

Legislative Assembly,

Tuesday, 6th December, 1927.

	PAGE
Question: Federal Road Grant, road construction	2403
Christmas, late shopping night	2403
White City, conditions of lease	2403
Fremantle Harbour Trust, rebates to Ship-owners	2404
Personal explanation, Canning-Fremantle road	2404
Bills: Appropriation, all stages	2404
Audit Act Amendment, Council's Amendment	2406
Closer Settlement, Council's amendments	2407
State Children Act Amendment, Council's message	2409
Metropolitan Town Planning Commission, message, Com., &c.	2410
Motion: Electoral Districts, redistribution	2410

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

QUESTION—FEDERAL ROAD GRANT, ROAD CONSTRUCTION.

Hon. G. TAYLOR asked the Minister for Works: What is the total separate mileage, completed and incomplete, to the 31st October, 1927, under the Federal Aid Roads Act, of each of the following:—(1) Moora-Geraldton trunk road, and development roads in the Greenough Road District; (2) Albany road (south of Armadale) in the Wandering Road District; (3) Wooroloo-Clackline-Northam section of the Midland Junction-Merredin road; and (4) York-Perth road?

Hon. J. CUNNINGHAM (for the Minister for Works) replied:

Question.	Road Board District.	Name of Road.	At 31st Oct., 1927	
			Mileage Completed.	Mileage Incomplete.
1	Greenough	Moora-Geraldton	3.0	N/A
	Do.	Georgina ...	.9	N/A
	Do.	McCartney ...	.7	N/A
2	Wandering	Perth-Albany ...	Work not commenced.	
3	Greenmount & Northam	Midland Junction-Merredin	10.1	N/A
4	York ...	Childlow-York ...	11.8	N/A

QUESTION—CHRISTMAS, LATE SHOPPING NIGHT.

Mr. BROWN asked the Honorary Minister (Hon. J. Cunningham): In view of Christmas Eve falling on Saturday night, will he seriously consider the advisability of

granting permission under the Early Closing Act to country shopkeepers who may desire to do so, to substitute Saturday night in lieu of Friday night for late shopping purposes?

Hon. J. CUNNINGHAM replied: The question has been seriously considered and by proclamation published in the "Government Gazette" of the 25th November, His Excellency the Governor has suspended the operations of the Factories and Shops Act, 1920, in so far as they relate to the closing times of shops until the hour of 9.30 p.m. on Saturday, the 24th December, in those shop districts generally in which Saturday is the statutory late trading night. In districts where Friday is the statutory late trading night and Saturday the statutory half-holiday, the Act has been suspended until 9.30 p.m. on Friday, the 23rd December.

QUESTION—WHITE CITY, CONDITIONS OF LEASE.

Mr. J. MacCallum SMITH asked the Premier: 1, Who is responsible for the letting of White City? 2, To whom was it let in 1926-27, and what was the total income derived therefrom? 3, To whom is it let for the current year, 1927-28, and at what rental? 4, Is any provision made in the lease for the running of games of chance or of gambling of any kind? 5, Is it his intention to lay the lease on the Table of the House? 6, How long do the Government intend to permit White City to continue?

The PREMIER replied: 1, The State Gardens Board. 2, Young Australia League, Ugly Men's Association, Children's Protection Society, Labour Carnival Committee, Returned Soldiers' League (Perth Branch), East Perth Progress Association, Women's Home Comforts Appeal Committee, Perth Hospital Appeal Committee. The total income derived was £632 19s. 5d. 3, Blind School Appeal Committee, Maimed and Limbless Men's Association, Young Australia League, Labour Carnival Committee, Hospital for Insane After-care Committee, Ugly Men's Association, Returned Soldiers' Association (Perth Branch), East Perth Progress Association. All at £36 per week. 4, No. 5, There is no lease in existence. 6, This has not yet been decided.

QUESTION—FREMANTLE HARBOUR TRUST, REBATES TO SHIPOWNERS.

Mr. SLEEMAN asked the Honorary Minister (Hon. H. Millington): 1, Who was responsible for the rebate on £14,468 5s. 8d. for which the Fremantle Harbour Trust got a judgment against the overseas ships, being reduced to £6,383 18s. 7d.? 2, What were the reasons for granting such reduction? 3, Who was responsible for the 50 per cent. rebate on £3,028 15s. 5d. owing to the Fremantle Harbour Trust from the owners of the s.s. "Karoola"? 4, What were the reasons for such reduction? 5, Are these cases to be taken as a precedent? 6, In future cases of disagreement between shipowners and men, will the Harbour Trust be overruled and 50 per cent. reductions granted?

Hon. H. MILLINGTON replied: 1, The Solicitor General, in consultation with leading counsel retained on behalf of the Harbour Trust Commissioners. 2, The opinion of counsel. See answer to question No. 1. 3, It was consequential on the adjustment of the claims to which question No. 1 relates. 4, Answered by No. 2. 5, No. 6, The dealing with future cases cannot be anticipated.

PERSONAL EXPLANATION.

Canning-Fremantle Road Construction.

HON. G. TAYLOR (Mount Margaret) [4.35]: I desire to make a personal explanation in connection with an incident that occurred on Thursday evening last when we were debating the Loan Estimates. I referred to a question that had been answered by the Minister for Works, of which question I had given notice the day before. Both the question and the answer referred to the Canning-Fremantle road. The answer was that no money had been spent on that road at all. When debating the Loan Estimates in Committee, I found that money had been spent on that road, and I was referring to the incident when the Premier stopped me and said that my question had referred to the Cannington-road. At the moment I stood disarmed, as it were. Since then I have looked up the official papers and further, the Votes and Proceedings No. 48, which show that the question related to the Canning-Fremantle road. I desire to make that explanation. I do not know that I can take the matter any further, but the Premier may have something to say about it.

THE PREMIER (Hon. P. Collier—Boulder) [4.37]: I would like to ask the member for Mt. Margaret (Hon. G. Taylor) if he has seen the typewritten question in the form in which it went to the Minister's office? I have not seen the manuscript question, but the typed copy of the question as it arrived at the Minister's office, undoubtedly referred to the Cannington-road. I did not look at the form in which the question appeared on the Notice Paper, but certainly the typed copy referred to the Cannington-road, and it was in respect of that road that the answer was furnished. It may be that the question did not appear in the proper form, but I am positive that it referred to the Cannington-road in the typed copy sent to the Minister's office. Hon. members know that questions of which notice are given in the House are typed and sent to Ministers, so that they may have the answers prepared.

Hon. Sir James Mitchell: The member for Mt. Margaret can ask the question again.

HON. G. TAYLOR (Mt. Margaret—in reply) [4.38]: I saw the official notification that came back with some pencil marks on it. That referred to the Canning-Fremantle-road and on that paper was typed the word "nil." That was the paper that was sent from Parliament House and returned: it was an official paper.

The Premier: The answer could not have been in respect to the Canning-Fremantle-road; it would have been a deliberate untruth.

Hon. G. Taylor: That is my trouble.

The Premier: No Minister would tell a deliberate untruth like that.

BILL—APPROPRIATION.

Message.

Message from the Governor received and read recommending appropriation for the purpose of the Bill.

All Stages.

In accordance with resolutions adopted in Committees of Supply and Ways and Means, leave obtained to introduce the Appropriation Bill, which was read a first time.

Second Reading.

On motion by the Premier and Treasurer, Bill read a second time.

In Committee.

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

Clauses 1, 2—agreed to.

Clause 3—Appropriation of supplies:

Hon. Sir JAMES MITCHELL: Provision is made in this clause for an advance to the Treasurer of £500,000. Last year the account was overdrawn by £92,000. A sum of £500,000 was used for the State Shipping Service. It is undesirable that this account should be used to wipe off the losses on any trading concern. The amount is advanced to meet any expenditure connected with authorisations, but not to wipe off the accumulated losses on the State Shipping Service.

The Premier: The House has already endorsed that being done.

Hon. Sir JAMES MITCHELL: Yes. We are asked to pass an advance of £500,000 this year, and I hope the Premier will not use any of it to wipe off the losses on any State trading concern. The vote was not intended for that purpose.

The Premier: I am aware of that.

Hon. Sir JAMES MITCHELL: It was a large sum to write off the State Shipping Service, representing as it did the losses of the last seven years.

The Premier: More than that, the losses for the whole period.

Hon. Sir JAMES MITCHELL: Before 1919 the service returned a profit.

The Premier: There were losses in the first two or three years prior to the war.

Hon. Sir JAMES MITCHELL: Anyhow, the vote should not be drawn upon except to meet expenditure on works that have been approved.

The Premier: I think you will agree that we had reached a stage when the State Shipping Service accounts should be put in order.

Hon. Sir JAMES MITCHELL: Yes. The service will be saved the interest on the £500,000, and its loss this year will be reduced by roughly £30,000, but general revenue will be debited to the same extent. An amount of £112,000 was written off the State Implement Works some years ago, but general revenue still has to provide the interest.

The Premier: Profit amounting to £270,000 from the State Shipping Service was taken into revenue.

Hon. Sir JAMES MITCHELL: It is not right that profits should be taken into rev-

enue and that losses should be debited to loan. The member for Mount Margaret has referred to the expenditure on the Canning-Fremantle road.

The Premier: When the question was asked, the Loan Estimates were before the House showing an expenditure of £121,000.

Hon. G. Taylor: I asked for the expenditure from January to October.

The Premier: I shall obtain the answer to-morrow.

Hon. Sir JAMES MITCHELL: I take it the road is not finished yet.

The Premier: No, it will not be finished for several months.

Clause put and passed.

Schedules A to D—agreed to.

Schedule E—Advance to Treasurer:

Mr. THOMSON: There is a proviso that the expenditure incurred in re-laying Perth tramways and Government railways may be adjusted over a period of five years. Can the Premier explain that?

The PREMIER: It is the usual practice to make the adjustment over five years. Such expenditure comes out of revenue over a period of five years instead of making it a debit for one year. If it were made a debit for one year, it would upset the finances.

Mr. THOMSON: Shall we have an opportunity this session to discuss the Financial Agreement?

The PREMIER: The Financial Agreement will not be discussed before Christmas. It is possible that we may have to meet in the new year to discuss it, though it may not be necessary to deal with it before next session, judging by the way things are shaping in the East now.

Hon. G. Taylor: That would be the only reason for our re-assembling after Christmas?

The PREMIER: Yes.

Schedule put and passed.

Schedules F to H, Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—AUDIT ACT AMENDMENT.*Council's Amendment.*

Amendment made by the Council now considered.

In Committee.

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

Clause 2.—Insert after the word "years" in line seven the words, "provided that this subsection shall not apply to the present occupant of the office."

The PREMIER: The amendment relates to the age of retirement of the Auditor General. The Bill provides that the age shall be 65 and the amendment seeks to exempt the present occupant of the office.

Hon. G. Taylor: That was understood here.

The PREMIER: The Bill provided for retirement at the age of 65, but another place desires that this shall not apply to the present occupant of the position. I do not propose to agree to the amendment. Although no retiring age was fixed when Mr. Toppin was appointed, it is always open to Parliament to fix such age as may be desired at any time. This has been done in the other States in the case of judges. It is not desirable we should retain in the public service any officer for an indefinite time in view of the fact that he may reach a stage of senile decay, when Parliament might have to take action in the direction of effecting a compulsory retirement. I see no need for the amendment.

Hon. Sir James Mitchell: The argument of another place is that this officer was appointed for life.

The PREMIER: They talked about a contract. It is a far-fetched argument to suggest anything like repudiation of contract. It is not likely any injustice will be done to the present occupant of the office. I could mention several officers who are well over 65 and who are still in the service. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: If this appointment was made in the way suggested by another place, the conditions should be observed. The Auditor-General should not be subject to the will of any Government. The idea of making these appointments subject to Parliament is to preserve the hold-

ers independence of action. The Auditor-General must be free to criticise the Public Accounts as he deems fit. If he did not properly carry out his duties, Parliament would soon take the necessary steps to relieve him of his position. Provided he is still efficient, he should be allowed to retain the office.

The Premier: The appointment was made without any retiring age being specified.

Hon. Sir JAMES MITCHELL: I should not think anyone would strongly object to retiring at 65 provided he received a pension, as this officer will do. No doubt many people are better fitted for work at 65 than are some at 30. The idea of retiring men at 65 is largely due to the desire to give junior officers an opportunity to receive promotion. It is not worth while breaking faith with the officer in question, and the Premier might well accept the amendment.

The Premier: I do not suggest we would be retiring Mr. Toppin at 65. He is only about 59 now.

Mr. THOMSON: The member for York endeavoured to have the word "may" inserted in lieu of the word "shall," as it appears in the original Act. This would have left the matter open to the Government.

Hon. Sir James Mitchell: Which would have been quite wrong.

The Premier: For he would then have been at the mercy of the Government, and his independence would have been destroyed.

Mr. THOMSON: He would still have been subject to the control of Parliament. It is doubtful whether we should provide for an extension of the retiring age in the case of one particular official. It occurred to me that the substitution of "may" would assist, as the use of that word would give opportunity for, say, voluntary retirement. Another place objects to retirement being compulsory. If the clause is passed as it stands, I take it that upon another appointment being made an amending Bill will be necessary.

Hon. Sir James Mitchell: Under the clause as printed, the Auditor General would have to go at 65, because the payment of his salary could then be discontinued.

Mr. THOMSON: I am afraid the position is difficult and raises an awkward question.

Hon. G. TAYLOR: There is no time limit to the Auditor General's term of office. I happen to have been a member of the Gov-

ernment which appointed the present officer in 1904. If the clause passes as it stands, the Auditor General must retire automatically at 65, and then, if the Government desire to keep him, an amending Bill will have to be passed. The clause would apply to all future Auditors General, as they could not be paid after reaching the age of 65. I do not like the insertion of such a clause in a measure dealing with one particular officer. Neither the Government nor this Chamber intended that the Bill should affect the present occupant of the office.

Question put and passed; the Council's amendment not agreed to.

A committee consisting of the Premier, the Minister for Railways, and Sir James Mitchell drew up reasons for not agreeing to the Council's amendment.

Reasons adopted, and a message accordingly returned to the Council.

BILL—CLOSER SETTLEMENT.

Council's Amendments.

Schedule of 11 amendments made by the Council in the Bill now considered.

In Committee

Mr. Lutey in the Chair; the Minister for Lands in charge of the Bill.

No. 1. Clause 3, Subclause (3).—Delete the words "in the opinion of the board" in line two.

The MINISTER FOR LANDS: Inasmuch as another place has made amendments which put this matter on another footing. I move—

That the amendment be agreed to.

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

No. 2. Clause 4, Subclause (1).—Insert after "board is" in line one the word "unanimously."

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

The Council has made certain other amendments, and it would be wiser to agree to the insertion of the word "unanimously." It appears desirable that the board should be unanimous.

No. 3. Clause 4—Delete Subclause (3) and insert in lieu thereof a subclause as follows:—"The board shall forthwith serve a copy of the report, as submitted to the Minister, on every person appearing from the said public registers to have an estate or interest in the land."

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

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

No. 4. Clause 4.—Insert a subclause to stand as Subclause (4), as follows:—" (4) Any such person may within thirty days after the service of a copy of such report appeal to a judge of the Supreme Court, who may take evidence, and confirm, vary, or annul the report, and the decision of the judge shall be final."

The MINISTER FOR LANDS: I resisted a similar amendment when the Bill was going through this House. However, I do not want to wreck the Bill, although I still have my own opinion about this.

Hon. G. Taylor: It would not necessarily wreck the Bill, would it?

The MINISTER FOR LANDS: The Council would only insist upon the amendment.

Hon. Sir James Mitchell: The judge will have to decide on the evidence.

The MINISTER FOR LANDS: Yes. it seems pretty safe. I move—

That the amendment be agreed to.

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

No. 5. Clause 5.—Insert after "board" in line two the words "and subject to any appeal therefrom."

The MINISTER FOR LANDS: This is consequential on the previous amendment. I move—

That the amendment be agreed to.

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

No. 6. Clause 6.—Delete Subclause (3) and insert in lieu thereof subclauses as follows:—(3) Within four months after the service of such notice by the board, the owner may notify the board in writing of his intention—(a) to himself put the land described in the notice in the "Gazette" to that reasonable use to which,

in the opinion of the board, it should be put, or (b) to subdivide the said land, and offer the subdivisions for sale. (3a) If the owner notifies the board of his intention to himself put the land to that reasonable use to which, in the opinion of the board, it should be put, he shall, within one year from the date of such notice, make substantial progress therewith to the satisfaction of the board, and thereafter continue to do so.

THE MINISTER FOR LANDS: Here we have the difference between three months and four months. Since all the Council's amendments make for delay, I do not know that one month is worth quibbling over. Also we have in the amendment something that was not provided in the original Bill. The owner is to have the option of doing the job himself, of putting his land to such reasonable use as the board may require. Still the intention of the Bill is to make homes on smaller areas—

Mr. Davy: Surely it doesn't matter whether one man or ten men produce 100,000 bags of wheat.

THE MINISTER FOR LANDS: It makes a great deal of difference. Going through some parts of the country one is struck at once by the extent of the crops and the absence of homes. It is the homes we want to see established, and the object of the Bill is to put people on to smaller holdings. I move—

That the amendment be agreed to.

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

No. 7. Clause 7, Subclause (1).—Insert after "under" in line two the words "paragraph (a) or (b) of."

THE MINISTER FOR LANDS: I move—

That the amendment be agreed to.

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

No. 8. Clause 7, Subclause (1).—Insert after "intention" in line four the words "to himself put the land to reasonable use, or."

THE MINISTER FOR LANDS: In view of what we have accepted, we cannot well object to this. I move—

That the amendment be agreed to.

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

No. 9. Clause 8.—Delete all words from the beginning down to and inclusive of "apply" in line eight, and insert the following:—8. If an owner—(a) after having notified the board of his intention to put the land to reasonable use, shall not, in the opinion of the board, duly comply with Subsection (3a) of Section 6; or (b) after having notified the board of his intention to subdivide his land for sale, shall not, in the opinion of the board, duly comply with subsection (4) of Section 6, the board may serve upon the owner a notice of his default in the prescribed form; and thereupon the owner shall be deemed to have failed to notify the board under either paragraph (a) or (b) of Subsection (3) of Section 6, and Section 7 shall apply.

THE MINISTER FOR LANDS: This is another comprehensive amendment, but it appears to be necessary in view of what we have already agreed to. I move—

That the amendment be agreed to.

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

No. 10. Clause 10.—Insert a subclause to stand as Subclause (2), as follows:—(2) If the owner of land taken under this Act is the owner of other land which, although not an "adjoining holding," is so used by him in conjunction with the land taken that without the land taken such other land cannot be put to profitable use, the owner of the land taken may, subject as hereinafter provided, require such other land also to be taken: Provided that the Minister may require the question whether such other land is so used as aforesaid and therefore should be taken, to be determined by arbitration, as compensation is determined under subsection three of section seven.

THE MINISTER FOR LANDS: This introduces a new principle.

Hon. Sir James Mitchell: It will not often happen.

THE MINISTER FOR LANDS: It can happen, and it may happen with advantage or with disadvantage. I know a number of people who have considerable holdings of sandplain country, which they utilise as grazing areas, as spelling places for their stock. That sand plain is of not much use as a farm, and so it would be of little value to the owner if the board took his cultivable farm.

Hon. Sir James Mitchell: It would be no use to him without the good land.

The MINISTER FOR LANDS: Of no great value, certainly.

Mr. Thomson: It is provided for, in that it must be determined by arbitration.

The MINISTER FOR LANDS: Yes, I think we shall have to accept it.

Hon. Sir James Mitchell: I know a man with his buildings on one block, and his principal holding miles away.

The MINISTER FOR LANDS: There is no limitation here. It may be 100 miles away. I move—

That the amendment be agreed to.

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

No. 11. Clause 17.—Insert after "land" in line one the words "or holding."

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

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

Mr. THOMSON: May I congratulate the Minister on having adopted a reasonable attitude and accepted these amendments? He could have had his closer settlement long ago if he had adopted that attitude.

Hon. W. D. Johnson: No, he could have had a Closer Settlement Bill, but no closer settlement.

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

BILL—STATE CHILDREN ACT AMENDMENT.

Council's Message.

A message having been received from the Council notifying that it disagreed to the amendment made by the Assembly on the Council's amendment No. 6, and insisted on its original amendment, the message was now considered.

In Committee.

Mr. Lutey in the Chair, the Minister for Health in charge of the Bill.

The MINISTER FOR HEALTH: Another place is insisting on the amendment that they made, without the addition of the words "with the consent of the complainant" inserted by the Assembly, and they contend that the real objective of the clause will be

destroyed if the words are included. I am not prepared to accept the clause without the Assembly's amendment; I would rather lose the Bill. An hon. member in another place suggested that a conference might take place and expressed the belief that a decision would be arrived at. I do not know what reason he had for believing that that would be the case. There is no possible chance of the Committee in this House accepting the clause as it stands.

Mr. Davy: How do you know?

The MINISTER FOR HEALTH: The Crown Law Department advises that the amendment gives the right to a court to vary the amount of an order that has been made. I will not accept that. A man may put up any kind of a tale and so induce the court to alter the amount of the order. A woman may be getting 30s. a week for maintenance, and the husband clears out. A warrant is issued and he is arrested perhaps 500 miles away from where the court made the order. The remote court cannot alter the amount already owing, but can vary the order without consulting the court where the case was first heard, and in many instances without the evidence of the wife herself being heard. The wife would not have the chance to travel that distance of 500 miles to where her husband was. The suggested amendment was to add a proviso to prevent the court from varying in any way the amount of the order that had been made. Then if a warrant was issued for the arrest of the defaulter, and he was arrested at distance of more than 20 miles from the court in which the case was first heard, that court would hear the case and would probably save the State the expense of bringing the man back to Perth to have his case heard. It has happened in a fair number of instances that after a woman has pressed for the arrest of her husband and after the issue of the warrant and the arrest of the husband, and his re-appearance in Perth, sometimes at a cost of £12 or £14, the wife has withdrawn the proceedings and refused to go any further. In cases like that the State suffers a loss. I am not disposed to accept the amendment. I therefore move—

That a conference be requested with the Legislative Council on the State Children Act Amendment Bill, and that at such conference the managers to represent the Legislative Assembly be the Hon. H. Millington, Mr. Davy, and the Minister for Health.

Question put and passed.

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

BILL—METROPOLITAN TOWN PLANNING COMMISSION.

Message.

Message from the Governor received and read, recommending appropriation for the purpose of the Bill.

In Committee, etc.

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

Read a third time and transmitted to the Council.

MOTION—ELECTORAL DISTRICTS, REDISTRIBUTION.

Debate resumed from the 29th November on the following motion by Hon. Sir James Mitchell:—

That it is resolved by the Legislative Assembly that a proclamation should be issued for the redivision of the State into electoral districts under the provisions of the Electoral Districts Act, 1923.

HON. SIR JAMES MITCHELL (Northam—in reply) [6.3]: I hope, Mr. Speaker, to be able to show that the Bill you, as Attorney General in the Scaddan Government, introduced in this House, and which was adopted by the party then in power, was not as liberal to the goldfields as the Electoral Districts Act under which the electoral boundaries are to be fixed. That was the only reason the Premier gave as his objection to the present Act. I hope the House will not be influenced by the attack made upon the Legislative Council by the member for Guildford (Hon. W. D. Johnson) and others since the debate began.

The Minister for Mines: I think the Premier took some exception to the Swan electorate.

Hon. Sir JAMES MITCHELL: That is so.

The Minister for Mines: Well, that is not in the goldfields.

Hon. Sir JAMES MITCHELL: At any rate, the effect upon the goldfields was the principal reason advanced by the Premier

in his argument. What has the fixing of the boundaries of electorates for this House to do with the qualifications of members of another place, seeing that those qualifications are fixed by the Constitution? Even so, the Constitution has been liberalised since it was first adopted. Are we not under an obligation to do what is right by the people? If in 1911 the boundaries that we have now were fixed, and they were wrong at that time, and were attacked by the then Labour Party, and they were honest in their opposition at that time, surely members of the Labour Party cannot approve of the boundaries at the present moment.

The Minister for Mines: We do not.

Hon. Sir JAMES MITCHELL: Then why don't you do your duty and amend the boundaries?

The Minister for Mines: Because you put on the statute-book a measure with which we do not agree. The Premier told you that.

Hon. Sir JAMES MITCHELL: The Premier does not agree with the Act that empowers a Commission to fix the boundaries based largely upon the Act passed by the Labour Government in 1913! The differences between the later Act and the 1913 measure are that a Commission was to be appointed by the Government instead of the Commission being named in the Act; secondly, there was to be so-called even-handed justice extended to the electors, subject to a variation of 20 per cent. either way. If it were decided that 5,000 would be the quota for the 46 seats apart from the North-West seats, then, with the 20 per cent. variation each way, the greatest number of electors in one constituency would be 6,000 and the smallest number 4,000.

Hon. W. D. Johnson: But the whole thing was subject to the consent and direction of the Legislative Council.

Hon. Sir JAMES MITCHELL: What whole thing?

Hon. W. D. Johnson: The whole arrangement under that legislation.

Hon. Sir JAMES MITCHELL: Of course—

Hon. W. D. Johnson: Is it not reasonable then that if the Legislative Council is to direct what shall take place in this House, that they shall first—

Hon. Sir JAMES MITCHELL: Don't let us have any humbugging about this question! The Constitution provides for two Houses, and at present there are differences between the voting strength of provinces for

the Legislative Council in the metropolitan area. We have 20,000 electors in a metropolitan-suburban seat, and 7,000 in the metropolitan area.

Hon. W. D. Johnson: Well, look at the position regarding the Council too.

Hon. Sir JAMES MITCHELL: There is a tremendous difference between electorates owing to the present boundaries. If we are going to put up with the present condition of affairs because it suits us and suits our party, let us be honest and say to the public that we shall not agree to any redistribution of seats that does not suit us individually, or as a party.

Hon. W. D. Johnson: We, as a party, will not allow the Legislative Council, a property franchise House, to dictate to the people's House.

Hon. G. Taylor: Get out!

Mr. Richardson: We are dealing with the Legislative Assembly, and you are merely camouflaging the position.

Hon. Sir JAMES MITCHELL: The Premier did not suggest that that was the attitude, but now the member for Guildford says that so long as the Legislative Council exists, there will be no reform in this House.

Hon. W. D. Johnston: Then reform the Upper House first.

Mr. Richardson: We are dealing with this House first.

The Minister for Mines: So were we on another occasion.

Mr. Richardson: Let the House deal with the motion now before the Chair. Never mind about that.

Hon. W. D. Johnson: You are wrong, Sir James! Start with the other House!

Hon. Sir JAMES MITCHELL: If hon. members opposite vote against this motion, they will vote because they are—

Mr. Richardson: Afraid of it.

The Minister for Mines: I am opposed to it now for the same reason that I opposed it last year.

Hon. Sir JAMES MITCHELL: Now the Government side of the House indicate they will not attempt to alter the electoral boundaries!

Mr. Richardson: They are afraid to reform this Chamber.

Miss Holman: So were you.

Mr. Kenneally: And so they are now.

Mr. Richardson: We are not afraid at all of any reform.

Hon. Sir JAMES MITCHELL: Of course not.

Mr. Richardson: We are game to reform the House, but Government members are not.

The Minister for Mines: You had 32 members on your side of the House, and you did nothing.

Mr. Richardson: We know all about that.

Hon. Sir JAMES MITCHELL: There was a time when the Minister for Justice said there was one voice only in the party on the Government side of the House.

Hon. W. D. Johnson: That is so.

Hon. Sir JAMES MITCHELL: But the member for Guildford has a voice in this matter now.

Hon. W. D. Johnson: We will reform the Council first.

Hon. Sir JAMES MITCHELL: Let us face the responsibility cast upon us. We had the intimation by the Premier that this question is not to be considered as a party matter.

Mr. Richardson: That is all bunkum.

The Minister for Mines: I hope you have given a free hand to members on the Opposition side of the House.

Mr. Richardson: You are tied down to it.

The Minister for Mines: I am not.

Mr. Richardson: Of course you are.

The Minister for Mines: It is no good saying that; I am not.

Hon. Sir JAMES MITCHELL: At any rate, the Premier has said that Government members are free to vote as they think fit. The Premier has said that each member must take the responsibility and vote according to the dictates of his conscience.

Mr. Sleeman: That is why we will vote against the motion.

Mr. Kenneally: And that is how we always vote.

Hon. Sir JAMES MITCHELL: I hope members will show by their vote that they will act in the interests of the country and not vote against the motion merely because it may not suit party interests. I did not ask hon. members to vote in any other way when my Bill was before the House.

Hon. W. D. Johnson: You were not dictated to by the Council, and we were. That is the unfair part of it.

Mr. Richardson: You are bound body and soul; that is your position.

Hon. Sir JAMES MITCHELL: Every member opposite—

Hon. W. D. Johnson:—wants to reform the Legislative Council.

Hon. Sir JAMES MITCHELL: I do not know. If that is their attitude, they must take the responsibility.

The Minister for Mines: I for one said that I would never support a redistribution of seats Bill under the provisions of your Electoral Districts Act.

Hon. Sir JAMES MITCHELL: That is the attitude of the Minister and some of his party, and yet after being in office for three years and eight months they have made no attempt to repeal it or amend it!

The Minister for Mines: The Act will be amended, and if it is not amended, there will be no Redistribution of Seats Bill.

Mr. Richardson: Is that so? You will not be there always!

Hon. Sir JAMES MITCHELL: Now we have it from the Minister that there will be no redistribution of seats until the Act is amended.

Mr. Davy: They will probably go on strike against another place.

Hon. Sir JAMES MITCHELL: The Act has been on the statute-book for years and the Government have not attempted to alter it, and now they say we will not have a redistribution of seats Bill at all.

The Minister for Mines: Be fair! I did not say that.

Hon. Sir JAMES MITCHELL: Perhaps the Minister wishes to withdraw.

The Minister for Mines: If your motion set out that in the opinion of the House a redistribution of seats was necessary, I would vote with you.

Government Members: So would we.

Mr. Richardson: Of course you would not.

The Minister for Mines: Yes, I would.

Mr. Richardson: And you would bring in a jerrymandering Bill to suit yourselves.

The Minister for Mines: Not at all.

Mr. Richardson: Of course you would.

Hon. Sir JAMES MITCHELL: I can quite understand the Minister making such a statement and receiving support from members on his side of the House. Of course, those hon. members would vote for a motion of that description, for it would not mean more than a snap of the fingers. It would be no more than a pious wish of the House that a redistribution of seats should be undertaken. That is all it would amount to. The other day the House agreed to build a railway to Yorkrakine but the Government have no intention of building that line.

The Minister for Mines: This House carried a motion 22 years ago to build the Esperance railway, but it was not done until we took office.

Hon. Sir JAMES MITCHELL: That is not so; it was started when we were in office.

The Minister for Mines: As an act of administration you stopped the building of the railway.

Hon. W. D. Johnson: Anyhow, that has nothing to do with the Bill.

Hon. Sir JAMES MITCHELL: I think that railway was started by the member for Guildford, and it was stopped in 1916.

Hon. W. D. Johnson: No, I built the road.

The Minister for Mines: And the member for Murray-Wellington stopped the building of the line.

Hon. Sir JAMES MITCHELL: I consulted the House on that question and, as a result, the line was stopped. As to the matter now before the House, however, we have an Act on the statute-book that governs the position.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. Sir JAMES MITCHELL: Before tea I was perhaps a little unfair to the Minister for Mines. He said there would be no redistribution of seats so long as the present Act remained on the statute-book. He meant so long as the present Government were in power.

The Minister for Mines: I did not mean anything of the kind.

Mr. Davy: Then we can only assume you intended to cause a revolution.

The Minister for Mines: You cannot assume that I intended anything of the kind.

Mr. Davy: Well, it was one or the other.

The Minister for Mines: I said definitely what I intended.

Hon. Sir JAMES MITCHELL: Doubtless what the Minister meant was that there must be an alteration of the present Act before he would consent to a redistribution of seats.

The Minister for Mines: Now you have it after about 10 tries.

Mr. Davy: You did not say that.

Hon. Sir JAMES MITCHELL: No, the Minister said there would be no redistribution so long as the present Government were in power, but I understood him to mean under the existing Act. If the Act is not acceptable to members on the Government side and a majority of them think that way,

an amendment should be submitted as early as possible. I should like to examine the Bill of 1913 and compare it with the Act of 1923-24 to show what the effect would be. The proposal in 1913 would have given the metropolitan area 14 seats. It will be remembered that, excluding the North-West seats, the remainder of the voters were to be divided by 46, which would give the quota, but the quota could be loaded by one-fifth, which would have made the highest possible quota for the metropolitan area 3,684. For the agricultural area the quota would have been 2,866, giving the agricultural districts 19 seats. The central goldfields, with the lowest possible quota of 3,070, reduced by one-fifth to 2,456, would have had six seats. The outer mining area would have seven seats, making 13 seats in all for the goldfields, the number we have to-day. Thus there would have been 14 metropolitan seats, 19 agricultural seats, 13 goldfields seats and four North-West seats, making the total 50. I have loaded the agricultural area so far as it could be loaded under the Bill and taken from the mining areas all that could be taken. That was the best that could be done under that measure. Since then the position has changed considerably and there are now many more names on the roll. In August last there were 209,576 names on the roll. If the Bill introduced by the Scaddan Government had been in operation to-day, each electorate would have had a quota of 5,372, which would have meant 19 seats for the metropolitan area, 23 for the agricultural area, two for the central goldfields area, two for the outer mining area, and four for the North-West. Under the Act on the statute-book objected to by members supporting the Government, largely because of the position of the goldfields, the metropolitan area would have had 15 seats against 19 under Mr. Scaddan's Bill, the agricultural area 25 seats as against 23, the central goldfields area three as against two, and the outer mining area three as against two. My measure, therefore, cannot be objected to by goldfields members who approved of the Bill of 1913. No one who approved of that Bill could object to the Act of 1923-24. It is strange that that measure should have provided precisely the same representation as the goldfields had when it was introduced.

Mr. Marshall: Why did not redistribution follow that measure of yours when you had

32 followers? Why did not they vote for it?

Hon. Sir JAMES MITCHELL: Because my supporters are not blind followers but are free men. They are not delegates; they are representatives of the people. That is why.

Hon. G. Taylor: Hear, hear!

Mr. Marshall: According to your argument they misrepresented the people on that occasion.

Hon. Sir JAMES MITCHELL: If they did so on that occasion, the hon. member does so on every occasion.

Mr. Marshall: Your remarks remind me of a Sunday evening sermon.

Hon. Sir JAMES MITCHELL: I question whether the hon. member has ever listened to a sermon.

Mr. Marshall: When you are speaking we are never short of one.

Hon. Sir JAMES MITCHELL: I hope members have in mind exactly what the two proposals represented. Under the existing Act the quota in the metropolitan area at the present time could vary from 2,205 to 4,571. We have the district of Canning with 17,100 voters compared with the district of Fremantle having 3,875 voters, both districts being in the metropolitan area. Can anyone, by any stretch of imagination, justify that difference between two districts in the metropolitan area—a difference of 13,225?

Mr. Sleeman: We do not disagree on that.

Hon. Sir JAMES MITCHELL: Can anyone disagree? If not, it should be altered as soon as possible.

Mr. Sleeman: We do not disagree on that point.

Hon. Sir JAMES MITCHELL: If members opposite are of opinion that Canning should no longer have twice the maximum quota, while Fremantle has less than the minimum quota, it should be altered. To contrast two seats in the agricultural area, Beverley has 2,536 voters and Nelson has 5,695. In that division the quota could vary from 4,120 to 2,736, so that in each instance those electorates are wrong, in that Nelson has 3,100 more electors than has Beverley, or more than twice the number. Neither of those districts has any considerable towns, the population being for the most part scattered. Taking the central goldfields area, the member for Kalgoorlie represents 3,410 electors.

Mr. Corboy: Very ably, too.

Hon. Sir JAMES MITCHELL: Politically we can disagree there, but the hon. member does his duty to the best of his ability. I am reminded of a remark made by Mr. Costello on one occasion when he wanted to be particularly nice. He said he could not wish me long life politically, but he did wish me long life and happiness apart from politics. In the same way I can wish the member for Kalgoorlie long life and happiness apart from politics but not as the representative for Kalgoorlie.

Hon. J. Cunningham: I do not think the wish would count for much.

Hon. Sir JAMES MITCHELL: I do not suppose it would make much difference. Compared with the 2,410 electors for Kalgoorlie, the Minister for Mines represents 648 electors, or only one-fifth of the number. The quota on the goldfields could vary from 4,102 as a maximum to 2,736 as a minimum, but for the agricultural area the quota would be 3,419. Menzies, which is a mining electorate and could hardly be expected to have the same quota as the central goldfields of Kalgoorlie and Boulder, has 266 voters and Kanowna has 1,541. There the electors might vary from 3,158 to 2,106, while the quota would be 2,632.

Mr. Corboy: Do you include my electorate in the goldfields or the agricultural area?

Hon. Sir JAMES MITCHELL: In the goldfields area. While under my Act we provided for those divisions, we allowed for a variation of one-fifth either way. In fact, there were only three different quotas, one for the metropolitan area, one for the outer mining area, and another for the agricultural area and the central goldfields, the central goldfields including the thickly populated towns. It is no one's fault that the number of electors on the goldfields has been reduced. It is due to the fortunes of war. When mining fields become depleted of gold the production falls off and the number of men employed decreases. If members opposite really believe that the present Act is not a good one, they should have risen in their places and told the country what they thought. I admit it was fought strongly by the opposition of the day, but it was passed into law, and has remained law for the past four years. During the last three years members opposite have been in power, and have had the opportunity to amend it if they so desired. The present position ought not to stand. Every

one admits it is wrong, and that we are shirking our responsibilities by allowing it to continue. Yet members opposite expect the public to be satisfied that we are doing our duty, when in fact we are doing nothing. We have no right to consider either individual or party feelings. It is our duty to do that which is fair by Western Australia. It is childish to say that because the Upper House is elected on a different franchise, it justifies the present Government in remaining idle. Of the 50 seats for this House very few conform to the conditions laid down by the Act, which is the law of the land. This House ought to agree to put the Commission into operation at once. What has the question to do with amending the franchise of another place? We have already passed a Bill amending that franchise. If it is rejected by another place, how can that excuse us for doing an injustice to the people by refusing to have a redistribution of seats?

Mr. Marshall: I have grave doubts about the Bill being rejected up there.

Mr. E. R. Johnston: It has been rejected.

Hon. Sir JAMES MITCHELL: What has that to do with it? It passed this House and went to another place. Cannot we remember how people flocked to the gallery when we were discussing the Bill I refer to, and when as the Premier was speaking they called out, "Give us work." That is the feeling throughout the country.

Mr. Sleeman: Will this motion provide work for people? If so, I will vote for it.

Hon. Sir JAMES MITCHELL: It will do justice to everyone, and as a result of that everyone will be provided with work.

Mr. Corboy: You think so, but when you sat on this side of the House you could not get your Bill through.

Hon. Sir JAMES MITCHELL: We did give work to the unemployed. In this country we want good government. What have the Upper House done to incense members so much? Without the Upper House all the power of Parliament would lie with an outside organisation, and there would be no means of controlling them. We in this House would be merely recording angels and nothing more. The Upper House protects the credit of the country. It stands for justice just as we do. Good government means work and opportunity for all. The Upper House certainly helps in the good government of the country. By our legislation, our methods, and our Govern-

ments, we should provide opportunity for work for all the people. By the Arbitration Court the people are protected in their work. We want to see the country progress so that the people who come to our shores can find profitable employment, and by their work circulate money which provides opportunities for everyone. By no other means can this be brought about. The Arbitration Court is designed to protect the worker and does its duty in that respect. We certainly do not want strikes and consequent unemployment. Members opposite also take that view. The duty of this House is clear, namely, to manage the affairs of this country and appoint men to govern it. We alone make and unmake the Governments, which are controlled by the authority of this House. In that respect the Assembly is superior to another place. We have the responsibility of appointing Governments, and we have appointed that which now occupies the Treasury Bench. We are entrusted with the duty of seeing that the Constitution is respected. Everyone in this Parliament is responsible for that. We amend the Constitution by the consent of both Houses of Parliament. No one else can do it. Are we going to shirk our duty and our responsibility to the people? When it comes to a question of amending the electoral boundaries and doing what we are pledged to do under the Constitution, the path of duty lies clearly before us. I hope that not one member will be found to vote against this motion. Surely every member is imbued with a sense of his responsibilities to the people.

Mr. Sleeman: That is why we intend to vote against the motion.

Hon. Sir JAMES MITCHELL: It is not a question of the individual or the party. It is a question of what is just and right for the community.

Mr. Marshall: Why did not your party put their Bill through? You had 32 on your side when you introduced your measure.

Hon. Sir JAMES MITCHELL: I needed 26 and did not get them. Had there been a block following of 26 I would have got it through. This is a party of free people. It is not a party of one voice that will swallow everything, whether it likes it or not.

Mr. Marshall: We will not swallow this.

Hon. Sir JAMES MITCHELL: One Minister said that if I had introduced this motion affirming the desirability of bringing about a redistribution of seats, he would have voted for it. Every member of the House would have voted for it, but there is a law on the statute-book that must be taken into consideration. This is the only motion I could submit to the House. The other motion would have meant nothing. If this is carried, the Commissioners will set to work and submit their recommendations to the House. It will then be the duty of the House to take them into consideration. I could move no other motion, and if I could I would move nothing else. I could not do less than move a motion that will put the Act into force. It is a perfectly fair and reasonable Act, and I think I have shown that quite clearly. I do not know how members are going to satisfy their consciences if they vote against this motion. Practically everyone agrees that the time for a redistribution of seats is overripe. I do not know how, by any stretch of the imagination, we can make anything the other place does an excuse for delaying this redistribution. Unless the matter is taken up fairly soon we shall not have time to adjust the boundaries, and do all that is necessary in connection with the new order of things. New rolls will have to be got out, and the people will require to have an opportunity to understand the new boundaries. They must also be given an opportunity to select their candidates for the next elections which are very little more than two years off. We must act now. The Premier has told his supporters that they are free to vote as they please. Every member must take the full responsibility for the vote he casts to-night. I hope the electors will understand the position, and that this is not to be a party vote. Members will have no excuse for voting against the motion, because they admit that a redistribution of seats is overdue. No one opposite has spoken against the motion, and we must take their silence to mean consent. I have endeavoured to show that the position to-day is absolutely unfair to the people, undemocratic in the extreme, and wrong from every angle. It should not be allowed to continue for five minutes. I hope members will realise their duty, and play their part by the country.

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

Ayes	..	..	..	17
Noes	..	..	..	23

Majority against .. 6

AYES.

Mr. Angelo	Mr. Maley
Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. Richardson
Mr. Davy	Mr. J. M. Smith
Mr. George	Mr. Stubbs
Mr. Griffiths	Mr. Taylor
Mr. E. B. Johnston	Mr. Thomson
Mr. Latham	Mr. North
Mr. Lindsay	(Teller.)

NOES.

Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Pantou
Mr. Cunningham	Mr. Rowe
Mr. Heron	Mr. Sleeman
Miss Holman	Mr. Troy
Mr. W. D. Johnson	Mr. A. Wansbrough
Mr. Kenneally	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Lutey	(Teller.)

PAIRS.

AYES.	NOES.
Mr. Sampson	Mr. McCallum
Mr. J. H. Smith	Mr. Kennedy

Question thus negatived.

House adjourned at 8.5 p.m.

Legislative Council,

Wednesday, 7th December, 1927.

	Page
Questions: "Koolinda" stranding ...	2416
State Insurance claims ...	2417
Bills: Hospitals, &c. ...	2417
State Children Act Amendment, request for Conference ...	2417
Audit Act Amendment, Assembly's Message ...	2417
Meekatharra-Wiluna Railway, 2s. ...	2419, 2420, 2482
State Children Act Amendment, Conference, Managers' Report ...	2428
Audit Act Amendment, Assembly's Message, Conference Managers' Report ...	2429, 2482
Parliamentary Allowances Act, 1s. ...	2437
Public Service Commissioner's Salary, 1s. ...	2437
Constitution Act Amendment (No. 2), 2s., Com. ...	2437
Hospitals, Assembly's further Message ...	2448
Leighton-Bobb's Jetty Railway, 2s. ...	2448

The PRESIDENT took the Chair at 3 p.m., and read prayers.

QUESTION—"KOOLINDA" STRANDING.

Denham Channel.

Hon. G. W. MILES asked the Chief Secretary: 1, Will he lay on the Table the report of and evidence taken before the Marine Court which inquired into the alleged negligence of the master of the "Koolinda" in navigating his ship, and also the report of and evidence taken before the Board of Marine Inquiry into the stranding of the "Koolinda"? 2, Will the Government take immediate steps to have the buoys in Denham Channel placed in the positions as gazetted? 3, Will the Government arrange with the Commonwealth Government to re-survey the Denham Channel forthwith?

The CHIEF SECRETARY replied: 1, The Marine Court which investigated the stranding of the motor vessel "Koolinda," and subsequently inquired into the alleged negligence on the part of the master, was appointed under the Commonwealth Navigation Act, and the Federal authorities, not the State Government, provided for the reporting of the case. 2, There is only one buoy in Denham Channel, the position of which is in dispute, and that is No. 3 buoy. Since the Marine Court inquired into the stranding of the motor vessel "Koolinda," endeavours were made to obtain the exact position of this buoy with the aid of the motor vessel "Koolinda," but she was unable to get close enough owing to there being insufficient water. No boats will be