inconvenience in order to obtain a permit from the police. When vehicles are to be transported 200 or 300 miles, it is not likely that they would be towed behind other vehicles. When farm machinery is transported over a long distance, it is conveyed by railway or by transport truck. It would not be towed over a long distance because that would not pay.

The object of the mover of the Bill is to facilitate the transport of machinery from one part of a farm to another, and that is being done today without a permit, but farmers are to be put to the inconvenience of obtaining a permit every time they want to shift an over-width machine from one farm to another. We should help the farmers in every way possible.

I am not opposed to the suggestion that an over-width vehicle should carry a sign to show that it is in excess of the permissible width. I believe that this is already provided for, but a farmer is not a man who would handle a machine on the road to the danger of other people. As I have stated, these machines are being conveyed along the road every day without a permit and the farmers desire that their action be legalised. In that they have my support.

On motion by the Chief Secretary, debate adjourned.

ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

House adjourned at 8.50 p.m.

Legislative Assembly

Wednesday, 25th August, 1954.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

(a) As to Destruction of Telegraph Poles, Kulikup.

Mr. HEARMAN asked the Minister for Railways:

(1) With further reference to the question asked last week relative to telegraph poles at Kulikup, does he agree that on the answers supplied there should now be 130 poles left in the yard at Kulikup?

(2) Is he aware that there have been no poles left in the Kulikup yard since the 15th July last?

(3) Is he also aware that lately the telegraph poles for the telegraph line running through Kulikup have been renewed with poles from Dwellingup?

(4) Would he obtain a report, and inform the House of the information in such report, from the forestry officer at Kulikup on the destruction of these telegraph poles?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) There were insufficient poles in the Kulikup stack, even had they all been in serviceable condition, to carry out the necessary repoling of this telephone line. Additional poles were obtained from the Bridgetown area, not Dwellingup.

(4) The whole matter is at present the subject of a special inquiry, on the completion of which the hon. member will be informed of the outcome. There appears to be no necessity for a report from a forestry officer at this stage at least.

(b) As to Diesel Rail Service to Mundaring.

Mr. BRADY asked the Minister for Railways:

(1) Is normal maintenance work taking place on the Mundaring line?

(2) Is there any substance in the current rumour that in the near future a diesel rail service will be run to Mundaring to avoid the overcrowding now taking place on road buses at certain times of the day?

The MINISTER replied:

(1) No.

(2) No. An examination of loading figures shows that the existing road bus service has no difficulty in catering for all loading on the Mundaring route.

BICYCLE LICENCES.

As to Police Action.

Mr. JAMIESON asked the Minister representing the Minister for Local Government:

(1) Is he aware that the police have been conducting an unprecedented blitz inspection of unlicensed cycles at eastern suburban schools?

(2) As it is reported that a great number of cycles were not currently licensed, would he give an assurance that the parents of children will be warned before any Children's Court action is taken against offenders?

The MINISTER FOR RAILWAYS replied:

(1) No. I am informed, however, that an inspection of push cycles was made at various schools by the constables who visit the schools on instructional talks about "Safety First." The purpose of this inspection was to advise children of the many faults to be found.

It was disclosed that many of the bicycles inspected had no brakes, no bells, sundry mechanical defects which were of potential danger to the riders, and also that many were not licensed. The children were advised, by the constables, of the danger in which they placed themselves and others because of the dangerous condition of their bicycles.

(2) No action for unlicensed push cycles has been taken, neither is it intended to to take such action. In circumstances such as these, the children are invariably informed that, for their own protection, the cycles should be licensed.

WATER SUPPLIES.

(a) As to Property Valuations, Wembley.

Mr. JOHNSON asked the Minister for Water Supplies:

(1) Have the annual valuations for water rate purposes been raised in the Olive Grove Estate, Wembley (St. Vincent's Avenue, St. Columbia's Avenue, The Grove)?

(2) If so, by approximately what percentage?

(3) What improvements have been made in this region to warrant this rise?

(4) Is this rise in value equivalent to rises in other portions of the metropolitan area?

(5) By what authority were these valuations made?

The MINISTER replied:

The valuations in the districts referred to were made by the local authority under the authority of the Municipal Corporations Act, Sections 381 to 383 and specific answers to the several questions asked may be obtained on request to that body.

The Metropolitan Water Supply Department has adopted the valuations in accordance with the provisions of Section 74 of the Metropolitan Water Supply, Sewerage and Drainage Act.

(b) As to Bores, Attadale and Kwinana.

Hon. D. BRAND asked the Minister for Water Supplies:

(1) Has the bore at Attadale been completed?

(2) When will a start be made in sinking the proposed bore at Kwinana?

The MINISTER replied:

(1) Yes.

(2) Sinking of the bore is not required at present and has been indefinitely postponed.

BUS SERVICE.

As to Reduced Time-table, Carrington-st.

Mr. OLDFIELD asked the Minister for Transport:

(1) Is it a fact that since the terminus of the Carrington-st bus was extended from Waterford-rd., Inglewood, to Lawrence-st., Bedford Park, the time-table has been amended to reduce the number of return trips per day from 75 to 69?

(2) Does he agree that extra loading is offered by the extension of this route?

(3) If the answers to Nos. (1) and (2) are in the affirmative, for what reasons were the number of journeys per day reduced?

(4) Is it a fact that during the morning peak period many buses are filled to capacity by the time they reach Fourth Avenue, so that a large number of the travelling public are being left stranded between Fourth Avenue and Farnley-st. making them late for work?

(5) Will he take steps—

(a) to have extra buses time-tabled on this route, especially at peak hours;

(b) to have some peak hour buses terminating at Waterford-st?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) The reduction in trips relates to the periods from 9 a.m. to 4.45 p.m. and from 6 p.m. to midnight and was due to loss of patronage during these hours.

(4) Departmental checks do not support this contention.

(5) If, and when, it is found necessary to cause amendment, consideration will be given to these suggestions.

NORTH-WEST.

As to Cargo-handling Proposal, Learmonth.

Mr. COURT asked the Minister for Labour:

(1) (a) Has he seen the report in "The West Australian" of the 20th August, of the proposal by the Fremantle branch of the Waterside Workers' Federation to work cargoes at Learmonth by mobile groups of lumpers?

(b) Has he, or another Minister, received any representations from the W.W.F.?

(2) Does he agree with the proposal of the W.W.F.?

(3) If so, can he give the House—

(a) an indication of the method by which the system of mobile groups would be operated?

(b) how the cost of the mobile groups (including travelling and maintenance costs) would be borne?

(4) If he favours the proposal of mobile groups, does not the Learmonth area come within the agreement with the Australian Workers' Union for the working of northern ports?

(5) What is the significance of the warning in the W.W.F. resolution that if any more chartered ships are used under the conditions of the vessel "Jacob Jensen" the Fremantle branch would take action?

The MINISTER replied:

(1) (a) Yes.

(b) No.

(2) The question has not been considered.

(3) (a) and (b). Answered by No. 2.

(4) Answered by No. 2.

(5) It is not known.

UNDESIRABLE LITERATURE.

As to Introducing Legislation.

Mr. NIMMO asked the Premier:

In view of the fact that nine out of the 10 publications banned by the Literature Board of Review of Queensland are circulated in Perth, and in view of the answer given to me by him on the 17th June, does the Government propose taking any action?

The PREMIER replied:

The Government has set up a departmental committee to investigate and make recommendations in connection with suggested control of undesirable literature.

As soon as the committee's recommendations are received, a decision will be made on the question as to whether control legislation is to be introduced in Parliament.

ELECTRICITY SUPPLIES.

As to Commission's Policy Regarding Connections.

Mr. LAWRENCE asked the Minister for Works:

(1) Is it the rule with the State Electricity Commission that power will be laid on to consumers where the required number of poles to be used does not exceed two poles per consumer?

(2) Is it a fact that in the Kwinana industrial area there are sufficient consumers to satisfy the rule?

(3) How many consumers would be required?

(4) If the answer to No. (2) is in the affirmative, why is the S.E.C. refusing to install the power?

The MINISTER replied:

(1) The rapid growth of Western Australia has caused an unprecedented demand for the supply of electric current and it is impossible to meet all requirements at once. Accordingly, a base for procedure has been adopted and in the case of domestic consumers extensions will be made where not more than two bays are required. For the supply of industrial power such a factor as the power load as well as the distance of extension must be taken into consideration.

(2) In the Kwinana area referred to in the question the applicants for a supply of power are too distant and too scattered and high tension extension and a transformer would be required.

(3) and (4) The position is being investigated carefully in the light of information which has been supplied to the State Electricity Commission and if it is found that economic requirements are met, power extensions will be approved.

HARBOUR EQUIPMENT.

As to Transfer from Albany to Fremantle.

Mr. HILL asked the Minister for Works:

(1) Is it the intention of the Government to transfer equipment now being used on the construction of No. 1 berth at Albany for use on the Fremantle harbour extensions when the No. 1 berth at Albany is completed?

(2) Would not substantial economies be effected at Albany by a continuation of the work while the equipment and experienced men are on the job?

(3) Should the answer to No. (1) be in the affirmative, when will the equipment be again available for work at Albany?

The MINISTER replied:

(1) For reasons of economy certain items of equipment may be transferred to Fremantle when the No. 1 berth at Albany is completed, but it is not at present known what items will be involved.

(2) Yes, but unfortunately it is not possible to proceed as funds are not available.

(3) When loan funds are provided for the work.

HOUSING.

As to Number of Homes Built and Method.

Mr. WILD asked the Minister for Housing:

(1) How many houses were built in Western Australia between—

The 1st July, 1951, and the 30th June, 1952;

The 1st July, 1952, and the 30th June, 1953;

The 1st July, 1953, and the 30th June, 1954;

(a) in the metropolitan area;

(b) in the country districts;

(2) Of the houses built for the State Housing Commission between the 1st July, 1953, and the 30th June, 1954, how many were built—

(a) by day labour;

(b) by private contractors?

The MINISTER replied:

(1) State figures:

	(a) Metro.	(b) Country.
1st July, 1951-30th June, 1952	3,974	2,603
1st July, 1952-30th June, 1953	4,964	3,001
1st July, 1953-30th June, 1954	4,414	3,170*

* June figures not available. Figures for final quarter estimated.

(2) (a) 359 plus 10 homes constructed for the Railways Commission.

(b) 3,125 plus 70 homes constructed for the Railways Commission.

BILLS (2)—FIRST READING.

1, Public Service Appeal Board Act Amendment.
Introduced by the Minister for Labour.

2, Plant Diseases Act Amendment.
Introduced by the Premier (for the Minister for Agriculture).

BILL—CRIMINAL CODE AMENDMENT.

Read a third time and transmitted to the Council.

BILLS (2)—REPORT.

1, Police Act Amendment (No. 2).

2, Land Act Amendment.
Adopted.

MOTION—ELECTORAL DISTRICTS ACT.

As to Issuing Proclamation.

HON. SIR ROSS McLARTY (Murray) [4.43]: I move—

> That this House resolves that, pursuant to the provisions of Section 12 of the Electoral Districts Act, 1947, and in view of the fact that no less than 15 electoral districts fall short of, or exceed by 20 per cent., the quota for such districts under the said Act, the Governor should issue his proclamations as required by the said Act requiring Commissioners to be appointed under the Act, to perform and observe the several duties imposed on them by the Act.

This motion is being moved with the object of having the provisions of Section 12 of the Electoral Districts Act carried into effect. The section reads—

> (1) The State may from time to time be wholly or partially re-divided into electoral districts and electoral provinces by commissioners appointed under this section in manner hereinafter provided whenever directed by the Governor by proclamation.

I want members to note the next subsection—

> (2) Such proclamation shall be issued—
>
> (a) on a resolution being passed by the Legislative Assembly in that behalf; or
>
> (b) if in the report by the Chief Electoral Officer to the Minister to whom the administration of the Electoral Act, 1907-1940, is for the time being committed, as to the state of the rolls made up for any triennial election it appears that the enrolment in not less than

five electoral districts falls short of or exceeds by twenty per centum the quota as ascertained for such districts under this Act.

In reply to questions, we were informed that there are 15 districts either above or below the quota, and a report has been made to the Minister by the Chief Electoral Officer giving this information. In the final report on the 21st December, 1949, we find that the commissioners fixed the legal quotas as follows:—

Metropolitan area, 8,602;
Agricultural, mining and pastoral area, 4,449.

In reply to a question asked by the Leader of the Country Party a few days ago, the Minister stated that a hypothetical calculation based on these quota figures and enrolment figures as at the 30th June, 1954, gives the following comparative result:—

Metropolitan area	9,478
Agricultural, mining and pastoral area	5,098

If we take the figures given by the Minister of districts above the quota, we find the following:—

Canning	16,077
Melville	14,178
Middle Swan	14,147
Wembley Beaches	14,162
Mt. Hawthorn	11,666
Albany	6,592
Dale	6,632
Darling Range	6,197

The districts 20 per cent. or more below the quota are:—

East Perth	7,458
West Perth	7,098
North Perth	6,991
Eyre	3,264
Hannans	4,053
Kalgoorlie	3,739
Murchison	3,021

The Minister for Housing: Is it not ludicrous that East Perth has 1,000 more than Dale, and yet is quoted as being below the figure?

Hon. Sir ROSS McLARTY: East Perth is in the metropolitan area and Dale is in the country.

The Minister for Housing: Do you honestly believe that?

The Minister for Works: I went to the country this morning. I went to Kenwick.

Hon. Sir ROSS McLARTY: The Minister goes there fairly often, does he not? I do not know what that has to do with it, but the fact is that there is a law on the statute book and I am moving this motion with the idea of having the law observed. I do not think there is any doubt about the language of the statute. It is as clear as anything could be and I wonder why the law is not being carried out. As long ago as the 19th August, 1953, a question was asked of the Premier by the member for Vasse. That hon. member asked—

(1) Has the Chief Electoral Officer reported to the Minister concerned that from the state of the rolls made up for the triennial election held on the 14th February, 1953, not less than five electoral districts fall short of or exceed by 20 per cent. the quota as ascertained for such districts provided for in the Electoral Districts Act of 1947?

(2) If so, what action has been taken by the Government to comply with the provisions of the Electoral Districts Act, 1947?

The Premier replied—

(1) Yes.

(2) This matter is receiving consideration.

Only recently, the member for South Perth asked the Premier a question without notice as to when a redistribution of seats was likely to take place, and again the Premier replied that the matter was still under consideration. I think it was last week that I asked the Premier, without notice, a question on this subject, and he again indicated that the matter was receiving consideration. He did indicate, then, that the Government might consider bringing down an amendment to the present Electoral Districts Act. What I want to know—I hope the Premier will tell us—is whether, if the Act is not amended, it is proposed to proceed with the provisions of the Act as outlined at present? It will be noticed, also, that Section 13 of the Electoral Districts Act states—

It shall not be lawful to present to the Governor for His Majesty's assent any Bill to amend this Act, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of members for the time being of the Legislative Council and the Legislative Assembly respectively.

Hon. J. B. Sleeman: That would not be hard to get, would it?

Hon. Sir ROSS McLARTY: I do not know. It is possible that the Premier may not be able to amend the present Act. He may not be able to get the requisite constitutional majority in either House or both. If he cannot, and in view of the very large discrepancy that already applies in 15 constituencies, I would ask him what action the Government intends to take in regard to the present provisions of the Act.

The Premier: The same action, maybe, as your Government took in 1952.

Hon. Sir ROSS McLARTY: What action?

The Premier: None.

Hon. Sir ROSS McLARTY: In regard to this Act?

The Premier: Yes. Do you not remember the rows at your party meetings over it?

Hon. Sir ROSS McLARTY: No. I do not think the Premier can get out of it in that way. Assuming the position was such that a redistribution should have been made in 1952—

The Premier: The Leader of the Opposition knows that was the position.

Hon. Sir ROSS McLARTY: —the Premier knows that the position has greatly worsened since that date, and there is a vast difference between the electoral numbers today and those of 1952. Let us see whether the law is being ignored or not. I would point out to the Premier, and to Ministers generally, that they may not want a redistribution of seats—as to that, I do not know—but even if they do not, I would remind them that every Minister, in the oath he takes, swears to administer the laws of this country as they are and not as he might wish them to be. If the provisions of the Act are to be ignored by the Government under the existing circumstances, I certainly think that is a flagrant breach of the law, and in that case what could the Government do in other instances, if the law is to be thus ignored?

The Premier: Your Government ignored if for three years.

Hon. A. V. R. Abbott: I doubt that.

The Premier: In fact, the member for Avon Valley threatened to revolt over the matter.

Hon. Sir ROSS McLARTY: Even assuming that that were true, would it be an excuse for a further ignoring of the law?

The Premier: No, but it is a reason why you are not entitled to say the things you have just been saying.

Hon. Sir ROSS McLARTY: I am perfectly entitled to say them. I can see that the Premier is uncomfortable. That is always an attitude of his; he likes to cast ridicule and throw back his head and laugh loudly, but all that does not alter the situation.

The Premier: It does not.

Hon. Sir ROSS McLARTY: In order that the public may know what the circumstances are, I propose to read one or two sections of the Interpretation Act. There may be some doubt in the minds of certain of the public, or of the electors, as to what is meant when an Act says that the Governor shall issue a proclamation. It is easy for members to go about and say, "There cannot be a redistribution unless the Governor first issues a proclamation." What is meant by "the Governor"? I think we might examine that for a moment.

The Premier: Did you check up on this in 1952?

Hon. Sir ROSS McLARTY: I have checked up on it now, which is most important. In the instructions to the Governor, on page 254 of our Standing Orders, there appears the following:—

> In these our instructions, unless inconsistent with the context, the term "the Governor" shall include every person for the time being administering the government of the State.

Of course, that means the Government. We do see in other Acts that an appeal may be made to the Governor, and sometimes the Governor does get letters from a person who feels aggrieved—

Hon. J. B. Sleeman: I tried to get him to take action, but did not do much good.

Hon. Sir ROSS McLARTY: As members know, the Governor forwards such letters to the Premier. Of course, the member for Fremantle tried to get the Governor to take action once, but he would be on much stronger ground if he saw His Excellency about this.

Hon. J. B. Sleeman: Yes, £32,000 for your friends! Was not that bad enough?

Hon. Sir ROSS McLARTY: That is something that should be ignored, and I think the Premier would agree with me, too. I quote this to indicate what is meant by "the Governor". As we know, it is said that nothing can be done in regard to this Act unless a proclamation is issued. Again in the Interpretation Act, it says—

> Where, in any Act passed after the commencement of this Act the word "may" is used in conferring a power such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion; and where in any such Act the word "shall" is used in conferring a power, such word shall be interpreted to mean that the powers so conferred must be exercised.

And in the marginal notes this appears—

> "May" imports a discretion, "shall" is imperative.

Surely nothing could be clearer than that!

The Premier: It was just as clear in 1952.

Hon. Sir ROSS McLARTY: I know. The Premier can keep on saying that as much as he likes, and if he is able to convince the people of Western Australia that that is a real reason why he should not act today—

The Premier: No.

Hon. Sir ROSS McLARTY: —he is much more clever than I think he is.

The Premier: No. I am simply saying that the Leader of the Opposition is not entitled to condemn someone for not doing now what he did not do in 1952.

Hon. Sir ROSS McLARTY: And the Premier knows full well that the circumstances are much different today from what they were in 1952. Also, Section 33 of the Interpretation Act reads as follows:—

> Words directing or empowering any Minister of the Crown or any public officer or functionary to do any act or thing, or otherwise applying to him by name of his office, shall be construed as applying to every person for the time being acting in such office or discharging the duties thereof.

Section 23 of the Interpretation Act reads—

> When in any Act the Governor is authorised or required to do any act, matter, or thing, it shall be taken to mean that such act, matter, or thing may or shall be done by the Governor with the advice and consent of the Executive Council.

We all know how the Executive Council is constituted. It consists of members of the Cabinet, presided over by His Excellency the Governor. A meeting of the Executive Council could still be held if His Excellency were absent. It would then be presided over by the Premier or one of his Ministers. What I think we are entitled to know is: Is the law to be carried out or not? Supposing the Premier or the Government decides that amendments will be made to the Electoral Act, and, assuming that course fails, are the provisions of the existing Act to be ignored? If so, I wonder what is the use of placing certain legislation on the statute book? If the Government is going to carry out only those laws which it thinks should be carried out and not execute those that it does not favour, there will be a chaotic state of affairs.

The Premier: Did you have those thoughts in 1952?

Hon. Sir ROSS McLARTY: The Premier can talk about 1952 as much as he likes. If we did the wrong thing in 1952, does the Premier think he is justified in continuing the wrong?

The Premier: Do you admit that you did the wrong thing in 1952?

Hon. Sir ROSS McLARTY: No, and I do not remember having any pressure applied by the Premier or any other member now sitting on the Government side of the House to enforce the law at that time.

The Minister for Mines: You held a great number of meetings before you made up your mind, though.

Hon. Sir ROSS McLARTY: It does not matter whether we did or not. Surely what the Act indicates is quite clear! The position has greatly worsened since 1952.

The Minister for Mines: That is only your opinion.

Hon. Sir ROSS McLARTY: It is the opinion of any reasonable person. I have quoted a number of factors to show that the increase in population has amounted to thousands in the past few years. Surely that is the main reason why we should alter the boundaries!

The Minister for Mines: Do not you think that much of the population in the State today is in a liquid state?

Hon. Sir ROSS McLARTY: That is not much of an excuse, either. That might be the position for many years to come. If it is eventually proved that we have immense oilfields in Western Australia, there will be a great increase in the population beyond any shadow of doubt, and the same could apply if a new gold strike was made in any part of the State. There are also many other factors that could influence an influx of population. Now is the time to alter the boundaries and the excuse put forward that certain things might happen does not constitute a sound argument.

The Premier: Is that your real view?

Hon. Sir ROSS McLARTY: Yes. I think we must face the facts as they are.

The Premier: That is your own real personal view?

Hon. Sir ROSS McLARTY: What is?

The Premier: What you have just expressed.

Hon. Sir ROSS McLARTY: Yes it is my own view. Whose other view would I express?

The Minister for Labour: Are you speaking for all the members of your party?

Hon. Sir ROSS McLARTY: Yes, I am speaking for all the members of my party. What is this inquisition? Has the Minister anything further to ask? I do not mind being placed in the witness box. I was replying to the Minister for Mines and I said that I did not think it was a reasonable argument that the Government could delay a redistribution of seats because of the increases that were taking place at present in our population.

Mr. May: You seem to be quite worked up about this matter.

Hon. Sir ROSS McLARTY: I am not the least worked up about it. I am as cool as a cucumber and I am not going to let the member for Collie take me off the straight and narrow path.

Mr. May: I would not attempt it.

Hon. Sir ROSS McLARTY: However, I moved this motion and I will be glad if the Premier will tell us what he intends doing.

The Minister for Justice: Would you be in favour of the country people having a certain amount of representation taken away from them and more given to the people in the metropolitan area?

Hon. Sir ROSS McLARTY: I have always been against centralisation and I think special consideration should be given to people in the country with a view to decentralisation.

The Minister for Works: That is why you took a seat away from the North-West.

Mr. Rhatigan: Would you be prepared to give it back?

Hon. Sir ROSS McLARTY: The Minister for Works referred to the taking away of a seat from the North-West, so I put it to him in all seriousness: Does he consider the present represenation of the North-West to be inadequate? Unfortunately I have not those figures with me at present.

The Premier: The personnel is very good.

Hon. Sir ROSS McLARTY: The Minister for Works knows that there are three seats for the North-West and, of course, that it has a very sparse population. Not only do three Assembly members represent the North-West but also it has three Legislative Council members.

Mr. Rhatigan: But look at the vast area.

Hon. Sir ROSS McLARTY: Yes, I know, but the hon. member also knows that the north of this State, above the 26th parallel, has much more parliamentary representation, comparatively, than any other part of the State.

Mr. Ackland: Than any three electorates in the agricultural area.

Mr. Rhatigan: Oh!

Mr. Ackland: That is a fact.

The Minister for Works: What you did is hardly in keeping with what you said a moment ago about decentralisation.

Hon. Sir ROSS McLARTY: Oh yes, it was!

The Minister for Works: Quite the opposite!

Hon. A. V. R. Abbott: You must be reasonable about these things.

Hon. Sir ROSS McLARTY: There must be some basis for fixing the representation. I say again that the representation given to the North is much greater per head of the population than any other part of the State.

The Minister for Housing: Do you think that the territory between Cannington and Armadale is a country district?

Hon. Sir ROSS McLARTY: I know that it is regarded as a country district under the Act.

The Minister for Housing: Do not you think that that ought to be rectified as an early priority?

Hon. Sir ROSS McLARTY: If it should be, there is no reason why the Government cannot introduce legislation to put it right if it so desires. The fact remains that it has not done so. All I am asking is that the provisions of the Act shall be carried out and if the Premier does not intend to do that, I hope he will tell us why. I ask him this question also: If he should bring down legislation to amend this Act and he fails, what does he intend to do then? Does he intend to carry out the provisions of the Act or does he intend to ignore them?

The Premier: Your Government ignored them in 1952.

Hon. Sir ROSS McLARTY: We will hear that remark from the Premier when he again rises to his feet. That appears to be his only excuse.

The Premier: It is not an excuse. It is an answer.

Hon. Sir ROSS McLARTY: Because, according to the Premier, we did not do something in 1952, he is not going to do anything either.

The Premier: The Leader of the Opposition is condemning this Government for taking no action when, in fact, his own Government took no action.

Hon. A. V. R. Abbott: When was a certificate issued in 1952?

Hon. Sir ROSS McLARTY: I do not want to indulge in tedious repetition, but I remind the Premier again that circumstances were different in 1952 compared with what they are today. Thousands of people have come to this State since 1952 and the electoral districts were much more in line then than what they are today.

The Premier: Does the Leader of the Opposition know that circumstances are always different?

Hon. Sir ROSS McLARTY: I tried to tell the Minister for Mines that only a few moments ago. In any case, I trust the motion will be carried and that the provisions of the existing legislation will be carried out.

HON. L. THORN (Toodyay) [5.13]: I support the motion and the remarks made by the Leader of the Opposition.

Mr. Moir: Why?

Hon. L. THORN: He gave very good reasons and the hon. member should have been listening to them.

The Minister for Mines: He evaded the reasons.

Hon. L. THORN: Seeing that there are 15 seats either above or below the quota today, I think it is most essential that the Government should carry out the law of the country. I do not know whether the Premier approves or disapproves of a redistribution of seats. However, I do know that in answer to a question put to him, he said that he considered the present quotas to be unfair. The Premier keeps referring to the year 1952. The position

today is much more serious than it was in 1952. There were only a few seats out of quota in that year.

The Premier: Enough!

Hon. L. THORN: Yes, enough according to the provisions of the Act, but there are more than enough today. Much more than enough! There are 15 seats out of quota. So I think the Leader of the Opposition is quite within his rights and it is his duty to draw the attention of the House to the present position.

Mr. May: He always was a slave to the union!

Hon. L. THORN: There was quite an outcry by some members when the Leader of the Opposition referred to the representation in the North-West, but there is no doubt that that area is well represented at present. It is amply represented! Further, the members who represent that area have a very small number of electors to look after. I do not deny that the demands of the North are great, but to hear some of the members who represent the North-West squealing about the vast spaces, one wonders what are in those vast spaces. Kangaroos and ant-hills? Let us be serious and agree that the North-West is amply represented today. There are three members in this Chamber and three in the Upper House. Surely to goodness those men are capable of representing the North.

Hon. J. B. Sleeman: Six good men!

Hon. L. THORN: They may be six good men or six bad men, but they should be capable of representing that district.

Mr. May: You think it is over represented.

Hon. L. THORN: I did not say that.

Mr. May: But do you think so?

Hon. L. THORN: The member for Collie will have the opportunity to express his opinion.

Mr. May: We want to know yours.

Hon. L. THORN: The hon. member has had it; I have stated my opinion.

The Minister for Justice: Would you be in favour of increasing the representation according to the increased population?

Hon. L. THORN: I do not think that is a good practice at all. I think the State should be fairly represented.

The Premier: Is the hon. member in favour of increasing the number of seats in the metropolitan area and reducing the number of seats in the country?

Hon. L. THORN: That is a question for the commission to decide.

The Minister for Education: Not under the Act.

Hon. L. THORN: It is quite on the cards that the metropolitan area will get one extra seat. I do not think that the masses confined to a very small area should have the majority of representation. After all, the importance of the agricultural area will be admitted by everyone.

Mr. Heal: You just said that the North-West was not heavily populated and they should not have members there.

Hon. L. THORN: I did not say anything of the kind.

Mr. Heal: Yes, you did.

Hon. L. THORN: I did not, and the hon. member cannot put those words into my mouth. I said that the North-West was well represented at the present time.

The Minister for Mines: You talked about ant-hills.

Hon. L. THORN: I did mention the vast unoccupied space and that is quite a reasonable comment. After all, it was indicated from that side of the House that one seat had been taken away from the North.

Mr. Rhatigan: That is a fact.

Hon. L. THORN: It is, and the North is well represented from a political point of view.

The Premier: Hear, hear!

Hon. L. THORN: The Premier cannot twist it that way; the word I should have used is "politically."

Mr. Oldfield: You mean quantity, not quality.

Hon. L. THORN: I will not pass any comment on that. I have sat here and listened to North-West members address the Chamber, and to hear them one would think they are the pioneers of the North-West. Instead of that, they have ridden around comfortably in motorcars.

Mr. Moir: Do you know who the pioneers are?

Hon. L. THORN: I know the pioneers of the North-West.

Mr. Moir: Not the chap sitting behind you.

Hon. L. THORN: I will not pass any comment on that except to say that he is an excellent representative. I support the case as presented by the Leader of the Opposition and also the motion he has moved.

THE PREMIER (Hon. A. R. G. Hawke—Northam) [5.20]: This is quite an interesting motion. I was very surprised indeed to hear the Leader of the Opposition say and reiterate the statement—following an interjection which I made—that it is his own strong personal view that the present time is an opportune one to put into operation a redistribution of electoral boundaries. It is true that circumstances today are different from those that existed in 1952. The fact remains that the basic justification for a redistribution of electoral boundaries existed in 1952.

Hon. A. V. R. Abbott: Yes, but was any certificate issued then?

The PREMIER: That does not matter.

Hon. Sir Ross McLarty: Oh yes, it does!

Hon. A. V. R. Abbott: We could not have done anything until it was.

The PREMIER: Oh yes, the hon. member could have done something. As a matter of fact, on that occasion the Government parties, which comprised the hon. member's Government, gave very careful, close and systematic consideration to the situation and to the question as to whether legislation should be introduced. I think it is true to say that had that Government been able to carry all its supporters with it, a Bill to alter at least one of the electoral boundaries would have been introduced. Fortunately, or otherwise, at least one of the supporters of the Government revolted in 1952 to a point where the Government could not, or would not, proceed. Consequently, no legislation of any kind was introduced.

I doubt very much whether there has been a period in the history of the State, during at least the last 40 years, when conditions were more in a state of flux; when the movement of population within the State was more in a state of flux than at the present time. We all know that the State's population is increasing, and increasing rapidly. We know that population is shifting from some parts of the State to others; we know the State's population has been increased considerably by virtue of migration and we know, also, that a considerable number of migrants coming to this country are not immediately British citizens, and therefore have no immediate or early rights to become enrolled.

Many of them, because they have now been in Western Australia for two or three years or longer, are qualifying to become British citizens, and numbers of them indeed have made application to be naturalised. It is obvious, therefore, that the population of the State is increasing rapidly; it is also clear that that population is shifting considerably from one district to another. The recent record number of evictions of tenants from houses is another factor that is tending to keep the numbers of people in the various electorates in a state of flux; some electorates going down and others going up.

Hon. Sir Ross McLarty: What percentage of the whole would evictions be?

The PREMIER: I mentioned this as one factor among many. I mentioned a number of much more important factors than that. Accordingly, if there was, in fact, justification in 1952 for not taking any action in the alteration of electoral boundaries, there is much greater justification at the present time.

Hon. D. Brand: When do you think these conditions will settle down?

The PREMIER: I would not profess to know. I should think that when Kwinana becomes fully developed, a period might then be reached when there will be a much greater degree of stability in the movement of population than there is at the present time. I think the most important angle to be looked at in connection with this matter is the likely result in regard to the number of seats in the metropolitan area as against the number in the country districts if a redistribution of electoral boundaries takes place under the existing law.

More than once in this House I have said that all of us at least pay lip service to the principle of decentralisation. I think I could go further and say that all of us are sincere in a desire to promote decentralisation, because all of us see, and see increasingly as the years go by, how much the balance is being upset as between the metropolitan area and the country areas by the concentration of greater and still greater population in the metropolitan area. I doubt if any member in this House could get up in his place at the present time and put up a convincing argument as to why the number of electorates in the metropolitan area should be increased and the number in the country areas reduced.

That is what any member who wants to force a redistribution of electoral boundaries under the present Act would do; that is exactly what he would do if that redistribution were to take place. Anyone who has cared to study the figures given in this House a few days ago concerning the number of enrolments in the various electorates would know that there is only one certain result that could be prophesied from the effecting of a redistribution of electoral boundaries at the present time; only one certain result, and that result is that the number of seats in the country would be reduced and the number of seats in the metropolitan area increased.

Hon. A. V. R. Abbott: You do not think the number of country seats should be reduced?

The PREMIER: I do not; I am very strongly opposed to reducing the number of seats in the country districts of Western Australia.

Mr. Oldfield: That is where you disagree with the Labour Party platform.

The PREMIER: If time permitted and it were appropriate to do so, I would say that there probably is not one man on earth, except possibly the member for Maylands—and I pay him some considerable measure of credit in this—who believes 100 per cent. in the policy of the party to which he belongs.

Mr. Oldfield: You are the leader, you should believe in the policy of the party you lead.

Mr. Heal: You might be the leader one day.

The PREMIER: I ask any member in this House now, whether he thinks it would be a good thing to take action to increase the number of electorates in the metropolitan area and at the same time —and it would be automatic under this law—reduce the number of electorates in the country districts. That is the choice; that is the situation. I could have understood the Leader of the Opposition if he had risen in his place and moved a motion for a redistribution of electoral boundaries in the metropolitan area. He could have put up a very strong case in favour of a motion of that kind. He could have shown by figures that quite a number of seats in the metropolitan area were tremendously above their quota—very considerably above the maximum figure permitted under the existing law—and could have demonstrated that other electorates in the metropolitan area are below even the minimum figure provided for in the existing law.

Hon. Sir Ross McLarty: You will remember that when we introduced the measure, we did provide that one vote in the country areas was equal to two votes in the metropolitan area. That was doing something to preserve the balance.

The PREMIER: I am coming to that. But that is not the point I have been discussing in the last two or three minutes. I said, and say again, that the Leader of the Opposition would have had considerable justification for a motion, had he moved it, calling upon the Government to take such action as would bring about a redistribution of electoral boundaries in the metropolitan area.

The addition of population to the metropolitan area during the last few years, and the drastic change or shift of population from some parts to other parts of the metropolitan area, are factors that have established a pretty solid justification for something to be done about the electoral boundaries in the metropolitan area. That is something which is in need of adjustment. But is there any justification for putting into operation a law when we know that the only certain result would be to reduce the number of electorates in the country and correspondingly increase the number in the metropolitan area? Is that what members opposite want? Is that what they favour?

Mr. Hearman: It has nothing to do with this motion.

The PREMIER: Unfortunately, the hon. member and I never seem to be able to agree on anything. I will leave it at that.

Hon. Sir Ross McLarty: Is the Premier giving reasons for evading the law?

The PREMIER: No.

Hon. Sir Ross McLarty: It sounds like it.

The PREMIER: I am adopting the same attitude in that regard as the Leader of the Opposition adopted in 1952.

Hon. Sir Ross McLarty: I do not think that is right.

Hon. A. V. R. Abbott: You had a certificate shown to you to the effect that you should do something. Did we? Come clean!

The PREMIER: What the member for Mt. Lawley did in 1952 was to study the figures very carefully and skilfully, and even cunningly. Then he and his colleagues worked out a plan which they were sure would be to the detriment of the Labour Party. They tried to put that plan into operation, but found unexpected stumbling blocks in the ranks of their own organisation.

Hon. A. V. R. Abbott: Was that certificate shown?

The PREMIER: I am not concerned about that.

Hon. Sir Ross McLarty: We are!

Hon. A. V. R. Abbott: You are making mis-statements.

The PREMIER: All I am concerned about is that the situation in 1952 was one which the Ministers of the day thought justified action on their part to bring about an alteration to at least some of the electoral boundaries of Legislative Assembly seats. I ask again whether any member on the other side is prepared to say that action should be taken to increase the number of electorates in the metropolitan area at the expense of electorates in the country districts.

Hon. A. V. R. Abbott: What you are saying is that the law is wrong.

The PREMIER: Yes, of course I am! I have said it before.

Hon. Sir Ross McLarty: Even though the law is wrong, do we not have to obey it?

The PREMIER: If the Leader of the Opposition and the member for Mt. Lawley have memories that are in any way reliable, they will recall the attitude I adopted towards this law when it was in the form of a Bill before this House in 1947.

Hon. Sir Ross McLarty: I think I remember there was a good deal of opposition in regard to the two-to-one provision.

The PREMIER: I am coming to that. As I told the Leader of the Opposition earlier, I think this law should be altered. It is a law that is unjust in many important particulars. Let us take, for instance, the two-to-one proposition that the Leader of the Opposition talks about. Is it not fantastic that an elector living and voting at Gosnells has twice the voting power of a person living at East Cannington?

Mr. Oldfield: And that one in the Kimberleys has 16 times the voting power of one in the Canning electorate!

The PREMIER: I think the distance between East Cannington and Gosnells would be half a stone's throw.

Mr. Owen: Some throw!

The PREMIER: Yes, it would be a good throw.

Hon. D. Brand: Would that not apply wherever the boundary was drawn?

The PREMIER: Yes. But surely the member for Greenough would not argue that a person living so close to the metropolitan area as Gosnells is to East Cannington should have twice the voting strength possessed by a person at East Cannington! After all, Gosnells, Maddington, Armadale, Kalamunda, and such places are practically part of the metropolitan area. They are certainly in the outer metropolitan area; and the time is not very far ahead when they will, for many purposes, increasingly be part of the metropolitan area.

There would not be such legitimate ground for objection in regard to that situation if the principle which applies there were applied in the more remote parts of our country districts. But where is the justification for giving a person at Gosnells twice the voting power of one at East Cannington and yet, at the same time, giving a person at Wiluna—700 miles away—only the same voting strength as the person at Gosnells? Nobody can justify that. Not only is there no logic in it, but there is no commonsense in it. It is fantastic to think that because a person lives at Gosnells he has twice the voting strength of a person five miles to the west of him, and yet a person living 700 miles away at Wiluna has no greater voting strength than the one at Gosnells. But that is the existing law.

Hon. Sir Ross McLarty: I think that has been the law for many years, has it not?

The PREMIER: It has been the law since 1947.

Hon. Sir Ross McLarty: And before.

The PREMIER: It may have been. I am not concerned if there has been a law since the year none—not a bit concerned. What I am concerned about is the fairness and commonsense of a situation. Yet the Leader of the Opposition, in this motion, supported by the member for Toodyay, is saying that steps should be taken to put this law into operation.

Hon. Sir Ross McLarty: Yes, to carry out the law. You either alter the law or carry it out.

The PREMIER: As the Leader of the Opposition well knows, I have already indicated to the House it is probable the Government will in the very near future bring down a Bill to amend the law.

Hon. Sir Ross McLarty: You said that 12 months ago.

The PREMIER: I might have done so but—

Hon. Sir Ross McLarty: What is the "near future?"

The PREMIER: —I have no recollection of having said that 12 months ago. The Leader of the Opposition has shown no interest in this matter until the last few days.

Mr. Oldfield: Can you tell us what you intend to do by amending the law?

The PREMIER: It is not the practice to indicate in advance what may be in a Bill which is to be brought down. But if Cabinet does agree upon a Bill of this kind, I should think it would attempt to do at least two major things. The first would be to maintain the present balance between the number of seats in the metropolitan area and the number in country districts. The second would be to continue the grading in strength of the effectiveness of each vote cast according to the distance which people live from the metropolitan area. In other words, I think an attempt would be made to zone the State so that the advantage which people two, five, 10, 20, and 100 miles from the metropolitan area have over those in the metropolitan area would be continued in a lesser degree in the more remote areas.

Hon. Sir Ross McLarty: Do you think the number of seats should be increased?

The PREMIER: I think that if it is considered that the great growth of population in the metropolitan area is entitled to some practical recognition, that recognition should be given by the granting of perhaps two additional seats for the metropolitan area, but not at the expense of country districts. If we feel that the substantial growth of population in the metropolitan area warrants additional seats, there might be some merit and justification in an argument of that kind. But I am not prepared myself to give the metropolitan area those additional seats if that would mean that an equivalent number of seats had to be taken away from country districts.

Mr. Oldfield: On the present figures, it would only mean one extra seat for the metropolitan area.

The PREMIER: I hestitate to doubt the judgment of the hon. member in this matter.

Mr. Oldfield: The Chief Electoral Officer gave the figures only a fortnight ago.

The PREMIER: If the hon. member studied them more closely he might find that the result could be different. In any event, there is no justification for depriving the country areas of Western Australia of any of the parliamentary representation which they at present enjoy. I would point out to members that, in supporting this motion, they will be supporting a move to reduce the number of country electorates and to increase the number of metropolitan electorates. That is the one certain thing that members would be doing by supporting the motion.

Hon. A. V. R. Abbott: You think, apparently, that the number of seats for the metropolitan area should be pegged in the Bill, and also the number of country seats, so that if a redistribution becomes necessary in the metropolitan area, it will not affect the country seats.

The PREMIER: Yes, that is my view. I have not thought the matter out absolutely, but, by and large, that would be my view. I ask members to look at this situation from two angles, because they are vitally important. I ask them, first of all, to look at the law as it now exists and what would develop if it were put into operation, and then to ask themselves whether the result is one that they would like to see come to pass.

The second angle I would like them to consider is the advisability of bringing about a redistribution of electoral boundaries in the metropolitan area if they think the maladjustment of enrolments in several electorates is so serious as to warrant early action. I should hope that all members would try to look at this matter impartially, quite apart from party politics and the fact that there is a law upon the statute book. After all, a law does not, just because it is on the statute book, contain all the wisdom which exists or might exist.

The fact that the law is there, is no proof of its fairness or commonsense. As a matter of fact, the member for Mt. Lawley knows only too well that when the law was being put through this House in 1947, we, who now form the Government, fought it very strongly and condemned it roundly because we considered it contained a number of injustices which would lead to results which would not be acceptable in the long run. I think that what we said on that occasion has been largely borne out by experience.

Mr. Hutchinson: You cannot follow that principle to evade the law.

The PREMIER: No, I am not saying we can. I am simply pointing out that the fact that a law is on the statute book dealing with the redistribution of electoral boundaries, is not necessarily proof that it is fair, just and sensible. So, what I am asking members to do, is not to say, "There is a law and it should be carried out," but to turn over in their minds the idea that the law might be undesirable and that it could be capable of considerable improvement. If they do this, they will, I suggest, be in a far better state of mind to give reasonable consideration to an amending Bill when the Government brings such a measure down during this session.

Mr. Hutchinson: Would you be prepared to say what you will do if the Bill you may introduce is rejected?

The PREMIER: I think it is not possible, fairly to answer that question at this stage. I think the member for Cottesloe will agree that when that situation arises, it must be faced and decided.

Mr. Hutchinson: I asked whether you would be prepared to say.

The PREMIER: No, I am not prepared to say at this stage. We all know the parliamentary set-up in Western Australia, and we have talked about it here on many occasions. We on this side of the House are the Government of the State by virtue of the fact that we won a majority of the Assembly seats at the last general election. Therefore it can be argued very strongly that as we are the Government—because we represent a majority of the Legislative Assembly electors—and are elected on the principle of adult franchise, we ought to be able to alter the law as we think it should be altered.

There is a lot of natural justice in that contention. Yet, because in another branch of our Parliament the members are elected upon a very restricted franchise, we, as a Government, are without a majority there, and consequently are not able to amend the laws as we think they should be amended. In other words, in the legislative sense, the Liberal Party and the Country Party members together are, in the final analysis, in power in Western Australia all the time. Only legislation that is acceptable to the Liberal Party and the Country Party together can become law in this State. I ask the member for Cottesloe to think that one over.

Hon. A. V. R. Abbott: That is not quite correct.

The PREMIER: Why?

Mr. Nalder: The results of the voting in the other House will prove that on many occasions.

The PREMIER: No, they prove what I say.

Mr. Nalder: No.

Hon. A. V. R. Abbott: Could we alter the law now if we wanted to?

The PREMIER: Who are "we"?

Hon. A. V. R. Abbott: Could the Opposition alter the law if you did not approve of it?

The PREMIER: No, and I did not say that, but that the Liberal Party and the Country members of Parliament as a whole are, in the final analysis, the masters of the Parliament.

Hon. A. V. R. Abbott: No, they are not. They can possibly retain the status quo.

Hon. Sir Ross McLarty: They do not exercise their authority to the extent they should.

The PREMIER: So that we could get agreement on this point, perhaps I could choose other words and say that the Government of the day, elected by a majority

of the people of the State, cannot do anything in the legislative sense unless the Liberal Party and the Country Party members, or some of either of those parties, agree with the legislation which the Government sends to another place.

Hon. Sir Ross McLarty: You will have the Minister for Education coming into this.

The PREMIER: Because it is not thought by members of the Government that this law should be brought into operation in its present form, I move an amendment—

> That in line 2 all words after the word "that" be struck out with a view to inserting other words.

The other words which I shall insert, if this amendment is successful, will be based mainly on the two major propositions or contentions that I put forward during my speech. I will have the words placed upon the notice paper in due course so that members may clearly understand what is to be put into the motion to replace the words that will be struck out of it if I succeed with my present amendment.

HON. A. V. R. ABBOTT (Mt. Lawley—on amendment) [5.55]: I take it that what we have to debate now is the amendment.

The Premier: I suggest that the hon. member move to adjourn the debate until my subsequent amendment is on the notice paper.

Hon. A. V. R. ABBOTT: If we had been given some notice of the amendment, we might have been able to give better consideration to it than I can now.

The Premier: The motion was only moved today.

Hon. A. V. R. ABBOTT: That is so. I want to clear up one or two points, because the whole of the argument of the Leader of the Opposition, as I understand it, is that there is a law on the statute book at present. No effort has been made by the Government to alter it. After each triennial election, there is imposed on the Chief Electoral Officer the duty of giving a report in which he has to state whether under the Electoral Districts Act a redistribution should take place. He did give that report; and he gave it after the last election.

I do not know the exact date that he gave it, but, from memory, it was last October; and the Government has done exactly nothing. That is the complaint. The Government would have been perfectly justified in saying that the law as it then existed should be altered; and I agree that the Government should have a reasonable time to consider what the alteration should be. But the Government cannot argue that it is going to do nothing about it. We say that it should at least do something about it.

The Premier: No one has argued that the Government will do nothing about it.

Hon. A. V. R. ABBOTT: The Government has done nothing about it. The Premier cannot argue that, however worrying this question might be to the Government—

The Minister for Works: What is the urgency? It cannot operate until there is an election.

Hon. A. V. R. ABBOTT: We do not want to wait until there is an election, because, after all, every member of Parliament is entitled to reasonable notice of the district and the people he shall represent. Apart from that point, a law should be obeyed within a reasonable time. A certificate was issued to me in 1950 under the provisions of the Electoral Districts Act, and it showed that no redistribution was required under the Act; and no other certificate was issued to me as Attorney General until 1953.

The Minister for Works: Did you get a certificate in 1950 advising that the seat of Middle Swan was vacant?

Hon. Sir Ross McLarty: What has that got to do with it?

The Minister for Works: You kept the seat vacant for five months.

Hon. A. V. R. ABBOTT: If there was a certificate, it would not have been issued to me, so do not ask me about it! The certificate is issued by the Speaker.

The Minister for Works: To whom?

Hon. A. V. R. ABBOTT: To the Premier, as far as I know.

The Minister for Works: Are you suggesting that the then Speaker was responsible for the holding up of the filling of the vacancy?

Hon. A. V. R. ABBOTT: I am not suggesting anything at all. What I am saying is that the Premier knew in October of last year that this Act should be observed, and up to the present time he has made no effort to do anything. Not only that, he has been evasive.

The Premier: No, I have indicated—

Hon. A. V. R. ABBOTT: Yes, the Premier has indicated that he might do something or give consideration to introducing legislation. He has been entirely evasive, which is most unreasonable.

Mr. Ackland: We have already had two sessions when he could have done something.

Hon. A. V. R. ABBOTT: That is so. The Premier seldom puts forward a weak argument, but he did so today when he said, "If I do not like the law, as Premier I do not propose to observe it."

The Premier: I did not say that.

Hon. A. V. R. ABBOTT: Yes, the Premier did. He said, "If this redistribution were to take place, it would result in the country losing a seat."

The Premier: And therefore the law should be amended.

Hon. A. V. R. ABBOTT: I took it that the Premier was putting that forward as an excuse why he had done nothing.

The Premier: No; I indicated that the law should be amended.

Hon. Sir Ross McLarty: Rather a shrewd move. I give the Premier full marks for it.

Hon. A. V. R. ABBOTT: Surely, the Premier might have given some excuse. He might have said, "I realise that this has not been done, but it is my intention to introduce a Bill to amend the Electoral Districts Act."

The Premier: Does not the hon. member think it should be amended?

Hon. A. V. R. ABBOTT: I do not know. Speaking for myself, I agree with some of the propositions put forward by the Premier. I think metropolitan seats should be pegged, but that is my own view; and I think the country should have an allocation of so many seats and, if necessary, a redistribution should take place in each area as and when warranted. I say that because I do not want to see Perth become like Sydney, where the whole of the country is dominated from that centre.

Mr. Moir: You have had that under the present Act.

Hon. A. V. R. ABBOTT: That might be so. I am telling members what I do not want to see happen in this State. I do not want Perth to develop into another Melbourne, for instance, which could happen, and the whole of Western Australia could be dominated by the metropolitan area.

The Minister for Justice: You are in favour of amending the Act.

The Minister for Lands: He is speaking in that way.

Hon. A. V. R. ABBOTT: I am giving members my views, and I am perfectly open about it. If the Act allowed such things to happen, I would have to give it serious consideration. The Premier said just now, when asked a question, "I am not prepared to say yes or no, but I would be favourably influenced by such a proposition". And so would I be. But I think the Premier should allow this motion to be carried because, after all, it is not a censure motion. It merely says that something should be done, and we are not censuring the Government. As members will see in the Electoral Districts Act, "A redistribution shall take place on a resolution being passed by the Legislative Assembly."

The Premier: Does not the hon. member think it would be better to delay a vote on this motion until the Government introduced a Bill?

Hon. A. V. R. ABBOTT: No, I do not think so for this reason: Does not the Premier think steps should be taken to implement the law?

The Premier: I think steps should be taken to amend the law.

Hon. A. V. R. ABBOTT: I think the Premier should implement the law in the meantime because I cannot guarantee —and neither can the Premier—that any particular proposal will become law. He must realise that if a redistribution is to take place under the existing Act, and for the next elections, consideration must be given to it by the commissioners in the near future; otherwise, it cannot physically be done. That is one of the reasons why this motion was moved.

The Premier: I think the hard work the commission had to do was done on the first occasion.

Hon. A. V. R. ABBOTT: I think so too, but the commissioners have a good deal of work to do. I think the Act limits them to eight months and they have not a great deal of time within which to do it before the next elections.

The Premier: We have at least 18 months.

Hon. A. V. R. ABBOTT: About 18 months, but that is not long.

The Premier: Long enough.

Hon. A. V. R. ABBOTT: I would have liked the Premier—which he might well have done—to have said, "I will carry out the law and see that the Act operates." Let us consider what the Premier has done. The Premier says that the Governor shall issue a proclamation. The Governor represents the people of Western Australia, and the Premier has actually prevented him from doing something that is his right; that is a pretty serious thing and the Premier, I know, realises it. It is serious if we say, "We do not like it and we will not allow the Governor to do it. We will not observe the law if we do not like it." If a Government does that, it is getting down to the level of some of the South American republics, where army generals control things, as they do in Brazil. In Brazil, the Premier there was deprived of his power, and I hope our Premier will not take the same steps as were taken by the late Premier of Brazil. I do not want him to be that much upset.

The Premier: It is an interesting thought.

Hon. A. V. R. ABBOTT: I do not think the Premier will. I am speaking to the amendment, and I do not know much about it. I do not think the Premier

needed to amend the motion at all; he could have let it pass and then introduced the necessary legislation What is the harm in saying that the law shall be carried out? Why is the Premier resisting something that he should, in his position, support? Is the Premier doing it because the Opposition made the move? Is the Premier resisting it because the Opposition has proposed that he should carry out the law? Is that the reason?

The Premier: No. We are opposing it because we think the law should be amended, and we shall try to amend it very soon.

Hon. A. V. R. ABBOTT: Very well. But that is not really an excuse.

The Premier: It makes the motion unnecessary at this stage.

Hon. A. V. R. ABBOTT: But the Premier does not know. I think that he should issue this proclamation and give serious consideration to doing it in the near future. What harm is there in the motion?

The Premier: We will introduce an amendment to the law in the near future.

Hon. A. V. R. ABBOTT: I hope the Premier does, because so far he has been negligent—seriously negligent.

The Premier: The hon. member was negligent when he was a member of the Government.

Hon. A. V. R. ABBOTT: No, I did not have a certificate like this.

The Premier: But the hon. member had other certificates.

Hon. A. V. R. ABBOTT: No.

The Premier: The hon. member had other responsibilities.

Hon. A. V. R. ABBOTT: I do not think the Premier can make that accusation. I have been castigated in this House once or twice.

The Minister for Mines: And deserved to be, too!

The Minister for Education: You have been what?

Hon. A. V. R. ABBOTT: I have been spoken to in this House. I do not think it will help this argument, but I make one further appeal to the Premier to withdraw his amendment and allow the motion to be carried because it only doublebanks the provisions of the Act. The motion really deals with Subsection (2) of Section 12 of the Electoral Districts Act, and simply provides another reason why it should be done. First of all, there is the automatic provision, and the second is what shall follow on a resolution being passed by the Legislative Assembly. What possible objection can the Premier have to that? If the resolution is passed, what harm is done? As the Premier knows, it would take some weeks to get the proclamation issued and it would take some little time for the Chief Electoral Officer to gather material before the serious work of the commission could commence. So what harm is there in making that preparation? What harm is there in allowing the law to take its course, pending the further consideration of the matter?

The Premier: We could do that without a motion.

Hon. A. V. R. ABBOTT: I know the Premier could, but the trouble is that so far he has not done so. He has not been clear in his answers. The Opposition did not take this action on the spur of the moment. It has been suggesting, by way of questions, for some weeks now that something should be done.

The Premier: I am not to know that the Opposition did not take this course on the spur of the moment.

Hon. Sir Ross McLarty: Months ago!

Hon. D. Brand: The Premier promised to write to the member for Sussex on this matter.

Hon. Sir Ross McLarty: Twelve months ago!

Hon. A. V. R. ABBOTT: I forgive the Premier, because I know he is worried about it and some of his valuable supporters are in a difficult position. Naturally the head of the team should give serious consideration to the unfortunate plight of some of his supporters. I am not suggesting that that would influence him much, but it might influence his Government, and I do not think he knows what to do about it.

The Premier: I want to alter the law.

Hon. A. V. R. ABBOTT: But the Premier does not know how or why.

The Premier: Yes.

Hon. A. V. R. ABBOTT: Why did not the Premier bring it forward months ago? This complaint would not then have been justified?

The Premier: There is still time.

Hon. A. V. R. ABBOTT: There may be, but whenever something should be done under the law, is the Premier going to adopt the Panama system of saying, "Some day I will wake up and we will do it"? We cannot conduct our system on that basis. The Premier is always saying, "We must have a democracy. We must obey the wishes of the majority. We must obey the laws made by the majority." But he is not doing so.

The Premier: Yes, he is. This law was not made by a majority.

Hon. A. V. R. ABBOTT: Yes, it was.

Hon. Sir Ross McLarty: Of course it was.

The Premier: Might I put it the other way and say this law cannot be unmade by the majority?

Hon. Sir Ross McLarty: You are wrong the other way.

Hon. A. V. R. ABBOTT: If the Premier went to the people on this point and that was their decision, he would have some weight behind his argument, but so far he has not. I am really and sincerely surprised that he has allowed this to drift, and I know that he is worried about it.

The Premier: I know that the hon. member has thought of it only in the last few days.

Hon. A. V. R. ABBOTT: I have not. We have been wanting information for a long time and we have been asking the Premier his intentions in the matter. Apparently, the Premier does not know what to do; otherwise, he would have told us. So the Opposition was forced to move this motion to have the position clarified. At least, we have received an indication from the Premier that he intends to introduce a Bill in the near future.

The Premier: That is right.

Hon. A. V. R. ABBOTT: I am hoping that the Bill will be of such a nature that it will provide for democratic and proper representation of the various interests in the community; if it does, it will go through flying.

The Premier: It will probably go flying, all right!

Hon. A. V. R. ABBOTT: Therefore, at present I must oppose the amendment moved by the Premier.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. V. R. ABBOTT: The Premier based his argument on two or three points. Firstly, he said there was not in his opinion sufficient stability, and, secondly, he did not think it was right that a seat should be taken from the country and given to the metropolitan area. That is what would happen if a redistribution took place under the present Act. Thirdly, the Premier admitted that the law should be obeyed, but he claimed that he was not evading the law. I do not propose to argue the merits of stability, or whether the metropolitan area should get another seat. I have expressed my personal views on those matters by interjection. The Premier did not attempt to explain or justify the main issue, which is that the law should be obeyed. Not even the Premier's conscience would permit him to say that the law should not be obeyed. What he was trying to justify was his neglect to do so.

The Minister for Justice: But the law has not been obeyed in the past. There are many statutes which have not been obeyed.

Hon. A. V. R. ABBOTT: They should all be obeyed, otherwise they should be discarded. This is not an unimportant statute. The Electoral Districts Act is the basis of our society, and under its provisions we decide who is to govern the country. Therefore I claim it is a most important statute.

The Minister for Labour: The Electoral Districts Act or the Constitution governs the country?

Hon. A. V. R. ABBOTT: Both.

The Premier: And both very unjustly.

Hon. A. V. R. ABBOTT: That is a matter of opinion. We have argued on that so often in the past that it is not worth while doing so today. It is a matter on which the Premier and I could not agree in the past, but ultimately I think he will come my way. As he gets a little more mature and a little more experienced in life, he will probably see the point of view that those in the community who bear the greatest burden and accept the greatest responsibility should have representation.

I do not think that either of the arguments put forward by the Premier—the country is not sufficiently stable, and the Act should not be obeyed—can be excused. I can just imagine the Premier or his deputy rising in real indignation if they felt a Government to which they were opposed, was not carrying out something which it was obliged to do, or that Government would not allow the Governor of the State to do something which the Act provides he should do. This is not a vote of censure. Although I have used some harsh words I think they were warranted because the Premier has postponed this matter too often, and it was necessary to make that point quite clear. The Premier should give an undertaking during this debate that he will within the near future carry out the provisions of the Act, and at the same time if he thinks the Act is not just, he should take steps to remedy the position.

Mr. MOIR: I move—

That the debate be adjourned.

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

Ayes	18
Noes	16
Majority for	2

Ayes.	
Mr. Andrew	Mr. McCulloch
Mr. Brady	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. W. Hegney	Mr. Nulsen
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Sleeman
Mr. Kelly	Mr. Styants
Mr. Lapham	Mr. Tonkin
Mr. Lawrence	Mr. O'Brien *(Teller.)*

Noes.	
Mr. Abbott	Sir Ross McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Mr. Court	Mr. Owen
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Wild
Mr. Hill	Mr. Yates
Mr. Manning	Mr. Oldfield *(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. J. Hegney	Mr. Mann
Mr. Guthrie	Mr. Bovell
Mr. Graham	Dame F. Cardell-Oliver
Mr. Heal	Mr. Cornell
Mr. Sewell	Mr. Watts
Mr. May	Mr. Perkins
Mr. Johnson	Mr. Hutchinson

Motion thus passed.

Debate adjourned.

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn) [7.43] in moving the second reading said: From time to time the Mines Regulation Act, which deals particularly with the safety precautions in regard to gold and mineral mining, is reviewed by the department, together with the Australian Workers' Union and the Chamber of Mines. A recent review of this nature has been undertaken and numerous discussions have taken place between the various parties. Following these discussions this amending Bill has been prepared in order to meet present-day requirements on certain matters.

There are actually only four sections affected. The first one provides that the inspector of mines shall give notice of his intention to enter a mine, and this is intended to minimise interference with working and to promote safety. The clause also provides for entry without notice in in cases of emergency. Another amendment provides that the workmen's inspector may report the results of his inspection to a union other than that to which he himself belongs.

Generally speaking, the workmen's inspectors are members of the Australian Workers' Union, and as the Act stands at present they can report inspection results to that union. As inspections may concern, say, the operations of members of the Enginedrivers' Union or the Engineers' Union, the amendment will permit of their reporting to such union as is affected. A further alteration governing the period for which a temporary underground manager may be employed, increases the period from two to four weeks. The two weeks at present permitted are too short to provide for normal holiday breaks. Ministerial approval is required for appointments beyond four weeks instead of one calendar month as at present.

Another section proposed to be amended provides for the cleaning of spillage on Sundays. This work cannot always be carried out conveniently on week days and so provision has been made for a degree of Sunday work of this sort. From time to time it is found necessary to make alterations to the mining laws, and the Act provides that the matters requiring amendment shall be discussed with the three parties concerned. These matters have been referred to the three parties—the Mines Department, the A.W.U., and the Chamber of Mines—and complete unanimity was reached on the four proposals. I move—

> That the Bill be now read a second time.

On motion by Mr. Wild, debate adjourned.

BILL—INQUIRY AGENTS LICENSING.

Council's Amendments.

Schedule of four amendments made by the Council now considered.

In Committee.

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

No. 1.—Clause 3, page 2—Delete the word "or" in line 21:

The MINISTER FOR JUSTICE: I have discussed these amendments with the draftsman and, as they will improve the measure, have decided to accept them. I move—

> That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2. Clause 3, page 2—Insert the word "or" after the word "evidence" in line 24.

No. 3. Clause 3, page 2—Insert a paragraph to stand as paragraph (d) as follows:—

> (d) shall advertise to the effect that his services are available to obtain evidence.

No. 4. Clause 3, page 3—Add a new subclause to stand as Subclause (3) as follows:—

> (3) The holder of a licence may advertise he is the holder of a licence under this Act and his name and the place where and times when he may be consulted, but shall not include any other information in any advertisement.
>
> Penalty: Fifty pounds.

On motions by the Minister for Justice, the foregoing amendments were agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

BILL—CROWN SUITS ACT AMENDMENT.

Second Reading.

Debate resumed from the 29th July.

MR. COURT (Nedlands) [7.50]: The Minister for Justice has the reputation of bringing in Bills containing comparatively few words and this one is no exception, but I invite the attention of members to the fact that the principle he aims at achieving is one of vital importance to the community.

The measure proposes to liberalise the scope for action by the subject as against the Crown. It does not attempt to place litigation by the subject against the Crown in line with litigation between subject and subject, but it is a very definite step forward in that direction. I feel that it is desirable to handle the liberalising process in stages as is proposed in this measure rather than attempt to do too much at one bite.

The proposed new section, in my opinion, will be a distinct improvement on the section affected if the measure becomes law. The existing section makes it necessary, before a subject can bring an action against the Crown, for him first of all to give notice to the Crown Solicitor of the date when the cause of action arose and the ground upon which it is proposed to take action within three months of the date when the cause of action arose. Secondly, the subject has to bring the action not less than three months thereafter and within 12 months of the date when the cause of action arose.

The section of the Act contains a proviso to the effect that, where the subject was unware of the facts constituting the cause of action and could not, by reasonable diligence, have discovered the same within the prescribed period of three months, the notice may be given at any time within three months after the time when the subject discovered, or by reasonable diligence could have discovered, the act constituting the cause of action. The difficulty in the past with respect to the provisions making it necessary to bring action against the Crown or against a Crown instrumentality within a prescribed period, was that if such provisions were not strictly complied with, the court has held that it had no jurisdiction to hear the claim even if the Crown assented thereto. A subsection of the new section does away with that difficulty.

The Minister for Justice: It gives the court discretionary power.

Mr. COURT: That is so. A part of the new section, I consider, requires some amendment, and in Committee I intend to move accordingly. The Bill proposes that the subject shall give notice in writing to the Crown Solicitor as soon as practicable after the cause of action arises, and he has to give reasonable information of the circumstances upon which the proposed action is based. I have in mind the case of a farmer living in a remote area and, right in the midst of one of his important seasonal functions, a cause of action might arise. I have tried to ascertain beyond reasonable doubt just what it means if he has to give notice "as soon as practicable."

The Minister for Justice: I think that would cover your doubts.

Mr. COURT: A doubt has been expressed to me by several legal practitioners, who hold the opinion that "as soon as practicable" would mean that the farmer should go to the nearest town where there was a solicitor and see that due notice in accordance with the section was given immediately. Others have explained that "as soon as practicable" could mean that where a person had been rendered unconscious for a long period, it would be immediately upon his regaining consciousness. There are many such cases and right in our midst at the moment we know of a person who has remained unconscious not only for weeks, but for months. Legally, in that case, "as soon as practicable" would mean after he had regained consciousness.

We should tidy this matter up so that a definite minimum period is given to the subject and he is not left in doubt or dependent on legal interpretation of the words "as soon as practicable." Therefore, if some time such as three or six months were given in addition to the provision "as soon as practicable," a safeguard would be provided for the subject.

The Bill represents a big improvement on the Act, and I trust that the Government in due time will give consideration to reviewing the position of Crown instrumentalities, road boards and the like. I have gone to the trouble of extracting a list of the provisions of the main Acts in operation with respect to certain of these instrumentalities, and I believe it will be of interest to members as it has a direct bearing on what the Minister is attempting to achieve by this measure. The list consists of five separate groups of Government instrumentalities which have varied requirements regarding notice as between the subject and the Crown.

One month's notice of action and the writ within three months of the cause of action is required by the Government Railways Act, 1904, Prisons Act, 1903, and Lunacy Act, 1903. The second group for which provision is made for one month's notice of action and the writ within six months of the cause of action, consists of the Albany Harbour Board Act, 1926; Goldfields Water Supply Act, 1902; Land Drainage Act, 1925; Fremantle Harbour Trust Act, 1902; Bunbury Harbour Board Act, 1909; Justices Act, 1902; Workers Homes Act, 1912; Water Boards Act, 1904; Government Tramways Act, 1912; Child Welfare Act, 1907; Health Act, 1911; Main Roads Act, 1930; Government Ferries Act, 1932 and Housing Trust Act, 1930.

In the third group provision is made for one month's notice of action and the writ within 12 months of the cause of action. The statutes under this heading are Rural & Industries Bank Act, 1944; State Housing Act, 1946, Eastern Goldfieds Transport Board Act, 1946, State Electricity Commission Act, 1945 and Rights in Water and Irrigation Act, 1914. The fourth group requiring the writ within 12 months of the cause of action applies to the Supreme Court Act, 1935. In the fifth group, notice of accident within 21 days, one month's notice of action and the writ within six months of the notice of action is required under the Municipal Corporations Act, 1906, and the Road Districts Act, 1919.

The Minister for Justice: All that can be legislated for in accordance with the desires of Parliament at the time.

Mr. COURT: I agree, but one can sympathise with the members of the public, referred to as the subjects, and who are in a quandary as to their rights in regard to these instrumentalities. I know it is pleaded by Government departments that there should be more severe limitations in respect of time, in the case of the Crown, as distinct from litigation between subject and subject, but with that I cannot agree.

The argument is advanced from time to time by Government departments that unless they get prompt notice of the cause of action, they have extreme difficulty in getting their evidence together, as officers are shifted from one department to another or from one district to another. But in the case of big corporations and even small businesses, employees are shifted even more rapidly than occurs in Government departments and, in fact, they are often shifted inter-State and abroad to a greater extent than applies to officers of Government departments. I do not think that is a very good reason to be advanced as to why Government departments should receive quicker notice than is necessary in litigation between subject and subject.

The Minister for Justice: That depends upon the subjects. They can take immediate action, if they so desire.

Mr. COURT: True, but a subject, as against another subject, has not to give this notice within the restricted time prescribed by the Crown Suits Act or the various other Acts dealing with the instrumentalities I have referred to. I invite the attention of members to the fact that this measure has far-reaching effects as regards the subject and the Crown. It should not be taken as expressing our attitude towards a move, which I understand is being made by the legal profession, to alter the relationship between subject and subject.

I would not like it to be held, at a later date, that because we amended this Act in 1954 to prescribe a new set of circumstances between the subject and the Crown, it should be taken as a pattern for revising the present law as between subject and subject. I understand there is a tendency in the legal profession in some parts of the world to want to review the time limits for giving notice and taking action as between subject and subject, but this is an entirely different issue. I would like to feel that this measure is a transitory one bringing us closer to the day when litigation between the subject and the Crown will be virtually on the same basis as between subject and subject as far as the time of notice is concerned—

The Minister for Justice: Do not you think it would be of advantage if there were imposed on the subject conditions to ensure that he took action within a reasonable time so that all the evidence could be got, instead of, as now, when they have six years and much of the evidence may have melted away?

Mr. COURT: Superficially that appears to be a reasonable approach and I understand it is the tendency of the legal profession today to encourage such a move, but I would not like to feel that in accepting this amendment to the Crown Suits Act we were committing ourselves to an acceptance of that principle. I would be reluctant to agree to any change in the established customs that have been built up as between subject and subject. I know there can be an anomaly when, after five years and nine months, someone springs an action on another subject, with resultant difficulties in trying to get information from people who may have moved—perhaps some may have died. Certain people take advantage of such circumstances, but, by and large, I think the present law has worked very well and fairly under our system of justice. I support the measure.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre—in reply) [8.5]: I am grateful to the House for the favourable reception it has given the Bill. I feel that the measure is a move in the right direction and believe that the subject should, before now, have been given more redress. The Bill merely puts the subject on the same basis, subject to subject, as in relation to the Crown, with the exception that notice must be given within three months. The court, however, still has discretion as to whether action can be taken within the period prescribed by the Statute of Limitations.

This legislation compares favourably with that elsewhere in the British Empire and I believe it was copied from the English Act. I do not think the subject in any other State will be at a greater advantage, as against the Crown, than will be the subject here, if the Bill becomes law. The word "practicable" is something like "reasonable" as there is no real limit to it. If a case comes before the court and the person has taken action within a practicable time, that will mean any time, depending on the view taken by the court.

The member for Nedlands pointed out that a person, like the one injured not long ago and still unconscious, would not be in a position to give notice and it would not be practicable for him to do so, and in that case it might be 12 months or two years. In such an instance he would still have the option of giving notice and having his case heard within the limitation of six years, but now he is limited to three months and must give notice within that period. The amendment will cover that position. I have pleasure in moving—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 6 repealed and re-enacted:

Mr. COURT: I move an amendment—

That after the word "practicable" in line 8, page 2, the words "or within three months (whichever of such periods is the longer)" be inserted.

The MINISTER FOR JUSTICE: I do not oppose the amendment.

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

Title agreed to.

Bill reported with an amendment.

BILL—SHIPPING AND PILOTAGE ORDINANCE AMENDMENT.

Second Reading.

Debate resumed from the previous day.

MR. HILL (Albany) [8.14]: This is an unimportant measure and will make little difference. Every year the various port authorities in Australia hold a conference and it appears that at the latest one, which was held in Melbourne sometime last year, someone discovered that since 1855 we, in Western Australia, have been using the word "tonnage" instead of the word "conservancy," which is used in other ports of Australia. The idea of the Bill is to embody that word in our legislation in place of the word "tonnage" so as to bring it into line with that in other ports of Australia. It is desirable to have uniformity in this matter. I support the Bill.

HON. J. B. SLEEMAN (Fremantle) [8.15]: I would like to know a little more about the Bill. When the Minister was introducing it last evening it appeared to me that he said that its object was to make pilotage and tonnage fees uniform. However, it now appears that there is nothing in the Bill which will effect any uniformity because already we have agreed to give the Anglo-Iranian Oil Co. free pilotage. I do not think there is any other country that provides a company with free pilotage.

This will probably mean that the revenue obtained by the Treasurer from the good old milking cow, the Fremantle Harbour Trust, will be considerably reduced, because that body will have to put on four more pilots in order to honour the agreement that has been made between the State and the company. If we are seeking to have pilotage fees made uniform, I would like the Minister to point out to me how this Bill will achieve that object.

MR. LAWRENCE (South Fremantle) [8.16]: I am not too satisfied with the Bill either, especially after listening to the Minister's remarks last evening, and those made by the member for Albany tonight, when he stated that port authorities throughout Australia have agreed that uniform pilotage charges are very desirable.

The member for Fremantle has pointed out that when the agreement with the Anglo-Iranian Oil Co. was entered into by the State, provision was made to give that company free pilotage. The portion of the schedule in the Act which refers to that provision reads as follows:—

> neither the State nor the Fremantle Harbour Trust Commissioners or any other State authority shall make any charge to the Company or to any other person for such use, nor in respect of the following services, namely, entering into or departure from Cockburn Sound (including pilotage) . . . .

It is common knowledge around the port of Fremantle that it is intended to put on four extra pilots, and I understand that two have already been engaged.

The Minister for Justice: What would be the cost of four more pilots?

Mr. LAWRENCE: I suggest that the provision of pilots for Cockburn Sound would cost a considerable sum per annum. If other companies have to pay for this pilotage, I do not see why the Anglo-Iranian Oil Co. should receive free service. Such action rules out any possibility of uniformity in pilotage charges which port authorities throughout Australia are seeking. If the Minister has not taken this point into consideration, I think he should agree to the debate being adjourned.

HON. D. BRAND (Greenough) [8.19]: I consider that it is not quite fair for the member for Fremantle and the member for South Fremantle to say that the Anglo-Iranian Oil Co. is receiving free pilotage, because that provision was included in the legislation passed by this House as a result of the company undertaking to meet 6 per cent. of one-half of the capital cost of dredging the Parmelia and Success banks, or the sum of £120,000, whichever amount was the lesser.

Mr. Lawrence: Over what period?

Hon. D. BRAND: Until the expiry date of the agreement with the company, which could go on until 1980. If the Government then saw fit not to renew the agreement, I have no doubt that the provision relating to free pilotage would be dropped and the Anglo-Iranian Oil Co. would have to pay pilotage charges in the same way as any other company. I would like to add that it is of interest to point out that the total money paid by the company under the agreement on the dredging operations would amount to a large sum and would cover any pilotage costs that have been referred to by the member for South Fremantle. I do not think this matter is relevant to the Bill, but in fairness to the company I felt that I should make some explanation.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn—in reply) [8.22]: The member for Fremantle and the member for South Fremantle are

somewhat astray in their remarks. There is no mention in the Bill of the subject they have raised. In introducing the measure I said that to achieve uniformity it would be necessary to change the name of the Harbour and Light Department charges from tonnage dues to conservancy dues. There is no mention of any alteration in the charges. The Bill will only change one word. I concluded by saying that the proposed amendment would have no effect on the charges or on the operations of the department and would do no more than alter the name of the dues that are already collected. There is nothing in the Bill referring to any charges that were levied earlier.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; the Minister for Mines in charge of the Bill.

Clauses 1 and 2—agreed to.

The Schedule:

Hon. J. B. SLEEMAN: I cannot quite understand how there can be uniformity in pilotage dues. Last night the Minister told us that there would be uniformity.

Hon. A. V. R. Abbott: Only in name; only in the language used.

Hon. J. B. SLEEMAN: What is the use of having uniformity of name? If we are to have uniformity, the pilotage dues must be all the same. If other States are to fix certain fees, and this State is to give free pilotage to a company that is operating here, I cannot understand how uniformity between the various States can be achieved. In conference, all the States agreed on uniformity, and yet in this State there is no uniformity whatsoever.

Schedule put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

Second Reading.

Debate resumed from the previous day.

HON. L. THORN (Toodyay) [8.26]: As the Minister explained last evening when introducing the Bill, under the 1947 regulations, 687 leases were approved for issue. The actual leases issued numbered 243, leaving 444 still to be issued. He mentioned that 80 were ready for issue at present, but that they could not or would not be issued until this measure was approved. He also stated that Section 103 of the Rehabilitation Act—

The Minister for Lands: Re-establishment and Employment Act.

Hon. L. THORN: Yes, that is correct. The Minister stated that Section 103 of that Act had been supplanted by, or that advances were now made available under Section 96 of the Constitution. That change took place when I held the portfolio that the present Minister now holds, and it was approved as a result of an exchange of letters between the then Premier and the Prime Minister. I cannot refrain from saying that the Minister has shown great change of heart in introducing this legislation.

The Minister for Lands: I have never shifted my ground.

Hon. L. THORN: He never missed an opportunity to criticise me for the so-called harsh treatment that was meted out to returned soldiers under the war service land settlement scheme. He also complained about the averaging of costs and the issuing of the leases. He finally moved for the appointment of a select committee, by which he sought to alter these conditions and subsequently presented the committee's report to the House.

In those days I told him that all his protests were of no avail because the Commonwealth Government was determined to insist on its conditions. I remember, when I journeyed to Canberra for a long conference with Mr. Kent Hughes on these matters, that he politely told me that the Commonwealth was providing the finance and it was going to call the tune. I repeatedly told the hon. member that. But he still persisted in his endeavours to alter the conditions and now he finds himself in my place.

Hon. D. Brand: He was being critical of you.

Hon. L. THORN: Oh yes! He was quite critical of me and he used to look across the Chamber at me real savagely and tell me—

Hon. Sir Ross McLarty: He told you that there was some secret agreement.

Hon. L. THORN: Yes, he referred to a secret agreement, and that sort of thing.

The Minister for Lands: Speak up! I cannot hear you.

Hon. Sir Ross McLarty: You do not want to hear.

Hon. L. THORN: Now the Minister is introducing legislation similar to that which I did. I would like to say a few words about the averaging of properties, and at the outset point out that, in my opinion, the valuations fixed for the homestead properties were fixed at far too low a figure. Of course, conditions changed considerably during the beginning of the war service land settlement scheme. I think the original Bill was introduced in 1946 by the then Labour Government, and as time progressed, conditions altered. In the beginning, most of the holdings allotted

were homestead properties because they were the only ones in a condition to be allotted.

With regard to the fixing of the economic value of a property, when economics were brought into the picture the prices of primary products had not started to spiral to any extent. As time went on, the markets for our primary products, such as wool and wheat, spiralled considerably, and this made these homestead properties allotted to different soldiers a wonderful proposition. Today I am prepared to say that those men have made a lot of money and they were the ones who protested about the conditions laid down. If they were asked to produce their banking accounts, I feel sure we would all get quite a surprise. They were the men who had been complaining, and one of them has one of the best properties ever allotted in Williams. The valuation of that property was £24,000 and it was allotted to him at £11,000.

The Minister for Lands: The market value was £24,000.

Hon. L. THORN: Yes, and the economic value at the time was written down to £11,000. That man is very well situated.

Mr. Nalder: You are picking one out of 600.

Hon. L. THORN: I could go on and illustrate others.

Mr. Nalder: Let us have another.

Hon. L. THORN: The property at Broomehill owned by the late Henry Wills Rischbieth was allotted at a very reasonable price. There is another property, I am not sure whether it is at Wagin or Narrogin. I visited that property. The property owned by the late Henry Wills Rischbieth had a ballroom as big as this Chamber. Then again, there was the property owned by the late W. N. Hedges, of Bruce Rock, which was a good homestead property. I could go on and quote others. I do not want the member for Wagin to think I am picking on one particular property. I must mention the one I know about, because I have the exact figures for that property. In most of those valuable homestead propositions there was sufficient land to enable it to be subdivided into three, four, five and even up to six farms; but that was the unimproved portion of the property. The men who were on the outer blocks and had to wait until improvements were made, dams sunk, land fenced and accommodation provided, came into the picture about three years later.

The only fair way to deal with these properties and to give everyone a proper deal and make each property bear a fair share is to average them. There is no fairer scheme, and nobody could convince me to the contrary. One thing that did surprise me was why these soldier allottees who have had to wait two or three years for their allotments did not speak up for themselves, and insist on the averaging of other properties with the homestead properties. I think it was good organisation.

The Minister for Lands: A lot of them are well scattered; it is not a question of good organisation.

Hon. L. THORN: I refer to their not disputing the extra costs. They are insisting on the carrying out of the terms of the first lease, and now the costs are being averaged. I know their rents have been increased and that they are being made to carry a fair share of the cost of the development of that project. Tootra and Waddy Forest are two very big estates that were cut up and on which the costs were averaged. I do not think there was any complaint from those men.

Mr. Ackland: They were very concerned about what their ultimate costs might be.

Hon. L. THORN: That might be so.

Mr. Nalder: Have they got their leases?

Hon. L. THORN: Some of them got them long ago. In arriving at the economic value of these properties, under the terms of the first agreement which, I think, still stands, the State carries two-fifths of the writing down to the economic value, and the Commonwealth three-fifths. I will not dispute the fact that, with the increased economic values of these properties, both the State and the Commonwealth may have been trying to avoid their respective shares of the writing down. That may be possible because these farmers have done very well and the economic value of the properties has increased.

Mr. Ackland: Is there any justification for the statement that they are trying to repudiate their obligations?

Hon. L. THORN: It all depends on the view one takes. If one takes a legal interpretation of the clauses in their lease—and now that they are being asked to carry a fair share of the cost of the development of the project—one might say, on the finer points, that the issue of the first conditions of the lease may have been repudiated.

Mr. Ackland: Why should a Government want to repudiate it in the first instance?

Hon. L. THORN: That is all very well. I had the responsibility of administering this scheme for six years and I know that everything was done to give the settlers a fair deal. I also feel that the homestead blocks were written down at too low a figure, and I say, and repeat, that the settlers should be made to carry their fair share of the cost of development of these projects. If they were, one might say that to some extent they were repudiating some clause or condition in their lease.

As I have often said, it is a good scheme, it is an excellent one; its value to the State is tremendous; in the undertaking of soldier settlement everybody has had a

share of the spoils. What I mean by that is that there are a great number of men employed in this scheme; the commercial world has done very well out of it in respect of the purchase of galvanised iron, wire, timber, fertilisers and everything else that may be required for the scheme. Taking it all round, it has been a great uplift to Western Australian companies. It is invaluable to us to find these great stretches of country being cleared and developed.

The other night I mentioned the losses at North Stirling. I would point out very definitely that in immense Government undertakings one cannot avoid losses; there are bound to be losses. After all, there are appointed a director, a deputy director and all the various officers right down to the foremen, who are entrusted to do various jobs. It only needs one of those foremen to let the board down to some extent and there will be losses. I know that quite a lot of super sent to the bigger projects to be applied to the different undertakings was never put on to those properties. We caught up with some of it, but a lot of that super went astray.

Mr. Ackland: Why charge the settler with that extra cost?

Hon. L. THORN: I did not say he had been charged with that extra cost.

Mr. Ackland: There is a feeling that he was.

Hon. L. THORN: From my experience of the Land Settlement Board, I know it was making a major endeavour to see that every settler got a fair go in the allotment of the cost of each property; the board did its level best to get it down to an economic price whereby the settler could succeed.

Mr. Ackland: Do you think there is an attempt to make it hard for these people to get freehold properties?

Hon. L. THORN: I do not. Under the scheme, arrangements were made for each settler who had good crops to start paying off his property straight away. That was arranged when I was in office. It was intended to build up a pool of money so that when the ten years was up the settler would have the bulk of the cash required already in the pool; besides which he was being paid 1½ per cent. on the money he had deposited.

The Minister for Lands: He could pay up to 90 per cent.

Hon. L. THORN: That is so. The greatest encouragement was given to him to pay off his property and to build up a reserve so that he could make it freehold when the time came.

Mr. Ackland: He was not told what the final cost would be.

Hon. L. THORN: He could not have been at the time because the final cost had not been arrived at. The present Minister used to criticise me about legislation for soldier settlement and the terms and conditions that were being applied to settlers. But I know that this legislation is necessary, and I support the second reading of the Bill.

MR. HEARMAN (Blackwood) [8.45]: The first thing I would like to say is that I hope the House, and Parliament generally, will arrive at some decision on this matter this year. I consider that the existing set-up is most unfortunate. It is unsatisfactory from the administrative angle, and extremely unsatisfactory from the viewpoint of the soldier settler.

Initially there were sufficient difficulties concerning the general problem of soldier settlement; but those difficulties were very much added to by various unfortunate circumstances such as the Magennis case in New South Wales, all of which had a very unfortunate effect upon the scheme in this State, because it altered the conception of the manner in which and the extent to which the Commonwealth could assist the States in settling ex-servicemen on the land. However, those difficulties were perhaps unavoidable, and were most unfortunate.

But in this State we have the additional problem that soldier settlement has become something in the nature of a political football. I know that all sorts of difficulties did arise, and all sorts of unsatisfactory features were discussed concerning the administration of the scheme in this State. It will be recalled by the Minister that he moved for a select committee to investigate this matter. At the time I endeavoured to have a Royal Commission appointed instead.

I still believe, in the light of subsequent events, that had a Royal Commission been appointed to investigate this question, we would probably not have been in such trouble today, and this matter could have been cleared up last year, as it should have been. Bringing it into the political arena in that manner was unfortunate, and certainly did not do the ex-servicemen any great service. I am positive that any good that might have resulted from the investigation could have been better achieved by a Royal Commission, and there would not have been so many bad points, including the recommendation that Western Australia should pull completely out of the scheme.

Now the Minister finds himself in the difficult position of having had to introduce legislation to validate, in many instances, matters arising out of a set of circumstances of which he himself, and his select committee findings, were extremely critical. To no small extent, the Minister is caught on his own hook, and I do not think he deserves sympathy in that connection from anybody. However, I hope Parliament will not allow personal considerations to influence its

judgment on this Bill. I think it would be better if we tried to realise that considerable difficulties do confront the administration; and that, however desirable it might be to overcome them, it is possible some will never be fully overcome.

In the initial stages of the scheme in this State, long before I was a member of Parliament, I can remember discussing the matter with the then Director of War Service Land Settlement, Mr. Fyfe. At that stage—I think it was late 1946—the intention was that, as far as possible, partly or fully developed properties should be purchased and ex-servicemen settled on them. With that in mind, the whole of the question of costing was decided on an individual farm basis.

Later, Mr. Fyfe—who was the Surveyor-General—realised that it would be impossible to settle all the applicants on existing farms, and that some effort would have to be made to bring virgin country into production. That is how these various projects came into being, and how the averaging system was introduced. I am not going to say that introducing it, particularly in connection with these projects, was necessarily wrong. But I say it was a cosiderable departure from the idea of valuation of individual farms.

Ex-servicemen who applied to enter the scheme on the understanding that valuations would be based on individual farms, subsequently became disgruntled when they found they were applying for farms on which the valuation was to be determined by averaging. I agree with a great deal of what the member for Toodyay said as to averaging being necessary. But let us be quite frank and recognise that in the minds of a lot of ex-servicemen there is a sense of injustice having been done. Furthermore, it was not the original conception as put to them. That is something members should bear in mind.

I doubt very much whether it would be possible, even if it were morally desirable, for some of those partly developed properties to be valued on an individual farm basis. I very much doubt whether the department has the necessary figures to enable it to establish that valuation on an individual farm basis. I believe that this is one of the reasons why there is very little opportunity to get away from the averaging system. Certainly, on these new projects, I do not think we can do anything else.

Let us recognise that we have ex-servicemen going on to farms under conditions rather different from those originally envisaged, and that that makes for dissatisfaction. In view of that fact, and because, overall, there is an accepted moral obligation on the part of the community generally to establish these ex-servicemen on farms if they so wish, I think it is clearly the responsibility of Parliament to ensure that some legislation goes on the statute book this year which will clean this matter up, and will enable leases to be issued to farmers and settlers, so that they will know where they stand.

I am not going to say that at this juncture I am prepared to agree with everything in the Bill. But in spite of sins of omission in the past, and the fact that this has been something in the nature of a political football, I hope that an effort will be made to lift the whole business out of that arena and get down to something really worth while for ex-servicemen, so that we can get this matter on to a basis where they will know what they are doing. One of the main objections to the scheme is that for many years now a number of settlers have not known what they will ultimately pay, or how the cost will be assessed. There have been all sorts of anomalies, some of them real and some, perhaps, imaginary, but they have produced dissatisfaction and a bad mental attitude on the part of many ex-servicemen to the whole scheme.

The bad points of the scheme have, in the mind of the public, and in the view of many of the settlers, very much overshadowed its good points—and there are many good points in it. I was somewhat concerned to hear the Minister say the other night, when discussing another Bill, that tremendous costs were assocated with all these Government schemes, and that money would have to be written off, more or less implying that there would be waste.

I believe that most governmentally-administered schemes are more wasteful than projects that are otherwise administered, but I do not like a complete acceptance of that belief, particularly when there is a feeling that an effort is being made to load some of the additional expense on to the settlers. This has been a sore point with me for a long time. I first became aware of it when I was president of an R.S.L. sub-branch. I realised in those early days that there were certain departmental officers who were spending money in an extremely wasteful manner in the belief that it was going to be written off and the settlers concerned were going to receive an economic valuation.

This method rather lent itself to inefficiency and waste. I am not blaming the present Government for this, but I believe that however much a Government might wish to allow these things, it should not let people just go around with blank cheques. I do not think the Treasurer would agree to that. It is time that the administration of the scheme was placed on a basis which would restore to it the confidence of the public and the settler. The first step in this direction is to bring down legislation which will enable the board to function efficiently.

I trust that the legislation will have the support of the settlers concerned. I shall support the second reading of the Bill, as I

supported the measure of last year, but that is not to say that I shall necessarily agree to every clause in it because some may need to be amended. I hope we can raise the matter out of the unfortunate rut into which it has descended—through no fault of the ex-servicemen, but due to the machinations of the politicians—and put it on a basis where it will be not only useful, but will have the confidence of the ex-servicemen and the community generally.

Mr. NALDER: I move—

That the debate be adjourned.

Motion put and negatived.

MR. NALDER (Katanning) [8.58]: I was hoping for an opportunity to gain a little more information about the Bill. I shall support the second reading with the idea of moving some amendments to one of the clauses because I feel the Minister is doing an injustice in some ways in making the legislation retrospective. I do not agree with quite a lot of what has been said about this legislation, because I am sure that even the Minister himself has not had the necessary practical experience to give a fair indication of what the position really is. During the debate last year the Minister said that if the measure then was not passed, the Commonwealth would immediately decide to stay any further financial assistance to the State.

The Minister for Lands: No, I did not.

Mr. NALDER: If the Minister is adamant that he did not say that—

The Minister for Lands: You get "Hansard" and quote it.

Mr. NALDER: He mentioned in "Hansard" that ex-servicemen would be out on their necks if the money were not forthcoming from the Commonwealth.

The Minister for Lands: You have been in bed a long time since then. You have been dreaming. I never said any such thing.

Mr. NALDER: This is what the Minister said—

> I am serious when I refer to the stupidity of the member for Katanning in suggesting that the Government should violate the conditions that are imposed on the State, and thereby cast all ex-servicemen, some of whom he owes allegiance to, off the land.

What does that mean?

The Minister for Lands: Where does that appear?

Mr. NALDER: It meant that if the Bill introduced last year was not agreed to, the ex-servicemen would go off the land. I can place no other interpretation on it. That is what appears in the Minister's speech at page 2252 of "Hansard," December, 1953.

The Minister for Lands: Send it over here when you have done with it.

Hon. Sir Ross McLarty: That is not the only copy of "Hansard." We will get you one.

Mr. Yates: Did you say that?

The Minister for Lands: No.

Mr. NALDER: During the special session earlier this year I asked the Minister a question as to whether finance was still forthcoming from the Commonwealth for this purpose. He had to admit that it was and that the Commonwealth had not stayed financial assistance to this State. Apparently, even up to the present, it is paying the sums of money required to carry on land settlement in Western Australia.

I believe most members in this House and the general public of Western Australia have been led to believe that this is the only State in the Commonwealth that is really doing things in land settlement. I came across a report issued by the Land Settlement Board of Victoria and was amazed to see what was being done there. Up till the end of 1953, according to that report, the Victorian Government had spent nearly £11,000,000 in settling 1,900 ex-servicemen on the land. Apart from that, the Land Settlement Board of Victoria had placed some 2,500 ex-servicemen on the land and contributed a sum, from memory, of £4,500,000, which meant that these men, on single unit places, each received a loan of approximately £5,000 with which to help purchase and develop their properties.

Obviously, Western Australia is not the only State giving assistance in land settlement. I have not had an opportunity to discover just what is the position in this regard in any other State except Victoria. Mention has been made of averaging and quite a lot of emphasis has been placed on the fact that some ex-servicemen have received homestead properties. I agree that those who have received the homesteads have been given some advantage over those who received other parts of the properties concerned, but what I am asking is: Why were these settlers not told what was the intention of the Land Settlement Board? That was not done and they knew nothing about it until they received notice that they were up for an increased rental.

That was where the trouble began. If I entered into an agreement with a second party for the purchase of a house or property and agreed to the purchase price, subject to any increase which might be brought about by necessary alterations, renovations or additions and then, in two or three years' time, after I was comfortably settled in, the seller came along and said, "This may seem peculiar, but I have met with other expenses I did not expect and you are up for another £1,000," what would I say? I would say, "I have here a written agreement and do not intend to pay this amount."

That is the position of these ex-servicemen today. They entered into an agreement with the Government and signed their leases. They said they would agree to pay any increase in costs, such as that incurred in the erection of sheds, fences or other structural improvements, but now they are up for an amount for which the Land Settlement Board cannot give them a just reason. I am not arguing that these men have not an asset in their properties as I believe almost 100 per cent. of them agree with the values of their properties. But the principle of an agreement should be carried ont, and that is why I consider that the ex-servicemen on this land have a grudge against the Government for introducing a measure to bind them to something to which they did not agree in the first place.

There are many other points which I could mention, but as I dealt with them fully during the debate last session, I will not go over that ground again. I hope that when the Bill is in Committee certain amendments that I propose to move will be agreed to. I wish now to refer to the costs, three-fifths of which are to be borne by the Commonwealth, and two-fifths by the State. In another place a question was asked the other day—

> What amount of the loss has the State Government asked the Federal Government to meet under the three-fifths contribution for writing off.

The reply was—

> All finance is provided by the Commonwealth. Under the conditions under which finance is made available, the State is responsible for two-fifths of the Commonwealth losses on acquiring and developing farms.

That is not really a reply to the question asked but it looks as if the Commonwealth Government is paying the full cost of land settlement in Western Australia, and up to date the State has done nothing about the writing-off of losses. I believe that the Minister stated, when he introduced the Bill, that with reference to the dairy farms there would definitely be a writing-off. He said, I believe, that the dairy farmers could not carry the full cost of the purchase of the properties and their development up to a 40-cow basis, as suggested by the select committee.

The Minister for Lands: You have got that bit wrong, too.

Mr. NALDER: The State is supposed to contribute two-fifths of the amount that is to be written off. I understand that the Minister, in introducing the Bill, said that a good deal of money had to be written off on these dairy farms. Does the State intend to stand its two-fifths share of the loss or will that amount be added to the cost of settling another section of the scheme? I well remember when the select committee visited these dairy farms, and although I had not had a previous opportunity of visiting the area, I felt, after seeing these properties, that they had little hope of success—at least, I felt that about many of the properties. There did not seem to be sufficient development to enable the farmers to obtain an income large enough to support their wives and families above the bread-line.

I do not know what has happened to those farms since, but the select committee said that it would be impossible for a farmer to succeed unless he had at least a 40-cow farm. Even a person without experience would know, after seeing these properties, that they required a good deal of further cultivation and an increased application of artificial manures. Their development would take a number of years and they certainly could not be made into paying propositions within one or two years. So when the Minister replies I hope he will give us some information as to where the money to be written off these dairy farms is to come from. Does the State intend to accept its two-fifths share, as agreed to in the first place, or does the State intend that some of the other areas of land settlement shall carry the burden? With those few remarks, I am prepared to support the second reading.

HON. D. BRAND (Greenough) [9.15]: I want to say a few words in support of the second reading of the Bill. The main settlement which has taken place under this scheme in the area I represent is at Waddy Forest, and I am glad to say that the 19 farms established there have proved successful, and development has gone ahead without many hitches. Farmers there are anxious for some legislation to be passed and to know the cost of their properties. Up to date, the proposition has been a worthwhile one; seasons have been good and no complaints regarding the overall arrangements have been made in my district.

However, it would be interesting to learn the cost of establishing these farms on land which was once held by one of the largest farmers in this area, the late Mr. Liebe. I agree with the member for Toodyay who suggested that the settlers buying the homestead properties were obtaining the benefit of certain established buildings and, as a result, should have been charged more. But, in the long run, the averaging system, as proposed by the Commonwealth, is the only equitable way to assess the value of the properties.

In the Bill reference is made to the repealing of the War Service Land Settlement Agreement Act of 1951 and the application of Sections 15, 16 and 17 of the Interpretation Act. I was wondering whether the Minister could give us a little more information as to what Clause 3 really means. I am anxious for Parliament to agree to the Bill so that it can become an Act because I am certain that after having had 12 months to think about the

difficulties which caused the dispute between the two Houses last year, we should be able to come to some agreement so that a measure can be accepted by this State. While understanding that certain amendments are to be suggested by this side of the House at the Committee stage, I am prepared to support the second reading.

On motion by Mr. Ackland, debate adjourned.

BILL—LOTTERIES (CONTROL).

Second Reading.

Debate resumed from the previous day.

HON. D. BRAND (Greenough) [9.20]: I have not had a great deal of time to study the Bill. I know that over the years, whenever legislation on lotteries has been discussed in this House or in another place, a great deal of argument has resulted on the wisdom of continuing such a measure. It is true that we have agreed to continue the authority for the operation of the Lotteries Commission for some 21 years and I think the arguments advanced by the Minister for a greater degree of permanency should be accepted by the House.

On the other hand, we cannot side-step the fact that a large number of people are not in favour of the principle—which can be likened to s.p. betting—which is applied to the authority given by Parliament to the Lotteries Commission. It is all very well for the Minister and others to point out that some £4,000,000 has been contributed to charities by the Lotteries Commission. I will admit that it makes very real contributions to the capital cost of hospitals and, in particular, the new Royal Perth Hospital.

On the score of permanency I would like to comment on the suggestion made by the Minister, when introducing the Bill, that after the Lotteries Commission had undertaken to find the whole of the capital cost of building the Royal Perth Hospital it had, in fact, at that stage, no legislative authority on a permanent basis. In the words of the Minister, the Bill has run the gauntlet of another place and has been amended by it, and, as far as I can see, its provisions are generally acceptable by members on this side of the House.

One provision in the Bill is that relating to the payment for the services rendered by the chairman and members of the commission. By means of this legislation the authority constituted to decide what salaries shall be paid to civil servants will fix the remuneration to be paid to the chairman and the members of the Lotteries Commission. I agree that Parliament should not be asked to decide what remuneration shall be paid to these people. The Public Service Commissioner is the appropriate officer to do this work. I think that every member, no matter to what party he may belong, will agree with that provision.

I would like to point out that although Mr. Kenneally, the chairman of the commission, has given a good deal of time to its officers whilst acting in this position, which is virtually a full-time job, he receives only £900 per annum, whilst the other three members receive £800 between them. That amounts to approximately £5 per week for each member. Over recent years the administration of the Lotteries Commission has grown considerably and is almost equivalent to that performed by a Government department.

If we are prepared to renew the life of the commission for one, two, three or five years, I think we must all agree that the chairman and the members are worthy of adequate payment for their services on a permanent and semi-permanent basis respectively.

Hon. L. Thorn: Mr. Kenneally holds a position on the Grants Commission for which he gets paid.

Hon. D. BRAND: I realise that Mr. Kenneally does hold other offices and that he is a member of the Grants Commission, but I do not think we are discussing this question on the basis that the officer concerned happens to be Mr. Kenneally. We should look at it from the angle that he happens to be the present chairman of the Lotteries Commission.

Hon. L. Thorn: I only mentioned the fact because you said that it was a full-time job; but it is not a full-time job.

Hon. D. BRAND: I dare to suggest that Mr. Kenneally is getting on in years and is nearing retirement and the commission, because of its rapid growth, will require the services of a man as chairman on a full-time basis. If Parliament agrees to the Lotteries Commission continuing as a permanent body it should also consider the argument for an increase in the salaries paid to the chairman and the members in the same light. Apart from those two points I feel that members on this side of the House can agree to the Bill.

MR. LAPHAM (North Perth) [9.26]: I support the second reading of the Bill, which contains only a few amendments to the parent Act. It is more a consolidation measure than anything else. It is wise to consolidate an Act that has been considerably amended because this legislation, in particular, has been made extremely difficult to follow in consequence of the various amendments that have been made to it.

Of course, when an Act is repealed and another is drafted to take its place there is always a tendency for a mistake to be made unwittingly by leaving something out and, in this instance, I believe that a certain provision has been omitted. Members will observe that on the notice paper I have an amendment in my name. I am of the opinion that that section which sets out the organisations to which the Lotteries

Commission can subscribe could possibly be interpreted to exclude the organisation known as Legacy.

I consider that if Legacy were excluded from the charitable organisations that would benefit from the moneys made available by the Lotteries Commission it would be a deplorable mistake, because over the years that organisation has provided an excellent service for children of deceased ex-servicemen. It has conducted its activities in this State for at least 26 years and I believe it should be given every assistance in order that it may continue its good work.

Legacy was founded in Melbourne in 1925 on the belief that the comradeship which existed between the men in the trenches could best be epitomised by offering friendship and aid to the children of the men who did not return from war service and also of those who had since died as a result of war injuries. That is an admirable sentiment to keep alive. Therefore those unfortunates who were killed on the battlefield have left Legacy a legacy to care for their children. There are many Legacy clubs in Australia and there are many groups and branches; they extend right through the major towns of the State. Altogether there are 1,900 wards of Legacy in Western Australia and they are cared for in groups in places like Albany, Bunbury, Geraldton, Kalgoorlie, Avon Valley and many others.

As members are probably aware, Legacy has as its objective the care of children who are fatherless as the result of the war. It has extended its activities lately to embrace the care of children whose parents were so affected by war-caused injuries as to seriously retard the advancement of the children. Legacy operates by appointing legatees. Any responsible person who is a returned soldier can be a legatee. It is purely an honorary position and the person nominated must be vouched for as being of good character and must be willing to undertake to advise the widow on the best steps she should take for the education and general welfare of her children.

The children are called wards. Legatees take over the care of the children through the families and they endeavour to fill the gap caused by the loss of the husband. It would, of course, be an impertinence to say that they can do that effectively, but they do to a reasonable extent take over that sphere of duty in endeavouring to educate the children and help them in other ways and activities.

For instance, Legacy has set up a dental clinic and last year there were 3,800 attendances. It has its own medical arrangements, and 500 wards of legacy availed themselves of the opportunity of a medical check-up last year. It has its own legal service and its own housing service, and last year alone Legacy assisted in finding homes for 32 of its applicants. It conducts weekly physical culture classes; it provides educational facilities and has its own form of scholarships.

Last year it granted 120 scholarships to Legacy wards. It assists children when they reach the adolescent age, helps them to obtain employment and guides them towards the avocation which is best suited to them. It can be said that the wards of Legacy will never be square-pegs in round holes because they are selected and assisted in every way to find the avocations to which they are best suited. I feel that some of the young folk—in the main, most of them—are very fortunate that they are wards of Legacy because they do not have to take potluck as do many other children in our community when seeking employment.

Legacy holds annual camps; it has picnics and functions and does a lot generally for the wards it controls. It has a residence in South Perth known as Craig House which is occupied by country wards of Legacy who have to attend the city for purposes of education and so on. Accordingly, I feel that Legacy must be included directly in this Bill so that there may be no possibility at all of its being excluded from a grant by the Lotteries Commission should the commission decide to make such a grant available.

Recently the Lotteries Commission did make a grant of £400, and, of course, I feel my amendment should get the support of members because recently the Government itself granted Legacy a sum of £500. Not long ago Legacy formed an offshoot of the main organisation known as the Torchbearers for Legacy. This organisation was formed purely and simply for the purpose of raising funds for Legacy itself. It was felt that legacy had sufficient work to do in carrying out its normal duty without having to worry about the fund-raising side.

Accordingly the organisation known as Torchbearers for Legacy was formed, and it has taken over the onerous duty of raising funds for this splendid movement. On an average it takes £20 per head for Legacy to function and there are 1,900 wards receiving assistance today. It can be realised, therefore, that a considerable amount of money is expended yearly in keeping this organisation going. In all the circumstances, I feel it is imperative that the Bill be amended in Committee to make sure that the Lotteries Commission will have the power to make a grant of financial assistance to Legacy should it so desire. I support the Bill.

HON. C. F. J. NORTH (Claremont) [9.38]: I, too, support the Bill. Much has already been said on the measure and there is not much left for me to say. Many years ago there was considerable argument in the House as to whether we should

have this legislation at all. There were those people who said it was another form of s.p. betting and that the churches were against such legislation. The fact remains, however, that over the years we have seen useful contributions made to charitable and other institutions by a means which is much more pleasant than the ordinary form of taxation.

In fact, I remember the day when a certain member of the Upper House was so keen on this method of collecting money that he advocated a form of premium bonds which is practised on the Continent, whereby everything was pleasant in that all the money that was paid in might be on a winner. This form of taxation should collect about £1,000,000 annually; this year it expects to contribute £400,000 to charities.

It is not only a form of taxation that is pleasant but it serves those people who pay subscriptions and who dislike to have their names in the papers. There are some who like to be anonymous donors and they can go in week after week and plug in their money and their names will never appear in the Press. Even if their names do not appear in the Press they have the satisfaction of knowing that they are helping various institutions.

Let us see what these charitable purposes are. They are public hospitals, any free ward at any private hospital, the relief of former sailors, soldiers, airmen or nurses, blind, deaf or dumb institutions, any orphanage or foundling home, homes or institutions for the reception of dying or incurable persons, any body which distributes relief to the sick and infirm, and those bodies whose activities include voluntary aid or medical or nursing advice to expectant mothers, nursing mothers and children under the age of 16 years, and any object which, in the opinion of the Minister, may be fairly classed as charitable.

I should have thought the last provision would have covered the amendment which the member for North Perth has on the notice paper, but since he is asking for it, he will certainly achieve his object if his proposal is agreed to. I think the Minister will accept it. The Bill is a consolidation measure. What is required more than anything else is the consolidation of legislation. A consolidated Act saves lawyers a great deal of trouble in having to go through amendment after amendment to find out the law.

Then again there is the other advantage sought to be achieved by the Bill in that salaries will no longer be fixed, as they are at present, under a precarious system. There will be a proper method of assessing the salaries for the members of the commission, and now that the measure will be continued for many years, some stability will be maintained. I agree with the point raised by the member for Toodyay that Mr Kenneally has income other than his salary as chairman of the commission.

As stated by the Deputy Leader of the Opposition, the legislation will fix for many years ahead the method of assessing the salaries of the present chairman and his successors. There is not much more to be said. The Lotteries Commission was first started as an experimental method to raise money. As an organisation it has run the gauntlet for many years, and has finally succeeded. Under the proposed measure, it will be consolidated for many years to come. I support the second reading.

On motion by Mr. McCulloch, debate adjourned.

House adjourned at 9.42 p.m.

Legislative Council

Thursday, 26th August, 1954.

CONTENTS.

The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

TRAINEE NURSES.

As to Examination Results and Training.

Hon. J. G. HISLOP asked the Chief Secretary:

(1) In view of the unnecessary severity and the complete unsuitability of certain questions in the anatomy-physiology and