Legislative Council

Thursday, the 10th November, 1966

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (2): ON NOTICE

MOTOR VEHICLES

Mechanical Examination by Police: Complaint of B. H. Bailey

1. The Hon. C. E. GRIFFITHS asked the Minister for Justice:

   (1) Will the Minister advise whether the constables engaged in the mechanical examination of vehicles requiring transfer of license from country to metropolitan are trained motor mechanics?

   (2) Will he inquire into—and report the findings to the House—the allegation by Mr. B. H. Bailey of 11 Kelsall Crescent, Manning, that his 15 months' old vehicle, which was inspected at Fremantle on the 7th October, 1966, and found to have mechanical defects, was subsequently inspected in Perth within a few hours, and passed as having no mechanical faults?

   The Hon. L. A. LOGAN (for The Hon. A. F. Griffith) replied:

   (1) Six constables are members of the Australian Institute of Automotive Engineers. The remainder are all practical experienced mechanics with up to 14 years' experience.

   (2) A report has been called for and will be made available as early as possible.

RAILWAYS

Leighton Beach: Excursion Fares

2. The Hon. R. F. HUTCHISON asked the Minister for Mines:

   As Leighton Beach is the most accessible by rail of the metropolitan ocean beaches, and as such enjoys great popularity among low income families and students in the eastern suburbs, without private means of transport, will the Government give consideration to re-introducing the system of excursion fares which obtained a number of years ago?

   The Hon. L. A. LOGAN (for The Hon. A. F. Griffith) replied:

   This concession was withdrawn as a result of the necessity to increase fares generally. However, the matter will be re-examined as requested.

QUESTION WITHOUT NOTICE

SCIENTOLOGY

Legislation to Ban

The Hon. F. R. H. LAVERY asked the Minister for Health:

In view of the statements published in *The Sunday Times* last Sunday in regard to scientology, and in view of an answer given to a question asked in another place yesterday that the Government did not propose to introduce legislation concerning this matter, could the Minister clarify the position?

The Hon. G. C. MacKINNON replied:

The position is that as at now the Government does not intend to introduce legislation to control the cult known as scientology. However, it is my intention to bring this matter before the Health Ministers' Conference which will be held in Western Australia during April next year, with a view to seeing whether the Ministers for Health of the various States of the Commonwealth will consider advising their respective Governments to take some uniform action, rather than pursue what is currently happening on a State basis. It is banned in Victoria and at present the only solution would be to continue this action State by State. If uniform action in all States and the Commonwealth could be achieved, it is felt it would be preferable, and would accomplish what some people consider to be a desirable end.

LEAVE OF ABSENCE

On motion by The Hon. J. Dolan (for The Hon. W. F. Willesee), leave of absence for nine consecutive sittings of the House granted to The Hon. R. H. C. Stubbs (South-East) on the ground of ill-health.

BILLS (2): RECEIPT AND FIRST READING

1. State Transport Co-ordination Bill.
2. Eastern Goldfields Transport Board Act Amendment Bill (No. 2).

Bills received from the Assembly; and, on motions by The Hon. L. A. Logan (Minister for Local Government), read a first time.

STATUTE LAW REVISION (SHORT TITLES) BILL

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and transmitted to the Assembly.

AMENDMENTS INCORPORATION ACT AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and transmitted to the Assembly.

STATUTE LAW REVISION BILL

Second Reading

Debate resumed from the 9th November.

THE HON. H. K. WATSON (Metropolitan) [2.42 p.m.]: This Bill to repeal certain spent, unnecessary, or superseded enactments is part of the general reform in Statute law. Two of the Bills being repealed by this measure are the Secession Referendum Act of 1932 and the Secession Act of 1934. The Minister has mentioned, as also have one or two other members, that I was very actively engaged in and about the preparation of the Secession Act, 1934, the events which led up to it, and the events which flowed from it.

Although I have already, during this week, been far too loquacious, I am sure that you, Mr. President, and members generally will be generous enough to bear with me for a few minutes or so while I do a little reminiscing about, as the poet has said, happy-far-off days and battles long ago. They were the days of a four-year campaign, of days when one could fill His Majesty's Theatre with an election meeting, and when the country town halls and meeting places were filled to overflowing. They were the days when the Federal Government saw fit to pack up lock, stock, and barrel, and hold an official sitting in Perth —the first and only occasion the Federal Government has sat in Perth during the 66 years of Federation. They were the days out of which the Grants Commission was launched.

For the benefit of some of the younger members, I suggest to them that although the Secession Act is being repealed, a study of it even today is well worth while as an indication of the position of Western Australia as it was in 1934, with particular reference to its position in the Federation. Then also, for the person who is interested in constitutional and technical matters, the Act and the petition which flowed from it, the proceedings of the Joint Select Committee of the House of Lords and the House of Commons and the report in due course, followed by a report from the secession delegation to the Parliament of Western Australia are all matters of considerable interest.

Running through the basic principles of the Act which is being repealed, the position is that following the secession referendum which was carried, the Parliament of Western Australia held a Joint Select Committee, and that Joint Select Committee, in its turn, recommended to Parliament the appointment of a committee to prepare Western Australia's case for secession and to draw up the requisite petitions. The committee was appointed and consisted of Mr. Cyril Dudley, The Hon. John Lindsay, Mr. A. J. Reid, who in those days was Under-Treasurer, but today is known as Sir Alex Reid, Chancellor of the Western Australian University, The Hon. John Scaddan, Mr. J. L. Walker, later Mr. Justice Walker, and myself.

That committee was duly appointed and I well remember its labours, because I found myself sitting at the end of a pen for over six months. In due course, we submitted to Parliament the case which had been prepared and which today, if anyone is interested in a brief and, I think it can be said, reliable outline of the circumstances surrounding the consummation of Federation and the constitutional history of the Commonwealth and the States —at any rate, up to 1934—will be found in the case for secession.

Parliament then adopted the case and authorised the presentation of three petitions, one to His Majesty the King, one to the House of Lords, and one to the House of Commons. The contents of that petition were printed in this Act of 1934 which is being repealed.

The petitions presented to the House of Lords and the House of Commons had to be handwritten and on one continuous sheet, according to their Standing Orders. So the petitions themselves amounted to a scroll of some 30 feet, written in copperplate handwriting, and containing the material which is in the second schedule to the Secession Act.

It will not be without interest to read a couple of the grounds on which the petition was presented. One of the grounds was as follows:—

> That those disabilities which the people and the State of Western Australia are suffering in common with the other States in the Commonwealth have arisen for the most part out of judicial interpretations of the provisions of the Federal Constitution, and out of the unrestrained exercise by the Parliament of the Commonwealth and the Commonwealth Government of the unlimited and unrestricted taxing powers and spending powers conferred on the said Commonwealth by the said Constitution.

Then the next paragraph reads as follows:—

> That the disabilities referred to in the next preceding paragraph (c) do not go to the root of the Federal Constitution, and in theory can be removed by an alteration of the said Constitution; but the said disabilities cannot, in fact, be so removed for the reason that an alteration of the said Constitution can be initiated only by the introduction of a Bill for that purpose in the Parliament of the Commonwealth and the Commonwealth Government has always opposed in the past and still opposes, and most certainly will continue to oppose in the future, any proposal for an alteration of the Federal Constitution, which has for its object the restricting or limiting of the said taxing powers and spending powers conferred upon the Commonwealth by the Federal Constitution as aforesaid.

Another clause contained a reminder that the self-governing Colony of Western Australia prospered and developed in the days before Federation, her people displayed conspicuous ability for responsible government, the people still possessed that ability for responsible government, but Federation had, to all intents and purposes, destroyed the scope within which it might be enjoyed.

The petition is extremely long and very comprehensive. Some of its contents have, of course, with the passing of the years, to be read in the light of today's conditions. I would say that although the Act itself may be described as spent, there are some observations in the petition which still apply.

I will not read them out; I will just indicate them by reference. The preamble to clause 17 of the petition, and paragraph (xix) of that clause contain principles and ideals which will never be spent. They are eternal. As I said, I will not read them out but, having referred to them, I will pass them by.

The petition concluded with a draft Bill and it was prayed that such Bill be passed by the Parliament of the United Kingdom to grant Western Australia separation, and establish a separate Constitution for the State. The petition was signed on behalf of the people of Western Australia by J. W. Kirwan, the President of the Legislative Council; A. R. Grant, the Clerk of the Legislative Council; A. H. Panton, the Speaker of the Legislative Assembly; Francis G. Steere, the Clerk of the Legislative Assembly; P. Collier, the Premier and Treasurer of the Government of Western Australia; J. M. Drew, the Leader of the Government of Western Australia in the Legislative Council; C. G. Latham, the Leader of the Country Party; and Norbert Keenan, the Leader of the Nationalist Party.

The Parliament of Western Australia then decided that the petition should be despatched to His Majesty and that like petitions should be despatched to the House of Lords and the House of Commons. It was further determined that a delegation should be sent to London in support of the petition. That delegation consisted of J. MacCallum Smith, M.L.A., and myself, who were joined by two gentlemen who were then resident in London. They were Sir Hal Colebatch, Agent-General, and M. L. Moss, who was at one time also a member of the Legislative Council.

In addition to the delegation taking the necessary steps for the petitions to be presented to the House of Lords and the House of Commons, it was also necessary for due formality to be observed in connection with the presentation of the petition to His Majesty. The petition was transmitted in this way: It was delivered to the then Governor of Western Australia, who was Sir James Mitchell, and I was appointed King's Messenger to convey the documents from His Excellency to His Majesty, through the Dominions Secretary, who was then Mr. J. H. Thomas.

The petition was presented in the House of Commons by Adrian Moreing, M.P., and in the House of Lords by the Marquess of Aberdeen. A Joint Select Committee of both Houses of the Parliament of the United Kingdom was appointed to consider the petition and report to both Houses whether the petition was proper to be received—not whether it should be granted, but whether it was proper to be received.

Before the delegation had left for London many inquiries had been made at the Dominions Office, and that office and the parliamentary officers of the United Kingdom had left no doubt in the minds of the authorities at this end that the petition would be proper to be received, otherwise we would not have gone through the performance of sending it on.

After having arrived there, as I have said, the joint Select Committee was appointed to decide whether the petition was proper to be received. That committee consisted of Viscount Goschen; Lord Ker (Marquess of Lothian); Lord Wright; Mr. Amery; Mr. Isaac Foot; and Mr. Lunn, of the House of Commons.

That committee sat and heard considerable discussion on the petition through the months of March and April, 1935. On the 22nd May, 1935, it presented its report to both Houses of the Parliament of the United Kingdom, and that report in due course was printed. The report was that the Joint Select Committee of the two Houses of the Imperial Parliament did not consider the merits of the petition. It confined itself to the legal constitutional position. Its report was that the petition was not proper to be received, and its conclusions may be summarised in this way—

(1) It is true that as things stand, the Parliament of the United Kingdom alone has power to pass an Act to effect the dissolution of the Commonwealth, or the secession of any of its constitutent parts. It is true, also, that the Parliament has, in law, full competence to do so even against the wish and without the consent of the Commonwealth.

(2) It would, however, be constitutionally incompetent for the Parliament of the United Kingdom so to legislate except at the request of the Commonwealth Government and this notwithstanding that the infraction of the Constitution by the Commonwealth was one of the reasons that prompted Western Australia to seek action by the Imperial Parliament.

I would today venture the observation that that report and that reasoning make pretty queer reading when considered in the light of the method and the manner by which the Parliament of the United Kingdom dissolved the Federation of Rhodesia and Nyasaland by unilateral legislation of the United Kingdom; and dissolved it despite the vigorous and vehement protest of the Federal Government of that country, and its Prime Minister (Sir Roy Welensky). When that report was released I felt constrained to deliver a Watsonian broadside, and on the one and only occasion in my lifetime, I should say, I hit the newspaper billboards in London.

One interesting sidelight was that the report was released a day or two before the usual annual Western Australian dinner which was organised by the Agent-General for Western Australia and attended by friends of Western Australia, and the Dominions Secretary was to be the guest of the evening. After I had delivered my broadside, the Dominions Secretary caught a diplomatic cold and did not attend the dinner to be held on the following night. What I had to say remained unparallelled until 1963 when Sir Roy Welensky expressed his view of the British Government in terms much more severe than mine.

It may be of interest to members if I quote what The Hon. Norbert Keenan, K.C.—as he was then—said. This quotation is taken from the Western Australian *Parliamentary Debates* of the 15th August, 1935, Volume 95, page 227. After the delegation had reported back to the Parliament of Western Australia, Mr. Keenan had this to say—

> The finding of the joint committee of the two Houses of the Imperial Parliament that the petition of the people of Western Australia was not receivable was, to my mind, wholly inexplicable; and all the more so because, if we examine the words and the matter of that finding, we see that it was clearly laid down by the joint committee that the right to appeal to the Imperial Parliament for redress of grievances was an absolutely inherent right of British citizenship.
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> I could have understood the position from my point of view, if it had been held that the petition was capable of being presented and then, before even considering any remedy, the Imperial authorities had consulted with those representing the Commonwealth of Australia as to any remedy and the extent of such remedy. On the other hand, to refuse to hear the petition at all came as a great shock to all traditions of the British Constitution. How great a shock, Mr. Speaker, I am afraid is not appreciated by all. This present act of the Joint Committee of the two Houses of the Imperial Parliament has completely obliterated the proud boast of British citizenship. Civis Britannicus, which, I might venture to say, are words of another language expressing British citizenship, meant nothing unless it meant that any aggrieved British subject in any part of the British Empire had the right to go to the fountain-head of justice, to the King and Parliament at Westminster, and obtain redress if he could show a sufficiently good cause for redress.
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> But the extraordinary decision that has been pronounced by the Joint Committee of both Houses of the Imperial Parliament means that there are no longer British subjects with the inherent rights of British citizenship, but merely subjects of a polyglot Empire of which they happen to be residents.
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> No matter how unjustly they may have been treated or how unjustly they may consider themselves to have

been dealt with, the Mother of all Parliaments confesses herself incapable of granting any remedy. She has washed her hands in her impotency, even as Pilate did. To steer clear of the embarrassment of doing her duty, she has turned renegade and denied what, in all her history, has been regarded as one of the greatest of her trusts. So it is that those who now live in distant parts of the Empire are no longer British subjects with the rights and privileges of British citizenship, but merely subjects of a local governing authority.

The Hon. F. J. S. Wise: That was one of the many great speeches by that man.

The Hon. H. K. WATSON: Yes, he made some great speeches, as Mr. Wise has said. This was the speech of an orator and King's Counsel. The opinion of Mr. Keenan which I have just read was, in fact, supported by all the King's Counsel in Western Australia at that time. It was also supported by very eminent legal luminaries in the United Kingdom in the persons of Messrs. D. R. Pritt, K.C.; J. H. Morgan, K.C.; and Sir William Jowett, K.C., who subsequently became Lord Chancellor.

I will now outline one peculiar feature of the report of the joint Select Committee in the United Kingdom, and the attitude of the Imperial Parliament. In a memorandum which I was constrained to publish on the 8th November, 1935, the following is stated:—

> It might also be added that before the petitions were prepared and despatched from Western Australia, the Dominions Office (presumably upon the advice of their own legal advisers and after consultation with the Speaker) had, in response to official enquiries from Western Australia, expressed concurrence with the view that the petitions were proper to be received—a fact which the Secretary of State for Dominion Affairs did not deny when challenged on the question from the floor of the House of Commons by Captain J. P. Dickie, M.P., on the 17th July, 1935.

The position is as I stated in that memorandum, and even today it seems to be quite a reasonable statement of the position. I had this to say—

> The petition has not been rejected by the Imperial Parliament. An opportunity for the House to consider the Report of the Joint Select Committee and decide whether it would accept or reject the petition was steadfastly refused by the British Government; notwithstanding serious protests from all parts of the House, and notwithstanding the definite assurance of Lord Hailsham, on the occasion of the appointment of the Select Committee, that "Whatever conclusion is reached by the Joint Select Committee, each House will remain completely free to consider that recommendation and if necessary to act upon it or depart from it." The present position is that the petition lies upon the table of the House of Commons without having been either accepted or rejected by the House.

I do not know whether Mr. Clarkson is aware of this very peculiar fact. In those circumstances it may be a moot point whether the Act has been exhausted; for example, in the course of the leisure time which Mr. Harold Wilson might have he might unearth the petition. Bearing in mind the fact that he is a nephew of a past President of this House, and indeed, got the political bug from attending this Chamber, there is no saying what might happen if he were to consider the petition today. It might even ease the pressure so far as any trouble he might have about Rhodesia is concerned!

The Hon. F. J. S. Wise: Do you hold that contention strongly—that there is still a spark of life left in our Act?

The Hon. H. K. WATSON: When a year or two later a Select Committee was appointed in the United Kingdom to consider certain Budget leakages, that Select Committee presented its report and it was dealt with in the usual manner. It did not merely lie on the Table of the House; it was ordered to be printed. It then followed the general course of most reports. There was a substantive motion that the report be adopted. As Lord Hailsham said when the 1935 committee was being appointed, although we are asking the committee to say whether the petition should, or should not be received, it still remains for the House to decide whether it will or will not be received. Just where it might be today, I do not know; but accepting the position that it did reach the petition bag of the House of Commons —whether it still is in the bag today I do not know—and the House has not yet decided whether it will or will not be accepted—

The Hon. F. J. S. Wise: The rescinding of this Act would not necessarily affect the petition.

The Hon. H. K. WATSON: I think not. With this Bill coming forward, and with my mind going back to the past years, I went to the Watson archives and looked at one of the photographs taken at the time. It was taken at the Dominions Office in Downing Street and it shows MacCallum Smith and myself with the Dominions Secretary (Mr. Thomas). The photo shows me handing the petition, the case for secession, and my King's Messenger instructions to Mr. Thomas. It could perhaps be regarded as an historical photograph. I shall pass it around to members in case they are interested in

seeing it. One thing it does seem to demonstrate: Then, as now, my fighting weight was something under 10 stone.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and transmitted to the Assembly.

AERIAL SPRAYING CONTROL BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

The Hon. J. DOLAN: I move an amendment—

Page 2, lines 8 and 9—Delete the words, "or fertiliser."

My reason for moving this amendment is that the words are not contained in the Victorian Act, and they have no relevance in an interpretation of "agricultural chemical." If members will read the provision in the Victorian Act they will see these words have been deliberately omitted. Yesterday in explanation Mr. MacKinnon said that the Minister had power to remove them. Is that so?

The Hon. G. C. MacKinnon: It has to be prescribed.

The Hon. J. DOLAN: I repeat that these words are not in the Victorian legislation and, therefore, I feel they should not be in this Bill.

The Hon. G. C. MacKINNON: May I reiterate what I said yesterday. In actual fact the term is in both Acts. It does not matter whether these words appear or not. If something is prescribed as a fertiliser under the Act, then it will come under the control of the Act. The same applies in Victoria. There are circumstances under which it might not be desirable to proclaim a specific fertiliser, but when special compounds are evolved for certain crops, it could be desirable that a specific fertiliser be so prescribed in order that greater care might be exercised.

I do not care whether we take these words out and adopt the Victorian system. It does not matter a great deal, but our draftsmen are as good as the Victorian draftsmen and our draftsmen formulated the principles of the original Bill from which Victoria, to suit its specific requirements, saw fit to depart. I believe that under certain circumstances we should be able to prescribe a specific fertiliser, and I think it is as well that it be listed in order that we avoid any argument as to whether or not it is, in fact, a chemical. I would therefore request the Committee to leave the definition as it stands and to vote against the amendment.

The Hon. N. McNEILL: If the words, "or fertiliser" were deleted and a mixture of, say, superphosphate and an insecticide, was used, how would this then be provided for? The words "agricultural chemical" mean any chemical prescribed. Under these circumstances the D.D.T. or insecticide portion would be prescribed, but the fertiliser would not be prescribed. I see complications. As the Bill stands, if a person were using straight superphosphate in an ordinary top-dressing programme, this fertiliser need not be prescribed.

The Hon. J. Dolan: That is right.

The Hon. N. McNEILL: I do envisage complications in the event of a mixed fertiliser plus insecticide or some other chemical being used. I think it would be safer to leave the definition as it is.

The Hon. G. C. MacKinnon: So do I.

The Hon. S. T. J. THOMPSON: I intend to support the Minister, although I do not think it would matter very much one way or the other, because the situation is covered by the words "or any preparation." Superphosphate with any of the additives would be a preparation and therefore could be prescribed.

The Hon. G. C. MacKinnon: With the words deleted, endless arguments could arise.

The Hon. S. T. J. THOMPSON: Yes. However, I think the situation would be covered either way.

The Hon. J. DOLAN: I feel that the mixture mentioned by Mr. McNeill would be covered by the words "any preparation." Under those circumstances, I feel the words "or fertiliser" are unnecessary and their deletion would be in accord with the Victorian legislation and provide uniformity, which is so desirable.

Amendment put and negatived.

Clause put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Control of aerial spraying—

The Hon. H. K. WATSON: Last night, the Minister mentioned that he was not able to answer the point which I then raised and suggested he defer his answer until the Committee stage. I might be precipitant in moving my amendment and, before I do so, I would like to hear his comments. It does seem to be an extraordinary thing that a person can be charged with an offence, notwithstanding that the aerial spraying was carried out without his knowledge or consent. This seems altogether too sweeping.

The Hon. G. C. MacKINNON: This provision is contained in both the Victorian and Tasmanian Acts, and it was agreed to by all the Attorneys-General

and Ministers for Agriculture of both the Commonwealth and the States. It is felt desirable that it should be retained in our Bill.

One of the main reasons for its retention is, I think, the difficulties of proof. Nowadays a considerable number of people own private aircraft and this number is increasing all the time. There is always the temptation for one person to ask another to fly over with his plane and do a quick job. It is rather difficult to make people realise the consequence of this type of action and, under the circumstances, the person responsible should be the owner of the craft, whether he knows that the plane is being used for the purposes of aerial spraying or whether he does not. I am sure Mr. Watson would realise, on reflection, that this principle is a rather sound one; namely, that the master is responsible for the faults of those who work for him.

The Hon. H. K. Watson: I agree with that, but what about the lessee? If an owner leases his plane to someone else, why should the owner be responsible?

The Hon. G. C. MacKINNON: I think the lessee is covered. Of course this comes down to a matter of law and I would not be sure, but I think that technically the lessee becomes the owner at law. I would not be positive on this point but I think the position is covered under other Acts. This position exists already in relation to owner-control. This clause is meant to deal with the fellow who owns an aircraft which he keeps on his own property.

The CHAIRMAN: Order! Will the Minister please address the Chair?

The Hon. G. C. MacKINNON: I am sorry I might have given the impression I was addressing someone other than the Chair—I was, in fact, addressing the Chair. As I have said, this clause is designed to cater for the kind of situation whereby the farmer may own his own plane and, in actual fact, do much of his own work. Possibly someone other than the farmer might do some of the flying at times. I feel an examination of this situation indicates it is desirable to keep the clause as it is now written in the Bill.

The Hon. F. J. S. WISE: I do not like the principle which is contained in subclause (2) of clause 6. If this clause is passed in its present form we will be finding a person guilty of something when he has made no contribution to that guilt. This is almost as bad as the onus of proof being on the accused, because it brings in the principle of finding guilty a person who has had nothing to do with the incident. I do not like the underlying responsibility which is being imposed on somebody, notwithstanding that the offence was committed without his knowledge and consent—I think it is quite improper, not merely for aerial spraying but for every other practice. The principle is wrong.

The Hon. G. C. MacKINNON: Mr. Wise is not an orphan in his views. However, here is a situation where the facts of the position must be faced. Perhaps I can relate this clause to questions which were raised during the debate on the Fisheries Act Amendment Bill last year relative to the skipper of a boat who was found guilty of an offence committed by a crewman. As Mr. Wise has just expressed his concern, I, too, was worried—and, indeed, I said so in this Chamber—that a man could find himself technically guilty of an offence about which he knew nothing. Perhaps the offence could have been committed by a crew member in a fit of anger, perhaps through ignorance, or perhaps through spite. In other words, after he had been ordered to throw a heap of undersized crayfish over the side so that they could return to their natural habitat, whilst the skipper's back was turned the crew member could load these into a normal bag, tie it up, label it, and have it sent away.

As Mr. Wise has pointed out, I realised this appeared to be an unfair situation so I had the matter referred for legal opinion in order to ascertain whether some suitable means of giving relief could be found. I am sure Mr. Ron Thompson and you, Mr. Chairman, will remember my action because you both took a keen interest in the matter at the time. However, the legal opinion received was that it has been a long-established precedent that the master is responsible. Try as one will to find some way to handle this, the established law will prevail, and there is no real way of overcoming it, even if one were to put the sorter's name on the label, together with the skipper's name. All sorts of possibilities such as this were suggested but, in the ultimate, and because of the difficulties of proof which I mentioned when I spoke previously, it came back to the position that the skipper—that is, the owner—just has to accept this responsibility. This is because we are faced with the position that, whilst all the things I have mentioned could occur, it could also be that the skipper says, "Listen, pop half a dozen in each bag" and subsequently says, "I did not know a thing about it."

This is the kind of difficulty associated with proof and over the years—in fact, I am told over the centuries—this principle has come to be applied. I would say to Mr. Wise that this matter was considered before the Bill was brought forward, and indeed, it has been discussed previously in this Chamber. I am not sure when it was discussed, but I think it must have been during the Committee stage of the Fisheries Act Amendment Bill, which gave rise to an identical question. Because of

the circumstances which might prevail with regard to an owner's guilt, this only fortifies my desire that the Committee should retain this clause as it stands.

The Hon. A. R. JONES: I can understand the situation and the circumstances as outlined by the Minister just now but, in my opinion, this position is totally different from the position which obtained with regard to the Fisheries Act Amendment Bill.

A person could be purchasing an aircraft on time payment, and the person who is selling the aircraft is always known as the owner. The other man is the hirer until such time as the aircraft is paid for. Also, an aircraft could be owned by one person and rented.

The Hon. H. K. Watson: That is covered by the definition in clause 3.

The Hon. A. R. JONES: The Bill should be altered so that the owner of the aircraft is protected; because he may be hundreds of miles away and may not have anything to do with it. I think the clause should be altered to provide that the manager, or whatever he might be termed, of the company is responsible instead of the owner.

The Hon. H. K. WATSON: I am disinclined to move an amendment at the present stage, but I would like the Minister to have a browse through the clause. I agree with him entirely on his illustration of the master and servant. The master is liable for the servant without any provision being placed in this Bill; that is the common law. Mr. Jones was on the beam to a certain extent because there could be a case where a person leases an aircraft. I appreciate what the Minister said about the lessee, but there is nothing in the Bill to cover the point. A word or two in the Bill would not do any harm. We have covered hire purchase agreements so why not cover the case of the lessee which would then give statutory effect to the Minister's explanation that the lessee is deemed to be the owner?

The Hon. G. C. MacKINNON: I think most of the points which could be made have perhaps already been made but I appreciate Mr. Watson's attitude. I shall not be asking for the third reading to be taken today and therefore, in the meantime, further research can be carried out and if it is thought desirable that something should be done the Bill can be recommitted for that purpose.

Clause put and passed.

Clauses 7 to 13 put and passed.

Sitting suspended from 3.45 to 4 p.m.

Clause 14: Inspection of sprayed areas—

The Hon. H. K. WATSON: This clause contemplates that the director shall prepare a report, but it is silent on what he should do with the report. I have had different answers to the inquiries I have made on this subject, and I feel the report should be dealt with as indicated in the amendment I propose to move. I move an amendment—

> Page 9, line 8—Insert after the word "spraying" the passage, "; and the Director shall make available to the owner of the aircraft concerned and the owner or occupier of such land a statement as to whether in his opinion such growth or animal life has been injuriously affected by aerial spraying."

The Hon. G. C. MacKINNON: I think the amendment has some merit and I agree with it.

Amendment put and passed.

The Hon. J. DOLAN: I would refer members to subclause (4)(a). This is identical with the Victorian provision except that the Victorian Act fixes seven days. I think we should also provide seven days rather than 14 days within which a person should notify the director. It is not unusual for planes to be brought from the Eastern States to do a job, after the completion of which they return from whence they came. They cannot afford to waste time. If the owner has 14 days before he makes his complaint the operator may quite easily be in another State, and the owner would have to obtain his evidence of the damage.

Apart from this, crops like lucerne can be saved if the damage is discovered soon enough. The longer it is left the more difficult it will be to rectify. The difference in time would not matter much to the owners but it would help the operators. I move an amendment—

> Page 9, line 20—Delete the word "fourteen" and substitute the word "seven."

The Hon. J. HEITMAN: I agree with Mr. Dolan that this period should be altered to seven days. If there is damage it should be notified as quickly as possible.

The Hon. G. C. MacKINNON: I agree with Mr. Dolan to a certain extent. But why should we make it seven days; why not make it one day, two days, or three days? We have selected 14 days as a compromise. A farmer may suspect some damage and wish to wait a little time before notifying the director. Some crops may take a knock and recover quickly. Mr. Dolan's amendment will mean that more claims will be lodged, and greater expense will be incurred. Time should be given to the farmer to watch his crops in order to see what develops before a final assessment is made.

The Hon. F. J. S. Wise: What is the provision in the Victorian Act?

The Hon. J. Dolan: Seven days.

The Hon. G. C. MacKINNON: That meets the requirements of that particular State. As I have said, a period of 14 days

was selected as a compromise, just as Mr. Dolan has selected seven days as a compromise.

The Hon. H. K. Watson: What about the man who has returned to the Eastern States?

The Hon. G. C. MacKINNON: There is no need for him to stay after he has done the spraying. This responsibility is placed upon the owner.

The Hon. J. Dolan: He may want to call the operator and get a submission from him to see whether he denies liability.

The Hon. G. C. MacKINNON: That is purely an insurance risk. Assessments are made, and for that reason the responsibility has been moved from the pilot to the owner. The time does not matter very much, because the provision states that the notification shall be made from the day of observation, and there would be no necessity for the pilot to remain after he had done his spraying. It might be his last job. It might be two days, two weeks, or two months before the damage shows up, and from the day it shows up 14 days has been selected as the time within which it should be notified. Perhaps we could allow a little more latitude in this case, and be a bit more generous in the next amendment I have on the notice paper.

The Hon. J. DOLAN: If damage has been done the farmer would surely know straightaway. He would know that spraying was going on, and he would be aware of the damage unless he was in the numbskull class. Seven days is a very liberal period.

The Hon. S. T. J. THOMPSON: I think 14 days is all right. The notification is to be made within 14 days of the date of observation, not from the date of spraying. The damage could be discovered after two months. I could give an example of someone who sprayed his crop to kill dock, and it was not known that the wheat had been affected until it came into head. If people are going to appeal they will have to appeal straightaway to cover themselves. Two or three days should be given to see the possible effects of the damage. I oppose the amendment.

The Hon. J. DOLAN: Mr. Syd Thompson's idea is that a person should be given time to see the effects of the damage done. He might see signs of damage, after which he has seven days to notify the director. I think that seven days is ample time for this to be done. For instance, Dr. Hislop would not say to a patient, "I think there is something wrong with your head so I will cut it off to see what the position is." I am sure he will wait until he is certain of the position!

The Hon. G. C. MacKINNON: It need not necessarily be damage to a farm or crops. It could apply in the wheatbelt areas in towns that have tree-planting programmes. In these cases, I think 14 days is a reasonable time for the matter to be referred to the shire council, and so on.

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

Ayes—10

Hon. J. J. Garrigan	Hon. F. R. H. Lavery
Hon. E. M. Heenan	Hon. R. Thompson
Hon. J. Heitman	Hon. H. K. Watson
Hon. E. C. House	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. Dolan
	(Teller.)

Noes—11

Hon. C. R. Abbey	Hon. N. McNeill
Hon. V. J. Ferry	Hon. S. T. J. Thompson
Hon. C. E. Griffiths	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. H. R. Robinson
Hon. G. C. MacKinnon	*(Teller.)*

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. A. R. Jones
Hon. W. F. Willesee	Hon. A. F. Griffith
Hon. H. C. Strickland	Hon. G. E. D. Brand

Amendment thus negatived.

The Hon. G. C. MacKINNON: I move an amendment—

> Page 9, line 22—Insert after the word, "days" the passage, "or such lesser number of days as the Director in any particular case permits,".

It has been brought to the notice of the Minister for Agriculture that 14 days could cause difficulty in the case of tomatoes, lettuce, and that type of produce which looks very attractive when it reaches its peak, but is quite useless because of spray effects. The Minister considers the amendment will meet the needs for specific types of crops by providing a certain amount of latitude. I hope the Committee will agree to the amendment.

Amendment put and passed.

The Hon. J. G. HISLOP: I would like some information on two points. Where a person complains that animals on his property have been affected by sprays, he shall notify the director in writing at least 14 days before that animal is killed.

Why does the animal have to stay in that condition for that length of time? As far as I can see the life of this animal must go on for 14 days, or the lesser number which the Minister has now introduced. I would like to know what animal life is likely to be affected by spraying.

The Hon. G. C. MacKINNON: It is thought that perhaps when jettisoning spray, this could have an effect on animal life. That is why the 14 days has been cut down. It is unreasonable that an animal should stay in a condition of pain for that period. If an animal is injured to the point of desperation, out of sheer humanity the owner would call someone in and have it destroyed.

The Hon. F. J. S. Wise: Would you agree to insert the words, "on the advice of a qualified veterinary surgeon"?

The Hon. G. C. MacKINNON: That would be all right provided we had sufficient veterinary surgeons; but there

are a number of places without them. This is a case where one would have to get a witness; and I think common sense would prevail.

The Hon. J. G. HISLOP: I think the R.S.P.C.A. should have a look at this. If the animals are in any way allowed to exist in pain or distress the R.S.P.C.A. should know of it and then perhaps we could make an alteration to the measure. We must be kind to animals we have made pay the penalty in the cases to which reference has been made. Therefore, I would like to know the views of the R.S.P.C.A.

The Hon. R. F. Hutchison: So would I.

The Hon. G. C. MacKINNON: I think this is drawing the long bow. I would imagine that perhaps some cows might stop giving milk, or there may be some damage to wool. Those are the things that come to my mind; but the possibility of animals being affected to the point of pain and anguish would be so remote as to be unrealistic.

The Hon. S. T. J. THOMPSON: The most likely cause for a claim would be in respect of an animal that had been sent down here for sale and the carcase was rejected on account of the residual effect of spray. We know these chemicals do affect stock. I think this clause would cover that sort of eventuality.

The Hon. J. G. Hislop: The words in the clause are, "he destroys."

The Hon. S. T. J. THOMPSON: I could be wrong but I visualise that the most likely cause for a claim would be in relation to the carcase of an animal. I do not think animals would be affected to the point where they would require the attention of the R.S.P.C.A.

The Hon. E. C. HOUSE: I do not know what the answer is, but I can cite my own experience. I gather we are dealing with compensation that is payable after a spray drifts or the pilot of a plane sprays a paddock belonging to someone else and stock are affected.

I had about 50 sheep in a mob and about 15 days after spraying for red-mite they were lying paralysed on the ground. After about four or five days, most recovered with treatment. Nevertheless, this did happen. A more deadly spray than the one I used, such as one for the eradication of thistle or something like that, could easily affect stock in an adjoining paddock belonging to a neighbour.

The Hon. N. McNEILL: We cannot visualise the circumstances or materials that will be in use in the future to warrant altering the wording of this clause. The Act will be with us for all time and we cannot anticipate what materials and chemicals will be used. Some chemicals we know to be highly dangerous.

Apart from that, I can see other difficulties which are of a physical nature. A number of stock owned by a farmer 25 miles east of Narembeen may be injured and he will be required to notify the director in writing to that effect in 14 days or such lesser number of days as the director permits; but that farmer does not know what lesser number of days the director will permit, anyway.

The notification has to be in writing and unless there is an agricultural officer, who is fully authorised by the director, in that locality, it might take a week before anything is done. If the notification takes a week to get to the director, the affected animals might not still be there. A farmer could take the humane attitude and destroy the animals so that they would not be suffering. But if he does that he is not complying with the conditions of the Act.

I can foresee some problems. Farmers like myself can ring up the Chief Veterinary Officer who might tell us to put the complaint in writing and destroy the animals. However, all farmers are not in that position so I would like to see more consideration given to this matter.

The Hon. G. C. MacKINNON: Speaking from memory, I understand that the notification in writing dates from the time the letter was posted, and not from the time it is received.

The Hon. N. McNeill: Yes, that is so.

The Hon. G. C. MacKINNON: Then the argument does not hold because once the letter is posted it does not matter if it takes two weeks to reach the director: He has been notified in writing, which is the requirement before the animals are killed. The farmer has also to get a permit, and he will probably ring up for this. Anyone with consideration for animals will take some action.

It seems to me that insufficient consideration has been given to the actual situation. For that reason, I move—

> That further consideration of the clause be postponed.

Motion put and passed.

Clauses 15 to 18 put and passed.

Clause 19: Regulations—

The Hon. J. DOLAN: I intend to move an amendment, which is consequential. Clause 12 has had the words, "owner of an aircraft" substituted for the words, "pilot in command of an aircraft." The same applies to clause 13, where "owner" was substituted for "pilot." Paragraph (g), will make the pilot and not the owner, responsible for the keeping of records. Therefore, I move an amendment—

> Page 12, line 11—Delete the words "pilot in command" and substitute the word "owner."

The Hon. G. C. MacKINNON: I am sorry, but I must ask the Committee to disagree with this amendment because it is not consequential. Clause 12 stands on its own, and demands a certain thing. Paragraph (g) is additional to the conditions under clause 12, and is in no way consequential to the amendment which was made to that clause. There are certain records which it is desirable a pilot should keep.

As a matter of fact, I think it was Mr Dolan who showed us quite clearly that the pilots do, in fact, keep records.

The Hon. J. DOLAN: It seems strange that the Minister is arguing against the argument he advanced when we were discussing clause 14. The Minister argued that the pilot would have to get away to another job, and therefore the records would be better kept by the owner. Now he uses the reverse argument. I feel the pilot should be exempt from keeping records, and that was the purpose of the amendment to clause 12.

The Hon. G. C. MacKINNON: I sincerely hope members in general have better memories than Mr. Dolan. Unless my memory is falling me, we were previously talking about liability; not about the keeping of records. This liability has been removed, to some degree, from the pilot and sheeted home to the owner. An examination of *Hansard* will show whether that is true. Certain records have to be kept by pilots.

The Hon. E. C. House: They do not all keep records.

The Hon. G. C. MacKINNON: I know that. However, as a truck driver is expected to keep a log book, and the skipper of a ship is expected to keep a log, it is reasonable to expect that pilots should take some responsibility.

The Hon. S. T. J. THOMPSON: As I read the paragraph, the pilot is expected to keep records only if he is in command. When these firms come to our area, there are usually several pilots with someone in charge who keeps the records. If a pilot is in charge, he keeps the records.

The Hon. J. DOLAN: I cannot let that go by. It is stated in paragraph (g) that the records shall be kept by the pilot in command of the aircraft, in addition to the records which have to be kept under clause 12.

The Hon. G. C. MacKINNON: I cannot agree with Mr. Dolan because clause 12 relates to the owner of an aircraft keeping records. In addition to those records, the Governor may make regulations pertaining to the keeping of certain records—additional to those kept by the owner—by the pilot in command. These records may well be incidental and quite apart from those prescribed in clause 12. I do not regard this as a consequential amendment. These records could be useful in a case—as was instanced earlier—where spraying is done without the knowledge of the owner of the aircraft. If the pilot has to keep certain records, the owner would have knowledge of where the spraying was done under those circumstances.

Amendment put and negatived.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by The Hon. G. C. MacKinnon (Minister for Health).

BILLS (2): RECEIPT AND FIRST READING

1. Metropolitan (Perth) Passenger Transport Trust Act Amendment Bill.
2. Road and Air Transport Commission Bill.

Bills received from the Assembly; and, on motions by The Hon. L. A. Logan (Minister for Local Government), read a first time.

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

Second Reading

THE HON. H. K. WATSON (Metropolitan) [4.45 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to amend the West Australian Trustee Executor and Agency Company Limited Act (Private) which was passed in 1893. As will be seen from its title, it is a private Act, and this Bill is, likewise, a private Bill. The reason for its being a private Bill is that, normally, a limited company cannot act as executor of a deceased person's estate. That duty is generally confined to an individual, but the essential business of a trustee company is to act as executor and trustee of deceased estates, and therefore it is necessary to have a private Act under which it can operate.

As members know, before a private Bill is proceeded with, it is referred to a Select Committee. This measure has been the subject of examination by a Select Committee, and a week or so ago its report was tabled in this House. The members of the Select Committee were—

P. D. Durack, Esq., M.L.A., Chairman.
H. N. Guthrie, Esq., M.L.A.
C. C. B. Mitchell, Esq., M.L.A.
A. W. Bickerton, Esq., M.L.A.
R. Davies, Esq., M.L.A.

The committee examined the parliamentary agent of the trustee company and reported in favour of the Bill.

Many years ago it was fashionable for banks, executor companies, and even one or two other companies to issue shares which were not fully paid up. They would

issue shares on which there was an uncalled liability. With the passage of time, shares of that nature have become unfashionable, mainly for the reason that the Stock Exchange frowns upon shares which are not fully paid, or on which there is an indeterminate uncalled liability; and, secondly, persons who are executors or trustees of trusts would not willingly buy shares or continue to hold shares on which there was an uncalled liability. For that reason, and also for the reason that, with the advent of decimal currency the trustee company proposes to convert its pound shares into dollar shares, it has requested the passage of this Bill to enable it, in operating under the Companies Act, to cancel its uncalled liability on the shares and to convert the shares now paid up to 6s. a share to a proportionate number of shares, with the paid-up value of each share being one dollar.

It so happens that in the Act under which this company was created it is expressly provided that the shares shall not be called up except in the event of the liquidation of the company. The underlying principle of that provision is that the uncalled capital, for what it is worth, is a security or guarantee to clients of the trustee company that there will be something available to them in the event of their having claims against the company. It has therefore been proposed that the guarantee to clients of the company could better be tied to the freehold property of the company, rather than to the uncalled share capital.

The comparison is that, in the case of this company, if anything did go wrong and if it were wound up, the uncalled capital which could be collected would be $154,000. The proposal is that recourse to that contingency be eliminated and in its place the freehold property owned by the company be substituted. In other words, the Bill provides that the freehold property shall constitute a security for any such claim. The freehold property of this company has recently been valued at $370,000. So the position of the clients of the company is really being improved by providing a security of $370,000 in lieu of the share security of $154,000.

The Hon. L. A. Logan: What would happen if the company raised a mortgage of $250,000 on the freehold property?

The Hon. H. K. WATSON: Under the Bill the company is prohibited from so doing, except if it were extending the freehold premises by, say, two or three floors, and then if that property were mortgaged by a certain amount there would be a greater equity of assets to cover the mortgage. However, under the Bill the company is prevented from selling, exchanging, transferring, or mortgaging the property. I think all members know where the premises of the West Australian Trustee Executor and Agency Company Limited are.

The Hon. F. J. S. Wise: Will subsection (2) of that particular new section permit replanning of the building, including demolition?

The Hon. H. K. WATSON: I read it to mean that it would include replanning, but hardly demolition. It is conceivable, although it is not covered by this Bill—and it would have to come before Parliament again, in any event—that the company may want to change its premises. But the Bill specifically charges the existing property of the company in St. George's Terrace. A point running through my mind in considering the Bill, is that the trustee company has already made two changes during its long life of 60-odd years.

It commenced its operations in a small way in an office near the National Bank and then, for many years, it was in Barrack Street. It transferred its operations from Barrack Street to its present premises in St. George's Terrace. If, as the years go by, it decides to sell its present property and buy a larger property, it would only do so if the larger property were required to extend the accommodation of the company. Strictly speaking, as I read the proposed new section, the company could not do that without first approaching Parliament, because this Bill expressly states that its existing premises in St. George's Terrace are the security against the claims of clients, and shall not be sold or otherwise dealt with without the consent of the Treasurer.

Apart from another matter relating to the drafting of the parent Act, that is the whole purpose of the measure. In effect, the parent Act provides that no person shall own more than one share for every 20 shares issued by the company. The existing Act expresses that position rather ambiguously, and in order to make the position quite clear, this Bill seeks to re-enact section 21. That covers, in broad principle, the provisions contained in the Bill. If any member has any queries he will probably find all of them answered in the report of the Select Committee which, as I have said, was tabled in this House a week or so ago.

Debate adjourned, on motion by The Hon. J. Dolan.

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

Second Reading

THE HON. H. K. WATSON (Metropolitan) [4.56 p.m.]: I move—

That the Bill be now read a second time.

The purpose and object of this Bill are precisely the same as the purpose and object of the measure with which we have just been dealing. In this case the comparable figures are that the security available

to the clients of the company in uncalled capital is $294,000, but the security on the value of the freehold premises of the Perpetual Executors Trustees and Agency Company (W.A.) Limited in St. George's Terrace is $390,000. So here again the position of the clients of the company is being improved.

The only other difference is that, whereas the West Australian Trustee, Executor and Agency Company Limited Act Amendment Bill provides that no person shall own more than one share for every 20 shares issued by the company, this measure provides that a person shall not own shares in the company amounting to more than one share for every 30 shares issued by the company. Apart from that difference the whole aim of the Bill is precisely the same as the measure relating to the West Australian Trustee Executor and Agency Company Limited.

Debate adjourned, on motion by the Hon. J. Dolan.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

THE HON. J. DOLAN (South-East Metropolitan) [4.58 p.m.]: In speaking to the second reading of the debate on this Bill I intend to refer principally to those amendments relating to the quarterly adjustments of the basic wage. Yesterday, when there was a long debate on the Financial Agreement that exists between the States and the Commonwealth, I was extremely interested to listen to the comments of Dr. Hislop when he was referring to recent increases in hospital charges. In effect, he said that this burden would not fall on the pensioner, or on those in the upper income bracket, but would fall on those in the lower income bracket, or on that group in receipt of the basic wage.

That statement is perfectly true; it is the equivalent of a burden being placed on the basic wage worker. Every time a new tax is introduced, more particularly of the indirect type such as that reflected in increased transport charges, or any increases in the charges that all members of the community have to bear, the burden is immediately borne by the basic wage worker. No matter what argument is advanced to refute this, such increases represent an automatic reduction in the worker's pay packet.

Last year, after making the award in September, 1965, the members of the Industrial Commission thought it advisable —and this is most unusual—to give the reasons why they had made basic wage adjustments, which adjustments benefited those in the lower income group.

There is no obligation whatever on the Industrial Commission to adjust the basic wage. The main principles for alteration have remained the same since 1930. The first condition is that the statistician shall supply to the commission a statement indicating by price index numbers the variation in the cost of living during the preceding quarter; and if it indicates a change of one shilling or more the commission shall consider the statement, and then it may adjust or amend the basic wage.

I think it was wise to give such a discretion to the commission, because on many occasions the circumstances may make it inadvisable either to increase or lower the basic wage. The giving of that discretion to the commission was a wise move.

The second condition is that in making an amendment or adjustment to the basic wage the commission shall have regard to the change in the cost of living as indicated by the statistician's statement.

The first basic wage variation was made on the 1st March, 1931, in relation to the quarter ended the 31st December, 1930, and in this respect it was reduced from £4 6s. to £3 18s., or a fall of 9.3 per cent. From 1931 until 1942—a period of 12 years taking in the first and last years—the court varied the basic wage whenever a statutory movement occurred in the cost of living, upwards or downwards. However, on the 26th February, 1942, the court refused to vary the basic wage, and it gave reasons for so doing. The basic wage then stood at £4 10s. 5d., and the movement indicated there had been an increase of 1s. 7d. in the cost of living in the metropolitan area, to which the workers were entitled.

The court gave these reasons for refusing to vary the wage: Firstly, that inflationary forces were at work, and to further increase the basic wage would be to increase the momentum of such inflation; secondly, the extent to which the State basic wage had exceeded the Federal basic wage. I think the Federal basic wage was then £4 6s., while the State basic wage was 5s. higher.

The court would not vary the basic wage, and immediately after that decision was made it was challenged in the Full Court of the Supreme Court, on the ground that the Arbitration Court had no jurisdiction and was obliged to increase the basic wage in accordance with the statistician's figures, and that if it did have the right the discretion had been wrongly exercised.

On the 10th April, 1942, the Full Court found, firstly, that the Arbitration Court had a discretion and, secondly, that no question could arise as to that decision being judicially exercised, or exercised wrongly through the consideration of extraneous matters. That should have made it obvious that the court had power to withhold adjustments.

The industrial commissioners, in their statement last year, made the fact perfectly plain: That if the commission felt in the interests of the State the basic wage

should not be varied, then it was not required to make any alteration. On that occasion when an adjustment was made to the basic wage the opportunity was provided not only to Chief Conciliation Commissioner Schnaars, but also to Commissioner Kelly and Commissioner Cort to make a statement. The three of them were emphatic that they had a discretion and could use it if they wished.

On the 7th August, 1942, the Premier of Western Australia issued an order increasing the basic wage in accordance with the movements in the cost of living since the 1st October, 1941, and under that ruling the rate for males became £4 14s. 11d. That was quite a classic. This has been referred to—I do not know whether jokingly, scathingly, or in some other manner—as the Premier's basic wage. That Premier happened to be John Willcock. He was of the opinion, the same as most of us are today, that we should not deprive the worker in the lower income bracket of something which is fixed only after rises in the cost of living have occurred. It is not a bonus or a grant. It is an adjustment following an increase in the cost of living.

After that intervention by the Premier in 1942, the proposed hearing for the 13th August of that year did not eventuate. From that date until 1953 the court continued to adjust the basic wage in accordance with the changes in the cost-of-living index figures. I feel it was perfectly just to continue doing that.

However, on the 13th November, 1953, after the court had heard representations from interested parties, it once again decided to exercise its discretion against the making of any variation. This situation continued until the 9th August, 1955. The basic wage remained unchanged, notwithstanding increases in the cost of living.

On the 9th August, 1955, the court which was differently constituted, applied the movement in the index figures to the basic wage; and that coincided with the appointment of Mr. Justice Nevile as President of the Arbitration Court. He, in his wisdom, decided that quarterly adjustments should be made. I concur entirely with his action on that occasion, and with his subsequent actions.

Whatever the reason might have been, the Arbitration Court was dissolved, and the Industrial Commission was substituted. Everything has gone along reasonably well since that time, and the commission has made adjustments in accordance with the movements in the price index figures. Now it appears that as the Commonwealth basic wage is lower than the basic wage of Western Australia it is considered desirable that the basic wage in this State should be brought into line with the Commonwealth basic wage; despite the fact that for 40-odd years this has not been the practice. Various reasons have been given for this move, and I shall deal with them later.

In the *Industrial Information Bulletin* appear the figures of the basic wage under Commonwealth awards. From 1923 to 1958—a period in which 36 adjustments were made—on 28 occasions the Western Australian basic wage was lower than the average of the Commonwealth, and particularly of the Commonwealth basic wage for the other States.

There was never any claim that the position should be reviewed, because the balance, so far as wages were concerned, was in favour of the other States. In that book appear the figures for anyone to see. But as soon as it is found that the figure for Western Australia is higher than the Commonwealth average then a move is made to bring the workers of this State into line.

I have seen all kinds of tax measures introduced; and the newspapers and this House have been full of them in recent times. Furthermore we have had to agree to them. But this is the first occasion in this House that I have known the Government to try to set itself up as a court to fix the basic wage. It is of no use for us to turn a blind eye, and agree to accept the Commonwealth basic wage. By agreeing we would be interfering with something that has been established over a great number of years—and very often to the disadvantage of the man in the lower income bracket.

It has now been decided to introduce a Bill to amend the Industrial Arbitration Act, under which the basic wage earner will suffer; yet he is the one who cannot afford to suffer. Since I have been a member of this House various measures have been introduced to increase the salaries of certain classes of people, including the salaries of members of Parliament. I make no comment about the worthiness or justice of those measures; all I am saying is that Bills have been introduced to increase salaries.

Now when we are dealing with those in the lower income bracket there is a move to reduce their wages. I might have wrong principles of justice and fairplay, but nobody can tell me that it is fair for us to make a move to reduce the wages of the workers on the lower scale of income, and at the same time be consistent with what we did in respect of the other measures I mentioned.

In exercising its jurisdiction under the Industrial Arbitration Act, the Industrial Commission is vested with extremely wide powers, and it is governed substantially by a responsible exercise of discretion. The commissioners have been appointed, and whatever the motives they have been appointed by this Parliament. We may hold different views as to why the Industrial Commission was established, but it can be accepted that the Government trusted those who were appointed. It is expected

that the commission would use its discretion wisely. The commissioners have given reasons why they have made adjustments, but now for some reason—which I will deal with shortly—the Government considers that that discretionary power should be taken away from the commission, so that in future it will have no alternative but to accept the Commonwealth basic wage.

I have heard—and I suppose others have also heard—that there is some link between the Grants Commission and the grants that are made to Western Australia, and the fact that the wage in Western Australia happens to be higher than the Commonwealth basic wage. That is not in accordance with fact. The Grants Commission does not make adjustments for that reason. I refer to the statement of the Premier who said that this does not occur. He said that when he spoke in the debate on the Estimates in another place.

Let us see what the Commonwealth Grants Commission had to say in its 33rd report. For a start, I have heard it argued that Western Australia is not a low-wage State, and some people take great exception to a statement of that nature. I will not make such a statement; I will merely read what the Grants Commission has to say, and I will quote the figures given in the report. Members can decide for themselves whether or not they agree, but I am not concerned with that. I know some members do not agree with some of the things which the Grants Commission does.

Here it is for anyone who wishes to read it. On page 36 is a table which gives the average weekly earnings per employed male unit. The following are the figures given for 1964-65:—

	$
New South Wales	56.60
Victoria	56.30
Queensland	50.40
South Australia	51.70
Tasmania	50.80
Western Australia	49.30

The next table in the report gives the personal income *per capita* of the workers in the different States. The figures for 1964-65 are as follows:—

	$
New South Wales	1,417
Victoria	1,432
Queensland	1,228
South Australia	1,291
Tasmania	1,149
Western Australia	1,139

That table indicates that Western Australia has the lowest personal income *per capita* in the Commonwealth. What a variation there is, for example, between New South Wales and Western Australia. The difference is $278 a year, which is the equivalent of more than $5 a week. On page 34 of the Grants Commission report is the following:—

> It may be observed from Table 10 that the increase in average weekly earnings in Western Australia over the period 1960-61 to 1964-65 was 18.5 per cent., which was also the average increase for New South Wales and Victoria. The Tasmanian increase was about 17.3 per cent. In respect of personal income per capita (Table 11) the Western Australian increase was only 20.2 per cent., compared with an average increase in the standard States of 22.7 per cent.

We hear the standard States quoted often enough. To continue—

> The Tasmanian increase was about 22.6 per cent.

I have often heard it said that railway freights and fares, and so on, must be kept at a certain level in order to keep them in relation to the other States because if we do not we will be disadvantaged. Let us see what the Grants Commission had to say about this. On page 117 of the report is the following:—

> A net adverse adjustment has been made for the differential impact on the financial result of the railways of the Western Australian budget. As Western Australia did not raise either freight or fare charges its general level of charges fell further behind the average of the standard States in 1964-65. As the result of quarterly adjustments the average basic wage in Western Australia for 1963-64 rose by about $1.32 above the Federal Wage for that State and in consequence the general level of wages paid by the Western Australian Railways was above that in the standard States. However, following the $2 rise in the Federal basic wage in June, 1964, the difference between the two wages was greatly reduced and during 1964-65 the Western Australian basic wage was, on the average, only about 2¢ cents higher than the Federal Wage. This difference was further reduced during 1964-65 because in that year the charge against railway revenue for service or industry grants in Western Australia was lower than that in the standard States.

The report continues—

> After considering all the above factors in regard to the difference in the levels of fares and freights, the Commission has adopted an unfavourable adjustment for Western Australia of $580,000 as compared with an unfavourable adjustment of $360,000 for 1963-64.

Well, now, let us see. On page 118 of the report is the following:—

> For the differences in the levels of basic wage, service or industry grant and the Victorian State Incremental Payments Scheme the Commission has adopted a favourable adjustment for Western Australia of $462,000 for 1964-65 as compared with an un-

favourable adjustment of $600,000 for 1963-64.

So we see it has changed over from being an unfavourable adjustment to a favourable one, and we got $462,000 more. Now I come to another matter. Further on, the report continues—

> For the reasons explained in its last Report (paragraphs 152-172), the Commission has made an unfavourable adjustment of $406,000 for the loss incurred by the Western Australian State Shipping Service in 1964-65.

All those on our side of the House support concessions being made to the people of the north, and we realise that the State Shipping Service must be run at a loss in order to help those people. But let us see what the true position is in regard to this matter. The report continues—

> The Commission indicated last year that it would allow an upper limit of $2.4m. as the yearly loss of this undertaking to be admitted into the special grant each year. As the loss borne by the budget in 1964-65 was $2,806,000 the adjustment to be made is therefore $406,000.

So, despite the warnings of the Grants Commission when it fixed a limit, we exceeded it by $406,000. I want to emphasise that despite what the Government was told, it was still making concessions to wealthy companies in the north, and those concessions absorbed most of that $406,000. Now the Government, because it requires money, is coming back to have a go at the basic wage worker.

I say that if the Government wants money it should take it from those who have it, and not from those who are struggling and who cannot afford it. That is the position of the basic wage earner. He gets everything put on his back and it is about time we were a bit considerate and took some of those burdens from him. Further on, the report states—

> On the basis of comparison of charges imposed in New South Wales and Victoria during 1964-65 with those in the claimant States, Western Australia would have an unfavourable adjustment of $120,000—

I ask members to note this—

> —but would receive a favourable adjustment of like amount in respect of State basic wage policies and service or industry grants.

So while we go down $120,000 for one reason, because of our basic wage levels and so on, the commission gives us the $120,000 back again. I think that argument so far as the Grants Commission is concerned, should satisfy anyone; and if any member here wishes to argue against the figures of the Grants Commission, that is okay with me. He can go ahead and do so. However, I am prepared to accept them as a true statement of the position. No-one can claim that it is because our basic wage is higher than that of the Commonwealth that we may be in trouble. It is not true.

Let us examine the other side of the picture. I intend to quote from a monthly magazine which is always put on my table. I am not over interested in it, but I looked through the articles concerning the north-west to see if there was anything worth reading. The magazine is *Commerce—Industrial and Mining Review*, of October, 1966. Perhaps some members still have it on their desks and have not as yet opened it. It is a worth-while magazine for those for whom it caters. Let me see what it has to say. It contains a heading in big black letters, "W.A. Offers Best Climate for Private Enterprise." I look forward to the day when I read in big headlines, "W.A. Offers Best Climate for Basic Wage Earners and People in the Lower Income Groups." The article reads—

> The booklet, titled "The Western Third of Australia" points out that the Western Australian Government is welcoming private enterprise to undertake not only its traditional activities but many others which are normally a function of Government, and in addition is offering many positive incentives to companies willing to establish industries.

So if a person represents a wealthy company, and the Government wants that company to establish an industry, the Government will offer incentives. But with regard to the working man, the Government will take a few bob from him, and then place extra hospital and transport changes on his back, and expect him to carry all the burdens.

Mr. Court wrote a special little paragraph for the magazine I just quoted, and he pointed out what a very worth-while book it was to read because of the information it contained. The following is another quotation from the book:—

> According to a recent survey in Victoria the average weekly expenditure of a family of four people—

In our consideration of the basic wage, we always use a family of four—the man, his wife, and two children—

> —amounts to about $45; this compares with the average weekly earning (per male unit) in Victoria in the June quarter, 1966—

We could not get any figures more recent than these—

> —of $60.30.

That is the position in Victoria. To continue—

> In the same period the average weekly earning for the whole of Australia—

And I want members to keep in mind the booklet from which I am quoting—

> —was $57.60.

So in Victoria the figure is $60.30, and the figure for the whole of Australia is $57.60. The figure for Western Australia —given in the same article—was $55.

I have lots of questions to put to the Government but let us see just what Mr. Schnaars, the Chief Industrial Commissioner, had to say—

> It must, therefore, be emphasised that general wage adjustments, whether related to prices, productivity or a combination of both, are for the purpose of adjusting award rates, and the extent to which they are automatically passed on to those sections whose wage levels, through over-award payments, already exceed such adjustments, is the extent to which decisions, of at least this industrial authority, are being misinterpreted and misapplied.

Very strong words coming from the commissioner. He continues—and I think this will answer another argument of those who advocate that we should be tied to the Commonwealth basic wage—

> It would be a false sense of wage justice to create a wage standard so inconsistent with other States that the expansion, and in fact the continued existence of many industries, would be seriously prejudiced.

I read that statement because it is one which had to be answered, and I feel the commissioner made it deliberately. Having made it he then gave the arguments against it—

> However, it must be recognised that the "wages cost structure" of industry is not governed solely by the basic wage—

That is his first statement—and he is a man whose experience every member of this House should value. To continue—

> —and a consideration of the overall award wage structure, to which I have already made reference, does not lead one to believe that, at this particular stage—

I interpolate here to say this was in September last year. To continue—

> —a cost-of-living adjustment should be refused on these grounds.

Let me say, he would not hold with it. This next is a statement which, I feel, has always been true—in fact, I probably had an example of it today—

> History clearly indicates that a degree of cost inflation is a natural phenomenon of an expanding economy, and it is also an historical fact, as may be seen from the records of arbitration, that many of those who advocate, during such times of prosperity—

Let me add that prosperity is a common word and I have heard it used so often over such a long time. I almost wish I had nothing in my head so that I could believe what is said. To continue—

> —a reduction in the purchasing power of wages for the purpose of contributing to price stability, present the same theories in time of recession for the purpose of arresting trends towards economic instability.

I say that the arguments used in times of prosperity for calling a halt to wages are the same as those used in times of depression, also for calling a halt and preventing any adjustments.

The Hon. R. F. Hutchison: We know that well enough.

The Hon. J. DOLAN: These opinions are not only those of Chief Industrial Commissioner Schnaars—they are also the opinions of Commissioner Kelly. He was one of those men who was appointed by this Government as a man who could be relied upon, when using his discretion, to use it in the interests of the State and take all factors into consideration. The Government cannot get away from the fact that it appointed these commissioners.

The Hon. H. R. Robinson: You had a different view in 1963!

The Hon. J. DOLAN: Mr. Robinson can talk as much as he likes afterwards. I suggest to the honourable member that he saves his interjections for any speech he might make. In any event, his interjections subtract from the product of human knowledge.

The Hon. V. J. Ferry: That is a good speech!

The Hon. J. DOLAN: It could also apply to the member representing the South-West. Commissioner Kelly commenced by saying—

> When the Commission makes an adjustment to the basic wage it is not acting capriciously or irresponsibly but is acting in accordance with its view of what the legislation requires, a view which is supported by the practice of a succession of learned presidents over a period of 34 years.

The principle that was established in the Arbitration Court, and subsequently carried on by the Industrial Commission, has gone on for 34 years without any Government wishing to interfere with the basic wage standards which are set. Indeed, Commissioner Kelly said—

> If, at any time, the Commission sees fit to refrain from making a quarterly adjustment its approach will be governed, and supported, by the same considerations. I mention these things for another reason as well; and that is to emphasise that the legislation in this State does not provide for automatic quarterly adjustments—

It is amazing the number of people who say that, because the cost-of-living index

shows that prices have gone up 4s. or 5s., there is an automatic adjustment made. Nothing could be further from the truth. I repeat that the commission has the right to exercise its discretion and, if it decides that part, whole, or none of that price index should be added to the basic wage, it is at liberty to adjust the basic wage accordingly. Further, Commissioner Kelly said—

> Each adjustment which the commission has made—

And this is the commission which the Government appointed—

> —has been the result of a conclusion deliberately reached after considering all relevant factors.

Of course, the price factor is the main one but the commission considers all other factors, such as whether an increase would have a bad effect on the State's industries, or upon the State's relationship with other States. Every factor which is considered worth while is taken into account by the commission. Later on, Commissioner Kelly said—

> The basic wage, insofar as it is concerned with standards of living is fixed as a wage suitable for application to persons who receive the basic wage alone.

Later on he said—

> I think it is obvious that the purchasing power of the basic wage should, generally speaking, be maintained by adjustment for price increases.
>
> I find it almost impossible to envisage the circumstance in which it would be necessary to refrain from adjusting the basic wage for price movement.

This Government is faced with the situation of having commissioners who feel that the position is such that they find it almost impossible to refrain from making adjustments. Consequently, the Government says, "We will take the power of discretion out of their hands and make it obligatory for them to do what is proposed in this Bill."

Commissioner Kelly said—

> The next matter which the commission must take into consideration is the effect of a basic wage increase upon the trading strength of the State.

I am not quoting the opinion of a fellow who does not know what he is talking about. Commissioner Kelly is a trained man and he was appointed by this Government to his position for that reason. The Government felt he was a man who would weigh all the circumstances of the case and make his decision. Further, Commissioner Kelly said—

> I see nothing in the present situation which would suggest that the level of minimum award rates is in any way hampering the growth of industry in this State.

This is the statement which was made by Commissioner Kelly and I would remind the House that this is not going back a long time—it was made last September. We have heard the old story about prosperity in the West—not for a few months, but for a few years now, the same old story has been told to us. This was endorsed by Commissioner Kelly, and I would like to repeat what he said—

> I see nothing in the present situation which would suggest that the level of minimum award rates is in any way hampering the growth of industry in this State.

When I was looking through last Saturday's paper, I cut out some examples of many firms engaged in various competitive industries in this State which are not only offering award rates, but above-award rates. To refute the story which is told that these organisations, or people in industry, are prejudiced by the fact that the State basic wage is higher than the Commonwealth basic wage, all one has to do is to see the evidence. These are successful firms who are prepared to pay above-award rates and, at the same time, still compete successfully. The firms to which I refer are reputable ones—for example, one is Jason Industries. No-one could tell me that this is not a successful firm, and yet it is prepared to pay above-award wages.

The Hon. R. F. Hutchison: Look at Charlie Carter's!

The Hon. J. DOLAN: Some of the firms which are bound to pay award rates have gone about this another way. Instead of offering straightout above-award wages, they give all kinds of concessions, such as liberal superannuation, rent-free homes, free power, free water, and so on, in order to attract workers into their industries.

Anyone who refers to Saturday's paper will see that what I am saying is true, because 30 or 40 advertisements appeared of firms who were offering either above-award rates or liberal concessions in order to attract workers.

The Hon. S. T. J. Thompson: An incentive!

The Hon. J. DOLAN: Hans Borg furniture has a reputation for quality, and it has a reputation for excellent workers. This firm is prepared to pay above-award rates in order to get these workers, but it is able to compete successfully with firms in other parts of Australia. Gadsdens is another firm which does this. Do not tell me that the burden of the basic wage is so great that firms cannot compete!

The Premier, when he introduced his Estimates for 1965-66, had this to say—

> The Grants Commission's attitude to the State's wage policy can be summed up in this way:

> It does not penalise the State for paying a basic wage higher than the Federal wage nor does it reduce the grant because of the higher wage.

Surely that statement which was made by the Premier himself, should be listened to. Nevertheless, there are misinformed people who say that the Grants Commission takes particular notice of our wage structure as compared with that of the standard States, or of the Commonwealth.

There have been increases in taxes of all kinds. What is the reason behind it all? Is it because the State is going broke? Is it because the Government cannot be trusted to handle its finances in such a way that it has to go to the last straw by taking a few shillings away from the basic wage earner? I think something has gone wrong with people, as human beings, if they think the poorer section of the community, apart from shouldering other burdens, should also shoulder the burden which will be applied to them under this Bill.

Unfortunately, I missed my opportunity the other evening when I would have carried on with my speech after having heard the remarks made by other members. There is, however, one observation I would like to make. There is a firm operating in Perth which, I feel, the working people patronise to a great extent. This business has been carried on in such a way that its head has been able to expand into all the States of the Commonwealth. He has been able to challenge long-established industries and men long experienced in his particular line of business, and evidently he has been able to show them some points. I am referring to Tom the Cheap Grocer. He has shops in Melbourne, Adelaide, Sydney, and almost everywhere in Western Australia.

His firm has had a marvellous success in lowering the prices of ordinary articles which are bought by the householder. What is the effect of this so far as his competitors are concerned? I have here the latest *Tom's Weekly*. I always read it because, generally, I find something worth while in it. This issue is dated the 31st October, 1966, which is not long ago—as I have said, it is the latest paper. The front page is headed, "Tom Reports—Hats Off to Our Competitors." It reads as follows:—

> Every day our competitors pressurize manufacturers to stop our supplies. Perhaps it's NEED or perhaps it's GREED.
>
> The letter below clearly sets out the underground, or should we say underhand activity around Perth.

I suggest every member should have a look at this because it illustrates the point I am making. The letter which is reproduced is that written by James R. Conduit Pty. Ltd., millinery specialists, trimmings, etc., new address, Rippon House, 154 Clarence Street, Sydney, New South Wales. It is dated the 13th October this year, and reads—

> Messrs. Toms Other Store,
> 697 Hay Street, Perth.
>
> We are in receipt of a repeat order from your good selves for Ready to Wear Hats.
>
> We regret we are unable to deliver these hats to you, as we have had too many complaints from our other clients.

At this point let me say that I wonder at the travesty of talk on free enterprise and free competition. Give firms a fair go and what do they do? They gang up on Tom because he sells a little cheaper than they do and takes away their business. Let us see how much he does this. The letter continues—

> The whole trouble being that you are undercutting your competitors and they are most unhappy about this.

Imagine the situation with which a free enterprise government would be faced if it went out and said, "You cannot have this fellow selling at less than you—that is not done." Surely those people who believe in free enterprise can see what a dastardly thing is being done to Tom! Because he can sell cheaper than another firm, these other firms go to the source of supply and advise that if it continues to serve Tom, they are not going to buy. Members who believe in free enterprise should be ashamed that such a situation can exist. The letter continues—

> This, of course, is your own business. We are sorry we therefore cannot continue our happy business relationship with you.

That is a good firm to do business with! Because he is under-cutting his competitors in free enterprise that firm will not go along with him. What a disgraceful thing in this day and age. The letter goes on—

> Kindest regards—

He ought to be ashamed of himself for even putting that in the letter.

> Yours faithfully,
> James R. Conduit Pty. Limited,
> Governing Director.

Toms' comments on the letter were as follows:—

> The millinery mentioned in the letter proved a riot in our Hay St. store and sold out in a few days.
>
> We made a reasonable profit and Mrs. Housewife saved three dollars on each very attractive hat.

Where do we go from there? If we believe in free enterprise should we allow that sort of thing to happen? Because one competitor likes to sell at a price a little lower than the fellow next to him, do we believe in it, or do we agree with what Mr. Conduit said? He said, "Because you are under-cutting your competitors; because you are not making the profits that others are making; and because you are cutting down on the cost of living we cannot go along with you.

I would now like to refer to a letter I received, and I suppose other members received it, too. It was from the State School Teachers' Union of Western Australia (Inc.). The union is most unhappy about the Bill before us and addressed a letter to the Minister and sent me a copy. I was a school teacher and do not let anybody get the impression that teachers are in the higher wage group, or anything like that; if they do, they have another think coming. Some teachers, of course, are at the top and are in that group; but the average teacher does not get what he is worth. He never has done and he never will; because his services to the community are priceless. If he were paid what he is worth, and the Government had to find the money, it would go broke. But no Government could ever pay school teachers enough and I do not blame the Government one bit for its attitude in that regard because there must be a limit.

The general secretary of the union to which I have just referred said—

> On behalf of the six thousand members of this Union I wish to express, in the strongest terms, their disquiet at the action of the Government in legislating to abolish the principle of quarterly adjustments to the State basic wage.

These are not unintelligent people. As a cross-section of the community, and as teachers of the members of all other professions, I would say they deserve to be held in high esteem, particularly so far as their intelligence is concerned. In this regard I am not putting in a plug for myself. The letter continues—

> It has long been a principle of wage fixation in Australia that there should be no political interference with the arbitration system.

As soon as we start interfering in this sphere we will be in trouble; the workers will become discontented and they will say, "What's the use of arbitration? As soon as the arbitrators start to give us a go the Government steps in and stops them. There is only one thing we can do and that is to go back to bartering." I think that sort of thing is going on at present. Many of the unions are satisfied with the very excellent relationship they have with some employers as a result of this system. To continue—

> There have, it is true, been serious departures from this principle in recent years both at the Commonwealth and State levels. It is distressing to find that the Government of Western Australia has thought it expedient to follow the unfortunate example of other Governments and abandon a principle fundamental to the whole concept of arbitration.
>
> It appears that the Government can find a solution to its economic and financial difficulties only at the expense of the wage and salary earners.

If anybody cares to read that statement carefully he will see there is more behind it than meets the eye. The letter continues—

> This is the first occasion since the depression days of the early "thirties", the war years excepted, that a Western Australian Government has interfered in such a way with the jurisdiction of the arbitration authority.

During the depression years wages were continually going down. If members were to look at the table in the book to which I previously referred they would see that despite all the progress that has been made in the world there was a gradually descending graph in regard to wages during the depression years. I often wonder why some people live in the days of the depression, and talk about those days. It is because they never want to return to those days again. But when wages were continually going down there was no talk about an annual adjustment of wages. That was because industry would never have been able to catch up.

The Hon. R. Thompson: The Mitchell Government could not get the law altered quickly enough.

The Hon. J. DOLAN: To continue with the letter—

> You will recall that the yearly adjustments to the State basic wage then operative were changed to quarterly adjustments because prices were falling. It was unpalatable to the then Government—

I shall not mention which Government it was—

> —that wage and salary earners be allowed the benefit of the fall in prices for annual periods.

If anybody does not believe me let him read any Government statement or letter over the last three or four years to see whether or not we are having a depression. It gets back to what I said earlier: In times of depression the Government used the same sort of arguments as it is using in times of financial prosperity. Talk about "Heads I win and tails you lose"; that is just what this legislation is proposing! To continue—

> Now when there is no depression and prices are rising this Government seeks to prevent wages from catching up with prices at quarterly intervals.

This is not a case of prices chasing wages. Prices have to increase before anything is done about increasing wages. It is a case of the wages trying to catch up with the increased costs of commodities, not the reverse. I do not think anybody could argue in any other way. To continue—

> The Government's often reiterated claim that it is opposed to any form of price control becomes meaningless

when it legislates for this sort of wage and salary fixation.

I have heard comments recently about different forms of price control. The Government will not have a bar of price control; yet it intends to do something which will affect the purses of the wage earners. The letter concludes on this note, and I shall do likewise—

> Before the legislation is passed by the Legislative Council this Union urgently requests the Government to reconsider the whole matter.

I suggest the Government reconsiders the whole matter. If anybody in this community is to suffer it should not be the fellow at the bottom. I think we should show a little temperance and balance about this question, and if we take a realistic view of the financial situation we will see that the proposal in the Bill will place a burden on those who can ill afford it.

Perhaps before I sit down I could refer to the fact that there are some members absent from the House. They are absent, where? They are absent for an occasion which is a great one in the development of the State, and it is one of which we can all be proud. But, by jove, if the basic wage earner were to have a look at what is going on, and were to see the money that is being spent for champagne on the way up, and what is being spent while the party is there, and what is being spent on hiring special planes to bring people from Sydney and all the other capital cities, plus the cost of a little gift for everyone who attends the ceremony—probably a Parker pen and pencil set or some other little memento—he would have something to say about it.

Do the people in that party need two or three dollars extra a week? That is what is to be taken from the poor old worker. But it is the people who are attending this ceremony who ought to be taxed. If the Government is ever looking for a financial adviser I would be only too pleased to tell it what to do. This is one move of the Government with which I cannot agree, and I do not think any member on our side of the House will ever go along with it. In a State of which I know we are all proud, I think it is a retrograde step. We believe we are generally progressive, but I think this is the most retrograde step that has ever been taken, and I hope the Government will have another look at it and withdraw the clause to which I have been referring from the Bill. I oppose the measure.

Debate adjourned, on motion by The Hon. J. J. Garrigan.

House adjourned at 5.55 p.m.

Legislative Assembly

Thursday, the 10th November, 1966

CONTENTS

The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (19): ON NOTICE

ONIONS

Marketing Board: Acquisition and Levy

1. Mr. GRAHAM asked the Minister for Agriculture:

   (1) Has any proclamation been issued under section 4 of the Marketing of Onions Act in relation to the marketing of onions for a period commencing the 1st October, 1966, and expiring the 30th September, 1967?

   (2) If not, is it lawful for the Onion Marketing Board to vest in itself and assume absolute possession of all onions belonging to growers during the abovementioned period?

   (3) If the answer to (2) is "Yes," how is the authority derived?