

able to those who require it, according to the quantities that can be supplied in the future. A regulation was brought down restricting its distribution under the Pharmaceutical Act.

Mr. North: Give us information on how to use it.

The Premier: The trouble is that they do not know what it might do.

The MINISTER FOR HEALTH: I will see what can be done in that direction and have it made public.

The Premier: The entomologists of the Department of Agriculture are constantly working on it.

Hon. N. Keenan: It has wonderful effects.

The MINISTER FOR HEALTH: Its effects can be detrimental too. It can kill bees and other things that help the community generally.

The Premier: You use it to kill red mite and you also kill the bees.

The MINISTER FOR HEALTH: The Kununoppin Hospital was mentioned, and I know something about that because I have a brother-in-law in the bank there. His wife was a nurse. There has been a serious shortage there. We have done everything possible to supply nurses, and as soon as we have three nurses or less available we shall send them along. We have no control over doubly certificated nurses. We cannot stop them from going to Japan if they wish to do so. It would be difficult for the Commonwealth Government to knock them back because they have the extra qualification. At the same time they are very important to the back country of this State.

Mr. Watts: Apparently the Government would sooner spend £50,000,000 on encouraging migration than prevent a few nurses going abroad.

The MINISTER FOR HEALTH: As regards the clothing for nurses, up till recently we were using the military residues, as it were, and they were badly clad, but the conditions are now much improved and they are pleased with the clothing that is coming along.

Vote put and passed.

Votes—Public Health £56,536; Mental Hospitals and Inebriates £147,468—agreed to.

Progress reported.

House adjourned at 10.53 p.m.

Legislative Council.

Wednesday, 7th November, 1945.

Motion: Urgency, Geraldton Hospital and infectious diseases, withdrawn	168
Bills: State Electricity Commission, 1A.	168
Electricity, 1A.	168
Legislative Council (War Time) Electoral Act Amendment, 1A.	168
Child Welfare Act Amendment (No. 2), 1A.	168
Justices Act Amendment, 1A.	168
Town Planning and Development Act Amendment, 3A.	168
State Government Insurance Office Act Amendment, 3A.	168
Child Welfare Act Amendment (No. 1), 2A., defeated	168
Constitution Acts Amendment (No. 2), 2A.	168
Marketing of Onions Act Amendment, 2A., Com., report	170
Medical Act Amendment, Com.	170
Adjournment, special	170

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

MOTION—URGENCY.

Geraldton Hospital and Infectious Diseases

The PRESIDENT: I have received the following letter from Hon. E. H. H. Hall:—

Perth, 7th November, 1945. Sir, I desire to inform you that at the commencement of the sitting of the Council today it is my intention to move, under Standing Order No. 59, the adjournment of the House to discuss a matter of urgency, namely, the urgent necessity for the Government to take immediate action to provide for the proper treatment of infectious diseases at the Victoria District Hospital, Geraldton, and thereby endeavour to allay the alarm stated to be felt by those responsible for the conduct of the institution.

It will be necessary for four members to rise in their places to support the proposal.

Four members having risen in their places

HON. E. H. H. HALL (Central) [4.33]

I move:

That the House at its rising adjourn till Friday, the 9th November, at 2.30 p.m.

I want to read a report that appears in "The West Australian" of the 5th of this month. It includes some statements made by Dr. Watson of Geraldton. The report is headed in black type, "Geraldton Hospital" and is as follows:—

"The position at the Geraldton hospital in regard to the treatment of infectious cases had caused and was still causing the graves concern to all responsible for the conduct of the institution," said Dr. A. T. Watson at a meeting of the Geraldton Regional Hospital Committee.

Dr. Watson said that the situation was not new. It had existed for years and it would one day result in a tragedy. One day some patient at the hospital would contract an infectious disease and die. Officers of the Public Health Department had known of the position for years and on one occasion when a particularly serious position had arisen the department replied that it was satisfied that local doctors were doing their best to cope with the position. That a tragedy had not already occurred was due to the skill and patient care exercised by the nursing staffs, but despite all that they could do a tragedy would occur.

"I do not think that any Government that pretends to have a public health policy or even pretends to be concerned with public health can allow the position regarding the treatment of infectious diseases at Geraldton to continue," proceeded Dr. Watson. "There is a sense of urgency in this matter which must be constantly stressed."

While investigations were being made regarding the proposal to provide a regional hospital at Geraldton, Dr. Watson said, infectious cases were being treated at the hospital side by side with other cases.

Most of us in this Chamber are laymen but we can surely appreciate what Dr. Watson describes as an alarming state of affairs. A person may meet with an accident and be taken to the hospital, and according to Dr. Watson, he is, owing to there being no isolation or effective isolation, in danger of contracting an infectious disease and dying. Just where are we? Is Dr. Watson stating the truth when he indulges in alarming statements of this sort; or is his statement not in accordance with the facts? That is all that concerns me in the matter. It would, after reading what appeared in the Press last Monday, be poor satisfaction to me, as one of the Parliamentary representatives of the district if some person asked me why I had not taken action, for me to reply that I had not been requested to do so. I ask members to put themselves in my position.

I am elected by the people of the Central Province to do a job. When it comes to matters of public concern, such as this, I would not be deserving of the confidence of the people who returned me if I did not take action. It is an entirely different proposition where a private matter is involved. One does not then take action unless requested to do so. I want to make it quite clear that I have not been requested to take up this matter by either the local health authority, that is, the Geraldton Municipal Council, or by Dr. Watson. I read a report that all other persons in this State can read, and it disclosed an alarming state of affairs

to me. I was in Geraldton recently and visited the hospital on three occasions. Although no complaint has ever been made to me about this matter, we have this public statement which has been published in "The West Australian." I want the department to say, through the Minister, either that Dr. Watson has set out the facts and that immediate action will be taken to rectify the position, or that the statements made by the doctor are not correct. In conclusion, I have only to say that I, as a layman, consider that if the position is as stated by Dr. Watson, the sooner the Commissioner for Public Health goes to Geraldton, inquires personally into this matter and removes this blot upon the department's record, the better for all concerned.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.41]: Mr. Hall has been commendably brief in submitting his motion. My first reaction to it is that this is hardly a matter that should require recourse to Standing Order 59 to move the adjournment of the House. If every member of the House adopted a similar attitude upon criticisms that appear in the Press from time to time regarding one or other of the institutions conducted by the Government, we would be dealing with such matters every sitting day. In the first place, may I point out to Mr. Hall that responsibility for the treatment of infectious diseases is that of the local authority. Seeing that Mr. Hall has not been approached by the local authority, if he thought there was substantial ground for Dr. Watson's statements, that is the authority to which he should have gone. It is perfectly true that, by agreement with the local municipality, infectious diseases are treated in the Victoria District Hospital. If conditions are not satisfactory there and the accommodation is inadequate, surely that is a matter for the local authority whose responsibility it is to deal with the matter. Dr. Watson is a professional man of whom I have no personal knowledge, but I have a feeling that he has been reported in such a way that he has created in the mind of Mr. Hall, at any rate, a feeling of real alarm.

If there is anything to be alarmed at, there has been that necessity for alarm for many years past, because the conditions in regard to this matter are, I understand,

very similar today to those that have prevailed over the last ten years. There may be some contributory reason, of which I have no knowledge but of which Mr. Hall may be aware, that has caused an increase in the number of ordinary patients in the hospital. On the other hand, the question of the Victoria District Hospital being modernised or replaced by a new institution has been receiving consideration for some time. Members are perhaps aware that we have a Hospital Advisory Board, which has been devoting a lot of attention to this particular hospital for some time past. Mr. Hall is surely aware that Geraldton has been visited on several occasions during recent months when matters affecting the hospital have been dealt with. After consideration by the department, the Minister and the Advisory Board, and after consultation with the people of Geraldton, it has been decided that, as the present hospital is an old building which does not lend itself to modernisation, the best thing to do is to erect a new regional hospital in a different situation.

There has been some discussion in the district with regard to the site. It seems to me that as soon as the Government suggests the erection of a new institution, whether it be a hospital, gaol or some other building, there immediately arises an argument about the site. I have no knowledge as to whether or not the site selected is endorsed by Dr. Watson, but I point out that the programme of hospital building, which has been recommended to the Government, involves the expenditure of something like £2,000,000, quite apart from the cost of completing the Perth Hospital which, together with the remainder of the building programme applying to schools and other buildings, will involve the disbursement of another very large sum of money. No-one is more aware of the difficulty which the Government and everyone else has had to contend with in recent months with regard to building operations, both from the point of view of manpower and from that of materials, than are members of this Chamber.

The new regional hospital at Geraldton will have to be dealt with in its priority, and I am told that, while the Geraldton Hospital building is not modern and has many features that are not acceptable and which we would like to replace, there are

other old hospitals that have just as great a claim for attention. So we reach the position that as far as the hospital itself is concerned the department, the Government and the Minister are agreed that the building should be replaced as early as possible—and that will be done. On the other hand, the people of Geraldton, probably instigated by such remarks as those of Dr. Watson, are possibly of opinion that if they start a campaign and carry it on hot and strong enough, they will stampede the Government, or some other body, into doing what they desire. In this case, the complaint raised is in regard to the accommodation for patients suffering from infectious diseases.

I cannot do more than remind the House and Mr. Hall that, first of all, this is a responsibility under the Act of the local authority and it should not be necessary for Mr. Hall to move the adjournment of the House in order to prompt the local authority to take some action. So far as the department is concerned, it has given every consideration to this problem, as well as to hospital matters in general. While Mr. Hall is very much concerned about the alarming statements by Dr. Watson, it would appear to me that the same measure of alarm is not felt by those who really carry the responsibility in the Geraldton district. I have no personal knowledge of the conditions that prevail there. I understand that in the last two years there have been only a few cases of infectious disease dealt with at the hospital, and I am advised that they were all dealt with satisfactorily. Whether it would be necessary to make special arrangements should an epidemic occur, I cannot say, but I should imagine it would be. There, again, the initial responsibility rests on the local health authority. We, as a Government and as a department, are simply, by arrangement with the local health authorities, providing accommodation in that hospital at the present time.

HON. J. G. HISLOP (Metropolitan [4.50]: I have little or no desire to enter upon the discussion of this motion, because it is my intention to bring before the House a comprehensive motion dealing with the whole hospital policy of the State.

Hon. H. L. Roche: Hear, hear!

Hon. J. G. HISLOP: This motion emphasises the need for such a review. As soon as I have completed my notes I will bring the matter forward and give the House such details as to make it quite evident that such a review is long overdue. It is now over 12 months since I asked for the appointment of a Royal Commission to investigate the health and hospital administration of this State, and this House saw fit to agree with me. I appreciate the gallant effort which the Chief Secretary made to give a very fitting reply to a very bad case. I wish I had his ability. The facts, however, are true. I have recently been in Geraldton and, had I known that this motion was to be discussed, I could have given members exact details of all the infectious diseases cases in the Geraldton Hospital. I propose to give the details later when bringing forward the motion to which I have referred. The matter now before us is not only the concern of Dr. Watson; it is also the concern of Dr. McAleer.

Hon. E. H. H. Hall: He is the Mayor of Geraldton.

Hon. J. G. HISLOP: Yes. When I visited the hospital he was the first to point out to me the lack of segregation of patients. I saw Dr. Watson later in the day and he gave me a full account of the infectious diseases cases in the hospital. If I remember rightly, they were cases of mumps, scarlet fever and active tuberculosis. These were all mixed up with the ordinary patients. There was also a case of enteritis admitted into a ward where two children were suffering from malnutrition. In order to separate them, there had to be a general move made in the hospital. I understand this was only made possible by putting the mumps case into the so-called isolation ward because the nurses who were sleeping there were able, on account of the return of fine weather, again to sleep on the verandah. These facts are known to me and I could have stated them more strictly and correctly today had I known this motion was coming forward.

The Chief Secretary: What about your position?

Hon. J. G. HISLOP: I say that the Chief Secretary is in a difficulty and I wish I had his ability to make as good a reply as he has made to this bad case. I feel that a comprehensive review is required, because it

is just as difficult to alter existing conditions as it is possible for anyone to imagine. If wards are to be kept waiting for infectious diseases cases in country districts, the cost will be considerable; yet some method of isolating infectious cases must be found. The problem must be solved. The treatment of infectious diseases cases throughout the State is poor indeed. I hate to see young children suffering from an infectious disease, with lowered vitality, being treated in the same ward as a case of active tuberculosis. Whilst I agree it is difficult to rectify this state of affairs, it is wrong to allow it to continue. At this stage I do not wish to say more than that the position exists, and that I hope in the early future to be able to place before the House my reasons for a general review of the whole hospital policy of the State.

HON. E. H. H. HALL (Central—in reply) [4.56]: I thank the Chief Secretary for his reply. I am sure it must have struck members as very peculiar, seeing that we have a medical gentleman occupying the position of Mayor of Geraldton. I have no hesitation in accepting the Chief Secretary's statement about the method by which provision is made for the proper segregation of infectious diseases cases. He said that it was a matter for the local health authority, the chief of which happens to be one of the local doctors. If ever a motion of urgency was justified, this motion was, because the sooner the Mayor of Geraldton learns his job, the better. As I say, we have been assured that this is a matter for the local health authority.

Hon. V. Hamersley: Passing the buck!

Hon. E. H. H. HALL: I do not know about that; I am dealing with the reply of the Chief Secretary. He told the House that these conditions have been in existence for some ten years. In my opinion, that is a wrong approach to the matter. If the present state of affairs has existed so long, that is all the more reason why it should not be allowed to continue one day longer. Someone armed with authority, for instance, the Principal Medical Officer, otherwise the Commissioner of Health, rather than a layman, should go to Geraldton at once and end what I contend is a disgraceful state of affairs. Under existing conditions, a patient can be put in a ward and placed alongside

another patient suffering from an infectious disease. We have just been told by a professional gentleman that the vitality of the patient might be lowered, thus rendering him liable to contract the infectious disease, from which it would be difficult for him to recover.

As to my bringing forward this motion, the Chief Secretary is entitled to his opinions. Had I brought forward an ordinary motion, the Chief Secretary would have moved that the debate be adjourned until the next sitting of the House, and so the matter would have been dragged on interminably. The matter is one which requires to be decided at once. Not a day should be allowed to go by without its being rectified, if what Dr. Watson says is true. If, as the Chief Secretary has assured us, this is a matter for the local health authority, then the sooner that authority realises its responsibility and acts accordingly, and so avoids the threatened tragedy—to use Dr. Watson's words—the better. They are the words of a responsible, professional medical man who, I should say, knows what he is talking about. Since the Chief Secretary commended my brevity, I do not propose to stress the motion. I ask leave to withdraw it.

Motion, by leave, withdrawn.

BILLS (5)—FIRST READING.

- 1, State Electricity Commission.
Received from the Assembly.
- 2, Electricity.
Introduced by the Chief Secretary.
- 3, Legislative Council (War Time) Electoral Act Amendment.
Introduced by the Chief Secretary.
- 4, Child Welfare Act Amendment (No. 2).
- 5, Justices Act Amendment.
Introduced by Hon. E. M. Heenan.

BILLS (2)—THIRD READING.

- 1, Town Planning and Development Act Amendment.
Returned to the Assembly with an amendment.
- 2, State Government Insurance Office Act Amendment.
Returned to the Assembly with amendments.

BILL—CHILD WELFARE ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from previous day.

HON. SIR HAL COLEBATCH (Metropolitan) [5.10]: I hope the House will not agree to the second reading of this Bill. I am in complete sympathy with the arguments used against the Bill by other speakers, and it is unnecessary for me to repeat them. My objection to the Bill is that what is required regarding child welfare is something of a constructive character, and not pin-pricking legislation of this type. It will be remembered that some two years ago, on motion by Mr. E. H. Hall, a Select Committee of this House was appointed to inquire into juvenile delinquency. That committee was representative of all parties and it heard exhaustive evidence, including evidence on street trading, and by the courtesy of the Premier it was subsequently converted into a Royal Commission. The reason why the committee asked the Premier to convert it into a Royal Commission was that otherwise there would have been a long interval, until this Chamber met again, before the report could be presented, and the evidence given was of such a character as to suggest to the committee the need for immediate action. The Premier complied with the request and the report was duly presented. It was voluminous report and contained a number of recommendations, including recommendations on this very subject.

I do not think one word of the evidence submitted to that Commission has ever been called into question. The recommendations were unanimous and have not, as far as I know, been criticised at any time, nor do I think anyone could question the urgency of the matter. The trouble is that nothing has been done about it. It has been urged as an argument in support of this Bill, that during the last two years—that is roughly the period that has elapsed since the Royal Commission presented its report—there have been no less than 3,500 cases before the Children's Court; an appalling record, something like five cases a day every day of the week, Sundays included. It must be remembered that the police evidence was strongly to the effect that the convictions kept on multiplying, the same offender appearing over and over again and almost invariably becoming in the end a real criminal.

To the best of my knowledge not one of the 3,500 cases was in any way connected with street trading, and if any boy, having a license to sell newspapers, had been guilty of an offence his license would immediately have been withdrawn by the proper authority, which would probably have been as effective a remedy as some of those imposed in the Children's Court appear to have been. The Royal Commission did not advise the prohibiting of street trading by boys. In fact, satisfaction was expressed with the methods of controlling street trading.

The evidence showed conclusively that the principal cause of juvenile depravity was the lack of proper parental control, and that, because parental control had weakened during the first two or three years of war, juvenile depravity had increased. The Commission took the view that, as long as the war continued, there would be a further weakening of parental control and a further increase of juvenile depravity. The figures quoted by a supporter of the Bill, apparently with the object of inducing members to pass the measure, show that the fears of the Commission have been more than realised—3,500 cases, or five per day for every day of the week including Sundays. That was the reason why the committee asked to be converted into a Royal Commission so that its recommendations should go before the Government without delay. I do not propose to deal with the recommendations excepting as they affect this Bill. Recommendation 10 reads—

That care should be taken to see that boys under 14 years of age who are issued with licenses for street trading (selling newspapers) should not remain on the streets after 8 p.m. The cancelling of licenses of offenders would probably have the desired effect. Without criticising present methods—

The Commission had inquired into present methods and found them satisfactory.

—we consider that great discrimination should be shown in the issue of these licenses with special regard to the extent street trading by boys under 14 may interfere with their educational opportunities. The licenses should be issued subject to the approval of the child council.

The present authority takes all matters into consideration before issuing a license. Is the issuing of a license likely to interfere with a child's education and opportunity? Is it desirable in the interests of the family that the child should have this

opportunity of working? All these matters are considered by the authority, and the evidence suggested that it was done quite satisfactorily. The Commission, however, wished to ensure that it would always be satisfactory. I would have it understood that the members of the Commission were fully alive to the difficulties that would confront the Government in putting into operation the whole of the recommendations. We said that manpower shortage and financial difficulties would make it impossible for many of the recommendations to be put into effect at once, but those we considered to be of first importance, those that were of a thoroughly constructive nature and would be helpful, involved no expenditure at all. The main recommendation of the Commission was—

That a child council be established consisting of representatives of those instruments of Government at present concerned with separate aspects of youth welfare, viz.: The Education Department, the Child Welfare Department, the Children's Court, the youth section of the Department of Labour and National Service, the Medical Department and the Police Department. The members of the council would act in an honorary capacity as a part of their ordinary duties. One representative of the Medical Department should be a trained psychologist. It would be the duty of the council to co-ordinate the activities of the different authorities, to acquire complete knowledge of the circumstances surrounding each case of grave delinquency with a view to making sustained efforts at reform. It would be a permanent organisation holding regular sittings, and submitting recommendations to the Government from time to time for the better handling of the problem of juvenile delinquency. Amongst its activities would be the supervision of a filing system through which the record of each delinquent child could be followed.

Also amongst its activities would be the safeguarding of the matter of street trading, the issuing of licenses and the withdrawing of licenses if they were abused, as well as inquiry as to whether the case was one in which it was desirable that the child should be given a license. That recommendation had the support of the heads of nearly all of those departments and the Commission was unanimous in the opinion that every one of those heads of departments was earnest in his desire to promote child welfare in every way and was anxious to do anything within his power.

It may be suggested that the responsible heads of those departments have sufficient to do in their own departments without undertaking a job of this sort. If such an argument is advanced, I remind the House that at present there are high officials in various departments who have job after job thrust on them—very responsible jobs, too. I believe that in every case the high officials are men of great capacity. I am not criticising the fact that they have job after job thrust on them, but the fact that they have is a complete answer should it be suggested that the officials mentioned could not undertake this little extra work.

The suggestion for the appointment of the child council was first made to the committee by the Director of Education, and I do not think that anybody either on the score of position or personality is more competent to put forward a recommendation likely to advance the interests of the children. If such a council had been established, I for one would be prepared to give the closest consideration to any recommendation it submitted, even if it recommended the complete abolition of street trading by children. I would need to have strong arguments advanced before I would vote against the decision of such a council. It has been said that the police are against street trading by children, but has anything of the sort ever been said in the report of the Commissioner? I have not read anything to that effect. I think there is great need for more constructive action in regard to child welfare, but I do not think this Bill is likely to do as much good as it will impose hardship on the families of some children now engaged in selling newspapers. I shall vote against the second reading of the Bill.

HON. C. F. BAXTER (East) [5.22]: We have been told that this Bill has been introduced for the good of boys under 16 years of age, but in my opinion it is far better for boys to be engaged in selling newspapers than it is for them to be idle. There are many advantages that accrue to boys selling newspapers, and though it has been said that these boys are often out in the streets until 11 o'clock at night, I point out that this is contrary to the conditions of their license. If that happens, the Child Welfare Officer should take the matter in hand and cancel the license. Boys, in order to get

a license to engage in street trading, must have a clean bill of health and must produce a recommendation from their schoolmaster. The license clearly states the hours during which they may sell papers, as follows:—

When over 12 and under 14 years of age between 5 a.m. and 8 p.m.

When over 14 and under 16 years of age between 5 a.m. and 9 p.m.

Some of the boys start selling newspapers at 3 o'clock in the afternoon; others who attend school start at 3.30 p.m. It is a mistake to think that these boys are a disorganised rabble. A controller has been appointed to supervise them. The boys are allotted stands throughout the city where they may sell their papers, and they may not trespass on the areas of others. It has been said that the selling of newspapers has a bad influence on boys, but my experience of life is just the reverse. In the first place, a boy who spends his time in the afternoon selling newspapers might easily be occupied in something not nearly so useful and certainly more objectionable. This work keeps them out of trouble, but if they are prevented from selling newspapers until they reach the age of 15, that will not keep them off the streets. It will merely have the effect of driving them into the byways.

The experience of selling newspapers in the streets is a good education for a boy, and a great many who started life in this way have risen to high positions. Let me give an instance: Years ago in Kalgoorlie a young lad, whose mother was residing in Perth, approached me for a recommendation, and I became practically his guardian. That boy attended school and sold papers night and morning and also sold race cards on Saturdays. At the end of 18 months, he left the fields for his home in Perth and then had £140 in the bank. That lad, before he was 30, was an officer in the Royal Navy and was in control of seven ships keeping the English Channels clear during the first World War. He had so fortified himself with experience that he was able to progress to a high station in life. Unfortunately he met his death towards the end of the war through his ship, with others of the fleet being sunk.

The selling of newspapers does have the effect of sharpening the boy's intelligence especially as he has to handle money. Many

f these boys of less than 15 years of age not only make newspaper selling a means to get a start in life, but also are able to help their parents. Members must be aware that many of these boys make enough money out of selling papers to continue their education, even beyond the age of 15 years. I repeat that many of them have risen to very good positions. I know of business men in Perth who started life as paper boys and are not ashamed to own up to it.

The Chief Secretary: Even a member of this House said he started in that way.

Hon. C. F. BAXTER: Yes, it is no disgrace. Such experience improves a boy and enables him to help his parents. If we pass this Bill, we shall be inflicting a grave injustice on many poor families and severely handicapping many lads who, through that avenue, would be able to make a start in the world. The newspapers exercise effective supervision over these boys. The license provides that no boy shall visit any premises licensed for the sale of intoxicating liquor and to trade in the streets he must be decently and sufficiently clothed. The controller sees that these conditions are observed. Great care is exercised in that direction. If these boys are prevented from engaging in street trading they will probably be replaced by a class of men who will be spending some of their time in the public houses, because we could not prohibit a grown man from doing that. Many of the men who would occupy the places that boys are in today might not be a credit to the State. We would be doing a disservice to the boys if we displaced them in this way.

The greatest employer of boys in the distribution of newspapers in the city before the war made provision financially for them to join the Young Men's Christian Association. There they were taught all kinds of exercises and had the advantage of swimming and playing different games. The employers concerned went even further and provided the boys with the necessary material for football and cricket. At times the boys were also provided with certain refreshments. These lads finish their work by 8 o'clock at night and are all clear. Those who handle the first edition take back what is left of that edition to the office, where they are credited with the amount they return. They then take out the last edition and have to return the remainder of

unsold papers in time to clean up entirely by 8 p.m. They return their unsold papers and are credited with those which they have actually sold. They have to be off the premises by 8 p.m. I do not see that there is anything wrong with boys being engaged at this work from nearly 4 o'clock in the afternoon to 8 o'clock in the evening earning money which is most valuable to the household and, what is even more valuable to the lad himself, helps him in his after life.

Hon. G. B. Wood: How much do they get per dozen?

Hon. C. F. BAXTER: I do not know the exact amount.

Hon. C. B. Williams: It is about 4d. per dozen.

Hon. C. F. BAXTER: Whatever the amount is they are able to save money. The newspaper about which I am speaking has a scheme by which the boys may deposit their savings for several weeks at a time, and may then take them out in a lump sum if there is something they desire to purchase. I cannot imagine members passing this Bill. It says that boys who are now engaged in street trading may continue to do so from the age of 15 onwards. Young lads should not be prevented from having a chance in life. The most important thing is to keep them away from the kind of thing which sponsors of the Bill mentioned, and to see that they are kept in avenues where they are busily engaged and cannot be led astray. Many of the lads referred to by Sir Hal Colebatch have become delinquents because they had a lot of idle time on their hands. When a number of boys get together it is only necessary to have one of them with an evil mind to lead the others off the right track.

The boys who are selling papers have their time fully occupied, cannot mix up with gangs, and are therefore not led astray. Their minds are kept clean, they are earning money, and they have an opportunity to build up a reputation for themselves. In many instances they are a great assistance to the home and help the parents to carry on the household along good lines. I hope this Bill will be rejected on the second reading, and that no disservice will therefore be done to these lads who are looking to this particular avenue to give them a start and a good sound basis so far as their future life is concerned. In the case of many men

their advancement in life was due to the fact that they were sellers of papers in their youth.

HON. W. R. HALL (North-East) [5.35]: If this Bill is passed I feel it will place a hardship upon many lads, also upon some of their parents or widowed mothers. I can speak with some experience, because I was at the same game myself at the age of 12 on the Goldfields. It was an education to me.

The Honorary Minister: It did not stunt your growth.

Hon. W. R. HALL: No, I had plenty of galloping around. The life was an education to me and I was able to supplement the family earnings. I feel that the Child Welfare Department should exercise more control over these boys than they have done in the past. I appreciate a good deal of what Mr. Dimmitt had to say with regard to boys touting for taxi-cabs for allied servicemen. That was going too far. No doubt many of the lads were cajoled by these men into doing this work by reason of their getting extra pocket money for the services they rendered. I am glad to say I have never seen Australian servicemen inducing boys to adopt such a practice.

Hon. C. F. Baxter: It does not exist today.

Hon. W. R. HALL: But it did exist at one time. One could see it going on in the Terrace when boys of quite tender age were out in the streets at all hours up to midnight.

Hon. E. H. H. Hall: Why did not the police take action to stop it?

Hon. W. R. HALL: It should be controlled. The Child Welfare Department is the controller of the hours at which children of tender age can appear on the stage. I understand that children under a certain age are not allowed on the stage, dancing for instance, after a certain hour. The same principle should apply to newspaper boys. Not much harm can be done to them if they are selling papers from a quarter to four till 8 o'clock at night. These boys are a great service to the community. I often see them coming to the hairdressing shop where I visit. They come in the afternoon like little men, and then go off to their street corners and stands and do their job properly and thoroughly. I must say they seem

a very decent crowd of boys. In many cases the passing of this Bill may bring a lot of hardship.

I have had some correspondence from the Women's Service Guild today, and probably some other members have had some too. The Guild points out that parents are now in receipt of 7s. 6d. per week for all children after the first, under the age of 16 through the child endowment scheme. The Child Welfare Department also provides another 7s. 6d. a week, making a total payment of 15s. per week per child. I can assure members it takes more than 15s. a week to clothe, feed and educate a boy. I wonder how many members of this House would like to keep some of these lads on the 15s. a week that is paid through the child endowment and the Child Welfare Department. The sum is small enough. It is insufficient to meet the case. Although it means a lift for the parents concerned it is not enough. If the position were properly controlled there is no reason why these boys should not carry on with their street trading. One would not like to think that men of mature age were selling newspapers in the street. Of course there may be some who could not follow any other occupation but that, though generally speaking it would not seem right that the selling of newspapers was put into the hands of able-bodied adults.

It would probably be a hardship upon those concerned if we passed this Bill, quite apart from the allowance of 15s. a week to which I have referred. I think these boys are doing a great service to the general public, and the way in which they conduct themselves, as I have seen them do in the metropolitan area, is a great credit to them. While they are selling newspapers they are out of mischief. As has been pointed out no less than 3,500 cases of erring children were brought before the magistrate, but none of these was connected with boys selling newspapers. I hope some pressure may be brought to bear to prevent boys from selling newspapers after 8 o'clock. That is quite late enough for them.

Hon. C. F. Baxter: That is all set out on their licenses.

Hon. W. R. HALL: But they have not been properly supervised in the past. I know boys have been seen selling "The Mirror" and other papers as late as 11 p.m.

Hon. C. F. Baxter: I have often seen them selling papers at 9 p.m.

HON. W. J. MANN (South-West) [5.40]: I should like to support the Bill in one way. I know a little about newsboys, and have seen the profession, if I may call it so, of newsboy change considerably in my lifetime. I believe it would do no great harm if there were no newspaper boys. There are many men in the community, unfortunately maimed, very good people, who, if they were paid perhaps a slightly higher selling rate—

Hon. W. R. Hall: That is the point.

Hon. W. J. MANN: —might earn a considerable amount of money and supplement their meagre pensions or other slender sources of income.

Hon. W. R. Hall: What about selling lottery tickets?

Hon. W. J. MANN: I recollect the time when boys left home at 3.30 a.m. attended a newspaper office at 4 a.m. and then did their news round. Some travelled quite long distances, and in the part of Australia from which I came, under cruel weather conditions during the winter. Under the conditions that existed in those days it was an appalling tragedy that these lads were forced out into the weather. Many of them were made to do this by parents who should have known better, and a few of them went out for the same reason that actuates the boy today in selling the evening paper. Fortunately the old practices have been done away with. A system has grown up whereby the big dailies zone their areas and, as members know, the man who has a newspaper round today of any considerable area has a wonderfully good asset and makes an excellent income. There is no real reason why evening papers should not be sold at stands in the street. That is done in other cities.

I know of cities where there are no boys selling papers. That is done mostly by maimed men and, unfortunately sometimes by women. It is not essential that boys should sell newspapers in the street. Much has been said about the advantage their families derive from their earnings. I have not made inquiries but I should like to know how many boys in the city sell newspapers in the afternoon. I am sure there are not many. After all, they are mostly confined to the city and its

environs. The reason that we have boys selling papers today is because of their industrious natures. Newsboys, as a rule, are of a good type. Reference has been made to the number of delinquents passing through our courts. It is rarely indeed that we hear of a newsboy coming within that category. They are lads of promise. They see an opportunity to make a few pounds for themselves and, because of their desire to succeed in life, they set out early, and most of them do well.

The old objections that a newsboy delivered papers in the early morning, arrived home and had a hasty breakfast and then went to school, and sold evening papers after school without having any sort of dinner are all gone, thank God! The boys selling papers today are of a type that we might encourage if we are to have boy labour at all. One speaker has already mentioned the fact that they have joined together in newsboys' clubs, and by that means have improved their minds and certainly have improved their characters. There is nothing to be said against the boys, although there is something to be said against the system. I point out too that there are many boys who have to work much harder than newsboys, and at a much more tender age. Some of these boys are in country districts. We do not hear anyone making a song about what they are doing, or asking that they should be looked after. The children who have decent parents are all right but when the parents are not so conscientious, the children are called upon to work very hard.

I do not like the idea of the Bill very much because I feel—if we are going to continue the system—that where the lads have the courage, the promise and the industry to go out and do this kind of work, we should encourage them. I agree that the Child Welfare Department has started well enough. I am not in a position to say how far it polices its own regulations, but I suggest that if it does all that it is supposed to do, not much harm will be done. I cannot support the second reading because I do not think anything is to be gained by passing the Bill.

HON. J. G. HISLOP (Metropolitan) [5.50]: I am torn between many thoughts on this Bill. I personally do not like child

labour of any sort, but I do like to have my news brought to me hot! By what method would I get it if the present system were revoked? This House must adopt the attitude of opposition to child labour. But what method can we substitute, in this instance, if we pass the Bill? I have tried to look at both sides of the question. I do not like this work, from the child's point of view. A child of 12 years of age should be indulging in exercises after school and should then return to his home to have his evening meal at a regular hour. I would like some investigation made, first of all, into the physical stature of these children to find out whether their nutrition is undermined by such work. I do not know if it is, but that matter would be well worth while inquiring into. Secondly, I would like some inquiry made into whether their education is delayed by the work they undertake. If either of these two investigations was answered in the affirmative, namely, that the boys are affected, then the method should cease.

On the other hand, I do not think it would be wise to institute a system under which boys over 15 years of age were encouraged to sell newspapers. At that age, boys should be entering an occupation. These lads, I understand, earn in the vicinity of £150 to £200 per annum. I am referring to the good boys—those with system and initiative—who sell most of the papers. That is not a sum of money which would be tempting to a person looking for a full-time adult occupation unless he possessed some physical disability which made it necessary for him to earn his living in such a manner. These are points which I think should be considered on this measure. It looks to me as if we are dealing with a social evil and that members are using one social evil in order to enhance another. I personally do not like the reference to widows and the need they have for their sons of 12 years of age to go out and work for them. That certainly is a slur on our present social system. If these widows are not receiving sufficient to educate their children properly and give them sufficient leisure, then it is about time that we, as a community, knew that that state of affairs existed and altered it rather than allow boys of 12 years of age to do this work.

I do not think selling newspapers in the streets is a healthy occupation for a boy

of 12. He should be indulging in exercises but what do we do? We do not train children to use their leisure hours profitably. We have no scheme by which we teach children to spend their leisure in a manner that will fit them mentally and physically for their future. Also, one is faced with one evil amidst others. The question is what to do. I intend to vote for the second reading of the Bill but I shall in Committee if the Bill reaches that stage, move this amendment—

That this Act shall come into force on the 1st January, 1950.

That will give a period of four years for newspaper proprietors to find some other method of distributing their newspapers to the public without the use of child labour. By doing that we will also give the Government time to investigate the conditions attaching to the selling of newspapers and also the story that the income earned by these boys is necessary for the upkeep of their families. If this latter be so, then we should make suitable adjustments. I consider that we should review this problem in the light of—(1) that we do not approve of child labour, and (2) that the answer to the problem does not appear easy at present. We should therefore allow time to elapse so that the position may be rectified. I intend to act in that way.

Hon. E. H. H. HALL: I move—

That the debate be adjourned.

Motion put.

The PRESIDENT: The noes have it.

Hon. E. H. H. Hall: Divide!

The PRESIDENT: Did two voices call for a division?

Hon. E. H. H. Hall: Yes.

The PRESIDENT: I will put the motion again.

Motion put.

Hon. E. H. H. Hall: There were three voices that time.

The PRESIDENT: The noes have it. It is necessary for at least two voices to call for a division, and I heard only one voice. If there is no other member who desires a division, the noes have it.

Motion thus negatived.

HON. J. A. DIMMITT (Metropolitan-Suburban—in reply) [5.57]: In the eight years that I have had the privilege of representing, or partly representing, the Metropolitan-Suburban Province there has been no occasion on which I have found such opposition to a measure brought into this House. I introduced the Bill and the ten succeeding speakers spoke against it. I have one supporter in Dr. Hislop. I think there is a good deal of misapprehension in regard to the position. I want to deal with two aspects in replying. I am sorry I was not able to hear the full story told by Sir Hal Colebatch, but I want to inform the House that the reason why I was absent at that time was because I was in consultation with the Minister for Education, who expressed great disappointment at the attitude of members of this Chamber. He is a keen supporter of the Bill, and members of the other place passed it on the voices. The economic aspect that I wish to bring under the notice of members is that which affects the ordinary family to whom the basic wage applies, that is, a man, his wife and two children. Many members have spoken about the help afforded by the income earned by newsboys to their sick and invalid families. The income of an invalid father is 32s. 6d. a week and his wife gets 20s. Of the two children, of this average basic wage family, the first receives 15s. a week.

Hon. A. L. Loton: What ages are the children?

Hon. J. A. DIMMITT: Any age from birth to 16 years. The first child receives 15s. a week from the Child Welfare Department, the second child receives 7s. 6d. a week from child endowment and 7s. 6d. a week from the Child Welfare Department, making a total income of 82s. 6d. per week for that family.

Hon. G. Fraser: That is a wonderful amount!

Hon. J. A. DIMMITT: It is not a wonderful amount but it represents a sum on which many people have lived for years.

Hon. J. G. Hislop: You would not suggest it is sufficient?

Hon. J. A. DIMMITT: No, I do not say it is sufficient by any means. I agree with Dr. Hislop that the position should be corrected. I want to dispel an idea that apparently exists in the minds of at least two

members who spoke in opposition to the Bill and mentioned the incomes they made 50 and 20 years ago and what they did for their families at that time. Families in those days might have been indigent to the extent that they were not provided for as they are today. I want the House to realise that not only was the Minister for Education but also a majority of the members of another place were in favour of the Bill. A good deal of the discussion on the part of opponents to this reform measure revolved around the question of education. It was stated that the selling of newspapers had practically no adverse effect on the education of the children. An investigation has been made at ten State schools in the nearby metropolitan area, and I wish to place before members the results of those inquiries. I intend to mention the names of the schoolmasters who all agree that they can be stated to members, all being firmly of the opinion that this legislation is desirable. I will first of all inform the House what Mr. Glew, the headmaster of Perth Boys' School, says. He remarks—

When the boys enter this school they are mainly of the required educational standard. After one month's street trading the pupil commences to be slack. He becomes tired and uninterested in his school work. After one year's trading the children are definitely under average, educationally and normally.

Mr. Glew further stated that he would eliminate all street trading on the part of boys of school age. Inquiry showed that the number of boys attending the school who were licensed for street trading was 10 and the number unlicensed but trading, 16. That opinion is supported by Mr. E. Huck who is the president of the Teachers' Union and is a member of the staff of the school. The next I will quote is Mr. Walker, the headmaster of the Junior Technical School. He reports—

Boys engaged in street trading live to rush out of school. They have too much money to spend. Street trading is definitely detrimental to all boys—physically, morally, educationally. He states that he has done everything within his power to persuade boys to relinquish such jobs. There are four grades of certificates granted for boys leaving the Junior Technical School and no boy engaged in street trading has, Mr. Walker states, ever reached the highest grade. The boys attending that school who engage in street trading and are licensed total 24 while those who

do so without licenses number four. With regard to the Lord-street Technical School, a similar report was received from the headmaster who is also Mr. Walker. At that school the number of boys licensed for street trading was 17 but, Mr. Walker states, the economic necessity for the boys engaging in that work was not stressed. With regard to the Highgate Senior School, the headmaster, Mr. Mitchell, stated that he was definitely in favour of the total abolition of all street trading on the part of boys of school age. In his school the number of boys licensed was 17 and those engaged in the work but unlicensed totalled 8. Mr. Mitchell reported about the lads—

They are all below school standard educationally. They are cute rather than intelligent. Economic necessity would not enter into the question and has not been stressed.

Mr. Mitchell remarked that juvenile delinquency must increase if members of Parliament refuse to protect the young.

Hon. J. Cornell: What did he say about boys of 14 and 15 years of age who go to work?

Hon. J. A. DIMMITT: That was not mentioned.

Hon. H. S. W. Parker: What did he have to say about schoolmasters not protecting the young children and reporting about them?

Hon. J. A. DIMMITT: Mr. President, I allowed 10 speakers to oppose the Bill, and I think I interjected twice only. I would like an opportunity to conclude my remarks without interruption.

Members: Hear, hear!

Hon. J. A. DIMMITT: Coming now to the Highgate Junior School the headmistress, Miss Brown, had this to say—

Many children of tender years are engaged in street trading. They are not licensed but are helping either a brother or a friend.

Miss Brown said that she had complained to the Child Welfare Department about the position and stated that if the present neglect continued, so must delinquency among juveniles increase. Next I will quote the position regarding the Oxford-street school at Leederville. The headmaster was away at the time of the visit but the assistant headmaster, Mr. O'Dwyer said that the number of boys attending the school, who were licensed to engage in street trading, was 16 and that there was also a number unlicensed. Particulars regarding the latter were not

obtainable but many of the children were of ages ranging from nine years upwards. Mr. O'Dwyer reported—

All these children are educationally under standard. The licensed children are too tired to work. Often they are on the streets until 12 o'clock and sometimes fall asleep in school. They take little interest in their school work and the teachers here are definitely all against street trading.

Mr. O'Dwyer also said that, in his opinion, Australia could not hope to obtain a normal standard of education if children were allowed to engage in street trading. He did not think that the majority of the parents needed the extra money and, in consequence of the prevailing system, the children lost a true money sense. With regard to the Victoria Park School, the headmaster, Mr. Coles, expressed himself as definitely against street trading. He asserted that the boys did not get proper meals and that there was great rivalry amongst the boys for the various stands, which often led to bullying. There were seven boys with licenses attending the school and while there were a number who were unlicensed he had no definite figures to quote regarding them. All these children he considered were under standard educationally by approximately two years.

Hon. E. M. Heenan: I wonder if those children would get good meals if they were not street trading?

Hon. J. A. DIMMITT: That is a matter of home life. I should say they would be more likely to get good meals at home than on the street. Dealing next with the East Perth School, the headmaster, Mr. Sainsbury reported that approximately 12 boys attending the school were licensed for street trading and all were under standard. A further number of children traded but were unlicensed but he could quote no definite figures. Mr. Sainsbury was at one time headmaster of the Rivervale School and he had this to say—

Boys who are street trading cannot concentrate on their school work. They rush out of school to be first on the stand and are very tired during school hours. There is no economic necessity for them to engage in street trading in the majority of cases. Moral and educational standards will gradually decrease as these boys continue trading.

Next there is the report from the Subiaco State School, the headmaster of which, Mr. Anderson, is definitely against street trading. So far as he knows at his school the number

of boys licensed to engage in street trading totals six and while he knows that some other lads are unlicensed, he did not know how many there were. He reported—

All the boys engaged in street trading are under standard. He was definitely against street trading and considered it disgraceful that the Act had not been amended long since to prevent the exploitation of children.

Coming now to the Thomas-street School, the headmaster, Mr. Orr, reported that he had 14 boys engaged in street trading, of whom 12 had licenses. He said that all of these were approximately two years behind, educationally, except one who apparently is over average. Mr. Orr reports—

There is no real financial need for the boys to do this work. They take no interest in their school work. They are tired and anxious to get out early.

Mr. Orr is definitely against boys being allowed to engage in street trading, which, he said, has a definitely detrimental effect on them. The last expression of opinion I will quote is that of Mr. W. E. Thomas, the secretary of the Teachers' Union. He states that he is definitely against street trading by children and mentions that the reports from all teachers indicate that it has a depraving effect upon boys and definitely reflects upon their educational standards, in consequence of which they wholeheartedly support the Bill. I have placed before the House the expressions of opinion by these teachers without any comment, hoping that members will be influenced thereby in their attitude to the Bill.

Hon. G. Fraser: Can you give us any figures regarding the under-standard children who do not engage in street trading?

Hon. J. A. DIMMITT: No. I have placed before the House all the figures I have on the subject.

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

Ayes	8
Noes	13
		—
Majority against	5
		—

AYES.

Hon. L. B. Bolton	Hon. W. H. Kitson
Hon. J. A. Dimmitt	Hon. A. L. Loton
Hon. F. E. Gibson	Hon. H. Tuckey
Hon. J. G. Hialop.	Hon. E. M. Heenan
	(Teller.)

NOES.

Hon. C. F. Baxter.	Hon. E. H. Gray
Hon. Sir Hal Colebatch	Hon. W. R. Hall
Hon. J. Cornell	Hon. V. Hamersley
Hon. C. R. Cornish.	Hon. G. W. Miles
Hon. L. Craig.	Hon. A. Thomson
Hon. J. M. Drew	Hon. H. S. W. Parker
Hon. G. Fraser	(Teller.)

PAIRS.

AYES.	NOES.
Hon. H. Seddon	Hon. W. J. Mann
Hon. E. H. H. Hall	Hon. G. B. Wood.

Question thus negatived.

Bill defeated.

Sitting suspended from 6.15 to 7.30 p.m.

**BILL—CONSTITUTION ACTS
AMENDMENT (No. 2).**

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [7.30] in moving the second reading said: The Bill which I now bring forward to amend the Constitution Acts, 1889, is almost identical with that introduced and defeated in this House last session. If not identical in language, it is in principle, in that it seeks to provide legislative machinery to overcome deadlocks which may occur between the Legislative Council and the Legislative Assembly. Members will recall that the measure of last year was widely debated; that members did not agree to the proposals put forward, and denied the Government and succeeding Governments the rights which were sought by that legislation. In again introducing a similar Bill the Government makes no apologies, so convinced is it that there is every justification for endeavouring to put an end to what can only be recognised as a serious defect in our Constitution, the framers of which could not have visualised the present-day trend of events in the government of the lives of the people.

In all democratic countries legislation is supposed to reflect the will of the people; and, where necessary, constitutions have been altered accordingly. Where the bi-cameral system of government prevails, legislation for this purpose is usually introduced in the Lower House, thus indicating to the Upper House the policy of the Government which has been elected by popular vote. And so it is with this Bill. It is in accord with modern trends of thought and is brought forward in this House after having been introduced and passed in the

Lower House or Legislative Assembly. The great majority of Government Bills are introduced there, and in many instances are passed by that Chamber with the assistance and support of members in opposition to the Government of the day. When Bills reach this Chamber, however, there is a different story to tell. Bills are sometimes rejected entirely, and on other occasions are so emasculated that they are not acceptable to the Government, even after all attempts have been made to reconcile the views of both Chambers.

This is a situation which in the opinion of the Government should not be allowed to continue. After all, the Legislative Assembly is elected on adult franchise and therefore any important legislation passed by that Chamber is entitled to serious consideration, which I am afraid it does not always receive in this House. I have already said that in democratic countries legislation reflects changing conditions and circumstances and that, where necessary, amendments to the constitution have taken place to meet them, while various methods have been adopted to overcome deadlocks, some of them being somewhat cumbersome and complicated. For the information of members I propose to quote the relevant provisions of similar legislation elsewhere. I have done this before, but I feel it necessary to do so again in order that members might realise that Western Australia is far behind other democratic countries when it comes to a question of deciding matters such as a deadlock between the two Houses. In England the problem was dealt with as far back as 1911, when the English Parliament Act was passed. Last session we heard from Sir Hal Colebatch on this point. He gave us much information on the historical side of the British Parliament and dealt fully with the reasons, or what he stated were the reasons, for this amendment. Briefly, the Act provides that—

(1) If a money Bill is passed by the House of Commons and sent up to the House of Lords at least one month before the end of the session and is not passed by the House of Lords without amendment within one month after its receipt, the Bill shall thereupon become law.

(2) If any public Bill other than a money Bill or one containing a provision extending the maximum duration of Parliament beyond

five years is passed by the House of Commons in three successive sessions and is rejected by the House of Lords in each of the sessions, the Bill may become law.

There are various machinery provisions which implement the above purposes. The position in regard to the other States is as follows:—

The Commonwealth Constitution Act, Section 57, provides—

(1) If the House of Representatives passes any proposed law which the Senate rejects or fails to pass, or if the Senate passes it with unacceptable amendments; and

(2) after an interval of three months the House of Representatives in the same or the next session again passes the proposed law and the Senate deals with it as before, the Governor-General may order a double dissolution. This dissolution cannot take place within six months before the date of expiry of the House of Representatives by effluxion of time.

(3) If after the dissolution the House of Representatives again passes the proposed law and the Senate deals with it as before, a joint sitting of both Houses may be convened. The Bill as last passed by the House of Representatives is thrown into the melting pot and amendments may be made if an absolute majority of the total number of members of the two Houses carries them. The Bill, with or without amendments, may become law if affirmed by an absolute majority of the joint meeting.

Hon. L. Craig: It is very complicated.

The CHIEF SECRETARY: Yes. So we have the possibility of a double dissolution and in other circumstances we have a joint sitting of both Houses when the whole Bill is thrown into the melting pot and, so long as there is an absolute majority of those who attend the joint sitting the Bill becomes law.

The South Australian Constitution Act 1934-36, Section 41, provides—

(1) If any Bill is passed by the Assembly in any session, and

(2) the same or a similar Bill is passed by the Assembly during the next ensuing Parliament, and

(3) a general Assembly election has taken place between the two Parliaments, and

(4) the second and third readings of the Bill were passed in the second instance by an absolute majority of the Assembly, and

(5) both Bills have been rejected or not acceptably amended by the Council, the Governor may—

(a) within six months thereafter dissolve both Houses; or

(b) issue writs for the election of two additional members for each Council district.

In the Victorian Constitution Reform Act, 1937, No. 4533 amending the Constitution Act Amendment Act, 1928, Section 37 provides—

- (1) If the Assembly passes a Bill and the Council rejects it; and
- (2) the Assembly is dissolved by the Governor by proclamation declaring the disagreement between the two Houses; and
- (3) the Bill is passed by the Assembly in the next session and is rejected by the Council,

the Governor may dissolve the Council.

- (4) If after a dissolution of the Council the Assembly again passes the Bill in the same or the next succeeding session and the Council rejects it,

the Governor may convene a joint sitting of the members of the Council and of the Assembly.

The members deliberate and vote together on the Bill and amend it by absolute majority of the joint sitting. The Bill with amendments, if any, may be affirmed by an absolute majority and then becomes law.

The New South Wales Constitution Act, No. 32 of 1902, Section 5 (a), added by Act No. 2 of 1935, provides—

If the Assembly passes any Bill appropriating revenue or moneys for the ordinary services of the Government and the Council rejects it or fails to pass it or suggests any unacceptable amendment, the Assembly may direct that the Bill be presented to the Governor, and such Bill becomes law upon His Majesty's assent.

Section 5 (b) provides—

- (1) If the Assembly passes any Bill other than a Bill referred to above and the Council rejects or fails to pass it or wishes to insert unacceptable amendments, and
- (2) after an interval of three months the Assembly again passes the Bill in the same or the next session and the Council again rejects it and no agreement can be come to after a conference of managers of the two Houses,

the Governor may convene a joint sitting of both Houses.

This joint meeting considers the Bill as last proposed by the Assembly and can debate any amendments proposed by the Council and unacceptable to the Assembly. No vote is taken at the joint sitting.

- (3) After the joint sitting there may be further communication with the Council to bring about agreement or there may be no such communication. In either case the Assembly may direct that the Bill as last proposed by it, with or without amendment, shall at any time during the life of the Parliament or at the next general Assembly election be sub-

mitted by way of referendum to the electors qualified to vote for the election of the Assembly. If at such a referendum there is a majority in favour of the Bill it shall be presented to the Governor and become law upon the Royal assent being granted.

There we have provision, in addition, for a referendum. This section applies to any Bill, even to a Bill dealing with the abolition of the Council.

The New Zealand Legislative Council Act, 1914, Section 7, provides—

1. If the House of Representatives passes any public Bill other than a money Bill and the Bill is sent to the Council a month before the end of the session and the Council rejects or fails to pass it, or passes it with unacceptable amendments, and
2. if the Representatives in the next session again pass the Bill and the Council again rejects or fails to pass it within one month, or passes it with unacceptable amendments,

the Governor may convene a joint sitting of the two Houses during that session.

This meeting deliberates and votes together on the Bill as last proposed by the Representatives. If the Bill is affirmed by a majority of the joint sitting it becomes law. If it is not so affirmed the Governor has the right to dissolve both Houses simultaneously.

It will be noted that the important difference between the provisions of the English Parliament Act and the other relevant laws is that no election or referendum is necessary. Under the Commonwealth Constitution Act, the South Australian Constitution Act, the Victorian Constitution Reform Act, and the New Zealand Legislative Council Act, the Government may sooner or later force an election. Under the New South Wales Constitution Act the last resort is a referendum which is held simultaneously with the next Legislative Assembly election. In some instances provision is made for the dissolution of both Houses, and in another for the dissolution of the Council, but it must be obvious that the Parliaments concerned have taken steps to deal with situations whereby the Upper Houses could not hold up Government legislation indefinitely. Precisely for that reason this Bill is being submitted, it having been drafted on the lines of the legislation in England which is considered to be the best of all precedents.

Members will no doubt argue, and indeed they did argue during the last session, that there is no analogy between English con-

ditions in 1911 and those operating in Western Australia today; that the House of Lords is a hereditary body, and that the people have no authority in electing representatives to that House. Actually, however, the House of Lords does not consist entirely of members who hold their seats as the result of heredity. As members know, Peers are appointed from time to time. Recently there has been an instance of that, where the present Government in the Old Country appointed seven new Peers to the House of Lords. I think it is interesting to read the reason given for their appointment, and no doubt members read it in "The West Australian" a few days ago.

Hon. L. B. Bolton: Perhaps the Government could get a few more members up here.

The CHIEF SECRETARY: "The West Australian" said:—

The creation of seven new Peers designed to increase government representation in the House of Lords was announced from No. 10 Downing-street yesterday. The Downing-street statement said "His Majesty, on the advice of the Prime Minister, has been graciously pleased to confer peerages upon the seven gentlemen whose names were announced today. These creations are not made as political honours or rewards. They constitute a wholly exceptional measure of State policy designed to increase government representation in the House of Lords to an extent sufficient to ensure that business in the Upper House shall be conducted with proper despatch and efficiency."

So we need not be afraid of what is proposed in this Bill. It is only following the procedure that has been adopted in the Mother of Parliaments since 1911, but we have no right to appoint additional members to this Chamber in the same way as the Imperial Government can appoint members to the House of Lords. Even in this State only qualified people have the right to say who shall constitute the Legislative Council. So, in effect, we are in very much the same position as were the people of England in 1911. There has probably been more change in the personnel of the House of Lords in the last 34 years than there has been in the Legislative Council, and it has always been possible to create sufficient Peers to ensure the proper consideration of Government measures. Again I would remind members that while such an alternative is not available in Western Australia it was and still is available in England. It is interest-

ing to note that quite recently this step been taken in the Imperial Parliament.

The Bill now before us sets out that a money Bill, having been passed by Legislative Assembly and sent up to Legislative Council at least one month before the date of the conclusion of the business transacted in the Legislative Assembly in the session in which such Bill is passed or the day on which the Legislative Assembly adjourns to a date to be fixed by the Speaker whichever is the earlier day, is not passed by the Legislative Council without amendment within one month after it is so sent up to the Legislative Council, such Bill shall pass unless the Legislative Assembly directs the contrary, thereupon be presented to the Governor and become an Act of Parliament on the Governor's assent being signified, notwithstanding that the Legislative Council has not consented to the Bill. That, of course, deals with money Bills, which are the financial measures of governments. Such a proposal ends the power of the Council to hold up money Bills indefinitely, it being designed to ensure that the Legislative Assembly shall have the authority which rightly belongs to it, namely, to control the finance of Governments.

In the event of a Bill passing the Legislative Council with recommendations for alteration it shall be deemed to have passed without amendment whether the Legislative Assembly accepts or rejects the recommendations. Members are aware that we have the right, and have exercised that right from time to time, of sending money Bills back to the Legislative Assembly with recommendations from this House.

Hon. L. Craig: What is the object of submitting a money Bill to this House at all, if that provision applies?

The CHIEF SECRETARY: Because the concurrence of this Chamber is desired in the Constitution, which we all carry out. It provides that while the Legislative Assembly shall have the authority to deal with finance Bills it would like the concurrence of the Legislative Council, and of course if the Legislative Council is not prepared to agree to a money Bill—

Hon. W. J. Mann: The Legislative Council gets the axe.

The CHIEF SECRETARY: No. If it did, it would be a different story altogether. Nothing happens to the Legislative Council. All that happens is that the Govern-

ment is short of money and sooner or later the matter has to be brought to a head. There is no component part of the British Empire, as far as I know, is there any legislation that gives the Upper House the right really to interfere with what are commonly termed money Bills.

Hon. L. B. Bolton: When have we intervened?

Hon. L. Craig: In 1934.

Hon. W. J. Mann: We will probably get list of them.

The PRESIDENT: Order. Members will have ample opportunity, later on, to speak.

The CHIEF SECRETARY: There have been occasions when this kind of thing has occurred. My point is that under our Constitution, as it stands at present, it is incompetent for this House to interfere with a money Bill at any time and, as finance government, if a government is refused the finance necessary to carry on a crisis reached and has to be determined one way or the other. In the case of other Bills, this Bill provides that if a measure passed by the Legislative Assembly in three successive sessions and is rejected by the Legislative Council in each of those sessions it may become law notwithstanding that the Legislative Council has not passed it, providing two years have elapsed between the second reading in the Legislative Assembly in the first of those sessions and the date upon which it passes the Legislative Assembly in the third of those sessions.

There are certain Bills exempted from these provisions. Those Bills are a Bill containing any provision to extend the maximum duration of Parliament beyond three years, or to reduce such maximum duration below three years, or a Bill to amend the Constitution Act, 1899, or the Constitution Act Amendment Act, 1899, or this Act, or a Bill by which any change in the Constitution of the Legislative Assembly or the Legislative Council is proposed. Other provisions have of course been inserted in the Bill in order to clarify certain of the terms expressed therein. It may be described as a measure designed to solve the problem of deadlocks between the Legislative Assembly and the Legislative Council.

and, the proposals in which invite the latter to admit the principle that governments must have control of the finances of the State if they are to be enabled to govern in accordance with the policy on which they were elected by the majority of the people, and to ensure that measures implementing the policy of the Government may be given effect to. I hope on this occasion this House will accept that principle.

As I have previously remarked, we had a long debate last session on this measure. I do not wish to reiterate some of the arguments I used on that occasion, but I would be lacking in my duty if I did not again point out to this Chamber that our Constitution places the Legislative Council of Western Australia in a far stronger position than that of any other second chamber in the British Empire, including the House of Lords. In view of the general trend of thought, not only in Australia but throughout the Empire and the world generally, I suggest that the time has come when a Constitution such as ours, which might have been all right in the early days, has outlived its usefulness, and we must recognise that, where a Government is elected by the popular vote of the people, it must be given the opportunity to put into operation the policy that the people have endorsed.

If we agree to that principle, we really have nothing to be afraid of. All said and done, the policy of any Government, whether Labour, Country Party or Liberal, is undoubtedly the policy that the people at the time have endorsed. There must always be a minority, no matter what party may be in power, so this Chamber, conservative though it may be, should, in my opinion, at last agree no longer to stand in the way but should be prepared to admit that the time has arrived when the Government should have the authority provided for in the Bill. I hope that on this occasion the House will receive the Bill a little more generously than it did previously and will, in the end, approve of the measure. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Hal Colebatch, debate adjourned.

BILL—MARKETING OF ONIONS ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [8.3] in moving the second reading said: In 1938, as a consequence of representations from the growers, an Act was passed making provision for the marketing, sale and disposal of onions, for the constitution of an Onion Marketing Board, and for other relative purposes. That legislation was introduced with the object of providing growers with a reasonable reward for their labours.

Locally grown onions are not noted for their keeping qualities, and the producers, who were usually persons in very modest financial circumstances, were not prepared to take the risk of losing a percentage of their crop through storage, and therefore marketed all their onions at the earliest opportunity. The outcome was a glut on the market at one stage of the year, with locally grown onions scarce or unobtainable during the rest of the year. The flooding of the market at the peak period naturally resulted in the producers obtaining poor prices, which, however, were not reflected in the prices charged to the consumer. This was caused by the fact that speculators took advantage of the low market prices, bought as many onions as possible, and stored them for gradual release to the public. In order that the speculators might be compensated for their storage risk, consumers had to pay an increased price for their onions.

The producers, so that they might be given an opportunity to obtain a more adequate return for their efforts, requested that a statutory board be appointed to administer a pool whereby the marketing of onions could be organised and controlled. Their representations were acceded to by the passing of the Marketing of Onions Act of 1938. The operations of the board have achieved the objects of the growers. The prices to growers have been considerably increased, and with very little additional cost to the consumer. In fact, the average retail price of locally grown onions for the years 1940-1944, in which the board was operating, was only .26d. per pound dearer than during the four years prior to the appointment of the board, and this over a period in which the costs of commodities were inclined to soar.

The board in its administration of the Act discovered that the methods of procedure laid down in several sections of the Act were inoperable. For this reason it was found necessary to adopt a policy whereby there is no statutory authority. The object of the Bill is to amend the Act so that the procedure being followed by the board may be legalised. The Solicitor General has advised that if this is not done and any grower should suffer a loss that might be attributable to the board's policy, then that grower may be able to bring a claim for compensation not only against the board but also against every member of the board personally. Section 11 of the Act imposes on the board a responsibility to take delivery of all onions within a reasonable time, and to carry them into effect the board would have to provide storage accommodation for the onions. This is not possible, as the board does not possess any storage facilities, nor has it the funds to acquire suitable accommodation. Another factor that militates against satisfactory storage by the board is the difference in storability of the various crops.

The provision by which it is proposed to replace Section 11 will give the board statutory authority for the practice which it has adopted with success for some years. It will authorise the grower to retain possession of his onions until arrangements for their sale are made by the board, and to act as a bailee in possession on behalf of the board. As it will be necessary for the grower to provide the board with an estimate of the extent of his crop, the Bill includes safeguards against the possibility of over or under estimation. No alteration has been made to the provisions in the Act relating to the payment of advances to growers, but an amendment is proposed whereby the board may deduct an amount not exceeding 12½ per cent. from the proceeds of sale, so that a fund may be established to meet administration expenses and unexpected contingencies.

At present the Act requires that all proceeds shall be distributed amongst the growers each season, thereby leaving the board with no funds with which to commence the new season or to provide for unexpected. There are several other amendments, all of which are of a consequential nature. I have touched briefly upon

more important phases of the Bill. It has been introduced at the instance of the Union Marketing Board to legalise a procedure which has been in operation for some time and to which the growers are agreeable. If the growers had lacked confidence in the board, they could have indicated by a poll that the board should be dissolved, but as they have not taken such action it is an indication that they have given their approval to the procedure outlined in the Bill. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—MEDICAL ACT AMENDMENT.

In Committee.

Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—Amendment of Section 9:

Hon. J. G. HISLOP: I move an amendment—

That in line 1 of proposed new Subsection (3) the words "examinations and" be struck out.

Under the Bill the Medical Board will have the right for the first time to hold examinations in order to qualify certain members of the profession to practise as specialists. Such examinations should not be held in public. If the board is to be allowed to hold inquiries in public that is all that should be desired.

The CHIEF SECRETARY: These examinations have relation to the examination of witnesses, as will be seen from the perusal of Section 9 of the Act. I am advised that it is essential that these words should remain where they are. This subclause will give the board the right to examine witnesses.

Hon. J. G. Hislop: Then why not make it clear that the examinations are to be the examinations of witnesses?

The CHIEF SECRETARY: If the hon member wishes to include those words in order to make the subsection clearer, I would not have any great objection.

Hon. J. G. Hislop: We should either eliminate the words referred to in my amendment or include the words "of witnesses."

The CHIEF SECRETARY: I presume the hon. member desires that the board should have the right to question people when it desires to do so. I think the construction I have put on the subsection is correct but, as I have said, if the hon. member wants the words put in I shall raise no objection.

Hon. J. G. HISLOP: I do not want the examination of members of the profession to be made in public.

Hon. L. Craig: What difference will the inclusion of the words "of witnesses" make?

Hon. J. G. HISLOP: For the first time the board is to be given the right to hold examinations, and it should be made clear that that is the examination of witnesses.

The CHIEF SECRETARY: I point out that this new subsection must be read in conjunction with the section to which it relates. It will then be clear to the hon. member. Perhaps Mr. Parker can throw some light on the matter.

Hon. H. S. W. PARKER: It seems to me immaterial whether the words are left in or struck out. If an inquiry is to include the examination of witnesses, then the inquiry will be held in public. I do not think it can be held that the examination referred to here is a test. An inquiry cannot be held without examinations taking place.

Progress reported.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West): I move—

That the House at its rising adjourn till Tuesday next.

Question put and passed.

House adjourned at 8.25 p.m.