of the bags. It would also mean a saving to the country, in regard to the importation of jute sacks, the cost of which represents a not inconsiderable sum. I therefore feel it is necessary to remove that restriction. I believe the amendments proposed by Mr. Logan will cover the position.

My other objection to the Bill refers to the provision mentioned by Mr. Diver, with reference to the labelling of individual packages. I believe it is necessary that small packages of less than 1 cwt. should be labelled, as the retailer of small quantities of fertiliser would buy it in bags and split it up into the smaller amounts himself. He should, therefore, be compelled to label those small bags or containers.

However, packages of 1 cwt. or more should not require to be labelled in that way, as such a system would not give the farmer the same information as he now receives on the invoice. The invoice covers the whole of the delivery—perhaps a 10-ton truck of super—but if the legislation provided for the labelling of every package, in order to be sure he had been supplied with what he had ordered and paid for, the farmer would have to examine each individual package, which of course he would not do.

I feel that the present method is preferable to that proposed in the Bill, and it gives the farmer all necessary protection. I understand that that aspect also is covered by Mr. Logan's amendments. Subject to those alterations, I propose to support the measure.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [5.59]: In reply to the question raised by various speakers with reference to the labelling of packages of superphosphate, I would point out that the effect of this provision goes further than some members apparently think it does, as it covers quite a number of agriculturists apart from the ordinary farmer. The object of having the ingredients of the fertiliser printed on the package is to safeguard the home gardener and others who purchase small quantities of fertiliser through their local stores. They want to be assured that the package contains what it purports to contain. The only way to do that is to have the ingredients stamped on the package. I do not know the weight of the smallest package that is sold.

Hon. A. R. Jones: It is 1 lb.

The MINISTER FOR THE NORTH-WEST: If the packages are only of 1 lb. or more, the department is of the opinion that they should be stamped to protect the home gardener, the small orchardist, and so on. Mr. Logan raised the point that some 6,000,000 super bags would have to be labelled. However, it is not necessary to label them. They could be stencilled.

Hon. F. D. Willmott: It is going to increase the cost to the farmer.

The MINISTER FOR THE NORTH-WEST: It is not thought there will be a great increase in cost.

Hon. F. D. Willmott: One side of the bag is taken up already, and it would have to be turned over and stamped on the other side.

The MINISTER FOR THE NORTH-WEST: That would not cost very much.

Hon. F. D. Willmott: It will cost more than the farmers are prepared to pay.

The MINISTER FOR THE NORTH-WEST: On more than one occasion I have heard it mentioned in this House that the ingredients should be stamped on the bags.

Hon. Sir Charles Latham: The farmers get a certificate with every lot of super they receive.

The MINISTER FOR THE NORTH-WEST: With lots up to 1 cwt., the bags will have to be labelled and stamped, but with parcels over 1 cwt. it will not be necessary. As Mr. Willmott pointed out, the ingredients of bulk lots will be fully set out on the invoice in view of the amendment standing on the notice paper. It is true that the Bill does not contain provision for bulk lots; and in view of the amendments on the notice paper, I am sure there will be a good deal of discussion in Committee.

Hon. Sir Charles Latham: Do not encourage them.

The MINISTER FOR THE NORTH-WEST: I would suggest, therefore, that on reaching the Committee stage progress be reported so that a closer study can be made of the amendments, following which they could be reprinted on the notice paper so that members could clearly understand them. They are not quite clear at present.

Question put and passed.

Bill read a second time.

BILL—LICENSING ACT AMENDMENT (No. 3).

Second Reading.

Debate resumed from the 25th October.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [6.5]: This is a private member's Bill and, to be quite truthful, I cannot see very much value in the proposals contained in it, with the exception of one. That being so, I can hardly think that that one is important enough to justify my supporting the second reading of the Bill.

Hon. A R. Jones: Which one is that?

The CHIEF SECRETARY: That is the one relating to the stabling of horses. It is a provision that has been a dead letter for many years. I submitted the Bill to the Licensing Court for its views, and it has reported as follows:—

> The court does not consider that it would be in the best interests of the neighbourhood, the district, or the travelling public to absolve any hotel licensee from the necessity of providing residential accommodation. In addition, the court does not consider that it would be desirable or practicable, where there is more than one hotel in the district, to declare one or more of the hotels non-residential.

I think the attitude adopted by the Licensing Court is wise. I can remember that, in my young days—not only here, but also in other parts of Australia, particularly Victoria, where I spent my school-days—there were a number of hotels where only bathing facilities were provided, but there was no accommodation in any shape or form. They were regarded as "shypoo shops."

Hon. Sir Charles Latham: Beer shops.

The CHIEF SECRETARY: Yes; and they were known as "shypoo." The Licensing Court was constituted so that the facilities provided by these public houses could be improved. Therefore, if we carried the Bill with that provision in it, it would be a retrograde step. The Licensing Court went on to say—

> The court quite agrees that the need for stabling of horses is out-moded, and that one sitting room is adequate for guests at wayside houses. However, after carefully considering all angles the court is of the opinion that the minimum of two bedrooms available for use should be retained for premises with a publican's general licence or a hotel licence.

That is little enough accommodation to provide in a hotel with a publican's general licence or a hotel licence. I agree that in a wayside house one sitting-room would be adequate. The Licensing Court also reported—

> The House should be asked to examine the effect Mr. Baxter's proposal regarding accommodation would have on Section 51 of the parent Act which specifies the minimum accommodation which must be provided in metropolitan and country hotels. It is the opinion of the court that if the Bill is passed the minimum accommodation provisions in Section 61 will become redundant.

Hon. Sir Charles Latham: The latter legislation supersedes the former.

The CHIEF SECRETARY: Yes. I do not think that was a wise thing to do. Continuing—

> Mr. Baxter quoted the position in Kalgoorlie. He suggested that accommodation and meals need only be provided when there was a big influx in the town, such as occurs during the racing round. The court has already taken care of this. On more than one occasion licensees have been allowed to close off portion of the bedroom accommodation during other than peak periods.
>
> The court does not consider that the proposal that premises declared to be non-residential should pay a special fee of £150, would form a sound basis

for a satisfactory fund to compensate those hotels which would have to provide accommodation.

Hon. Sir Charles Latham: You would have plenty of demands.

The CHIEF SECRETARY : Yes. Continuing—

> The court thinks the £150 would be totally inadequate in view of the advantage non-residential licensees would have over those required to maintain the standard of accommodation required by the court.

In the light of the advice it has tendered I think the Licensing Court is showing great wisdom. It has said that it is satisfied with the provision of one sitting-room in a wayside house, and all it asks in other places is that a minimum of two bedrooms be provided. Surely that is a small requirement for a public house! I would not like to see us revert to the position that obtained in the old days. Therefore, the only provision I could support, if the Bill goes into Committee, is that relating to the stabling of horses. For those reasons I oppose the second reading of the Bill.

HON. L. A. LOGAN (Midland) [6.11]: It is unfortunate that the hon. member who introduced the Bill is in hospital and will remain there for the rest of the session. Therefore, on his behalf, I would like to say that he was imbued with the idea that this Bill was a step in the right direction. I agree that its implementation might be difficult. Nevertheless, when it is considered that the mode of transport these days has considerably changed from what it was 10 or 15 years ago, and that the number of travellers using country hotels has decreased—with the requirements for hotel accommodation decreasing accordingly—one readily realises what the hon. member is trying to achieve.

I will quote as an example the position on the Midland line between Geraldton and Moora. First of all, I will mention Dongarra, which is 41 miles distant from Geraldton. Travelling south, there is Mingenew, 34 miles from Dongarra; Three Springs, another 30 miles; Carnamah, 16 miles; and Coorow, another 18 miles. There are five hotels in that short distance, all of which are endeavouring to cater for a limited number of people. In my opinion, two hotels out of those five, if they did the job properly, could cater quite adequately for all the trade that is offering.

If only two hotels could be given the opportunity to cater for the limited number of travellers on that road, I am sure that they could give very good service. But in view of that fact that the trade has to be shared by five hotels, they could not possibly carry on if they went to the full expense of providing adequate facilities for the travelling public. In view of that, those hotels are forced to skimp on their accommodation; and, naturally, the travelling public cannot obtain the accommodation that they desire. That is the reason behind Mr. Baxter's Bill.

What happens on the Midland line will probably apply to many other areas. In my opinion it is not good business if a trader or a group of traders has to provide accommodation for 1,000 people, but only get 500 people patronising them. If a publican is forced to cater for a greater number of travellers than he gets, the service he renders must fall down somewhere.

The Chief Secretary: He does not cater for 500 people with two bedrooms.

Hon. L. A. LOGAN: I should say that the maximum number of beds occupied in all those five hotels would be 20, and yet the total accommodation offering would meet the requirements of approximately 50 people. Therefore, there are 30 beds that are vacant all the time. But they still have to be aired, and the rooms swept, and everything kept up to the mark. I am only trying to point out the hon. member's intention in introducing the Bill. It is unfortunate that he is not present, but he asked me to try to judge the reaction to the Bill so that he could test it further.

On motion by Hon. A. R. Jones, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—CHILD WELFARE ACT AMENDMENT.

Recommittal.

On motion by the Chief Secretary, Bill recommitted for the further consideration of Clauses 2 and 3.

In Committee.

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

The CHAIRMAN: The Bill has been recommitted for the purpose of considering Clauses 2 and 3 which were struck out during a previous Committee. I will put the clauses as they appeared in the Bill.

Clause 2—General amendment:

The CHIEF SECRETARY: I move—

> That Clause 2, struck out by a previous Committee, be reinserted.

When this clause was being debated, a great deal of argument ensued as to its intention and that of Clause 3. Some members felt that a woeful thing was going to happen to the secretary of the Child Welfare Department. Since then I have obtained full information on the matter and will submit it to members.

Hon. A. R. Jones: That is very good of you.

The CHIEF SECRETARY: Do we not always try to please! I think the following information would answer the many points raised in the previous debate:—

> The intention to appoint a director arose from a report prepared in 1953 by the Director of Child Welfare in New South Wales, Mr. Hicks, who presented it to the Hon. Premier on the 9th October, 1953. The first three recommendations in that report read as follows:—
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> > That a position of director, child welfare department, be created and that the position of secretary be retained. That a person be selected for the position with a strong personality, leadership qualities, administrative and organising ability, and a good practical experience in child welfare work. That in order to obtain the best person available, applications for the position be invited from persons outside the public service as well as within. The position of director, child welfare department was advertised but was not filled, presumably no suitable applicant was available. Then, Mr. McCall, Superintendent of Education, responsible for guidance of handicapped children in the Education Department, was therefore seconded to the Child Welfare Department for 12 months from 1/7/54, and his secondment has been extended to 31/12/55. Under this officer, recent moves have been the initiation of a training scheme for welfare staff, expansion of probation and full scale reorganisation of office staff and the development of plans for industrial schools for boys.

It was felt that, in order to carry out those recommendations, it was necessary to amend the Act to insert the word "director" in place of the word "secretary". The recommendation suggested that "secretary" be retained.

In this provision the title of secretary is not being retained, and Clause 3 suggests that an assistant director be appointed. The person who at present holds the job of secretary in the Child Welfare Department would be appointed assistant director. It was felt that, although the secretary had done a good job from the administrative point of view, the position could be greatly improved by the appointment of a director. Mr. McCall has been acting in that job, and it would be farcical to have a director without the necessary powers. I hope members will support the amendment.

Hon. A. R. Jones: Why depart from the suggestion of retaining the word, "secretary"?

The CHIEF SECRETARY: I do not think it matters very much whether he is called an assistant director or a secretary. I trust members will support the amendment.

Hon. A. R. JONES: I see one danger point. It is felt that the director should be a man qualified as a psychiatrist. If the Chief Secretary assures us that he will be a psychiatrist, then would it not automatically follow that, in the event of his leaving the department, the assistant director would be the logical one to take his place? He might not be a qualified psychiatrist. If we are to appoint a director, we should leave the secretary as he is at present.

The CHIEF SECRETARY: It is a new one on me that the director should be a qualified psychiatrist. I am not sure whether Mr. McCall is a psychiatrist. I see that Dr. Hislop shakes his head. I would be surprised if he is.

Hon. A. R. Jones: I am given to understand he is.

The CHIEF SECRETARY: We should not lay it down that a psychiatrist should be appointed to the position. We should leave it open and obtain the services of the best man for the job.

Hon. Sir CHARLES LATHAM: If this change is made, I hope it will not upset the department. Mr. Young has been there for a good many years and has done a very good job. He has been untiring in his efforts. Would Mr. Young stay there if we appointed a man over him? I know that if it were I, I would hesitate.

There have been a great many changes over the years, and the department has been built up to a standard of efficiency. I thought a psychologist was to be appointed. Why should we have these high faluting names attached to people? Most people have some psychological knowledge. I would not like to think that I could not understand the disposition of a person to whom I was talking.

When the Bill was before members previously, and they said they did not want any alteration, that was not a censure on the man who was acting as director. It would have been better if the Minister had told us there was a director. Until I had a look at the Estimates I did not know the position, but I saw there that provision had been made for a director. That was after the discussion had taken place here.

We have been inundated with calls from people telling us what we should do, but I doubt whether they have any more knowledge than we possess. I know that the services Mr. Young has rendered to the department have given him a high standing in the minds of most people who have been associated with him. However, if this proposal is going to improve the department, I will not raise any objection.

Nevertheless, I do not think we should overstaff such departments by appointing people to them because they happen to have passed examinations. They might have less knowledge than those who have not done so.

Hon. L. A. LOGAN: In the first instance, I supported the move for the deletion of the word "Director" from the Bill because when I asked the Chief Secretary to give us some guarantee that the present secretary would be the director, he refused to do so. Then Mr. Lavery spilled the beans to some extent when he said that Mr. McCall had already been appointed. In effect, this Bill is to ratify an agreement made outside the Act, and that is about all it does.

I still want to know what qualification Mr. McCall has which is not possessed by Mr. Young. I want to know whether Mr. Young has fallen down on the job and is not capable of occupying the position as director. I do not like to see a man who has fulfilled the duties Mr. Young has fulfilled over the last seven years sacrificed because of a report by Mr. Hicks. That report has not been made available to all of us, and we have not had a chance to see what it really contains or to discuss it.

Members are entitled to know what qualifications Mr. McCall has to justify his appointment over Mr. Young, or what qualifications Mr. Young lacks to prevent him from taking over the position of director. Surely the man who has been secretary of the department for seven years is capable of managing one or two small departments which may be added! I am not happy about the position.

We are being asked to legalise something that was put into effect outside the law. We must be particularly careful. If we allow this to go through, the same thing will happen time and again, irrespective of Governments. I still desire some guarantee that the qualifications of Mr. McCall are far above those of Mr. Young, and that Mr. Young could not do the job.

Hon. H. HEARN: I believe that if the Chief Secretary had known the facts of the case at the time we were discussing this measure previously, the final assessment of members might have been quite different. After having received some communications, I made it my business to look into the matter. I think that Mr. Lavery led the House a bit astray with his information, because I understand that there has been no appointment up to date of a director or assistant director.

The Chief Secretary: That is so.

Hon. H. HEARN: The facts are that the Minister for Child Welfare decided to second a very good man from the Education Department in order to try to implement some of the facets of the report made to the Government in its investigation of child welfare. I was one who voted against any alteration in the secretaryship; but I can easily see that with the development of child welfare and the extension of its ramifications, it might be necessary to appoint someone to a new position; and it does not necessarily follow that the man who has been secretary would be the best man for the position of director.

I think that what was in the minds of members when we voted on the amendment was to make sure that a fair thing was done by the secretary. I have made it my business to investigate this matter pretty thoroughly, and I believe that the right thing is being done by the secretary. Therefore I feel that the Government is in the right. But I regret that when the measure came before the Chamber the Chief Secretary could not give a very clear picture of the position. I am sure that all members wanted to do was to protect the officer who had been secretary for so long.

The appointment of a director will be a step in the right direction. The man who is acting in the position may or may not be appointed; but in the development of child welfare, with the extra work involved because of the larger population, the basis of the department must be broadened.

Hon. F. R. H. LAVERY: To clear up a point, if I led the House astray by saying that Mr. McCall had been appointed to the position, I regret it.

Hon. H. Hearn: You made the statement.

Hon. F. R. H. LAVERY: What I intended to convey was that he was acting in that capacity and had been doing so for almost 12 months.

Hon. J. M. A. CUNNINGHAM: I am glad we have had an opportunity to make further inquiry into this matter. We were less informed previously than we are now. Many of us wanted further information earlier and could not obtain it. Since then I have made it my job to contact the people most closely associated with the department—namely, the women's organisations—and as a result, I am convinced that the decision of the Government to appoint Mr. McCall—if only in a temporary capacity—to his present position, was the right one.

The commendations I have heard concerning Mr. McCall are such that, although I have not met him, I intend to do so as soon as possible in the near future. I gather he has outstanding ability. Without in any way considering Mr. Young as not being up to job, and without intending to demote him, I am

convinced that Mr. McCall is definitely the man for the position the department envisages.

Hon. J. McI. Thomson: Are you confirming him in the position?

Hon. J. M. A. CUNNINGHAM: No. But my inquiries have convinced me that he could quite easily be confirmed in the position.

Hon. J. McI. Thomson: This measure will do that.

Hon. J. M. A. CUNNINGHAM: I would be perfectly satisfied if it did, because I am sure that the Minister acted in good faith and on very good advice in selecting this man to carry out the extensions of the department.

Hon. J. G. HISLOP: I was not present when the Bill was discussed the first time, but the debate on the matter has raised some interesting aspects of child welfare and its administration. I was interested to hear the statement that it was thought a psychiatrist would occupy the post of director. Mr. McCall is not a psychiatrist —a psychiatrist is a qualified medical practitioner—but I understand he is well qualified for the post. If I remember rightly, he holds a university degree; and if he has not some qualification from his university in psychology, he is certainly well versed in the subject, has done yeoman service in vocational guidance, and is well qualified to accept the post under discussion.

It was interesting to hear the point raised that a psychiatrist was expected to occupy the position, and then to hear Sir Charles say he thought a psychologist was to be appointed. This gives point to the battle going on in this State for a long time over the question as to whether a professional man should ever be appointed to administer a department. There has always been the cry that a professionally trained man is not an administrator. That, of course, is sheer, utter nonsense, but is an argument that has been repeatedly advanced in regard to other departments and, in particular, in regard to the Health Department. I can remember the time when, if one wrote a letter to the Commissioner of Public Health, it had to be opened by the Under Secretary.

We are perpetuating the same thing in this department, because the psychiatrist is taking, and will in future take, a very big part in the control of the department in many of its activities. An interesting part of the Hicks report was the almost blatant manner in which he refused even to think of a professional man being in charge of this department. I cannot remember exactly what he said in relation to the director and the secretary, but the way in which he very definitely made it clear he was not going to even mention such a thing as medical professional care was extremely interesting and rather suggested that his own department was a lay-governed department and that he envisaged the same sort of administration here.

If the director is to be a layman, and the assistant director is to be a layman, what voice in the department will the professional head have? A man like Dr. Wyatt has rendered valuable service and put child psychology on a very high level in this State. But if we are going to build up a lay department, what voice in future is the trained professional man going to have? I visualise that if we appoint a director and say that the secretary is to become the assistant director, some difficulties will arise; because once a person assumes the title of assistant director, the secretarial work will not be carried out by the assistant director, and a secretary will be called for, so that we will have a very big top being formed to this department.

I am not at all certain that if we are going to have a lay head of the department, the next officer should not be the professional head, because this department will make a sorry mistake if it feels it is going to bring itself up to modern standards by neglecting the medical profession, and the work that the medically-trained person can do in the department.

Whilst on paper the words "director" and "assistant director" do not mean very much, they perpetuate the old story of what place in these departments the professional head is going to have in the future. I do not say that every professional man is an administrator any more than every lay person is, but it is probable that there is a much bigger proportion of trained men than laymen who can administer a department in which professional work is essential.

I would not pass the Bill at the moment, because I know the struggle that is going on. I believe that in Mr. McCall we have an excellent choice, but I do not know that the next choice can be so excellent. I do not know how far down the scale the professional head will go if we appoint assistant directors as well. I do not mind the director, but we should be careful about the assistant director.

The CHIEF SECRETARY: I have given Dr. Hislop the opportunity of giving us that lecture on professional men. I should have brought this on last week.

Hon. H. Hearn: You should have given us the story last week.

The CHIEF SECRETARY: I gave it in essence, and it was very little different from the written story that I gave tonight. Members seemed to have in their minds the idea that something detrimental was going to be done to the present secretary, and, as a result, their judgment was perhaps a little blinded.

Hon. H. Hearn: It is a good thing to stand up for the civil servants sometimes.

The CHIEF SECRETARY: Yes; and that individual has done a wonderful job.

Hon. J. G. Hislop: Does Mr. McCall hold a diploma in psychology from our university?

The CHIEF SECRETARY: I do not know what his qualifications are, but I do know that he has done a wonderful job. Mr. Logan put up an Aunt Sally and then knocked it over, because he spoke about the man being appointed to the job. He has not been appointed to it, but has only been seconded from the department; and his term is up at the end of next month.

Hon. L. A. Logan: It is the same thing.

The CHIEF SECRETARY: No; it is not.

Hon. J. McI. Thomson: Who will be the director?

The CHIEF SECRETARY: I do not know; but I would be surprised if he was not the director. However, that is different from saying that he is already appointed. He is not appointed; we could not appoint him unless the Bill were passed.

Hon. L. A. Logan: That is what I said.

The CHIEF SECRETARY: The hon. member said he had definitely been appointed. I am prepared to leave this in the hands of the Committee.

Question put and passed; the clause reinserted.

Clause 3—Section 7 amended:

The CHIEF SECRETARY: I move—

> That Clause 3, struck out by a previous Committee, be reinserted.

This clause deals with the assistant director, and the intention is that the present secretary shall be appointed as the assistant director.

Hon. L. Craig: What is the reason for that?

The CHIEF SECRETARY: The Act at present says "secretary". With the alteration to the Act, that word has been deleted, and the word "director" inserted in lieu. The word "secretary" has been deleted and the proposal is that there shall be an assistant director in lieu.

Hon. H. K. Watson: With or without a secretary?

The CHIEF SECRETARY: There is nothing about a secretary. The secretary has been eliminated from the Act, and it is not intended that one shall be appointed. The assistant director will carry out the work he is doing at present, except that the secretary now has all the powers under the Act. With the alteration, the director will have the powers and the secretary will carry out the administrative work he has been doing up to now.

Hon. H. K. WATSON: The Chief Secretary's remarks have been north by south with the explanation he gave when bringing down the Bill. He said we must have a director and a secretary. The director has certain allotted work to do, and so has the secretary. That is quite logical.

The Chief Secretary: I never said anything of that kind.

Hon. H. K. WATSON: I imagine the department will need a secretary and he will have substantial duties to perform. I do not think the position will be overcome simply by providing for an assistant director. It seems to me that the Bill has been drafted in a slovenly manner. I am still inclined to suggest that it be deferred and an appropriate amendment made.

The Chief Secretary: This is appropriate.

Hon. H. K. WATSON: On the Minister's explanations, I do not think that it is.

Hon. H. HEARN: Whilst I believe that the director was a good appointment, it seems that the Chief Secretary is not satisfied about the present secretary, and he must make him assistant director because we have appointed someone else as the director. I feel we could still do the fair thing by the secretary without at this juncture making him assistant director. Possibly we might also help the Government; because if it appoints a director, it could, in six months, see how the department has worked before it makes up its mind what it will do with the secretary. It may say, "We want an assistant director and we are still going to retain the secretary, but we will limit his duties." We should consider well before we agree to the suggestion made by the Chief Secretary on the amendment.

Hon. J. G. HISLOP: I am quite unhappy about the words "assistant director." I do not want to see any further diminution of professional control by an assistant director. He will be another person through whom the qualified medical practitioner of the department will have to go before he can reach the head. I cannot subscribe to the view that the assistant director will ultimately do the work of the secretary. I believe that before long we will find there is a director, an assistant director and a secretary.

Hon. J. McI. Thomson: And an assistant secretary.

Hon. J. G. HISLOP: Yes, with assistants to them as well. It will be a regrettable step if it is believed that the Child Welfare Department can be controlled through a lay organisation. It will put

child welfare back a long time. We should leave the position as it is for the time being and let the secretary's work be done by the secretary.

Hon. L. A. LOGAN: The committee has agreed to take out of the Act the word "secretary." It was not taken out with my vote. If we do not insert anything in its place, there is no job for Mr. Young. We have to put something in—either "assistant secretary" or "assistant director." Although I do not care for either, I agree with "assistant director" provided that justice is done to Mr. Young and he is given the job. But what guarantee have we got of that?

Hon. H. Hearn: You have the word of the Chief Secretary.

Hon. L. A. LOGAN: We have not. What guarantee have we that, in the future, when the director's position becomes vacant, someone will not be put over the assistant director again?

The Chief Secretary: That is possible.

Hon. L. A. LOGAN: I asked the Chief Secretary about the qualifications, but he did not answer. We are entitled to know the qualifications of this man. We are entitled to the fullest information because it is on our vote that right or wrong can be done.

Hon. R. F. HUTCHISON: We are making a great to-do about nothing. There was a move to widen the department considerably, and it was felt important to create the post of director of child welfare. I cannot see what all the argument is about. I do not think there is any thought of doing anyone an injustice. A school is to be set up for delinquent boys, and I have asked for one to be set up for girls. This entails more work and a higher position than we have now.

Hon. E. M. HEENAN: I support the proposal to reinsert the clause. I feel we are quibbling about the name that is suggested. I am pleased with the proposal to appoint a director, and with the assurance that the director is going to be Mr. McCall, whom I know, and for whose reputation I have the highest regard. The fact that a professional man is going to be in charge of the department seems to be a move in the right direction. The proposal that he is to be assisted by an assistant director—in this instance a layman who up till now has carried on the work of the secretary of the department—also seems a good one. I see nothing wrong with the term "assistant director", and the fact that he will do secretarial work is all right as far as I am concerned. Finally, I am pleased with the indication the Chief Secretary has given us that the assistant secretary is to be Mr. Young.

Hon. H. Hearn: You mean the assistant director.

Hon. E. M. HEENAN: Yes, assistant director. Over the years, I have had a number of dealings with Mr. Young and the department, and I am pleased to be given an opportunity to pay tribute to the excellent work he has done and the kindly and efficient way he has dealt with problems presented to him.

The CHIEF SECRETARY: I often wonder why members let their fancies run away with them. In the course of the debate we have heard it said that if we appoint a director and an assistant director, we will want a secretary and an assistant secretary.

Hon. H. Hearn: Who said that?

The CHIEF SECRETARY: The only alteration this Bill will make is to provide for the appointment of a director.

Hon. H. Hearn: And an assistant director.

The CHIEF SECRETARY: He will be the same person who is now secretary. He will be called by another name; but, after all, what is in a name?

Hon. A. R. Jones: The Bill is still badly drafted.

Hon. H. Hearn: The explanation is bad.

The CHIEF SECRETARY: The drafting of the Bill is all right; it is the interpretation members have put upon it that is wrong. Mr. Logan said I did not tell him what the duties of the director would be. I can read that again.

Hon. L. A. Logan: I did not say that. I asked for the qualifications of the two men.

The CHIEF SECRETARY: These are the qualifications: The person to be selected for the position must have a strong personality, leadership qualities, administrative and organising ability, and a good practical experience in child welfare work.

Hon. H. Hearn: I think the Chief Secretary would fit those qualifications.

Hon. L. A. Logan: Has not Mr. Young those qualifications.

The CHIEF SECRETARY: I am not saying that he does not have them. All I say is that the person who will possibly be appointed to the job has better qualifications for the particular job concerned. As far as the qualifications for assistant director are concerned, he will require the same qualifications as the secretary has now.

Hon. L. A. Logan: It does not widen the scope of the Act.

The CHIEF SECRETARY: It does because of the work that will be carried out under it.

Hon. H. HEARN: The Chief Secretary could have told us at the beginning that all the Government wants to do is to appoint a new director and to see that

the present secretary, Mr. Young, is looked after by calling him an assistant director. If he had told us that, he would have saved hours of debate and had his Bill passed without amendment.

Hon. A. R. JONES: I believe the Bill is wrong, because the powers which are now vested in the secretary under the Act should have been placed in the hands of the director, and the position of secretary should have remained. I will not be surprised if, next session, we are asked to pass another amendment.

Hon. H. Hearn: The post of assistant director was a consolation prize to the secretary.

Hon. A. R. JONES: In common with other members, I feel that the position could get out of hand if it is left as suggested now, with a director and an assistant director.

Hon. H. K. Watson: The secretary will not know what his duties are.

The Chief Secretary: There will not be any secretary.

The CHAIRMAN: I must ask members to allow the hon. member who is speaking to continue his speech without interruption.

Hon. A. R. JONES: I have made inquiries and found that Mr. McCall has a degree in psychology, and that Mr. Young is attending the university with the object of obtaining a degree. It appears that both men are keen. I have had good reports of Mr. McCall and nothing but good reports of the present secretary. However, I still say that the Bill is wrong.

Question put and passed; the clause reinserted.

Bill reported without amendment and the reports adopted.

Third Reading.

Bill read a third time and *passed.*

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—RETAILING OF MOTOR SPIRITS.

Second Reading.

HON. L. C. DIVER (Central) [8.25] in moving the second reading said: This is a necessary measure because of the activities of the wholesale oil industry in relation to the marketing policy for their petroleum products. At present, under existing conditions, the petrol reseller is subject to the domination of the wholesaler, with no rights to freedom of trade such as are enjoyed by practically all other types of businesses, with the result that the reseller has become tied to this or that wholesale petrol company. He is tied not for the period of the contract which may have at some time existed between the parties but virtually for the length of time that he remains in the petrol reselling business.

I ask members to realise that this legislation is definitely levelled against what can be termed unfair restraint of trade which is in force against petrol resellers. Its important feature is that it is not detrimental to the oil industry in any shape or form, but is intended to ensure that the wholesaler does not impose conditions on the small businessman which allow him no real freedom in the operation of his business.

Freedom of trade and enterprise is of the utmost importance to the individual and must be preserved. In addition, I would like to point out that I and many other members of this House have previously indicated opposition to legislation the aim of which has been to impose controls on industry. In the oil business today we seem to have controls imposed not by Parliament but by private companies who have no legislative authority whatever.

The New Zealand Parliament was aware of the position in relation to the marketing of petroleum products; and in 1953 a Bill known as the Motor Spirits Distribution Bill, was introduced. This measure provided for the setting up of a licensing authority to control the activities of both wholesalers and retailers in the petrol industry. In my opinion, that Act is too comprehensive, and the setting up of a licensing authority means the creation of another form of restraint of trade.

The Bill does not in any way restrict the activities of those engaged in the petrol industry, whether they be wholesalers or retailers, and the question of licensing is not contemplated. No doubt members of this House received, as did I, a copy of testimony presented by the Roosevelt subcommittee of the House of Representatives in the United States of America. It was a small business committee which investigated the monopolistic practice in the distribution of petrol products, and one finding was of the utmost interest to me. It stated that the anti-monopoly laws which were designed to protect and preserve small and independent business enterprises should be strengthened and, in this connection, the sub-committee subscribed to the stated purpose and principles —namely, freedom of choice in trade and the security of equality of opportunity for all persons to compete in trade or business.

It would seem apparent from that finding that in the United States the petrol reseller does not enjoy freedom of choice in

trade nor the security of equality of opportunity of being able to compete in trade and business. One cannot help thinking, when studying the position of petrol resellers, that the lack of competition in trade and business is not limited to the United States of America; it is here in our own State.

Today, we find that, in Western Australia, a service-station proprietor, owning his business and not under any contract or agreement to a wholesale petrol organisation, is denied the right of the freedom of choice in trade by the refusal of the wholesaler to supply products to legitimate resellers.

Members may consider this to be an exaggeration, but I have seen written evidence of the refusal, and this cannot be denied. I shall quote some extracts of correspondence which will bear that fact out, in order to build up a positive case to show that while originally the small resellers were told that they would be allowed, if they so desired at a later stage, to enter into free competition, such a state of affairs does not now exist.

On the 21st of August, 1951, one company wrote as follows:—

> We propose to arrange for those resellers who have been wanting to sell .... brand only, to remove surplus pumps and modernise their stations. There will be no coercion—whatever action they decide to take will be entirely voluntary.

Another company wrote this on the same date—

> Our managing director announced today that .... company will continue to supply products to multiple stations and is not giving an exclusive franchise area to any dealers.

He went on to say that some of the company's accounts and other accounts had been pressed by other companies to sign solo agreements, but rather than do so they had requested that company's assurance to supply their total requirements and the company will do so.

Recently one of the small resellers in the metropolitan area saw fit to order lubricating oil from one of the firms, and he sent his cheque for £10 9s. 3d. with the order. In due course he received this letter—

> We have for acknowledgement your letter of the 7th July wherein you have ordered a supply of a certain brand of motor oil in 1-gallon tins and enclosed cheque for £10 9s. 3d. Under the terms of our trading policy the sale of this oil is restricted to our dealers and under these circumstances it is regretted we cannot make supplies available to you.

Still another letter, which one of the small resellers received from an oil company in reply to an order that he lodged, read as follows:—

> We are in receipt of your letter of the 12th instant enclosing order for motor spirit and various lubricants and your cheque for the sum of £88 12s. 6d. drawn on .... bank, bearing the date of the 13th inst. The order is not accepted by us. Accordingly we return same herewith, together with your cheque referred to above.

I have not mentioned the names of any of the companies concerned in the extracts. The originals are available to any member for perusal to verify my statement. Both the earlier letters and the resultant refusal by the companies to accept orders testify that the companies are not receiving orders from people in the metropolitan area who are conducting retail petrol establishments. I believe, as all members must, that it is the right of each and every citizen of this country to be free to purchase goods—provided always, of course, that he has the necessary money to be able to pay for them. But a condition which I see at the moment is forcing upon a large number of our people circumstances that we, as Australians, should not be proud of.

Let us turn once again to the U.S.A. and see the effect of the tied-house system of marketing. We find that in that country there are in excess of 200,000 service stations in existence, and we also find that over 60,000, representing one-third, change hands every year. In the metropolitan area of Western Australia over the past 12 months, of the 400-odd petrol outlets approximately 80 changed hands. That is a high percentage. Those people did not go out or sell out of a business that was profitable, but went because conditions were so bad that they could not make a decent livelihood.

It might be asked: Why consider that aspect in relation to this Bill? A little thought on the matter will, I think, bring others to the conclusion I hold, namely, that these men, like their American counterparts, were denied freedom of choice in business and lacked the security of equality of opportunity and competition in their business.

The American scene, on further investigation, also showed that not only was the service-station proprietor tied in so far as petroleum products were concerned, but he was also tied to the purchasing of his tyres, batteries and accessories from his supplying petroleum wholesaler. As can be seen, this made him a completely tied house.

I would ask members of this House not to treat this matter lightly, but to consider the problem very seriously. The service-station proprietor in U.S.A. is completely tied. The service-station proprietor

in Western Australia, if present conditions are permitted to continue, will also be tied. I say "will be" and not "may be" because there have been marketed in this State, by a wholesale oil company, tyres and batteries of the trade name of that company. As I see it, the start for the completely tied house has been made in the service-station proprietor of this State.

My reason for bringing these matters before this House has been to endeavour to show the effect of not being able to have a freedom of choice, and also to advise members of the existing conditions in the briefest way possible.

Let me now give a review of the Bill. A study of it shows that there are two main operative clauses. One provides that the wholesaler commits an offence if he gives to a reseller any valuable consideration for the reason or upon the express or implied conditions that the retailer, in relation to motor spirits, deals exclusively with the wholesaler; the other provides that if the wholesaler completely refuses to sell or supply motor spirits to a retailer for the reason that the retailer will not deal exclusively with that particular wholesaler, he commits an offence under this legislation.

No doubt other members of this House besides myself have received correspondence from some people engaged in the reselling of petrol, who object to this Bill. On investigation I find that the persons concerned have been advised that if this Bill becomes law they will be unable to market under the solo or one-brand scheme of marketing. There is nothing in the proposed legislation to support the suggestion. Nothing is contained in the legislation that will in any way disturb existing satisfactory reseller-wholesaler arrangements.

The reseller of petroleum products who is satisfied with his arrangement of solo marketing will be able to carry on that arrangement for as long as he chooses. This legislation allows him freedom of choice in trade, and to add to the products he vends, or to change and sell solo brand the products of another company if he so desires. I must therefore conclude that objectors to this legislation in the retailing of petrol have been misinformed, that a misrepresentation of the intent of this legislation had taken place, and that such objections have been inspired by the opponents of this Bill. As I have stated previously, this Bill is levelled against what we could term as unfair restraint of trade.

To substantiate the fairness of this legislation, members will note that the Bill adequately deals with the subject of retrospectivity, and is so drafted that it can leave no doubt in anyone's mind as to the intention. There is no repudiation clause, and agreements already in force will continue. I support the view that existing agreements made between two parties should stand.

I would also like to point out that there is no compulsion whatsoever for a wholesaler to install petrol pumps and equipment; the supply by the wholesaler of any such equipment is entirely discretionary. The retailer may install a petrol pump at his own expense, and then it is obligatory upon the wholesaler to supply him with motor spirit.

Safety precautions are also covered under the proposed legislation. No wholesaler shall be required to deliver motor spirit into a petrol pump which does not conform to the safety requirements of the relevant local authority, or of the Fire and Underwriters Association of W.A. To protect the brand name of the wholesaler's product, the Bill provides that the petrol pump must be clearly marked with the brand, name and grade of the petrol contained therein. I believe that this Bill adequately protects the rights of all those engaged in the wholesale or retail industry.

I have read a legal opinion in respect to this restraint of trade, and that advice states that there is no remedy at law to overcome the present position relating to restraint of trade. That the petrol retailer should be tied is undoubtedly against the best interests of competitive trading amongst the wholesalers as well as the retailers.

The retailers asked for a legal ruling on two questions. These were—

> 2A. On the expiry of the present agreement, if the garage owner refuses to renew the agreement or extend the term of the agreement and the company with which he is now dealing thereupon refuses to supply him with petrol, has he any remedy against such company to compel it to supply him?
>
> 2B. If, on the expiry of the agreement, the garage proprietor refuses to renew it and the other companies thereupon refuse to supply him with their petrol on the ground that he has become a one brand station, does this operate in restraint of trade and has he any right to force the other companies to supply him with petrol?

Amongst other things, the solicitor stated—

> At the back of these two questions there looms rather largely a strong suspicion that there is some agreement between the petrol companies, that on the expiry of the present agreements, they will act in the manner suggested by these two questions. I have not before me sufficient facts to be able to assert that such an

agreement does exist, but apparently there are strong grounds for suspicion that it does.

The ruling is a lengthy one and I shall quote only the essential part as follows:—

> In my opinion, therefore, I must answer questions 2A and 2B by saying that there would be no remedy in law available to the garage proprietor. If the suspected agreement between the petrol companies could be proved, I feel impelled to say that it reveals an extraordinary absence of commercial fair play and commercial morality, and it is somewhat surprising to find that it is beyond the reach of any legal remedy.
>
> I feel that if such an agreement exists it is a very proper case for legislative interference, and that in all probability the best approach by legislative means would be to have a system of licensing by which petrol companies must obtain licences on certain conditions, and the conditions to be imposed should be such as would ensure that any legitimate trader who is ready and willing to purchase at the ordinary price must be supplied: otherwise the licence to the petrol company shall be revoked.

Hon. H. Hearn: Whose opinion was that?

Hon. L. C. DIVER: That was an opinion by an Adelaide solicitor, and it has been supported by the opinion of a Western Australian solicitor.

Hon. H. Hearn: Who was the Western Australian solicitor ?

Hon. L. C. DIVER: I shall give that information later. I have been advised that when the reseller entered into the solo marketing policy of petroleum products in 1951, he was assured by the wholesalers that at the end of the agreement between them, he would have the right to change his supplying company or revert to the multiple system of marketing. I want to quote from a letter to show it was evident that this assurance was given and it is equally evident that it has not been honoured. I assure members that every endeavour has been made by the resellers on many occasions to settle the problem with the wholesale oil industry, both on a Federal basis and more particularly in this State through the medium of their trade organisation.

However, it is now obvious that the trade cannot, by negotiation, stop this restraint of trade. As there appears to be no existing legal remedy to overcome the present conditions, it is necessary to bring this legislation before Parliament. As I have previously stated, this Bill is purely and simply to ensure that restraint of trade does not operate between the wholesale oil industry and the reseller, and it is for this reason and the cause of free enterprise that I commend the Bill to the House.

Before concluding I should like to read a paragraph from a letter sent to Western Australia from America recently. It is from a statement by Cash B. Hawley of Detroit, Michigan, being testimony presented before the sub-committee on distribution problems, small business committee, House of Representatives, investigating alleged monopolistic practices of petroleum distribution by major oil companies in March, 1955. Mr. Hawley said—

> Spokesmen for the major integrated oil companies are very eloquent in condemning government interference in business and government interference with the law of supply and demand as an infringement of the American system of free enterprise. What has disturbed me through the years is that these companies do not live up to their own statements. While verbally praising free enterprise, and insisting on non-interference by government in business and in the supply-demand relationships of the market place, they have been and are at the same time engaged in crushing free entrprise in the retail petroleum business through various forms of supplier interference with the laws of supply and demand in the retail distribution of gasoline.

How true is that of conditions in Western Australia? These people profess to believe in healthy competition, but in this instance we have a channeling of business and there is anything but free competition in the trade. I feel sure that the vast majority of members who approve free enterprise in trade will support me.

Hon. H. Hearn: Will you give the names of the legal authorities you quoted?

Hon. L. C. DIVER: I move—

> That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—STATE ELECTRICITY COMMISSION ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—BANK HOLIDAYS ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the 15th November.

HON. J. M. A. CUNNINGHAM (South-East) [8.55]: This measure is designed to grant a measure of justice to bank officers by what appears to me to be the only method available to them. I understand that they are precluded from applying for

relief to the Arbitration Court by virtue of the fact that bank holidays are fixed by legislation.

One of the most outstanding instances in my recollection occurred many years ago, when legislation was passed to declare a three-days' bank holiday for one bank in particular to permit that bank in an emergency so to arrange its affairs that it could meet its commitments. Had that not been done, the bank would have forfeited the faith of the public, and the consequences could have been very serious indeed.

The position today is that all banks are open for some 1½ hours on Saturday morning, primarily—I understand—to handle what generally amounts to providing small change for immediate business purposes. It is understandable that for this 1½ hours of business, the shops and other businesses trading on that morning cannot possibly have sufficient money coming in to warrant banking by the time the banks close.

Hon. L. Craig: Then you do not know much about Saturday morning business.

Hon. J. M. A. CUNNINGHAM: I think I know something about it. Members should bear in mind that I am dealing with this measure as it would apply to my own district.

Hon. L. Craig: Then that is a different story.

Hon. J. M. A. CUNNINGHAM: I shall make that qualification, and when the hon. member speaks, he will be able to tell us of the circumstances as they affect his province. One regret I have is that steps were not taken to make this request for justice a Commonwealth-wide move. That would have been the better procedure. However, the bank officers of this State are trying to get some measure of relief by these means.

In Kalgoorlie and Boulder, the conditions are such that the banks do not provide any very great service to the business community on Saturday mornings. Small change, yes; small withdrawals, yes; but not a great deal of business so far as bills or cheques or the negotiating of loans are concerned. Generally it is a matter of providing a small amount of change.

Hon. L. Craig: Is not that a necessary service?

Hon. J. M. A. CUNNINGHAM: I agree that it is. Possibly the banks could make some arrangement under which, by the rostering of a minimum staff, this service could be provided. If the banks find that it is possible to do this, I hope they will take steps to that end. However, this Bill does not deal with that point. I believe that if the need were urgent enough, some such steps would be taken to provide the service.

When we set out to determine whether the proposal in this measure is just and fair, we have to consider several features. Businesses and services that are not available to the public in my district include warehouses, public departments, and municipalities, all of which close their offices on Saturday morning.

Hon. H. Hearn: Are the shops and s.p. bookmakers closed then?

Hon. J. M. A. CUNNINGHAM: I refer to essential services. When one considers the services that are normally available to the public and which are closed on Saturday morning, it seems futile that for the 1½ hours for which banks are normally open on Saturday morning the whole staff should be brought to the office.

Hon. Sir Charles Latham: They do not all come in.

Hon. J. M. A. CUNNINGHAM: The majority of the staff of the normal bank have to go to the office because of that 1½ hours of trading on Saturday morning. The banks probably feel that they have a justifiable claim for the closing of their premises on Saturday morning; and, rightly or wrongly, the only avenue available to them for an appeal is through Parliament. I understand that is correct.

Hon. H. Hearn: It is not quite correct.

The PRESIDENT: Order!

Hon. J. M. A. CUNNINGHAM: I feel that under the present circumstances the banks have done the right thing in coming to the legislature with their case.

Hon. H. Hearn: The bank officers!

Hon. J. M. A. CUNNINGHAM: Yes. They have no other avenue available to them; if they had I am sure they would not have come to us. I realise that there is an inherent danger in this approach, because once we take such a step here, it is open to other organisations to make a similar appeal to the legislature; and under those circumstances, we have the right to refer them to the proper authority—the Arbitration Court. That is the one reason why I feel justified in giving serious and sympathetic consideration to this appeal by the bank officers. However, I suggest to the member who introduced the measure into the House that he give consideration to the appointment of a select committee to inquire into the pros and cons of the question and submit its findings to Parliament.

Hon. L. Craig: And kill the measure for certain?

Hon. J. M. A. CUNNINGHAM: I am making a genuine offer, and I say it could be done in the time still available to us.

Hon. H. Hearn: Camouflage!

Hon. J. M. A. CUNNINGHAM: If the hon. member will accept my suggestion I will go all the way with him.

Hon. E. M. Heenan: But in view of your remarks it is quite unnecessary.

Hon. J. M. A. CUNNINGHAM: I am prepared to listen to further debate, but will reserve my decision; and I repeat my suggestion to the member who introduced the Bill. A select committee could be appointed and could sit tomorrow to inquire into this matter.

HON. J. MURRAY (South-West) [9.4]: I had intended not to take part in this debate—firstly because I believe the measure has been brought forward in the wrong manner. If it were to be brought before Parliament at all, it should have been introduced as a Government measure, and it would then have received its correct precedence on the notice paper, both here and in another place, and Parliament would have had some chance of giving it—

The Chief Secretary: The axe!

Hon. Sir Charles Latham: Is that what you want it to get?

Hon. J. MURRAY: —proper and just consideration, in view of our responsibility to other sections of the people as well as to the bank officers.

Looking around the gallery reminds one of the days prior to the introduction of uniform taxation, when the States had not only the privilege of spending the money, but also some of the responsibility of collecting it. At that time it was a common practice for members of the general public to attend Parliament and listen to the debates, believing that it was the right thing to do and to impress not only Parliament with its responsibility, but also the outside general public.

In recent years, unfortunately, our galleries have seldom been filled except when some section of the people has been concerned with purely sectional legislation.

We have in recent times seen four particularly big galleries, one of which was that especially got together in regard to the trotting control legislation.

Hon. C. H. Simpson: Betting control?

Hon. J. MURRAY: No trotting control, when the guarantor system went out of existence and the matter came under a committee. The next very big gallery was during the debating of the betting control measure; and then there was the Bill dealing with women on juries. We now have before us this bank holidays measure. One can only assume, when these galleries are regimented, that it is done in some measure to form a pressure group.

Hon. F. R. H. Lavery: What do you mean by "regimented"?

Hon. H. Hearn: It is all arranged, of course.

Hon. F. R. H. Lavery: Like what the Chamber of Commerce printed in last night's Press.

Hon. J. MURRAY: It is arranged as a pressure group to influence the vote of this Chamber and another place.

The Chief Secretary: They are merely interested to hear the debate.

Hon. J. MURRAY: Like Mr. Cunningham, I would like to see the measure go to a select committee; but, together with other members, I feel there is not much time left for that. To revert to what I was saying, I take a very dim view of pressure groups. Since this measure was introduced, I have had a considerable number of wires, very few from the Bank Officials' Association—

Hon. C. W. D. Barker: Did you say, "wires"? I thought you said, "wives".

Hon. J. MURRAY: I am sorry if I am not speaking sufficiently clearly for the hon. member. The majority of the wires were couched in the same terms; and, as Mr. Jones said, one could not very well take exception to the wording.

Hon. C. W. D. Barker: These people are all gentlemen.

Hon. J. MURRAY: These wires were not from the bank officers, but from individuals. A sample reads—

> Closure of the banks on Saturday morning would cause no inconvenience.

and a signature. If the people who signed those wires, which were all couched in the same terms, had added the words, "to me", they would have been completely truthful. I venture to suggest that four fifths of them could have sent a similar wire in relation to a proposal that the banks close on three days a week.

I know I have not touched on the Bill closely; but in conclusion, I would point out that when the question of nationalisation of banking was a very live one, one of the most vital arguments used to counter the nationalisation of private banks was that in regard to the service they were rendering to the people.

This Bill aims at taking away a very definite service from the people, and the difficulty could be got over by the banks themselves—if they are in favour of it—rostering their manpower. There would be no necessity then to close the banks completely on Saturdays. With these few remarks and the suggestion that the matter go to a select committee, I say that unless that is done, I will not support the second reading.

HON. E. M. HEENAN (North-East) [9.12]: This short Bill has been fully debated, and I think the House is now ready to vote on it.

Hon. H. Hearn: What makes you think that?

The Chief Secretary: It ought to be, if it is not.

Hon. E. M. HEENAN: This is the shortest Bill that has come before the House this session, and one of the shortest I can recall. The principle contained in it is straightforward. It seeks to extend to employees of the banks—

Hon. J. D. Teahan: What we all want.

Hon. E. M. HEENAN: —a privilege which most sections of the community enjoy now. Over the years there has been a tendency to shorten hours. Government departments which used to remain open on Saturday mornings, are now closed on that day. On the Goldfields the Mines Department—a very important one—used to open on Saturday mornings; and when it was closed on that day, people argued that prospectors in a hurry to take up mining tenements or do other business would be inconvenienced. But the years have proved that argument wrong.

Hon. C. W. D. Barker: All the other departments are closed on that morning.

Hon. E. M. HEENAN: In Perth, insurance offices are virtually closed on Saturday morning.

Hon. H. Hearn: Nevertheless they are still open.

Hon. E. M. HEENAN: They are virtually closed, but no harm seems to result. The closing of banks on Saturday morning would not inconvenience me.

Hon. H. Hearn: Do they pay you by cheque?

Hon. E. M. HEENAN: It is a service which a very small section of the business community really needs on Saturday morning. As most of the arguments for and against the Bill have been put forward I wish only to say that the proposal to submit the measure to a select committee seems utterly unworthy. It seems a puerile way of trying to avoid making a decision one way or the other.

I was interested in the arguments of Mr. Cunningham who supported the Bill whole-heartedly; who advanced many sound reasons why it should be supported; who explained how the closing of banks on Saturday mornings would not inconvenience the community in general; and who then, by some remarkable stretch of imagination, indicated that it was such a complex matter that it should be referred to a select committee.

The Chief Secretary: He ran true to form.

Hon: E. M. HEENAN: I suggest to Mr. Cunningham and to others who support the Bill that they should either stand up to the reasons they have given in support of the measure, or oppose it. What logical reason they can advance for the appointment of a select committee is completely beyond me. Whatever evidence could be called can be assumed in a few seconds. There is a question of principle involved. I imagine that a slight degree of inconvenience might be caused to some members of the general public, because we are creatures of habit and become accustomed to many amenities. On the other hand, we have an obligation to a large section of workers.

Hon. L. Craig: Do you think shops should be closed on Saturday mornings?

Hon. E. M. HEENAN: That is a question that is not analogous to the one we are discussing.

Hon. H. Hearn: Of course it is!

Hon. E. M. HEENAN: The hon. member might well ask should doctors stop practising on Saturday morning.

Hon. L. Craig: It is purely a question of where one draws the line.

Hon. E. M. HEENAN: I do not want to be side-tracked on this question; but anyone walking around Perth on a Saturday morning should realise the futility of keeping banks open for the small amount of business that is transacted by them.

Hon. H. Hearn: You must go around blindfolded.

Hon. E. M. HEENAN: Those are my views, but I am sure similar views have been put forward much more competently during the debate. I earnestly hope that members will not be side-tracked by the suggestion that has been put forward for the appointment of a select committee.

Hon. F. D. WILLMOTT: I move—

That the debate be adjourned.

Question put and negatived.

HON. J. McI. THOMSON (South) [9.19]: If I were concerned merely with the idea of currying favour with the small section of the community to which this Bill is aimed at giving some relief, I would, no doubt, whole-heartedly support it. In doing so, I would know that I would have the support of the community whom it is intended to benefit, and who, no doubt, think it is the right and proper course to adopt. However, greater responsibility rests upon the shoulders of members of Parliament than just that.

Had this measure been introduced to Parliament after the Arbitration Court had decided that all sections of commerce and industry should cease work on Friday night, and that Saturday should be a full holiday for all, I am sure that this Bill would have been passed on the voices of members.

Should such a decision be arrived at by the Arbitration Court, it will be just as necessary to submit a Bill of this nature to Parliament as it has been on this occasion—and even more so, because it would be only fair, if all sections of trade and commerce were closed on Saturday morning, that bank officers should enjoy the benefits enjoyed by the masses.

Hon. R. F. Hutchison: Banks are closed on Saturday mornings in Tasmania.

Hon. J. McI. THOMSON: I am not concerned with what happens in Tasmania. At present we are dealing only with what is happening in Western Australia. If the people in Tasmania are prepared to put up with the inconvenience of having banks closed on Saturday mornings, that is their affair. We cannot subscribe to the idea that because something is the practice in Tasmania a similar position should obtain here. All other States have their own responsibilities to consider and bear and we should be prepared to shoulder ours.

Objections have been raised to a private member having seen fit to introduce the Bill, but I see no objection to that, because it is the undoubted right and privilege of every member of Parliament to introduce a Bill to amend legislation if he thinks fit, and it is the prerogative of Parliament to accept or reject such legislation.

It has been said that it would have been better if the measure had been introduced by the Government. No doubt that is true; and later, if the Arbitration Court decides that all workers shall cease their labours at 5 p.m. on Friday or earlier, I am sure the Government will see fit, in justice to all sections of the community, to introduce legislation in accordance with the method that I referred to earlier. It is the responsibility of Parliament to legislate in the interests of the larger section of the community rather than the smaller section.

Hon. C. W. D. Barker: This Bill affects a large section.

Hon. J. McI. THOMSON: The hon. member will have the right to speak later.

Hon. H. Hearn: He is getting impatient.

Hon. J. McI. THOMSON: I cannot subscribe to the belief that at this stage we should strive to appease and satisfy the desire of bank officials at the expense of the public who are enjoying the convenience of banks being open on Saturday morning. It is for the public to decide whether it shall take advantage of that convenience; but, as far as I am concerned, it should not be denied to them. The 1½ hours' service rendered by the banks on Saturday morning is a great convenience to many members of the public.

Hon. F. R. H. Lavery: It is not a great convenience.

Hon. J. McI. THOMSON: We can disregard that remark entirely. It is a convenience enjoyed by the man and woman in the street, and it is something that we, as members of Parliament, should be highly conscious of. I know it is easy for those members who are anxious to have this Bill passed to endeavour to curry favour with bank officials—because that is what it amounts to. But their responsibility is greater than that. I hope, therefore, that in due course they will fully realise their responsibility in that regard.

I am from the country, and I have had occasion to visit my bank and other banks throughout the area I represent and from observation I am sure that the convenience of 1½ hours of bank trading on Saturday morning is enjoyed as much by those in the country as by those in the city.

Although business houses may receive a certain amount of cash after the banks close on Saturday, they do have the advantage of that 1½ hours' bank trading on Saturday morning to deposit any cash or cheques that were received by them up to Friday evening and their holdings in their safes are therefore at an absolute minimum. We cannot afford to pass over this question lightly.

I was extremely surprised the other evening, when the Minister for the North-West was speaking to the Bill, that he said very flippantly, "What is 1½ hours? It is of no consequence." In answer to that I say it is 1½ hours of trading; and, in view of the fact that bank officials work for three hours on Saturday mornings, the other 1½ hours during which the bank is closed are spent by bank officials working in the interests of the public, to whom we owe some sense of duty. I am sure the Minister for the North-West, the Chief Secretary and all members who intend supporting the measure fully appreciate, so far as Government departments are concerned, what three hours means to them in the course of a day's work. We should not, with an airy movement of a hand, ask, "What is 1½ hours so far as the convenience to the public is concerned?"

The Chief Secretary: We do not work on Saturday mornings.

Hon. J. McI. THOMSON: I have been expecting that, and I am aware of it. But the bank officials work on Saturday morning and render a service to the community in doing so. The period of 1½ hours they work on Saturday is just as convenient and important to the community as the same time would be to the Chief Secretary and the Minister for the North-West in their departments during the week.

The Minister for the North-West: What happens on the Queen's birthday?

Hon. J. McI. THOMSON: The Minister may ask what happens on Christmas Day or Easter Monday.

The Minister for the North-West: You can make other arrangements.

Hon. J. McI. THOMSON: Surely the Minister will not try to draw a comparison between Christmas Day and Easter Monday and work done on a Saturday! The Minister seems to agree with me, but I do not think he does. He is entitled to his opinion as much as I am to mine! I would like to draw his attention to the fact that in the same way as he places

value on the time of his employees who serve the public, so does the community place an equal value on the 1½ hours worked by bank officers on Saturday morning. I do not expect the Minister for the North-West to agree with me.

The Minister for the North-West: We manage very well in the North-West with three banks.

Hon. J. McI. THOMSON: It is high time we realised the responsibility we owe to the greater proportion of the public; and we should not consider the few people concerned in this Bill, to the exclusion of the vast majority of the community. For that reason, we cannot afford to accept legislation such as this in the philosophical manner that has been adopted by various members of this House. The question has been asked: What is our next step if we agree to legislation such as this?

Hon. C. W. D. Barker: What a terrible thing this is, eh!

Hon. J. McI. THOMSON: I am glad the hon. member agrees that it is a terrible thing; I am glad of his support. What can we expect within the commercial and industrial set-up in the State today if this legislation is passed? Should we, as custodians of the rights and liberties of the people of the State, pass such legislation?

Responsible people will agree that our overseas credit is in a parlous state, though I regret to say that many refuse to show the slightest interest in or concern about it. So long as that apathetic attitude prevails, it will be to the disadvantage of the prosperity which we so desire to see abound in this country; it is sure to be so in the long run. It is all very well to have plenty of the wherewithal in our immediate midst. But let us be honest and ask ourselves whether our overseas credit and international position permit us to remain indifferent to the responsibilities which we as individuals owe to our State.

It is very alarming indeed to see the attitude adopted by people who are concerned only with doing the least amount of work for the most they can demand. This attitude seems to be encouraged by leaders of the Labour movement and trade unions generally. That is a sorry state of affairs to have reached. When we look at the history of nations that have struggled to rehabilitate themselves after the devastation of war and other ravages, we find they placed the prosperity of the nation first.

It behoves us all to show concern in the larger issues rather than in what is contained in this Bill. Its provisions are selfish, and we should not encourage that attitude by passing such legislation. Like other members who have expressed opinions, I feel that if the banks are desirous of bringing about these conditions for their officers, it is within their power to do so. They could do it with little inconvenience to themselves. We should, however, give thought to the great inconvenience that would be caused to the greater proportion of the people; and we, as members of Parliament, should take that into consideration rather than be swayed by the parochial provisions of the measure.

The PRESIDENT: Order! A member must not cross in front of the member who is speaking.

Hon. J. McI. THOMSON: As members of Parliament, we should face our responsibilities in the interests of the masses rather than in the interests of the small section of people who are dealt with in this Bill. I do not see much merit in the appointment of a select committee, and I intend to vote against the second reading of the Bill.

HON. C. W. D. BARKER (North—in reply) [9.39]: First of all, I would like to thank all those who have taken part in this debate: those who have spoken for the Bill and those who have spoken against it. As Mr. Jones said, much interest has been shown in this measure, and there have been many speeches both for and against it. Surely, that is good for democracy. It is good that there should be a full debate on occasions when such matters come before this House. I hope my reply will be accepted in the same democratic spirit that has prevailed throughout this long and interesting debate.

So much has been said about loyalty and service, that it is only fair at the outset that I should again, on behalf of all bank officers, state that they sincerely proclaim their loyalty to their country, and add that they are mindful of their duty to their employers and fully realise the duty they owe to the public. But they state, and I think rightly so, that this service can be given without the banks being open for 1½ hours on Saturday mornings.

I would now like to answer points raised by various speakers, and then briefly sum up the situation. Sir Charles Latham made a dramatic speech indeed. It was one of the most dramatic speeches I have heard him make.

Hon. Sir Charles Latham: You have had limited experience.

Hon. C. W. D. BARKER: I know that the night before he made his speech he went to see a Shakesperian play; and no doubt that is where he got his inspiration. I wonder what kind of speech he would have made if he had been to see the Harlem Blackbirds the night before!

Hon. Sir Charles Latham: Do not be funny! You will finish up by making a very bad speech.

Hon. C. W. D. BARKER: Sir Charles said that this Bill favours a few.

Hon. Sir Charles Latham: So it does.

Hon. C. W. D. BARKER: Is it not fair to say that, by requesting this legislation, the bank officers are only asking for an amenity which is granted to other related businesses and industries?

Hon. A. R. Jones: By whom?

Hon. C. W. D. BARKER: By the Arbitration Court. I will answer the hon. member's criticisms in a moment. Sir Charles also showed an amazing lack of knowledge of the working of our banking system.

Hon. Sir Charles Latham: I have not had the same amount of overdraft as you; otherwise, I would know a bit more.

Hon. C. W. D. BARKER: The hon. member said that the work of bank officers was the easiest work that he was aware of. I will grant him that it is not manual labour, but it is mental work.

Hon. H. Hearn: Do you know much about that?

Hon. C. W. D. BARKER: I think the hon. member will admit that mental work can be more fatiguing than manual labour.

Hon. Sir Charles Latham: Just tapping machines!

Hon. C. W. D. BARKER: I would be the last to say that Sir Charles would not know. He did hasten to add, however, that the banks served a useful purpose.

Hon. Sir Charles Latham: Let us have nationalisation and be done with it!

Hon. C. W. D. BARKER: Sir Charles said also that every time we do that sort of thing we depreciate the value of our money. He went on to say that he did not like to see people wanting to do less work for more money. In order to get those two statements right in the minds of members, I would point out that the closing of banks for 1½ hours on Saturday morning would not depreciate the value of our money in any way. Sir Charles knows that is so.

There people are not asking for more money for less work. The difference that this Bill will make is—and let me emphasise this—that 40 hours' work will be completed in five days instead of 5½ days. That is the only difference the measure will make.

Hon. F. R. H. Lavery: The same as in most other industries.

Hon. C. W. D. BARKER: In respect of the award for bank officers, the Arbitration Court states that they shall work 40 hours a week, so many hours per day.

Hon. H. Hearn: What happens on statutory holidays?

Hon. Sir Charles Latham: Do not mention those!

Hon. C. W. D. BARKER: What happens?

Hon. Sir Charles Latham: Yes, when everybody else is working!

Hon. C. W. D. BARKER: I am not trying to mislead the House in any way. I know quite well to what the hon. member is referring. So do all the bank officers, and so does every member of this House. I do not intend to sidestep the matter. The award states, as regards statutory holidays, and particularly Saturday mornings—and I quote from the "Western Australian Industrial Gazette," page 514—

> (a) The ordinary working hours of officers, exclusive of meal hours, shall not exceed 40 in any one week.
>
> (b) In weeks in which statutory gazetted or proclaimed holidays are observed, the ordinary weekly working hours shall be reduced by seven hours and 18 minutes for a full holiday, by 3½ hours for a half-holiday and by 3½ for a Saturday.

That is quite clear. If this Bill became law, then, according to the award, the bank officers would work only 36½ hours per week.

Hon. H. Hearn: Correct!

Hon. C. W. D. BARKER: But it has been stated in this House several times that in the bank officers we are dealing with the most honest class of man in Western Australia. As a matter of fact, the job they are doing leads to a great amount of trust being placed in them. So let us trust them!

Hon. H. Hearn: You cannot contract out of an award.

Hon. C. W. D. BARKER: This award cannot be altered until the Bill is passed. The bank officers are clearly aware of what will happen if the measure is agreed to, and they intend to go to the court and have an alteration made which will ensure that they work a 40-hour week. Was it likely that before the Bill came to Parliament they would go to the court and have the hours altered? If they had done that, and a holiday in the future had fallen on a Saturday, they would have lost the benefit of that holiday in the event of the Bill being thrown out.

Hon. H. Hearn: How do you know that the court would grant the application?

Hon. C. W. D. BARKER: The court would grant it.

Hon. H. Hearn: How do you know? Can you speak for the president of the court?

The PRESIDENT: Order!

Hon. C. W. D. BARKER: No. But I think any one of us can deal in commonsense; and if this Bill were passed, the

Arbitration Court would rectify the position. The bank officers would take the matter to court and have it rectified. I never intended to mislead the House for one moment. I was fully aware of what was likely to happen, and so were the bank officers. So was Mr. Hearn.

Hon. H. Hearn: You have been told since.

Hon. C. W. D. BARKER: The 40-hour week was obtained by bank officers in 1920, and the number of hours is still the same in 1955, and would be the same if the Bill were passed.

Hon. H. Hearn: It would not. You are wrong.

Hon. C. W. D. BARKER: If the banks were not open on Saturday mornings, that would not interfere with the flow of commerce and business because, regardless of what members have said, very little business—if any—is transacted on Saturday mornings.

Hon. H. Hearn: Please! Please make a correct statement!

Hon. C. W. D. BARKER: As the hon. member says "please", I will reply to that remark.

Hon. H. Hearn: You have it written down in your notes later on, have you?

Hon. C. W. D. BARKER: I will tell the hon. member more about it later on. Referring to bank officers, Sir Charles Latham stated that they were the kind of people who should have some thought for the welfare of our country and a lot more thought than they seem to have. The bank officers state that they are vitally concerned with the economy of this vast and prosperous State, and realise only too well that their future is dependent on the wealth and production of this State.

Hon. Sir Charles Latham: The next time your party wants nationalisation I will go out and help it!

Hon. C. W. D. BARKER: Good!

Hon. Sir Charles Latham: Then you will be well under control.

Hon. C. W. D. BARKER: The bank officers are firmly of the opinion that the closing of the banks for the 1½ hours that they are open on Saturdays will not interfere with production or the flow of commerce. So if this Bill becomes law, it cannot jeopardise the future welfare of our country. Sir Charles is concerned that the last year's wheat and some of this year's wheat is still on our hands, and he expressed fears of a recession.

We are all concerned with the position of overseas markets in respect of wheat, and none of us wants to see a recession. If the keeping of the banks open on Saturday morning for 1½ hours would have any effect on the world's wheat markets or would ward off the recession of which Sir Charles is afraid, then the bank officers would be the first to say, "Let the banks stay open on Saturday mornings."

Hon. Sir Charles Latham: You have their confidence all right!

Hon. C. W. D. BARKER: Certainly! Evidently I have something that the hon. member lacks.

Hon. Sir Charles Latham: I certainly have not got it, and do not want it.

Hon. C. W. D. BARKER: Mr. Hearn stated that he did not approve of a private member introducing the Bill, and that it struck at the very foundation of our industrial policy. He said that we in this House had taken the stand that such action should never be carried out by means of legislation. I do not think for one minute that Mr. Hearn's red herring left even a suggestion of a smell in any member's mind.

Hon. H. Hearn: You are getting your metaphors mixed a bit.

Hon. C. W. D. BARKER: If this matter could have been taken to the Arbitration Court and the request granted by that court, the Bill would never have come to this House. In submitting the measure, Mr. Johnson, as a private member, did nothing except exercise his democratic right, which is the right of every private member in this House and another place. Is any member here going to deny us our democratic rights?

Hon. A. F. Griffith: Yes; the Chief Secretary will at times.

Hon. C. W. D. BARKER: The Chief Secretary has never denied anyone his democratic rights in this House. Mr. Hearn knows as well as any other member that there is no other way that the objective of the bank officers can be achieved except by altering the Bank Holidays Act. The Arbitration Court may determine the number of hours to be worked but has no power at all to determine the spread of those hours.

The Bills of Exchange Act is the main stumbling block in these proceedings; and that Act, as it affects this measure, has been quoted. But to clean up any misunderstanding in this respect, I wish to quote from the Act to show that the objective of this Bill can be achieved only by legislation and not through the Arbitration Court. Section 98 (2) of the Bills of Exchange Act states —

> When the day on which any payment, presentment, notice, noting, protest, acceptance, act or thing should be made, given or done in connection with a bill, cheque or note which falls on a non-business day, it may be made, given or done on the business day next following.

I know that has been quoted before, but I think it should be borne in mind that this is the only place where the bank officers could achieve their objective. Section 98 (3), states—

> "Non-business day" for the purpose of this Act means—
>
> (a) Sunday, Good Friday, Xmas Day;
>
> (b) a bank holiday.

Any other day is a business day. Section 98 (4) states—

> Where in pursuance of the law of the Commonwealth or of a State any day is declared to be a bank holiday in the Commonwealth or in a State or in a part of the Commonwealth or of a State, that day shall, for the purposes of this Act, be a bank holiday in the Commonwealth or in the State or in the part of the Commonwealth or of the State as the case requires.

Thus it is obvious that banks must remain open on Saturday mornings in compliance with the Bills of Exchange Act. Neither the State Arbitration Court nor any State tribunal has power to grant a five-day working week for bank officers. Consequently they have no alternative but to approach Parliament to have Saturday closing provided for as is proposed in the Bill.

Hon. A. F. Griffith: What do you think of the suggestion for a select committee?

Hon. C. W. D. BARKER: I promise the hon. member that I will discuss that before I resume my seat. This Bill is parallel, I think, with the measure that was found necessary in Tasmania. One statement by Mr. Hearn that I cannot let pass was—

> Personally it has been my privilege to live in a period of youth where there is no social conscience.

If Mr. Hearn intended to imply that he has no confidence in youth of today, then he has lost confidence in the whole of the future.

Hon. H. Hearn: I never said that or implied it.

Hon. C. W. D. BARKER: The youth of today are the citizens of tomorrow. Mr. Simpson is of the opinion that this request should not have been brought to Parliament. I think he has been answered in my reply to Mr. Hearn. He thought the country people would strongly resent the withdrawal of banking facilities on Saturday mornings. Mr. Jones, a representative of the same province, stated that not one country person had approached him in connection with the Bill.

Hon. A. R. Jones: That is wrong.

Hon. C. W. D. BARKER: He said that therefore, in his opinion, the country people did not care one way or the other whether banking facilities were available on Saturday mornings or not.

Hon. A. R. Jones: That is a mistatement.

Hon. C. W. D. BARKER: It is recorded in "Hansard," and the hon. member can have a look at it if he likes. Mr. Diver stated that from the outset, the bank officer had aspirations to finish up, with no economic training or conscience, with his feet under a desk and dictating to the poor hard-working farmer. Mr. Diver knows as well as anyone else that a bank officer works his way slowly through a bank, and only a few officers reach the top. I think that every member in this House will agree that such officers must have a sound knowledge of economics, must be students of human nature, and must have a good working knowledge of industrial affairs, and—in this country where primary products predominate—a good knowledge of agriculture.

Let us try to realise that in this request from the bank officers, they are only asking for just recognition—in line with those in related industries and businesses —of a record of long and ardous duty to the public generally. The main concern of everyone who has spoken against the Bill has been that facilities for banking in the savings bank sections will be denied to the workers, who will not be able to bank their hard-earned money.

Nobody need have any fears in that respect. There are 500 or 600 agencies of the Commonwealth Savings Bank in Western Australia, in chemists' shops, newspaper shops, and other suitable premises, and the business is done whenever it suits the owners.

Hon. Sir Charles Latham: They can work on Saturday mornings, but the gentlemen in the banks cannot!

Hon. C. W. D. BARKER: The shops are open, and the facilities exist which the hon. member is afraid we are going to deny people. I do not think members in the country have anything to be afraid of. In one country town—Wickepin—shops are closed on Saturdays, including the co-operative store, which is farmer owned and controlled. So, apparently things can be done without on a Saturday.

Hon. H. K. Watson: What do they do on a Wednesday?

Hon. C. W. D. BARKER: I would not know. In other countries where banks close on Saturdays, we find the position is satisfactory and there are no complaints. The people soon settle down and adjust themselves to the change. Mr. Wm. A. Kielman, President of the People's National

Bank and Trust Company, Long Island, and President of New York State Bankers' Association stated:—

> We find that our staff is pleased with year round Saturday closings. This factor tends to aid in holding our present employees and there is an attraction for applicants in the fact that we as a bank are now able to offer the same working hours as other commercial businesses. For a long time it has been a justifiable point of irritation to bank employees. Saturday closings have not arrested the progress of the bank, and our volume of new business has not suffered. I believe that our employees are entitled to this time off. I further believe that our nation, in general, will come to shorter working hours, and that this is a sound condition. As for banking, I believe that Saturday closing is here to stay and that banks all over the world will follow suit.

This statement comes from the president of a large concern in a country where the keynote is free enterprise and private monopoly. Some reference was made to the Queen's birthday—Monday, the 14th November. That day was a bank holiday, but the retail shops, etc., were open. I made a tour of the city to find out what effect the closing of banks had on the flow of business, and there was no inconvenience.

I made extensive inquiries and, according to what I learned, that particular Monday was a record day for business. Many people took advantage of the children being home, to make it their Christmas shopping day. The storekeepers told me that they had previously made provision for change, the same as they did every week-end. When I asked what happened to the takings until the banks opened the next day, they told me that they did the same as they did every week-end. The big shops have safes and are adequately covered by insurance. They also said that there was an efficient armoured car collection service available in the city, and night safes for those who wanted to use them. So I claim that if banks can be done without for one clear day at any time, then they can be done without for 1½ hours on Saturday morning.

In reading out a list of offices that were closed on a Saturday, Mr. Jones could not see any relation between them and the banks and wanted to know what difference their being closed made. I claim that each and every one of those offices is vital in respect to deals, contracts and business. Therefore, their closure slows down the banking business on a Saturday morning. Let us have a look at them.

First there is the Department of Lands and Surveys. I would say these are offices for information regarding land, etc.. The Titles Office is there for a search into title deeds. The Commissioner of Stamps is not available for any stamp tax. The Registrar of Births, Deaths and Marriages has information in that regard, and the traffic police are available, as is the water supply and drainage department for the payment of rates, etc.

The Commonwealth Sub-Treasury and the Taxation Department are there for the paying in of various moneys, and share-brokers are there for the operating in stocks and shares. Solicitors are available for the drawing up of documents and the sealing of business deals. The departments of social service are for the completion od documents in regard to pensions, etc. All these business offices are closed and are related to the banking business.

Hon. L. A. Logan: Give us those that are open!

Hon. C. W. D. BARKER: Their being closed reduces the banking on Saturday morning to at least one-fifth of its usual volume.

Hon. A. R. Jones: I did not say that I agreed with their being closed.

Hon. C. W. D. BARKER: I did not make any reference to that. Mr. Jones clearly stated that he could not see what these businesses had to do with banks on a Saturday morning. My purpose in bringing this statement before the House is to try to impress upon members that this business of being closed makes a lot of difference to the banks on a Saturday morning. and means that it is almost useless for the whole staff to come in for 1½ hours on that day.

Hon. J. McI. Thomson: Why do you not roster them?

Hon. C. W. D. BARKER: I presume the hon. member means that we should let two or three of them come in and do the work on a Saturday morning. All I can say is that what the hon. member knows about banking is very little indeed, because any business deal or cheque has to go through a certain process which needs the full staff of the bank, with the possible exception of one or two men on the counter. It may be possible to roster one or two chaps to serve on the counter, but otherwise it would not be possible.

Hon. J. McI. Thomson: Do you mean to say that you cannot walk into a bank and present a cheque and get the cash?

Hon. C. W. D. BARKER: Yes; but after that, it goes through a process, and the hon. member knows it. To say that if Saturday closing were granted to bank officers, it would be logical to give all essential services, such as trams, buses, etc., week-ends off is, in my opinion, going from the sublime to the ridiculous. Transport workers have already got a five-day week, and they take the appropriate days off during the week, realising that their business is an essential service. The bank

officers—I think rightly so—claim that to open banks for 1½ hours on Saturday is not essential.

Hon. L. A. Logan: What is your definition of "essential"?

Hon. C. W. D. BARKER: I agree that some services are necessary on a Saturday and Sunday morning. I believe that transport services should operate during the week-end. But the men still work five days a week, and the appropriate days are taken off during the week. I cannot see that anyone has anything to complain about in that.

Someone, by interjection, mentioned professional men. I do not think they work to a roster. The professional man is his own master. He works when he pleases, and he dedicates his life to his profession and to service. I agree that we have a lot to be thankful for in regard to those professional men, and we owe them a lot.

Some members have stated that if the banks were not averse to closing on a Saturday morning, and this was a joint request from the banks and the Bank Officials' Association, they would give it their support. I think I am right in quoting Mr. Thomson as having said that if this request had come from the bank officers and the banks themselves, then they would give it their support. More than one member said that.

Hon. J. McI. Thomson: Say that again.

Hon. C. W. D. BARKER: No member has come forward with a specific case from the banks themselves against the Bill. Would it interest members to know that the banking houses have made a detailed investigation into what would be the consequence and the inconvenience if the banks were closed on Saturday morning, and their findings are that there would be no inconvenience whatsoever to which the public could not adjust themselves? If there had been any possibility of the banks putting up a case against the Bill we would have heard a barrage in the House such as we have never heard before.

When introducing the Bill, I stated that Saturday morning work was not an attraction in the recruiting of staff when good conditions are available in related industries with a five-day week. The banks themselves throughout Australia, in respect of the recruiting of new staff, say, "We have been seriously impaired through the banks having to work on Saturday with respect to new recruits."

We, in Western Australia, have gone a long way in respect of our standard of living; and the 40-hour week in five days has become an accepted fact in most industries. Is it not natural that it should be a point of irritation with bank officers that they are the only ones denied this amenity?

We know this House must be prepared to face up to the conditions prevailing in industry in Western Australia and to accept the change; not to run away from it. We should be impressing upon the workers, not that they should work more hours in this machine age and become slaves to machines and victims of overproduction, but rather that they should give good honest service for the 40 hours that they do work.

Hon. J. McI. Thomson: You are quite right.

Hon. C. W. D. BARKER: We should not be quibbling about whether bank officers should get an amenity that has been given to everyone else. What we should be doing is impressing upon workers that they do work now.

Hon. J. McI. Thomson: Hear, hear!

Hon. C. W. D. BARKER: If the Bill becomes law—and I hope it will, in spite of the opposition to it—I am confident that there will be no inconvenience to the public as a result. I think the change will soon be accepted, and that we will settle down to a regular routine and will not miss the banks for the hour and a half on Saturday mornings.

Hon. A. F. Griffith: Do not forget to deal with the select committee.

Hon. C. W. D. BARKER: I promised the hon. member that I would deal with that question before I sat down, and I shall do so.

The Chief Secretary: Wait till it is moved for. Then it is time to deal with it; not now.

Hon. C. W. D. BARKER: I think every member knows that when I make a plea to them, I am sincere, and that I do not deal in politics. Throughout the Bill I have refused to have anything to say on it in respect of politics.

Hon. A. R. Jones: You made a deliberate lie on the statement in my remarks.

Hon. C. W. D. BARKER: I ask the hon. member—

The PRESIDENT: Order! Will the hon. member please clarify that remark.

Hon. A. R. Jones: Yes, I have much pleasure in clarifying it. The hon. member in his speech said that I said certain things, and I have just got a pull of my speech from "Hansard" which absolutely contradicts what he says.

The PRESIDENT: The hon. member has the right to ask for a withdrawal. Mr. Barker may proceed.

Hon. C. W. D. BARKER: I made some statements as to what Mr. Jones said. I do not know which one he is referring to, but I think it is the one about his having received no word from anyone in the country; and that is exactly what he did say.

Hon. L. A. Logan: Do not be silly! Why do not you read it?

Hon. C. W. D. BARKER: That is exactly what he said.

Hon. L. A. Logan: Quote it.

Hon. C. W. D. BARKER: I have not the speech here; otherwise I would quote it.

The PRESIDENT: Order!

Hon. F. R. H. Lavery: What is Mr. Logan throwing things about for? Why does he not sit still and keep quiet.

The PRESIDENT: Order!

Hon. C. W. D. BARKER: I ask members to put this legislation on the statute book.

Hon. F. R. H. Lavery: Apparently the hon. member does not like the truth.

Hon. C. W. D. BARKER: If, after a fair trial, we find that fears expressed by members in opposition to the measure are realised, I will be one of the first to help take this amending legislation off the statute book. Bank officers generally have given good service to this country, and they are now seeking their just dues in common with workers in other industries in Western Australia.

Hon. C. H. Simpson: No one questions that.

Hon. C. W. D. BARKER: In regard to a select committee, let me say that I cannot see any sense in appointing one at this late hour. This Parliament has only a few days to live; and if a select committee were appointed, it would have to sit one day, and then report to Parliament. If this question were vital, and a lot of detail had to be attended to, I would agree to the appointment of a select committee.

Hon. H. Hearn: You would be able to do it in a day, would you?

Hon. C. W. D. BARKER: We do not want a select committee on a matter such as this. It could get no further information than we already have. It could get nothing fresh. But rather than see the Bill murdered, I would consider something along those lines. However; it would be under duress and with protest, because I cannot see any sense or reason, at this late hour, in asking for the appointment of a select committee.

Personal Explanation.

Hon. A. R. Jones: I rise to make a personal explanation, and to ask Mr. Barker to withdraw his remarks. All members here heard him repeat the statement he made, and I would now like to read what I said on this matter. I wish to quote from a pull of "Hansard." It reads—

> At the moment, the opening of banks on Saturdays is essential. No suggestions have come to me from farmers in the country that this legislation should be supported, or that the banking people should have a holiday on Saturday morning; and I can only assume, therefore, that people in the country are definitely not asking for it at all.

That is definitely contrary to what the hon. member suggested I said, and I ask him to withdraw his remarks.

Hon. C. W. D. Barker: I think the hon. member has clearly shown that the words I used, while not identical, are the same in meaning.

The President: Order! Mr. Jones has quoted the words he used, and they are in direct contrast to the words that the hon. member said he used. He will please withdraw his remarks.

Hon. C. W. D. Barker: I accept your ruling, Mr. President; I have no option. I will withdraw them.

The President: Thank you.

Hon. F. R. H. Lavery: Mr. Jones used the word "liar", and I think he should withdraw it.

The President: Order! The hon. member will please resume his seat. The debate has closed. Does the hon. member want to make a personal explanation?

Hon. F. R. H. Lavery: Yes, Sir, I want to explain that since I have been in the House, I have learned—

The President: Order! Please resume your seat!

Hon. F. R. H. Lavery: How can I explain if I have to resume my seat? I will not resume my seat!

(Mr. Lavery left the Chamber).

Debate Resumed.

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

Ayes	12
Noes	14
Majority against	2

Ayes.

Hon. C. W. D. Barker	Hon. E. M. Heenan
Hon. J. Cunningham	Hon. R. F. Hutchison
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. W. R. Hall	Hon. A. F. Griffith
	(Teller.)

Noes.

Hon. L. Craig	Hon. L. A. Logan
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. J. Murray
	(Teller.)

Question thus negatived.

Bill defeated.

BILLS (2)—FIRST READING.

1, Reserves.
2, Road Closure.
Received from the Assembly.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Debate resumed from an earlier stage of the sitting on the motion moved by the Chief Secretary to concur in the Assembly's resolution.

HON. SIR CHARLES LATHAM (Central) [10.25]: I have had a look at the resolution and it provides for the revocation of portion of four pieces of land. Some of them are only small pieces, as the Minister explained, and I have no objection to the resolution.

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

BILL—EDUCATION ACT AMENDMENT.

In Committee.

Resumed from an earlier stage of the sitting. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—New Section 9A added (partly considered):

Hon. Sir CHARLES LATHAM: I am perfectly satisfied, now that I have had a look at the clause. I found I had got hold of the wrong Bill previously.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed.*

BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).

Second Reading.

Debate resumed from an earlier stage of the sitting.

HON. SIR CHARLES LATHAM (Central) [10.30]: This is more or less a continuance Bill, although it contains some new provisions. The operation of the Act ceased last year, but I presume that money has been paid in from month to month. The Bill proposes to give effect to the continuance of the measure as from last year, and to extend it for five years. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed.*

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading—Defeated.

Debate resumed from the 17th November.

HON. E. M. HEENAN (North-East) [10.35]: This Bill seeks to amend the Constitution by making provision for wives of householders to be given a vote for the Legislative Council election in this State. From time to time attempts have been made to broaden the franchise of the Legislative Council. It has been pointed out before that of the population of this State who are eligible to vote for the Legislative Assembly, less than one-third are enrolled to vote for the Legislative Council; in other words, only one-third of the adult population have the right to vote for the Legislative Council.

The present franchise is a restricted one, the main qualifications being those of householder or freeholder. There are other qualifications which are more or less minor compared with those two major ones.

It has also been pointed out that a much wider franchise exists in other States of Australia. For instance, in Victoria a year or so ago, adult franchise was applied to the Legislative Council elections. At present every person over the age of 21 has a right to vote for the Legislative Council in that State. I do not think that any substantial argument can be brought forward to prove that such an extension of the franchise has had a revolutionary effect. It has not resulted in the Labour Party of Victoria gaining a majority in the Legislative Council. Under the present system that party is still in the minority.

Another important argument for amending the franchise is that in the Senate of the Commonwealth Parliament, every person over 21 years of age has a vote. The people of Australia will soon be faced with a Federal election and according to the statements made by the respective party leaders, and according to our own knowledge and judgment, it is obvious that this election will be a most important and vital one because widely divergent policies are espoused. They have been put forward with the best of intentions by the opposing parties. One way or the other the future of this country will depend to a great extent on the decision made by the electors on the 10th December next. That will be an important election because the Senate has the ultimate say in the legislation which governs this country.

The point I make is that every person in Australia over the age of 21 will have a vote for the Senate in this vital election; yet in the Legislative Council elections of this State only one-third of the adults are given a right to vote. I do not know of any logical argument which can be

advanced to justify the granting of adult franchise to the people of Australia who will vote on the important forthcoming Senate elections; while for the Legislative Council elections in this State to be held next May, two-thirds of the adult population will be deprived of a similar right.

Hon. L. Craig: This Bill really deals with wives of householders and freeholders.

Hon. E. M. HEENAN: I know that. I shall develop that argument. I say that a good argument has been advanced to show that in the Legislative Council elections to be held next May adult franchise should surely prevail, if it prevails for the important Senate elections which will be held in the next few weeks.

This Bill does not ask for adult franchise; all it seeks is to give wives of householders a vote in the Legislative Council elections. At present, every householder here over the age of 21 who occupies a dwelling which is worth over 7s. a week in rent is entitled to a vote. That is a fairly wide franchise, because it takes in practically anyone who occupies a house.

In 99 cases out of 100 the householder means the husband or the owner of a house. This deprives the wife of a vote. It will thus be seen that thousands of wives will not have the right to vote at the forthcoming Legislative Council elections. This Bill proposes to give them that right and for them to be enrolled as voters. Surely such a proposition should appeal to the majority of members in this House.

I, together with other members, have laid stress on the fact that wives and mothers are a very important section of the community. I do not know of any section of the community which is more important or which has more responsibility. They control the household; they have the upbringing of the children and supervise their education; they have the budgeting for the home, and I do not think anyone would argue that they are not a responsible section. Why they should not be entitled to a vote for this House, I cannot understand. Yet, in all the years, we have deprived them of that right.

From time to time, Governments of the party that I support have attempted to extend the franchise to a greater degree than is now proposed but, out of respect for the feelings of members who have opposed some of those amendments, the Government has now brought in this simple worth-while amendment, and it has been submitted to the House in good faith and in the sincere hope that the intrinsic merits of the proposal will appeal to a statutory majority on this occasion.

I am afraid that some of the members in opposition are evading the arguments that are being employed, and I am sorry that some of those who in the past have been critical are not in their places to listen to the arguments on this occasion. Out of respect for the views of the Opposition, the Government on this occasion has introduced the Bill in this Chamber, and I think that members should appreciate that fact and show some gratitude for it. On previous occasions adult franchise was proposed but some members objected to that on the ground that it was going too far. Out of respect for their viewpoint, the Government has not included that proposal, but has confined the Bill to the one proposition to give the vote to the wives. That is really what the proposal amounts to.

I hope that on this occasion something will be conceded. I do not think this extension of the franchise would make any radical difference to the composition of this House or to its political set-up, but it would mean that many more people in the State would take an interest in Parliament. At present, if 50 per cent. of the people vote at the Legislative Council elections, we consider that we are doing well. The reason why more people do not vote is that they are not interested.

Hon. L. Craig: You would not get a 50 per cent. vote at the Assembly elections if it were not for compulsory voting

Hon. E. M. HEENAN: I can agree with that remark regretfully, because it is a bad tendency when people in a democracy do not take an interest in the institutions of democracy, and one of the most important of those institutions is parliamentary government—government of the people by the people through their elected representatives. If people do not bother to enroll or vote, the control of this country will slip out of their hands, and some other system awaiting the downfall of our present democracy will step in and it will then be too late for them to do anything.

It would be a good thing if we extended the franchise for this House in this one respect. The wives are a worth-while responsible and deserving section of the community, and, if the franchise were extended to them, I am sure that nothing but good would result. Many years ago a similar proposition was recommended by a select committee, a majority of which consisted of members politically opposed to the views I hold. They were responsible men who took evidence and investigated the question carefully, and they recommended that the franchise be extended to wives. Our leading newspapers, in years gone by supported a similar proposition, and for the life of me I cannot understand why there should be any opposition to it today.

I believe that the only opposition comes from some members who are afraid that any extension of the franchise would lead to political repercussions that would be advantageous to one side or the other, but

I do not think there is any weight in that argument. If there were, we would expect a different set-up from what obtains in Victoria, where there is adult franchise for the Upper House. During my recent absence from the House, members no doubt have discussed the merits and demerits of this proposal quite exhaustively, and I shall not labour the matter further.

I think that any political advantage would prove to be divided, but this should be our least consideration. Whether this proposal will help one side or the other is certainly my least thought. I hope that the Legislative Council will continue to function, that as the years go by the people will take more interest in its deliberations, that a far greater percentage of people will vote, that more people will enroll and that the qualifications will be easier for them to understand. When this goal is achieved, I feel sure that it will be all to the good, and that this worth-while instrument of our democratic set-up will continue to flourish and to achieve good for the people of the State.

HON. L. CRAIG (South-West) [10.55]: This is not the first occasion on which we have had a Bill of this sort before us; in fact, it has become almost a hardy annual, and for years efforts have been made to extend the franchise for this House. Mr. Heenan developed his theme quite well, but introduced sentiment as if it were of great importance. This House has always taken the view that it should have a property qualification to entitle people to exercise the vote.

If I may go back a little, there is a vital principle involved which I dealt with some years ago. In the early days, people were not so well educated as they are today and, generally speaking, the people who owned property were the better educated ones in the community.

Hon. R. F. Hutchison: Are they not educated now?

Hon. L. CRAIG: I mentioned that I was dealing with those days. So it was decided that the people who owned property and had decided to live here, people who had their roots deep in the country at a time when we had a moving population, should have a say in legislation that had been passed by another place on party lines. That legislation should be reviewed by the people who had really established themselves here. Thus, the franchise for this House was based on property and, through the medium of the vote, people who owned property had the right to say whether certain legislation should become law. That is a vital principle, and if we break away from the principle of the property franchise, we might as well wipe out the lot.

The theme developed by Mr. Heenan did not include mention of the fact that a man living in a flat that might have cost £5,000 or £20,000 has not a vote, while a wife who pays only 7s. a week rent has a vote. The professor living in a flat would have no vote and neither would his wife.

Hon. R. F. Hutchison: That is not true.

Hon. L. CRAIG: It is true.

Hon. R. F. Hutchison: It is not.

Hon. L. CRAIG: I do not intend to argue with the hon. member. The point is that a flat has not yet been recognised as a household. Year after year, we have determined to retain the property qualification, and I say that, contrary to the views of my own party, if the Government introduced a Bill to provide for household franchise for this Chamber, I would support it, but I will not accept any halfway compromise.

Hon. R. F. Hutchison interjected.

Hon. L. CRAIG: If the hon. member will allow me to proceed, I undertake to listen attentively to her when she is speaking. I am not abusing the hon. member, but I can hardly say the same of her attitude to me. The practice in this House is to pay attention to the views of all members, however diverse they may be. I will leave the matter at that.

Until a complete change is made, as has been done in Victoria, we should stick to the principle of a property franchise. Goodness knows, the present franchise has become easy enough in the last few years. Fifty years ago, 7s. a week was sufficient to pay the rent for a 4-roomed cottage. Today that sum would not rent a garage. In fact, I could use another term, and it would not rent anything like that, either. All one requires is a building of some sort, a property of some kind or pay £10 per year to the Crown or have £50 worth of land. Surely that is a low enough qualification!

Hon. R. F. Hutchison: But not a married woman. She has no vote.

Hon. L. CRAIG: It is a property franchise. The hon. member would give women everything, just because they are women, but I hope this House will stand on its old principle—that it is a House of review—and I trust that until the property franchise is completely eliminated we will not fritter away what has obtained for so long to small privileged sections, for sentimental reasons. I refer to the wives. I cannot see where the capacity of a wife, just because she is a wife, is greater than that of a single woman or anyone else.

Hon. C. W. D. Barker: She helps to earn the stake in the country.

Hon. L. CRAIG: Have single women no stake in the country?

The PRESIDENT: Order!

Hon. L. CRAIG: We let the hon. member develop his theme. I hope the House will be consistent—

Hon. C. W. D. Barker: I was not being disrespectful.

Hon. L. CRAIG: I oppose the second reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [11.2]: Mr. Heenan said many of the things which I otherwise would have said but I must put Mr. Craig right on one or two points. He does not often leave himself open to that but has done so on this occasion. He said people occupying flats had not votes and was contradicted by certain members who were right. A large number of people in flats have votes.

Hon. L. Craig: A great number have not.

The CHIEF SECRETARY: As long as the flat has a separate entrance from the street the occupier is entitled to enrolment and there are many hundreds such on the rolls of this Chamber.

Hon. L. Craig: On the Goldfields.

The CHIEF SECRETARY: Throughout the State. The hon. member could find that that is correct if he checked the rolls.

Hon. E. M. Heenan: He has never enrolled anyone.

Hon. L. Craig: My electors enrol themselves.

The CHIEF SECRETARY: The hon. member said this was a House of review, but I could dispute that hotly on the experience of the last three years. Much has been said about wives, but this measure applies to both husband and wife in certain circumstances.

Hon. L. Craig: So long as the wife is the property owner—

The CHIEF SECRETARY: Or a householder. It is generally accepted that the husband is the householder but why should he be more privileged than his wife to enrol? Are not a married couple a partnership in life?

Hon. A. R. Jones: Sometimes.

The CHIEF SECRETARY: In the great majority of cases they are, yet the method of enrolment adopted by this Chamber does not recognise that fact. I think both husband and wife are equally entitled to enrolment as both have worked to obtain whatever they have. In regard to freehold, the average family all struggle to obtain what they have and the husband would never secure a home without the help of his wife.

Hon. L. Craig: But it is a question of property.

The CHIEF SECRETARY: I am speaking of the acquiring of property by the joint effort of husband and wife.

Hon. A. R. Jones: They could have it in their joint names.

The CHIEF SECRETARY: Until recent years the husband generally had the title deeds in his name. It is an old English custom that the husband shall be considered the lord of the manor and own everything.

Hon. L. Craig: That is a myth.

The CHIEF SECRETARY: Because of that custom the husband is supposed to own the property though it is generally acquired by the joint effort of husband and wife. In recent years we have seen that the War Service Homes Commission would not accept an application for joint ownership by man and wife. If the wife owned the land she had to transfer it to her husband in order to obtain a loan to build the home and that has been altered only since the end of the war. Now young couples can become joint owners of war service homes. Until the last four or five years the wife was not recognised at all.

Hon. L. Craig: You know why.

The CHIEF SECRETARY: Because of that attitude many women are today disfranchised.

Hon. L. Craig: You know the reason for that.

The CHIEF SECRETARY: It is not fair. The hon. member spoke of sentiment.

Hon. L. Craig: It can be logical. A husband may transfer property to his wife so that it cannot be seized for debt.

The CHIEF SECRETARY: I am speaking of property transferred because the War Services Homes Commission would not recognise the wife. My daughter had that experience and had to transfer the land to her husband—since the war—before the War Service Homes Commission would give them a home. Are not both husband and wife justly entitled to the franchise? All this measure asks is that the rights of both husband and wife be recognised. As Mr. Heenan said, for years we have sought alteration to the Constitution of this Chamber without success. We have tried to introduce adult franchise.

Hon. L. Craig: Not in my time.

The CHIEF SECRETARY: I do not blame the hon. member, but some of his colleagues. We have tried in many ways to obtain justice for a large number of people but all sorts of excuses have been put forward in this House to defeat such legislation. I cannot understand the objection of members to a simple measure such as this. If a man and wife had a business in town in their joint names they could both enrol—

Hon. L. Craig: They would be joint owners of the property.

The CHIEF SECRETARY: They would not be the owners.

Hon. L. Craig: They would be joint lessees.

The CHIEF SECRETARY: And they could enrol for the Legislative Council elections. Why cannot both husband and wife, as partners, vote at elections for this Chamber?

Hon. A. R. Jones: They could still form a partnership.

The CHIEF SECRETARY: The average citizen does not know many of these things.

Hon. L. Craig: Not one of the people in the new flats will be able to vote—

The CHIEF SECRETARY: They may not.

Hon. L. Craig: You are leaving them out.

The PRESIDENT: Order!

The CHIEF SECRETARY: If the hon. member would support us I would bring down a Bill to give those people a vote, but what is the use when the House will not agree to a measure such as this?

Hon. L. Craig: Here you are showing preference to a section.

The CHIEF SECRETARY: No; this would affect people throughout the State and would cover the husband or wife of a freeholder or householder. That is not sectional legislation. I hope that even at this late hour there will be one or two converts to help us to place this measure on the statute book.

Question put.

The PRESIDENT: As this is a Bill to amend the Constitution, in order that the second reading can be carried, it will be necessary to have an absolute majority.

Bells rung and a division taken with the following result:—

Ayes	11
Noes	16
Majority against	5

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesseе
Hon. E. M. Heenan	Hon. W. R. Hall
Hon. R. F. Hutchison	*(Teller.)*

Noes.

Hon. L. Craig	Hon. L. A. Logan
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. A. F. Griffith
	(Teller.)

Pair.

Aye.	No.
Hon. G. Bennetts	Hon. N. E. Baxter

Question thus negatived.

Bill defeated.

House adjourned at 11.20 p.m.

Legislative Assembly

Tuesday, 22nd November, 1955.

CONTENTS.

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