Legislative Assembly

Thursday, 9th September, 1954.

CONTENTS.

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

QUESTIONS.

TECHNICAL EDUCATION.

As to Position at Leederville and Wembley.

Mr. JOHNSON asked the Minister for Education:

Is it intended—

(a) to make the Leederville Technical High School a "building trades college";

(b) that the metal trades establishment to be built at Wembley, shall become an annexe of the local technical high school until it is large enough for separation as a technical school?

The MINISTER replied:

The future of these buildings is under consideration.

LAW COURTS.

As to Appointment of Women to the Bench.

Mr. JAMIESON asked the Minister for Justice:

(1) Is it legally possible to appoint a woman to the Supreme Court bench or the Police Court bench in this State?

(2) If the answer is in the negative, is such an appointment possible in any State in the Commonwealth?

The MINISTER replied:

(1) Yes.

(2) Answered by No. (1).

KALGOORLIE LABORATORY.

(a) As to Controlling Authority.

Mr. McCULLOCH asked the Minister for Health:

Under what authority is the Kalgoorlie Laboratory—State or Federal?

The MINISTER replied:

The State Public Health Department.

(b) As to Treatment of Skin Cancer.

Mr. McCULLOCH asked the Minister for Health:

(1) Is there any apparatus at the Kalgoorlie laboratory for the treatment of skin ulcers, or—as it is sometimes known as—primary skin cancer?

(2) If the answer to No. (1) is in the negative, will he endeavour to have the necessary apparatus installed whereby such skin complaint can be treated locally, thereby avoiding expense to sufferers having to travel to Perth for treatment?

The MINISTER replied:

(1) No.

(2) This matter is receiving consideration.

ALBANY REGIONAL HOSPITAL.

As to Completion of Plans.

Mr. HILL asked the Minister for Health:

Can he give the approximate date for the completion of the plans for the Albany regional hospital?

The MINISTER replied:

No.

WATER SUPPLIES

As to Nedlands Rates.

Mr. COURT asked the Minister for Water Supplies:

(1) In what years has Nedlands been revalued for purposes of water rates over the last 25 years?

(2) What revenue from water rates is expected for the 12 months to the 30th June, 1955, in respect of the Nedlands area under the current rating method and the increased values?

(3) What revenue from water rates was received from the same area for the year ended the 30th June, 1954?

The MINISTER replied:

(1) 1940 and 1954.

(2) Estimated revenue, 1954-55, Nedlands Road District:—

Water rates	£41,535
Sewerage rates	£42,486
Drainage rates	£1,786
	£85,807

(3) Revenue 1953-1954:—

Water rates	£25,095
Sewerage rates	£26,515
Drainage rates	£982
	£52,592

HOUSING.

(a) As to Number of Evictions.

Mr. HEAL asked the Minister for Housing:

What were the number of evictions during each of the months January to August (inclusive) for the years 1951, 1952, 1953 and 1954?

The MINISTER replied:

For the months of January-June, 1951, (inclusive), no figures are available. The other figures are as follows:—

	1951	1952	1953	1954
January	—	12	25	19
February	—	87	44	42
March	—	48	28	31
April	—	33	22	26
May	—	57	52	34
June	—	46	35	42
July	74	24	34	162
August	34	69	47	126

(b) As to Eviction at Woodman's Point.

Hon. Sir ROSS McLARTY (without notice) asked the Minister for Housing:

I would draw his attention to the following paragraph which appeared in today's issue of "The West Australian":—

> State Regains a Flat.
>
> Two landlords, one of them the State Housing Commission, had applications for recovery of possession granted in the Fremantle Local Court yesterday.
>
> The State Housing Commission was granted repossession of a flat at Woodman's Point by September 15.
>
> The other order was for repossession by September 22.
>
> Mr. K. J. Dougall, S.M., adjourned a further application.

Can the Minister inform me why this eviction took place, and whether any further applications for eviction are pending from the State Housing Commission?

The MINISTER replied:

No. I have not available details of the case. If the hon. member will place his question on the notice paper, I will be only too happy to supply the details.

(c) As to Accommodation Supplied to Evictee.

Mr. WILD (without notice) asked the Minister for Housing:

Can he state the reasons why an evicted person, with an income of £61 per week coming into the house, has been granted accommodation following eviction by the court?

The MINISTER replied:

I am not aware of any such case. If the hon. member cares to supply me with particulars, I will have it investigated for him.

Mr. Wild: To clarify the Minister's mind, it is Midland Junction evictee, No. 39 in the list supplied in the answer to my question on Tuesday last.

The MINISTER FOR HOUSING: The case which has now been brought to my attention is one in which there is a total of eight people in the family. The ages of the children are 25, 21, 19, 17, 16 and 10. The accommodation would be provided for this family on account of the younger children. For reasons given several weeks ago, whilst the aggregate family income is as stated, the entire amount, nevertheless, is obviously not available to the head of the house—the father or both parents. The senior members of the family would have incomes in their own right. For this reason, I do not think that any fair-minded person could take the total figure into account. In any event, I would mention that no means test is applied in respect of accommodation, emergency or otherwise.

BILL—HEALTH ACT AMENDMENT (No. 1).

Read a third time and transmitted to the Council.

BILL—LOTTERIES (CONTROL).

Council's Message.

Message from the Council received and read notifying that it had agreed to amendments Nos. 2 and 3 made by the Assembly, and had agreed to amendment No. 1 subject to a further amendment.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [2.26] in moving the second reading said: As members will see, the Bill contains only two clauses that affect the present statute. From a perusal of the files, I find that in 1952, the then Minister for Education went so far as to have a Bill drafted in identical terms to those in the present one. That measure was drafted on the 13th September, 1952, but apparently on account of the pressure of business on the Government at the time, it was not proceeded with.

By this Bill it is intended, firstly, to amend Subsection (5) of Section 6 of the present Act, and then to repeal Section 13. For the benefit of members I shall read Subsection (5) of Section 6—

> For the purposes of this section, "classification" means a classification by the Public Service Commissioner or

the Minister for Education, under the powers conferred by sections 12 and 13 of this Act.

It is proposed to amend this provision by repealing Section 13. Section 12 provides—

> Notwithstanding any provision of the Public Service Act, 1904, to the contrary, but subject to Part IXA. of the Industrial Arbitration Act, 1912-1935, the classification of offices and officers under the Public Service Act, 1904, and the fixing of salaries of officers, inclusive of officers in the administrative division, shall be vested, and as from the thirtieth day of June, one thousand nine hundred and twenty, shall be deemed to have been vested, in the Public Service Commissioner, subject to an appeal to the Board under this Act.

Section 13 states—

> The classification of the teaching staff of the Education Department, and the fixing of the salaries and other remuneration to be paid to teachers, shall be vested, and as from the thirtieth day of June, one thousand nine hundred and twenty, shall be deemed to have been vested in the Minister for Education, subject to appeal to the Board under this Act.

Section 28 of the Education Act empowers the Minister for Education to do many things. Section 28, relative to the regulations which are part of the Act, provides that "the Minister may make regulations for all or any of the following purposes," and then follows several paragraphs including paragraph (e) which reads—

> The classification of teachers, their salaries and allowances.

It will be seen at a glance that there are two Acts under which the salaries and allowances of teachers may be fixed and, as some members know, there have been arguments as to whether the Public Service Appeal Board Act should be the appropriate one under which teachers' salaries and allowances should be prescribed, or whether they should be prescribed by the Minister under Section 28 (e) of the Education Act.

Briefly the effect of this Bill, if it is passed, will be that the classification of teachers, their salaries and allowances, will be made only under Section 28 (e) of the Education Act, which means to say that the Minister for Education will be the authority to classify the teaching profession and to determine their salaries and allowances. That will be the only Act under which the determination can be made. Secondly, the teachers will have a right of appeal against the Minister's classification to the Public Service Appeal Board. Thirdly, there will be no further conflict between Section 13 of the Public Service Appeal Board Act and Section 28 (e) of the Education Act.

If Section 13 is repealed, as the Bill provides, the existing confusion will be removed. I do not intend to relate the history of the Public Service Appeal Board Act since 1920; but I have perused the files and if any member desires any such information I shall be only too happy to make it available to him. The fact that a Minister for Education now has the power under two Acts—the Education Act and the Public Service Appeal Board Act—to classify teachers is somewhat confusing and it is suggested that if the measure is passed, that confusion and duplication will be removed.

If members study closely Subsection (5) of Section 6 and Sections 12 and 13 of the Public Service Appeal Board Act, and then read Section 28 (e) of the Education Act, they will see that it is most desirable for this Bill, in its entirety, to be adopted. The file shows that the Leader of the Country Party, when Minister for Education, caused a Bill to be drafted which agreed word for word with this measure. As far as I know, the Teachers' Union has no objection to it; but on the other hand it would clear the position—

Mr. Hutchinson: Have there been any requests for these amendments?

The MINISTER FOR LABOUR: The file shows that no written representations have been received from the Teachers' Union but it is obvious that the position needs clarification. As it now stands, the Minister for Education can classify the teaching profession under the Education Act or under the Public Service Appeal Board Act. If he makes his classification under the Public Service Appeal Board Act, the question arises as to whether there can be any appeal by the teachers who may feel aggrieved.

With the repeal of Section 13 of the Public Service Appeal Board Act it will be definite and clear that, reading Section 28 (e) of the Education Act in conjunction with Subsection (5) of Section 6 and Section 12 of the Public Service Appeal Board Act, the Minister will make his classification of teachers and determine the salaries and allowances and any aggrieved party can take advantage of the provisions of the Public Service Appeal Board Act and appeal against the Minister's decision. I repeat, I will be only too happy to make any further information available to members if they desire it and I move—

> That the Bill be now read a second time.

On motion by Mr. Hutchinson, debate adjourned.

BILL—ADMINISTRATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [2.37] in moving the second reading said: This Bill has been thoroughly scrutinised by the judiciary and the Crown Law Department. The amendments will help to cheapen administration and also facilitate procedure.

The particular section which is being amended provides that no real estate of which administration has been granted shall be leased for a longer term than three years, or sold or mortgaged, without the written consent of all persons beneficially interested, or an order of the court. Great difficulty is often experienced in obtaining the required consents, which also involves expenditure often out of all proportion to the value of the land. If the consents cannot be obtained, an order of the court has to be made, with resultant costs.

My information is that the expense connected with an order of the court may vary between £15, in the case of a straightforward application, and £100 in the case of a contested application. The intention now is to add a subsection to provide that in cases where the value of the real estate has been finally assessed by the Commissioner of Stamps for death duty purposes at not more than £500, or where the real estate forms part of an estate the gross value of which when finally assessed is less than £2,000, it shall not be necessary to obtain the written consent of beneficiaries or an order of the court to lease for a longer term than three years, or sell or mortgage any real estate.

There is a saving provision to the effect that no such real estate shall be sold without a court order if the persons resident within the jurisdiction entitled in distribution to the real estate, or a majority in value of those persons, require the real estate to be held by the administrator in trust, as provided in another section in the principal Act.

Another amendment deals with the administration bond. It has the effect of extending the protection which is afforded beneficiaries under such a bond. At the present time the sureties to an administration bond are not liable for the defaults of the administrator after he becomes a trustee, i.e., after he has cleared the estate by payment of funeral expenses, debts and legacies. etc. The defectiveness of the present form of bond has been demonstrated by recent court decisions. Distribution to beneficiaries or next of kin normally occurs after the administrator has assumed the character of trustee and the beneficiaries should have the protection of the sureties to the bond during the period of distribution.

A further amendment proposes to give power to the court, on the report of the master, to revoke administration or order a new or additional bond. The correct thing is for the bond and sureties to be based on the value placed on the estate by the Commissioner of Stamps but in practice it appears that frequently a grant of administration is made, or a bond and sureties assessed, on the value of the estate as sworn by the executor or administrator for duty purposes. Duty is paid on a tentative assessment made on the same basis.

Later, and after investigation, the estate is finally assessed for death duty purposes at its true value, which in many instances is much higher than the value sworn to by the executor or administrator. In these instances difficulty is sometimes encountered in inducing the administrator to provide additional security. It is here the Supreme Court desires to step in and not only order additional security but also revoke the grant of letters of administration when it is not given.

Some doubt exists with regard to the power of the court to alter rules and forms contained in the Third Schedule and its appendix, which are part of the Act. To make the postion clear, it is proposed to give authority to the judges to make and prescribe all such rules and forms as may be necessary or convenient to carry out the objects and purposes of the Act, specifically mentioning power to alter, add to or repeal any of the rules or forms contained in the appendix to the Third Schedule. It is considered that this amendment will be necessary before the form of administration bond can be safely altered, as indicated in my remarks on an earlier amendment to the principal Act.

The opportunity is being taken to increase the jurisdiction of the master, and this will relieve the judges of the Supreme Court of much of the burden of dealing with applications for grants, where the value of the estate is comparatively small. The jurisdiction of the master was fixed in 1903, with the coming into being of the principal Act, at the sum of £1,000. It will not be out of the way to increase that figure, 50 years later, to a sum commensurate with the times. It is proposed to give the master power to deal with grants of probate and administration, and the making of orders at the instance of the Public Trustee, where the estate, the gross value of which as sworn for death duty purposes, does not exceed £5,000.

This is purely and simply an adminstration Bill. It will lessen costs and, as I have said, will facilitate general procedure. There is nothing in the measure that is controversial; it can be clearly understood, and it will bring the Act up to date as far as the value of money is concerned. I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

BILLS (2)—RETURNED.

1, Jury Act Amendment.
With amendments.

2, Droving Act Amendment.
Without amendment.

BILL—STATE ELECTRICITY COMMISSION ACT AMENDMENT.

Second Reading.

Debate resumed from the 7th September.

HON. D. BRAND (Greenough) [2.47]: The main objective of this Bill is to increase the number of consumers from seven to eight in order, as the Minister explained when introducing the measure, to allow for representation on the commission of commercial consumers. The Minister gave the history of the case leading up to the approach by the Chamber of Manufactures, and perhaps by the Chamber of Commerce, for a representative for the big consumers. I would like to add to what has already been said by explaining the reasons for the changes that have taken place in the consumers' representative in the controlling body of the commission.

Originally, a Mr. Gough was appointed by the then Government to represent consumers in the metropolitan area. When the time came for his reappointment, the McLarty-Watts Government decided to make a change and to appoint a representative of commercial consumers, the argument being—although I was not Minister at the time—that they were the main consumers; that they were the people who had to co-operate with the Government in overcoming the very real difficulties facing the commission and the Government in the supplying of electricity, and that the consumers—you and I, Sir—were being represented by an individual consumer.

It could have been Mr. Richter who represented the employees of the commission; it could have been the Under Treasurer, or anybody else. The fact was that the interests of the small consumer were certainly looked after by the rank and file of the commission. Therefore, I consider there was an argument for making a change and appointing Mr. Ledger to represent the commercial consumers. After giving four or five years of very good service and having been instrumental in obtaining the real co-operation of industry and commerce through a most difficult period of electricity supply in this State, Mr. Ledger was not reappointed by the present Government. In his place, I think a Mr. Severn was appointed to represent the consumers.

In support of the move by the McLarty-Watts Government, I feel the present Minister has at least conceded that there is a case for representation on the commission for the big consumers of electricity in industry and commerce within the metropolitan area. I am very pleased to see that there is provision in the Bill for the appointment to be made. As was explained, the appointment is to be through the Western Australian Chamber of Manufactures and supported by the Perth Chamber of Commerce. They are to present to the Minister a panel of three names from which he will make a selection.

Before proceeding from that point, I would like to raise a point or two with the Minister with respect to the fact that there are two consumers' representatives already on the commission—one representing the country and the other the city. He has now seen fit to appoint a commercial consumers' representative—or at least he will do so if this Bill becomes law. Does he not feel that the country might have some claim to a commercial consumers' representative? Does he intend to see, when the appointment is made, that the interests of country consumers will be incorporated in the duties associated with those representing city consumers? Under Section 8 (5) of the parent Act, when a vacancy occurs in the office of the commissioner who represents the consumers or employees, as the case may be, the person to fill such a vacancy shall be appointed on the nomination of the Minister.

The Act states that the original appointment of the present representatives of consumers is to be made by the Minister, or on the recommendation of the Minister with the approval of the Governor. Now that that system is being changed—that is, the right is to be given to a certain body known as the Chamber of Manufactures to make suggestions as to the appointment—does he still intend to retain the authority enabling him, in the event of a vacancy, to make the appointment himself? In short, will he go through the procedure again of requiring a further panel of three names when such a vacancy occurs?

We now come to the provision in the Bill which refers to a request to the Australian Labour Party to provide a panel of names from which the Minister would select one as the representative of the employees on the commission. As the House is aware, the parent Act provides that the Minister shall appoint such a representative, and that he must be an employee of the commission and represent the employees. We are also well aware that the State Electricity Commission employs many hundreds of men who belong to different unions, most of which are affiliated with the Australian Labour Party. One in particular, however, namely, the Salaried

Officers Association, is not affiliated in spite of efforts by some of those interested to have a ballot conducted to that end.

Although we recognise the Australian Labour Party as an industrial body and representative of the main body of unions in this State, it is nevertheless essentially a political organisation. On this side of the House, we do not agree that a political body such as that should have a say in the provision of a panel of names from which the Minister would select the employees' representative. In the first place, although the Minister has explained that the A.L.P. executive is representative of many unions in this State, it does seem to me that, having decided to give the employees of the commission a representative who is to be drawn from their number, the right to say whom he shall be should rest with each one of them.

In this House recently, I think the member for Mt. Lawley argued with the Minister for Police that a certain selection for an executive body should be made by the executive. But it was thought by the Government, or by the Minister anyway, that the selection should be made through the rank and file per medium of a ballot, and that each member should have a say. On this occasion, I think the same principle is involved. If we proceed with the suggestion put forward in this Bill, that the Western Australian branch of the Australian Labour Party be asked to submit a panel of names, we shall not be giving each and every employee of the commission a say as to who should be their representative.

The Minister for Labour: No employee gets a say in the appointment of a workers' representative on the Arbitration Court; they are organised bodies.

Hon. D. BRAND: That may be so. I do not propose to be sidetracked, however, and I would point out that there is provision for a representative of the employees on the commission. Workers should have a say in the appointment of their representative on the Arbitration Court which covers all wage earners and every person affected by an industrial award in Western Australia. But this is more specific. I am of the opinion that the unions affected in this case would be much happier if, by some means or other satisfactory to everyone, they could have a say in the election of their representative.

The Minister for Labour: Your Government accepted the nominee of the metropolitan council of the A.L.P. for appointment to the Metropolitan Market Trust. That is the same thing.

Hon. D. BRAND: If that Act was not amended, it should have been. I do not consider that the A.L.P. has a right, any more than any other party, to submit a name for representation on the Market Trust as the consumers' representative. I have often heard the Minister for Police say that two wrongs do not make a right, and in this case I agree. When the suggestion was put forward by the Leader of the Opposition or the member for Mt. Lawley, the Minister for Works said that this would incline to a system which would bring about representation from the largest union, but I think if an overall ballot were conducted it could easily happen that the bigger union would be outnumbered by the votes from the total of the smaller unions.

The Minister for Works: Have you observed what happened regarding the appointment of a representative to the Egg Marketing Board?

Hon. D. BRAND: I have not observed that, but I am sticking to the point. We shall deal with eggs later on. When I suggested that certain unions were not affiliated with the A.L.P. the Minister said he would jump that bridge when he came to it.

The Minister for Works: It is very relevant because the precise event which I forecast eventually occurred. One branch of the Poultry Farmers' Association controls the election of the producers' representative to the Egg Marketing Board.

Hon. D. BRAND: If a ballot were conducted among all the employees who are represented by quite a number of unions—plumbers, carpenters, A.S.E., A.E.U., electrical trades and a few others—it would be a much happier arrangement than to place the authority in the hands of a body which is, as far as we are aware, a political body. From what we know about the A.L.P. it is essentially a political body. The general secretary is the campaign director of the election campaigns on behalf of the Labour Party, and it cannot be denied that the executive is interested essentially in the political side.

In principle I do not think it is fair or right that the appointment should be made by that body, especially when we know that at least one of the federations interested in this matter is not affiliated with the A.L.P. Therefore I propose to move an amendment in Committee to try to provide some alternative to the suggestion put forward by the Minister. In respect of other portions of the Bill there is little to be said, except that the quorum for meetings of the commission is to be increased from four to five. It is proposed that five shall form a quorum in view of the suggested increase of members to eight. I support the second reading.

THE MINISTER FOR WORKS (Hon. J. T. Tonkin—Melville—in reply) [3.5]: As anticipated, the provisions in the Bill have found ready acceptance with one exception which has been mentioned by the member for Greenough; that is in regard to the method by which the representative of the employees shall be elected. I am very surprised indeed to hear him complain about this provision. It shows that his memory is very short because he was a

member of the previous Government which brought legislation into this House with precisely the same provision as that we are now discussing. That legislation was passed by Parliament. I refer to the Workers' Compensation Act.

In 1948, Hon. A. F. Watts, on behalf of the Government, introduced a Bill on workers' compensation which contained this provision: "For the purpose of this Act there shall be constituted a board to be called the Workers' Compensation Board." Then it sets out that the board shall consist of three members who shall be appointed by the Governor. Of the three members, one shall be chairman and two shall be nominee members. Then the provision says—

> Of the two nominee members, one shall be a person nominated in the prescribed manner by the governing body of the association known as the Employers' Federation, and one shall be a person nominated in the prescribed manner by the governing body of the A.L.P., Western Australian Branch.

Hon. A. V. R. Abbott: That is not at all comparable.

The MINISTER FOR WORKS: Exactly the same.

Hon. D. Brand: It is not exactly the same by any means.

The MINISTER FOR WORKS: Exactly the same. The member for Greenough's objection was that the State executive of the A.L.P. was a political body.

Hon. D. Brand: So it is.

The MINISTER FOR WORKS: So it was then.

Hon. A. V. R. Abbott: Perhaps we made a mistake at that time.

The MINISTER FOR WORKS: If it is wrong now to invite a nominee from the State executive of the A.L.P. on the ground that it is a political body, then it was wrong to do likewise in 1948. But it is not wrong now, and it was not wrong then. As a matter of fact, one could congratulate the previous Government—one of the few occasions when one could—on having sufficient breadth of vision to appreciate that that was the correct procedure. It is quite idle for a member who was a Minister in a previous Government that had introduced legislation containing this principle, to come along now and complain about it.

Mr. McCulloch: The member for Greenough was the Government Whip then.

Hon. A. V. R. Abbott: That is not at all a sound argument.

The MINISTER FOR WORKS: Yes, it is.

Hon. A. V. R. Abbott: No.

The MINISTER FOR WORKS: Would the hon. member indicate where the weakness is?

[81]

Mr. SPEAKER: He can indicate that to the Minister in Committee.

The MINISTER FOR WORKS: I did not mention the time when the hon. member could do it. Of course, he cannot do it in Committee or at any other time. I do not think the argument used by the member for Greenough has any weight. The same argument was put up the other evening by members opposite to this effect: "Don't do as we do, but do as we say."

There is nothing wrong with inviting the State executive, which is the governing body of the A.L.P., to submit a panel of names. A submission from that quarter will be more readily acceptable by unions than from any other direction. Some doubt was expressed whether there was any real need for this alteration. The Leader of the Opposition and the member for Greenough said the other evening that they did not protest about the method of election, and implied that there really was no reason for this provision.

In order to set their minds at rest on that score I wish to refer to a letter received by me, dated the 23rd March, 1954, from:

> R. A. West, on behalf of the A.S.E.
>
> H. Isles, on behalf of the Federated Enginedrivers and Firemen's Union.
>
> L. Jones, on behalf of the Metropolitan Gasworkers' Union.
>
> P. W. Hughes, on behalf of the Salaried Officers' Association.
>
> R. W. Fletcher, on behalf of the Electrical Trades Union.

It reads—

> Dear Sir,
>
> I wish to inform you that the undermentioned organisations which have many members employed by the State Electricity Commission are extremely perturbed at the appointment of the employees' representative on the S.E.C. Undoubtedly you are aware of the deputations and discussions between the unions and the A.L.P. State executive officers, prior to the appointment of the present employees' representative. We, the undersigned officers, have been requested by our unions to seek an interview to discuss this appointment.

When they saw me they indicated there was no satisfactory method suitable to them all by which a representative could be selected and they asked me to provide the machinery by which this could be done. I subsequently indicated to them that I would give this request thought and if I agreed it would be along the lines set out in the Bill. I asked if that would be acceptable to the unions, and they replied in the affirmative.

In pursuance of that assurance, the Government has attempted to keep faith with those who have sought an alteration of the Act. It has kept faith with the employers by agreeing to give them representation; it has kept faith with the employees by providing machinery by which a representative of their personnel can be selected to their satisfaction. If we hold an election solely among the persons who are members of these unions, then we will inevitably bring about the displacement of the present employees' representative who belongs to a union with a limited number of members.

Hon. D. Brand: And who has done a very good job.

The MINISTER FOR WORKS: That is the difficulty. His displacement would be inevitable. I would have a panel of names from the organisations and the representative would be elected in precisely the same way as the Armadale branch of the Poultry Farmers' Association controls the election of the producers' representative on the Egg Marketing Board.

When legislation was introduced in this House providing that the producers' representative on the egg board should be elected by the producers themselves and not nominated by the Minister, I said that it would result in the control of this appointment passing to the Armadale branch. I mentioned the number of members in that organisation and in the other branches of the Poultry Farmers' Association. What I foreshadowed came to pass. We do not want that to happen here. Why should one organisation, because it happens to have the greatest membership, be able, with certainty, to secure the appointment of one of its members all the time?

Hon. D. Brand: There is not one union that could outweigh all the others.

The MINISTER FOR WORKS: Yes, there is.

Hon. D. Brand: I have been told that there is not.

The MINISTER FOR WORKS: I am informed otherwise; one union has so many members that it would hold the balance. The important part is that the unions have agreed that if there is a method by which the delegates representing the combined unions can express their opinion, they are prepared to accept the decision. The safeguard is that while other unions will have some say in the appointment of the representative, the Act provides that the representative must be an employee of the S.E.C.

Thus other unions would not be able to select a man outside the S.E.C.; they could exercise their voice only in the choice of a representative who was an employee of the S.E.C. This is a very wise safeguard because, if the choice were left to the unions concerned, we would get a direct personal interest, whereas if it were to be made by other unions, who would not be swayed by loyalty to their own members and would take an impersonal view, we would be less likely to get an unsatisfactory result. That is the reason for the provision in the Bill.

The member for Greenough raised the question whether or not some representation should be provided for commercial consumers in the country. This might be desirable at some future time, but the consumption of current by commercial consumers in the country at present is not of such a magnitude as, in my opinion, to warrant separate representation. It has never been asked for and I have no doubt that the country commercial consumers, on attaining sufficient strength, will forward a request. Meanwhile, I am of opinion that Mr. Lowe, who is the country consumers' representative, can quite adequately express the point of view of the commercial as well as that of the domestic consumers in the country.

Hon. D. Brand: It could be made known that their representation should be through the commercial consumers' representative.

The MINISTER FOR WORKS: I do not think the Chamber of Manufactures is likely to be behindhand in that. The member for Greenough was anxious to be informed as to the method to be adopted if a vacancy should occur. That will be done as provided in the Bill for a vacancy occurring through effluxion of time. The representative shall be a person who is acceptable to the bodies to be represented and so, if a vacancy occurs in the employees' representative, the procedure set out in the Bill will be followed. If it is a vacancy in the representation of the industrial consumers, the procedure in the Bill will be followed and the Chamber of Manufactures asked to submit a panel of names. For that purpose a period of one month will be ample time in which to decide who the representative shall be. Having disposed of the only objection which the member for Greenough raised, there is no reason why the Bill should not have a speedy passage.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—Agreed to.

Clause 2—Section 8 amended:

Hon. D. BRAND: As I indicated on the second reading, I propose to move an amendment to give employees of the commission a say in the election of their representative. I do not feel that the Minister has disposed of my argument, although he quoted the Workers' Compensation Act under which the A.L.P. had been asked to submit a panel of names to the Minister for appointment to the board. In

this instance, the employees of the commission are the people who are interested. If we think it important enough to have a representative of the employees on the commission, we should give further consideration enabling them to have a say in the election of that man.

I readily admit that we could not improve upon the present appointee, Mr. Richter, who has given very loyal service to the Government while, at the same time, representing to the fullest extent the interests of the employees. If the Minister desires that situation to continue, there was no need to propose the present amendment, but evidently certain unions have pressed the Government to alter the system.

The Minister for Works: All of them have.

Hon. D. BRAND: In pressing their request, I believe that they would have in mind that each should have a say in the election of the representative and to that end I move an amendment—

> That all the words after the word "nomination" in line 34, page 3, down to and including the word "body" in line 8, page 4, be struck out and the following substituted in lieu:—
>
> require the secretary to cause an election to be held in the manner prescribed by regulations under this Act among the employees of the commission for the purpose of their electing three of such employees who are eligible to hold the office of commissioner as representative of the employees of the commission.
>
> (b) Within 14 days after such election, the secretary shall submit to the Minister a panel of the names of the three persons elected and . . . .

I have retained the principle of the submission of three names in order that the Minister may have some degree of selection, which was his own suggestion. The secretary referred to is the secretary of the commission. Under the system I propose, all employees of the commission would have a say. The Minister has contended that the largest union would influence the vote, but I feel sure that the employees would be much happier with this arrangement than under the system by which the A.L.P., with which body some employees are not affiliated, would take a hand.

The MINISTER FOR WORKS: I hope that the amendment will not be accepted. The real objection of the Opposition is against the State executive of the A.L.P. having anything to do with the matter. This was made clear on Tuesday by the frequent interjections of the member for Mt. Lawley, who left no possible doubt that that was the point of disagreement. On that occasion, I reminded him that the provision was already in operation with regard to the appointment of a representative on the Metropolitan Market Trust. This afternoon the Opposition has expressed the same intention of knocking this provision out because it has some political flavour. I showed that the position of members opposite was untenable because, while they were in office, they secured the passage of a Bill containing the same provision, so they could no longer argue on that ground.

Hon. A. V. R. Abbott: Why not?

The MINISTER FOR WORKS: Probably consistency means nothing to the hon. member, but a person who has done something that he claims to be right should not argue that it is wrong when somebody else does it.

Hon. D. Brand: How many years ago?

The MINISTER FOR WORKS: Six. The member for Greenough, having been forced from that argument, seeks to achieve the same result and argues that it would be better to permit the employees concerned to make the selection. This would be tantamount to handing the selection on a plate to the largest union, and the other organisations do not want that. They feel that they should all be given an equal chance.

Hon. D. Brand: Who would not get an equal chance?

The MINISTER FOR WORKS: There would not be an equal chance if the ballot were confined to the employees of the S.E.C., because there is always the natural tendency for men to vote for representatives from their own ranks. Imagine a member of the East Fremantle Football Club voting for someone from the South Fremantle Club! There is loyalty to one's union, club or branch. It is innate and we cannot escape it. I might add that there is nothing wrong with it.

Hon. D. Brand: Which is the biggest union?

The Premier: I think it is the A.E.U.

The MINISTER FOR WORKS: I think it would be the A.S.E. There are about 460 members on the Salaried Officers Association and I believe there would be considerably more than that in the A.S.E. and less in the A.E.U. and the Electrical Trades Union.

Hon. D. Brand: What about the plumbers, carpenters and so on?

The MINISTER FOR WORKS: They do not all add up to the requisite number to ensure that one body would not be in control. Why should we argue about this when those who are to be represented are satisfied with this method?

Hon. D. Brand: Are they?

The MINISTER FOR WORKS: They told me so.

Hon. D. Brand: I gained the impression they are not all happy about it.

The MINISTER FOR WORKS: When these organisations wrote asking me to see them I agreed and, having discussed the matter, said, "The present appointment is going to stand, but if the Government is agreeable I will take steps to have set out a method by which the selection can be made. Would this method be acceptable to you?" I immediately said I would propose that there should be a panel of names as I did not think the Minister should be told he must appoint a certain man and nobody else. I asked would it suit them if I provided for a panel of names to be submitted, the panel to be supplied by the State executive of the A.L.P., and they said it would.

I would also point out that when they complained about the present representative being reappointed they went first, not to the Minister, but to the State executive, to find out if it were possible to put into operation some method such as that operating in regard to the Metropolitan Market Trust and the Workers' Compensation Board. However, the State executive indicated that they should take their request to the Minister. They did that, and I asked them whether, if the Government agreed to make special provision, that method would be acceptable to them, and they said it would.

The principle operates under the Workers' Compensation Act and in relation to the Metropolitan Market Trust. The member for Toodyay knows that when in office he accepted a nomination from the State executive for the Metropolitan Market Trust and no step was taken to alter the procedure, because there was nothing wrong with it. I hope the Committee will not agree to anything against the expressed wish of the unions concerned and in opposition to an established principle.

Hon. A. V. R. ABBOTT: I think the Minister will admit we must deal with each matter on its merits in the light of the circumstances. It is no use referring to something that occurred years ago, possibly under different circumstances.

The Premier: If the present situation were reversed and the occurrence of six years ago favoured the hon. member's point of view, I am sure he would refer to it.

Hon. A. V. R. ABBOTT: Probably, but the case would be weak.

The Premier: It would be strong.

Hon. A. V. R. ABBOTT: I will remind the Premier of that some day. Surely we could trust the employees of the S.E.C. to make a fair and reasonable selection by secret ballot! There must be at least some employees of that body who would not get representation by the means the Minister advocates. I take it that "employees" includes everyone from the top of the commission downwards. How often has the Minister argued in this House that a minority should not have a say?

The Minister for Works: I have never suggested that a minority should have no say.

Hon. A. V. R. ABBOTT: The Minister has often argued that the wishes of the majority should prevail irrespective of the desires of the minority. He now says the minority should have no say. I think they should have a say although the majority might have different views. What right has some person from Timbuctoo, who might be a member of the State executive, to deal with an employee of the commission?

The Minister for Works: They have electricity in Timbuctoo.

Hon. A. V. R. ABBOTT: But not from the State Electricity Commission. I do not say the nominees of the A.L.P. would not be fair and reasonable men, but I object to the principle because, whether we like it or not, the A.L.P. is a dominating factor in Labour politics.

The Minister for Works: Now the real reason is coming out.

Hon. Sir Ross McLarty: It is not a bad reason.

Hon. A. V. R. ABBOTT: Frankly I do not like it.

The Minister for Works: What did you do about the Workers' Compensation Board?

Hon. A. V. R. ABBOTT: I will deal with that shortly. What is good in one case is good in another, and each employee should have some say. The position under the Workers' Compensation Act is entirely different from this as there we are dealing with all the employees in the State and it would not be practicable to hold a State-wide election for such a purpose. If the political wing of the A.L.P. was severed from the industrial wing, there would be little objection, but it is not. Many Labour followers object to the system that their party leaders have so long been able to enforce.

The Minister for Works: The hon. member is making heavy weather of it.

Hon. A. V. R. ABBOTT: I am not. The Minister would agree that if the L.C.L. were able to appoint people to positions of monetary advantage, he would quickly take grave objection.

The Minister for Works: Did you never ask who they would like appointed to some job?

Hon. A. V. R. ABBOTT: No. That would not be a proper thing to do. One cannot pass by the principles involved here without protest. The only reason why the Minister will not accept the amendment is that one union might dominate the position, but he was not very convincing, because any person would

have the right to nominate and the other unionists would know him. Is not the Australian worker a fair-minded individual who would give fair and reasonable judgment in this matter? Is he so dominated by his union secretary that he does what he is told without argument?

The Premier: What has the hon. member been feeding on lately?

Hon. A. V. R. ABBOTT: I become forcible only when principles are involved.

Hon. Sir ROSS McLARTY: I support the amendment and am not concerned with what happened in the past.

The Minister for Works: It is most convenient to forget.

Hon. Sir ROSS McLARTY: If members of boards are to be elected in future in the manner proposed I can see party politics playing a very unsavoury part in the set-up.

The Minister for Works: Does that mean that if your Government is ever in power again, you will amend the Workers' Compensation Act and delete that provision?

Hon. Sir ROSS McLARTY: I will have a look at that.

Sitting suspended from 3.45 to 4.7 p.m.

Hon. Sir ROSS McLARTY: It is a bad principle that a political party, or a party executive, should be empowered to make recommendations that enable representatives to sit on statutory boards or semi-governmental instrumentalities. It is worse still because of the fact that only one party is given that privilege. Even the Minister must admit that this privilege is not extended to other political parties, and is not likely to be. Such action could easily create a demand in the future for political representation of this kind, not only on existing boards, but on boards and semi-governmental instrumentalities that might be established in the future. I do not want to see that sort of thing happen in this country; it is bad in principle.

The amendment does not deprive the employees of the commission from electing their own representatives, but suggests a way in which that may be done. Do we not say that it is democratic that the individual should have the right of selection? The Minister said that the union that had the most employees working for the commission would always dominate the position; but I am not at all sure that that would actually happen. In any event, the Minister did not seem to be too sure which union was the largest, and whether it had that overpowering influence. Even if it were the case, I am not certain that the employees of the commission would let the fact that they belonged to a certain union dominate their judgment when it came to selecting a representative to serve on the commission.

The fact that this may have been done in one or two instances in the past—and I do not know that the circumstances were comparable—does not weigh with me. I am much more concerned with what is going to happen in the future. Even if this principle had been resorted to in the past, it should not be continued. I hope the amendment will be carried.

The MINISTER FOR WORKS: The argument used by the Leader of the Opposition is most remarkable in the circumstances. He complained about this bad principle. That stand astonishes me, because he was the Leader of a Government which introduced a Bill into this House which contained this same bad principle, as he terms it. It is no good his trying to get over that by saying we can forget what was done in the past; or, because it was done once or twice, we should not therefore continue to do it. That is too weak for words.

Hon. D. Brand: Because it was done in the past, must it be done in the future?

The MINISTER FOR WORKS: No. But it is a remarkable stand for an ex-Premier to take to say that a principle in a Bill that his Government succeeded in having passed was bad, and that therefore the succeeding Government should not adopt it.

Hon. Sir Ross McLarty: Are the circumstances comparable?

The MINISTER FOR WORKS: They are precisely the same. It was desired to provide that in connection with workers' compensation there should be a representative on the board who was acceptable to employers—so the Employers' Federation was to make a selection; and that there should be a representative acceptable to the employees—so the A.L.P. was to make the selection.

Hon. Sir Ross McLarty: How do they select their representative on the Arbitration Court?

The MINISTER FOR WORKS: In the same way, practically, as the selection in this case is to be made.

Hon. Sir Ross McLarty: No; they hold a ballot.

The MINISTER FOR WORKS: So will a ballot be held in this case. But the ballot for the representative on the Arbitration Court is taken through the district councils.

Hon. Sir Ross McLarty: Yes; all members of unions get a vote.

The MINISTER FOR WORKS: No. But the representatives of the unions at the district councils do. Every district council has a right of representation on the State executive. So, if the State executive makes a selection, it will be made by delegates who are direct representatives of the district councils which, in turn, are directly representative of the trade unions. That is the machinery used under the Workers'

Compensation Act. It is the machinery which the Leader of the Opposition deliberately provided for in connection with workers' compensation. Now he says it is a bad principle.

Hon. D. Brand: So it is.

The MINISTER FOR WORKS: Was the hon. member asleep when it was being debated?

Hon. Sir Ross McLarty: I said that we might have done a few bad things; but we do not want to perpetuate them.

The MINISTER FOR WORKS: That is a pretty weak argument.

Hon. Sir Ross McLarty: It is always weak, when you disagree.

The MINISTER FOR WORKS: Yes, I think so; because I am usually on a strong argument.

Hon. Sir Ross McLarty: That is ego, if you like!

The MINISTER FOR WORKS: Oh no!

Hon. L. Thorn: There is nothing like scratching your own back.

The MINISTER FOR WORKS: The Leader of the Opposition just laid it open. I suppose if I had taken the opposite view, which would have suited the Leader of the Opposition, there would have been no reference to ego at all. Whatever arguments there might have been in the past, or will be in the future, have no bearing on this argument; and I say that that adopted by the Leader of the Opposition in this case just astonishes me. If some backbencher who had no say in the legislation, or who was newly-elected to Parliament and so had but little knowledge of what had transpired, had used this argument I could have understood it, but the Leader of the Government who had this provision included in the Workers' Compensation Act in 1948 had four years in which to have it deleted, but he did nothing about it.

Mr. Yates: The Workers' Compensation legislation covers the whole of industry, but this covers only one section.

The MINISTER FOR WORKS: That would not make any difference to the point of the objection of the Leader of the Opposition.

Mr. Yates: It makes all the difference in the world. The Workers' Compensation Act covers the whole State.

The MINISTER FOR WORKS: If a principle is introduced that a political body can have a say in an election, it is all right if it covers the whole State. There is nothing wrong then in the A.L.P. making a selection.

Mr. Yates: I cannot accept that.

The MINISTER FOR WORKS: That is what the hon. member said. Fortunately "Hansard" will record what he said, and he will be able to see whether I am right or wrong. The Leader of the Opposition objects to this because he says it is a bad principle to allow a political body to make a selection in this way. He did not refer to sections or the whole State, or anything else, but that it was bad in principle. It is bad in principle because this Government wants it, but it was a principle which he was prepared to insert in a Bill in 1948, and which he took no steps to alter in subsequent years.

I point out, too, that this employees' representative will be one of a commission of eight whereas on the compensation board the member selected by the A.L.P. is one of a board of three, so he has much greater power and is more important; but this bad principle which results in the selection of a workers' representative to a board of three must not be allowed to operate where he is to be a representative on a commission of eight.

Hon. Sir Ross McLarty: Is it your objective to put these political representatives on all existing boards?

The MINISTER FOR WORKS: No.

Mr. Yates: You are making a good attempt to do so.

The MINISTER FOR WORKS: Where it is necessary to appoint a representative of the trade unions, then the simplest, fairest and most efficient way by which to do it is to allow the State executive of the A.L.P. to run the election in the same way as it runs one if it wants to select a delegate to go to Geneva to represent the trade unions. The State executive will hold a ballot on the preferential system and will get a true expression of opinion of the delegates. It is completely democratic, and it is a system against which we can raise no argument whatever.

Hon. A. V. R. Abbott: What is the position if other than trade unionists are represented, as is the case on this occasion? There are some employees of the S.E.C. who are not in a trade union.

The MINISTER FOR WORKS: Then they had better join up quickly.

Hon. A. V. R. Abbott: There may be no union to cover them.

Hon. Sir Ross McLarty: Do you say it in that way because they may get the sack?

The MINISTER FOR WORKS: Consideration would be given to it. We believe in employees being members of trade unions, and so does the Leader of the Opposition.

Hon. A. V. R. Abbott: There is the aspect that some employees may not be represented.

The MINISTER FOR WORKS: They can easily remedy that. I am not going to provide for people who do not join a trade union.

Hon. A. V. R. Abbott: There may not be an appropriate union.

The MINISTER FOR WORKS: I cannot think of any such employee, except the general manager and he is already on the commission. The argument of the Opposition is weak here. There might have been some substance in it if it had not done this itself. The fact of the matter is that the Opposition completely lost sight of this earlier Act.

Hon. A. V. R. Abbott: We could hardly forget the Workers' Compensation Act.

The MINISTER FOR WORKS: Opposition members had forgotten that provision, otherwise they would have argued on a different tack altogether. It is idle to say that because it occurred six years ago we should take no notice of it now.

Hon. A. V. R. Abbott: At whose request did that representative go on the Workers' Compensation Board?

The MINISTER FOR WORKS: I am not in a position to say, but it would not make any difference, because if he were put on without a request it would make the argument of the Opposition weaker; and if he were put on as the result of a request, the position would be the same as it is here, because the provision I am including is at the request of the unions. This is not breaking new ground. For years there has been an opportunity to amend the Metropolitan Market Act, but that has not been done. The nomination of the workers' representative is submitted by the executive of the A.L.P. When the Opposition was in power, it was quite content to allow that principle to operate, and it accepted a nomination from the A.L.P. The member for Toodyay knows that is correct, because otherwise he would deny it. The same thing applies with the Workers' Compensation Board. But because I introduce the principle now in another Bill, it is a bad one. It would be difficult to get any logical person to accept that argument. I ask the Committee to disregard the argument of the Opposition on this clause and to agree to the Bill as it is printed.

Hon. D. BRAND: I hope the Committee will not disregard our argument. The Minister has left out the specific case of the commission's employees electing their own representative on the commission. In spite of his several utterances to the contrary, I say that the unions concerned are not happy with this arrangement.

The Minister for Works: Give some proof.

Hon. D. BRAND: I know they are not happy with the arrangement.

The Minister for Works: Then give some evidence.

Hon. D. BRAND: I have some information which leads me to the conclusion that the union is not happy with the suggestion made by the Minister.

The Minister for Works: Then give the information to the Committee.

Hon. D. BRAND: I believe that my amendment, by which each and every one of them would have a say in the election, is more democratic—if we have to use that word—and satisfactory to the employees themselves. It has been said that there is the precedent that the A.L.P., as a body, has been asked to elect a consumers' representative to the Metropolitan Market Trust, and one to the Workers' Compensation Board. In the former case the representative was elected to guard the interests of the overall consumer, and in the latter, of the overall employee. It was thought by the Government of the day that the A.L.P. could elect the representative. Because the A.L.P. is both industrial and political, it is wrong in principle that it should elect a representative, and if we are to depart from that principle, then a start has to be made even though, as mentioned by the Minister, there are precedents for it.

The Minister for Works: Yes; and your precedent.

Hon. D. BRAND: We admit that there is evidence before us that the Government of which I was a member asked the A.L.P. to submit the name of someone to be the representative of the workers, or employees, on the Workers' Compensation Board.

The Minister for Works: You put it in the Act.

Hon. D. BRAND: Yes. If we admit that, and say that, in principle, it is wrong, we must make a start, some time, to get away from it. The Minister cannot deny that. In any case, I feel that my submission is democratic, will be satisfactory to those who are essentially concerned, and will avoid all the argument associated with the request by a political organisation to have a say in the selection.

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

Ayes	16
Noes	17
Majority against	1

Ayes.	
Mr. Abbott	Mr. Nalder
Mr. Brand	Mr. Nimmo
Mr. Court	Mr. North
Mr. Doney	Mr. Owen
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Hutchinson *(Teller.)*

Noes.	
Mr. Andrew	Mr. McCulloch
Mr. Brady	Mr. Norton
Mr. Graham	Mr. Rhatigan
Mr. Hawke	Mr. Rodoreda
Mr. Heal	Mr. Sleeman
Mr. W. Hegney	Mr. Styants
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. Sewell
Mr. Lawrence	*(Teller.)*

Amendment thus negatived.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—SUPREME COURT ACT AMENDMENT.

Second Reading.

Debate resumed from the 7th September.

HON. A. V. R. ABBOTT (Mt. Lawley) [4.33]: This Bill has been introduced to make a number of alterations to bring up to date the Supreme Court procedure. The measure has been fully explained by the Minister for Justice and I have nothing to add to his explanation. He informed the House that the Bill had been submitted to the Chief Justice and had been approved of by him. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CONSTITUTION ACTS AMENDMENT.

Second Reading.

Debate resumed from the 18th August.

MR. McCULLOCH (Hannans) [4.36]: This is a Bill embodying an amendment to the Constitution Acts with which I think members of the Legislative Council will be highly delighted. The amendment will mean that Council members will be placed on the same basis as members of this Chamber. I think that would be a step forward for the Legislative Council. The purpose of the Bill is to delete Sections 15, 16 and 17 of the Constitution Acts Amendment Act. I do not intend to read out those sections, but one section of the Act is particularly interesting, because it deals with people who are not allowed to vote at Legislative Council elections. It states—

> Provided also that—
>
> (i) no aboriginal native of Australia—

These people are the original inhabitants of Australia, but they are not permitted to vote at Council elections.

> (except British India)—

Why allow British Indians to vote if we do not allow aboriginal natives of Australia to vote? It continues—

> Africa or islands of the Pacific (except New Zealand)—

Here again we allow New Zealanders who come to this country to have a vote at Legislative Council elections, but not half-bloods. Section 16 states—

> Where any premises are jointly owned, occupied, or held on lease or license within the meaning of the last preceding section, by more persons than one, each of such joint owners, occupiers, leaseholders, or licensee, not exceeding four, shall be entitled to be registered as an elector, and, subject as aforesaid, to vote in respect of the said premises in case the value of the individual interest therein of any such person separately considered, would, under the provisions of the last preceding section, entitle such person to be registered as an elector.

It is well known that some people in this State have ten votes at Legislative Council elections—that is one vote in each province. Surely that is not a democratic way of electing people to govern this country! It is a system that is not adopted anywhere else in the world, and it is about time that these sections were deleted from the Act.

There has been some discussion as to how many people could be on the roll and how many actually are on the roll. But in looking through the figures which were given in answer to a question some time ago, the only electoral district in which more than 50 per cent. of its electors are on the Legislative Council roll is the electorate of Hannans, the electorate I have the honour to represent. In all other cases, the numbers are about 30 per cent to 50 per cent.—most of them well under the 50 per cent. Some members have said that a lot more people could become enrolled for Legislative Council elections if they so desired. But in the Kalgoorlie district there are a number of prospectors who live at camps in the surrounding area. The local authorities will not allow these prospectors to become enrolled for municipal elections because they do not consider that they have the qualifications. As a result, these people do not have the necessary qualifications to vote at Legislative Council elections, because for such elections the rental value of the premises of electors must be £17 a year or roughly 6s. 10d. a week. These prospectors are the pioneers of this country and yet they are not allowed to vote at Legislative Council elections because of the present state of the Constitution.

Many members have said that this Bill is only leading up to the abolition of the Legislative Council. I do not agree with that contention because the Legislative Council can be abolished only if its own members vote for such an abolition. The Leader of the Country Party gave us certain figures the other night concerning the number of dwellings in this State. He said that according to the Year Book there were 161,000 dwellings in Western Australia and that the people who resided in those dwellings could all be on the roll as householders. But out of that number there are many people who are not naturalised and they are

not allowed to vote. I know for a positive fact that in Kalgoorlie, especially in the Hannans area, a large number of people own their own homes, but they are not naturalised, notwithstanding the fact that they have resided in this country for many years.

During his speech the member for Mt. Lawley spoke about the House of Lords. A person does not need a vote for the House of Lords; all a member wants is a high hat and swallow tails and he can make the grade. It is ridiculous to try to compare the Legislative Council with the House of Lords in Great Britain.

The Minister for Justice: The Legislative Council has more power than the House of Lords.

Mr. McCULLOCH: It certainly has, and we have seen its members display that power over the years. I have seen it over the last few months since this Government has been in office. Undoubtedly it is a case where the minority and not the majority is governing the country. I do not see what would be wrong in putting the Council roll on the same footing as the Assembly roll. Every member in the Council would be highly delighted to be on the same basis as that which applies to the Assembly. It would seem, however, that the Council members have not any say in the matter; other interests decide what they should say and point out that it must not happen; that it has to be stopped. They say, "We must not have adult franchise for the Council as we do for the Legislative Assembly, otherwise the time may come when vested interests will lose control of the Legislative Council."

That, of course, is only assumption; we do not know whether they would or not. We do not always have control of this House; we are only in a bare majority now. I am convinced that every member in the Council would be most happy and satisfied if he were elected in a manner similar to that applying to members of the Assembly. Strangely enough, the Commonwealth Government has two Houses; it has the House of Representatives and the Senate. Again we find that the Senate is called a House of review, but it is no more a House of review than is the Legislative Council in this State. It is most certainly a politically controlled Chamber.

Nevertheless one electoral roll is sufficient for both Houses of the Federal Parliament, and I have heard no objection against that either one way or the other. Even if we permit the Council to continue on a proportional representation basis, there would not be any harm in it because that applies in the Federal sphere. Whether it is working satisfactorily or not is problematical; but there is no objection to it. We know that when the State was originally formed we had the Legislative Council comprised of nominated members, etc. That was until the Assembly came into existence.

Since those days, however, there have been changes in circumstances; and surely we can see that for ourselves. I think it is a sorry state of affairs to permit a minority Chamber to undo what a majority Chamber has passed. It is not only undemocratic, but it is most unfair to the people. We know that in every election that takes place not more than 25 per cent. of the people on the roll vote. They contend that the Council is unnecessary and undemocratic, and feel that they should not worry about it. I have walked from door to door asking people to vote and to have their names placed on the roll. They have replied, "It is no good. Voting is not compulsory; if we do get our names placed on the roll, it would not get us very far." They feel that the Government cannot do very much when it is hamstrung by the Council as it exists today.

I think the time is overdue when the three sections mentioned in the Bill should be repealed. As I have already said, I feel certain there would be no objection from the individual members of the Legislative Council themselves. There may be reactionary forces outside that may use the whip on the members in that Chamber and probably tell them to oppose it. But in so far as the public is concerned, I think it would be quite happy to allow the position to go on and let everybody have a vote on the same basis.

It should not be on a basis of 10 votes cast by one person because he has several blocks of land; it should be on the basis on which nearly 100 per cent. of the people vote. Persons over 21 years have an opportunity to vote for the election of members of this Chamber and yet after they have decided which party shall govern the State, it is found that a small minority can undo what may be done by the majority. The time is overdue for these sections to be repealed. I hope the Opposition members will see reason in this instance. On several occasions they have told us that they believe in democracy, but I defy them to contradict me when I say that the sections that appear in the Constitution Acts Amendment Act and to which exception is taken, are not democratic in the true sense of the word. It is apparent that those three sections were placed in the Act many years ago and have been left there as time has gone on. No attempt has been made to remove them before; if an attempt has been made, I am unaware of it. But the time is overdue when something should be done about it. I support the proposed amendment.

On motion by Mr. Jamieson, debate adjourned.

House adjourned at 4.53 p.m.