(b) After the word "knowledge" in line 11 on page 2 there shall be added the words "not more than two of whom shall be members of the Public Service."

Amendment No. 2 shall be withdrawn.
Amendment No. 3 shall be accepted.
Amendment No. 4 shall be withdrawn.
Amendment No. 5 shall be withdrawn.
Amendment No. 6 shall be accepted.
Amendment No. 7 shall be withdrawn.
Amendment No. 8 shall be withdrawn.

I move—
That the report be adopted.

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

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

House adjourned at 5.57 a.m. (*Friday*).

Legislative Assembly.

Thursday, 16th September, 1948.

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

QUESTIONS.

ALBANY REGIONAL DEVELOPMENT.

As to report of Committee.

Mr. NALDER asked the Minister for Works:

(1) Has the Albany Regional Development Committee furnished a report?

(2) If so, has the Cabinet considered the report, and will the recommendations of Cabinet be given effect of the proposals?

(3) What progress has been made towards implementing the scheme?

(4) Will he lay on the Table of the House the Regional Committee's report?

The MINISTER replied:

(1) Yes; sectional report covering land development.

(2) Yes; Cabinet has approved of the report in principle.

(3) Soil surveys are to be made shortly of portion of the Crown lands referred to in the report.

(4) Yes.

HOUSING.

As to Damage to Commonwealth-State Rental Homes.

Mr. GRAYDEN asked the Minister for Housing:

(1) Is it a fact that tenants of Commonwealth-State rental homes have, in some cases, torn window sashes down for firewood, driven six-inch nails through the walls, and regularly cleaned the rooms by hosing them down?

(2) To what extent has damage of the above nature been effected?

(3) What is the maximum cost of damage that has been caused by any tenant of a rental home?

(4) Has the Housing Commission an officer who is responsible for keeping a check on the extent to which rental homes are wilfully damaged by tenants?

(5) Will he give consideration to the appointment of more inspectors as a check against damage of this nature, or alternatively, to ensure that existing inspectors maintain closer supervision?

The MINISTER replied:

(1) Not so far as the State Housing Commission is aware.

(2) Damage has been experienced in certain cases, but not to the extent set out in question No. (1). Damage has mostly been confined to walls, breakages of glass of windows, and of pedestal pans.

(3) Damage to the extent of £72 was caused in one particular case and the tenant was evicted.

(4) Yes.

(5) A certain amount of minor damage is inevitable where homes accommodate a large number of young children, but the State Housing Commission maintains adequate supervision. The care exercised by the majority of the tenants is appreciated by the Commission.

RAILWAYS.

As to Construction of Meltham Station.

Mr. GRAYDEN: asked the Minister for Railways:

When is it anticipated that the construction of Meltham Station will be completed?

The MINISTER replied:

It is expected that the contractor will complete his portion of the work by the end of November, and the whole should be completed by the end of December.

DIVORCE.

As to Five Years Separation Qualification.

Hon. A. H. PANTON asked the Attorney General:

(1) How many cases of divorce have been heard under the provisions of the Supreme Court Act Amendment Act, 1945?

(2) How many divorces, based on the five-year separation qualification, have been granted from the commencement of the operation of the above Act?

The ATTORNEY GENERAL replied:

(1) 494.

(2) 462.

"PILFERING."

As to Happenings in Middle Swan Electorate.

Hon. J. B. SLEEMAN (without notice), asked the Premier:

(1) Is he aware of the pilfering that is going on at Belmont, Ascot and Helena Vale in the electorate of the member for Middle Swan?

(2) If so, what does he intend to do about it?

The PREMIER replied:

I have no knowledge of the matter.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth) [4.35] in moving the second reading said: This Bill is submitted for the consideration of the House with a view to conferring upon the State Housing Commission and the Minister a certain discretion in the case of workers' homes erected north of the 24th parallel of latitude—in other words, in the North-West and Kimberleys. The 26th parallel of latitude runs a little below the town of Denham, in Shark Bay. The Bill will, therefore, cover that part of the State which includes practically all the townships that can be regarded as being in the North West or in the Kimberleys. Under the State Housing Act power is given for the erection of workers' homes. In order to qualify for a worker's home the applicant must, in the first place, come within the definition of "worker." In the parent Act that definition reads—

> Any person male or female who (a) is employed in work of any kind; and (b) subject to paragraph (b) of Section 60 and part VIII of the Act and is not in receipt of salary, wages or income exceeding £500 per annum at the time of his application under this Act.

There is a proviso as follows:—

> That where any person is the parent of any child or children under 16 years of age the limit of £500 aforesaid shall, for the purposes of the definition, be increased by £25 in respect of each such child or in respect of each of such children.

A further proviso reads—

> That the salary, wages or income shall not include overtime.

So applicants for workers' homes under the Act must be those whose income does not exceed the limits mentioned in the definition of "worker." There is a reference in that definition—by way of exception—to what is contained in Section 60 and Part VIII. of the Act. Section 60 refers to cases where the State Housing Commission erects houses under some Commonwealth scheme whereby the Commonwealth finds the money, and Part VIII. of the Act has reference to the same class of houses where the State Housing Commission is acting as agent or under an agreement with the Commonwealth by means of which the Commonwealth may be finding the finance. In those cases where the Commonwealth is involved it may be that it is prepared to find the money or to provide conditions which vary from those generally applicable to houses built by the State Housing Commission under State auspices.

Mr. May: Has the commission ever built houses up there?

The MINISTER FOR HOUSING: I am not sure of that. I now understand from the Premier a few have been built, but it is desired to build more homes up there and I will give some particulars to the House in a short time. In addition to the personal qualification necessary to obtain a worker's home, under which the applicant must be one whose income does not exceed a certain figure, it is provided that the cost of a worker's home must not exceed £1,500. The Bill proposes that where it is desired that the worker's home shall be built above the 26th parallel of latitude, a discretion should be given to the Minister and to the State Housing Commission as to the person who may be allowed to build, even although he may not come within the definition of "worker." Also, a discretion should be given to the Minister and the State Housing Commission for the £1,500 limit to be exceeded in the case of workers' homes built in that particular area of the State. Members will see that by the terms of the Bill Section 6 of the principal Act, which is the one that defines "worker," is amended by adding a further paragraph in these terms—

> or (c) is ordinarily resident north of the twenty-sixth parallel of latitude and, on the recommendation of the Commission and for reasons given by it in writing, is approved by the Minister as a worker under and for the purposes of this Act.

In those higher latitudes—and members who represent those districts I think will confirm this—by reason of overtime, special allowances and labour costs in remote areas, a man may be in excess of the limits of income which are set out in the present legislation. It may also be that the applicant, although in receipt of an amount in excess of the permitted income under the existing Act, is a person who should fairly and advantageously be allowed the benefit of building a worker's home. It is therefore provided that if the State Housing Commis-

sion recommends that any particular applicant should be allowed to be treated as a worker and gives its reasons for the recommendation in writing, and if the Minister approves of this recommendation, then that applicant may be allowed the benefit of a worker's home as is allowed a worker coming within the definition of the Act.

The Bill then goes on to say that Sections 26 and 40 of the principal Act are amended in each case by providing that where the proposed dwelling is situated north of the 26th parallel of latitude, the Minister, on the recommendation of the Commission, and for reasons given by it in writing, may approve of a building costing more than £1,500. Section 26 of the principal Act, which is proposed to be so amended, deals with pieces of land which are acquired by the Commissioner for the purpose of erecting workers' homes, and those workers' homes so erected by the Commission can be rented by it to people who desire to occupy them; but under the existing law the Commission, if it desires to build such houses, is not able to expend more than £1,500 on any house. Under this Bill, in the case of such houses the Commission will be allowed in this area to spend more than £1,500 in the erection of that type of house.

The other section of the principal Act proposed to be amended refers to cases where the applicant applies to the Commission for an advance of money to enable him to build a worker's home, and Section 40 provides that the Commission may not advance money to such an applicant to build a house which will cost more than £1,500. It is desired by this Bill that with the same concurrence of the Commission and the Minister, where an applicant north of the 26th parallel desires an advance to enable him to biuld a worker's home, such advance may be made by the Commission even though the cost of that home may exceed £1,500. The position of the area north of the 26th parallel is, of course, a special one. It is an area which is not in communication by rail with the southern part of the State. Therefore, all materials have to go by sea and transport costs are sometimes very high.

Mr. Smith: Sea carriage should be cheaper than rail.

The MINISTER FOR HOUSING: It may be, but I think the experience is that the costs of building in those areas are very much greater than they are in the southern part of the State.

Mr. May: Neither form of transport will be very cheap.

The MINISTER FOR HOUSING: It is desired to give some encouragement to the comparatively few people who live in that remote area to make themselves more comfortable, and to have better housing than they have at the present time.

Mr. May: Has the Commonwealth built any houses up there?

The MINISTER FOR HOUSING: The Premier tells me he understands that some Commonwealth rental homes have been built in the Carnarvon area. I have obtained some information. In Wyndham there is an urgent need for additional homes and so far the State Housing Commission, in conjunction with the Wyndham Meat Works, has erected a number of homes. These have been allocated to workers in the Wyndham Meat Works and therefore do not meet the needs of those in the town who are not employed by the works, but who are in need of housing accommodation.

Mr. May: Is Carnarvon, apart from Wyndham, the only town where any such houses have been built?

The MINISTER FOR HOUSING: I am sorry I have not the details of the erection of homes in the different towns of the North, but I think Carnarvon is the only town in which rental homes have been built.

Mr. Styants: Will the homes proposed to be erected be built suitable to the climate?

The MINISTER FOR HOUSING: Yes, they will be a special type. Onslow requires six homes urgently. Roebourne has submitted the claim of five applicants for workers' homes. In Derby four applications have been received for workers' homes, and in Carnarvon there is an additional move for workers' homes and 17 applications have been received. A contract was signed for building a home at Carnarvon, which is the nearest town of any size to the south, and the tender which was accepted was for £2,375. That was the offer received after calling for public tenders but, though the contract was signed, the contractor subsequently withdrew and refused to proceed. From that in-

stance alone, members will realise that costs in those areas are very high, and they are often higher still in a district like Derby or Wyndham.

The Housing Commission is now preparing special plans—this is an answer to the question asked by the member for Kalgoorlie by way of interjection—for a modest type of house suitable for North-West climatic conditions. The idea is not only to build a type of house fitted to meet the climatic and other conditions in those areas, but also to try to keep the cost as low as possible so as not to impose an undue burden on the building-owner. The plans are now being prepared, but an estimate of the cost has not yet been completed by the Commission. Where so far the Commission has attempted to get houses built in those northern areas and has called for tenders, it has, in a great number of cases, received no tenders at all, and if it had received tenders for workers' homes under the existing legislation, it could not have accepted any of them if the cost exceeded £1,500.

I think that, in an area which deserves consideration and where building difficulties are greatly accentuated as compared with southern parts of the State, this measure will enable the Commission to assist in a way it has not been able to do under the limitations in the Act with regard to workers' homes. In submitting the measure, I draw attention to the fact that the discretion regrading the applicant and the cost of the house must first of all be exercised on the recommendation in writing of the Commission setting out why the discretion should be exercised in favour of the applicant and, secondly, the Minister must concur in the recommendation of the Commission. I think that will be a safeguard against any lack of discretion being shown in the administration of these provisions.

The Bill is one that will assist the northern areas, as to which the Commission has felt considerable difficulty owing to the conditions prevailing there, and, if the House is prepared to accept the measure, we may have an opportunity through the Commission of getting additional houses built to meet the needs of people who live in those areas and who ought to be assisted to obtain reasonably comfortable houses constructed to meet the conditions of those latitudes. I move—

That the Bill be now read a second time.

On motion by Mr. Rodoreda, debate adjourned.

BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. V. Doney—Williams-Narrogin) [4.55] in moving the second reading said: This is a relatively small measure, but nevertheless an important one, particularly to builders large and small. Its purpose is very easily grasped. The object is to facilitate the building of small and reasonably small houses and thus to increase the number of homes available. This being so, the measure should appeal to all members, especially since it is intended also to do justice to recognised builders who have knowledge and ability sufficient to construct the smaller type of house, but insufficient to tackle the job of erecting a larger and more expensive type.

It might be well to refresh the minds of members with a few of the basic provisions of the Act which, incidentally, was introduced in 1939 by the member for Perth. Contrary to what is thought by some people, the Act operates, not in the country districts, but only in the metropolitan area which, in this case is that area covered by the operations of the Metropolitan Water Supply Act. However, there is provision to bring in by proclamation any town or group of towns in other parts of the State. If other rural towns have been included, they may similarly by proclamation be cut out.

A person who is not registered as a builder may not construct a building worth more than £400. The registration board consists of Messrs. A. E. Clare (chairman), W. L. Brine, J. P. Murray, J. Coram and A. B. Winning. When the member for Perth, in Committee, was dealing with the measure, he found it desirable, having noted the general sense of the Chamber, to move that a limit of £400 be provided, and very wisely, in my view, members agreed with him. At present, the amount which an unregistered builder may not exceed is set at that figure.

The member for Perth, in common with myself and most people interested in the matter, is of opinion that the board has done good work. From inquiries I have

made, I believe it has not been in any way officious, but has aimed at creating a good understanding and a feeling of friendliness between it and the builders in the settlement of such relatively small differences as have arisen. On very few occasions has it been necessary to invoke the intervention of the law. That is a particularly good record.

Before I touch upon the three or four amendments envisaged by the Bill, I should like to explain that the board, after an experience extending over some nine years, is satisfied that the registration of builders in the metropolitan area is a good thing for the State. Whether it is a particularly good thing for the builders is more than I can say. They claim there is a general improvement in the standard of building work in the metropolitan area; that there is a much more faithful observance of the requirements of contracts and of the specifications that go with them. They also say there is increased honesty in dealings as between builders and their clients. From the observations I have been able to make from time to time, I would say that the Builders' Registration Board is justified in making those claims.

The principal amendment is one to increase the maximum value of £400, for which the member for Perth was responsible, to £600. The increase is undoubtedly justified by the rise in the cost of labour and materials plus, I suppose, the expensive effects of the 40-hour week. I favour this increase for a variety of reasons. One is because it has the merit of fair play, and another is that the tendency of the change will be to increase the building rate for small houses; although it would not operate in that direction to any great extent. The idea of submitting a Bill of this kind came from the Returned Soldiers' League. Subsequently there attended upon the Premier a deputation of ex-Servicemen, as a result of which the measure is now introduced. I cannot help thinking that members generally will be anxious to heed the appeal of the Returned Soldiers' League and other returned Servicemen's bodies associated with them. It can be readily seen that the £400 limit that prevailed in 1939 is equivalent to £600 today. It may even be equivalent to a little more; but in round figures an increase from £400 to £600 is amply justified.

Mr. Needham: I do not think it has increased that much.

The MINISTER FOR WORKS: If the hon. member had been one of those many people in need of houses and had been successful in having one built for him, I imagine he would be fortunate indeed if he obtained it for a price less than 50 per cent. above that which he would have had to pay for such a home in 1939.

Mr. Styants: I think that £750 would be nearer the cost.

The MINISTER FOR WORKS: I think that possibly even that rise might be justified, the facts being as I understand them to be. However, I had no desire to submit a figure that might have offended the sense of fairplay of certain members. I know that the member for Perth sees merit in consistency; and the views of some of his colleagues being what they are, I cannot see that he can reject an increase of 50 per cent. in the maximum. I think that the case for the increase that I have made out is so strong and well understood that there is no need for me to spend any more time upon it.

There is a further small amendment requiring a sign-board or notice-board, containing the name and the registration number of the builder, to be erected somewhere in the vicinity of the work being undertaken. I believe, without being sure, that this is done by practically all builders. In any case, I would regard it as quite the proper practice; because every now and then minor troubles, such as infringement of this regulation or that, make it necessary for an inspector to get quickly in touch with the builder concerned. If the name and registration number and, I suppose, the address of the builder were visible in the manner suggested, the job of the inspector would be eased considerably. Most builders, too, would regard the advertisement thus secured as of material value. So I hazard the opinion that no hardship would be put on any builder in requiring him to have such a notice-board erected.

Mr. Smith: Would such a notice-board have to be erected on every house that was being built? Some of them build ten houses at a time.

The MINISTER FOR WORKS: It would be essential for a board to be erected at each place. I do not think that would impose any hardship.

Mr. Styants: If he were doing a good job, it would be a good advertisement.

The MINISTER FOR WORKS: Yes. A person requiring the services of a builder and travelling past the place in course of construction would say, "There is work that seems to suit me. I will get in touch with the builder." The name on the notice-board would facilitate this. There is another small amendment—there are only five in all—which requires the imposition of a further penalty. The existing penalty is for a breach of the provisions in that section of the Act which deals with the prohibition against unregistered builders. The first offence carries a penalty of £20. The second and subsequent offences carry a minimum penalty of £20 with a maximum penalty of £40.

Members will notice that in the section no provision is made for a continuing offence. A man might be guilty of the offence to which I am referring and might be punished for it. But the offence might be continued over a matter of days, in which case I think it proper that what is termed a continuing penalty should be applied. Those are all the proposed amendments to which reference need be made. I hope the House will find the Bill acceptable. I see nothing wrong with it; but, if there is anything that does not meet with approval, the matter can be dealt with at the Committee stage. I move—

That the Bill be now read a second time.

On motion by Mr. Needham, debate adjourned.

BILL—WESTERN AUSTRALIAN MARINE.

Second Reading.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth) [5.11] in moving the second reading said: This Bill looks rather formidable but it is not as formidable as its appearance might suggest. It is mainly a consolidation Bill, dealing with navigation from point to point in this State and with boat licensing and certain other marine provisions. At present the law on this subject is contained in 12 State Acts and also in the English Merchant Shipping Act, which has been made applicable in our State by an adopting Act of our own Parliament. In 1946 the member for Kimberley, as Minister for the North-West, acting on behalf of the then Government led by the member for Gascoyne, gave instructions for the preparation of this measure to consolidate the existing law on the subject and to incorporate certain amendments which were long overdue. The present Government concurs entirely in the view taken previously that this legislation is due to be consolidated and reviewed, and the present Bill is the result.

The legislation is necessarily comprehensive, in that it now incorporates in one measure what is at present contained in 13 Acts of Parliament including one British Act; and I think appreciation might be expressed to the manager of the State Harbour and Light Department, Mr. Forsyth, and the Parliamentary Draftsman, Mr. D'Arcy, for the time and consideration given to the preparation of the measure. The Bill will be called the Western Australian Marine Act. That is a new title and has been applied so as to avoid confusion with the Commonwealth Navigation Act. At present, under our State law, we operate under what is termed the Navigation Act, which was proclaimed 44 years ago. With the exception of a certain number of amendments, the law is substantially the same in this State as it was in 1904; but since that time there has been a rapid advance in maritime matters. From the point of view of administration, it is found to be unsatisfactory to endeavour to work under a law which has been passed so long. Therefore, this measure brings the existing legislation up to date.

It was thought that the best idea would be to repeal all the existing Acts and to bring in a single measure which could be referred to readily by the department and others concerned with it. The original State Act—our Navigation Act of 1904—was drawn up to legislate for foreign-going, interstate and intrastate shipping as, in those days, the Commonwealth had not intervened as it did later when it passed the Commonwealth Navigation Act. That measure took over control of foreign-going and interstate shipping so that any references to such shipping in our State Act of 1904 thereby became redundant.

The Bill confines itself to shipping from point to point on the coast of our State, and river and harbour vessels operating in our rivers and harbours. It is based on our existing State legislation, where still applicable and appropriate, and partly on the pro-

visions of the South Australian Marine Act, 1906, the Queensland Navigation Act Amendment Act, 1909, the New South Wales Navigation Act, 1901-1935, and the Commonwealth Navigation Act, 1912-1935. It is aimed at preserving a certain uniformity with Commonwealth legislation and that of the other States. In addition, certain clauses have been incorporated to put into effect the decisions of various international conventions regarding shipping, and the recommendations of interstate conferences of harbour authorities to which this State and country have been parties. I feel that it would not be appropriate at this stage to deal with the individual clauses of the Bill in great detail.

Members will desire to read the measure, and it may be more convenient to go into detail when we are in the Committee stage, but I shall refer to the parts of the Bill. Part I deals with certain exemptions. The measure does not apply to naval ships—that is ships of the British and the Australian Navies, and those of other countries. Apart from that, it does apply to ships owned by the Crown operating in our State waters. This Part also includes the interpretation clause, in which the definitions have been extended and brought up to date as compared with the legislation now in force. Part II deals with the general provisions. It contains directions as to the administration of the Act and the department charged with the administration, sets out the powers and duties of the department and provides that its officers, in proper cases, shall have power to inspect the logs of ships and to muster the crews. They have powers, generally, of inspection in order to see that the obligations imposed on shipowners under this measure are carried out.

There is also general power to make regulations for the purposes of the administration of the Act. Part II. is mostly taken from the existing State legislation, with certain additions which have come from the South Australian Marine Act, 1936, one of the most modern Acts of the States with regard to shipping matters. Part III. deals with examinations and certificates. These are certificates of competency, and the examinations are to qualify those who apply for such certificates. The classes of certificates have been extended beyond those in the existing legislation to provide for a third-class engineer for motor ships. Only certificates for steam engineers are mentioned in the present legislation. Further, marine motor engine-drivers' certificates have been limited as to horse power in view of the provision of the new class of certificate for a third-class engineer for motor ships.

This Part also provides for the number of officers and engineers to be carried on ships operating on our coast. The number of officers is increased over those in the existing Act, to conform to the requirements of the Commonwealth Navigation Act, thereby securing a certain uniformity. The number of engineers has also been increased, after consultation with the engineer surveyor and examiner. The Part is designed to cover the modern class of vessel likely to be operating in future on our coasts. Part IV. deals with the survey of ships operating intrastate, and in our harbours and rivers, and engaged in trade or commerce. In general, the sections in this Part are similar to those in the existing Act because it has been thought that the present measure sufficiently covers the requirements of our coast, and harbours and rivers. A departure has been made here from the existing law in respect of renewals of certificates of seaworthiness.

We have adopted a provision of the South Australian Marine Act, 1936, which requires that a certificate of seaworthiness, which is issued annually, must be renewed before the old certificate expires. At the present time, the certificate need not be renewed until up to six weeks after its expiration. Modern practice is to ensure that a ship shall have a continuous survey of seaworthiness with no lapse between the expiry of one certificate and the survey and issue of a certificate of renewal. To conform to a decision of the interstate conference of Australian harbour authorities, a new clause has been placed in the Bill to make necessary the provision of oil separating equipment on new oil-burning and oil-carrying vessels, above a certain limit. The object of this is to minimise pollution of restricted waters by the escape of oil. Also in this Part are included provisions as to the limit of the number of passengers to be carried for safety purposes: the powers and duties of surveyors of ships; the duties of owners: fire precautions and necessary signalling apparatus.

Obligations are imposed on owners to ensure that their ships are surveyed for seaworthiness within the prescribed time. Part

V. deals with safety and prevention of accidents. This Part has been remodelled on the lines of the South Australian Marine Act, 1936, to bring our laws into conformity with marine practice in this respect. A new clause has been added, based on the New South Wales Navigation Act, and conforming to the requirements of the Commonwealth Navigation Act, to provide for the installation of wireless telegraphy on certain classes of ships. This provision was also a recommendation of the Geneva Conference, to which this country was a party. Another new provision deals with the carriage of dangerous cargoes. It is designed to meet modern conditions and, is based on the South Australian Marine Act. This is a means by which ships' crews and passengers may be safeguarded when a vessel is carrying a dangerous cargo, such as petrol. Further, the deck and load lines provisions have been remodelled on the South Australian Act and now embody the requirements of the various international load line conventions where they apply to ships of the class covered by this measure.

In addition, there is a new clause, based on the South Australian legislation, which embodies the international regulations for the prevention of collisions, as to lights to be carried by ships and signals to be made. The general effect of this Part of the Bill is to bring the legislation on this subject in Western Australia in line with the accepted practice and law in the other States, and with the international convention agreements which this State, as a party, agreed to adopt, but in many cases has not actually done so. Further provisions in this Part include the constitution of courts of surveys, procedure for detaining ships which are considered to be unseaworthy: provisions regarding the matters I have mentioned, such as dangerous goods, load lines, deck lines and regulations for preventing collisions, and for seeing that there are lights and means of signalling. Part VI. deals with investigations and inquiries into casualties, incompetence and misconduct. This Part, which establishes courts of marine inquiry and sets out the jurisdiction they are to possess, has been modelled on the South Australian Marine Act, although certain sections of our existing law have been retained.

Part VII. deals with the engagement, discharge and conditions of employment of seamen and others. This is an entirely new Part. Previously, these matters were covered by reference to Part II. of the Merchant Shipping Act of England which had been made applicable by an adopting Act in our State. It is unsatisfactory to have to refer to an Imperial Act, so provision has been made in this legislation for the re-enactment, as State law, of the provisions of the Merchant Shipping Act of England, and the Commonwealth Navigation Act and also for the embodying of the recommendations of various international labour conventions at which this country was represented. In 1939 the State of Queensland re-modelled its own legislation in this respect and this Part in the measure now before the House, has been modelled on sections of the Queensland Navigation Act Amendment Act, 1939, and the Commonwealth Navigation Act, 1912-1935.

Members, I think, will be familiar with a good deal of what is contained in this part, but I may mention that it deals with such matters as shipping masters, minimum age for employment at sea, medical examination of young men before they go to sea, the necessary complement of crew for a ship, the form of the agreement which a seaman must sign, the method of discharging a seaman, matters relating to conduct of seamen which may endanger life, vessel or cargo, smuggling by crews, desertions by seamen, stowaways, bad provisions supplied on the ship for seamen's consumption, bad water supply, and embodies a statutory scale of provisions for the consumption of seamen. It also provides for the medical examination of seamen and the scale of medicines which must be carried on a ship. It makes the owner liable for medical attendance to seamen and provides for accommodation of officers and deals with requirements regarding the log-book and official log of ships. It also contains provision as to the disposal of the effects of deceased seamen.

I turn now to Part VIII. of the measure. The existing Act deals only with vessels trading on the coast and harbour and river vessels engaged in trade or commerce and propelled by motive power other than oars or sail. Harbour and river vessels plying for hire or engaged or let for hire or reward, are now under the jurisdiction of honorary boat licensing boards constituted under the various boat licensing Acts dating back to 1897. Owing to the difficulty of obtaining

people to serve on these honorary boat licensing boards, the measure provides that this aspect of shipping shall in future come under the control of the Department of Harbours and Rivers. Under the measure all craft engaged in trade or commerce or engaged or let for hire or reward irrespective of their motive power, are brought within the Bill. By this means all the various Acts dealing with boat licensing are being done away with.

At the present time no control exists on boats which are let out with flats, cottages or camps at seaside and holiday resorts. It has been found that in a number of instances these vessels have been in an unseaworthy condition and dangerous to the lives of those who use them. Vessels of this kind are to be brought under the supervision of the Act. No legislation exists in this State for the control of vessels engaged in fishing, whaling and pearling so far as their seaworthiness is concerned, or so far as they are required to carry life saving equipment. As, in recent times, there have been large and high-powered vessels engaged in fishing, pearling and whaling off our coasts, and more of these vessels are likely to be so engaged, this measure brings such vessels under its jurisdiction in order to ensure that they are seaworthy and that they carry the necessary lifesaving equipment and apparatus to make signals in case of distress.

The matter of some control over the seaworthiness of vessels engaged in coastal fishing, whaling or pearling was discussed at the last interstate conference of harbour authorities and all States favoured the enactment of legislation to control these vessels, as far as seaworthiness is concerned. This provision has been incorporated in the present Bill after consultation with the Chief Inspector of Fisheries of this State. Further, this Part provides for some control from the point of view of seaworthiness or danger to life of vessels which are privately owned. It is applicable to boats which are not engaged in trade or let out for hire, but which are used by people for pleasure purposes. These vessels could be a definite danger to those who use them, and provision is contained in the Bill under which there may be some direction and supervision in the case of privately-owned boats which are used for pleasure where they are of such a nature that they may be a menace to the safety of those aboard them.

The last part is that usually termed "miscellaneous" and covers the legal procedure to be observed in carrying out the provisions of the Bill. It contains certain evidentiary clauses and penalties and powers to search vessels. It is felt that the time is overdue for the incorporation in one measure of provisions which in a number of cases are out of date and in any case are now the subject of 13 different Acts and, if the House feels that this measure is worthy of adoption, as I think it is, it will make a contribution to the work of those engaged in these matters. It will also be of considerable assistance to the general public. I move—

That the Bill be now read a second time.

On motion by Hon. A. R. G. Hawke, debate adjourned.

BILL—NORTHAMPTON LANDS RESUMPTION.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [5.39] in moving the second reading said: This Bill is being brought down to deal with a rather unusual case. In March, 1947, the member for Leederville, while on a visit to the Northampton area, was approached by the Northampton Road Board on a certain matter and he instituted inquiries in the Lands Department. From then on the case has developed. The purpose of the Bill is to resume certain freehold land in the Northampton road district in order that it may be thrown open for selection and cultivation. The land comprises Victoria Location 27, 37, 183, 324 and 325, and contains an area of approximately 376 acres, 36 perches, and is known as "Copper Estates." When I was travelling through Northampton early this year I received a deputation from the local branch of the R.S.L. which pointed out to me that it was desirable for the Government to take over control of the land I have mentioned in order that it could be subdivided and made available to people in the Northampton district. This estate borders on the west side of the town, and areas of it are most suitable for home building and could be subdivided into lots of a size that would allow the men working in the district to build a home, keep a cow and probably grow vegetables.

Both the Northampton Road Board and the Northampton branch of the R.S.L. have

made requests for this land to be thrown open for selection, for the purposes I have mentioned. As the result of an inquiry by the Northampton Road Board, the secretary to the Agent General for W.A. in London forwarded the following particulars on the 4th February last year, which he had obtained from the registrar of companies. The land was held by a company known as Copper Estates, the directors being James Barrie, Chairman, of 78 Lowther Street, Carlisle, and W. Fairlie, Clarkson, Oswald Street, Glasgow. This company was changed to "Base Metals and General Development Limited" on the 10th August, 1925, and was subsequently dissolved on the 20th January, 1933.

When Base Metals and General Development Ltd., was formed on the 10th August, 1925, the previously mentioned gentlemen, together with Baron Napier and Etterick, Thirstane, Castle, Atterick, Selkirk, and James Nelson, 15 Fawcett Street, London, S.W.10, were shown as directors. Some time later Barrie and Smith apparently dropped out, leaving the latter as directors. A search of the Companies Office reveals that "Copper Estates of Western Australia Limited" was registered as a foreign company on the 18th December, 1903, with its registered office in Western Australia at the offices of Nicholson and Hensman—now Nicholson and Nicholson—but no further records have been filed since the year 1904 and the company is still on the register. No record at all appears of Base Metals & General Development Ltd. A search at the Titles Office reveals that a power of attorney was granted by Copper Estates of W.A. Ltd. to John Nicholson, of Messrs. Nicholson & Nicholson, Solicitors, Perth, on the 14th January, 1926.

Hon. A. H. Panton: John died.

The MINISTER FOR LANDS: Yes. The originating Crown grants reserved to the Crown the rights over gold, silver and other precious metals. The lesser minerals would be the property of the owner of the land. Every effort has been made to obtain from these solicitors information regarding the owners and as to whether they desire to sell the estate, but in each instance the correspondence has been ignored. That is one of the problems we are up against. In the ordinary course of business and in making the requisite inquiries, the Lands Department has written to this particular firm on two occasions asking for particulars and intimating that it would be glad to discuss the question with them and negotiate for the purpose of securing the land, as I have indicated.

Hon. A. H. Panton: That is, Nicholson and Son.

The MINISTER FOR LANDS: Yes, or, as the firm was later styled, Nicholson and Nicholson. That correspondence, as I have already mentioned, was ignored. That made it necessary for the Government to introduce this legislation in order to acquire power to resume land for the purpose I have outlined. A classification has been made and the land is quite suitable for cultivation. Its use is urgently desired by people living in the Northampton district, and I feel sure that the area should not be tied up any longer but should be made available to those desirous of taking up blocks there. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott-North Perth) [5.47] in moving the second reading said: As members are aware, there exists a Commonwealth law known as the Pharmaceutical Benefits Act, 1947, under the provisions of which the Commonwealth is empowered to enter into arrangements or contracts with chemists for them to supply medicine to persons to whom medical prescriptions have been issued in accordance with the Act, and that when such persons have been supplied, the chemists are paid for the medicine supplied and services rendered, by the Commonwealth.

Mr. Hegney: But the doctors are on strike!

The ATTORNEY GENERAL: A query has been raised as to whether, if any such arrangement were entered into by a member of Parliament in this State, it would bring him within the provisions of Sections 32 to 35 of our Constitution Act, which would disentitle him to hold his office.

Mr. Needham: Is it not better to get people to obey the law first?

The ATTORNEY GENERAL: This applies to chemists.

Mr. Needham: I thought you might be dealing with the B.M.A.

The ATTORNEY GENERAL: In view of the query raised, it was thought advisable to secure the opinion of the Solicitor General on the matter, which I shall place before members. The Solicitor General's opinion is as follows:—

In my opinion an M.L.A. who becomes an "approved Pharmaceutical Chemist" within the meaning and for the purposes of the "Pharmaceutical Benefits Act, 1947," may automatically vacate his seat in Parliament. Our Constitution Acts Amendment Act, 1899, Sections 32 to 38, appears to contemplate two classes of persons as follows:—

(a) Those who have a contract, agreement, or commission with "the Government of the Colony," and

(b) Those who hold "an office of profit under the Crown," subject to certain exceptions.

At first sight it would seem that an approved chemist under the Act would be one who held *a contract with the Commonwealth Government*. If that is what Mr. —— has (i.e., if he has merely a contract with the Commonwealth and does not hold an office of profit under the Crown) it would seem that Sections 32 to 35 of the Act would not apply to him. The sections appear to refer only to contracts with the Government of the Colony, i.e., the State of Western Australia, whereas a contract between a chemist and the Commonwealth is a contract with the Crown in right of the Commonwealth. It is to be noted that the 1945 amendment to our Constitution Act is merely an amendment of Section 35 of the Act and relates only to contracts or agreements with the Government of the State. It is as well for Mr. —— that this is so, as the 1945 amendment would only protect Mr. —— "where there is no other person carrying on the same kind of business" as Mr. —— in the town or portion of the State where Mr. —— carries on his business.

It seems quite possible, however, that an approved chemist holds an office of profit under the Crown. The first point to decide is whether the reference to "Crown" in Sections 37 and 38 (6) refers to the Crown in right of the State only or includes the Crown in right of the Commonwealth. In view of—

(a) The references in previous sections to "the Government of the Colony" and the sudden change to "the Crown" in Sections 37 and 38 (6);

(b) The adoption of the phrase "an office of profit under the Crown" which had already a well recognised meaning in English Law since the Statute of 1707 (6 Anne, c. 41 s, 24).

(c) The exception in favour of "an officer of Her Majesty's sea or land forces on full, half or retired pay,"

I incline to the view that the word "Crown" must include the Crown in right of the Commonwealth.

The next point is whether an approved chemist would hold "an office of profit" under the Crown. At first sight it would seem that he would not hold any "office" at all but would merely have a contract or agreement with the Commonwealth. However, the reasons given by Mr. T. W. Smith at page 3 of his opinion hereunder show a strong argument for holding that that approved chemist would occupy an office of profit under the Crown in right of the Commonwealth. It was held in re Louth, Nell v. Longbottom, *1894*, 1 Q.B. *767*, that a person appointed a chemist to a town council holds an office or place of profit in the gift of the council and has a contract or employment therewith, although his only emolument has been profit on four pennyworth of oil supplied by him to the council's fire brigade. It is difficult to distinguish between an appointment of a chemist to the council and the appointment of an approved chemist to the Commonwealth.

I may say that I, too, incline to the view that the word "Crown" includes "the Crown in right of the Commonwealth." In view of the advice of the Solicitor-General it was deemed advisable that this point should be cleared up, and that is the sole object of the Bill. It provides that there shall be an additional exception to the ordinary provisions of the Act disentitling a member of Parliament to hold office. In addition to dealing with the position of a pharmaceutical chemist, provision is also made to cover medical practitioners who may be brought under Section 11 of the Pharmaceutical Benefits Act. It will be noted, therefore, that although I have made particular reference to a chemist entering into an arrangement with the Commonwealth, provision is also included in the Bill likewise to deal with medical practitioners. I move—

That the Bill be now read a second time.

On motion by Mr. Read, debate adjourned.

BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 14th September.

MR. SMITH (Brown Hill-Ivanhoe) [5.56]: It would be much easier for me to sit down and let this measure go through

without any opposition than to essay the difficult task of trying to defeat it. Was not this measure passed 33 years ago?

The Minister for Lands: I think it was in 1915.

Mr. SMITH: Has it not been before this House on about 30 different occasions in the last 30 years?

Hon. A. H. Panton: Yes, every year.

Mr. SMITH: Has it not been continued as the result of decisions of this Parliament, with little or no debate on each occasion? It reminds me of a story I once heard about an Australian soldier who, when he was in Palestine, was shown a lamp that he was told had been burning for 2,000 years. He blew it out, saying, "It is about time it went out."

The Minister for Railways: Then we have a lot of leeway to make up with this!

Mr. SMITH: I think it is axiomatic that legislation which confers benefits or advantages on one section of the community at the expense of the rest of the community, and the rest of the community cannot share in those benefits and advantages in similar circumstances, is not good legislation. Certainly it is not legislation that should be made a permanent feature of our statute book. The Minister for Lands, in introducing this measure, conveyed to me that he held the opinion that it had got into the category of measures, the necessity for the existence of which was so obvious as not to require any discussion. I propose to discuss the Bill because I think the House should take a much greater interest in it than it has on previous occasions, and because members are entitled to know a lot more about it than the Minister has told us.

Almost invariably we are informed that this is a simple measure. The Minister on the other side of the Chamber smiles benevolently at some member on this side, and someone on this side smiles knowingly as though to convey to members that he knows all about the ramifications of this legislation, its benefits and advantages, how necessary it is, and all the possibilities under the Act and all the things that have occurred under it. Those of us who are not so well informed of the incidence of the measure just sit here and marvel at how much the Minister and his counterpart on this side of the House know about it. Not only the present Minister but all Ministers almost invariably have, in introducing these continuance Bills, adopted the attitude that there is no need to say anything in their favour and that nothing can be said against them. So the practice has continued from year to year with very little reference on any occasion in 30 years to the provisions of the principal Act.

The Minister on this occasion has certainly not told the House anything that would justify the continuance of this legislation. Surely the five years' extension proposed in the Bill warrants some comment on his part and some reference to the history of this legislation, and the changes that have taken place in it since it was placed on the statute book. I ask the Minister whether he has jurisdiction over the Rural and Industries Bank in association with his portfolio, and whether this Government agency, known as the Industries Assistance Board, has anything to do with the Act governing the bank. I am entitled to take up the attitude that I know nothing about the measure because, although I have been in this House for 16 years, I have never heard it discussed intelligently, efficiently or exhaustively, certainly not in such a way as members could be informed upon it. What did the Minister mean when he said, in 1947—

> The Commissioners have, as security, a statutory lien against the proceeds, etc., and a caveat against the land, and in the absence of this Act the security would be lost.

Who are the commissioners to whom he referred? What kind of statutory lien is it that is cancelled out, or would be cancelled out, in the absence of the continuance of the Act? Is the statutory lien a valid legal document that would be nullified if this House dropped the continuance of the Act? Would the caveat against the land become useless, after having been lodged and registered at the Titles Office, without the security of the continuance of the Act? What sort of statutory lien and caveat was the Minister talking about? What happened to the securities under Section 24 of the Act when that section was repealed by the Rural and Industries Bank Act? Did they go bad as a result of the repeal of Section 24? Of course, this story has been put up to the House year after year in connection with these continuance measures.

Every member has been asked to swallow them; but, as far as I am concerned, the Minister can tell it to the marines.

Mr. Bovell: You have swallowed these Bills on other occasions, evidently.

Mr. SMITH: I know I have, and I should have been put out of Parliament for neglect of my duty. What are the ways and means which were mentioned by the Minister in 1947 by which he said the Treasurer could delegate to the commissioners his direction to make moneys available to farmers who would become eligible under the Act? What is the meaning of that cryptic language? I do not understand it, but it seems to indicate that the Treasurer, in respect of the funds associated with the Act, must have extraordinary powers. It would appear to be an instance of the kind of interference by the Treasurer—or of the growing power of the Treasurer over governmental activities—referred to by Professor Copland lately, whose remarks were published in yesterday's issue of "The West Australian." The report is as follows:—

> Professor Copland's criticism of the Treasury Department's influence on public policy was supported today by the Leader of the Country Party (Mr. Fadden). He said that the practice of Treasury sanction before other departments incurred expenditure had grown very widely. For instance, the greater part of the huge payment on subsidies was made in this way. There was no limit to the manner in which the system could be developed. Mr. Fadden added that the Treasurer was allowed to incur expenditure for contingencies without advance detailed authorisation by Parliament.

Mr. Fadden evidently does not have to go to the Commonwealth Parliament to find instances of the growing power of the Treasurer over governmental activities. I shall have more to say later in respect of the Treasurer's influence and power in connection with a measure of this description. Originally, the parent Act was passed to meet an extreme emergency arising out of droughts in 1913 and 1914; and, as farming was in its infancy in this State at that time, it was probably justified. I have heard something about the droughts in those years, because I have a friend who was a farmer and who knows something about farming operations in 1913, as he was one of the victims of the drought of that and the succeeding year. After that, his experience was that he had 17 good seasons in succession. He has retired and I know still owns the farm, worth £15,000. The Act then provided, and probably justifiably so, that no advances were to be made under the legislation after the 31st March, 1917.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. SMITH: Before tea I was pointing out that the Industries Assistance Act originally provided that no advances were to be made under the legislation after the 31st March, 1917. By that date this Utopian measure for the provision of funds to farmers and others without security was too well-known to be readily jettisoned, and therefore it was extended for another year. That went on year after year and in 1940 the present Minister for Works said—

> In 1915 when the original measure was enacted there was no man, I dare say, so pessimistic as to even envisage the bare possibility of this assistance machinery being required for 25 years. The plight of the farmers is as desperate today as it was in 1914-1915.

Each year this Act has been extended, and each year it has been argued that its future is essential to ensure the recovery of its past. In my opinion it is a socialistic measure. It might be a hybrid form of socialism, but it is definitely socialistic. It sets up a Government agency under which the community as a whole comes to the aid of a section that is in need of help. Not only does the Government hold the ring for private enterprise, but under this Act it holds the coats of the enterprise as well. Under it a premium is put upon inefficiency and all the commissioners have had to do is to hand out money to doubtful ventures that the commercial banks would not look at. Furthermore, in coming to the so-called rescue of these hopeless enterprises it has concurrently come to the rescue of private financial institutions, whose recovery of advances from their clients depended to some extent upon the measure of assistance that those clients received from the Industries Assistance Board. In 1940 the then Chief Secretary, Mr. Kitson, said in another place—

> There are hundreds of instances where the financial institutions have reached the end of their tether regarding some clients. The farmers have approached the Industries Assistance Board and the private institutions have only been too glad to agree to the proposals submitted by the Board.

I imagine they would be only too glad that the Industries Assistance Board came to the rescue of the farmers and gave the dead security a blood transfusion from Government funds under the Industries Assistance Act, not a blood transfusion containing the R.H. factor, but one containing the £ s. d. factor. We hear a lot about private banks these days, and have heard much about them for some time past, and about how if one could not get accommodation from one of them it could probably be got from another. The Act that we are now asked to continue is for the benefit of impecunious adventurers into agriculture who can borrow on neither tangible nor moral security. Some part of the Act provides also for impecunious manufacturers such as jam makers who wish to try to buck Henry Jones & Company out of the Western Australian market, so long as the Government of this State is willing to take the financial risk involved. The Act is not for those whose prospects of success are even remotely rosy —not now, at all events. I underline those words. The Act is for those who invariably find themselves down among the other starters. The then Minister for Lands, Mr. Troy, said of this Act in 1933—

> This Act is imperative if the Department is to provide assistance for settlers for whom adverse conditions have closed other avenues of credit.

In 1937 he said—

> This is the usual Bill for the continuance of the Industries Assistance Act which is designed to empower the granting of assistance to settlers who have not succeeded in their operations and have no security at all. The security is already mortgaged up to the hilt and the bank is not able to make further advances to meet the emergency.

In 1941 it was said that for the financial year 1939-40 advances totalling £12,000 were made, and that in the previous year it became necessary to make advances to farmers to whom assistance had been refused by the first mortgagees. In introducing this measure the Minister spoke about statutory liens over both the proceeds and the "etc.," as well as a caveat on the land. There was a time in the history of this Act—and a number of others still more or less in existence—when money could be obtained in the shape of advances, and some of the boards controlling Government agencies did not know what others of them were doing. It is on record that a man bought a property at a certain price from the Agricultural Bank, only to find later that as much as he had already paid was still owing to the Lands Department, in spite of the fact that the Agricultural Bank had conveyed to him the idea that the sum it asked for the property was the price free of all other encumbrances.

These Government agencies were ultimately brought together because of this curious condition that existed in connection with them. In 1945 the then Chief Secretary, Mr. Kitson, said that losses under the Industries Assistance Act to that date totalled £2,910,036, representing—at 4 per cent.—£120,000 per annum going down the sink from the Treasury. That was part of the non-productive debt mentioned by the Leader of the Opposition during the debate on the Supply Bill. The Premier asked "What is this non-productive debt?" This is part of it. The losses that have been written off under the Industries Assistance Act are part of it, and they must be considered in conjunction with the Agricultural Bank. In 1944 the then Premier, Mr. Wise, referring to the Agricultural Bank, said—

> The amounts outstanding in 1935 were £16,523,000 but since then £7,659,161 have been written off and the amount outstanding in 1944 is £9,771,000.

Those figures quoted in 1944 by the Leader of the Opposition, then the Premier, show that the Agricultural Bank, from which so much was expected in 1935, was by then £908,163 worse off; or, if nothing had been written off, the outstandings in 1944 would have been £17,431,163. I know that some of that outstanding amount is regarded as being recoverable as advances made on securities which even today are reasonably good. But the Rural and Industries Bank was divided into two sections; the rural section and the Government agency section. The £9,000,000 was further reduced by additional writings off, before the new commissioners were appointed under the Act, by a sum which reduced it to £8,500,000. About half of that is in the Government agency section which is supposed to be a nursery for nursing poor securities back to reasonable condition. So there was only a little over £4,500,000 actually represented by what could be called reasonably good securities.

Those in this House, who hold up their hands in horror if we talk about the nationalisation of the coalmines, are all out for every socialistic project that has for its ob-

ject the establishment of a Government agency to supply debt-free money, provided, of course, that that agency is properly hamstrung. Let us see what has been said through the years regarding this Act. In 1932, Sir James Mitchell said—

> It is hardly necessary to tell the House that not to continue would affect securities. No new accounts were taken during the year.

Hon. P. Collier, in 1932, said—

> Really, therefore, the continuance of this Act amounts only to the business of winding up.

Mr. Piesse, I think the Country member for Katanning at the time, since deceased, and, as far as I recollect, a very efficient member of this Chamber, in 1932 said—

> The time has arrived when, in the interests of the farmers themselves, either the A.B. or the I.A.B. should join with the State in creating a new order of things.

In 1933, Mr. Troy said—

> There is no intention of resuming general operations under the Act.

These are the bedtime stories that are told to members down through the years. It is marvellous what members will swallow. In 1933, Mr. Seddon, M.L.C. said—

> The Treasury charged the board with interest amounting to £105,000, and the board charged the clients £82,000.

A very generous board it was. The then Chief Secretary, Mr. Kitson, in 1936, in reply to Mr. Thomson, M.L.C., said—

> I find that in the case of the Agricultural Bank, no provision is made to furnish settlers' seasonal requirements.

So that was the excuse given for continuing the Act in that year. Mr. Boyle, a former member for Avon, whose defeat in an election considerably affected the calibre of the Country Party representation in this House, said, in 1941—

> The Agricultural Bank Act should be amended to comply with all the financial demands of farmers. I can assure the House that I will oppose its renewal this year by every means in my power. The Act is out of date. It is being misused today, although I do not say it is being illegally used. It is being used for a purpose for which it was not originally intended.

Hon. J. Cornell, M.L.C., in 1945, said—

> This Act has been in operation as a [illegible]ary measure for 30 years. Surely the Rural Bank Act makes the requisite provision for its clients without this Act.

The Minister for Lands, Hon. L. Thorn, in 1947, said—

> The only security for these advances is governed by the Industries Assistance Act.

That has been the excuse most frequently used—that this Act must be given a future in order to secure its past. But the then Chief Secretary, Mr. Kitson, introduced novelty when he said, in 1936—

> Its continuance was necessary because the Agricultural Bank could make no provision for seasonal requirements.

That was something new. It was an excuse that had reference to the Agricultural Bank. Just imagine an Agricultural Bank established in this State in 1935; three commissioners appointed and all the promise of the future given, when it could not provide for seasonal requirements! It is pretty obvious that if the Agricultural Bank, as set up under the Act of 1935, could not make provision for seasonal requirements, the Agricultural Bank Act as existing before 1935 could not make provision either. So provision had to be made under the Industries Assistance Act, I take it, before then. There may have been occasions when there were statutory liens and caveats on land for repayment of advances.

One can imagine the possibility of good clients of the Agricultural Bank who, because of the constitution of that bank, could not obtain advances for seasonal requirements and would be compelled to go on the I.A.B., and some of them would no doubt consequently be in a position to repay some of the advances. In my opinion, that is where this talk of statutory liens securing advances under this Act has cropped up. However, that latter excuse no longer exists because the Rural and Industries Bank can make provision for seasonal requirements. The question naturally arises, whether, now that we have the Rural and Industries Bank, the continuance of this Act is necessary. Look at the changes we have had in the past, and we have still continued the Industries Bank Act. The Agricultural Bank Act was passed in 1935, the Rural and Industries Bank Act in 1944, and we still talk about continuing the existence of this measure. When the Bill for the establishment of the Rural and Industries Bank was before the House, we were given the impression that the future financing of rural activities was going to be on orthodox lines. There was a rural section of the bank which was to take over the accounts outstanding in 1944, amounting to £9,771,000, concerning which at least 60 per cent of the accounts were being paid

regularly and the remainder of the accounts and a good deal more, as I said before, would be written off or would be nursed back to health in the agency section. That is what this House was told.

One member of this Chamber, in speaking to the Bill, deplored the fact that the agency section was coupled with the rural section, and the then Premier, Mr. Wise, said—

> He, of course, does not understand the principles underlying the foundation of this institution: To give concessional advances to clients who are less fortunate; to give them concessional rates of interest and nurse them back to a stage where they can at least have some equity in their properties and become clients of the rural section of the bank.

All I have to say about that is that clients of banks are secured by the confidence that can be inspired in them by the bank and not by an understanding of the fundamental principles underlying its foundation. The facts are that the rural and agency sections of the Rural and Industries Bank are coupled, and so coupled that the then Premier, speaking to the Rural and Industries Bank Bill, said—

> Not only will the agency section carry out a reconstruction policy for the division of it as it now obtains but it will be in a position to use moneys held by it in the other section and apply them to the weaker section of clients in the hope that they too will ultimately be able to take their place in the other section of the institution.

All I wish to say is that clients in the stronger section will want to be assured—I know I would if I were one of them—just how much of their money is to be used to bolster up securities. The Industries Assistance Act has been used to bolster up such securities in the past. The question is whether the continuance of this Act, not for one year, but for five years, will in future cause an influx of applications for advances every time there are seasonal difficulties.

Someone will probably say that these sections are not coupled up, but I say they are definitely coupled in respect to the management, and the accounts can be transferred from one section to the other—from the rural section to the Government agency section or vice versa. Although there is provision in the Act that appears to guard against the funds of one section being used for the other section, I am not convinced that that is the position. The Minister when moving the second reading, made a statement which shows his sense of ministerial responsibility. He said—

> After all these years the outstanding sum owing to the State Government is £18,601 principal and £1,156 interest. That is a small amount when we consider the whole of this question.

What did the Auditor General say about it? On page 96 of his report he gave a list of the capital reductions on account of losses for the years 1937-38 to 1940-41. I shall not quote them individually, but the total was £1,587,510. That was in 1941. His statement indicated the position under the Industries Assistance Act. It is not a question of the situation that exists in respect to one year. What we want to know is the position of the fund over all the years, how it has operated, what it has cost for the benefits that might have been bestowed on people, what it is costing today for the irrecoverable losses sustained under it. The figures show how the funds melted away up to 1941 and the question naturally arises whether, now that the Rural and Industries Bank can make provision for seasonal requirements and provide for innumerable cot cases in its nursery, it is going to administer the funds available to it under the Industries Assistance Act in the same manner as they have been administered in the past. In 1944 the then Premier, Mr. Wise, said—

> The Commissioners are to exercise the powers of the several authorities controlling the transferred activities so that in the case of the Industries Assistance Board's activities that will be one of the authorities delegated to them within their agency section.

I am not so much concerned about the authority delegated to them in the agency section as I am concerned to know how their powers are to be exercised and I think I might even ask when they are to be exercised. It seems to have taken from 1935 to 1941 for the activities of the Industries Assistance Board to be finally transferred to the Agricultural Bank section. That was after we had passed a Bill in 1935 and reorganised the Agricultural Bank to provide for the handing over of these agencies. Yet the Auditor General's report in 1941 stated—

> The books of the Industries Assistance Board were closed on the 30th June, 1941, and the accounts then outstanding were transferred to the Agricultural Bank section.

Thus five years elapsed after Parliament had passed the legislation before these activities were transferred—five years before the accounts were fixed up so that the Agricultural Bank could take them over. In 1944 the then Premier, when speaking to the Rural and Industries Bank Bill said—

> Members will notice that there is to be a very careful audit so that amounts at present owing by mortgagors under Section 24 of the Industries Assistance Act and funds employed in the promotion of new settlement will be the subject of closest scrutiny.

What had the Auditor General to say about that? In 1948 he said—

> Under Section 20 of the Rural and Industries Bank Act, No. 51 of 1944, which came into force on the 1st July, 1945, all securities held at the commencement of the Act by the Treasurer in relation to assistance rendered by the Treasurer to persons under Section 24 of the Industries Assistance Act, 1915-1940, were to be transferred and vested in the Bank. This provision has not been given effect. Accounts kept for advances from the Loan Vote have remained at the Treasury.

On the occasion when I quoted Professor Copland on the growing power of the Treasury over governmental activities, I said that I would quote further instances.

The Minister for Education: But Section 24 has been repealed.

Mr. SMITH: I am quoting the provision in the Rural and Industries Bank Act. The accounts are still kept at the Treasury. What did the Auditor General say in 1947? He said—

> Under the Act of 1944, the Rural and Industries Bank consists of two departments, viz.: Rural Department and Government Agency Department. Under Section 21, the assets, funds and securities taken over from the Agricultural Bank were in the first instance to be allotted to and be dealt with in the Rural Department of the Bank. Subsequently the securities, i.e., for advances etc., might, with the approval of the Minister, be allotted to and be dealt with through the Government Agency Department, when in the opinion of the Commissioners such properties had not been sufficiently developed as to be sound farming assets. . . . The procedure laid down in Subsection (2) of Section 21 of the Act in regard to the allotment of assets, funds and securities of the Agricultural Bank between the two departments has not been followed.

I draw the attention of the Premier to that.

> All securities were in the first instance allotted to the Government agency department and on a subsequent division of those departments, portion of these securities up to 70 per cent. was allotted to the Rural Department.

The Auditor General included a balance sheet. On the liabilities side appear industrial guarantees on account of the Treasury, £231,507. On that he said—

> Contingent liability industrial guarantees, £231,507: This represents a contingent liability of the Bank in regard to guarantees given to other banks and forms part of the obligation under the Industries Assistance Act taken over from the Treasurer under Section 22.

Yet it appears in the balance sheet as of the Rural Department. It is not necessary to go to the Commonwealth to find out anything about the growing power of the Treasury over governmental activities. Parliament passed legislation after having seriously considered the provisions of the Rural and Industries Bank Bill and now we find that someone outside—I do not know who—evidently takes no notice of the Act, so the Auditor General, by authority of his position and the duties required of him, has drawn attention to it. Goodness knows, this Rural and Industries Bank is bad enough.

The Minister for Lands: Do not you like the bank?

Mr. SMITH: Not much.

The Minister for Lands: It is a good institution.

Mr. SMITH: If any reference were made to the borrowing provisions of the Act at the weekly dinner of the managers of the Associated Banks, I think they would nearly choke with laughter. Fancy a bank having to borrow money! That is something new to me. Banks exist for the purpose of lending money.

The Minister for Railways: And for borrowing, too.

Mr. SMITH: The function of a bank is to come between debtors and creditors and take over the responsibilities of debtors, in return for which the debtors become interest-payers to the bank. Here is a curious fact, too, that the Rural and Industries Bank Act provides for the institution to borrow money. As the member for Claremont said at the time, it seemed to have in its provisions opportunities for conducting the various activities of a trading bank without the creation of credit.

The Minister for Education: Why did you not voice this criticism in 1944?

Mr. SMITH: Never mind why I did not do that.

The Minister for Education: Because your own Government brought the Bill down, I suppose.

Mr. SMITH: Very often Labour Governments in this State have had to pass legislation in accordance with the requirements of another place.

The Minister for Lands: That is a great excuse!

Mr. SMITH: We have very little opportunity of ever setting up a State bank—be it agricultural or any other type—that is not hamstrung in respect to its credit-creating activities. No, that is the function of the private banks so far as this Government is concerned and so far as the members of another place are concerned! But the Industries Assistance Act is definitely a socialistic Act. It wins support from many people because it incorporates a socialistic principle—that of the community being called in aid of progress and development, and aims to draw from a section that is temporarily strong to help a section that is temporarily weak. That is socialism, and this measure is socialistic; but it obtains the approval of quite large numbers of people because, although socialistic in character, its co-operative benefit is not only sectional, but given to enterprises in an inherently individualistic undertaking.

The Minister for Education: Well, we have had socialism for 33 years.

Mr. SMITH: Yes, we have. I do not object to the socialistic principles of the Industries Assistance Act. What I strongly object to is that only a section is provided for or governed by the provisions of the Act. Farmers and struggling manufacturers are not the only people in the community who are victims of seasonal and other economic setbacks. Why should not other sections of the community share in the benefits of this legislation? Often labourers and artisans struggling to pay off a house find themselves, through unemployment or illness, in financial difficulties. They are very seriously embarrassed financially. Why should they not be brought under the provisions of this Act? Why should not the provisions of this Act be discussed in this Chamber so that we will have an opportunity at least to suggest that these provisions shall be included in the Act if it is to be continued?

In certain parts of this State men and women are suffering financial setbacks through the closing down of mines. Not infrequently they have lost large capital investment through their homes becoming valueless. In addition they are involved in extraordinary expenditure through being compelled to remove to other districts in search of employment; to districts where houses are at a premium and where heavy consequent expenses are involved. Why should not these people come under this Act or an Act of this description, if it is right and proper for settlers on the land to get a hand-out every time they have a seasonal reverse? I emphasise that: every time they have a seasonal reverse. The people I am speaking about are always on the paying end of these measures for the disbursement of benevolence and never on the receiving end. The Honorary Minister in another place in 1947 said, "Every year some part suffers and that is why we are anxious to continue this Act." But it is not only the farming industry that suffers, nor those employed in that industry either.

It seems to me that land settlement in Western Australia has been grossly mismanaged from the taxpayers' point of view. From the point of view of the settlers it must have provided opportunities not to be had in any other country in the world. Why cannot the Rural Bank make requisite provision for the deserving among the farmers whose land, combined with their suitability for the industry, gives them reasonable prospects of success? The reason advanced for the continuance of this Act for so long—that the Agricultural Bank could not make advances for seasonal requirements—no longer exists. Surely that point is worthy of consideration when we are discussing the continuance of this Act. Does the condition of the farming industry today justify the continuance of this Act, having regard to the existence of the Rural Bank? Away back in 1915 members of this Chamber were of the opinion that the Act should not be extended beyond 1917. Must we always have an Act on the statute book under which the taxpayers' money can be thrown away without security? When is the farming community in this State going to be able to stand on its own feet? That is what I want to know.

Hon. J. T. Tonkin: When the Commonwealth wheat stabilisation plan comes into operation.

Mr. SMITH: I hope it will have that effect. However, some people are of the opinion that it is definitely on the improve, because Mr. Saw, the Secretary of the Perth Chamber of Commerce, recently reported as follows:—

> In many country areas trade has received a fillip from the good returns now coming to hand from primary products and the stores welcome the clearance of long-standing accounts. Some country stores are now refusing to carry accounts for a full year.

So the position must be definitely altering. The alteration is one which, in my opinion, calls for a consideration and review of this Act. Evidently the traders intend to look after themselves so far as the farmers are concerned. This is a State which, through the Government—in view of all the hand-outs there are in various Acts of Parliament for land settlers—should go all out to try to make the land a magnet for the migrant. The Government might do this by advertising as follows:—"Go on the land young man in Western Australia. The land will look after you in the good seasons; the taxpayers will look after you in the bad. And when you pass on at the end of a long and ever-complaining life, it will surprise the initiates in the industry if your estate for probate is less than £20,000."

Mr. Mann: What rot!

Mr. SMITH: I do not know. Every time a farmer dies, as far as I can see—

The Minister for Works: How often does he die?

Mr. SMITH: He does not die too often.

Several members interjected.

Mr. SMITH: It can easily be said of this State that it provides opportunities for people on the land not to be had in any other part of the world.

Mr. Mann: I agree with that.

Mr. SMITH: So on the grounds that this piecemeal type of socialism is worse for the community than straight-out rugged individualism, inasmuch as it provides only for a few at the expense of the many, I oppose the Bill.

MR. BOVELL (Sussex) [8.26]: I had no intention of contributing to the debate on this small continuance Bill as, when the member for Leederville suggested it might be extended for five years and the Minister adopted the suggestion, I thought it was an excellent idea; but I was rather interested and surprised to hear the comments of the member for Brown Hill-Ivanhoe.

The Minister for Lands: He surprised himself.

Hon. A. H. Panton: It was interesting and informative just the same.

Mr. BOVELL: It was very interesting; and it was very informative, too, because a lot of it was information that I have never had before. Perhaps the member for Brown Hill-Ivanhoe does not realise that without the produce from the soil in Western Australia there would be no taxpayers to keep the citizens happy and contented. Primary production is the foundation-stone of the progress, stability and security of every one of us.

Hon. J. B. Sleeman: In this State?

Mr. BOVELL: Yes.

Hon. J. B. Sleeman: Gold is!

Mr. BOVELL: I will come to that in a moment. The master builders are the men and women who are producing from the soil. If it were not for the primary producers and the products they supply to us, such as wheat, wool, butter, milk, meat, timber, gold, and coal—which all come from the soil—we would be in a very poor state indeed. We have heard in recent weeks an outcry from an industry that brought people to this State—the gold industry. It is in the doldrums; and it is in the doldrums for one reason, namely, that the Prime Minister of Australia will not recognise that something should be done for the producers of gold as is being done by the State Government for the producers of wheat, wool, meat, butter, milk and eggs. If the Prime Minister would realise—and he has the taxpayers' money to assist the gold industry—that this industry is vital to our economy, we would have in it the flourishing enterprise we are entitled to expect.

If it had not been for the assistance given by successive Governments of this State, the industries engaged in producing from the soil would not have been able to absorb men from the mining industry and other industries. In his last birthday message the Governor said, "Gold brought people here and superphosphate is keeping them here." I am in full accord with that statement.

Hon. A. H. Panton: You have to get a permit for super now.

Mr. BOVELL: Had the member for Brown Hill-Ivanhoe given more consideration to the value and importance of the individual primary producers of this country, he would not have made the statements he did tonight. I quite agree that something should be done for the goldmining industry. If the Commonwealth Government adopted the same attitude to that industry as successive Governments of this State have for many years towards the men producing wheat, wool, butter, etc., we would be in a far happier position today. Not only would we have those revenue producing items coming from the soil, but also gold if assistance from the Commonwealth Government were forthcoming. This continuance Bill is one to assure the individual primary producer that he will get some assistance if adverse seasons and conditions overtake him.

The Minister for Lands: That is the point.

Hon. J. T. Tonkin: Would not the private banks give him that?

Mr. BOVELL: This is not a banking proposition.

Hon. J. T. Tonkin: Do not dodge the question. Why would not the private banks assist him?

Mr. Styants: That would depend on his security.

Mr. BOVELL: Yes, entirely, because it is a business matter. This measure is to safeguard not only the individual, but the security of the State.

Hon. J. T. Tonkin: Are not the private banks interested in that?

Mr. BOVELL: I repeat, the whole idea of this measure is to see that some security is given the primary producers, individually and collectively, in times of adverse seasons and/or prices.

On motion by Mr. Nalder, debate adjourned.

BILLS (5)—FIRST READING.

1, Interpretation Act Amendment.

2, Marriage Act Amendment.

3, Registration of Births, Deaths and Marriages Act Amendment.

4, Land Alienation Restriction Act Amendment (Continuance).

5, Fisheries Act Amendment (Continuance.

Received from the Council and read a first time.

BILL—HOSPITALS ACT AMENDMENT.

In Committee.

Mr. Perkins in the Chair; the Minister for Health in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 2:

Hon. A. H. PANTON: During the second reading debate, a considerable amount of discussion took place on the word "philanthropic," and as to whether the particular hospital involved became a philanthropic hospital. The Minister, the Crown Law officers and I have been to a lot of trouble to arrive at an amendment to meet the case. I regret that the amendment I am about to move is not on the notice paper. What appears there is unsatisfactory to everyone concerned. With the idea of getting rid altogether of the word "philanthropic," I propose to amend this clause by striking out all the words after the word "amended" in line 1 with a view to inserting the following:—

(a) By deleting the word "philanthropic" in the second last line of the Act, and then to add after the word "subsidy" in the last line in the definition of the Hospitals Act, the words "except such an institution as aforesaid as the Minister, acting on the written recommendation of the Commissioner of Public Health, and with the consent of the institution, shall, in his absolute discretion and by notice published in the "Government Gazette," declare to be a public hospital for the purpose of this Act."

The part about the written recommendation of the Commissioner of Public Health is very important in my opinion, because he is the next highest authority to the Minister in the Health Department. By deleting the word "philanthropic" the Minister can, at his own discretion and with the consent of the institution, on the written recommendation of the Commissioner of Public Health, declare such a hospital a public hospital and thereby subsidise it out of the Hospital Fund which is governed by an Act.

Mr. Leslie: You cannot give him much here.

Hon. A. H. PANTON: He is given all the power in the world. I do not know why the consent of the institution is included, but the Crown Law officers seemed to think it was necessary. Members on this side of the Chamber were puzzled to know why the Minister could not declare this to be a public hospital, but the Crown Law authorities were very insistent that as long as the word "philanthropic" was there it could not be done. I move an amendment—

That in line 1 the words "by adding after the word 'subsidy' in the last line thereof the words 'except such a philanthropic institution as aforesaid as the Minister, acting with the consent of the institution, shall, in his absolute discretion and by notice published in the "Gazette," declare to be a public hospital under and for the purposes of this Act'" be struck out with a view to inserting other words.

The MINISTER FOR HEALTH: When I replied on the second reading I was forced to admit that the word "philanthropic" was one that apparently had no exact legal meaning. I subsequently confirmed my information by discussions with the Solicitor General. Originally it was inserted in the Act to distinguish those institutions which were carried on for private gain and those institutions which were not, but in using the word "philanthropic" the draftsman could not have appreciated its looseness. I am in accord with the hon. member's amendment. The other suggestion of the amendment is that whereas the Bill provided that the discretion was entirely placed in the Minister, now that discretion can only be exercised after he has had the recommendation of the Commissioner of Public Health. However, there are two sides to the question. One is that the Minister might like to have discretion entirely vested in him, free to exercise it without any departmental advice.

Hon. E. Nulsen: He has the last say.

The MINISTER FOR HEALTH: Not entirely. The second point is that if a Minister in dealing with a matter of this nature wishes to exercise a discretion against the advice of his departmental officer, this discretion is one which should be considered from a technical point of view as we are dealing with hospitals. I feel, with the member for Leederville, that this is a case where the Minister should have his discretion tempered to some degree or have it reinforced by the expert departmental officer.

Hon. A. H. Panton: It is really a protection for the Minister.

The MINISTER FOR HEALTH: I think the Minister should have his discretion reinforced to the extent of having a favourable recommendation from his expert adviser who is a medical man, and this discretion should only be exercised after he has had such favourable report. The member for Leederville also said that the Minister might feel that his duty was too onerous to resist pressure or if it was not too onerous, it might be uncomfortable. Upon that comment I propose to have nothing to say.

Hon. A. H. Panton: I am speaking from past experience.

The MINISTER FOR HEALTH: Probably when I am speaking from past experience I shall have the same idea as the hon. member, but at the present moment I do not propose to comment on it. I want to make it quite clear that the amendment as proposed is an amendment of the Bill and not an amendment of the Act. I agree with the amendment.

Mr. LESLIE: I am concerned with the fact that in the amendment there is contained a proviso that the Minister will act on the written recommendation of the Commissioner of Public Health.

Hon. E. Nulsen: He has the power of veto.

Mr. LESLIE: But he has not the power of accepting. The position might arise that regardless of the suitability or otherwise of an institution, the Commissioner of Public Health might say that although the institution is quite all right, he does not agree to its being subsidised and the Government is then bound by the decision of the Commissioner. It might be a matter of Government policy to assist an institution in a certain direction but I would prefer the wording of the member for Leederville's original amendment which was placed on the notice paper. It was—

To insert after the word "institution" in line 16, the following words:—"and on production of a certificate as to suitability from the Commissioner of Public Health."

The amendment as now proposed by the member for Leederville means that the Government can only act if the Commissioner of Public Health recommends its suitability.

The MINISTER FOR HEALTH: I am not prepared to accept the suggestion of the member for Mt. Marshall and agree with the amendment outlined by the member for Leederville.

The CHAIRMAN: The Committee is now getting down to a discussion on the words proposed to be inserted.

Amendment (to strike out words) put and passed.

Hon. A. H. PANTON: I move—

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

(a) by deleting the word "philanthropic" in the second last line thereof; and

(b) by adding after the word "subsidy" in the last line thereof the words—

"except such an institution as aforesaid as the Minister, acting on the written recommendation of the Commissioner of Public Health and with the consent of the institution, shall, in his absolute discretion and by notice published in the 'Gazette,' declare to be a public hospital under and for the purposes of this Act."

The original amendment which I intended to move was submitted to the Crown Law authorities, who objected to it. I discussed it with the Commissioner of Public Health and he stated that if it were carried he would have to satisfy himself that the hospital was 100 per cent. suitable before he could recommend it. There is perhaps only one hospital that is 100 per cent. suitable, and that is the new Royal Perth Hospital. I discussed the present amendment with both the Crown Law Department and the Attorney General. The Attorney General had no objection to it, and neither did the Commissioner of Public Health.

Mr. LESLIE: I appreciate the point raised by the member for Leederville and agree with him that the Commissioner of Public Health must have a big say in such a question. An existing hospital might apply to the Government for a subsidy or other financial assistance, and the request would naturally go to the Commissioner of Public Health. He would have an inspection made and then give a certificate as to whether or not the institution was suitable for the purpose sought at that stage. It might not be 100 per cent. suitable but, as a result of the application made, if the financial assistance were forthcoming, it might be made entirely suitable.

Hon. A. H. Panton: If it could be made suitable, he would probably recommend the subsidy.

Mr. LESLIE: Yes.

Hon. A. H. Panton: Then you do not need more than is provided for in the amendment.

Mr. LESLIE: But the Government might consider that something might be done in the interests of the people of the district and would be willing to render assistance to make the institution suitable. If the Commissioner were not in a position to recommend the assistance, the Minister could not do anything about it, because he would not have any discretion at all. That is the limitation imposed. If the Commissioner were to give a certificate as to the suitability of the premises for the purpose suggested, it would overcome the difficulty. The Commissioner is not concerned with matters of government policy. It would be better if the Commissioner had only to give a certificate as to the suitability of the building, present and future, and then leave the Minister to act at his discretion. I move—

That the amendment be amended in the fourth line of paragraph (b) by striking out the words "written recommendation."

If the amendment on the amendment be agreed to, I shall move to insert in lieu of the words struck out the words "production of a certificate as to suitability from."

Hon. A. H. PANTON: I hope the Committee will not agree to the amendment on the amendment. What the member for Mt. Marshall seeks to achieve was in accordance with my original intention, as disclosed in the amendment appearing in my name on the notice paper. As a result of discussions between the Attorney General, the Crown Law Department and the Commissioner of Public Health, I was convinced that my object could not be achieved by means of the amendment I proposed, seeing that the Commissioner could not issue any certificate unless he were completely satisfied that the hospital was 100 per cent. suitable.

Mr. Leslie: But the Commissioner could submit a recommendation showing how it could be made suitable.

The Attorney General: No.

Hon. A. H. PANTON: No, he could not. After a long discussion with the Solicitor General, whose views I opposed at the outset, I was finally convinced that I was in the wrong and the amendment I have suggested was framed to meet the situation. If the member for Mt. Marshall will peruse

the definition of "public hospital" in the Hospitals Act, he will appreciate the position. All hospitals are subsidised under the Hospital Fund Act. When an application was made for assistance, the Minister and the Public Health Department found difficulty in consequence of the inclusion of the word "philanthropic" in the definition. The Crown Law Department ruled that the Minister could not assist any hospital or other philanthropic institution from the money in the Hospital Fund although, of course, it could be done from some other source. I was anxious to find a way out, and the first step was to eliminate the word "philanthropic." I was anxious to meet the wishes of the Commissioner of Public Health, and certainly I do not think any Minister would run counter to his opinion in such a matter. As my amendment was framed to overcome the difficulty, I think the member for Mt. Marshall should be prepared to accept it.

Mr. WILD: Speaking as a layman, I am inclined to agree with the view expressed by the member for Mt. Marshall; but the member for Leederville, who has taken great interest in this measure, has told the Committee that he has interviewed the Commissioner of Public Health and the Crown Solicitor on this point.

Hon. A. H. Panton: The Solicitor General.

Mr. WILD: I therefore have no doubt that his amendment is correct, and consequently I cannot support the amendment on the amendment.

Mr. READ: Why not leave the Commissioner of Public Health out altogether?

Hon. A. H. Panton: No.

Mr. READ: It would appear that no money can be granted to institutions of this kind unless there is a recommendation by the Commissioner of Public Health. The Minister would appear to be powerless to grant a subsidy without that recommendation. What the Committee should bear in mind is that the hospital which it is desired to help is situated in a township with a small population, and is controlled by a committee which now finds itself financially embarrassed. This small committee is responsible for the running of the institution, in conjunction with the local governing body, which is the representative of the Commissioner of Public Health and which sees that the necessary hygiene and set-up of the hospital is satisfactory. Then we have the medical men attending to professional matters connected with the hospital. It would be regrettable if this hospital were closed owing to lack of finance, as it is being conducted in the interests of the people of the township and the surrounding district. In my opinion, the present provision should prove satisfactory.

Amendment on amendment put and negatived.

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

Title—agreed to.

Bill reported with amendments.

BILL—NEW TRACTORS, MOTOR VEHICLES AND FENCING MATERIALS CONTROL.

In Committee.

Mr. Perkins in the Chair; the Minister for Transport in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Transition:

Hon. J. T. TONKIN: When replying to the debate on the second reading the Minister said the Bill did not of itself impose any control, but that the controls would be imposed by regulation. If that be so, will he explain to the Committee the purpose and effect of the clause?

The MINISTER FOR TRANSPORT: The clause provides for the continuance of Commonwealth orders in regard to tractors from the 31st July until such time as this Bill is passed. It also provides that any person purchasing a tractor contrary to those orders during the period when the Commonwealth control ceases and this Bill is passed shall be protected until this measure comes into force. Before this measure comes into force, the Minister would have to issue an order.

Hon. J. T. TONKIN: I am afraid I cannot understand the Minister. From my reading of the clause, it is his intention to impose certain controls before any order is issued. If so, the passing of this Bill would, of itself, impose control. Consequently, it is incorrect to say that the Bill does not impose controls.

The MINISTER FOR TRANSPORT: I think not. All it does is to continue the Commonwealth regulations set out in the schedule. A later clause provides that the Minister must issue an order before anything can be done in regard to tractors, otherwise all control would cease between the cessation of the Commonwealth control and the time when the Minister took over control. During that period, however long it may be, there would be no control over tractors, which could be distributed as the merchants thought fit.

Hon. J. T. TONKIN: Did not Commonwealth control of tractors cease on the 31st July?

The Minister for Lands: It was extended until the 20th August, but has now expired.

Hon. J. T. TONKIN: The Minister cannot make an order under the Bill until it becomes an Act, yet this clause provides that anything done with regard to the sale of tractors in the interim between the expiry of the Commonwealth control and the coming into force of this measure shall be validated as if the control had continued. Therefore the Bill does impose control.

The ATTORNEY GENERAL: There is something in that argument. It is intended under the Bill to validate any act of the controller in that interim period. It is set out in the proviso that there shall be no prosecution for any breach during that time. The wording is a little confusing, as the draftsman has used the words "order or anything done."

Hon. J. T. Tonkin: Are tractor sales at present controlled?

The ATTORNEY GENERAL: They purport to be controlled without legal authority.

Hon. J. T. Tonkin: In anticipation of the authority to be conferred by this Bill?

The ATTORNEY GENERAL: No. The provision is for the protection of the controller and not for the purpose of authorising prosecution in the event of any apparent breach.

Hon. J. T. TONKIN: That convinces me that my point of view is correct. The control is at present exercised without legal authority, so the controller cannot punish anyone for not obeying an order at present. It is intended that the Bill shall validate what has been done in anticipation of the measure becoming an Act. The statement that the Bill does not impose control is incorrect.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Interpretation:

Mr. NALDER: I move an amendment—

That in line 2 of the definition of "motor vehicle" the words "motor wagon" be struck out.

Motor wagons have not previously been controlled and there is no need for them to be controlled at this stage.

Mr. WILD: I feel ashamed to be a supporter of a Government bringing forward legislation of this nature to control tractors, motor vehicles and fencing materials, and now to bring under control something that has not previously been controlled. It is about time we commenced to lift controls; that is the policy that we should be favouring. I disagree with the whole of this Bill and am disappointed that the Government has seen fit at this stage to try to continue controls that I am certain are entirely unnecessary.

The MINISTER FOR TRANSPORT: I have no objection to the amendment.

Hon. J. T. Tonkin: Why was the provision included in the Bill?

The MINISTER FOR TRANSPORT: It was drafted in that way. The Bill gives the Government the necessary power to take over these controls. If Commonwealth control ceased at the end of the year and some control was found still to be necessary, with this measure on the statute book, the Minister would have power to control the items dealt with in the Bill. The Commonwealth Minister recently said it was decided to lift control from motorcars of up to 12 horsepower, but almost immediately afterwards he had to state that the control was to be continued. As soon as it is possible to lift controls, that will be done.

Hon. J. T. TONKIN: The Minister's readiness to agree to the amendment makes me wonder why the Bill is before us at all. During the second reading debate I gave as my main reason for supporting the Bill the fact that the Government had brought it down in the face of strong representations—from interested parties—that the controls should be lifted. Were not the items

to be controlled included in the measure after careful consideration of the necessity for their being controlled? I think there is even less need to control omnibuses than to control motor wagons, as only the bus companies would require them. Members on the Government side of the House stated that decontrol was their policy, and yet we find provision such as this in the Bill. Does the Government want the measure to be passed?

Mr. LESLIE: The argument of the member for North-East Fremantle is peculiar. He suggests that if the Minister gives way when amendments are moved there is no sincerity in bringing the Bill before the Committee, and that the same thing will be attributed to the other side. It is said that arguments are heeded and if there is import in them we can give way. If we follow the argument put up by the member for North-East Fremantle to its conclusion we must assume that the proper procedure in his mind is that if anybody puts forward a proposition the object is to resist by all means in his power any alteration to it whatever. That sounds rather foolish because why do we debate the subject at all if it is not to convince the other side? I have an open mind in regard to motor waggons but on the question of tractors, I consider control is vitally necessary. I say that not only from my own knowledge, but I would mention that within the last month a congress of the Returned Soldiers' League was held in Adelaide comprising representatives from the whole of the Commonwealth and it carried unanimously a resolution requesting that the control of tractors be continued.

The CHAIRMAN: Order! The hon. member is not in order in talking on tractors. The amendment is to delete the words "motor waggon."

Mr. LESLIE: I did not know what the definition of "motor waggon" meant.

Hon. J. T. Tonkin: And yet you think it ought to be deleted.

Mr. LESLIE: I did not say that. If the hon. member will recollect I said that I had an open mind in regard to motor waggons, but I wish to emphasise that I have not an open mind on certain other items that should be controlled, for instance, tractors.

Hon. J. T. Tonkin: The only way in which we can find out whether the Government is in earnest is to delete each item in turn and then we will discover which it wishes to include.

Mr. LESLIE: I want to hear some reason why the words "motor waggon" should be deleted.

Hon. A. H. Panton: What made the Minister delete them?

Mr. LESLIE: I know very well that a case must have been made out for motor waggons to be released from control because the Minister has agreed to it, and I understand the member for North-East Fremantle wants control removed.

Hon. J. T. Tonkin: I did not say that I wanted to see it removed.

Mr. Hoar: Did you not hear the Minister say that he did not know it was in the Bill?

The Minister for Transport: I did not say that.

Mr. LESLIE: I want to hear the merits or otherwise of the case, whether it is from this or the other side of the Chamber.

Mr. RODOREDA: There has been a statement made by the member moving this amendment that up-to-date motor waggons have not been controlled. I do not know whether the Minister knows the details of this control, but I have always had the idea that motor waggons under three ton capacity are still under control. If the Minister can verify that I would like to hear him. As the Minister has agreed to the amendment I would suggest that he should also delete the words "trailer and semi-trailer" when this amendment is carried. I see less need for those vehicles to be controlled than for the control of motor waggons because there are comparatively few trailers and semi-trailers.

Mr. NALDER: The definitions of "motor waggon" and that of "trailer and semi-trailer" come under different categories. Trailers and semi-trailers are used by omnibus proprietors, and as far as motor waggons are concerned I take it that they have been used specifically for the cartage of farmers' produce and by haulage contractors. Therefore, I stand by my amendment.

Amendment put and passed.

Hon. J. T. TONKIN: I move an amendment—

That in line 2 of the definition of "motor vehicle" the word "omnibus" be struck out.

The MINISTER FOR TRANSPORT: I do not think it would be advisable to delete the word "omnibus," because omnibuses are far more difficult to obtain than motor waggons. Private transport service and the Government have endeavoured to obtain omnibuses and have had orders placed for a considerable time. I therefore think that it would not be advisable to strike out the word "omnibus" or even the words "trailer and semi-trailer." The Minister has still power to exclude them from his order if he thinks it advisable.

Hon. J. T. TONKIN: The Minister's explanation satisfies me. I just wanted to test him out. The mere fact that he so readily agreed to delete the words "motor waggon" suggested that he might just as readily agree to the deletion of the words "trailer and semi-trailer."

Amendment put and negatived.

Hon. J. T. TONKIN: I move an amendment—

That in the definition "motor vehicle" the words "trailer and semi-trailer" be struck out.

I do not think there is any need to control these vehicles because I am of the opinion they are in as great supply as motor waggons. If the Minister is satisfied to delete motor waggons from the definition then he should be satisfied to exclude trailers and semi-trailers.

The MINISTER FOR TRANSPORT: It all depends upon what is meant by "trailer and semi-trailer." As I understand it, trailers and semi-trailers are buses similar to those used by the Scarborough Bus Coy. and to the railways bus which runs to Kojonup.

Hon. A. R. G. Hawke: And the one they do not run to Northam.

The MINISTER FOR TRANSPORT: Yes. In cases where there may be a few people competing for one vehicle we want to ensure that we will have a decent chance of obtaining one.

Mr. RODOREDA: I see very litle reason to keep control over these types of vehicles except when they are being used as buses for the transport of passengers. A semi-trailer is altogether different from an ordinary type of motor bus. A semi-trailer is semi-articulated, and I guarantee there are ten times more semi-trailers used for the transport of wheat than are used for bus chassis. Trailers are all made locally from the axles of old motor trucks by the breakdown firms, and the semi-trailers are made by the contractors themselves. Therefore, I see no need to control trailers or semi-trailers. I would suggest to the Minister, if this amendment is defeated, that he insert the words "when used as a bus chassis." That would give him control over bus chassis and will leave the commercial semi-trailer free from control.

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

Clause 7—Power of Minister to make orders:

Hon. J. T. TONKIN: This clause is really an important part of the Bill. I ask the Minister whether he read that letter in "The West Australian" which was supposed to have come from the President of the Tractors Distributors' Association in which he asked the Minister to defend him against some charge I was supposed to have made. That is laughable, because the only one that made a charge was the Minister himself. He said that if no controls were imposed the big men would be favoured as against the small men. What I did, Mr. Chairman, was to put up in this Chamber the case which the distributors themselves had drawn up. I presented it and said it was one which required an answer. I particularly mentioned the point which they raised when they stated that this was the only State in Australia that was continuing the control over tractors. This same body became confused and wanted to know why the Minister had not defended it against the charge I was supposed to have made when really I was defending it against the charge the Minister had made. The Government is disregarding entirely what is being done elsewhere in Australia and yet, in connection with other control Bills, it has ascertained what is being done elsewhere in order to get uniformity. It would be illuminating to know the reasons for the distinction.

The MINISTER FOR TRANSPORT: I have little to add to what I said when moving the second reading. What the other States do is of no interest to this

State if the circumstances are not similar. We are legislating for the inhabitants of Western Australia where the demand for these vehicles is greatly in excess of supplies. We consider that, in order to secure an equitable distribution, controls should be exercised through one person after consultation with the distributors. We believe that if no control were exercised, the most needy person might not get a vehicle that was available, as one firm would have no knowledge of the needs of the clients of another firm. In our far-flung State many people are distant from the distributing centre and there is need for power to control if control be necessary.

Mr. LESLIE: Some of the other States have not yet indicated whether they propose to control tractors. The matter seems to be under investigation. Within the last four weeks the Federal Conference of the R.S.L. considered a motion that did not emanate from Western Australia. Those representatives are level-headed men well-informed on the subjects they discuss, and they unanimously resolved that the control of tractors was imperatively necessary and decided to ask the Commonwealth and States to exercise control. This may be taken as an indication of the position throughout Australia. I hope the Government will endeavour to secure a larger allocation of tractors for this State. If we could obtain the allocation we deserve on our production, we would receive a far larger proportion of the imports than we are getting now.

Clause put and passed.

Clauses 8 to 13—agreed to.

New clause—Duration of Act:

The MINISTER FOR TRANSPORT: I move—

> That a new clause be inserted as follows:—
> 14. This Act shall continue in operation until the thirty-first day of December, one thousand nine hundred and forty-nine, and no longer.

This was omitted by oversight in the drafting. The measure should be brought before Parliament for review next year.

New clause put and passed.

Schedules, Title—agreed to.

Bill reported with amendments.

BILL—RAILWAY (BROWN HILL LOOP KALGOORLIE-GNUMBALLA LAKE) DISCONTINUANCE.

Second Reading.

Debate resumed from the 7th September.

MR. SMITH (Brown Hill-Ivanhoe) [10.12]: I have no objection to the measure; in fact there would not be much point in objecting because most of the line has already been removed and only a very small portion remains. Actually the line commences at Hanbury-street and runs through Brown Hill and Hill End to Kamballie, most of which has been removed. There is a section which serves the mines, running from Kalgoorlie through Hannans-street on to Golden Gate and Boulder City. Portion of the line from Kamballie has been leased to the mines, and I have been assured by the railway authorities that, so long as it can earn some revenue there is no likelihood of its being pulled up.

As regards the district originally served by the railway, the tramway has been taken over by a transport board consisting of the local authorities. The board has been fairly progressive and has invested in quite a number of buses. If ever this part of the country became populated again, in numbers anything like those that were there in the early days, the district would be much better served in the matter of passenger transport by buses belonging to the local transport board than it could be served by the Railway Department, although the railway in its day did provide good service before the tramways commenced operating in 1902.

MR. STYANTS (Kalgoorlie) [10.15]: I have no objection to the Bill; but, like the previous speaker, I think there is something Gilbertian attached to it, in that the Bill provides for the authorisation of the cessation of operations of a railway which, I think, ceased to operate as such from 15 to 18 years ago. Out of the 4½ miles of line referred to in the measure, there is less than 1½ miles remaining, and that portion is leased to one of the goldmining companies. I understand that the object of the Bill is to authorise the cessation of operations so that the materials which have not already been removed, or which are not leased to the company for the time being, can be shifted and used on other railways, and the sum repre-

sented therein written off the assets of the Railway Department. But the wording of the Bill is rather peculiar. It says—

The line of railway as authorised by and constructed under the Brown Hill Loop Kalgoorlie-Gnumballa Lake Railway Act, 1900 (No. XLI. of 1900), shall, on the commencement of this Act, cease to be operated until the Governor otherwise declares . . . .

What is the meaning of the phrase "until the Governor otherwise declares"? Is it the intention to relay the line when the Governor so decides? If the Minister will explain what is meant, I will give my wholehearted support to the proposal. Either there should be a meaning attached to the words, or they should be deleted.

THE MINISTER FOR RAILWAYS (Hon. H. S. Seward—Pingelly—in reply) [10.18]: I am afraid that the phrase to which the hon. member referred is a legal one of which I cannot give him a definition. But I have it from the Railway Department that the object of the Bill is to authorise the pulling up of the line with the exception of that small section which is leased to the goldmining company. As long as that portion is of use to the company, it will continue to be leased. If we authorise the pulling up of the line, then before it could be relaid another measure would have to be introduced. I do not know why the phrase referred to was inserted in the Bill, but I know that the line is practically all pulled up and this measure authorises the closure and the writing off of the amount involved.

Hon. E. Nulsen: And the Railway Department will cease paying interest on the line.

The MINISTER FOR RAILWAYS: Yes.

Question put and passed.

Bill read a second time.

In Committee.

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

Sitting suspended from 10.25 to 11 p.m.

BILL—LAND SALES CONTROL.

Council's Amendments.

Mr. SPEAKER: I have received a message from the Legislative Council notifying that it has agreed to the Bill, subject to a schedule of eight amendments.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [11.0]: I move—

That you do now leave the Chair for the purpose of considering the Council's message in Committee.

HON. J. B. SLEEMAN (Fremantle) [11.2]: I do not think, Mr. Speaker, that you should leave the Chamber for the present. This message should not be discussed until the opinion of this House is obtained on the advisability of abolishing the Council. We have had quite enough of that body for the time. It seems as we grow older, the Council grows bolder. It has adopted destructive tactics very early this session. The time has arrived for something to be done and we should take the Council on now, and find out whether the representatives of the people are to run the country or vested interests are. Tonight nine out of 30 members of the Legislative Council carried most of these amendments. We are held up night after night until the early hours of the morning to discuss amendments from the Council. I move an amendment—

That the Council's message be not discussed until the opinion of this House is taken on the advisability of abolishing the Legislative Council.

Mr. SPEAKER: That is a direct negative of the motion. The question is—

That the motion be agreed to.

Question put and passed.

In Committee.

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

No. 1. Clause 3, Subclause (2): Add after the word "knowledge" in line 11 on page 2 the words and parentheses "(of whom not more than one shall be a member of the Public Service)."

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

Mr. Graham: That is a change.

Mr. Hegney: You are getting a bit of courage now.

The MINISTER FOR LANDS: The reason for not agreeing with the amendment is that it is undesirable to limit the choice. It may so happen that two members of the

Public Service would be specially qualified to act on the Committee.

Hon. J. B. SLEEMAN: I compliment the Minister on starting to take the Council on. It seems to me that Legislative councillors are frightened that two or three public servants might be put on this committee and some of their landlords left off.

Mr. GRAHAM: I concur in the remarks of the member for Fremantle. We are confronted with a number of amendments as a consequence of the weak attitude of the Government, about which I have expressed myself previously.

Mr. Grayden: Not very effectively, though.

Mr. GRAHAM: Prior to this particular amendment, every single wish of the Legislative Council was granted by the Government. That has encouraged members there to believe that they are the tower and strength of the land. We are the truly democratic House elected by all the people of the State. I do not regard this amendment as of any particular consequence, nor the arguments submitted by the Minister.

The Minister for Lands: I do not think a great deal of your arguments. It is a pity you do not sit down so that we can get on with the business!

The CHAIRMAN: Order! The Minister for Lands must keep order.

Mr. GRAHAM: The Minister might direct a little of his temper—

The CHAIRMAN: Order! The member for East Perth should address the Chair, and not take notice of interjections.

Mr. GRAHAM: I address you, Sir, and say that the Minister for Lands should direct some of his temper towards the Legislative Council rather than to members of this Chamber. We should assert our right as a democratic Chamber and tell the Legislative Council where it stands in regard to legislation of this character.

Mr. HEGNEY: I hope there will be no serious opposition to the suggestion of the Minister as it would be fatal to agree to the Legislative Council's amendment. This House was not favoured by the Minister on the second reading with information as to the number the Government or the Minister proposes to appoint to the advisory committee. There are men in the Public Service who would be quite competent to act in an advisory capacity to the controller and the amendment is an indirect insult to many of them.

Hon. A. R. G. Hawke: It is a direct insult.

Mr. HEGNEY: It is an insult to the men in the Public Service and it was prompted by the fact that some organisations and parties have made reference to civil servants in such unfavourable terms as bureaucrats and autocrats, which is a direct result of the "impropaganda" and misrepresentation on the part of some people. The suggested amendment is an attempt by vested interests to exclude civil servants from acting in an advisory capacity to the controller in the administration of the Bill. A similar proposal was made the other evening when members urged that the responsible Minister, the Attorney General, should give an indication as to the number of persons to constitute the advisory committee in regard to price-fixing. Despite all the efforts to obtain that information, and the number of amendments moved by members on this side of the Chamber, we were unsuccessful in eliciting the information desired.

The CHAIRMAN: I think the member for Pilbara is getting away from the amendment.

Mr. HEGNEY: If you, Mr. Chairman, had given me another ten seconds, I would have linked up my remarks directly with the amendment before the Committee. The Bill for the control of prices was passed by the Legislative Council. It did not state that the advisory committee should consist of certain persons such as a member of the Housewives' Association or the Public Service. Why did it do so in this case? It was because members of the Legislative Council want a number of individuals on the advisory committee in whom they are directly interested, and who will be able to influence the controller in the administration of the Act. The Government on this occasion has given the Chamber an indication that it is going to try to prevent the Legislative Council from dictating the policy of this country, and I hope that as each amendment is submitted the same strength, courage and plain measure of commonsense will continue.

Mr. STYANTS: If we can get some information from the Minister as to how

many members he proposes to have on the advisory committee, we may be able to cast a more intelligent vote on the Council's amendment. We endeavoured to get the information from the Minister on the second reading but he either could not or would not give it.

The Minister for Lands: You did not ask for it.

Mr. Hoar: We did.

Mr. STYANTS: I want to know how many members are to be put on the advisory committee. If the Minister decides to have three members, the Council's amendment is quite a reasonable one, because there would be the controller and one member from the Public Service, which would mean two public servants on a committee of four.

The Minister for Lands: I will put your mind at rest. The number will be five.

Mr. STYANTS: That makes the amendment appear in a less favourable light, because if there is to be only one public servant out of five it will make the position very difficult.

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

No. 2. Clause 10, Subclause (2), paragraph (a), page 4:—After the word "lease" in line 9, add the following words "or being a lease of land the term of which exceeds three years and in respect of which a fair rental has been determined by a court under the Increase of Rent (War Restrictions) Act, 1939-1948."

The MINISTER FOR LANDS: I propose to disagree with this amendment.

Members: Hear, hear!

The MINISTER FOR LANDS: Do not keep on "hear, hear-ing" or you will have me disagreeing with the lot. It is not necessary to make this amendment because if the rent has been previously fixed by a fair rents court, the consent of the controller should be automatic. The controller is always subject to the State Minister, whereas previously he was subject to the Minister at Canberra. I move—

That the amendment be not agreed to.

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

No. 3. Subclause (2), paragraph (g), page 4:—After the word "forty-two" in line 29, insert the words "or to which consent was given under the Commonwealth regulations."

The MINISTER FOR LANDS: I propose to disagree with this amendment.

Members: Hear, hear!

The MINISTER FOR LANDS: My reason is that it is already covered in Clause 23 on page 13 by the word "consent" in line 8. I move —

That the amendment be not agreed to.

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

No. 4. Clause 10, Subclause (2), paragraph (g), page 4:—Add after paragraph (g), new paragraphs to stand as paragraphs (h), (i), (j) and (k), as follows:—

(h) any transaction affecting premises used solely as a factory, workshop, office, warehouse or shop or used solely for any other industrial or commercial purpose not being a farm, grazing area, orchard, market garden, dairy farm, poultry farm, pig farm or apiary;

(i) any transaction affecting licensed premises (including registered clubs) within the meaning of the Licensing Act, 1911-1947;

(j) any transaction affecting vacant land and not being a farm, grazing area, orchard, market garden, dairy farm, poultry farm, pig farm or apiary or part thereof;

(k) any transaction affecting any share, interest or right in a mining tenement under the Mining Act, 1904-1937, or any Act amending that Act.

The MINISTER FOR LANDS: These are matters regarding which the Government must be left to control under the powers of the Bill. Moreover, if the amendment is carried, the control could not be reimposed without an amending Act of Parliament. I move—

That the amendment be not agreed to.

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

No. 5—Clause 10, page 6:—Insert a new subclause after subclause (10) to stand as subclause (11), as follows:—

(11) If the Controller is not prepared to consent to a proposed transaction on the ground that he does not approve of the price or consideration agreed on between the parties, he shall notify the applicant of that fact and of the price or consideration of which he is prepared to approve.

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

My reasons are—

Mr. Rodoreda: Never mind the reasons.

The MINISTER FOR LANDS: It is a matter of procedure and can be effected by the direction of the Minister. In any case, this is now the usual practice.

The MINISTER FOR HOUSING: There would be no harm in agreeing to this amendment. I am not differing from the Minister for Lands in his motion but I just want to say it is not necessary.

Mr. STYANTS: I do not believe that there is any logical argument against this amendment. In effect, it means that if a person makes application for permission to buy and the seller makes application for permission to sell a block of land at a certain price, and the controller does not agree, then the proposed amendment is to ensure that he shall notify the parties concerned that he is not prepared to agree. However, he has to state the price to which he does agree.

Hon. J. T. Tonkin: He could give it away as a bargain.

Mr. STYANTS: If it is just going to be used for the purpose of ballast and for the sake of holding a conference—

Hon. A. H. Panton: You are giving the show away now.

Mr. STYANTS: I think there would be serious objection by the interested parties. I know I would object if I were faced with the position of having to make application for permission to buy a block of land and the owner had made application for permission to sell at a certain figure; and I could not get any reason from the controller except a bald statement that the price was high. I think the proposition is quite reasonable, but seeing that the Minister objects to it, I do not propose to vote against it.

Mr. SHEARN: I know that in theory the controller now notifies both the purchaser and the vendor as to whether the price is unsatisfactory or otherwise, and that the price should be at a figure of which he would approve.

Mr. Styants: Why not include it in the Bill?

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

No. 6. Clause 10, Subclause (14), paragraph (b) Page 7: Delete the words "has had not less than ten years' continuous experience as a valuer and."

The MINISTER FOR LANDS: This is in the Commonwealth regulations and ensures an authoritative valuation. The idea of course, is to get valuers with sufficient experience. I move—

That the amendment be not agreed to.

Hon. J. T. TONKIN: It is not often that I find myself in agreement with the Council, but I see merit in this amendment. Length of service does not always connote efficiency. A valuer of 40 years' experience might not be as good as a man with five years' experience. We want a man with modern experience and not necessarily with long association with the work. A safeguard is that the valuer must be approved by the controller. I cannot imagine that the controller would approve of a valuer who had less than 10 years' experience if he was thought to be unsatisfactory. If the controller is prepared to approve of a valuer, why should we stipulate that he must have had 10 years' experience?

Mr. STYANTS: I agree with the member for North-East Fremantle. Men of 25 or 26 years of age might have as much knowledge of modern valuations as a man of 60 or 70. Apart altogether from this legislation, I understand that it is necessary to obtain the consent of the Attorney General before one can become an approved valuer. It would be better to have valuers of merit under this measure rather than men with long experience. The paragraph stipulates 10 years' continuous experience as a valuer.

Hon. A. R. G. Hawke: That might exclude Servicemen.

Mr. STYANTS: That is so.

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

No. 7. Clause 10, page 7: Add a new Subclause after Subclause (15) to stand as Subclause (16) as follows:—

Where the only residential premises on any land used as a factory, workshop, office, shop, warehouse, or for any industrial or commercial purpose are occupied by a caretaker of the land or buildings thereon, the existence on the land of those premises shall not exclude the land from the category of land used solely as a factory, workshop, office, shop, or warehouse or solely for any other industrial or commercial purpose as the case may be.

The MINISTER FOR LANDS: This amendment is consequential on No. 4 and should be opposed. I move—

That the amendment be not agreed to.

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

No. 8. Clause 17 Subclause 12 (3), page 11: Delete the words "or state of mind" where they appear in lines 10, 12, and 13. (The word "or" is consequentially inserted before the word "belief" in line 10 and 12.)

The MINISTER FOR LANDS: These words are taken from the Commonwealth Act and relate to the controller or his deputy being satisfied as the measure in some cases requires. For example, I refer members to line 3 of Clause 11 (2). I move—

That the amendment be not agreed to.

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

Resolutions reported and the report adopted.

A committee consisting of Hon. L. Thorn, Hon. R. R. McDonald and Hon. J. T. Tonkin drew up reasons for disagreeing to the Councils amendments.

Reasons adopted and a message accordingly returned to the Council.

Sitting suspended from 11.53 p.m. till 1.2 a.m.

Council's Message.

Message from the Council received and read notifying that it insisted upon its amendments to which the Assembly had disagreed.

In Committee.

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

The MINISTER FOR LANDS: I move—

That the Assembly continues to disagree with the amendments insisted upon by the Council.

Question put and passed.

Resolution reported and the report adopted.

Assembly's Request for Conference.

The MINISTER FOR LANDS: I move—

That the Council be requested to grant a conference on the amendments insisted on by the Council, and that the managers for the Assembly be Hon. L. Thorn, Hon. R. R. McDonald and Hon. J. T. Tonkin.

Hon. J. B. SLEEMAN: I cannot agree to the motion for a conference. Are we to have a repetition of the spectacle of past years when we have sent managers to a conference, only to hear on their return a report that they have given in and the only thing left for us to do was to adopt the report? Why not tell the Council that we do not want a conference? Members of that House have been playing up with the Bill and, if they cannot show a little decency, we have no right to go into conference. I hope this House will not lower itself by asking for a conference. While the Council has been occupying time in insisting upon its amendments, we have been awaiting its decision and now we are asked to agree to a conference. If history repeats itself, in an hour or two's time we shall be asked to adopt a report to the effect that our managers have given way to the Council managers. I shall oppose the motion.

Mr. GRAHAM: I wish to enter my protest. Because this Bill is part of our emergency legislation, the Opposition has treated it generously; in fact, I may say there has been practically unanimity in relation to the full contents of the Bill. This House has indicated that it desires the Bill to be passed in its present form. However, we have ample evidence that the Council is stubborn and insistent and refuses to depart from the attitude it has determined to adopt. I feel that a conference can only result, as the member for Fremantle stated, in members of this House being required to continue in attendance for a lengthy period with the inevitable outcome of our having to give way to the dictates of the Council.

Hon. A. H. Panton: Not necessarily.

Mr. GRAHAM: Well, either that or a disagreement. I am by no means disposed to permit the Council to ride rough-shod over the democratically-elected members of this House. If other members are of the same mind—and I believe some of them are—then the Assembly managers must stand firm on all the major points at issue, which means that the conference will result in a stalemate. Therefore, instead of wasting time, we might be well advised to acknowledge the situation that has arisen. I was in the Council Chamber during the

time these amendments were being discussed.

Mr. May: What was your impression?

Mr. GRAHAM: I felt disgusted at witnessing the sorry spectacle of the Minister's being without support from Liberal or Country Party members with the exception of the two recently appointed Knights.

Hon. A. H. Panton: They twisted a bit.

Mr. GRAHAM: One of them subsequently altered his point of view. With those exceptions, there were only Labour members supporting the Minister, which indicated to me that Liberal and Country Party members in the Council have scant respect for their counterparts in this House. This is a matter that must be faced fairly and squarely. I feel that there are certain members of the Council who are hoping and praying that a deadlock between the Houses will occur and that the whole control of land sales will go by the board, and they are playing their cards to that end. I believe there is no shadow of doubt about that. Apparently there is a certain cockiness owing to the fact that a former member of that House sought to make the Council a little more democratic, but the wrath of vested interests was heaped upon him and the consequence was he ceased to be a member of that Chamber. His successor has determined to be reactionary in the extreme in order to play up to those very interests who were responsible for his election.

I envisage landholders, land dealers and big business generally straining at the leash to prey upon the people in connection with the sale of land, upon people who, by and large, have no say whatever in, and no opportunity to vote for or to exercise any influence on the Legislative Council. Consequently, there is that air of sheer and utter irresponsibility on the part of some individual legislative councillors. After all, I witnessed a division only a matter of minutes ago that revealed that 10 members, who were elected by a mere handful of people of a certain class, were responsible for the state of affairs facing us at the moment. It is my opinion that at least a certain number of those 10 members have decided to release controls to such an extent as to enable them to prey upon the people in their districts; or, alternatively—and this is probably their greatest wish—to abolish controls altogether.

I therefore suggest that the Government, and this Chamber as a whole, should acknowledge the position and take steps immediately to communicate with the Prime Minister asking that the period when these Commonwealth regulations should apply be extended. I am certain that if we pointed out to the Prime Minister our reasons for such a request, he would, out of consideration for the welfare of our people, agree to such a course. However, if he did not, then the Legislative Council would be responsible for the chaos and hardship that would be the lot of the people of this State. No member, irrespective of party affiliations, should in the circumstances hesitate to tell the people the exact type of set-up we have in what is supposed to be a democratic unit of the British Commonwealth.

Let it be blazoned forth throughout the length and breadth of Australia, if need be, that it is impossible, under existing conditions, for even a Liberal-Country Party Government to govern. It might be understandable if a Labour Government were in power, but we are faced with this position while a non-Labour Government is in office. I am aware that I have delayed the House for ten minutes or so, but I hope I shall meet with a certain measure of success by pointing out to members that if they agree with me we can save several hours of waiting about this building while a conference is being held which, if we are honest with ourselves, we must admit is doomed to failure from its inception. This is a trick put over by the Legislative Council. The Bill is emergency legislation and advantage is being taken of that fact by irresponsible members of the Council. In so saying, I refer to the limited franchise for that Chamber.

Let us face the position. Let us obviate the necessity for hanging about this building perhaps for many hours with the inevitable result of having either to accept the domination and dictation of the Council, as against the unanimously expressed opinion of members of all parties and of no party in this House, or a complete failure, which of course would mean that the Government would have to seek other means such as I have indicated. Let us face up to the position now, but, in any case, if the House

thinks it worth while, let it take that further step. It is for the House to make the decision, but I was not going to cast a silent vote on this question. I want everybody to know exactly where I stand and what I think of the treatment being meted out to this democratic Chamber by the Legislative Council.

Question put.

Hon. J. B. SLEEMAN: I called for a division. Quite a number of members voted "No" and I demand a division.

Division resulted as follows:—

Ayes	25
Noes	8
Majority for	17

AYES.

Mr. Abbott	Mr. Naldor
Mr. Ackland	Mr. Panton
Mr. Brady	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Seward
Mr. Doney	Mr. Shearn
Mr. Grayden	Mr. Styants
Mr. Hawke	Mr. Thorn
Mr. Kelly	Mr. Tonkin
Mr. Leslie	Mr. Watts
Mr. Mann	Mr. Wild
Mr. McDonald	Mr. Yates
Mr. McLarty	Mr. Brand (*Teller.*)
Mr. Murray	

NOES.

Mr. Graham	Mr. Nulsen
Mr. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Smith
Mr. May	Mr. Rodoreda (*Teller.*)

Question thus passed, and a message accordingly returned to the Council.

Sitting suspended from 1.20 to 1.40 a.m.

BILL—LAND SALES CONTROL.

Council's Further Message.

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council, and had appointed Hon. Sir Charles Latham, Hon. H. K. Watson and the Honorary Minister for Agriculture (Hon. G. B. Wood) as managers for the Council, the conference to take place in the President's room forthwith.

As to Conference and Council Managers.

Hon. A. R. G. HAWKE: I may not be completely awake, Mr. Speaker, but if I heard you read the message correctly I understand that the managers for the Legislative Council are to be the Honorary Minister for Agriculture (Hon. G. B. Wood), Hon. Sir Charles Latham and the Hon. H. K. Watson. This is a shocking action—

Mr. SPEAKER: Is the member for Northam commenting on the message?

Hon. A. R. G. HAWKE: Yes, if I may. This is a shocking action on the part of the Legislative Council. I am strongly inclined to suggest that we on the Opposition side of this House should refuse to take part in the conference or allow any one of our members to take part in it. Why should the Legislative Council treat the Labour members of that House with absolute contempt, as has been done in the appointment of these managers?

Mr. SPEAKER: Order! The hon. member should wait until the Minister has moved in the matter.

The Minister for Lands: There is nothing for me to move.

Mr. SPEAKER: The hon. member may proceed.

Hon. A. R. G. HAWKE: Surely there is some method by which we can voice a protest that is absolutely justified in the circumstances.

Mr. SPEAKER: There is nothing before the Chair.

Privilege—As to Non-representation of Labour Party.

Hon. A. R. G. HAWKE: Am I not entitled, on a point of privilege, to crave your permission and the indulgence of the House in order to make a strong protest against the action of the Legislative Council in this matter? It seems evident to me from the personnel appointed by the Legislative Council to be its managers that those who have been responsible for having the amendments made to the Bill in the Legislative Council are determined that, insofar as the Labour section of members in that Chamber are concerned, they shall have no representation at all at the conference, which seems to me to be not only a direct and calculated insult to Labour members of the Legislative Council but also an absolute insult to Labour members of this Assembly.

Hon. J. B. Sleeman: And an insult to the Honorary Minister in the Legislative Council, also.

Hon. A. R. G. HAWKE: In all my experience of conferences between the two Houses this has never happened before. I do not think it could have happened before in my experience because there would have been a Labour Minister in the Legislative Council, who would naturally have been at every conference. I would be inclined to wager, if that were permitted, that when the Country Party or National Party Government was in office from 1930 to 1933 such a thing never happened. We now find that the three managers for the Legislative Council at this proposed conference are all drawn from the anti-Labour section of that House, no manager being drawn from the Labour section of members.

Mr. Graham: A five to one vote against Labour.

Hon. A. R. G. HAWKE: It seems to me that some members of the Legislative Council have been encouraged to believe that they can do what they like and can insult the Labour section of that Chamber and the Labour section of this Assembly, also. It has been clear to most of us that a section of members of the Legislative Council have, with the passing of time, become increasingly intolerant in regard to their conservative views and in the unblushing service that they tender to special vested interests in this State, instead of giving reasonable service and protection to the community as a whole. On my own behalf and on behalf of members of the Opposition in this Assembly I say we are not prepared to go on accepting this sort of thing. The longer it is accepted, the more intolerant will this more conservative section of the Legislative Council become. It evidently feels that despite the fact that it represents only small numbers of the people it is entitled to set itself up as a sort of self-governing unit, and to impose its will upon Parliament as a whole by adopting all sorts of unworthy methods and political trickery.

In this House from time to time we of the Opposition have criticised the Government very strongly. Sometimes we condemn the Government in unmeasured terms and in return members of the Government reply to us in a similar strain but, if we take the proceedings of this House by and large, it will be found that we of the Opposition co-operate to a very substantial degree with the Government parties for the purposes of passing legislation which we consider will be beneficial to the people as a whole. If the Legislative Council is to be permitted to do outrageous things of this nature, and get away with them, I am afraid that the attitude of the Labour Opposition in this Chamber will have to be reconsidered, and we will see whether it is not possible for us to do something along rather different lines in the future. I should hope that the Government and its supporters in this House will join with us on this occasion in conveying some sort of protest, either official or otherwise, to the members of another place.

I have not had time for a detailed discussion with the member for North-East Fremantle on the attitude of the Legislative Council in this matter to ascertain whether he still proposes to act as a manager from this House at the proposed conference. I say quite clearly that the member for North-East Fremantle is, so far as I am concerned, perfectly at liberty, if he considers the circumstances sufficiently serious, to indicate to the House just what he thinks about the situation created by this small clique in the Legislative Council, a clique which evidently, at the bidding of outside special vested interests, is determined that it will have amendments made to this Bill that these outside special vested interests require, or else the measure will be lost altogether. That seems to be the attitude.

When the member for Fremantle moved earlier in the morning that we should refuse to meet the Legislative Council in conference on the Bill, I voted against him. I felt there was an obligation upon us in view of the vital nature of the Bill, and in view of its urgency, to exhaust every possible constitutional means within the machinery of Parliament to try to get the Bill passed in the most effective and safest form. If I had known that the members of the Legislative Council, or a number of them, would have subsequently taken the action they did to deprive absolutely the Labour members of their Chamber of and representation at this conference, I would have been rather inclined to support the member for Fremantle. I am absolutely disgusted to think that members of the Legislative

Council have been responsible for the action which has taken place. It becomes abundantly clear that these particular members are in the Parliament of this State for one main purpose, that purpose being to reap an advantage all the time for special powerful vested interests, most of whom are concentrated in the city of Perth.

The PREMIER: I must confess that I heard with surprise that a representative of the Labour Party was not included among the managers from the Legislative Council. Whilst it is not obligatory on the Legislative Council to select representatives from the party point of view nevertheless a tradition has been established, and one that I do not think has ever been departed from, of selecting from each Party in that Chamber. However, I am afraid there is nothing that can be done about it. I hurriedly glanced through Standing Orders which dealt with the appointment of managers, and it appears that the Legislative Council was within its rights in asking that a ballot should be held and electing its own representatives.

The Minister in another place did move that the Hon. E. H. Gray be appointed one of the managers, and that was the wish of the Government. I regret this departure from tradition and, if the Acting Leader of the Opposition will agree, I will take the earliest opportunity of meeting him and discussing the whole position. If it is possible to find a way out and to ensure that his Party will have a representative at future conferences, I will be prepared to support that view. I hope, because of the importance of this conference, that we shall still have the co-operation of the Opposition on this occasion. I regret that the omission of a representative of the Party opposite has occurred, and I can only hope that it will not occur again.

Sitting suspended from 1 to 5.45 a.m.

Conference Managers' Report.

The MINISTER FOR LANDS: I beg to report that the managers met in conference and reached the following agreement:—

Amendment No. 1. Clause 3, Subclause (2):

(a) After the word "of" in line 10 on page 2 there shall be inserted the word "five."

(b) After the word "knowledge" in line 11 on page 2 there shall be added the words "not more than two, of whom shall be members of the Public Service."

2. Amendment No. 2 shall be withdrawn.
3. Amendment No. 3 shall be accepted.
4. Amendment No. 4 shall be withdrawn.
5. Amendment No. 5 shall be withdrawn.
6. Amendment No. 6 shall be accepted.
7. Amendment No. 7 shall be withdrawn.
8. Amendment No. 8 shall be withdrawn.

I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Council.

Council's Message.

Message from the Council received and read notifying that it had agreed to the conference managers' report.

House adjourned at 5.50 a.m. (Friday).

Legislative Council.

Tuesday, 21st September, 1948.

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