

# Legislative Council,

Tuesday, 4th November, 1930.

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

## AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received from the Auditor General, in pursuance of Section 53 of the Audit Act, 1904, the 40th report for the financial year ended the 30th June, 1930, which I now lay on the Table of the House.

## BILL—PARLIAMENTARY ALLOWANCES AMENDMENT.

*Third Reading.*

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [4.36]: I move—

That the Bill be now read a third time.

**HON. J. J. HOLMES** (North) [4.37]: Before the Bill is read a third time, the House is entitled to information as to what will happen in connection with another Bill dealing with the reduction of salaries of Government employees. When the Minister introduced the Parliamentary Allowances Amendment Bill he explained that the amount expected to be saved as a result of the reduction of Parliamentary allowances was £4,245, and the saving on account of certain other allowances, which included Ministerial salaries, and salaries paid to civil servants as well,

would amount to £100,000. I understand that Ministers receive £1,000 a year as Ministers, and the Premier receives £1,200. That is in addition to the £500 a year they receive as members of Parliament. The Bill before us provides for a reduction of 10 per cent. in the allowances paid to members of Parliament. As I understand it, there is a doubt as to whether the Bill, which will affect Ministerial salaries, will be presented to us. What I am further concerned about is that no matter how anxious I may be, and am, to reduce salaries, and to make the reduction retrospective, still, in a spirit of fairness, the reduction should be general. I find from the "West Australian" of the 31st October that the Premier, in replying to a question put to him by a deputation that waited upon him, said that if the Salaries Tax Bill were introduced, it would not be made retrospective in its application to civil servants. Parliamentary salaries are to be taxed retrospectively to the 1st October, whereas Ministerial salaries and those paid to civil servants are not to be retrospective. If the Leader of the House is not able to explain the position now, no harm can be done by postponing the third reading of the Bill until to-morrow. The provisions of the Bill are to apply retrospectively, and a day's delay will not make any difference. I raise the point because I think that if any reduction is to be made, it should apply to all, and I am of the opinion that if the deduction from salaries be made, it should have a general application and should include the salaries of Ministers as well as those of members of Parliament.

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East—in reply) [4.39]: Irrespective of what may happen to the Salaries Tax Bill, the reduction in connection with Ministers' salaries will be on the same basis as that applied to the salaries of hon. members and will take effect as from the same date. If that is not included in a Bill, it will be done voluntarily. Ministers would not ask hon. members to do anything that they themselves were not prepared to do. We are prepared to meet the position when it arises.

Question put and passed.

Bill read a third time, and *passed*.

# **BILL—TRAFFIC ACT AMENDMENT.**

## *In Committee.*

Resumed from the 29th October. Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

The CHAIRMAN: When progress was reported, the Committee had partly considered a new clause moved by Mr. Lovekin, to be added at the end of the Bill as follows: "This Act shall continue in force until the 30th day of June, 1932, and no longer."

Hon. A. LOVEKIN: I do not propose to proceed with the new clause, but shall wait until the Bill is recommitted. I ask leave to withdraw the new clause.

New clause, by leave, withdrawn.

The CHAIRMAN: The proposed new clause, to stand as Clause 15, consideration of which was postponed, is now before the Committee. The new clause, which was moved by Mr. Lovekin, was as follows: "The principal Act and amendments, including this Act, may be cited as the Traffic Act, 1919-30."

Hon. A. LOVEKIN: I ask leave to withdraw the proposed new clause. On recommitment, I shall propose another clause.

New clause, by leave, withdrawn.

Title—agreed to.

Bill reported with amendments.

## *Recommitment.*

On motion by the Minister for Country Water Supplies, Bill recommitted for the purpose of further considering Clause 4 and a new clause to stand as Clause 7 (a).

Clause 4—New section. Additional fees to be paid for certain vehicles used on roads in Fifth Schedule:

Hon. A. LOVEKIN: I move an amendment—

That before "Subject" in line 3 the words "Until the 30th June, 1932, but" be inserted. The clause withdrawn would have limited the duration of the whole Bill to the 30th June, 1932, but it is not desired to limit other clauses, which should be permanent provisions.

Amendment put and passed.

The CHAIRMAN: Clause 5 and Part II of the Schedule will be consequentially amended.

Hon. H. J. YELLAND: A new paragraph was inserted in Clause 4 reading—

(b) For carrying grain in a vehicle owned by the producer of such grain to a flour mill for the purpose of being gristed, milled or treated, and carrying from such mill on the return journey flour, meal, bran, pollard or offal received in exchange for such grain for use on the farm where the grain was produced.

I move an amendment—

That after "grain," where it appears for the third time, the words "or purchased for domestic purposes or" be inserted.

That would permit a producer to purchase from the mill and carry home offal instead of having to get it sent by a longer route.

The MINISTER FOR COUNTRY WATER SUPPLIES: I hope the amendment will not be accepted. I object to the widening of the provision, thus providing opportunities for contract carriers to destroy what we aim at achieving. The producer using his own vehicle is already provided for, and no good purpose would be served by the amendment.

Hon. H. J. YELLAND: All I desire is that the producer using his own vehicle should be permitted, when making the return journey from the mill, to enlarge a load of commodities for consumption on his farm.

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

Ayes	..	..	..	..	7
Noes	..	..	..	..	15

Majority against .. .. 8

Ayes	
Hon. V. Hamersley	Hon. C. H. Wittenoom
Hon. E. H. Harris	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. W. T. Glasheen
Hon. H. Stewart	(Teller).
Noes.	
Hon. F. W. Allsop	Hon. W. H. Kiteon
Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. J. M. Drew	Hon. G. W. Miles
Hon. J. Ewing	Hon. Sir C. Nathan
Hon. J. T. Franklin	Hon. J. Nicholson
Hon. G. Fraser	Hon. H. Seddon
Hon. E. H. Gray	Hon. Sir W. Lathlain
Hon. J. J. Holmes	(Teller).

Amendment thus negatived.

Hon. A. LOVEKIN: There is an amendment to Clause 4 standing in my name on the Notice Paper, but I propose to alter the wording so that it shall read better from a drafting point of view. Since I placed

the amendment on the Notice Paper, I have obtained the consent of the Minister to it in its altered form. I shall move it now in its amended form—

That paragraph (b) of Clause 4 be struck out with the object of inserting the following:—"Solely for carrying livestock, poultry, fruit, vegetables, dairy produce or other perishable commodities from the place where they are produced to any other place and for carrying on the return journey any farmers' requisites not intended for sale.

The MINISTER FOR COUNTRY WATER SUPPLIES: The Government are not desirous of placing any unnecessary impost on the producers, but having carefully considered the amendment suggested by Mr. Lovekin, no objection will be offered to it.

Hon. G. W. MILES: I should like to ask Mr. Lovekin what is meant by "requisites"? I do not believe in a farmer coming down with a load of pigs and taking back a truck full of petrol. Petrol should go by rail. The amendment will open the door rather widely.

Hon. E. H. HARRIS: The word "solely" is used in the amendment. I was successful in substituting the word "principally" at an earlier stage, and this might be used again consequentially. The farmer carrying requisites as set out in the amendment will be exempt if the vehicle is used solely for that purpose. A farmer does not have more than one vehicle, and he uses that for every purpose.

Hon. A. LOVEKIN: If we use the word "principally" we shall be opening the door widely, much more so than by using the word "solely." Then we should not get the approval of the Minister. I prefer to get what I can. Regarding Mr. Miles's objection to the use of "requisites", I do not see that we could employ a better term. It is a word that is generally used. A farmer would not be likely to carry petrol in bulk.

Hon. G. W. MILES: Farmers do carry petrol in bulk; that is one of the commodities that they would carry in competition with the railways.

Hon. A. Lovekin: But not for sale.

Hon. G. W. MILES: They carry it in bulk for their own use. Moreover, will the amendment apply to farmers only? The beginning of the clause sets out "Provided that this section shall not apply to vehicles used . . . ." Anybody's vehicle can be used. The object of the Bill is to ensure that a

farmer uses his own vehicle for carrying his own goods. Now a farmer will be able to take his neighbour's produce and carry back goods. The Government cannot have fully considered the extent to which the amendment will open the door. If the object is to attack the railways, then we might as well scrap the Bill.

Hon. A. LOVEKIN: The amendment, in the form in which it is now submitted, was agreed to by the Minister after a good deal of argument with Mr. Stewart and myself. Suppose the railways do lose a shilling or two because a farmer carries back a few tins of petrol, what will be that loss to the railways compared with the loss that may be sustained by a man on the land at the present time? I had three or four interviews with the Minister in trying to get to this position, and after a good deal of battling the Minister saw his way to go as far as I now propose.

Hon. J. NICHOLSON: What Mr. Miles has urged is quite correct. If Mr. Lovekin reads the paragraph carefully, he will be the first to perceive that instead of this helping the revenue of the railways, it will have an adverse effect. Anyone using the roads will be able to employ his car carrying all kinds of farmers' requisites on the return journey. A farmer could carry back a complete load of petrol, machinery, or anything else that should go by rail. In fact this amendment would render the whole of the Bill useless. The Bill is devised to help the railways. Mr. Lovekin also, I am sure, wishes to help the railways, but this amendment would destroy the whole purpose of the Bill.

Hon. A. LOVEKIN: The position is that there is a shortage on the railways. How is it to be made up? By penalising unfortunate farmers who are handling perishable products? It seems to be suggested that the diversion of this relatively miserable little freight is going to get rid of the railway deficit. But in getting rid of that deficit, surely we do not want to put the burden of it on the man on the land.

Hon. H. J. Yelland: The amendment does not confine it to the man on the land; it throws it open to everybody.

Hon. A. LOVEKIN: If in their concern for the railways the Committee are prepared to throw the whole burden on the producer of perishable commodities, well and good;

but I suggest that we require to relieve the man on the land of just as much expense as we can. I say let the railways be made to pay by getting rid of the long service leave and of the shorter working hours. It is of the utmost importance that we should help the man on the land.

Hon. H. STEWART: Mr. Lovekin's contention appears to be that it is more important to save the producers than to get a little extra revenue for the railways. That view, I think, must commend itself to the Committee. The amendment is not very different from the original paragraph, the object of which was to exempt perishable produce and, on the return journey, farmers' requisites. The only difference is that the amendment extends the scope of place of delivery to that of the nearest market place instead of the nearest railway station. The Government, I understand, desire to enable perishable products to be marketed while they are still in good condition. If the original clause was intended to permit, say, the people of Bedfordale to bring their perishable products into Perth, those people could not do it under that clause, but would have to take their products to the nearest railway station or market place, which would be Armadale. So it is necessary that the scope of the original clause should be increased. Mr. Miles pointed out that the amendment did not confine itself to the farmer. But neither did the original paragraph (b), which dealt also with the man carrying the products. We must not penalise persons who have perishable products to sell. I do not think the amendment would make any appreciable difference to the railway revenue.

Hon. Sir CHARLES NATHAN: It seems the Minister is prepared to accept the amendment. Having in mind his criticism on previously suggested amendments, which he thought would be opening the door too wide, his attitude now seems inconsistent. If the amendment be agreed to, it will open the way for a common carrier to pick up farmers' produce along the road, bring it into the city, pick up a load of petrol and return with it for delivery in various quantities to various farmers. So the amendment will open the way to active opposition to the railways through the general carrying business. I cannot see how the Government can consistently accept the amendment.

Hon. Sir WILLIAM LATHLAIN: It is the latter part of the amendment to which we do not agree—"and for carrying on the return journey any farmers' requisites not intended for sale." There might be carried on the return journey requisites for 20 farmers. For instance, the carrier might have 20 orders for petrol to be delivered to 20 separate farmers.

Hon. H. J. YELLAND: When the discussion started, it was held that consideration should be given to the farmer using his own vehicle. When the clause was re-drafted, it was generally understood by the Committee that the re-drafting was done with a view to giving this concession to a farmer with his own vehicle, to allow him to take in his own goods and bring back his own requisites. That position I am prepared to support.

Hon. A. LOVEKIN: The original provision for a farmer using his own vehicle is not practicable. We cannot expect each dairyman to have his own vehicle. There must be a pick-up. Whatever may happen to the railways, why not allow the struggling producers to make a start? Why not give them all possible convenience for getting their butter fat to the factory? Are the Committee going to penalise everybody in order to balance the railways budget, or are the Committee going to help primary producers who may be in a parlous position? If Sir William Lathlain will carefully read the amendment, he will see that the farmers' requisites will have to be returned to the place where the original products were produced.

Hon. J. Nicholson: Nothing of the sort. That is wrong. There is a mistake. This would open the door for anything.

Hon. A. LOVEKIN: The hon. member may be an excellent pleader, but I suggest the intention is that whatever is carried on the return journey must be carried to the place whence the original produce came. If the hon. member thinks he can strengthen the clause by making it clearer, let him do so, although I am quite satisfied with what it says.

Hon. C. H. WITTENOOM: I support Mr. Lovekin's amendment. The Bill is hard enough upon primary producers already without preventing them from carrying back to their farms petrol or anything else they

may desire to transport. This Bill will prevent them from becoming common carriers.

Hon. J. Nicholson: It does not.

Hon. A. Lovekin: The goods carried must be produced at a certain place.

Hon. C. H. WITTENOOM: I think the Bill means that farmers may only carry their own produce. It is wrong that they should be interfered with in the way proposed.

Hon. Sir William Lathlain: No one wants to prevent them from doing what you want them to do.

Hon. C. H. WITTENOOM: I hope the amendment will be carried.

Hon. G. FRASER: There is nothing in this clause to say that a man shall carry produce only from one farm. It is competent for a general carrier to take loads from 20 farms and return goods to that number. Mr. Lovekin talks about depriving the railways of a miserable bit of traffic. Evidently he does not realise how much is being lost to the railway system. We desire to catch those people who are taking revenue from the railways. This is a vital clause in the Bill.

The MINISTER FOR COUNTRY WATER SUPPLIES: The clause means that a lot of this carting will be done by contract. Very few small producers own a truck of their own, with the result that one vehicle will sometimes collect from a dozen farms. To a large extent the work will be done by contractors. I appreciate the point of view taken by many members. This amendment does appear to cover too wide a range. To overcome the difficulty, later on I will move an amendment to provide, after the word "requisites," for the insertion of the words: 'for domestic use or for use in producing the commodities named herein.'

Hon. H. STEWART: I hope members will not confuse Mr. Lovekin's amendment with that which I got into the Bill last week.

Hon. G. W. Miles: I think your amendment is coming out.

Hon. H. STEWART: I think not. It improves the position as nothing else in the Bill does. Mr. Lovekin's amendment is quite different from mine. I do think that the word "solely" at the beginning of paragraph (b) should be altered to "prin-

cipally." Perhaps the Minister did not realise the full import of these words.

Hon. J. NICHOLSON: If I were to consult my own interests, I would support the amendment, but in a case like this we must study the interests of the State. Mr. Lovekin's purpose is an excellent one, but his amendment would render the Bill useless as a means of correcting the difficulty that has arisen. The only way to overcome the difficulty is to strike out the words "and for carrying on the return journey any farmers' requisites not intended for sale." Last week Mr. Stewart caused to be inserted a proviso that this clause shall not apply to a vehicle owned by an agriculturist or grazier when used for carrying only the produce of his farm, etc. I would point out that this Bill is designed to help the railways.

Hon. H. Stewart: And make those who use the roads pay for them.

Hon. J. NICHOLSON: The person mentioned in Mr. Lovekin's amendment would not pay for the use of the roads, so that this purpose of the Bill will be defeated. We might as well not pass the measure as do so with that amendment in it. The Bill does not apply to the carriage of personal effects or articles of domestic use or requirements. Then there is Mr. Stewart's proviso protecting the man who has his own truck. Now it is proposed to open the door still wider, so that any carrier may carry on the return journey any farmer's requisites not intended for sale. The Minister's amendment will not effect what is desired. Progress should be reported so that this important point may be further considered.

The CHAIRMAN: Is Mr. Lovekin prepared to accept the Minister's suggestion?

Hon. A. Lovekin: Yes, Sir.

The CHAIRMAN: In that case the words to be inserted will be—

Livestock, poultry, fruit, vegetables, dairy produce or other perishable commodities from the place where they are produced to any other place, and for carrying on the return journey any farmer's requisites for domestic use or for use in producing the commodities named herein, not intended for sale.

The MINISTER FOR COUNTRY WATER SUPPLIES: Under the amendment very few of the vehicles in question will be taxable. The majority of them will be operating in the metropolitan area, where this provision does not apply at all.

The department consider that very little would be done in the way of carrying live-stock.

Hon. G. W. MILES: I see the necessity for allowing a carrier to pick up milk and vegetables; but if it were open to a carrier in, say, the Harvey district, to pick up cream or vegetables from a dozen or twenty farms and convey the goods to Bunbury or Perth, and thereupon take back petrol and other requirements, would the Minister be prepared to accept the position?

Hon. A. Lovekin: The Government say it is their responsibility and they will accept it.

Hon. G. W. MILES: Such a carrier would compete with the railways.

Hon. A. LOVEKIN: The Government practically say the effect may be as stated by Mr. Miles. By accepting the amendment they say, "After all, ours is the responsibility for the loss, and we are prepared to accept it for the good of the farmers dealing in perishable commodities." That is a fair and equitable way of viewing the matter, especially when the State is up against it.

Hon. W. H. KITSON: I see little wrong with the amendment. The word "solely" being retained, it is to be pointed out that very few vehicles are used solely for the transport of stock or perishable goods. I think it would be difficult to find one carrier engaged entirely in transport of that description. On the other hand, there is the convenience of the small producer to be considered, especially in districts where trains are infrequent.

Amendment put and passed.

The MINISTER FOR COUNTRY WATER SUPPLIES: An amendment was previously moved to insert a proviso at the end of Subclause 1 of Clause 4. Though the words of that proviso appear similar to the words of the amendment just agreed to, there is a vital difference.

The CHAIRMAN: Does the Minister propose to speak against the clause standing as amended? He cannot deal with the matter to which he is referring.

The MINISTER FOR COUNTRY WATER SUPPLIES: Why not?

The CHAIRMAN: It is too late.

The MINISTER FOR COUNTRY WATER SUPPLIES: I broached the

question of an amendment but another member got in ahead of me.

The CHAIRMAN: The Minister should have moved before Mr. Yelland moved. However, the Bill can be recommitted for the purpose of the Minister's amendment.

Clause, as amended, put and passed.

New clause—Provision for registration of licensed vehicles:

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the following be added to the Bill to stand as Clause 7a:—"The principal Act is amended by inserting after Section 18 new sections as follows:—18a. (1) Every licensing authority shall keep a register of vehicle licenses, and enter therein as prescribed particulars of every vehicle license issued by such authority: and shall upon payment of the prescribed fee issue to every applicant for a vehicle license a certificate of such registration of such license. (2) A certificate of registration shall have effect only whilst the license in respect of which it is issued remains in operation. (3) Every owner of a licensed vehicle shall at all times whilst the license for such vehicle remains in operation affix and keep affixed to the vehicle the certificate of registration issued to him under this section by such means in such manner and in such place in the vehicle as may be prescribed. 18b. Any person who drives or causes or permits to be driven upon any road a vehicle—(a) not having the proper certificate of registration as required by section 18a of this Act, affixed thereto; or (b) not having such certificate of registration properly affixed thereto; or (c) having such certificate of registration obscured so that the same is not clearly visible; or (d) having such certificate of registration obliterated by any material; or (e) having such certificate of registration so damaged that the same is not completely and distinctly visible, shall be guilty of an offence under this Act. Penalty, £20."

Section 41 of the principal Act gives authority to make regulations for the issue of identification tablets and number plates, and provides that any person owning a vehicle must keep the tablet or plate displayed. As far as can be ascertained, all countries have such regulations. However, the exhibition of the plate is no indication that the vehicle is licensed for the current year. Therefore many countries provide for the issue of a license or certificate, which must be enclosed in a holder, and the holder must be so placed on the motor vehicle as to be readily seen. A number of devices have been brought under the notice of the Government, and in consequence ten-

ders were recently called for a supply of the certificate holders. Subject to the passing of this amendment, a contract will be let. I have here a number of samples of holders.

Hon. H. Stewart: Are they made in Western Australia?

The MINISTER FOR COUNTRY WATER SUPPLIES: I think so; I am not sure. It was anticipated that the words "identification tablets", used in Section 41, might apply to these holders, but the Crown Law Department definitely advises that this is not so, and that is why the proposed new Section 18 (a) is to be embodied in the Act. I have to express my regret to hon. members that I was not able to frame the amendments earlier and have them placed on the Notice Paper. The position was discovered only this morning, and to overcome the difficulty, I have had copies of the amendments provided for hon. members. It is necessary that the Bill be passed as quickly as possible, so that it may become operative and help in the adjustment of the Budget figures. The proposed new Section 18 (b) merely imposes penalties for not exhibiting the certificates. The proposed new Section 13 (a), which will follow Section 60, provides for a consequential amendment. Hon. members will readily appreciate the convenience such a method of identification will be to the licensing authorities. It is anticipated that people will more readily and promptly pay their annual license fees because if they do not, the absence of the holder with the requisite certificate will publicly advertise the fact that the owner of the vehicle has not taken out his license.

Hon. A. LOVEKIN: As the certificate of registration for a car is usually a piece of paper, how will that be displayed? Will the certificate be in the form of a disc?

The MINISTER FOR COUNTRY WATER SUPPLIES: If the hon. member inspects the holders I have, he will see how the registration disc will be displayed.

Hon. Sir William Lathlain: The style to be adopted is that which obtains in London.

The MINISTER FOR COUNTRY WATER SUPPLIES: Yes.

New clause put and passed.

New Clause:

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That after Clause 13, a new clause, to stand as Clause 13 (a), be inserted as follows:—"Section sixty of the principal Act is amended—(a) by inserting the words 'or certificate of registration' after the words 'number plate' wherever such words appear in the said section; and, (b) by inserting in paragraph (g) after the word 'license' where it appears a second time in line two of the said paragraph, the words 'or a certificate of registration or any article resembling a certificate of registration.'"

New clause put and passed.

Bill again reported with further amendments.

#### *Further Recommittal.*

On motion by the Minister for Country Water Supplies, Bill again recommitted for the further consideration of Clause 4.

Clause 4—New Section: Additional fees to be paid for certain vehicles used on roads in Fifth Schedule.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move an amendment—

That the proviso to Subclause 1 be struck out.

When the clause was considered on Tuesday last, Mr. Stewart secured the adoption of the proviso which set out that the section "shall not apply to vehicles owned by agriculturists or graziers when used for carrying the natural produce of his farm to the nearest or most convenient town, or most convenient railway station or siding, and for carrying any requisites for his farm." Hon. members will see that the proviso will allow woolgrowers to cart their produce right through to Fremantle and on the return journey to take a load of petrol or anything else they require. It will be seen that the proviso opens the door too wide altogether, and will destroy the effectiveness of the Bill. In fact, the measure will be practically useless with such a proviso included.

Hon. H. STEWART: I hope the Committee will not agree with the Minister. It is questionable whether there is not involved a vital interference with the liberty of the subject regarding the use he may make of his property. It will force an individual to pay an increased fee for running over a short length of road. It will be realised by

the Committee that many of the primary producers, who have lost their total income this year, deserve the utmost consideration at the present juncture. If the Government are to force those people to convey their wool to the railways, although they could convey it direct to where they desire to take it at much less cost than will be involved in despatching it by rail, many people will be placed in a very difficult position.

The **MINISTER FOR COUNTRY WATER SUPPLIES**: Mr. Stewart would have the Committee believe that it is a small matter, affecting a small section of the community only. If he had seen, as I have, heavy loads of wool conveyed by trucks that cut up the roads and caused hundreds of pounds' worth of damage, he would not so stress his amendment.

Hon. H. Stewart: But cannot you limit that sort of thing? You know it is necessary in many instances that consideration should be extended to the primary producers.

The **MINISTER FOR COUNTRY WATER SUPPLIES**: I have already pointed out that the small growers can receive consideration, and will be able to get permission to cart their wool. To make the proviso general would be too dangerous.

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

Ayes	..	..	13
Noes	..	..	8
Majority for	..	5	—

#### AYES.

Hon. F. W. Allsop	Hon. J. M. Macfarlane
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. J. Ewing	Hon. Sir C. Nathan
Hon. J. T. Franklin	Hon. J. Nicholson
Hon. G. Fraser	Hon. H. Seddon
Hon. W. H. Kitson	Hon. J. M. Drew
Hon. Sir W. F. Lethlain	(Teller).

#### NOES.

Hon. W. T. Glasheen	Hon. H. Stewart
Hon. E. H. Gray	Hon. C. H. Wittensoom
Hon. V. Hameraley	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. E. H. Harris
	(Teller).

Amendment thus passed; the clause, as further amended, agreed to.

Bill again reported with a further amendment.

### BILL—METROPOLITAN MARKET TRUST ROAD.

Received from the Assembly and read a first time.

### BILL—WAGIN HOSPITAL VALIDATION.

Returned from the Assembly without amendment.

*Sitting suspended from 6.15 to 7.30 p.m.*

### MOTION—RAILWAY FREE PASSES, TO RESTRICT.

Debate resumed from the 2nd October on the following motion by Hon. A. Lovekin (Metropolitan).

That in the opinion of this House the time has arrived when the practice of issuing life and free passes on State railways and tramways should cease, except in the following cases:—(a) to members of Parliament during their tenure of office; (b) to railway employees in remote districts for the purpose of marketing and for one journey each year for themselves, their wives and families when on annual holiday; (c) to maimed soldiers.

The **MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [7.30]: I cannot subscribe fully to the motion tabled by Mr. Lovekin, a city member, on this subject. It is consoling to have his admission that he does not entirely exonerate himself from blame for the growth of a practice which he terms a public scandal. In his apologetic words he merely took unto himself a little of the responsibility for allowing the particular regulation to become law when it was tabled in this House. That regulation was made by the previous Government in April last and it was laid on the Table of the House when Parliament met. Knowing Mr. Lovekin to be a keen and greedy reader of all new regulations, I am not prepared to allow him the spotlight in the cleaning up of the alleged public scandal unless he is willing to wear the full raiment of responsibility. Since he did not move the disallowance of the regulation, I must assume that when it was made he considered its provisions to be just from the point of view of the taxpayer, and I cannot understand why he has now moved the motion standing in his name.



Hon. J. Cornell: The regulation was made long before Mr. Lovekin was a member of this House.

The MINISTER FOR COUNTRY WATER SUPPLIES: After listening to the hon. gentleman one would think that the privileges granted to members and railway officials were the only concessions made by the Railway Department. But that is not so. In some way or other all sections of the community are catered for by the Railway Department by means of concession or privilege and members will find great difficulty in disproving that assertion. In both business and private circles concessions are given in the shape of unprofitable freight rates and concession fares to assist the recipients to give service to the public in various ways. It is in the interests of all the people that such a policy should be continued. The railways are owned by the people for the people, and here and there in industry and business pursuits they must assist to satisfy the wishes and the needs of the public. For instance, the newspapers could not carry on their service to the people in distant parts of the State without the aid of cheap postal and railway rates, and moreover it would be difficult for them to keep the people informed in the absence of exceptionally cheap telegraphic rates. Representatives of the Press are granted tickets at two-thirds of the single or return fare when travelling over the railways on reporting business. That concession has been in existence for a great many years without the most slender shaft of criticism having been levelled at it. Again it may not be known that the finished article of the newspaper office also enjoys a privilege. That privilege takes the form of an exceptionally cheap rate for newspapers and journals published in the Commonwealth when carried over the railways.

Hon. A. Lovekin: What is the rate?

The MINISTER FOR COUNTRY WATER SUPPLIES: Half parcel rates with a maximum of  $\frac{1}{2}$ d. per copy.

Hon. A. Lovekin: How much is that?

The MINISTER FOR COUNTRY WATER SUPPLIES: Some idea of the leniency of that charge may be gained from the following examples:—For 12 copies of a newspaper weighing 7 lbs., a charge of 6d. would be imposed for their carriage from Perth to Meekatharra, a distance of 400 miles. The charge for an ordinary par-

cel of the same weight would be 3s. For 24 copies of a newspaper weighing 12 lbs., a charge of 1s. would apply between Perth and Kalgoorlie, while the freight on an ordinary parcel of the same weight would be 3s. 9d. When one reflects that every year thousands of newspapers are carried over the railway, the cost to the taxpayer of such a privilege may well be imagined, and yet the daily newspapers still maintain the war charge of 2d. per issue, fixed when newsprint was 10d. per lb., though to-day it is only 3d. per lb. If they, in keeping with the times, reverted to a reasonable charge for the papers, the saving to the people would be considerable. In addition to those concessions, the members of the Australian Journalists' Association are granted access to all railway platforms without charge—a privilege that even the pampered railway official does not enjoy. Surely, if the newspapers which have taken up the cudgels on this occasion are to live up to the high ideals surrounding their estate, one would expect them frankly to acknowledge the railway privileges they enjoy—privileges which, in the long run, John Citizen must pay for. Another supporter of Mr. Lovekin who would have been well advised to have lain low was the Murray Road Board. That august body has been dumbfounded at the immense cost of privileges to the country. One member of the board is reported to have said, "The granting of passes and privileges is a public scandal." It is really remarkable to find an echo coming from so far afield. It was somewhat touching to note the throb of anguish in the voices of those worthy gentlemen, but it was refreshing to hear that they are possessed with a firm purpose to mend their own official ways. If that zealous spirit proves lasting, perhaps in future the road board will eschew the absurdly low special rate granted them by the Railway Department for the carriage of road material. From now on, no doubt, they will indignantly refuse to accept the low rate on the ground that it is a privilege, and will insist upon the Commissioner of Railways charging them the ordinary rate imposed on John Citizen and his relations. The rate I speak of is  $\frac{1}{4}$ d. per ton per mile with a minimum of 1s. per ton, whereas the cheapest railway rate for road material required by John Citizen averages over 1d. per ton per mile with a minimum charge of

3s. 3d. per ton. In other words, the road board can send a ton of road material 50 miles for 1s. 0½d. against John Citizen's 7s.

Hon. A. Lovekin: Has that anything to do with the case?

The MINISTER FOR COUNTRY WATER SUPPLIES: Those examples by no means exhaust the inconceivably long list of privileges granted by the Railway Department, but they should be sufficient to show members that the daily bread is not buttered on one side only. Coming particularly to the matters debated by Mr. Lovekin, it is disappointing to find that in certain instances he had been making bricks without straw. Speaking of the life passes held by certain ex-members of Parliament, he specifically stated that those concessions cost the State £3,000 per annum. In Western Australia there are 10 life pass-holders, and for each such pass the State pays into a common pool the sum of £150, or £1,500 in all. Against that total of £1,500, however, must be taken into account what the State receives from the Eastern States Governments for their life pass-holders. When all the payments from the States have been pooled the total amount is divided proportionately among the different railway systems concerned, and as there are far more life pass-holders in the Eastern States than in Western Australia, this State's proportion of the payments forms a substantial contra item to the deposit.

It will therefore be seen that the cost of the privileges to Western Australia is a very small matter. Another error into which Mr. Lovekin has fallen is the statement that a life pass entitles the holder to free travel twice a year for his wife and family. I hope the hon. member will accept my assurance that that is not so. A life pass entitles only the holder to free travel. No concession whatsoever is granted for the holder's wife and family. The granting of life passes was agreed to at a conference of the Prime Minister and the State Premiers. They were granted as a mark of honour and recognition of years of patient and devoted service to the country, whilst the recipient was holding high and onerous office. Seemingly, in the hon. member's opinion, it is wrong so to honour the gentlemen concerned. Disagreeing with that view, I consider that the people of Australia

are greatly indebted to those public men for their services. Forgetting political creeds, there have been and still are some eminently capable Parliamentarians in Australia. Some have been buried from ministerial or Parliamentary office, and many of those still with us but not in Parliament are broken in health or wrecked mentally as a result of their labours for the people. It is, perhaps, the only instance where Australia as a nation confers an honour on its public men, and it would be a beggarly action if this State departed from the unanimous decision of the Prime Minister and the Premiers. It would be a constant advertisement to the public men of the Eastern States of the meanness of thought in this State.

Mr. Lovekin stumbled overboard when he stated that the Parliamentary passes entitled holders to travel not only on the State railways but upon the State ships. He was rescued from deep water by Mr. Drew, who correctly stated that that privilege applied only to North-West members. Because of the remoteness of their constituencies those members are not often able to avail themselves of the privilege of free passage to and from the North, and let me make it clear that the members concerned are required to pay for all meals. Dealing with the question of railway passes held by members of Parliament, Mr. Lovekin is quite in accord with such issues. That is eminently satisfactory. But he does not agree that the wives and young children of members should be allowed free passes twice a year. As he is a city member one can understand his ignorance of the necessity in the cases of wives and families of members representing country or goldfields constituencies. For obvious reasons, almost every country member maintains a home in his constituency. In some cases the wives and families of country members remain in the constituency during the five to six months session in every year whilst in others the member very often maintains an additional home in the city for the time being. Wealthy members of Parliament are very few in number. With them membership is a pastime, not an occupation. We are not all so favourably circumstanced and the majority of members, particularly country members, cannot afford the expense of fares for wives and children the cost of which would not be noticed by those more fortunately endowed. Where a member is com-

pelled to reside away from his home for upwards of six months in the year, I do not think it unreasonable that his wife and children should enjoy free passes twice a year to visit him, or that they should be assisted to and from the constituency if they live with him in Perth.

Some members are widowers with adult children, a few are bachelors, and of those whose wives are living, not many of them possess children of tender years, and when we total the number of passes issued it is found that the "public scandal" in regard to them does not usually exceed 100 passes a year. In keeping with the tone of his remarks Mr. Lovekin omitted to emphasise the condition that free sleeping berths are not accorded wives and families of members unless such berths are available. The State does not run any special trains in the granting of the privileges which correspond to those in the Eastern States, and the Railway Department are therefore not saddled with any expenditure in respect to them. The hon. gentleman stated, in words favourable to his motion, that there had been a loss of £34,057 in the Railway Department on account of services rendered on the instructions of the Government. Perhaps he knew, but he certainly did not state that that item included the cost of courtesies in the form of country tours and free passes for distinguished visitors, the personnel of visiting warships, large delegations to Australian conferences or conventions held locally, of which there have been many in recent years, visiting schoolboys, and many other worthy people in temporary residence in the State.

If the Government neglected the accepted civilities of mankind in the reception and treatment of visitors, I am sure it would be castigated by public opinion, and deservedly so, because I believe such a penny-wise policy would do us incalculable harm in the eyes of other people. Mr. Lovekin is inconsistent in his advocacy of the continuance of free railway privileges for serving members of Parliament and the denial of similar treatment to the railway servants. If it is desirable that unlimited travel be granted to members of Parliament for the purpose of widening their knowledge of State affairs, would the State be justified in refusing travel in a restrictive sense to railwaymen who would increase their knowledge of their transport systems by their journeys through the country.

It is well known that large railway companies encourage their employees to travel over their lines so as to become acquainted with the system and local conditions. The knowledge so gained is beneficial to any railwayman whatever his position may be. To illustrate the value of such I might mention that when Sir Henry Thornton took over the Canadian National Railways he travelled for months over the entire system to gain a first-hand knowledge of its ramifications and conditions. I am not quite clear what Mr. Lovekin has in mind in moving his motion. Surely he is aware that the privileges granted to railway employees constitute part of awards of the Arbitration Court.

When Mr. W. J. George was Commissioner of Railways, he claimed in the Arbitration Court that a value of sixpence per day should be placed on privileges. On that occasion no decision was announced and it is not clear whether any consideration was given to the question of privileges. However, in 1919, when the late Mr. Justice Burnside was dealing with the railway case, he said—

Privileges are part of the conditions of service and they form part of the emoluments of the position.

It is obvious then that, even if the motion were carried, it could have no effect on the position since this House has no power to order that Court to amend any of its awards. No doubt what influenced the Court to incorporate the privileges in the railway awards was the general practice of employees granting trade concessions to their workers. The concession system to employees is wide-spread. As a matter of fact it is common in commercial and business circles. It appears to have arisen there and later on adopted in a mild form in the public service. It may come as a surprise to hon. members to know that every trading concern of any note concedes some courtesy to its employees. For example—Private railway companies (including the Midland Railway Company in this State) grant holiday and market passes as well as concession and season ticket privileges. In addition, the larger companies contribute huge sums from their revenue to provide superannuation allowances for their employees upon retirement.

Hon. A. Lovekin: Is that done voluntarily?

The MINISTER FOR COUNTRY WATER SUPPLIES: I have made in-

quiries at various business houses in Perth regarding the privileges enjoyed by their employees and find as follows:—

A leading Life Insurance Society has a provident fund to which the employees contribute  $2\frac{1}{2}$  per cent. of their salary, and the Society makes up the balance necessary to pay a pension of two thirds the average annual salary during service. The earning capacity of the fund is based at  $4\frac{1}{2}$  per cent., but as the average accretion has been considerably in excess of that rate, the surplus earnings are divided pro rata over the beneficiaries. The extra benefit is substantial, namely, to one employee the first distribution of the surplus amounted to £47 10s. and the second apportionment £23—a total of £70 10s. added to the pension rate. In the same society a salary bonus of 10 per cent. has been paid in years past, but it has been reduced to 5 per cent. for the current year. The bonus distribution is based on the annual salary and is paid in a lump sum.

A business house employing a fairly large staff has paid a bonus of 10 per cent. on salaries fairly regularly for some years past. That bonus is granted by the directorate and is paid in a lump sum.

Hon. A. Lovekin: They are making profits.

**THE MINISTER FOR COUNTRY WATER SUPPLIES:** A large establishment specialising in farming business has a provident fund which has been built up by the staff and by company contributions. The pensions from the fund are based on years of service with a maximum payment of two thirds of average annual salary.

An Oil Company has a provident fund built up of 10 per cent. of salary contributions from the regular staff, and subsidised by the company. Profit bonuses granted to employees are paid to the provident fund. Those bonuses have been as high as 15 per cent. An account is kept under the fund for each employee and interest is added to the annual balance. The total amount standing to the credit of the employee is paid over in cash on retirement, or to relatives at death. After 10 years' service the amount due to the average employee is substantial, and on present conditions is made up of over 50 per cent. of company benefits. In addition, employees can purchase oil and other goods at very reduced rates.

The permanent employees of another oil company are insured by the company for death benefits at the company's expense. Also each employee has the right, after two years, to take up shares of a prescribed value. Payment for them is spread over 18 months and a dividend, guaranteed at 12 per cent. is paid on the full value immediately the first monthly payment is made. The market price of those shares is about four times the nominal value. The privilege is therefore a substantial one.

In a softgoods warehouse there is a buying privilege of 10 per cent. off wholesale prices. That privilege to employees appears to be general in the softgoods business. In addition some employees share in annual bonus distributions.

In a retail emporium there is a buying privilege of 15 per cent. off marked prices of ordinary goods and 5 per cent. off groceries. Also there is a bonus to all employees of over 12 months service in the shape of two weeks extra pay annually. In the same business, to all departmental managers and others above the rank and file, a lump sum bonus is granted, graduated according to the benefits derived from their services. In addition, all employees receive commission on sales varying from  $1\frac{1}{2}$ d. to 3d. in the pound and on some slow moving lines an extra commission is paid on clearance.

The staff employees of an interstate shipping company are allowed a free passage on the Australian run. That privilege is not periodical but is granted on request usually once in each two or three years. It is an understood thing that requests for passages will not be made during the busy seasons. That practice is general to Australian lines and it extends to not less than 3,000 employees.

I do not know what privileges were extended to the employees of "The Daily News" when Mr. Lovekin owned the paper. It is well known that he was an ideal employer. Perhaps he will touch on that matter when he replies.

From the foregoing it will be seen that in many large offices and businesses some form of superannuation is in existence. In warehouses dealing with commodities, it is a general practice to allow employees a discount off the wholesale price, and in retail establishments systems of bonus payments

and discounts are a general rule. It will thus be seen that not only the Government, but private enterprise—whose methods have so often in this House been held up as a model—consider it advisable to provide the fullest means of recuperation for their employees when on holidays, or enable them to take advantage of the firm's trading activities. In short, it is only another form of welfare work which has had such a remarkable growth in big industries of late years.

The granting of market passes is another matter over which the Government have really no jurisdiction, since it also forms part of the Arbitration Court's awards. That concession is intended for those employees living outside the radius of large centres and who are thus more or less isolated. Isolation is one of the conditions inseparable from railway work and such small concessions are intended to alleviate the lot of such workers who, in the majority of cases, are on the basic wage.

Regarding medical passes, I am somewhat surprised that the hon. member saw fit to bring up such a matter. Those passes are only issued in special cases where an employee stationed in an isolated part is in need of medical attention. The cost to the Railway Department is practically negligible, but the motive behind the granting of them is humane and is worthy of commendation rather than censure.

Hon. A. Lovekin: Did I object to that?

The MINISTER FOR COUNTRY WATER SUPPLIES: Much has been made of the provision of uniforms, but the issue of such clothing applies only to station and yard staffs, guards, etc. In short, uniforms are issued to those officials who have to be in attendance on trains, and in the case of tramways to those actually engaged in working the trams or the supervision of traffic. The matter of uniforms is also one where the authority of the Arbitration Court dictates the policy to be followed, but if it were not so I cannot conceive that hon. members would entertain the idea that railway or tramway men should be permitted to follow their callings garbed in a motley raiment suggested by their personal tastes or the whims of passing fashions. Neither do I think anyone would suggest that men whose public duty demands they should be out in all weathers should be insufficiently or insecurely clad. I do not

suggest for one moment that railway and tramway men are not well treated. I candidly admit they are, but common fairness prompts an acknowledgment that a reasonable amount of consideration should be shown them.

Railway men in particular, follow a rather rigorous calling. Demands are often made on them which are never made on the outside worker. They are subject to short notice of transfer to distant parts of the State, and are called upon to live in isolated localities. The country's needs in transportation necessitate their being on duty in all sorts of weather, and at times when the rest of the world is sleeping. Their calling is a highly specialised one, and they have to devote a large amount of their spare time to the study of railway subjects. The security of tenure of their jobs in normal times may be greater than that of the ordinary worker, but at times such as the present they are subject to the same rigorous retrenchment that is meted out to those outside the department. In view of all these facts there is little to complain of in the privileges granted. The only ground for complaint would be if it could be shown that the concessions were made at a disproportionate cost; and that cannot be proved, because it is not a fact.

It is difficult to assess the cost of their travel courtesies, but the main point is that they are regarded as an easement of the oftentimes rigorous conditions under which railway men work. An important point is that the travelling public shall not be placed under any discomfort by being overcrowded by pass holders, and I am assured that such a condition does not obtain. For the reasons I have stated, I am definitely opposed to the motion. Its passage could not in any way affect the position, since virtually all the matters, outside of Parliamentary privileges, to which attention has been directed are conceded by a tribunal over which the House has no control—the Arbitration Court. I will oppose the motion.

HON. J. CORNELL (South) [8.1]: I desire to say a few words about railway passes. Some 16 years ago in this House I took up the subject of railway passes. I was a member of the Labour Party at the time, and I got the cane for it. What I then advocated was that any person who had been a member of another place continuously for four terms, or any person

who had been a member of this House for three terms, but who unfortunately had never attained ministerial office should, when he forfeited his seat, be given a mark of public recognition of his services in the shape of a life pass over the railways.

Hon. G. W. Miles: That was when members received no payment.

Hon. J. CORNELL: No, they were all being paid. I claim that any man who has served the State for 12 years in the Assembly, or for 18 years in this Chamber, has a better right to recognition by the issue of a life pass over the railways than has another man who happens to have been a Minister for eight or nine years. The more we analyse the granting of life passes to ex-Ministers, the less does the subject bear investigation. We cannot help realising that it has all arisen through one Minister saying to another, "You scratch my back and I'll scratch yours." To-day any ex-Minister of the Crown, or ex-Speaker, or ex-President, who has served three years is granted a life pass over the railways; and in the case of the Minister—he may have been only an honorary Minister—he gets the pass even though there may have been a break in his ministerial service. Who brought this about? Only Premiers and Ministers; the rank and file of parliamentarians had no say in the matter. When we consider the emoluments attached to the position of a Minister, plus his travelling expenses when away from his office, we find that if he has been six years in the position, he is on an infinitely better twicket than is any private member. As I say, there is more justification for the issue of a life pass over the railways to a man who has served 12 or 15 years in Parliament, than to a man who has occupied ministerial office for eight or nine years. In the past the private member has been ignored. For instance, we have a member of this House who is entering upon his fifth consecutive term; he has served 24 consecutive years in the House, but he has not yet caught the judge's eye and secured a life pass over the railways.

Hon. G. W. Miles: He is too much of a conservative.

Hon. J. CORNELL: It is 16 years since first I said that an infinitely better case could be made out for the granting of a life pass over the railways to a rank-and-filer who has given faithful service for 12

or 15 years than to a Minister who has been in office for only a few years. To-night the Minister said that the granting of a life pass over the railways is only a recognition of remarkable ability in public men. I hope he does not imply that all the brains of every Parliament have been reflected in the Ministry; for it is generally accepted, both inside and outside the House, that some of the biggest duds in Parliament have become Ministers of the Crown, and that many an admirable private member, chiefly through his spirit of independence, has failed to attain office. Take the ex-Speaker, Mr. Taylor. But for a short period in office, in about 1904, it might be said he sat in Parliament for 30 years without being a Minister. Was not he entitled to some recognition of his services by way of a life pass over the railways? If the practice is to continue of granting this concession to ex-Ministers and other high officials, I say that instead of the system being curtailed, it should be extended to parliamentarians of long standing who have not been Ministers. I was interested just now in the Minister's long digression on the justification of granting free passes to railway men as against other Government servants. The Minister quoted the treatment of their employees by private firms, but he did not once say that these firms differentiated between their employees. In the issue of free passes to railway men we get a differentiation between Government employees. Take the mining registrar at Cue and the station-master at Cue; both are Government employees and both are pretty well on a par in point of wages. Yet the station-master comes to Perth at the country's expense, whereas the mining registrar has to pay his railway fare. I hold that an employee in any Government department other than the Railways is just as much entitled to a free pass as is the railway man. Then, take the free passes issued to the locomotive enginedrivers, firemen, cleaners, etc. There we have the absurdity of the engine driver being granted a first-class pass, while only a second-class pass is issued to the fireman and the cleaner. It may be the result of an agreement between the Commissioner and the union, but in any event it is absurd.

Hon. G. W. Miles: They do not do it now, I think.

Hon. J. CORNELL: Yes, they do. In my view all these concessions to Government employees should be cut out. Very properly the State is regarded as a first-class employer, but I say the State should cut out concessions to its employees, other than what are given by the Arbitration Court, or allowed by a private employer to his employees. Then the money saved by the cessation of these concessions should be utilised as the nucleus of a superannuation fund for all Government employees. To-day many Government employees—even the railway men, with all their free passes—although they may have given 35 years of loyal service, can look forward only to the workhouse. So, as I say, these concessions should be stopped and the money thus saved put into a proper superannuation fund, so that when a man leaves the service through age or infirmity there will be some superannuation money for him. I do not think any case can be made out for the granting of free passes over the railways to railway men, as against other Government employees. Although I would not go as far as Mr. Lovekin has gone in his motion, I am in accord with part of it and with a good deal of what he has said.

HON. E. H. HARRIS (North-East) [8.12]: I found very interesting the reply the Minister gave to Mr. Lovekin. Were I associated with any of the industrial organisations now conducting a case in the Arbitration Court cited by the Government to review privileges, I would be inclined to subpoena the Minister and put him in the box to give evidence for the unions against the Government. He declared that the privileges under review should be continued, and he showed that private firms and companies extend certain privileges to their employees. While that is quite true, I think it will be found that it does not apply to every one of the employees. Mostly, it constitutes a reward for merit and ability, whereas in the Government service merit and ability are by no means the main features. Generally, one of the determining factors is the question whether a man in the service was the last appointed. If so, it would be last on, first off. Then there are a lot of other considerations embodied in the union rules. For that reason there are in the Minister's reply to Mr. Lovekin excellent points

that might effectively be used against the Government.

Hon. G. W. Miles: And probably will be.

Hon. E. H. HARRIS: Mr. Cornell said he put up that proposition some years ago, and had the cane for it. He did not say whether he got the cane from members of Parliament, or from members of the Labour Party to which he then belonged. I suggest that Mr. Lovekin got the cane from the Leader of the House this evening.

Hon. G. W. Miles: I wonder whether it was the voice of Cabinet speaking?

Hon. E. H. HARRIS: Mr. Lovekin said he was impelled to put up this proposal by reason of an article written by an anonymous correspondent under the heading of "Privilege and its extent and cost." This article drew attention to what was in the report of the Commissioner for Railways. He wrote under the nom de plume of "Araunah." Another article was written by the same contributor on the 9th October, dealing with the Royal Agricultural Show. One does not require to be a Sherlock Holmes to detect the writer of these articles. The matter affects all six States as well as the Commonwealth. All are in difficulties. It is suggested that in these times of financial stress there are opportunities to assist Governments to balance the Budget by looking into these particular matters. No doubt Mr. Lovekin has a better idea of the value of copy than I have, but probably for a penny or threepence a line it would be possible to get these articles reprinted in all the leading newspapers in each State.

Hon. W. J. Mann: You are an optimist.

Hon. E. H. HARRIS: The statement that was responsible for the motion was written by a Press correspondent. He showed that he had some knowledge of the subject. It appeared to me that in order to hide his identity he wilfully went astray on one or two occasions. He suggested, for instance, that members had free travel on the State steamers, and there was some reference to the families of members travelling free of cost.

Hon. H. Stewart: It applies only to Ministers.

Hon. E. H. HARRIS: That may be so. Mr. Lovekin quoted these remarks without saying that they were correct, and the Minister has given Mr. Lovekin credit for hav-

ing said certain things relating to these privileges. Some of the privileges were given by former Governments, and some by the present Government. There must be some hundreds of life passes in existence in Australia. There are 100 members of the Legislative Council in New South Wales. I presume they would be entitled to travel all over Australia on free railway passes.

Hon. W. J. Mann: They receive no payment.

Hon. E. H. HARRIS: Those who are in business would not require to receive payment if they could travel free in that way. It would be a good thing for a union organiser or a party organiser to have a free pass. All he has to do is to get a seat in Cabinet, hold office for three years, and he can then travel free for the rest of his days. A man in possession of a free pass could get a job for the rest of his life as an organiser. I have looked up the question of life passes. Mr. Lovekin, through the Press correspondent, has drawn attention to the fact that £150 has been put into the pool. We have put in £300 and that would bring us out at about 20 passes. I have looked up the list of Ministers and ex-Ministers. There appear to be more than 20 who would be entitled to life passes in this State. The only assumption one can arrive at is that they have not been applied for. I can mention the Premier and the Leader of the Opposition and perhaps the Minister for Railways and the Chief Secretary. If it is the decision that 20 members are entitled to these passes, we cannot alter the position by carrying the motion. I have looked up reports of the Premiers' Conferences. The subject was introduced in 1922, but was postponed until 1923 in Melbourne for lack of sufficient data. The subject was then re-introduced by Mr. Bruce, when the following resolution was carried:—

That life passes issued to Prime Ministers or Premiers who have held office for one year; Presidents of the Senate and Speakers of the House of Representatives; Presidents of the Legislative Councils and Speakers of the Legislative Assemblies who have held office for three years; and Cabinet Ministers who have held office for three years in the aggregate; shall be recognised over Federal and State railways by the issue of gold passes available over all lines to such persons; and the New South Wales Government as the senior State, on behalf of the other Governments concerned, be authorised forthwith to issue such passes to the persons quoted in such resolution.—Motion agreed to.

There is nothing in the resolution about passes to Honorary Ministers.

Hon. J. Cornell: They got them 12 years ago.

Hon. E. H. HARRIS: I understand that in Queensland where there is now only one House of Parliament, there is always a majority of members who have something else to do than to be merely private members. They increase the number of Ministers, appoint whips and leaders, etc. There is thus a sufficient number in the party to ensure a majority in case there are others who are inclined to kick over the traces.

Hon. A. Lovekin: I think they all get passes.

Hon. E. H. HARRIS: I understand when the Council was abolished they all received passes. If this Council is abolished, I hope it will not be before I leave it, so that I can collect my pass.

Hon. W. H. Kitson: Those passes were withdrawn.

Hon. E. H. HARRIS: I was not aware of that. If the majority of the life passes were withdrawn, it would not be an injustice to those to whom they were issued.

Hon. J. Cornell: Premier Moore withdrew them in Queensland when he took office.

Hon. E. H. HARRIS: A member of Parliament should be entitled to privileges while he occupies that position, but not afterwards. Apparently life passes are not limited to Prime Ministers or Premiers or the others mentioned in the formidable list I read out. The granting of all these passes cannot be justified. I do not think we can discuss the privileges granted to railway employees, as the matter is now sub judice. Most of the privileges were granted by the court or embodied in agreements made by a Minister of the Crown. Men should be paid what they earn in wages, and not in kind. If some portion of the wages were set aside for superannuation purposes, the men would appreciate it more than if some of them had free railway passes and others free steamship passes. I do not know whether people employed in the Government Printing Office receive any privileges in the matter of printing, or whether those employed at the power station receive free current, or those employed at the Wyndham Meat Works receive free meat. The Minister has indicated that certain privileges are granted in different departments. If they are granted in



one department there should be a quid pro quo to those engaged in other departments where those privileges are not given. It might be said that if in the Water Supply Department the officers received free water, employees of the Government in other departments should receive free drinks. It has been alleged that highly-placed officials are in receipt of passes. We do not get very far with that matter, and the Minister has thrown no light upon it. I do not know if heads of departments get railway passes, or whether this is limited to those engaged in the railways. Are we to imagine that the heads of departments get these privileges?

Hon. A. Lovekin: That is what I meant.

Hon. E. H. HARRIS: If this matter had been brought forward as a Government measure, the Minister might have been able to afford some information in reply to the questions put up by members. Mr. Lovekin might not be able to get the same sort of information. However, I suggest that Government officials on duty are entitled to passes; but if a well-paid head of a department is to have a free pass issued to him for indiscriminate use, why should not that apply to all Government officials? Some representatives of the Trotting Club because that institution brings business to the tramways, are given free passes on the tramways. The Westralian Farmers Ltd. and the Primary Producers' Association bring a great deal of trade to the State railways, but we have not yet heard of their being granted free passes. I know that some persons associated in a large way with the mining industry made efforts recently to obtain passes, doubtless as the result of having read in the Press the discussion on this motion.

Hon. J. Nicholson: In years gone by the Railway Department used to give passes to traders dealing with the railways according to the volume of traffic done.

Hon. E. H. HARRIS: Apparently that is done now.

Hon. J. Nicholson: It is not done now.

Hon. E. H. HARRIS: Then, as has been asserted, the Government discriminate. When Sir Edward Wittenoom spoke on this subject, he seemed to be as wide of the mark as the writer of the article in question. Sir Edward said that an extra £100 for expenses was granted to members in order to compensate them in some measure for the numerous subscriptions they

have to pay, and other expenses of the nature. If I understand my income tax form correctly, one is allowed a deduction and if one was paying a tax of 6d. in the pound, that deduction would represent, o. £100, a saving of £2 10s. Now £2 10s. would not take one very far in regard to "numerous subscriptions and expenses of that kind." However, I believe there is a public impression that we get an extra £10 in that connection. I want to disabuse the public mind on my behalf.

Hon. H. Stewart: On mine too.

Hon. A. Lovekin: My amount is only £50.

Hon. E. H. HARRIS: Sir Edward Wittenoom said he could not quite understand why we should get only £50. The writer of the article, I believe, put it up here that £50 should be granted to city members and £100 to others. As a country member, and living in the country, I am entitled to get the 100 shillings or sixpences in that respect deducted from income tax. The saving is very small indeed, but the public impression is that members receive an extra £100 for travelling expenses if they do not live in the city. That impression is entirely incorrect. Though I do not think Mr. Lovekin will succeed in getting the motion carried, I suggest that the matter is one to be considered by the Government. A joint select committee of the two Houses, representative of all the parties therein, could with advantage re-allocate the granting of passes, or make some recommendations to the Government in that direction.

Hon. J. Cornell: That would be repudiation.

Hon. E. H. HARRIS: It might be termed repudiation. Those who thought so might submit a minority report. I would like to see the motion amended, and there may be an opportunity of doing that before the stage of dividing is reached. In any case, the Government, realising the position, might consider it desirable to review the indiscriminate issue of free passes.

HON. F. W. ALLSOP (North-East) [8.37]: I should like to see an amendment moved on the lines suggested by Mr. Harris. We must view these questions in a commonsense light. Upon my election, before I was sworn in, I brought my wife down to Perth under the privilege that is granted, and we took up house here. I

pay a visit to my constituency every fortnight, travelling 750 miles for the purpose. If my wife were not residing in Perth, I would go to my constituency every week. The trips saved by my having my wife residing here represents a saving to the Government of £76 18s. 4d. during the session. It is natural for a man to live with his wife, and it is only right for a member who has his home in the metropolitan area to have his wife here. If one's home is in Kalgoorlie, one naturally takes more frequent trips to the goldfields. Similarly, a member having his home and his wife in Leonora would travel about 1,000 miles per fortnight. Such a member, by having his home in the metropolitan area, in a commercial sense saves the Government £117 15s. in the course of a session. It has to be borne in mind, too, that frequently members travelling merely occupy seats in an empty train. If I had my way, members of Parliament would be compelled to travel all over the State. This would give city and country members more sympathy with the goldfields, and give goldfields and city members more sympathy with agriculture. In the latter case, some of Mr. Stewart's motions would be carried more easily. As regards members of Parliament travelling from the Eastern States, during the time I was mayor of Kalgoorlie that city was continually receiving distinguished visitors. During the same period the number of members of Parliament—excluding those on Royal Commissions or on Parliamentary business—who came here from the East did not, I think, exceed 15 or 20 for years. The matter is a small one, and the cost of it cannot be put down in pounds, shillings and pence like the price of the ticket. Most of the members in question merely occupied places in almost empty trains, and if they did not travel on Parliamentary passes they would not visit Western Australia. Loss arises not from such a privilege, but from bad management of the railways. When there were Christmas excursion fares from Kalgoorlie to Bunbury or Busselton, passengers were compelled to travel right through without breaking the journey. In travelling from the goldfields to Albany, women and children were not allowed to visit Perth, although they might be compelled to spend a night at Northam. Those restrictions made the railways unpopular, and induced people to take

to motor-car travelling. Formerly it was the practice to issue yearly all-lines tickets for £80. A new Government came in and cut out the concession of 10 per cent. to commercial travellers. This caused a heavy loss in respect of commercial travellers' tickets. Various firms abandoned railway travelling, and adopted motor cars. I have merely spoken of matters which have come under my personal notice. Instead of having to vote either for or against Mr. Lovekin's motion, I would like to see an amendment moved asking for the appointment of a joint select committee to inquire into the issue of free passes.

**HON. H. STEWART** (South-East) [8.41]: I do not entirely favour the motion in its present form. In my opinion the privileges accorded to members of Parliament, and particularly country members, are not in any way excessive; and I do not consider they should be reduced, even at the present time. As to the privileges granted to railway employees, they are granted to only one section; and therefore the mover of the motion, who has already opposed a Government measure on the ground that it deals with only one section of the community, is showing some inconsistency. I am not sufficiently conversant with the subject to vote satisfactorily on the motion. In any case, I must modify my views in the light of what Mr. Cornell and Mr. Harris have said, that these privileges have been embodied either in agreements with Ministers of the Crown or in industrial awards. The matter is hardly one that should have been brought forward by a private member, since Governments take little notice of motions of this nature, particularly when they come from this Chamber. My view is that the obligation is on the Government to look into the question and deal with it. The time has gone by for maintaining many of the privileges accorded to people in the service of the Government. State employees have sought, by organisation, and by using their full force at the ballot box to the detriment of the general body of citizens, to obtain, quite irrespective of special privileges, conditions as good as or even better than those ruling outside; so much so that, in addition, they have endeavoured to maintain all their old privileges, which were granted when circumstances were vastly different. In those

days, there was no overtime and so on. In these difficult times, the position is made more apparent, but because of the attitude many Government workers have taken through their organisations, much has been done to the detriment of the Government and the taxpayers generally. In my opinion, the time has come when privileges should be reviewed. The position is so serious to-day that instead of the public servants being allowed to combine in the exercise of their votes and thus bring their political power to bear in their respective constituencies, they should be allowed the opportunity of having representatives to voice their requirements in Parliament, and that representation should be limited to a reasonable and proper quota. They would not then be able to bargain, or threaten, or organise their vote so as to make or break a Government in order to extract privileges at the expense of the general taxpayers. I am in accord with Mr. Lovekin's proposal to except maimed soldiers. In my opinion, however, the motion is not comprehensive enough, and I think the whole question should be considered by a committee before definite proposals are brought before Parliament. The best means would be for the matter to be considered by a select committee. I make the suggestion to Mr. Lovekin that the motion in its present form is not one to attract the proper appreciation of the public. It is essential that we should remove from the public mind the impression that members of Parliament are allowed an extra £100 a year, because of demands that are made upon them.

Hon. E. H. Harris: There is no doubt that impression is abroad.

Hon. H. STEWART: And we know it is absolutely wrong. I can speak for myself and my colleagues in the South-East Province, and, in fact, on behalf of any member who lives 200 miles away from the city, when I say that the deduction of £100 we are allowed to make from our allowances for taxation purposes, is not sufficient to cover travelling expenses alone, and others would be lucky if they escaped with an expenditure of less than £200 under that heading. We are allowed no deduction, when compiling our income tax returns, for election expenses.

HON. J. NICHOLSON (Metropolitan)  
[8.50]: The views expressed by hon. mem-

bers other than the Leader of the House, should serve to justify the motion. No doubt there is much misunderstanding in the minds of the general public regarding the privileges supposed to be enjoyed by members of Parliament. We know that we do not enjoy privileges we are credited with having. The matter referred to by Mr. Harris served to point to one misunderstanding and that probably is one among many. If his suggestion were adopted and the matter considered by a joint select committee, the misunderstandings would be cleared away and the true position revealed. Amongst the matters that could be investigated by the select committee would be certain privileges enjoyed by heads of departments. For many years some of them have been granted free passes, but that privilege has never been abused by them. That fact would be made clear as a result of the inquiry. Some of the remarks of the Leader of the House this evening justified, in my opinion, the necessity for such an investigation. I commend that suggestion to Mr. Lovekin.

Hon. A. Lovekin: Someone can move an amendment to that effect.

Hon. G. W. Miles: Mr. Nicholson could move it.

Hon. J. NICHOLSON: I would prefer somebody else to do it, because I have not had an opportunity to frame the necessary amendment. I am sure such an investigation would make clear what is now obscure. As a result of their inquiries, the select committee could make their recommendations or submit findings that would enable the true position to be revealed. At present, we have merely the evidence embodied in certain articles in the Press and statements by hon. members. I have no doubt that some of those reports were perfectly accurate, while we have reason to believe that some of the statements were slightly incorrect. The select committee would get at the truth, and that is the main thing.

Hon. J. J. Holmes: A select committee would not get you any further than that.

Hon. J. NICHOLSON: I think the select committee would be able to make the position clearer, because of the evidence that would be tendered. We cannot get at the truth of these matters merely by discussions in Parliament. If a select committee were appointed, suggestions made during the investigation would open up new lines of thought, and in the subsequent investigations the truth would be made clear.

Hon. A. Lovekin: You could get the Commissioner's point of view, too.

Hon. J. NICHOLSON: I thought that the Leader of the House, on behalf of the Government, would have realised that Mr. Lovekin was moved by a very worthy desire to assist the Government to ascertain what could be done, in these times of strain and stress, to effect more savings. Mr. Lovekin should have been applauded for bringing the matter forward. I thought the Minister would have extended to that hon. member a meed of praise for having done so, and that he would have intimated, on behalf of the Government, that they would make inquiries to see whether the savings suggested could be effected. From the reply of the Minister, however, it would seem that the Government cannot see their way to change the existing practice, although attention has been called to the position in the public Press.

Hon. G. W. Miles: The Government are supreme.

Hon. J. NICHOLSON: Exactly; but they cannot hinder us in our determination to appoint a select committee to carry out an investigation. I believe that the findings that such a committee could present, supplemented by the comments that have appeared in the Press, would possess such force as to compel the Government to take action to secure rectification. I hope something will be done in the direction suggested by Mr. Harris.

On motion by Hon. A. Lovekin, debate adjourned.

## **BILL—EDUCATION ACT AMENDMENT.**

### *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to the Council's amendment.

## **BILL—STAMP ACT AMENDMENT (No. 1).**

### *Second Reading.*

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [9.0] in moving the second reading said: The Government think that horse-racing should carry a little more taxation and have therefore brought down this Bill to increase the stamp duty on betting tickets. At present the stamp duty is 2d. on a betting ticket issued by a bookmaker within the grandstand enclosure of any metropoli-

tan or goldfields racecourse, and 1d. on a betting ticket issued elsewhere within the grounds of a racecourse. The Bill raises those two stamp duties to 3d. and 1d. respectively and the Government consider that the increases can very well be borne and are not unreasonable at the present time. Last year the revenue from betting tickets amounted to £6,286 and this year, if the Bill be passed, it is estimated that the revenue will be £10,000. The additional revenue is urgently necessary in the Treasury and, if the measure can be agreed to without delay, members will be assisting the Treasurer to realise his estimates. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

### *In Committee.*

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Second Schedule:

Hon. Sir WILLIAM LATHLAIN: Will this tax apply only to horse racing, or will it also include whippet racing, a form of sport which I consider very degrading, and on which, if I had my way, I would impose a double tax. Horse racing is bad; the other is very much worse.

The MINISTER FOR COUNTRY WATER SUPPLIES: The clause applies only to horse racing. Whippet racing is in quite a different category.

Hon. Sir WILLIAM LATHLAIN: The tax should apply to whippet racing conducted in places like Kalgoorlie and Collie, just as much as to horse racing.

The MINISTER FOR COUNTRY WATER SUPPLIES: Horse racing is controlled by Act of Parliament. There is no Act governing whippet racing. It is not known legally.

Hon. E. H. Harris: There is as much money bet on whippet racing as on horse racing.

Hon. H. SEDDON: If the Government intend to be consistent, they should include whippet racing. A considerable amount of gambling on whippet racing is indulged in by the juniors as well as the seniors of the community. It is a standing disgrace to allow that sort of thing to continue. I

suggest that consideration of the clause be postponed with a view to including whip-pet racing. All forms of gambling on racing should be brought under the provisions of the Act.

The CHAIRMAN: I cannot allow further discussion on that phase. The second reading was the time to discuss the matter. The question to be decided is the amount of tax to be charged under the law as it stands.

Hon. E. H. HARRIS: The tax on the registered bookmaker will be increased and we shall be practically driving the trade to the unregistered bookmaker. That is not fair, having regard to the amount of betting, particularly in the country. It is necessary to consider in conjunction with this question another measure designed to tax winning bets. To avoid the impost, a man might bet away from registered premises.

The CHAIRMAN: A general discussion is not in order. The clause is definite in its purpose to increase a tax.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

### **BILL—STAMP ACT AMENDMENT (No. 3).**

*Second Reading.*

**THE MINISTER FOR COUNTRY WATER SUPPLIES** (Hon. C. F. Baxter—East) [9.9] in moving the second reading said: Each year Parliament has passed a measure providing that the duty on a conveyance or transfer on sale of a property shall be 5s. for every £25 or part of £25 of the value or consideration. Originally the stamp duty was 2s. 6d. for every £25, but since the 1st January, 1917, it has been 5s. for every £25, and that rate has been maintained from year to year by a continuance Act. Also, as it is obvious that the increased rate of 5s. for every £25 will be required for some years, it is proposed in the Bill that that rate shall be a permanent one. If the House so agrees, the cost of printing the yearly continuance Bill and Act will be avoided, and furthermore Parliament will be saved the consideration of it. Another proposal in the Bill relates to the transfer of shares of incorporated com-

panies. The Government are at present unable to reduce the rate per centum, but in order to facilitate the transfer of small parcels of shares, they think that the charge should be at the rate of 1s. for every £5 instead of 5s. for every £25 of the value or consideration. The alteration will afford some relief to the holders of small parcels of shares. The charges in paragraphs 4, 5, and 6 are identical with those in the present Act. A further provision in the Bill is in respect to mortgages registered by the Agricultural Bank. Members know that the Agricultural Bank can advance only against a first mortgage. In order that the bank, if it wishes to make a further advance, may register a second mortgage, the Bill provides that the discharge of the second mortgage may be registered exempt from stamp duty; also that it may be re-registered without additional stamps. That is very desirable to meet the convenience of the bank and to meet that provision in the Act which says that the bank's mortgage must be a first one. That can only be done, of course, with the consent of the second mortgagee, but there will be no additional charge for stamps or for registration where the second mortgagee, as a matter of convenience, permits the temporary discharge of his mortgage, and its re-registration. It has been found difficult to meet the situation in the past. I move—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

### **BILL—LAND TAX AND INCOME TAX.**

*Second Reading.*

Debate resumed from the 30th October.

**HON. G. W. MILES** (North) [9.13]: I regret that, owing to the financial situation, the Government have not seen their way to reduce the land tax from 2d. to 1d. I think the Government should have framed their legislation to enable such a reduction to be made. Had they imposed a super tax of 6d. in the pound on incomes from £1 per week—just as unions tax unionists—

Hon. E. H. Gray: That is not right.

Hon. G. W. MILES: Anyhow, the talk of taxing people who are on the bread line ought to be stopped. Had such a tax as I suggest been imposed, there would have been over 300,000 people to bear the burden of taxation, instead

of 40,000 people as at present. If the Minister could give us an assurance that the Government will introduce a super-tax, I would be prepared to support an amendment reducing the land tax from 2d. to 1d. The Government have no hope in life of balancing their Budget on the taxation Bills they have brought down, and on the economy measures they are dangling before the public. Those measures should have been brought down months ago; time is passing, and last month's figures show a deficit for the expired four months of the financial year of some £700,000. Unless something is done at once, the Government cannot possibly balance their Budget. I trust Ministers will give consideration to the bringing-down of a supertax and the taxing of every member of the community earning not less than £1 per week. This could be done by means of stamps, so that the cost of collection would be small. Eventually income tax could be collected in the same way, and the Commissioner of Taxation would then merely have to collect from employers. Probably the Taxation Department could then be run with 50 per cent. less staff. I suppose I must support the Bill as it stands; but I hope it will be held up for a while, so that we may see whether the Government intend to bring down a measure for getting more revenue. In that case the tax of 2d. should be reduced to 1d., which would be of some benefit to the man on the land.

Hon. H. Stewart: The assessment measure should be altered too.

Hon. G. W. MILES: Yes. I hope that a Bill as suggested by Mr. Stewart will be introduced, so that valuations may be made on the same lines as obtain in New Zealand. In the existing circumstances, I support the second reading of the Bill.

On motion by the Minister for Country Water Supplies, debate adjourned.

## **BILL—STIPENDIARY MAGISTRATES.**

### *Second Reading.*

Debate resumed from the 22nd October.

### *Point of Order.*

Hon. E. H. Harris: I wish to raise a point of order as to whether this Bill is

properly before the House. Standing Order 174 provides—

The Title of a Bill when presented shall coincide with the Order of Leave, and no clause shall appear in any such Bill foreign to its Title.

Standing Order 173 reads—

Such matters as have no proper relation to each other shall not be included in one and the same Bill.

This Bill seeks to place on the statute-book an Act dealing with stipendiary magistrates, and it also purports to amend the Public Service Act, 1904. Subclause 3 of Clause 9 of the Bill is as follows:—

Section 30 of the Public Service Act, 1904, is hereby amended by the excision of the word "permanently."

In support of my contention I shall quote two instances that have arisen in this House. "Hansard" of 1912, page 3962, reports the Hon. M. L. Moss as having raised a point of order—

I rise to a point of order in regard to the Bill. Subclause 3 of Clause 19 purports to amend Section 68 of the Government Railways Act, 1904. It is, therefore, a provision foreign to the Title of the Bill (Government Tramways Bill), and I think you will agree that it is a direct contravention of Standing Order 173. I ask for your ruling, therefore, as to whether the Bill is in order.

Thereupon the President, Sir Henry Briggs, ruled that the Bill was not in order. Another case occurred in 1915, a point of order being raised by Mr. Duffell on a Bill relating to regulation of the sale of liquor. The President, Sir Henry Briggs, again ruled that the Bill was not in order. This Stipendiary Magistrates Bill purporting to amend the Public Service Act, 1904, is on all fours with the two cases I have quoted. I ask your ruling, Mr. President, as to whether the Public Service Act can be amended by a Bill to create stipendiary magistrates.

The Minister for Country Water Supplies: As there had been a suggestion that this point was likely to be taken, I referred the matter to the Crown Law Department and those responsible for the drafting of the Bill. Dr. Stow writes as follows—

There is no substance whatever in the objection suggested. The subclause referred to unquestionably comes within the Title to the Bill. If it were necessary that whenever one Act amends another, the Title of the amending Act should contain a reference to the

amended Act, then the Title of the Traffic Act would have to refer to the Municipal Corporations Act, and the Title of the Companies Act to the Supreme Court Act, and the Criminal Code Act, 1902, would have to be intitled, inter alia, an Act to amend the Transfer of Land Act, because it amends Section 214 of that Act. Numerous other instances could be cited. See for example Section 3, Land Drainage Act, 1925.

It appears from Dr. Stow's memorandum that the Bill is quite in order.

Hon. E. H. Harris: Does he say that it is not outside the scope of the Bill?

The Minister for Country Water Supplies: He says it is the same as other measures.

Hon. E. H. Harris: Mr. President Briggs may have been wrong.

The President: In my opinion, this Bill amends the Public Service Act, and I think it would have been better if that fact had been mentioned in the Title of the Bill. However, it only amends the Public Service Act insofar as it relates to stipendiary magistrates. A similar thing occurs in other Bills, and I am of opinion that this Bill is in order.

*Debate resumed.*

HON. E. H. HARRIS (North-East) [9.23]: I shall not question your ruling, Mr. President, but having regard to previous decisions of Sir Henry Briggs on Bills which are on all fours with this one, we thus have conflicting opinions registered. The present Bill is really a second edition of a measure amending the Local Courts Act which was before us a year or two ago. In introducing this Bill the Minister said no expense would be involved in the appointment of these officers as stipendiary magistrates. On the other hand Mr. Lovekin, speaking to the second reading, emphatically declared that the Bill involved extra expense to the State. To me it appears that the measure does not involve expense at the moment, but that it will do so subsequently, either upon new appointments or upon retirements. I would like the Minister to make it perfectly clear when expense will be involved, and whether any additional expense will be incurred when magistrates retire on superannuation. These magistrates, I understand, are to be placed on a higher pedestal than previously, the argument being that the fearless discharge of their duties

should not subject them to the possibility of being victimised by the Government of the day. That is an excellent principle, and one which might be extended, if possible, to the heads and members of some Government departments. A question arises whether the privileges and rights already enjoyed by the magistrates under the Public Service Act will be retained by them upon the passing of this Bill. Clause 10 provides—

The jurisdiction and authority of resident or police magistrates or magistrates of local courts in office at the time of the commencement of this Act shall not be deemed to be abrogated or impaired by this Act, and such magistrates may hold and exercise their respective offices with and subject to such rights and conditions, as regards tenure of office, emoluments, and other matters, as are then incident or applicable thereto.

I understand that all the officers who have been appointed stipendiary magistrates were engaged in the Public Service prior to 1904, when the Public Service Act became operative, and are entitled to pensions under the Superannuation Act, which Act does not apply to persons joining the Public Service later. As the magistrates are now being taken out of the Public Service and elevated to higher positions, the question arises whether, after having been transferred, they are still entitled to the privileges they now hold as having joined the Public Service prior to 1904. Under the Public Service Act all public servants have a right to retire when 60 years of age, and must retire upon reaching the age of 65. This Bill provides that stipendiary magistrates shall be retained in office until they reach the age of 70 years. I wish to know whether they will be allowed to retire upon attaining the age of 65. Does the Bill mean that, having lost their right of retiring at the age of 60 under the Public Service Act, they will be compelled to continue in their capacity of stipendiary magistrates until attaining the age of 70 unless relieved by the Government in the meantime? It would be only a fair thing—even if the House agrees to the proposal that a stipendiary magistrate should occupy his position until 70 years of age—that if he desired to retire at 65 years or earlier, he should have the opportunity of doing so under this measure as he would have under the Public Service Act. Then there is the question of annual leave and long service leave. I cannot gather from the provisions of the Bill that the stipendi-

any magistrates will be entitled to claim privileges that have been theirs since the proclamation of the Public Service Act. Naturally these officers, like others in the Government service, look forward to the time when they will be able to avail themselves of the privileges they anticipated enjoying.

Hon. A. Lovekin: Does not Clause 10 preserve their rights?

Hon. E. H. HARRIS: Does it? That is the point. Even if it does, it is not to my mind very clear at all. Clause 7 sets out that the Public Service Act, 1904, apart from Section 83, shall not apply to stipendiary magistrates. And then we have the provisions embodied in Clause 10. It would seem to preserve their rights, but it is not clear. Then again the Public Service Act makes provision for the payment of a gratuity to the widow and family of an officer who dies while engaged in the Public Service, and that gratuity is based on two weeks' pay for each year of service. Will that right be preserved? I hope the Minister will reply to these points when he concludes the debate. I do not say that provision is not made, but the Bill does not appear to be clear. No doubt the appointment of the present magistrates was thoroughly considered by former Governments, and the officers were appointed on the basis of their qualifications. Those officers are limited in number. To-day members of Parliament received a circular from the Civil Service Association, and I notice that they are not very enthusiastic about the Bill. For instance, they say—

A further study of the Bill gives rise to the question whether instead of giving greater security of tenure to the present occupants of the magisterial benches, and freedom from undue influence by the Public Service Commissioner, it opens the way to Ministerial favouritism, which the Public Service Act was designed to remove.

Hon. G. W. Miles: But does not the Bill make provision for life appointments?

Hon. E. H. HARRIS: Yes, and it takes the magistrates out of the Public Service. Then again the association points out that the Bill—

—gives authority to the Executive Government to make appointments without complying with any safeguards contemplated by the Public Service Act, 1904; for example, there will be no inquiry by an independent authority such as the Public Service Commissioner as to

the qualifications of the respective applicants for appointment.

There is some merit in that contention because although the Government would make necessary inquiries before making an appointment, the Public Service Association consider that some independent authority should submit a report. Many appointments are made by the Government to-day in connection with the various departments, and although I presume investigations are made as to the qualifications of the individuals appointed, still the Government represent the sole examining factor in the appointment. I do not know that we would be warranted in taking that matter further, but I hope the Minister will deal with these points raised by the Public Service Association. I shall support the second reading of the Bill.

HON. J. CORNELL (South) [9.35]: I oppose the second reading of the Bill. It is rather peculiar at this stage of our history when thousands of men do not know where to lay their heads or to get to-morrow's bread, that we should be asked to make provision to render more secure the posts occupied by stipendiary magistrates. I can see one valid reason only for doing so. It was asserted that a certain magistrate was retired because of a decision he gave affecting a particular member of Parliament when he was in Opposition. When that member of Parliament became Premier, the magistrate was retired. Even if there were truth in the allegation, the fact remains that one swallow does not make a summer. I have yet to learn that there is the slightest necessity to depart from the existing conditions. I do not know that we shall secure any better administration of justice, should the Bill be passed, than we have had for years during which magistrates have been appointed under the provisions of the Public Service Act. If the position is as Mr. Harris suggested, the appointment of magistrates, should the Bill be agreed to, will be the prerogative of the Government of the day, without reference to any outside authority such as the Public Service Commissioner. Another feature of the Bill, repugnant to me, is that it perpetuates the system of examination. That is to say, before any person can receive an appointment as a stipendiary magistrate, he must pass an examination. That is the law to-day.

Hon. A. Lovekin: The examination is pretty easy.



Hon. J. CORNELL: So easy that one man took 17 years to pass it, and some magistrates could not pass it. Although there is that provision that nobody can be appointed to such a position unless he has passed the examination, last session we amended the Public Service Act to legalise the appointment of four of the most competent magistrates in this State. Three of them—Messrs. Horgan, McGinn and Lang—were either clerks of court or mining registrars and not one of them passed the qualifying examination, yet they are admitted to be ornaments to the magistracy to-day. I understand Mr. McGinn has it to his credit that during the long period he acted as a magistrate or warden, and since his appointment to his present magisterial position, he has never had a decision of his upset. That is more than can be said of others who passed the qualifying examination and were appointed. The appointment of magistrates has conclusively proved that our best officials have been drawn from men of experience. When we look back on such magistrates as the late Wardens Finnerty, Dowley and Troy, we can seriously ask ourselves whether there is anything in the passing of examinations. Personally, I believe the great majority in this community, and in the legal profession particularly, of those who can pass examinations can pass nothing else, while they are totally devoid of common sense and judgment. Undoubtedly the best of our magistrates have been men who have not passed examinations. I know one magistrate who had not passed his examination. When he was told he ought to sit and pass it he said, "Well, see about relieving me of a lot of my work, for I am far too busy to give time to the passing of examinations. I want to put up my record as a magistrate adjudicating on cases against the records of many of those who have passed their examinations." That man was one who could have passed his examination had he cared to. Then take Colonel Mansbridge, at Broome. There we have a most efficient magistrate who cannot pass his examination. For these reasons I am opposed to the Bill. If it becomes law there will be absolutely no outlet, no scope, for men who have given years of most satisfactory service to this State as clerks of court, but who will not be able to pass the examination, although in point of knowledge and common sense they stand head and shoulders above others who can pass the examination, and are above

the indifferent lawyer who wants to be a magistrate, although he could not earn a living at his profession. No lawyer worthy of his salt will take a job as magistrate; rather will he stand or fall by his practice as a lawyer. So undoubtedly, instead of getting a lawyer well qualified for the position, we shall get only the worst in the profession. The existing method has worked very well and I see no need for any alteration. I will oppose the second reading.

**HON. A. LOVEKIN** (Metropolitan) [9.44]: This appears to be a twin brother to the Local Courts Bill. Probably had that Bill been put up here, we would not have seen this one. The best thing we can do with both Bills is to refer them to a select committee. The Local Courts Bill is of very doubtful advantage and, so far as I can see, we do not require this one. In any event, both these Bills propose increased expenditure. This is a time when the House should agree to no increased expenditure. We have to live within our means. When we can show that we are earning £1 and spending only 19s., that will be the time when we may extend a bit; but not while we are making leeway, as we are at present, and when the Premier has to go East to see if he can raise an overdraft on which he will have to pay at least 7 per cent. Certainly this is not the time to make increases in expenditure without very careful consideration. At present I am not inclined to support either this Bill or the Local Courts Bill. Both are increasing expenditure at an inopportune time. However, if the House agrees to pass the second reading, we may see if we can get this Bill and the Local Courts Bill, and Mr. Nicholson's Bill, another legal measure, to a select committee for investigation, to determine if any one of them is essential at the present time.

On motion by the Minister for Country Water Supplies, debate adjourned.

*House adjourned at 9.49 p.m.*

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