licensed house has by far the greater trade at any time and for many years has had a good Sunday trade. Before Sunday trading was instituted, it was operating to the limit under the bona fide clause; whereas these other places operated in a small manner under that clause. The Mundaring hotel could have operated under the bona fide clause prior to Sunday trading. If members wish to see these hotels go out of existence they will refuse to support the Bill.

The three premises to which I have referred are being well conducted. The one at Mundaring in particular has spent £8,000 in improvements over the last 18 months; and yet they are not to be permitted a little extra trade to try to recoup some of that money. The hotel at Mundaring Weir, where there is little trading except for visitors at the week-end, has little chance of carrying on unless something is done to help. If visitors go to that hotel on Sunday, all the licensee can do is to provide afternoon tea and a meal. There is not much money in that; and yet she is expected to pay enhanced road board rates and other charges.

It is unreasonable to expect these people to trade on a limited scale while others have extended trading hours. Members should grant concessions to these three hotels; they should be fair about this matter. If the people of the West Province do not want this extended facility we can make provision accordingly.

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

Ayes	14
Noes	15
Majority against	1

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. H. L. Roche
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. J. McI. Thomson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. J. G. Hislop	Hon. W. R. Hall
	(Teller.)

Noes.

Hon. E. M. Davies	Hon. J. Murray
Hon. G. Fraser	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. H. C. Strickland
Hon. R. F. Hutchison	Hon. H. K. Watson
Hon. G. E. Jeffery	Hon. F. D. Willmott
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. Sir Chas. Latham	Hon. G. MacKinnon
Hon. F. R. H. Lavery	*(Teller.)*

Question thus negatived.

Bill defeated.

BILL—BETTING CONTROL ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it disagreed to the amendments made by the Council.

House adjourned at 10.13 p.m.

Legislative Assembly

Wednesday, 28th November, 1956.

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

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Introduced by the Minister for Transport and read a first time.

MOTION—URGENCY.

City Parking.

The SPEAKER: I have received the following letter from the Leader of the Opposition:—

> Dear Mr. Speaker.
>
> As a matter of urgency which has just arisen, I ask your leave to move the adjournment of the House today to draw attention to the adverse effect of the enforcement of certain regulations in the city relating to traffic and car parking.
>
> It has come to my knowledge, among other things, that these regulations are being enforced to the extent which prevents a motorist from lawfully stopping to pick up, or set down a passenger. In addition, the position of certain commercial vehicles is becoming intolerable.

It will be necessary for seven members to rise in their places to support the proposal.

Seven members having risen in their places,

HON. SIR ROSS McLARTY (Murray) [4.35]: I move—

> That the House do now adjourn.

At the outset I can assure you, Mr. Speaker, that this is no party matter and I think that when I have concluded members will agree that it is not. The right of drivers of motor-vehicles in the city to stop to allow someone to enter or alight from their vehicles cannot in any way be associated with politics, but we know that during the last day or so efforts have been made in the city to prevent double parking and help to obtain a free flow of traffic.

I do not wish to do anything which will militate against the efforts to improve traffic conditions in the City of Perth, as I think it is time something was done in that direction, but at present there are both mounted and foot police in the city and, following their instructions, if a motorcar stops because the driver wishes to allow a passenger to alight, his name is taken.

Hon. J. B. Sleeman: Have you seen that done?

Hon. Sir ROSS McLARTY: Yes, I watched it being done this morning. In front of the place where I stay is an area marked off for parking and three or four taxi cabs are parked there with the result that it is not possible for a private vehicle to park in that area.

When a car stopped to pick me up this morning, a constable told the driver that he could not stop there. The driver asked, "Cannot I stop here for just a minute to pick up someone?" and the constable replied, "No, you cannot stop at all even to pick up a passenger or to allow a passenger to get out of your car. The regulation is that you cannot double-park and the only way for you to allow a passenger to get into or out of your car is to find a parking space where cars are legally permitted to park."

Although I will speak personally in what I am about to say, it would apply to every resident of the city who has a motorcar. I could come into Perth with my luggage and stay most of the week in the city, but the driver of my car is not permitted to pull up in front of my place of residence, having been told that the regulation is that he can neither pick up nor set down passengers at that place because double-parking is not permitted. Where would I be expected to go before I could alight from that car? As members know I might go a considerable distance before I could find a parking place. I would then pick up my bags and walk back to my place of residence. The member for Fremantle laughs, but this is factual.

Hon. J. B. Sleeman: I am laughing because it is so stupid if they do it.

Hon. Sir ROSS McLARTY: They are doing it! Other members have had the same experience as myself. I do not think the Minister will mind my saying this because I mentioned it to him by way of conversation. He said that some discretion would be used, but discretion is not being used. This morning I saw a man driving his wife into town and he stopped only long enough to let her out and she was surprised when a constable came up to him and took his name and address and his number. The driver said, "I have stopped only long enough to let my wife out. I am not parking, but I am going straight on." But the constable said, "You have double-parked. You have broken the regulations."

Mr. Ross Hutchinson: That is carrying things too far!

The SPEAKER: Order, please!

Hon. Sir ROSS McLARTY: The constable said, "You just cannot do that." I asked a constable what the law was and he told me that I could neither enter nor alight from a car outside my place of residence in St. George's Terrace. The same could apply to any other member of this House or anybody outside it. A member may wish to drive his wife into town to do some shopping and stop long enough to let her get out of the car. If there is no

parking place and one has to double-park to let one's wife out, an offence is immediately committed. One's name and address is taken and one is liable to prosecution.

I do not know how long this state of affairs is to continue. I know for the first day or two people are being warned, but it has been announced that warnings will not be issued indefinitely and that if people commit an offence in the future they will be prosecuted. I have never had this experience in any other city and I have been in many. I have either hired a taxi or have been driven by someone to a place of business or place of residence, and I have never been told the car in which I was travelling could not stop to let me out or to permit me to enter.

However, that is the position that exists in Perth today. The member for Fremantle said he was laughing because the situation was too silly, and it does appear to me to be silly. It is unbelievable that this could be happening. Members can imagine the chaos it is creating in the city and the great amount of discontent it is creating also.

Mr. Heal: It is very nice to drive through town now, though.

Hon. Sir ROSS McLARTY: It may be, but it is very difficult if one cannot stop at one's place of residence, or even stop at all.

Mr. Heal: There were no parking places outside this building a while ago. What is one to do about that?

Hon. L. Thorn: Keep going!

Hon. Sir ROSS McLARTY: The hon. member may have experienced some difficulty there; I do not know.

Mr. May: You had better change your lodgings, I think.

Hon. Sir ROSS McLARTY: I may have to do that. If one finds that one cannot get a vehicle to let one down or finds that one cannot enter it, one may have to shift, but it is a very unsatisfactory state of affairs. I was also told today that a boy parked his bicycle for a minute to go into the Air Force building to inquire about recruiting, and he had his name taken because he had committed an offence.

The Minister for Transport: Where did he put his bike?

Hon. Sir ROSS McLARTY: Up against the kerb, I think.

The Minister for Transport: But how was the kerb marked?

Hon. Sir ROSS McLARTY: I do not know, but the boy parked his bicycle outside the Air Force building if the Minister wants to know. I saw numerous people having their names taken. Of course, all were very concerned when they stopped their vehicles only momentarily and the police came and took their names.

On the business side, too, I am told that there is considerable confusion. With certain of these small shops right throughout the city which are required to have delivered to them fresh fruit and vegetables or other goods and which have no facility at the rear of the premises for a vehicle to get in, extreme difficulty is being experienced in having those goods delivered because the parking spaces outside their shops are taken up and if a vehicle double-parks to unload any goods, the driver commits an offence.

The Minister for Transport: Hear, hear!

Hon. Sir ROSS McLARTY: The Minister says, "Hear, hear!" but if he lets this go on, he will be about as popular as an earthquake and, furthermore, I do not think he can continue with a police State. I know the police have to do their duty and as far as I know they are doing it very courteously, but people get very full up of that! They are afraid to pull up for a second in case they have their names and addresses taken.

I am sorry that there is no regulation that I can move to disallow or otherwise I would not hesitate to do so, and I know other members would be prepared to support me. I put it to the Minister that the present state of affairs is highly unsatisfactory and I think he should make some statement in regard to it. He has already made some public statements, but I consider he should make further statements. I also consider that the present regulations are, without doubt, inflicting considerable inconvenience on a large body of people.

HON. A. F. WATTS (Stirling) [4.48]: I presume the Minister is only waiting for somebody else to support the point of view enunciated by the Leader of the Opposition. I am not prepared to assume that he is not going to make any reply to the representations made by the hon. member. So, in that belief, I propose to say a few words in support of the case put up by the Leader of the Oppostion, particularly in regard to the first part of his representations.

In his desire to prevent what is known as double-parking, I am in full sympathy with the Minister. It has been going on in the city for some time in a way which has made it extremely difficult for traffic to move.

The Premier: And dangerous, too!

Hon. A. F. WATTS: And maybe at times there has been an element of danger associated with it. I have always understood that parking means more than merely stopping long enough to enable a passenger to board or alight, and it is in respect of an interpretation of parking, which includes the stopping for a passenger to board or alight, to which the Leader of the Opposition takes exception, and with that exception I agree.

The situation can easily arise where the parking spaces at the kerbside allocated for the various types of vehicles are filled. For example, a person arriving from the country and desiring to stay at the West Australian Club, the United Service Hotel or some other place, finds he cannot stop his vehicle long enough to allow his passenger to alight, to take out his bag and dash to the footpath. That appears to be the position, because I overheard a conversation between a police officer and a person who had done just that thing.

While the police officer was perfectly courteous and went no further than to say, "You cannot do that there here," nevertheless it was perfectly clear that had his instructions been other than they were, and no doubt they would be other than those in future, the result of that person stopping for a period, which at the outside was 30 seconds, to allow his passenger to alight and to take his baggage out, would have been the sending of a postal claim for a penalty in respect of a minor offence, or alternatively failing that, prosecution. That is not sweet reasonableness.

All that I am asking the Minister, in supporting the Leader of the Opposition on this matter, is that when it is clear to an officer that bona fide circumstances of the character I have been referring to are taking place, he should allow the person to let down his passenger and baggage, or pick up his passenger and baggage, as the case may be. The alternative is a fairly ridiculous one. It would mean alighting a considerable distance from one's destination.

If one's destination, as I see the position in St. George's Terrace, happens to be the West Australian Club, half of the members of which come from the country, the situation would be that such a person would have to alight perhaps half a mile away and engage a taxi to take him to the club. But when he got to the club, as there is a taxi rank outside the club, he would either have to double-park within the meaning of the interpretation placed on that term, or drive somewhere else before he could put his passenger down. So this state of affairs has become completely intolerable.

I am not, in supporting this motion of the Leader of the Opposition, offering any criticism of the intention behind the regulation. No doubt the intention is wise enough, but there must be the application of a little commonsense in enforcing the regulation, and action should not be taken against parking in respect of a matter which is not parking within the commonly accepted meaning of that term, in other words not to make things so inconvenient for people who are most anxious to comply with the law. One can readily imagine—to bring this point of view to a conclusion—the position of an elderly person subjected to the treatment to which I have been referring, if he was not allowed to alight in close proximity to the place he wanted to go and having possibly to tramp hundreds of yards in hot or other inclement weather. He would find himself possibly in very great difficulties.

Once again I repeat that I am only asking the Minister to take steps to ensure that commonsense is applied to this problem. If there is any extension of the time through loitering in the circumstances I have mentioned, I can sympathise with severe action being taken; but if there is a bona fide picking up or placing down of passengers as outlined by the Leader of the Opposition, then anyone who is concerned is well justified in making a complaint.

HON. L. THORN (Toodyay) [4.55]: In supporting the motion moved by the Leader of the Opposition, I agree with the previous speakers that undoubtedly action had to be taken in regard to parking. The position in Hay-st. was absolutely chaotic, particularly at the business end where trucks would double park on both sides of the street and trams were held up. One could say that all the negligence possible was shown in parking. Undoubtedly, we are all behind the action of the Government in its attempt to improve the position, but the action taken has gone from the sublime to the ridiculous, or vice versa.

The difficulties created under the parking regulations are extreme. I would like to make a suggestion to the Minister regarding the picking up and setting down of passengers. I would suggest that as long as a vehicle is under control, some consideration should be given to permitting the driver of a vehicle to stop a minute or two to put down a passenger, and to allow him to take his own baggage into a hotel or the place where he wishes to alight.

The Minister for Health: Supposing the driver has to unlock the boot?

Hon. L. THORN: The vehicle could still be under his control as long as the driver does not leave it and is ready to move off immediately afterwards. With a little patrolling done by the police, the public would soon be educated to this point. Prior to the present action being taken, trucks were double-parked in some streets and no one was in control.

The Premier: Some even treble-parked.

Hon. L. THORN: Vehicles which wanted to move off were hemmed in. I suggest that if a vehicle is kept under control and the driver does not leave it, he should be permitted to unlock the boot to allow the passenger to take the baggage out,

but he must move off immediately afterwards. Some consideration should be given to that point. I know this is a burning question. I often visit Melbourne and I was there in July. As everyone knows, Melbourne is a very busy city, but even there the drivers of vehicles are allowed to pick up or set down passengers.

If a little consideration was given in that direction in Perth the public would not be so incensed as they are today. At present the police are very active in the city and loudspeakers are being used to blare out instructions regarding the regulations. Mounted policemen on their chargers are exercising their nags up and down the terrace, and the foot-policemen are also very busy. The campaign directed by the Minister for Transport has been well taken to the fore of the action-front. If the Minister will consider the point which I raised—that so long as the driver is in attendance at his vehicle and is ready to move off as soon as he has fulfilled his contract—he will find that traffic will not be delayed or held up.

THE MINISTER FOR TRANSPORT (Hon. H. E. Graham—East Perth) [4.59]: The attitude of some members in connection with this question is reflected in what was said this afternoon. For instance, the member for Toodyay had a sneer in his voice when referring to loudspeakers and police horses that are being used to introduce an innovation designed to assist in the education of the public on the new traffic procedure. It would appear that the member for Toodyay was quite satisfied that the hopeless mess that had obtained up to the present should continue.

Hon. L. Thorn: Did I say so?

The MINISTER FOR TRANSPORT: And he is incapable of accepting anything that is new.

Hon. L. Thorn: Don't be silly!

The MINISTER FOR TRANSPORT: It is entirely different to criticise what has been done rather than to make sneering references to those whose duty it is to assist the public to assimilate the new method of control in the heart of the city. Even the Leader of the Opposition should have displayed a little more responsibility than he did.

Mr. Roberts: I never heard such a lot of rot.

Hon. L. Thorn: You are a Nagy!

Several members interjected.

The SPEAKER: Will the Minister please resume his seat? I am going to ask members of the Opposition to keep order. I kept order while the Leader of the Opposition was speaking and I intend to do so while the Minister is speaking.

The MINISTER FOR TRANSPORT: I well recall a conversation I had with the Premier when the question was first discussed of my assuming responsibilities in connection with transport and traffic. I informed him at the time that in my view if anything really worth while was to be done in order to effect an improvement, I would be running last in the popularity stakes, and anything that was done would not be done for the purpose of winning a popular boy competition, as the Leader of the Opposition thinks.

Hon. Sir Ross McLarty: I don't think anything of the sort!

The MINISTER FOR TRANSPORT: The purpose of any moves that have been made have been the restoration of some sort of order out of chaos; and I think the Leader of the Opposition gave the whole show away when he indicated this afternoon that it was impossible for him to move to disallow any regulations, because he knows perfectly well that the regulations as affecting the flow of traffic and the behaviour of traffic, other than where it shall park along the kerbside, have not been interfered with in one respect.

The position is that the law, which has been in existence for many years, is being enforced, but it is being enforced with tolerance and understanding, and the people are being advised that no longer are they able to continue the sort of behaviour that was allowed before. They are being told what is expected of them under the laws of the land, some of which were given effect to by the McLarty-Watts Government. I would remind the Leader of the Opposition that when he became a Minister, he subscribed to a certain oath of office. I am unaware of any person who has been briefed for a prosecution in respect of matters mentioned by the Leader of the Opposition.

Hon. Sir Ross McLarty: I can only tell you they are happening.

The MINISTER FOR TRANSPORT: What is happening?

Hon. Sir Ross McLarty: I have told you.

The MINISTER FOR TRANSPORT: That certain people have been told certain things. I would draw the attention of members to traffic regulations 206 and 216. Even the member for Toodyay could understand those regulations if he read them.

Hon. L. Thorn: Better than you could. You are always scratching your own back.

The MINISTER FOR TRANSPORT: I am scratching no back whatsoever. I can assure the hon. member and all members of the House that changes will be made where it has been established that a mistake has occurred; but it is not my intention that changes shall be made because of certain outbursts, or because certain pressure exists.

Reference was made by the Leader of the Opposition to chaos. I wonder whether he moved around the streets of Perth last week, the week before or the year before. In the past several days, I have spent hours moving around the streets in the heart of the city. Today, I took with me a carload of people whose names are well known but I will not mention them. Those people were astounded that it is at least possible for vehicles to pass along Hay-st. and other erstwhile congested areas with the greatest of ease and without there being any double-parking—in other words, that the traffic laws were being obeyed and the roads were being used for the purpose for which they were placed there.

It has been suggested by responsible people, including some traffic advisers, that the way to solve the traffic problem in the heart of the city is to ban parking entirely. If that were done, the heart of the city would become virtually a morgue. Decisions that have been made were not lightly reached. Many hundreds of man hours have been devoted to a study of the task. Traffic surveys had been undertaken. Roving cars had been taking a note of the behaviour of traffic generally; and there are before me plans which indicate at almost any hour of the day the number of cars that proceed along any one street, the number that turn to the left, the number that turn to the right, and the number that proceed directly forward. Also, the number of cars from the left and from the right respectively that join them; and so we have a picture of the traffic flow from there to the next intersection. and so on.

There are similarly plans, charts and diagrams showing the number of vehicles that park in the heart of the City of Perth, the number of private vehicles, the number of commercial vehicles, those that conform to the law—that is to say, do not park for more than 30 minutes—and those which remain at the kerbside for a period of from half an hour up to five hours and more. Only today I had another look at those figures which indicated that in all of the streets in the heart of the city, there could be an increase in parking of from 25 to 75 per cent. if everybody obeyed the 30 minutes parking maximum.

It is because of the presence of police officers in the heart of the city at present that motorists are being more careful respecting more of the traffic regulations, including the time limit and because of that, a far lesser number of motorists are overstaying their welcome. The upshot is that at the busiest period of the day there are vacant parking stalls in every street. That is something that could not have been seen before, even when there were not upwards of 100 vehicles double-parked or treble-parked.

I make some reference now to the afterthought of the Leader of the Opposition. I quote his words:—

> In addition, the position of certain commercial vehicles has become intolerable.

Hon. Sir Ross McLarty: Why an afterthought?

The MINISTER FOR TRANSPORT: The position of commercial vehicles has been intolerable for a great many years. A great majority of them have been double-parked. The drivers of them have deliberately chosen to double-park, even when there has been free kerb space; and the reason for that has been that they had to convey goods from point to point, loading and unloading them; and if they parked against the kerb, where there was ample space, there was every possibility that, when they had completed their deliveries, somebody would have double-parked outside of them, thus making it impossible for them to move to their next task. So there has been a premium on double-parking.

Mr. Court: That seems to have been a flagrant breach. Was any action taken against them?

The MINISTER FOR TRANSPORT: Action has not been taken. To have done so would have been to paralyse the commercial and industrial section in the heart of the city.

Mr. Roberts: Did it happen a lot?

The MINISTER FOR TRANSPORT: Yes, I mentioned that at any given moment there were upwards of 100 at the busiest moments.

Mr. Court: I was referring to those who parked away from the kerb when they could have parked alongside it.

The MINISTER FOR TRANSPORT: The point of view of such a carter could be understood, because he would be no more breaking the traffic regulations than were those who were double-parking beside a vehicle already up against the kerb. Action has been taken to provide for those people. I might say that this new traffic arrangement had its genesis in two things—one, to have public conveyances stopped back from intersections, for obvious reasons which I will not dilate upon; and the other, to overcome double-parking. Before it could be placed under a ban in conformity with the law, it was necessary to make some provisions.

Now, it would have been easy for me to direct the traffic police to give effect to the law. But I do not know how business houses would have been served. It would have been impossible for them unless they chose to make deliveries before 8 o'clock in the morning or after 6 o'clock in the evening, or went the long way about it and made some other arrangement in respect of access ways at the rear of their

premises—which is something that will have to come eventually and, I suggest, the sooner the better.

So what was done was this: Competent officers of the Main Roads Department familiar with traffic and under the direction of the traffic engineer—a most efficient officer, incidentally—made a close study of the actual behaviour of traffic, particularly commercial vehicles on various days of the week and at all hours of the day. In addition, there was consultation with certain business houses and subsequent discussions with the Perth City Council to which the entire plan was submitted and by which it was accepted.

The number of commercial vehicle stands and the siting of them have been the result not of any "by guess and by God" method but of actual experience, a survey of the situation. It is undeniable that for a limited period of the day—a very limited period—there are more commercial vehicles seeking to use the stands than there are spaces available. But there are other hours of the day when there are either no commercial vehicles whatsoever or just intermittently odd ones taking their places at one of the commercial stands. As I indicated in reply to a question by the member for Nedlands last night, I thought there was ample space for commercial vehicles and that what was required was a better and more effective spread of the use of the stands.

Mr. Ross Hutchinson: What about industrial conditions?

The MINISTER FOR TRANSPORT: So far as I am aware, there is no award that provides for a spread of hours for only about three hours of the day.

Mr. Court: But there are some commodities which must be handled expeditiously.

The MINISTER FOR TRANSPORT: That is a matter to be worked out by the firms themselves. Hot pies, sausages and that sort of thing would have to be delivered perhaps early in the day but it would not matter about hats and boots and suchlike lines, because they could be delivered at 3 or 4 o'clock in the afternoons. That is a matter for the firms to arrange. We must appreciate that the primary purpose of the roads and highways is to allow vehicles to move from point to point.

The Leader of the Opposition is a little disturbed that when he arrives from Bunbury with his overnight bag, his taxi or car is unable to pull up outside the door of the building which he seeks to enter. This matter was considered very closely, and reconsidered on a number of occasions. I suggest in all seriousness that no one can make out a stronger case as to why the Leader of the Opposition or anybody else should be given special facilities—

Hon. Sir Ross McLarty: I do not want special facilities.

The MINISTER FOR TRANSPORT: I said "or anybody else." No one can make out a stronger case for the Leader of the Opposition or anyone else being given special facilities to enable him or anyone else to catch a vehicle—private or taxi—directly outside the door of a particular building, than for Mrs. Murphy to be given the same consideration when she has her arms full of parcels after she has been shopping at Ahern's. If we endeavoured to cater for the special requirements of every form and type of business we might as well adopt the attitude that the kerb in front of a business place shall be put on the banned list, so far as parking is concerned, and say that it exists for the purpose only of accommodating the clients of that particular undertaking.

Hon. Sir Ross McLarty: I am not asking to be dropped outside my door. I am asking you where I can get out.

The MINISTER FOR TRANSPORT: If the Leader of the Opposition cares to ask me to tell him a little about the law which has been in existence for many years, I shall be happy to oblige him without occupying the time of 48 other members. It surely is well known that it is possible to set down a passenger on an area marked "No Parking." That has always been so, and it is still the position.

Mr. Roberts: What about country families arriving in town with all their luggage and wanting to get into a hotel?

The MINISTER FOR TRANSORT: What about them?

Mr. Roberts: I am asking you—with the children and the lot.

The MINISTER FOR TRANSPORT: It will be found—this has appeared in the Press—that taxis, which are a form of commercial vehicle, can, apart from their own stands, pick up and set down passengers on any of the commercial stands which are placed at frequent intervals up and down the streets—so much so that certain newspapers by means of cartoons and all the rest of it are having the time of their lives depicting the forest of signs in the streets. Those signs are there purely and simply because of the consideration shown to the business concerns.

If the whole group were reserved for the private motorist, there would be the one sign only, as we approached the whole length of the street, and the next sign would be "No Parking" 20 ft. from the next intersection. It is because of this solicitude for the business firms and for the alighting from taxis, etc., that the signs were placed at such frequent intervals in the heart of the city. Accordingly, it appears that it is impossible to please everybody.

I wonder how many people were pleased under the old set-up—the situation that existed last week. My only regret is that I did not have a cameraman out last Friday taking photographs from various vantage

points of the inner streets of the city, and another set of photographs taken from identical vantage points at the same hour this week, so that people could appreciate the transformation that has taken place.

Certain people have been able to get away with things and have had certain concessions in the past, but these things cannot be allowed to continue. No Minister and no authority seeks to take action merely for the purpose of playing the nark. This step has been taken as a consequence, for the first time, of an expert and full and comprehensive inquiry. Nothing was done before the decisions were made.

Mr. Bovell: Having done that, you are not going to take the line of practical experience.

The MINISTER FOR TRANSPORT: It would be only a member like the member for Vasse who would suggest that.

Mr. Bovell: Do not get abusive!

The MINISTER FOR TRANSPORT: This matter was considered by the traffic engineer of the Main Roads Department and his other expert staff as well as by the Commissioner of Police who is also the chief traffic authority in the metropolitan area, and who has just returned from a trip to Europe. Incidentally, the Chief Traffic Engineer of the Main Roads Department is familiar with the behaviour and handling of traffic in other parts of the world. These officers, in consultation with certain other people associated with traffic and road safety, such as the Town Clerk and the City Engineer of the City of Perth—they have had experience overseas—have gone into the matter.

Apparently all these people know nothing about it, but someone, who hails from Busselton, it would appear, has all the answers nothwithstanding that this situation has been going on year after year. The motor-vehicle population of the metropolitan area has been increasing at the rate of almost 10,000 per annum, so members can appreciate the impact that it is having on the heart of the city and those who seek to do business.

It is quite interesting to meet those people who seek to alight from motor-vehicles. When I went up and down the streets, as I have already informed the House, I did not do so with my eyes closed. I saw several instances of where the police had apprehended offenders. I can quote a case in central Hay-st. I was just, if I may say so, blowing out my chest before some people confronting me with the change, and saying that there was no double-parking compared with the position last week, when, a hundred yards or so up the street I espied a small motorcar double-parked.

I should not say this, but the driver was a woman and she had a passenger of the same sex. They were there for an appreciable period before my vehicle came abreast of the offending vehicle. Just at that moment a police constable came from the footpath and, as I passed on, he was speaking to the lady driver. That lady was not pausing merely for the purpose of allowing her passenger to alight; she was deeply engaged in conversation with her passenger, and she had been there for some period. Had it not been for the approach of the policeman it is quite probable that she would have spent from three to five minutes there.

Mr. Court: I do not think the Leader of the Opposition was advocating the case of a person like that.

The MINISTER FOR TRANSPORT: When anyone is apprehended for travelling at 50 miles an hour, he is prepared to swear that he was travelling at a speed no greater than 25 miles an hour. It will be found in many cases that those people who claim to have been apprehended just because of a momentary pause, have paused for a much longer period; and those who are being spoken to, are having the true position pointed out to them.

Hon. Sir Ross McLarty: But they are committing an offence.

The MINISTER FOR TRANSPORT: Of course they are! They are having the true position pointed out to them, not in respect to anything that the Minister controlling traffic has done, or anything that is done under the new traffic regulations, but in respect to the provisions that have been accepted by Parliament for years.

Hon. Sir Ross McLarty: And not enforced.

The MINISTER FOR TRANSPORT: No one in this Chamber can demonstrate to me, in respect to the matters outlined by the Leader of the Opposition, that they are being enforced. This is an educational campaign, and the inspector in charge of the Traffic Branch has already pointed out that the first period would be used both as a trial period and also for the purpose of making the public a little more familiar with our traffic regulations, because the experience over the past several years is that they would be pardoned for believing that there were no such things as traffic regulations.

Mr. Roberts: You have not—

The SPEAKER: Order! The Minister is speaking.

Mr. Roberts: He may—

The SPEAKER: Order! I ask the member for Bunbury to keep order.

The MINISTER FOR TRANSPORT: I think he might well keep order!

The SPEAKER: Order! The Minister will continue.

The MINISTER FOR TRANSPORT: On one of these occasions, when opportunity allows, it would be in the interests of members for me to say a few words with

regard to the member for Bunbury and what he endeavoured to do—something that certainly does not reflect credit on him, and something I thought no member of this Chamber would do.

Mr. Roberts: Do not get nasty!

Hon. Sir Ross McLarty: None of your threats!

Mr. Roberts: Why don't you call him up, Mr. Speaker?

The MINISTER FOR TRANSPORT: For the edification of the member for Bunbury, I happen to have the floor at the moment, and he has not. What is required in connection with this matter, apart from anything else, is a little tolerance and a little understanding.

Mr. Ackland: That is what we are looking for.

The MINISTER FOR TRANSPORT: I am repeating myself when I say that for many years virtually nothing has been done and people have been almost permitted to loop the loop in the heart of the city. New decisions have been made, based on experience and on the advice of those best in a position to know. No doubt the practical application of some of the new traffic plan will reveal what modifications and adjustments are required here and there. Many people have already made approaches with respect to many points. Had they all been heeded—because there is an element of substance in them—it would mean a chopping and changing every day of the week to meet the convenience of a particular firm or individual.

The present settling down period—the period of people becoming accustomed to the new procedure and of adjusting their previous methods to meet the present situation—will, I know, cause some heartburnings, but the overall result will be a greater respect for the traffic laws; there will be a freer flow of traffic; it will be a simpler matter for people to go about their legitimate business; and many of the existing hazards will be removed. In other words, there will be in existence a form of traffic regulation in the heart of the city.

When we bear in mind the tremendous increase in the number of vehicles, adding to each of the problems, it surely must be realised that there is a necessity for a strong stand to be taken, and someone has to take it. Surely everyone will appreciate that it does not give anybody pleasure to have to ask people to inconvenience themselves, even to some slight extent, although it be in the interest of the general good!

Hon. Sir Ross McLarty: It is not a matter of some slight inconvenience. I only asked that you let them get into a car or out of a car.

The SPEAKER: Order, please!

The MINISTER FOR TRANSPORT: I have already answered that by saying that I am aware of no case of a person being briefed for prosecution on account of doing that.

Hon. Sir Ross McLarty: I have told you where they have been apprehended by the police.

The MINISTER FOR TRANSPORT: Of course they have been apprehended. If, in a couple of weeks' time these same people delay a little longer exchanging pleasantries, while doubleparked or "parked stationary abreast of another vehicle"—I think that is the term used—they will wonder what has happened to them and say how grossly unfair it is; that they have been doing this sort of thing for the last 20 or 30 years and here, without warning, they are now being prosecuted! I repeat, the police are endeavouring to educate the people so that they will not commit breaches bringing with them the prosecutions about which I have spoken. Is there anything wrong with that? Perhaps the Leader of the Opposition wants more signs placed in the streets, more commercial bays, and so on.

Mr. Oldfield: There is no room for any more.

The MINISTER FOR TRANSPORT: There we have the opposite end of things.

Mr. Evans: The Leader of the Opposition is a very slow learner.

The MINISTER FOR TRANSPORT: The Leader of the Opposition, using the place where he resides as an example—and I know he is not asking for any special privileges for himself—is virtually requiring that there should be some kerbside space in front of those premises to allow cars and taxis to call in with their passengers to enable them to alight. If that were done, so much of the kerbside space would have to be marked off.

Hon. Sir Ross McLarty: I am not even asking for that.

The MINISTER FOR TRANSPORT: There are certain other aspects, too. Unfortunately the Western Australian motorist—and it is not confined to him alone—is not given to keeping to the left; he has a penchant for getting as close to the centre of the road as he can. Even if there is a white line, particularly at the approach to an intersection, instead of going to one side or the other to allow two lanes of vehicles, he chooses to straddle the white line.

If we allow a vehicle—and there are other cars parked up against the kerb—to stop for the purpose of allowing somebody to alight, and the person getting out is not as brisk in his movements as he might be, surely it is obvious that the whole stream of following traffic is held up whilst that one person is leisurely getting out of the car, finishing a conversation or going

through such other actions! That cannot be allowed. I can assure the Leader of the Opposition that any momentary pause will not be regarded by the police as an offence; but I would ask members to underline the word momentary.

Hon. Sir Ross McLarty: What does it mean? Give us a definition of it. Is it two minutes, three minutes or what?

The MINISTER FOR TRANSPORT: I will leave that to the Leader of the Opposition to work out for himself or, if he has an argument with the law, to allow the magistrate or the justice of the peace on the bench to give him a definition of it.

The Premier: "For the time being".

The MINISTER FOR TRANSPORT: I feel that the Leader of the Opposition has confused an educational campaign with the wrath and rigour of the law. The only instruction in connection with this matter that has been given to the police, who are working under the same office as previously, and under the same Act and regulations as previously, is that there is definitely to be no double-parking and for them to be merciless in respect of that matter. So far as the other changes are concerned, the public have to be given a reasonable period in order to become accustomed to them. So it will be seen that there has been no precipitate action taken in connection with this matter.

Certain wrong conclusions have been drawn by the Leader of the Opposition and upon that basis he has established a case. There is no political platform attached to this matter and I appeal to all members to be patient about it and to give it a fair trial. While we all become aware of certain things, those whose official duty and responsibility it is to administer traffic affairs, and to observe the behaviour of traffic, will, in the light of experience, be in a position to suggest certain modifications where necessary.

But there is one thing, above all else, that we have accomplished in connection with this arrangement, be it good, bad or indifferent, and that is to let the public see that when decisions are made and full publicity is given to them, we really mean it. On occasions—and I shall not enumerate them—decisions have been made in the past and in the course of a few days, because of protests and pressure groups, and not because of the merits of the case, there have been modifications or cancellations. Because of that, it has been most confusing to the motoring public.

As my last word, all members can be assured that there will be no inconvenience or upset so far as the motoring public, the business community, private citizens or pedestrians are concerned, to any degree greater than is absolutely essential for the purpose of allowing traffic to flow more freely and in a much safer manner than has been the case in the past.

MR. COURT (Nedlands) [5.35]: I feel that the Minister has introduced a note of bitterness into this matter that was not intended or apparent in the utterances of the Leader of the Opposition. He asked a very straightforward and simple question and had the Minister started his speech on the same note as he reached about seven-eighths of the way through, he would have given the very answer the Leader of the Opposition was seeking. The Leader of the Opposition was not seeking an amendment of the law or any drastic change in what has been done, but just an assurance from the Minister that a degree of tolerance would be shown in the interpretation of this new traffic arrangement.

The Minister for Transport: But it does not require an urgency motion to ask a question like that.

Mr. COURT: Apparently the Leader of the Opposition felt that it merited such a motion and the Speaker gave him the right to introduce it—and he has introduced it.

The Minister for Transport: To give it a headline in a mischievous Press tomorrow morning; that was the purpose of it.

Mr. COURT: Had the Minister answered the question very briefly, and given an assurance that the Leader of the Opposition was seeking, I think the bubble would have been pricked, and that would have been the end of it.

Mr. Johnson: The Leader of the Opposition could have asked it by way of a question.

Mr. COURT: The Minister has made an unfair attack on the Leader of the Opposition, especially as the Leader of the Opposition is noted for his fairness in all things. He is about the last person in this House who would start any scandal or any headline incidents in this House. He asked a genuine question based on personal experience and observations and the complaints of others.

Mr. Ackland: The Minister attacked other members and threatened one.

Mr. COURT: The other member who was personally attacked by the Minister with some veiled inference, which to me sounded rather unpleasant, will be able to speak for himself, but the Leader of the Opposition cannot do that; all he can do is formally request that the motion be withdrawn and that will be his only opportunity of replying.

We all acknowledge the selfishness of certain motorists, and that attitude has been increasing. Because of an increased number of vehicles on the road, it has become catch-as-catch-can to get parking space, and commercial people have become extremely worried. It has amazed me that

some of the unions to which some of these transport drivers belong have not agitated before this for some adjustment of the situation, because it is only too true that commercial vehicles have, with the tacit approval of the authorities, been double-parking for several years in the city.

I would suggest to the Minister that one of the reasons why the Leader of the Opposition and others have felt somewhat disturbed at the action of the police in apprehending motorists today is the fact that in the "Sunday Times" of last week, he is twice quoted as saying that he would show no mercy in this matter.

The Minister for Transport: For double-parking.

Mr. COURT: Can that be interpreted—

The Minister for Transport: Only for double-parking. You had better quote the rest of the article.

Mr. COURT: I am coming to that.

The Minister for Transport: Thank you.

Mr. COURT: Can we interpret that to mean that he will show no tolerance whatever in respect to the offence of double-parking? Double-parking can be in two forms, as I see it. One is where a commercial vehicle or any other vehicle draws up alongside another, the driver switches off his engine, gets out of his vehicle and goes into a hotel or does some other business which takes some time. In such a case the rest of the motoring public, passing along that street, could be held up until he returned. I do not think any mercy should be shown there.

But, there is the other case where a person wants to stop for the purpose of allowing a passenger—and it may be a country passenger—to alight, or maybe he wants to pick up a package, or something like that, and then go on his way. Surely we have not reached the stage in Perth where a degree of tolerance cannot be shown to that type of person! It is true that if a person double-parks in Hay-st., even if only for 10 seconds or so, it will temporarily halt the flow of traffic. But that would be a mere bagatelle when compared to what has been happening for some years. Cars have been stopping deliberately for periods of 10 to 20 minutes, or even longer.

If I understood the Minister aright towards the end of his speech he said that this was an educational period and that people were being told what was the law. Was I right in interpreting his comment to mean that when this educational period of several days is over, and possibly some of the members of the Police Force have to be withdrawn from the city block, a certain amount of tolerance will be permitted both with respect to taxis and private vehicles in the picking up and letting down of passengers? The case to which he referred of the two ladies having a gossip in Hay-st. was completely foreign to the complaint made by the Leader of the Opposition. His was a genuine case of a person wanting to get in or out of a vehicle.

The Minister for Transport: My point was that if one of those ladies had spoken to the Leader of the Opposition, she would have said that all she was doing was stopping to let a passenger get out. That is the way of all motorists.

Mr. COURT: Of course, they do exaggerate; we all know that, and even some of us are prone to do it on occasions.

The Premier: They will cover up.

Mr. COURT: But where there is a genuine case, I gather from the Minister's remarks that there would be a degree of tolerance shown. A good deal of the trouble we have today is caused by the lack of an overall parking solution. What the Minister has done is a start and I suppose 95 per cent. of it is extremely good and will be effective. But the fact remains that we have a long way to go yet before we have an overall picture so far as parking is concerned. I take it that a Bill which is on the notice paper at the moment will be the next chapter in evolving a plan for the overall scheme for parking and to relieve the lot of motorists.

There is one point I would like to discuss and that concerns commercial vehicles. In answer to a question I asked yesterday, the Minister said—

> The matter is under review, but my conclusions are that ample space is available for commercial operations, although at times one might draw a conclusion to the contrary. It appears there is a necessity for a more even spread of delivery operations during the day, and further than that I would say it should not be the objective of any traffic authority to provide full or more than sufficient kerbside space for loading and unloading of goods . . .

The Minister also answered a question asked by the member for Claremont and he indicated that it was quite lawful for commercial vehicles to use private vehicle parking space but they could not load or unload from that parking space.

I would not for one moment suggest that the Government or any other authority has the responsibilty of providing sufficient kerbside space for commercial vehicles for the complete servicing of loading or unloading stores for all the business houses of this city. That would be just plain ridiculous and would have the effect of completely removing all other vehicle parking space. But there are certain problems that do arise. If we could space the whole of the business of this city in certain industries from 8 in the morning until 5 at night, the problems of these industries and of the authorities would be very easy to solve.

But the Minister must know that there are certain industries like meat and small goods, bakers, greengrocers and similar types of industry, that must of necessity deliver their goods within certain prescribed periods. During those periods there is a certain amount of difficulty because they are competing with one another for spaces; and, in addition, they are competing with the other commercial vehicles that want to deliver goods which, in the words of the Minister—with which I agree—could be delivered at spaced intervals over the day. They are not required before 9, 10 or 11 o'clock in the morning, and are part of the non-perishable merchandise of the particular business concerned.

I suggest that here is another case in which tolerance could be shown and certain people given permits so that when they register with the police, and satisfy the police of their genuine needs, say up to 11 in the morning, they could be allowed to use the private vehicle space for the purpose of unloading their particular commodities in that restricted period. I refer to people like milkmen and bakers delivering in bulk. That would mean that we would not be tying up unnecessary commercial space for the whole of the day, and then having commercial space which probably for two-thirds of the day would be lying idle for want of a user.

By means of tolerance we would be able to overcome this difficulty. I raise this point because it has been my experience to see some of these people deliver their loads, particularly on Monday. The position seems to have resolved itself considerably yesterday and today because of the tolerance of the Police Force—whether it was unofficial or official, I do not know.

The Minister for Transport: A great deal of the trouble on Monday was caused by private motorists parking in commercial stalls.

Mr. COURT: The Minister will admit that some of these commercial spaces are a considerable distance from the stores which are never likely to have an access at the rear. I refer to a store, say, a delicatessan, which takes a considerable supply of meat, bread and milk during the early part of the day. For a man to have to carry those commodities in bulk for 100 yards might sound unimportant to us, but if any of us had to carry them on a footpath crowded with people who were not very considerate, we would find it most difficult.

The Minister of Transport: You would not know of one situated 100 yards from a commercial stand.

Mr. COURT: There is one, but with the degree of tolerance on the part of the police yesterday and today—whether it was official or unofficial, I do not know—the position was happily resolved. I merely bring this forward to make the point that it is only a matter of tolerant administration. That is all the Leader of the Opposition is asking for.

Is it correct for me to interpret the Minister's concluding remarks to the effect that there will be tolerance shown and that people will be able to get in and out of private vehicles, taxis and the like without having to go on and seek a vacant space? Unless this is done, we will have invalids not being able to get out of their cars; and there will also be the prospect of people coming in from the country after a long journey with their baggage and children and not being able to dump them outside a hotel. They would not be able to do this if the law were enforced to the letter.

The Minister for Transport: Do you know that a few weeks ago in Hay-st. there was a complete halt of the traffic because of vehicles that were parked momentarily.

Mr. COURT: They would not be parked momentarily.

The Minister for Transport: Yes, they were. The theatres happened to finish their sessions at the same time.

Mr. COURT: I do not wish to get involved in an argument on the broader issue of this overall parking problem as it relates to rights-of-way, access ways and the like, but I would advise the Minister that following his answer to a question of mine on the matter of backing out of rights-of-way, I made some inquiries abroad where their traffic problems are considerably greater than ours. And in each case the answer from aboad—from places like London and other equally busy cities—was that they had not at any given signal been able to implement a system to revise the traffic regulations. There was a considerable degree of tolerance shown and a considerable transition period to enable people to adjust themselves whether through the reconstruction of buildings or the change of habits. It is another case in which tolerance is needed in great measure.

The Minister for Transport: It has been shown all through.

Mr. COURT: If we are to interpret the Minister's last remark that there will be tolerance in relation to the setting down and picking up of passengers, I would say, "Yes;" and the object of the Leader of the Opposition would have been met.

MR. ACKLAND (Moore) [5.51]: I want to support the motion moved by the Leader of the Opposition. At the outset, however, I want to say I am tremendously disappointed in the Minister for Transport. I say this because I have placed him very high on a small list of Cabinet Ministers who, I think, are doing their jobs as I think Cabinet Ministers should.

The Premier: Some more political humbug.

Mr. ACKLAND: I do not know of anybody in this House better able to define political humbug than the Premier himself.

The Premier: Hear, hear!

Mr. ACKLAND: So when he says a thing like that, one must give it some thought.

The SPEAKER: I suggest the hon. member tackle the motion before the Chair.

Mr. ACKLAND: I would be able to do so Mr. Speaker, if you would ask the Premier and members on the other side of the House not to interject in such a way as to make it necessary for me to reply to them.

The Premier: I promise not to interject any more.

Mr. ACKLAND: When this Parliament first assembled, I expressed disappointment at the fact that the Minister for Transport was not appointed Minister for Railways because I believed he would have administered that department as it should have been administered, and that he would not have been controlled by departmental officers and civil servants. I say this quite sincerely—and it is no political humbug—that up to the present the Minister for Transport has done a very good job in bringing some order out of the chaos that existed in the city streets.

Yesterday afternoon I had occasion to drive through the city block with a friend who, I believe, is the best car driver I have met. I have found that even though stalls were provided for parking, the length of the car made it quite impossible to drive into the stall. It was necessary to pass the stall and manoeuvre the car in such a way as to come back into the stall—that was the only manner in which that car could get in. I believe that far less time would be taken up if people were permitted to get in and out of cars quickly rather than have them search for a parking space that may be available.

The Minister for Transport: Yes, quickly I agree.

Mr. ACKLAND: I would now like to stress the point that the Minister for Transport asked for tolerance. Having done so, he commenced an attack on the Leader of the Opposition, and then made a further vigorous and upleasant attack on the member for Toodyay.

Hon. L. Thorn: Who took no notice of him.

Mr. ACKLAND: After this, he had a go at the member for Busselton and later threatened the member for Bunbury. Yet we find that the Minister is the one who asks for tolerance! Up to the present, there has been a great improvement in the parking problem in the city block. On the other hand, I saw a woman nearly in tears this morning because she was questioned. I was walking along the street and she had barely stopped a minute when a policeman came up and told her she was infringing the traffic regulations.

Shortly after 10 o'clock this morning I was passing along St. George's Terrace when I saw possibly a dozen or more people discussing an incident in which the Leader of the Opposition was involved. I believe the car implicated was a Government car. There should be no discrimination shown in matters like this whether the person involved is the Premier, Leader of the Opposition or anybody else. Instead of adopting a hidebound attitude to this matter, and instead of decreeing this as the law of the Medes and Persians and standing up with clenched fists and saying, "Heil Hitler! There shall be not alteration to the legislation I have introduced," the Minister should be big enough to have another look at this.

The Minister for Transport: Just as well you have a smile on your face.

Mr. ACKLAND: The Minister should have another look at it to see if he cannot allow a person to stop his car and permit a passenger to get out and then for the driver to drive on immediately. There would be a lot less congestion and confusion if this were done instead of people having to search around for a parking bay. Long American cars in particular have to turn and twist before they are able to get into some of these places set aside for passenger vehicles. I wish I could share in the joke that the Premier and the Minister for Transport seem to be enjoying. It must be a good joke because the Premier does not laugh unless something funny is being said. I am afraid I cannot hear what it is.

I support the motion and would ask the Minister for Transport to be big enough to have a second look at this regulation and possibly some others. I would like to repeat, however, that the improvement in parking in the city block in the last few days has been very marked—indeed it has been so marked that the Minister for Transport can afford to be generous and less hidebound than he appears to be in this matter.

MR. ROSS HUTCHINSON (Cottesloe) [5.58]: I want to support the motion moved by the Leader of the Opposition, and I wish to make some comments on it. Firstly, I wish to refer to the extraordinary attitude adopted by the Minister for Transport in making the statement he did. It was a choleric outburst which was not in the least merited. The statements made by the Leader of the Opposition, the Leader of the Country Party and the member for Toodyay were all based on reason—they were put forward in a reasonable and fair-minded fashion.

The Premier: The member for Moore dealt with that.

Mr. ROSS HUTCHINSON: I am dealing with it now.

The Minister for Transport: What would you say about words like, chaos, silly, erupting volcano? Is that temperate language?

Hon. Sir Ross McLarty: Your interjections brought that about.

The SPEAKER: Order!

Mr. ROSS HUTCHINSON: Thank you for protecting me, Mr. Speaker. As I was just saying when I was interrupted by the Premier, the manner in which the three members spoke prior to the Minister for Transport was very tolerant and most reasonable. However, the manner in which the Minister spoke was most unreasonable and most unfair, particularly when he resorted to threats with regard to the member for Bunbury.

The Minister for Transport: Not threats.

Mr. ROSS HUTCHINSON: I thought he had reached the very depth of politics; the very depth. It is the manner in which the Minister replied to these constructive criticisms to which I object.

The Minister for Transport: That is a pity, isn't it?

Mr. ROSS HUTCHINSON: It is a pity the Minister should resort to such rotten tactics when they are absolutely uncalled for.

Mr. May: Are you supporting the motion?

Mr. ROSS HUTCHINSON: Yes, and I deplore the attitude of the Minister. It is quite obvious that since the education of the public in regard to parking in the city has been going on, there are one or two unsatisfactory features arising out of it.

The Minister for Transport: It is quite obvious there are a lot of satisfactory ones, too.

Mr. ROSS HUTCHINSON: They have been high-lighted by previous speakers and the Minister was requested by those speakers to give them some information. This to a certain extent he did, after the greater part of his vituperative address was made, but he still did not answer the question in regard to momentary parking problems. He did say this was an educational period and that the public were being warned about it and educated for the future. Surely that is education with a view to enforcement in the future. The Minister has told us he is absolutely intolerant of double-parking. Therefore he is intolerant of momentary parking and the public have been warned against it. This is part of his plan and we must take it. Possibly the statement made by the member for Nedlands that the public will not be allowed to pick up or set down passengers even momentarily—

The Minister for Transport: Where did you see that warning?

Mr. ROSS HUTCHINSON: The Minister said tonight in his speech that they would be infringing the regulations.

The Minister for Transport: That is so.

Mr. ROSS HUTCHINSON: Of course, and the people have been warned against it.

The Minister for Transport: I did not make the regulations.

Mr. ROSS HUTCHINSON: The Minister is going to see they are enforced.

The Minister for Transport: Nobody ever said so.

Mr. ROSS HUTCHINSON: The Minister did say so and gave no assurance to the contrary.

The Minister for Transport: Keep on dreaming! You are doing all right!

Mr. ROSS HUTCHINSON: I am not dreaming, I am just alarmed at the attitude adopted by the Minister in response to reasonable constructive criticism.

Mr. Evans: Is it?

Mr. ROSS HUTCHINSON: Don't be so stupid back there! We find the position that a person could be penalised—

The Premier: How these ex-schoolteachers love one another!

Mr. ROSS HUTCHINSON: —just by driving through the city and dropping a passenger en route.

The Minister for Transport: You will convince yourself in a moment.

The Premier: Let us look at it after a week's trial.

Hon. Sir Ross McLarty: I hope the Premier will look at it.

Mr. ROSS HUTCHINSON: The principal objection we have is the way in which the Minister spoke to this debate.

The Premier: He satisfied the member for Nedlands.

Hon. Sir Ross McLarty: I do not think he satisfied the member for Nedlands.

Mr. ROSS HUTCHINSON: He did not satisfy me. Then he talks about spreading the hours of business firms and spreading hours of delivery. How does he align that with Labour policy and statements made during the debate in connection with the Bill to amend the Factories and Shops Act? What would the Minister for Labour say about that one?

Hon. Sir Ross McLarty: The Minister for Labour is handicapped at present and is not capable of doing anything.

The Minister for Transport: No one suggested working outside of normal hours.

Mr. ROSS HUTCHINSON: The Minister had his opportunity to speak and the only time I interjected, I was shut up by the Speaker.

Hon. Sir Ross McLarty: If you make so much noise, you will wake up the Minister for Labour.

The SPEAKER: Order! I ask the member for Cottesloe to resume his seat. I did not shut him up. I do not use such terms in carrying out my duties as Speaker. I called for order and did not ask the member for Cottesloe to shut up. Having regard to his education, I did not think he would use such a term and I ask him in future to use parliamentary language.

If the time comes when he occupies the position of Speaker in this Chamber, he will find that it is quite difficult to maintain decorum in the House. I gave the Leader of the Opposition the opportunity to ventilate this case as it was an urgent matter and it has gone on for one and a half hours and a good deal of repetition has taken place. Again I would point out to the member for Cottesloe that I did not use such a term. I ask him to keep order and hope he will do so when called upon.

Mr. ROSS HUTCHINSON: Never for one moment did I suggest, Sir, that you told me to shut up. I said I was shut up. Far be it from me to accuse you of such a rude approach to keeping an orderly House.

I do not intend to continue further at any length, except to say once again that I personally deplored the angry and pugnacious attitude adopted by the Minister for Transport. If he had spoken in the earlier part of his speech in the same manner as he did in the last section, I doubt whether this debate would have proceeded as it has done. Surely this Chamber should be used for the purpose of endeavouring to elicit sensible information from Ministers of the Crown, and surely Ministers of the Crown should not abuse their position by threatening backbenchers in the manner the Minister for Transport did tonight!

MR. I. W. MANNING (Harvey) [6.7]: I was quite interested in the move to improve the traffic problem of the city and I went down today to see what the position was. Things appeared to me to be going along fairly well until the police car with a loudspeaker arrived. This particular car could be heard coming some half a mile before it reached where I was standing. It was directing the pedestrians and traffic in the street in what they should and should not do, and it appeared to me that it was rather a crude way of educating the public respecting what the new rules and regulations are and enforcing the old ones.

The Minister for Education: Would you suggest we start night classes?

Mr. I. W. MANNING: I was concerned when the police noticed a car in front pull up to permit a passenger to alight. The driver of this car was ordered not to do so and was told that this would be double-parking and would not be permitted. Also in Hay-st. this police car ordered those people who attempted to cross the street other than at cross-walks to get back to the footpath, and those people who paused at the cross-walks to let the traffic pass were ordered not to do that as they had the right of way; they were to cross and the traffic was to wait for them. These people just about had the wits scared out of them by the policeman using the loudspeaker.

The point I rose to make in support of the Leader of the Opposition's motion is that I am most concerned if we are going to refuse cars and taxis the right to pick up and set down passengers at particular points. I see no traffic hazard in this if the car or the taxi picks up or puts down the passenger quickly and moves straight off. Therefore I would ask the Minister, if that is his intention, to have another look at it. The people whom I saw in the street were most concerned at the attitude of the policeman in the car with the loudspeaker, and it certainly appeared to me to disturb the peace of the city in the worst form. It gave me the impression that the police State had arrived in no uncertain manner. I suggest to the Minister that he have another look at these two points; one regarding the picking up and setting down of passengers and the other regarding the finding of a better manner of educating the public. However, if he wishes to persist with the loudspeaker and the police car, it should be toned down a bit. I support the motion.

Question put and negatived.

BILL—CITY OF PERTH ACT AMENDMENT.

Received from the Council and read a first time.

BILLS (2)—RETURNED.

1, State Housing Act Amendment.

2, Rural and Industries Bank Act Amendment (No. 2).

Without amendment.

Sitting suspended from 6.15 to 7.30 p.m.

QUESTIONS.

EDUCATION.

(a) Additional Accommodation, Forest Grove School.

Mr. BOVELL asked the Minister for Education:

When will additional classroom accommodation be provided at the Forest Grove school?

The MINISTER replied:

No definite date can be given at present.

(b) Additional Classrooms, Margaret River Junior High School.

Mr. BOVELL asked the Minister for Education:

In view of the most unsatisfactory position at the Margaret River junior high school concerning accommodation for instruction in domestic science and manual training, will he make arrangements for suitable classrooms to be erected during the current financial year?

The MINISTER replied:

Subject to the availability of funds, it is expected that the erection of new classrooms at Margaret River will be commenced this financial year.

(c) Commencement of New Busselton High School.

Mr. BOVELL asked the Minister for Education:

When is the proposed new high school at Busselton to be commenced?

The MINISTER replied:

The construction of this high school will depend on the availability of funds.

(d) Consolidation of Schools, Details.

Hon. Sir ROSS McLARTY asked the Minister for Education:

(1) On what date did the policy of school consolidation commence?

(2) How many schools have been closed since this policy was brought into effect?

(3) What is the estimated saving (if any) in cost to the Education Department by the closure of the schools referred to in No. (2)?

(4) What is the estimated cost of school bus services for the current financial year?

The MINISTER replied:

(1) Consolidation of small schools was started about 1920 but was not actively pursued until after the end of World War II.

(2) Approximately 400.

(3) Actual saving from closure of 400 schools would be approximately £560,000 but this is offset by the cost of transport, approximately £500,000 and cost of educating the children in the central school, approximately £380,000.

(4) £921,000.

(e) New Classrooms and Shelter Shed, Bridgetown.

Mr. HEARMAN asked the Minister for Education:

(1) What new classroom accommodation is planned for Bridgetown?

(2) Have any proposals been received by his department in connection with assistance in the construction of adequate shelter shed accommodation at Bridgetown?

The MINISTER replied:

(1) Three.

(2) The parents and citizens' association asked for a subsidy but, at present, no funds can be provided for the provision of shelter sheds.

(f) New Classrooms, Donnybrook Junior High School.

Mr. HEARMAN asked the Minister for Education:

(1) Will any new classrooms be available in Donnybrook at the commencement of the new school year?

(2) If not, can he say how it is proposed to accommodate the anticipated increased number of children at the Donnybrook junior high school?

The MINISTER replied:

(1) No.

(2) Efforts are being made to rent alternative accommodation pending the erection of new rooms.

TRAMWAYS.

Carbarn Toilet and Ablution Block.

Mr. MARSHALL asked the Minister representing the Minister for Railways:

As on the 19th May, 1955, approval was given to erect a toilet and ablution block at the carbarn for the Traffic Branch—

(1) what progress has been made towards completion;

(2) are hot and cold showers to be provided;

(3) will steel clothes lockers be provided and has sufficient space been made available to install these?

The MINISTER FOR TRANSPORT replied:

(1) This work is at an advanced stage of construction.

(2) Provision has not been made for these facilities.

(3) Steel lockers are being provided.

RAILWAYS.

(a) Diesel Locomotives, Suitability, etc.

Mr. SEWELL asked the Minister representing the Minister for Railways:

In view of the fact that diesel locomotives have undergone a reasonable trial period—

(a) have they proved suitable for general purpose use on railway lines;

(b) how do they compare with other diesel locomotives operating in Australia;

(c) what is their anticipated life, compared with steam locomotives?

The MINISTER FOR TRANSPORT replied:

(a) Yes.

(b) Favourably with other 3ft. 6in. gauge types.

(c) It is expected that diesel locomotives will give a period of service comparable with steam locomotives.

(b) Effect of Diesels on Tracks.

Mr. SEWELL asked the Minister representing the Minister for Railways:

Having regard to the design of X Class locomotives for light railway work, is it a fact that the destruction of railway tracks has been hastened by the use of heavy diesel locomotives?

The MINISTER FOR TRANSPORT replied:

No.

(c) Rehabilitation Figures, Ajana-Yuna Lines.

Mr. SEWELL asked the Minister representing the Minister for Railways:

How have the figures supplied by the committee in relation to rehabilitation of Ajana-Yuna lines been arrived at?

The MINISTER FOR TRANSPORT replied:

Figures are based on the cost of 63lb. Australian standard rails, resleepering, ballasting and labour.

The cost of bridges included in the figures is based on a standard capable of carrying 14 ton axle loads.

SECONDARY INDUSTRIES.

Establishment on Goldfields.

Mr. EVANS asked the Minister for Industrial Development:

(1) Have any inquiries been made in recent years by the Industrial Development Department re overcoming difficulties concerned with encouraging the establishment of secondary industries on the Eastern Goldfields?

(2) If so, what was the nature and result of such inquiries?

(3) If not, will the department undertake such inquiries?

The MINISTER replied:

(1) No.

(2) Answered by No. (1).

(3) It is clear that the future of the Eastern Goldfields depends primarily on goldmining, and this area does not lend itself to the development of manufacturing industry. The Department of Industrial Development will inquire into any suggested secondary industry. A general inquiry does not appear to be warranted.

ROAD TRANSPORT.

Government Subsidy.

Mr. SEWELL asked the Minister for Transport:

Will road transport, replacing discontinued railways, be introduced without guaranteed Government subsidy?

The MINISTER replied:

The proposal is that Government subsidy be paid on road transport of the class of goods previously railed at "Miscellaneous" rail rates, the subsidy to cover the difference between road and rail rates for the first year but reducible annually to eliminate the subsidy at the end of seven years.

CEMENT.

Details of Sales.

Mr. JOHNSON asked the Minister for Industrial Development:

(1) Since the registration of Cement Sales Pty. Ltd. on the 26th October, 1956, has any cement manufactured at Cockburn Cement Ltd. works been bagged in bags branded "Swan Portland Cement Ltd."?

(2) If so, what quantity?

(3) What proportion does this bear to the output of the Cockburn Cement Works in the period?

(4) What proportion does this bear to the sales of the Swan Portland Cement Co. in the period?

The MINISTER replied:

The information is not available.

TRAFFIC.

Cost of New Signs, City Block.

Mr. JAMIESON asked the Minister for Transport:

(1) Was his department responsible for the erection of the new traffic signs in the main city block?

(2) If so, what was the cost of supply and erection of these signs?

The MINISTER replied:

(1) The work was carried out by the Main Roads Department, assisted by labour supplied by the Perth City Council.

(2) Final accounts are not yet to hand but total expenditure is expected to approximate £2,300.

PASTORAL INDUSTRY.

Technical and Financial Assistance.

Mr. COURT asked the Minister for Agriculture:

(1) What Government help is available to the pastoral industry by way of technical assistance?

(2) What Government financial and ither assistance is available to the pastoral ndustry for water development, irrigation .nd conservation?

The MINISTER FOR LABOUR (for the Minister for Agriculture) replied:

(1) The Government operates a pastoral esearch station at Abydos in the spinifex egion near Port Hedland.

An agricultural adviser is located at Kimberley research station, Wiluna and Carnarvon, the latter dealing with pastoral roblems northwards to Port Hedland.

A cattle instructor is stationed in Broome.

Two technicians are stationed at Fitzroy Crossing and Wiluna, respectively, work- ng on kangaroo control.

Head office personnel visit the pastoral reas from time to time in connection with nimal disease, vermin and mesquite con- rol.

(2) The following assistance is made vailable by the Public Works Depart- nent:—

(a) Pastoralists in defined areas are encouraged to put down bores on approved sites and the Govern- ment bears the cost of those which prove non-productive.

(b) Engineering advice and, on occa- sions, equipment are available to pastoralists for water develop- ment, irrigation and conserva- tion.

AGRICULTURE.

Drought Assistance.

Mr. ROSS HUTCHINSON asked the Minister for Agriculture:

What legislative or administrative nachinery exists for drought assistance n this State, and more especially assist- nce with transport in—

(a) areas serviced by railways;

(b) areas not serviced by railways?

The MINISTER FOR LABOUR (for the Minister for Agriculture) replied:

(a) The Minister for Lands is author- sed to declare a "drought area" upon ertification of the Surveyor General, Under Secretary for Lands and the Director of Agriculture that drought conditions exist.

Such "drought area" to be clearly de- ined and the stations with such area to e specified.

Relief to be afforded on the following asis:—

(i) Pastoralists will be required to pay full rates for stock railed away from drought areas.

(ii) Pastoralists will not be charged rail freight upon return of stock to the drought area provided that such stock was transported from the area by rail.

(iii) Rail freights will not be charged on new breeding stock freighted to the station by rail within two years from the time when the station is able to re-stock.

(iv) No freight concession to be auth- orised in respect of road transport.

(v) Fifty per cent. rebate of rail freight charges on "approved" fodder for pastoral properties within such drought areas.

(b) No freight concessions granted in respect of road transport.

In regard to relief from payment of rent, Section 101A (1) of the Land Act reads as follows:—

> Where the lessee proves that in any year ending the thirty-first day of December—
>
> (a) he has suffered serious loss of stock on any pastoral lease through drought, cyclone, or flood; or
>
> (b) through drought he has been unable to stock any pastoral lease to the extent to which such lease might except for such drought have been stocked, and thereby has suf- fered serious loss; or,
>
> (c) his wool production in respect of stock on any pastoral lease has been adversely affected by drought, cyclone or flood,
>
> the Minister may grant the lessee re- lief from payment of rent payable under such pastoral lease in respect of that year: Provided that no such relief shall be granted, except on the recommendation of the Board of Ap- praisers appointed under section ninety-eight of this Act.

HOSPITALS.

Improvements of Remuneration and Conditions, Country Areas.

Mr. ROSS HUTCHINSON asked the Minister for Health:

What are the projected increases of remuneration and other improvements in conditions of service to be given to mat- rons, sisters and staff of country hos- pitals?

The MINISTER replied:

Matrons of country hospitals will be paid an allowance on a sliding scale based on the shortage of nursing staff at each hospital. The allowance will vary from 15s to £5 per week. Other staff are paid overtime.

GOVERNMENT CONTROLLED NEWSPAPER.

Practicability of Establishment.

Mr. EVANS asked the Premier:

(1) Has the Government given consideration to the practicability of setting up a Government-controlled newspaper, conducted on similar lines to the Australian Broadcasting Commission, inasmuch as that institution operates on the basis of a commission formed of highly respectable and capable persons?

(2) If not, will the Government give some thought to the suggestion?

The PREMIER replied:

(1) No, but it is thought a suggestion somewhat along these lines was made recently by Hon. Sir Charles Latham.

(2) Yes.

WORKERS' COMPENSATION BOARD.

Judgment in Patten v. British Phosphate Commissioners.

Mr. COURT (without notice) asked the Minister for Labour:

Is he able to table the Workers' Compensation Board judgment in the case of Patten v. the British Phosphate Commissioners?

The MINISTER replied:

Yes, I will now table the judgment. Further, if the commissioners referred to are those mentioned in the agreement ratified by the Narau Island Agreement Act, 1919 (Commonwealth), they would appear to be an instrumentality of the Crown in right of the United Kingdom, Australia and New Zealand.

ESPERANCE PLAINS (AUSTRALIA) PTY. LTD.

Significance of Clause 13 in Agreement.

Mr. COURT (without notice) asked the Premier:

With reference to Clause 13 of the agreement between the Government and Esperance Plains (Australia) Pty. Ltd. Clause 13—

(1) What is the significance of the provision for the State to make available to the company residential areas for the erection of homes up to 10,000 acres?

(2) Is this land additional to and outside of the area of 1,500,000 acres?

(3) Has any general area been earmarked for this purpose and, if so, where?

The PREMIER replied:

(1) Agreement by the State to make available to the company land near the seafront for homes for the company's executives was one of the conditions under which the company would undertake the development of 1,500,000 acres of vacant Crown land for agricultural or grazing purposes.

(2) Yes.

(3) No definite areas have been determined, although sites near Duke of Orleans Bay to the east of Esperance and east of Stokes Inlet to the west of Esperance have been proposed by the company. However, the areas to be selected will not be taken from the Cape le Grand-Lucky Bay National Park.

PROPOSED LAND TAX.

Impact on Churches, Clubs, etc.

Hon. Sir ROSS McLARTY (without notice) asked the Treasurer:

(1) Have representations been made to him by a number of church authorities in regard to the heavy impact the proposed increase in land tax will have on them?

(2) Has he had similar representations from clubs and other non-profit making bodies?

(3) In view of those representations will he undertake not to have the Committee stage of the Bill taken until next week?

The TREASURER replied:

(1) Yes.

(2) Not up to the present.

(3) Yes.

CONDUCT AND CHARACTER OF MEMBER.

Inference by Minister for Transport.

Mr. ROBERTS (without notice) asked the Minister for Transport:

(1) Will he explain to the House what he meant by his serious inference regarding my conduct and character while he was speaking during the debate on the motion moved by the Leader of the Opposition in regard to traffic this afternoon?

(2) If not, will he now apologise or make an unequivocal withdrawal of such insinuation?

The MINISTER replied:

(1) On an appropriate occasion.

(2) No.

Mr. Roberts: Typical!

Mr. Bovell: Heil Hitler!

BILLS (5)—FIRST READING.

1. Farmers' Debts Adjustment Act Amendment.

   Introduced by the Minister for Education (for the Minister for Lands).

2. Bread Act Amendment.

3. Trade Descriptions and False Advertisements Act Amendment.

   Introduced by the Minister for Labour.

4, Builders Registration Act Amendment.

Introduced by the Minister for Works.

5, Child Welfare Act Amendment (No. 2).

Introduced by Mr. Marshall.

BILL—TRUSTEES ACT AMENDMENT.

Leave to Introduce.

THE TREASURER (Hon. A. R. G. Hawke—Northam) [7.47]: I move—

That leave be granted to introduce a Bill for an Act to amend the Trustees Act.

I would like to advise members of the Opposition before they shout "No," that this has been requested by the private trustee companies.

Question put and passed; leave given.

Bill introduced and read a first time.

Second Reading.

THE TREASURER (Hon. A. R. G. Hawke—Northam) [7.48] in moving the second reading said: This is a Bill introduced for the purpose of making investments deposited by trustees under the provisions of the Trustees Act acceptable security when they are placed on deposit in savings banks. In connection with the old State Savings Bank of Western Australia, there was a special section in the Trustees Act which covered the situation relating to that bank. There is a provision in the Commonwealth Banking Act relating to the branches of the Commonwealth Savings Bank and that, of course, will still continue to apply to the Commonwealth Savings Bank.

However, there is no provision in our Trustees Act relating to the savings bank branch of the Rural & Industries Bank and no provision either in our own Act relating to the savings bank sections of private trading banks. This Bill, therefore, is introduced for the purpose of making deposits in those savings banks, which have been lodged by trustee companies, acceptable as trustee securities when so deposited. The Bill does lay down that the deposit in any savings bank has to be in a savings bank which has been authorised under the Commonwealth Banking Act of 1945 or under any Act passed in amendment of or in substitution of that Act.

I think members are aware that no savings bank can be set up in Australia unless it is constituted legally under the provisions of that Commonwealth Banking Act. All of the savings banks which are now operating in Western Australia, where they are associated with private trading banks, have, of course, been set up under the provisions of that Act. Our own savings bank branch of the Rural & Industries Bank has been set up under the provisions of the State Act by virtue of an amendment which both Houses of Parliament approved recently. The Rural & Industries Bank has therefore been specifically mentioned in this amending Bill because it is a savings bank section which has not been set up under the Commonwealth Act. That explains why the Rural & Industries Bank gets a special mention.

It is necessary to make reference to that because otherwise at least one hon. member of the House might get suspicious that we are giving the Rural & Industries Bank savings bank section a special advertisement in this Bill. That is not so. It is legally necessary to specify the Rural & Industries Bank because it is set up under a State Act of Parliament and not under the Commonwealth Act to which I have referred. I move—

That the Bill be now read a second time.

MR. BOVELL (Vasse) [7.52]: Speaking on the second reading debate of the Bill recently introduced by the Minister for Lands to deal with the activities of the Rural & Industries Bank of Western Australia, and which aimed at setting up a savings bank branch to be conducted by that institution, I suggested that the clauses relating to trustees should have been included in the Trustees Act and the Minister agreed to give consideration to that suggestion. The Treasurer has now introduced this Bill and, to the best of my knowledge and belief, it meets my wishes in that respect.

I appreciate the fact that a savings bank can be created only with the approval of the Commonwealth Parliament and I appreciate, too, that a savings bank associated with the Rural & Industries Bank of Western Australia comes under a State Act and therefore that bank must be specifically mentioned in the Bill now before the House. I thank the Treasurer for introducing this measure at this stage. I believe it was at the instigation of the trustee companies that this amendment was proposed to be incorporated in the Trustees Act. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and transmitted to the Council.

BILL—PROFITEERING AND UNFAIR TRADING PREVENTION.

Council's Message.

Message from the Council received and read notifying that it did not insist on its amendments Nos. 10 and 23, insisted on its amendments Nos. 2, 5, 11, 27, 28 and

33, had agreed to the further amendments made by the Assembly to amendments Nos. 25, 31 and 32, and disagreed to the amendments made by the Assembly to amendments Nos. 8, 29 and 35, now considered.

In Committee.

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

Schedule of amendments insisted on by the Council:

No. 2.

Clause 8, page 4, line 33—Delete the word "includes" and substitute the word "means."

No. 5.

Clause 8, page 6, line 2—Delete the word "include" and substitute the word "mean."

No. 11.

Clause 14, page 8—Delete.

No. 27.

Clause 31, page 19, line 2—Delete the words "President of the Court of Arbitration." and substitute the words "Judge of the Supreme Court."

No. 28.

Clause 31, page 19, line 4—Delete the word "President's" and substitute the word "Judge's."

No. 33.

Clause 33, page 20, lines 39-42—Delete paragraph (d).

Schedule of amendments made by the Assembly to Council's amendments and disagreed to by the Council:

Amendment No. 8.

Delete the whole of the amendment and insert in lieu the following:—

(2) For the purposes of this Act the Governor shall appoint to advise the Commissioner an Advisory Council of four persons comprising—

(a) two prepresentatives representing the organisations known as the Chamber of Manufactures, the Chamber of Commerce and the Retail Grocers' Association;

(b) two persons, one of whom shall be a farmer, nominated by the Minister, to represent consumers.

(3) Each member of the Council representing the organisations mentioned in paragraph (a) of the last preceding subsection shall be selected by the Governor from a panel of four names, submitted conjointly by those organisations within such time as the Governor appoints, or if no such panel is submitted, the Governor shall appoint such members of Council, other than those nominated by the Minister, as he thinks fit.

(4) Each member of the Council shall hold office during the Governor's pleasure.

(5) The Council shall meet whenever summoned by the Commissioner but not more than one month shall elapse between each meeting.

(6) The number of members necessary to constitute a quorum shall be three and the Commissioner shall be Chairman of and preside at each meeting.

Amendment No. 29.

Delete the word "Judge" and insert in lieu the word "President."

Amendment No. 35.

Delete the word "fifty-seven" and insert the word "fifty-eight."

Schedule of reasons of Council for disagreeing to the Assembly's amendments to Council's amendments Nos. 8, 29 and 35:

No. 8.

The Council considers that the farmers' representative should be nominated by the Farmers' Union.

No. 29.

This is consequential upon the Council's insistence on No. 27.

No. 35.

As this is new legislation it is considered that it should be reviewed in 12 months' time.

The MINISTER FOR LABOUR: Before dealing with the Council's message which is now before the Committee, I wish to point out that the Government has given consideration to the implication of the further amendments made by the Legislative Council and its insistence on the amendments previously made by it. I would like briefly to review the history of this measure. At the outset I want to say that never in my parliamentary experience have I known a measure to be criticised in such unreasonable terms.

I believe that it is the function of members of the Government and the Opposition to explain their points of view; I believe it is the prerogative of the media of publicity in this State to criticise in a reasonable manner any measure which Parliament proposes to implement; but I must say in all sincerity that never have I known a Bill, such as this, to be criticised by the leading organs of publicity with such venom and poison.

Hon. Sir Ross McLarty: Are we permitted to have a general debate on this matter at this stage?

The MINISTER FOR LABOUR: I believe that if any member in this House were to speak the truth —

The CHAIRMAN: I cannot allow the Minister to go on along those lines. The Committee is discussing the Message from the Council and the amendment to Clause 8.

The MINISTER FOR LABOUR: After consideration by the Government, it has been decided to agree to the amendments contained in the Council's Message in toto. In doing that I am entitled to make reference to the reasons why the Government is obliged to accept the amendments made by the Council. The Government has not been influenced by any of the criticism that has been levelled against it. On the other hand, it has been actuated by a desire to protect the people of this State.

There is one section in this Chamber—some members of the Country Party—which is apparently of the same frame of mind as the Government, although they are not prepared to go as far as the Government desires. Let me deal with the amendments made by the Council which the Government is obliged to accept. One is that the definition of "unfair profits" has been restricted. Another one relates to the Government's desire to appoint the president of the Arbitration Court to whom appeals may be made.

The Government believes that as he already determines the wages and industrial conditions, he would be the proper authority to whom any appeal should be lodged; however, the Government is obliged to accept the amendment. The Government is also obliged to agree to a deletion of a provision to enable the commissioner to delegate his powers. A similar provision was in operation for many years under the price control legislation and regulations.

Another very important amendment which another place has insisted on is this: Whereas the Government desires no time limit for this legislation, the amendment moved in another place will restrict the operation of the Act to December, 1957. The Government was prepared to go some distance to meet the wishes of another place and agreed to December, 1958, as the expiry date. The Council has insisted on the 31st December, 1957, as the expiry date.

It is obvious that some weaknesses will arise from this legislation, and certain difficulties will face the Government. After careful consideration the Government decided to accept the amendments rather than lose the Bill, so as to ensure that the people of this State will have some chance of redress where they consider they have been exploited. The Bill as amended is far from what the Government would have liked, but believing there is some justification for this legislation, the Government has agreed to accept the amendments. An attempt was made to restrict the appointment of the commissioner in another place, but that amendment was not insisted on.

The position has been misrepresented to the people of this State. In the course of the debate some public men have had their characters vilified. Because the Leader of the Country Party and a member of another place dared to express their opinions and to exercise their right to vote, their characters were blackened in the Press. Because certain members of the Opposition and members of the Government decided on a certain course of action, unreasonable and viper-like leading articles have appeared in the Press criticising their action.

As there is no other course open to the Government—it has either to accept the amendments or lose the Bill—I move—

> That the amendment insisted on by the Council be no longer disagreed to and that the original amendments Nos. 8, 29 and 35 made by the Council be agreed to.

Mr. COURT: In a general speech on the amendments contained in Council's Message No. 40, the Minister has used the occasion to deal with this matter at large in connection with a very contentious piece of legislation. There are one or two observations in his speech upon which I feel I should comment and, in my opinion, they are very important. He referred to unreasonable criticism of the measure. In my opinion, there was no unreasonable criticism of the Bill in the form in which it was originally introduced.

In its original form it was, to say the the least, a revolting piece of legislation and there was a spontaneous reaction from the people of this State. There has never been a measure introduced in any British Parliament containing the provisions that are found in the clauses of this Bill. As soon as the Government saw the public reaction it did not hestitate too long to remove the really tough clauses from the penalty provisions of the Bill. The Government realised it had gone a step too far.

In my view no language used at the time was too strong in commenting on the measure. Even if the Government had some just cause to introduce the Bill to effect some control over the things it was complaining of, it had no justification to introduce the Bill in its original form. The approach of the Legislative Council to this Bill has been very reasonable in that it gave the Government some legislation to achieve its objective, while at the same time removing from the Bill the vexatious clauses which would have reacted against the Government itself.

Mr. May: How much did this propaganda cost you?

Mr. COURT: What does the hon. member mean by "you?"

Mr. May: What did it cost you for propaganda?

Mr. COURT: It certainly did not cost me anything.

Mr. May: It certainly cost somebody something.

Mr. COURT: The period of 12 months for the operation of the Act, to which the Minister has taken exception, is very reasonable. If the position is as the Government claimed it was, surely it is desired by all that this measure should come before Parliament again for review at the end of that period. The Government should welcome rather than discourage a review at the end of 12 months. I reiterate there was no misrepresentation regarding the significance of the Bill. The Minister has been very wise to agree to the amendements.

Mr. PERKINS: I would like to reiterate my attitude towards this legislation. I indicated in earlier speeches my lack of enthusiasm for the Bill and I opposed the second reading. I do not think it has been made sufficiently clear in the Press that there is a sharp division of opinion within the Country Party on this measure. I am afraid it is inevitable that if safeguards are inserted to overcome any fears of what might be done with this legislation, the Minister who introduced the Bill will not be content with the position. I believe that the Bill as amended will provide the safeguards to which many of us have looked. I can well understand the Minister's concern when he says that he fears this legislation may not be effective.

The first amendment contained in the message now under discussion sets out to define to a degree the term "profiteering." I think the Minister for Works was very honest when he said during the Committee stage that the more one defines, the more one restricts. I agree with him entirely. Those of us who are anxious to see that reputable businessmen are not treated unjustly, will want that sort of safeguard in the Bill. The Minister is not justified in throwing bricks at members in either House when they desire to see these safeguards provided.

Where legislation has been passed to deal with profiteering, it is very difficult to find any instance where the problem was effectively overcome. There is a sharp division of opinion among business people regarding the steps which the public of this State should be able to take. Where tight monopolies operate it is very difficult for an authority set up by State legislation to deal with them effectively. The Government would have been well advised to await the results of the inquiry by the select committee appointed by this Chamber to investigate unfair trade practices.

Obviously if we made a mistake in legislation of this kind there could be far reaching consequences in the development of the State. Most of the firms operating in Western Australia are anxious to give the public a fair deal. In the few instances where that is not the case, we must be careful that legislation which is framed to deal with the people concerned will do so without throwing an undue burden on the vast majority of the business people who do not want to exploit the public.

Hon. J. B. Sleeman: They have nothing to be afraid of.

Mr. PERKINS: Not if these amendments are agreed to. But the original Bill could have been very dangerous indeed. I think that something will come out of the inquiries of the select committee, and that would be the proper time to deal with such trade practices as may appear to be detrimental to the public.

The Minister for Labour: What do you mean by saying that you are sure something will come out of the select committee?

Mr. PERKINS: I did not say that definitely. We still have to await the evidence. But when we have concrete evidence before us, we will be in a position to deal intelligently with the matter. It seems to me fairly obvious that with the intense competition that exists in business, if we can be sure that supplies are freely available to those who desire to trade, the public interest will be best served. The traditional method of making progress under the capitalistic system to which we have been used for so long is that some business people take considerable risks with their own capital. If they succeed, they are entitled to a reasonable recompense for a period because of their enterprise. During that period profits may appear to be somewhat high. But it has been noticed that where profits are unduly high there follows intense competition and those profits are reduced. The acceptance by the Government of the Council's amendments will make the Bill very much more acceptable to me than it was in its original form.

Hon. Sir ROSS McLARTY: I am glad this measure will have a life of only 12 months. That is long enough for us to see how it will operate. Then Parliament will have an opportunity of making an examination of the whole set-up. It is certainly a different Bill from that which was introduced, and it is different from what it was when it left this Chamber. No doubt the activities of the commissioner and the advisory council will be watched with considerable interest, and it will be most interesting to the public to see what effect the measure will have and how successfully it will operate.

Already it is inevitable that Western Australia will be faced with substantially increased costs. We have a Bill before us at present which is going to take another £1,000,000 away from the taxpayers of this country, and it is inevitable that that measure will increase costs considerably both for the business community and for primary producers.

The Minister for Labour: You are dealing with the Council's message, I suppose.

Hon. Sir ROSS McLARTY: Yes, as the Minister did; and sticking much closer to it than he did. The rising costs to which I have referred will have to be taken into consideration under this new set-up. I shall watch the activities of the commissioner with very great interest. If he does something which I think should not be done in the interests of the public, I shall say so. However, I hope the measure will work smoothly and will not be detrimental to business interests.

The PREMIER: I want to say only a few words in supporting the motion. I do not remember a campaign as vicious as the one carried on against this Bill by some newspapers and organisations. The fact that the campaign failed absolutely to stir up public opinion against the Bill is, I think, sure evidence of the fact that the public generally realised the need for a protective measure of this kind.

Mr. MAY: I did not intend to speak in regard to this message until the member for Nedlands made his remarks. I believe that he made them with his tongue in both cheeks, if that is possible.

Mr. Court: What remarks were they?

Mr. MAY: The remarks the hon. member made in connection with the amendments.

Mr. Court: Which ones in particular?

Mr. MAY: First of all the hon. member made reference to public opinion. Without a shadow of doubt, public opinion in this State was that if there was anybody profiteering at the expense of the public he should be brought to book under this legislation.

Mr. Court: What do you base that on?

Mr. MAY: I base it on the opinion expressed by the general public.

Mr. Court: In what manner?

Mr. MAY: Not propaganda which you and your colleagues set going.

Mr. Court: What is this, "You and your colleagues" business?

Mr. MAY: That propaganda by those in opposition to this Bill must have cost thousands of pounds.

Mr. Hearman: On a point of order, Mr. Chairman, has this anything to do with the Council's amendments?

Mr. MAY: I particularly mentioned the amendments.

The CHAIRMAN: The hon. member may proceed.

Mr. MAY: I am sorry that members opposite can't take it.

Hon. Sir Ross McLarty: There is nothing to take so far. Keep going!

Mr. MAY: The dirty propaganda by the opposition to the Bill does no credit to the Opposition in this Parliament. However, from the point of view of the public, it was a very dismal failure. They even went so far as New South Wales to instigate propaganda to make it appear—

Mr. Roberts: Are you—

Mr. MAY: The hon. member can have his say in a minute.

Mr Roberts: Are you going to take this opportunity of reading Mr. Hepplewhite's reply to you?

Mr. MAY: I have already read it to members and it is in Hansard. If the hon. member does not remember it, let him read Hansard.

Mr. Roberts: I was referring to his reply to you.

Mr. MAY: The propaganda I received from New South Wales belonged to the gutter, and was instigated by the Opposition in this Parliament.

Hon. Sir Ross McLarty: Not true!

Several members interjected.

The CHAIRMAN: Order!

Mr. MAY: You don't like that one, do you? For the purpose of making the propaganda Australia-wide, the speech of the member for Nedlands on the second reading of the Bill was sent to the Eastern States.

The Premier: Good Lord!

Mr. Johnson: By whom?

Mr. MAY: By the Opposition. I repeat that some of the propaganda I received must have come out of the gutter. When any Opposition in any Parliament is prepared to stoop as low as that for the purpose of gaining its ends, there is not much principle involved. I am not prepared to allow the remarks made by the member for Nedlands to go unchecked.

The CHAIRMAN: I think the hon. member had better start discussing the message.

Mr. MAY: I am discussing the remarks made by the member for Nedlands.

The CHAIRMAN: They are not before the Chair. The matter before the Chair is the Legislative Council's message No. 40.

Mr. MAY: I bow to your ruling, Mr. Chairman, but I do not see why he should get away with it and not me.

Mr. Court: I think the Minister and I between us had a draw. I think we both got a fair go.

Mr. MAY: I think the Minister put it all over the hon. member.

The Premier: Even though he spoke first.

Mr. MAY: Yes.

Mr. Court: We are satisfied.

Mr. MAY: I am not prepared to let the hon. member get away with what he said.

Mr. Court: You must think he is better than the Minister.

Mr. MAY: I do not approve of one amendment by the Legislative Council in particular. That is the one relating to a judge of the Supreme Court. Everybody knows that there is no more capable judge to decide appeals in connection with this legislation than the president of the Arbitration Court.

Hon. L. Thorn: What about the previous president of the Arbitration Court?

Mr. MAY: He will not be there. It is time the member for Toodyay went home. I do not approve of the propaganda instigated by the Opposition concerning this Bill, and I strongly object to it.

Hon. Sir Ross McLarty: You don't approve of the Opposition.

Mr. JOHNSON: It is regrettable that owing to the failure of the Opposition to act the part of an Opposition and deal with matters on their merits, it is necessary for back-bench members behind the Government to speak on occasions such as this. It is with real regret that I listened to the Minister agreeing to accept these amendments. I know that under the undemocratic way by which we elect another place, there is nothing better we can do.

I wish also to record my disagreement with a number of the speakers who have taken part in the debate and I start with my own leader who said he could not remember a more vicious campaign than the one on this occasion. I ask him to cast his mind back a little to the campaign in relation to the nationalisation of banking which was responsible for my entry into politics and into this Chamber.

It was a particularly vicious campaign and I trust the Opposition will think I am one of the most vicious results of it. That campaign made clear to me that people who would stoop as low as those folk did are utterly unworthy to be treated as citizens of a democracy.

Mr. May: That is telling them!

Mr. JOHNSON: There is no description low enough for them. For people to apply economic pressure to control the political opinions of employees, which we know took place in the banking issue and which we have not the slightest doubt took place in this, is for them to descend below Germany in the Nazi days.

Mr. Court: Can you prove that any employer influenced the political opinion of his employees during the nationalisation of banking?

The CHAIRMAN: Order! We are not discussing the nationalisation of banking.

Mr. Court: He is.

The CHAIRMAN: Order!

Mr. JOHNSON: I only introduced this—

The CHAIRMAN: Order! I must ask the member for Leederville to discuss these amendments.

Mr. JOHNSON: I wish to refer to the language used by the member for Nedlands. He used the words "no language too strong;" "unreasonable;" and "revolting." They are about as strong as it is possible to use in parliamentary language when dealing with matters that have passed this Chamber with the support of the people.

It is my knowledge and experience that that this legislation, with the teeth it originally had, although possibly subject to some slight amendment in its administrative provisions, had the full support of the people including most of the shopkeepers, but may be not the large shopkeepers. This is not the opinion expressed in the morning potato-wrapper, but it is the opinion of the people. If those who speak for St. George's Terrace were to mix occasionally with people instead of with accounts, they would realise that the people believe that this legislation should be passed, and passed for a longer period than 12 months; and that it should have more teeth.

The amendments, which we are for all practical purposes forced to agree to, have taken the teeth out of it—they have made it impossible to ask any fully qualified and reasonable man to take the job. The position now is such that it is almost impossible to look outside the permanent civil servant for applicants for the job. This restricts the field considerably, and it restricts it in an undesirable way. No man of real value or of business acumen will apply for a job that has only 12 months' life unless he has the knowledge that, should the job fall by the wayside, he can go back into the Civil Service.

I wish to deal with the objections made by the member for Roe in regard to definitions. During the second reading debate I opposed the idea of putting any definition in the Bill, and I still hold that opinion. The best method to deal with this matter is to let the courts have the power to define. The objections of the Opposition lie in the fact that they are not prepared to trust our judges. For my part, I think it is far better to allow the judges to have this power than to include a narrow definition. We would be well advised to trust our judges and not to narrow this down to a straight-laced pair of corsets, and have the provision so worded that even I, who have no legal training, could find ways around it.

Mr. Roberts: You want to be careful what you say about these things; the member for Kalgoorlie is here.

Mr. JOHNSON: Once more we have an inane interjection from the member for Bunbury. It is most regrettable that we are forced to agree with these amendments.

Question put and passed.

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

BILL—BETTING CONTROL ACT AMENDMENT.

Council's Amendments.

Schedule of three amendments made by the Council now considered.

In Committee.

Mr. Moir in the Chair; the Treasurer in charge of the Bill.

No. 1.

Clause 2, page 2—Delete all words after the word "person" in line 14 down to and including the word "bookmaker" in line 19.

No. 2.

Clause 2, page 2—Delete all words after the word "person" in line 28 down to and including the word "bookmaker" in line 34.

The TREASURER: These amendments are the same although they deal with different parts of Clause 2. This clause aims to tighten up the existing law in relation to bets made with bookmakers. In the process of tightening up the law on this point, the amendment goes on to make it clear that a bet made personally by a bookmaker, in support of a horse—as a personal investment—is not to be regarded, legally, as part of his turnover.

The Legislative Council wants to delete these two portions of the clause. The acceptance of these amendments would place a bookmaker who wished to back a racehorse in a class entirely on his own—in a class quite different from other people in the community. If any member of this Chamber wishes to make a bet upon a racehorse, he himself does not have to pay turnover tax on it, and if a bookmaker wishes to have a bet on a horse it is, therefore, not a fair proposition to expect him to pay turnover tax on his personal bets. He is not called upon to do it under the existing law, and it is not a proposition to expect him to be called upon to do it. He should be placed in exactly the same position as other people in the community when those other people have a bet on a racehorse. Therefore it is not intended to accept either of these two amendments. I move—

That the amendments be not agreed to.

Mr. WILD: In reading the speeches of members in another place, and particularly the transcript of the evidence of an inquiry held by the Western Australian Trotting Association into the Minstrel King case, it seems to me that there is a considerable amount of meat in what the Council has done by insisting—if the amendment is agreed to—that the s.p. bookmaker shall pay turnover tax on the bets he makes.

I am afraid I cannot quite agree with the Treasurer when he refers to why a bookmaker should not have to pay the tax when he makes a bet. The s.p. bookmaker who bets is a bad businessman. I venture the opinion that very few s.p. bookmakers in Western Australia—the better or bigger ones—bet. Odd ones run racehorses and it is obvious that they bet, but the type of bets that the amendments refer to are what are known as "betting back." Men like P. B. Healy and C. Derby, are frequently called upon to place a commission, and it is the subdivision of that commission that should be taxable.

If one reads the evidence it is obvious, that for some months, at least since the legislation has been on the statute book, those bookmakers who have been working commissions have been getting away with it. There was a difference of opinion between the Commissioner of Taxation, Mr. Byfield and one or two bookmakers. While I can see that the Treasury is endeavouring to tighten up that loophole, I would say that 90 per cent. of them are betting back.

The Treasurer: That would legally be turnover under the first part of the amendment; the Legislative Council is not trying to amend that.

Mr. WILD: If the Legislative Council's amendment is not agreed to, the s.p. bookmakers will be able to receive fairly substantial bets, bet them back with other people and not have to pay turnover tax on them.

The Treasurer: No, they will have to pay turnover tax on those transactions.

Mr. WILD: But not on their own bets.

The Treasurer: That is correct.

Mr. WILD: How will we be able to differentiate between a bookmaker's bets on his own behalf and those on behalf of his clients? According to the evidence in this case, a man wanted a commission on his horse and he rang up a certain bookmaker and that bookmaker apparently split it up and gave it to one or two others.

The Treasurer: That would all be taxable.

Mr. WILD: And rightly so, too. However, I think it will be difficult to differentiate between the two types of business.

The Treasurer: They have a pretty good check on it.

Mr. WILD: I think there will be a considerable amount of skating out by some of these people.

The Treasurer: They take a very great risk where they are trying to skate out.

Mr. WILD: I think we should insist that this breaking down of commissions is taxable. We have the Treasurer's assurance that that is so, but I would like to know how they will differentiate between the two different types of bets.

The Treasurer: The Treasury Department keeps a very close check on it.

Mr. COURT: I feel sure there is more to the Council's amendment than the Treasurer made out. Personally, I could not care less if the s.p. bookmaker was made to feel that he was a separate person in the community because he had to pay tax on his own bets. I can see that the Government is trying to make certain that the Treasury is not to be defeated in connection with the collection of tax. But there has already been a difference of opinion among the s.p. bookmakers as to what is taxable and what is not taxable.

The Treasurer: The first part of the amendment in the Bill tightens up that aspect.

Mr. COURT: I am coming to that. Obviously, they got hold of the Act and went through it with a fine tooth comb and got the best legal brains possible, and they hit on the idea that commissions were not taxable. So they were able to separate their business into commissions and business which, in their opinion, was strictly within the meaning of the Act.

The Treasurer: They were still made to pay.

Mr. COURT: I understand that they did not pay on all their bets but on a declared portion and there was a very grave doubt as to whether the full amount involved was disclosed or determined at any stage.

The Treasurer: They paid on all the recorded transactions.

Mr. COURT: That is so, but there is a very grave doubt as to whether the recorded transactions were a complete determination of the amount involved.

The Treasurer: A bookmaker who does not record his total transactions takes a grave risk of losing his licence.

Mr. COURT: If he is caught.

The Treasurer: That applies to everybody.

Mr. COURT: Those people who obviously combed the Act to find a technical weakness in it will do the same thing again. One of the means open to them would be this method of using their own bets as a means of avoiding taxation.

The Minister for Works: Taxation experts comb the Act for that purpose.

Mr. COURT: Very true, and it is the right of every British subject. I think some famous words Lord Lindsay used were, "You cannot expect every British subject cheerfully to put his head in an alligator's mouth. He is entitled to rearrange his affairs to make the minimum contribution to revenue."

The Treasurer: Or to shake hands with a cobra.

Mr. COURT: That is not analogous. However, there is a loophole here which I consider should be shut off, and for that reason I think the Legislative Council has something with its amendment. It is rather interesting that the bookmakers themselves, in representations to members of the Opposition, have made very definite assertions that any bookmaker who bets is a fool.

When challenged as to how they were able to pay 7½ per cent. or 10 per cent. commission to their agents in the illegal days, one of their explanations was that it reduced their incidence of bad debts. The other reason was most illuminating. They said that in the main that type of agent was an incurable gambler and by giving him a commission they were only lending him money because he bet so heavily and so unsuccessfully that they got the money back.

By that reasoning they proved their own argument that a bookmaker who bets is a fool. So, making it obligatory for those gentlemen to record their betting transactions, and to pay tax on them, is, in my opinion, desirable. Furthermore, it enables the Treasury to keep some sort of an eye on the extent of the betting transactions of these people. If the transactions have to be recorded, and tax paid upon them—and goodness only knows the tax is small enough—it means that there is some access to those transactions and we are able to say whether a licensed s.p. bookmaker is betting excessively or not.

The Treasurer: Those transactions would have to be recorded but they would not be taxable.

Mr. COURT: Personally, I would prefer to see them not betting at all.

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

No. 3.

Clause 2, page 3—Delete paragraph (e) of Subsection (2).

The TREASURER: This amendment is concerned with paragraph (e) of Subsection (2) of proposed new Section 14 and this paragraph provides for the payment by a bookmaker on all of his off-course turnover, for a period commencing on the proclaimed day, at the rate imposed by paragraph (d) of Section 2 of the Taxing Act. The rate contained in that paragraph of the Taxing Act is 2 per cent. Not only would the acceptance

of this amendment knock out that part of that Act, but it would, because of the way the clause is worded at the beginning, knock out the existing rate of tax of 1½ per cent. Clearly, therefore, the acceptance of this amendment would knock out turnover tax altogether—not only the proposed increased rate of tax but also the existing rate.

In that situation the racing and trotting clubs would lose all of the percentage of the turnover tax which they receive now and the increased amount they would receive if the Bill, as printed, were agreed to. Not only would the acceptance of the Legislative Council's amendment knock out the rate of tax on off-course turnover but it would also knock out all turnover tax for on-course bookmakers. Obviously, therefore, this amendment is completely unacceptable. If it were agreed to the racing and trotting clubs would lose a good deal of money and the Government would lose a considerable amount of income as well. However, the Government would be in a happier position because it could recoup its losses by adjusting the licence fees. There is no argument at all in favour of the amendment; the racing and trotting clubs are naturally very much opposed to it and I cannot imagine that members opposite are in favour of it either. I move—

That the amendment be not agreed to.

Mr. WILD: As the Government is not going to do something in regard to the rate of tax, we, as an Opposition, have no alternative but to agree; but I would like to make a few observations before a vote is taken. It is obvious that members of another place only took this action to try to force the hand of the Government and to get it to take more money from the larger s.p. bookmakers. If members will read through the debate on the third reading, they will see that six or seven speakers in the Legislative Council said that they did not want to destroy the Bill but they wanted the Government to have another look at it to see if it could extract more than 2 per cent. from the larger bookmakers. This would allow the Government to take more money for itself and at the same time pay more to the racing and trotting clubs.

We hear all sorts of reasons why the bookmakers cannot pay more or cannot pay less tax. I will not go over those arguments again but, although I am not prepared to make the document public in this House, I can show the Treasurer, privately, a settling sheet of one of the large bettors in Western Australia. At present he is still receiving 7½ per cent. from the bookmaker with whom he bets. That proves that everything that was said in this Chamber and in another place by those who follow the game closely, was quite true. There are dozens of men who made their living in pre-licensed days by accepting 7½ per cent. and 10 per cent. from the bookmakers for the business they were able to channel to them.

I do not know whether I mentioned this in my second reading speech, but a steward of a club of which I have been a member for many years, was making as much as £50 a week; he was taking up far too much time accepting bets on the telephone and not paying enough attention to the members of the club. He was given the sack. That man was receiving as much as 10 per cent. The Government should take more from the big s.p. boys because they can afford to pay. Members in another place have suggested a sliding scale. For some of the small men, I would say that 2 per cent. is too much, but nobody can tell me that the large operators in Perth cannot afford to pay 3, 4 or 5 per cent. on a sliding scale.

It is quite obvious that they can from the large amount of money they spent during the last election. They did not obtain the money by reaching up to an apricot tree to provide the posters that were splashed around the country. Finally, I would like to say that the right place to bet, in my view, is on the course. If we are to keep the game clean and out in the open, we must provide more money for the racing and trotting clubs throughout the metropolitan area and in the country. The Government has been most parsimonious in its provision in this respect.

The Treasurer: If you want to keep it clean, you would have to do away with bookmakers both on-course and off-course.

Mr. WILD: That may be so, but they possibly afford the little glamour that goes with racing and it is, anyway, the subject of another debate. The Government should be more generous with the racing clubs.

Hon. A. F. WATTS: The reason for the Council's amendment is that the Government should reconsider the rate of tax to be paid by off-course bookmakers in particular. The Government is obviously obliged to seek the assent of Parliament to legislation which will greatly increase taxation in certain directions to enable it to carry on the essential services of the State.

Some of the proposed taxes will undoubtedly fall very heavily on sections of the community that are making some substantial contribution to the real wealth and production of the country. To the extent that it would be possible to relieve this section of some portion of that tax, it would surely be justifiable to increase the tax on the bookmaker who makes no real contribution to the wealth and production of the country. He merely provides another form of amusement.

The action of the Legislative Council has been dictated by the Constitution Act and probably Standing Orders. The Government should consider increasing the tax on this particular form of amusement to

afford relief in other directions. I feel I must take the Government's refusal to increase the tax on this luxury line into consideration when we are asked to approve other forms of taxation. In the circumstances I concede that it is essential for the Government to obtain a further sum of money for the services of the State, but I think I am entitled at least to make my own selection as to how much of the burden of the increase should fall on one section as against another. I can only hope that even at this stage the Treasurer might be prepared to have another look at it, so that we can assure ourselves that the maximum amount is being taken under this measure.

Mr. COURT: The Treasurer made out that the Council had left the State exposed to a loss of revenue temporarily at least until such time as they adjusted the bookmakers' licence fees; and had exposed the W.A.T.C. and the Trotting Association to some loss of revenue. Technically, that may be correct but the Treasurer knows, as does everybody else, that the Council was restricted by constitutional and other reasons from doing what it would like to have done to this taxing measure. It was the only way they could draw the attention of this Chamber to the fact that they considered the bookmakers had not been sufficiently taxed.

I can appreciate their feelings on this because it is at a time when the Government has given notice of its intention to impose a very heavy increase in various forms of tax. We unsuccessfully put forward a sliding scale of tax which would have netted the Government £60,000 odd, but we could not do that because of Standing Orders. The Council has given the Government a further chance to take advantage of that £60,000—it could be more—by way of collection from the s.p. betting ring. It is amazing that the Government will not take advantage of it and yet we are considering measures, one of which aims at extracting £1,000,000 in respect of land tax. One church body is going to be taxed £10,060. Yet the Government is unwilling to take anything from this privileged section of s.p. operators.

The Treasurer: We are doing that in this Bill.

Mr. COURT: The Treasurer is only tickling the proposition.

The Treasurer: Those who do not have to pay always say that. We have also increased licence fees.

Mr. COURT: I notice the Government has taken action to have a scale of licence fees. We agree with that because the old system was unfair and contrary to our principle that there should be a graduated charge according to the size of business. We presuppose that the size of the business would be a fairly good indication of prosperity as they were all engaged in the same field. The Treasurer has expressed concern that we should spend so much time on betting and beer. But it is a matter of great division of opinion. For instance, the Minister for Works and I are poles apart on what these people can afford to pay. The Treasurer and the Minister for Works seem to form the base of the triangle that attacks me when I speak on behalf of private enterprise.

The Treasurer: We never attack; we reason with you.

Mr. COURT: The Treasurer attacked most vigorously and yet their seems to be a "hands off" attitude in regard to these s.p. people.

The Treasurer: That is not so.

Mr. COURT: On their own admission, they can pay more. They submitted a statement to the members of the Opposition—I do not know whether one was sent to members of the Government—in which they asked that the lower rating bookmakers be charged 3 per cent.

The Treasurer: The big fellows suggested that.

Mr. COURT: They said they were acting on behalf of all the bookmakers. There was a scale put forward through their representative starting at 3 per cent. for the small boys and going down to 1¾ per cent. for the big fellows. If ever there was a case of the strong eating the weak, that was it. However, one does get interesting reactions from these situations and obtain information that otherwise would not be secured. Some of the information disclosed about the capacity of this industry to pay is illuminating and shows it is in excess of 3 per cent. For that reason, I am sorry the Government has not accepted this opportunity to agree to an increased scale on a graduated basis. It was a modest scale put forward in this Chamber and subsequently agreed to in the Legislative Council. The Government should have accepted it particularly at this time when we are being asked to put further imposts on to farmers, business people and the community at large.

We are in an extraordinary position. We have to support the Treasurer wholeheartedly because if he said, "We will agree to this amendment" we would all be in a mess; the Turf Club, the Trotting Association and the Treasury. I, therefore, speak by way of protest to make my point that these people can and should pay more on the evidence made available to us, in spite of the defence put forward by various people, including the Minister for Works, in connection with the position in other States. We must be careful not to deprive the Treasury of the small amount it is seeking, and we are in the reluctant position of supporting the Treasurer in this matter.

The MINISTER FOR WORKS: It is an extraordinary thing how difficult it is to make men who have a lot of experience with figures, to read figures when by doing so they might be forced to a conclusion contrary to that at which they want to arrive. There are very few people in this community outside the bookmakers themselves who can prove conclusively just what their gross profit is on a year's operation. But there are some facts standing out quite clearly like lighthouses, which cannot be disregarded. No member who has argued for an increase in tax has attempted to explain why, in Tasmania, after imposing a turnover tax of 2½ per cent,. they reduced it to 2 per cent.

Mr. Court: I do not think we have to explain.

The MINISTER FOR WORKS: Of course, but if the hon. member is fair he would know that all bookmakers could not afford to pay. Knowing the reluctance of Treasurers, who come by taxation, to give some back, I assume there must have been a very strong reason of some sort for the Tasmanian Government to make that alteration. I repeat that no one, and not even the member for Nedlands, has attempted to find out why that was done, or to explain it.

Mr. Court: I did make an explanation of it.

The MINISTER FOR WORKS: No, the hon. member did not.

Mr. Court: Yes, I did.

The MINISTER FOR WORKS: What was it?

Mr. Court: The circumstances under which the Tasmanian bookmakers operate are entirely different from what applies in Western Australia.

The MINISTER FOR WORKS: That is not an explanation.

Mr. Court: It is. They have not the same possibilities of making money as our people have, because the same people operate in two places and there is a bigger opportunity to make money.

The MINISTER FOR WORKS: The hon. member admitted the on-course men make as much as the off-course men.

Mr. Court: If a man could do both, his opportunity is greater than when doing one.

The MINISTER FOR WORKS: The hon. member is illogical. It is percentage which is involved, not volume. The fact remains that in Tasmania the Government made no attempt to reduce the turnover tax on on-course operations but it reduced the tax from 2½ per cent. to 2 per cent. on the great bulk of the business carried out by bookmakers off-course.

Mr. Ross Hutchinson: What time do they shut the s.p. shops there?

The MINISTER FOR WORKS: There is a lot of wrong thinking in that connection, even though it has no bearing on this question at all. Within a 15 mile radius of where the race meeting is being held the bookmakers close their shops at 12 noon and immediately go to the racecourse and commence operations there, but in other districts they do not close. Therefore, I do not think that would affect the position very much. It is very significant that nowhere does the tax exceed 2 per cent. in Australia. If all this money is to be obtained from bookmakers, what are the other Treasurers doing and why did the Treasurer of Tasmania forgo a ½ per cent? I submit there is an obligation on every man who argues for a greater tax to explain that away. In South Australia there is a Liberal Government in control and the turnover tax is 2 per cent. No attempt has been made by the Treasurer in South Australia to take advantage of this large volume of money which is supposed to be existent.

Mr. Wild: How much is off-course in South Australia?

The MINISTER FOR WORKS: It would make no difference.

Mr. Wild: Of course it would, and you know it.

The MINISTER FOR WORKS: It would make no difference to the bookmaker operating in Port Pirie whether there was a bookmaker licensed in Adelaide because there are licensed bookmakers in Port Pirie sufficient to do all the off-course business there, and I submit that their financial experience could be taken as a criterion of what would happen in similar towns throughout Australia if similar facilities existed.

Mr. Court: Do you know what would be the highest turnover by any single bookmaker in Port Pirie?

The MINISTER FOR WORKS: No, I do not. I have the total figures for South Australia, but it makes no difference.

Mr. Court: If I am allowed to speak again, I will explain.

The MINISTER FOR WORKS: The bookmakers would have the opportunity of their experience to make their case, so there are these two facts standing right out, which members opposite have made no attempt to explain. If it is possible to get 3 per cent., 4 per cent. and some have suggested 5 per cent., it is a most remarkable thing that in Tasmania, after having imposed 2½ per cent., the Government should reduce it to 2 per cent. It is also most significant that no attempt has been made in South Australia to increase it from 2 per cent. to something else.

Mr. Wild: Would the Minister tell the Committee what percentage of off-course taxation goes to the clubs?

The MINISTER FOR WORKS: That has nothing to do with this question. The argument here is what is a fair rate of tax to levy upon the bookmaker.

Mr. Wild: So that more money can be given to the clubs.

The MINISTER FOR WORKS: The amount of money that goes to the clubs has no bearing on this question whatever. One might as well argue that the rate of tax the Commonwealth imposes on the member for Dale, ought to be related to the amount which the member for Roe may make as a contribution to the Royal Perth Hospital.

The Treasurer: That is a curly one.

Mr. Court: The Income Tax Act is complicated enough.

The MINISTER FOR WORKS: The Betting Control Board of South Australia keeps a wonderful record of betting activities in that State both on and off the course. They are obliged to do that because in that State a tax is imposed upon the bettor as well as upon the bookmaker. Every winning bet is subject to a tax, and the winning bet is the amount the bookmaker has to pay away. It cannot be imagined that the bookmaker would falsify his sheets to show a greater amount of winning bets than he had to, because the tax is collected by him in the first instance from the bettor and paid by him to the Government.

So one can assume that the bookmakers' sheets in South Australia faithfully show the amount of winning bets in that State. They must also show the total volume of business done. It is a very simple matter to subtract from the total turnover the amounts paid back to bettors in winning bets, and one has the amount which is left in the bookmakers' books. A simple arithmetical calculation will enable one to arrive at the percentage, and that is what the Betting Control Board has done. In no instance and for no year have percentages been shown anywhere comparable with what members opposite have stated.

Mr. Court: One year in South Australia does.

The MINISTER FOR WORKS: No.

Mr. Court: Yes, it does.

The MINISTER FOR WORKS: The hon. member is talking of off-course operators; I am dealing with bookmakers as a class. I repeat the three points which I have brought forward. Firstly, in Tasmania, where off-course betting has been in operation for many years, the maximum tax is 2 per cent. after a reduction. Secondly, in South Australia the tax is 2 per cent. and on top of that the percentages are quoted in the report of the Betting Control Board as being the results of the operations of betting in those States. Had the member for Nedlands wanted to present the true position, he would have obtained the latest South Australian figures instead of selecting the most favourable year from his point of view.

Mr. Court: You had the only copy in this State.

The MINISTER FOR WORKS: It is the property of this Parliament.

Mr. Court: I asked and was told you had the only copy.

The MINISTER FOR WORKS: The hon. member had only to ask an officer of this Parliament to obtain a copy, and if that gave no results, he could have asked for a loan of mine, but that would not have suited him.

Mr. Court: It would.

The MINISTER FOR WORKS: He preferred to ignore the latest information and select that which lent colour to his argument.

Mr. Court: I also took the year before that.

The MINISTER FOR WORKS: The last year shows a substantial falling off in the bookmakers' results. Members opposite assert that bookmakers can pay so much, but the facts so far are against them, because if their assertions were true, the Treasurer of Tasmania would have deliberately given up revenue that he should have obtained.

The CHAIRMAN: The Minister's time has expired.

Mr. COURT: I dealt with this matter when the Minister was absent from the Chamber, but I put forward cogent reasons why the experience in this State must be divorced from that of the other two States. South Australia is a comparatively small State.

The Minister for Works: Their population is as big and it is the population that bets, and not the country.

Mr. COURT: If the Minister examines the bookmakers' turnover there, group by group, he will find that it partly explains why the main bookmakers in this State could pay more. We have advocated a graduated scale beginning at 2 per cent. and working up, and that is equally pertinent in South Australia where off-course bookmakers are restricted to Port Pirie.

The Minister for Works: The on-course bookmakers here show that those with the smallest volume of business make the biggest percentage profit.

Mr. COURT: The Minister has agreed that the on-course bookmaker is in a different position from the off-course operator, and we cannot mix the two up as that is what has confused the Tasmanian position. South Australia is not comparable as the activity there is limited. The experience of interstate betting varies considerably from that of local betting.

and so does that with regard to Tasmania and South Australia. The Minister has never explained the riddle of the tote.

The Minister for Works: It is no riddle.

The Treasurer: Why have the bookmakers lost heavily on the last three Saturdays while the tote has continued merrily?

Mr. COURT: The Minister will not answer the riddle.

The Treasurer: The tote cannot lose.

Mr. COURT: Neither can the Government, with the 7½ per cent. that it gets from the tote.

The Minister for Works: I am surprised at an intelligent man putting forward some of your arguments.

Mr. COURT: An analysis of the result of the tote indicates that the bookmakers have a bigger margin than the Minister will admit. He claims they have a 7½ per cent. gross margin.

The Minister for Works: I said I had an opinion about it.

Mr. COURT: I have a newspaper cutting to the effect that the Minister claimed they make 7½ per cent.

The Minister for Works: I simply said that, on the facts available to me, I thought they made that percentage but that no one apart from themselves could prove it.

Mr. COURT: They claim they make 10 per cent.

Mr. Heal: Who claims that?

Mr. COURT: The premises bookmakers. They claimed that in their written submission to the Opposition. I consider they can pay more.

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

A committee consisting of Mr. Court, Mr. Lapham and the Treasurer drew up reasons for not agreeing to the Council's amendments.

Reasons adopted and a message accordingly returned to the Council.

BILL—BELMONT BRANCH RAILWAY DISCONTINUANCE AND LAND REVESTMENT.

Second Reading.

Debate resumed from the previous day.

MR. TOMS (Maylands) [9.40]: I discussed this question with you, Mr. Speaker, as the member most affected because this railway passes through the electorate you represent. I hope the House will not be alarmed at this closure as the line has, in fact, been closed for a considerable time. At one stage the bridge started to deteriorate and it was necessary to operate on one line only.

Since then, as the Minister pointed out, a fire occurred with the result that for over 12 months no train has used that line as it would cost a very large sum to put the bridge in order. Another point is that the proposed regional road will come through just north of the existing bridge and will do away with the need for the bridge as it will cross the line in Bayswater in the vicinity of Brady's new plaster works. I support the second reading.

MR. HEARMAN (Blackwood) [9.44]: I support the second reading. As the member for Maylands said, on occasions the Railways Commissioners can discontinue a service without reference to Parliament, but a point I hope the Minister will deal with when replying is that this is portion of the proposed chord line and there is on the statute book a measure authorising the construction of that line. Now we are asked to dispense with what would have been portion of the new chord line.

I know that the Act authorising the construction of that line has not yet been repealed. I believe there are proposals for the construction of the marshalling yards. I also understand that some of the land originally resumed for that purpose has been handed back to the previous owners or otherwise disposed of. However, I do not know whether that is correct. Nevertheless, this will give the Minister an opportunity to let the House know what the intentions of the Government are.

It raises a doubt in my mind as to what is going to happen to all the land resumed by the Government for that purpose and which possibly will not now be needed because of the alternative suggestions contained in the Stephenson plan. I think it is possible that the question will be raised in the public mind with the discontinuance of this line. Therefore, this will give the Minister an opportunity to clean the matter up.

THE MINISTER FOR TRANSPORT (Hon. H. E. Graham—East Perth—in reply) [9.47]: Any discussion on this matter is purely academic. As this line met with some misfortune several years ago, it became a single-line operation and then towards the end of last year a fire burnt away part of the bridge, which resulted in the entire service being discontinued. This point is interesting. As there was only one regular passenger per day, members will gain some appreciation of the demand for the continuation of that railway.

Mr. Ross Hutchinson: Did you get any objections?

The MINISTER FOR TRANSPORT: Not as yet. I do not know whether that lone passenger has been walking or what he has been doing for the past 12 months or so.

In regard to the proposed chord line in the Bayswater-Welshpool area, it is now known that a different plan has been suggested by Professor Stephenson. It is true that some of the land taken away from

owners along the route proposed to be traversed by that chord line has already been returned to them.

I think I am right in saying, too, that a few years ago there was a line proposed to be constructed between Brookton and Armadale. All sorts of things have taken place notwithstanding, and I do not think any member in this Chamber would be game to venture the opinion that that line is likely to be constructed along the route authorised by Parliament. Some of these matters are mere formalities to be tidied up as the occasion warrants. This particular line is as dead as a dodo. There are no services being operated on it at present, nor have there been for the past 12 months and there is no demand for them.

All this Bill seeks is to give the Railways Commission the authority of Parliament to use the sleepers and rails elsewhere instead of leaving them where they are, as the commission would be compelled to do if this Bill were not passed.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed*.

BILL—FRIENDLY SOCIETIES ACT AMENDMENT.

In Committee.

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

Clause 1—agreed to.

Clause 2—Section 7A added:

Mr. HEAL: I move an amendment—

> That after the word "society" in line 20, page 2, the words "whether registered under this Act before or after the coming into operation of the Friendly Societies Act Amendment Act, 1956, which is" be struck out and the words "which was at the 31st day of October, 1956" be inserted in lieu.

During the second reading debate I briefly outlined the reasons why I would move for the deletion of these words. As I pointed out, if the amendment in this clause is agreed to, it will mean that the seven friendly societies' dispensaries now operating in this State will be restricted in their operations among members of the general public. If further societies come into operation in future years, they will be able to dispense prescriptions only for their members.

I think it is grossly unfair if one section of the community is allowed to open as many shops as it desires but another section is allowed to operate only on a restricted scale. In the legislation dealing with poisons and pharmacies it states that a chemist can operate only two shops. It also states that a chemist can have only one avenue by which he can dispense certain lines. It was indicated by the Chief Secretary in another place and the Minister for Works in this Chamber when he introduced the Bill, that this will prevent any new friendly societies from operating dispensaries.

However, after a perusal of the Act and obtaining legal advice, it appears that there is a legal loophole and these societies could open as many shops as they desire. I have spoken to the secretary of the friendly societies and told him of my intention, and he has no objection to it. Before the Bill was introduced in another place, he gave an assurance to the Chief Secretary that the friendly societies had no intention of opening up any more dispensaries in the future.

Mr. LAWRENCE: Although I do not oppose the amendment because there has been some agreement reached with members of another place, I fail to see why we should limit the operations of the friendly societies. There are only seven of them in this State, the last one, to my knowledge, having been registered about 25 years ago. It is obvious, therefore, that no further friendly societies will be registered, but it is possible that they could be, and it is my desire that they should be, allowed to do so.

If these words are struck out, it would mean that no more friendly societies could be registered. Today we have 400 registered chemists, 238 of whom are trade chemists, and the Act provides that there shall be only one chemist operating in a pharmacy, which means that there shall only be 238. What does that mean? It means that the difference between 238 and 400, which is 162, could represent the employers, so if we could extend the number of friendly societies, it would mean that some of these people, who are knowledgeable and very necessary, could be employed. This amendment limits the extension of the right to trade. I do not oppose it because the friendly societies have agreed to it.

The MINISTER FOR WORKS: It was never intended that the right to trade with the general public should extend beyond the seven existing friendly societies. It was felt that the Pharmacy and Poisons Act safeguarded the position adequately. Some doubt has been expressed on that matter and that was the reason for this amendment which, if agreed to, will set out quite clearly that the right to trade will be limited to the existing friendly societies. As that is in conformity with the intention of the Government when the Bill was introduced, I have no objection to the amendment.

I would point out that if in future the very unlikely occurrence of an additional friendly society being established were to take place, it could make application to amend the Act in order to receive the same benefits now to be enjoyed by the friendly societies. If it has a strong case I have no doubt that Parliament will extend the right.

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

Title agreed to.

Bill reported with an amendment and the report adopted.

Third Reading.

Bill read a third time and returned to the Council with an amendment.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 22nd November.

MR. MOIR (Boulder) [10.6]: I rise to support this Bill. I consider that the proposals contained therein are reasonable. Provision is made in the first part of the Bill for the reduction of certain of the penalties that were included in the Act a few years ago. Every reasonable person will agree that the penal provisions of the Act are very harsh indeed. Personally, I would prefer to see this amending Bill go much further than it does because there is absolutely no reason why some of the penal provisions inserted into the arbitration Act by the previous Government should remain in force.

During the debate, I was interested in the comments of the member for Nedlands when he compared the penalties contained in the Bill with the provisions embodied in an Act of his Government. If he examines the proposals brought before this House by his own Government in relation to the Industrial Arbitration Act he will find the penalties imposed were very harsh and entirely unjustified.

Mr. Court: Which penalties are you referring to?

Mr. MOIR: The penalties brought down by the amending Bill in 1952 by the McLarty-Watts Government.

Mr. Court: But they were only half of the penalties imposed by Dr. Evatt in the Commonwealth sphere.

Mr. MOIR: I have misunderstood the member for Nedlands because the penalties contained in this Bill are half those inserted by the Government in 1952. The member for Nedlands has described as a vicious penalty a fine of £500 provided under another measure, but yet in the amendment brought down by his own Government in 1952 the penalty of £500 was included in the arbitration Act. In my view there is no justification for such severe penalties.

Mr. Court: Why did the Commonwealth Government provide for a penalty of £1,000?

Mr. MOIR: When we consider the growth of arbitration, we find that it came into existence for the purpose of doing exactly as the title describes, to arbitrate. Previous to that, there were all sorts of turmoil and strife caused, on the one hand, by the employers, and contested, on the other hand, by the workers. For many years there were very serious industrial strikes in Australia and very harsh measures were adopted to suppress the workers who rightly demanded better conditions than those prevailing.

As a result of public opinion the system of arbitration was gradually introduced. Since then, as time went on, we find penalty provisions being brought into the Act. But they are not impartial because in looking through the Act we find that the majority of the penalties are aimed at the worker. One can see that practically all the provisions apply to the workers. There is only one instance I know of where they are applied to the employers, and that is in the case of a lock-out, which is not defined and very hard to prove.

We find that the offences which the worker can commit are clearly defined, and there is no trouble to prove them under the definitions contained in the Act. We find that the definition of some offences would infringe the rights of any citizen in a democratic country; that is to say, whether a worker will or will not work for an employer. I refer in particular to the definition of "strike." The Act defines it as follows:—

> A strike includes (i) a cessation or limitation of work or a refusal to work by a worker acting in combination or under a common understanding with another worker or person, and (ii) a refusal or neglect to offer or accept employment in the industry in which he is usually employed by a person acting in combination or under a common understanding with another worker or person;
>
> unless and until in any particular case the Court declares the particular cessation, limitation, refusal or neglect not to be a strike.

Here is a position where a worker need not necessarily be employed, but if he refuses to accept a job in an occupation usually followed by him, he can be declared to be a striker. That is one of the most astounding provisions to be found in any statute book of the Commonwealth of British Nations. There is no doubt about it. It is a most extraordinary position. Although there is such a clear definition applying to the worker, which is almost impossible to overcome when he

commits something in the nature of a strike, at the time when it was inserted into the Act the Government of the day refused to accept any amendment to define a lock-out. So they provided that there should be one law for the worker and another for the employer.

Is it any wonder, therefore, that the thinking worker feels that the dice is loaded against him when legislation of such a nature can be passed in a Parliament of this country? We find that the then Government of the day, which the member for Nedlands represents, felt that a penalty of £500 would meet the case—a penalty which he, the other night, described as vicious when it was applied to another measure. It is easy to understand why. I would agree that these penalties should be reduced considerably, if not cut out of the Act altogether, and I am certainly disappointed that the definition of a strike has not been amended or wiped right out the Act.

The member for Nedlands voiced quite a lot of opposition to proposals contained in this measure and he particularly mentioned the pastoral and agricultural workers. He objects to their being brought within the jurisdiction of the Arbitration Court. Why I would not know. I do not know on what he bases his objection at all or why he thinks these two particular types of workers should be excluded from the rules of arbitration.

Mr. Court: It is in respect of hours, is it not?

Mr. MOIR: The hon. member quoted at length from the Federal Arbitration Act. He should know that the Federal Arbitration Court has given awards that affect the hours of pastoral workers in other States, and surely if he upholds the Federal Arbitration Court, he should agree that where the Federal courts have seen fit to do this, the State court should also have the power. But, of course, as I have pointed out here before, there are some members who like to take certain sections of other Acts and say we should have them and the sections that would be beneficial to the people should not be taken.

The member for Nedlands also dealt with the question of preference. Provision is made in this Bill for the court to grant preference to unionists, but the member for Nedlands thinks that should not be done. He says it is compulsory unionism. I think it is a sound argument to say that when workers band together, set up a union, pay their money into it, take cases before the Arbitration Court and obtain an award to cover their industry, it is only right and proper they should say that members of that particular union should have preference of employment in that industry.

Mr. Court: Do you think a union should attract members by merit instead of by compulsion?

Mr. MOIR: We know a lot of things have merit, but people are not attracted to them. We have the person who refuses to face up to his obligations. He will dodge them on every opportunity he can and allow other people to foot the bill and pay the money out of their pockets to obtain something for him. He evades his responsibility, but he puts his hand out to accept any advantage obtained by that action. We cannot agree to that, because it is not morally right.

Mr. Court: That happens in many walks of life.

Mr. MOIR: It does not make it right.

Mr. Court: You do not make it compulsory because of that.

Mr. MOIR: It does not make it compulsory at all, because if that type of individual feels that he should not belong to a union, he can obtain employment somewhere where there is no union.

Mr. Court: There won't be many such trades he can go to.

Mr. MOIR: He could create a place for himself.

Mr. Court: You would not compel a man to follow a particular form of religion or serve his country; you allow for the conscientious objector.

Mr. MOIR: That is not comparable to the case I have quoted. After all a man is not compelled to work in a certain industry despite the fact that we have a degree of regimentation in the Arbitration Court today. I say that the worker who pays for these determinations by the court has a right to first preference in employment where these determinations operate, and I do not see how anybody can justify the position where a person can come in to the exclusion of a person who belongs to that union and who has helped to bring about the conditions that apply in that particular industry. The person who has not assisted in the matter in any way and who does not belong to the union should not obtain employment ahead of the other worker.

The question of the basic wage brings up an interesting subject. Workers in this State have lost considerable sums of money because in the period from the 27th July, 1953, to the 9th August, 1955, there were no quarterly adjustments—no increases in the basic wage although the cost of living, as measured by the "C" series index, had shown considerable rises. Consequently thousands of workers in Western Australia were getting considerably less than they were entitled to. The amending Bill endeavours to correct this position by ensuring that it does not occur again. That is a fair and reasonable proposition.

In the proposals in the Bill an interesting position is disclosed in relation to the basic wage inasmuch as it is suggested that where, as a result of the figures

shown by the index, the basic wage decreases in the metropolitan area there shall be no decrease in the basic wage until the amount exceeds £1 4s. 1d. in the case of the basic wage for males, or 15s. 8d. in the case of the basic wage for females in that part of the State referred to in determinations made by the court under Subsection (1) of Section 127, as the metropolitan area. The Bill further states—

> exceeds nine shillings and eleven pence in the case of the basic wage for males, or six shillings and five pence in the case of the basic wage for females, in those parts of the State so referred to as the Goldfields areas and other portions of the State.

For some time statements have been made in the Press that the "C" series index is not a true measure on which to fix the basic wage. I would say that the position at present indicates that the "C" series index certainly operates against some workers in the State—the Goldfields workers. We find that the basic wage in the metropolitan area at the moment is £13 5s. 2d. and on the Goldfields it is £13 2s. 8d.—2s. 6d. lower on the Goldfields than in the metropolitan area. It is fantastic to think that living is 2s. 6d. a week cheaper on the Goldfields than it is in the metropolitan area, when we know that most of the food consumed there is taken from the metropolitan area and high rail freights are paid on it. It is unbelievable that these figures are a true reflection. I know that possibly rents play a part in the metropolitan basic wage, but rents on the Goldfields are considerably higher than they were a few years ago.

If the basic wage adjustments had not been suspended but had been given each time on the "C" series index, the basic wage in the metropolitan area today would be £14 9s. 3d.; in the South-West £14 0s. 5d. and on the Goldfields £13 11s. 4d. The Goldfields figure is considerably below that applying to the metropolitan area. This is fantastic. We find that under the provisions of the amending Act, if the basic wage decreased we would have decreases operating when the "C" series index showed that the basic wage should be £12 12s. 9d. and we would still have the metropolitan basic wage of £13 5s. 2d.

There is no doubt in my mind—I have held this view for a considerable time—that the statistician's office, when the figures are being collected on the Goldfields for the compiling of the "C" series index, does not obtain a true picture of the cost of living there. I understand that an officer from the Government Statistician's Department visits Kalgoorlie periodically and inquiries of traders there the prices they are charging for certain commodities and I can only assume that he is completely misled by some of them. I have been told in all seriousness that meat is cheaper on the Goldfields than in Perth, but how that officer could ascertain the correct price of meat in Kalgoorlie or Boulder without purchasing it over the counter, while no one knew who he was, I cannot say.

It would be no use his telling the butcher who he was and then asking the price of meat. As a matter of fact, one cannot buy meat by the lb. in Kalgoorlie or Boulder. The butchers there will not cut a lb. or two of meat. They cut it by the piece and the weight is always a bit over what one wants and the price is always a bit over, but evidently they tell the statistician's officer a price per lb.

Mr. Evans: And they do not give a docket.

Mr. MOIR: That is so. There is no record of what one pays for a piece of meat. Most of the meat is bought in competition with metropolitan buyers at Midland Junction and is railed to the Goldfields and slaughtered there. I just do not believe that it is sold on the Goldfields at a price considerably lower than that obtaining in Perth.

Mr. Court: Have you discussed the statistician's methods with your Government?

Mr. MOIR: It is the Commonwealth Statistician.

Mr. Court: Surely the State Government has some jurisdiction over him!

Mr. MOIR: I do not know what would be the position there, but considerable uneasiness exists on the Goldfields in regard to this question and no one there would agree that the basic wage should be £13 11s. 4d. for that area and £14 9s. 3d. in the metropolitan area. The member for Collie would find it hard to believe that the cost of living was nearly 9s. less in Collie than in Perth, assuming the adjustments to the basic wage had been made right through. Even at present there is a difference of 2s. 3d. per week in favour of the metropolitan area as compared with the South-West, although I think all South-West members would agree that the cost of living is higher in that part of the State than it is in the metropolis. In my opinion, the method of compiling the "C" series index operates against a large body of workers.

Another important question relates to the Arbitration Court. All sorts of propaganda is carried on in the Press on the pros and cons of questions before that court; but while other courts are hearing cases, such comment is banned and severe penalties can be imposed on anyone who presumes to direct one of those courts by newspaper propaganda or in any other way. Even in this House we do not discuss matters that are currently before our justices, and it is entirely wrong that certain people should be at liberty to indulge in Press propaganda in relation to cases before the Arbitration Court. That court

has power to inflict heavy penalties by way of fine or imprisonment for many offences under the Act and I think the kind of comment to which I have referred should not be allowed.

I can remember when a certain person in a newspaper made strong comments on something the Arbitration Court did and on the matter before the court. Yet the president, when it was referred to him, ruled that the person making the comment was at liberty to do so. To what extent people indulging in propaganda succeed in influencing the judgment and determinations of the court, I do not know, but I think that unconsciously the court is probably influenced to some extent by representations made in the Press and therefore I believe that we should legislate, if necessary, to prevent abuses of that nature.

There is always a barrage of propaganda designed to influence the determinations of the Federal and State Arbitration Courts and we see in the Press allegations that industry cannot afford to pay increases and that if granted such increases will be reflected in the costs of industry, and so on. Even after an Arbitration Court verdict is given, it is strongly criticised in public and in the Press but no other court would allow criticism of that nature.

Hon. Sir Ross McLarty: Both sides do it.

Mr. MOIR: We cannot expect one side to remain dumb while the other side indulges in such propaganda.

Hon. Sir Ross McLarty: The criticism does not all emanate from one side.

Mr. MOIR: There has been a barrage of criticism of the Federal Court for granting the increases that it agreed to, and that emanated from employers and business people.

Mr. Court: The workers viciously criticised the smallness of the amount.

Mr. MOIR: I suppose they thought they should have got more. When the Federal Arbitration Court gives an increase there is immediately a barrage of propaganda in the Press from interested people pointing out that the country will go bankrupt and that it cannot stand up to the added cost. But of course, the country is still floating along and, in my opinion, that is deliberately designed to influence the court. As soon as an approach is made to the court for an increase, it is highlighted and the request is branded as extortionate and out of all reason, inferring that if any judicial body was to grant such an increase it would be stupid in the extreme.

What sort of position would we have if we had our Supreme Court subjected to that sort of thing on cases it was hearing? What would be the position if there was a barrage in the Press saying what should or should not be done in the Supreme Court? Nobody would stand for that. But it seems to be quite all right when it is done in regard to the Arbitration Court. I have much pleasure in supporting the second reading.

MR. EVANS (Kalgoorlie) [10.41]: I wish to have a few words to say on this Bill but I would like to approach the subject with an eye to the cold light of reason and with a heart that will pump forth the warm blood of humanitarianism. Any law, or set of laws, dealing with industrial arbitration should be very sacrosant; they are most important laws because upon them depends the destiny of the people; our industrial arbitration laws affect the people of this State and the State itself as a virile partner in Australian nationhood. Therefore I say that our laws should be framed on a basis which will endeavour to sponsor harmony between employer and employee. Those laws should be moulded by human justice and they should be kept on a principle of live and let live. With that approach, I would like to speak to this Bill.

With much interest I listened to the remarks of the member for Boulder and I can completely endorse the viewpoint he put forward. As a member of the political party, and I emphasise "the" political party which pioneered and, indeed, created the industrial laws of Western Australia, I stand firmly behind the Arbitration Court as a means of adjusting industrial differences and determining industrial conditions. However, I think that it is manifestly wrong for such an Arbitration Court to be hamstrung by not being compelled to make quarterly adjustments to the basic wage, especially when the cost of living notoriously soars higher and higher.

It was a bad day for the workers when our State Arbitration Court, by its own decision resolved to suspend quarterly adjustments; therefore, I glady support this legislation which is designed to make those adjustments compulsory. When I say this I agree with the principle that those adjustments should be up or down according to whether the cost of living rises or falls. It is rather like the man with a bald head because it cuts both ways. The man with the bald head has less hair to comb but he has more face to wash. We must take the good with the bad, and if the cost of living goes up, accordingly, the basic wage rises. Also if the cost of living falls, then the basic wage falls with it and it is only human justice to have quarterly adjustments, particularly as the cost of living is rising all the time.

I would like to mention the basic wage in relation to our "C" series index and in this respect I heartily endorse the remarks of the member for Boulder. In my opinion, an explanation of the difference between the wage existing on the Goldfields today

and that existing in the metropolitan area could be attributed to the heavy weightings that are placed on individual items within that series as against the correct weightings which should be attributed. For example, I think the weightings on rent are much too high. I believe that food is the basic commodity of life and that a heavier weighting should be placed on it; then should come clothing and, thirdly, shelter.

With the member for Boulder I agree that there seems to be some fault in the method of obtaining the statistics and particularly the methods used by the officer of the Statistician's Department when he visits country towns. He goes into one shop and asks the prevailing price of such and such an article and, of course, it is very easy for the shopkeeper to get on the bush telegraph and tell everybody what is going on in the town. The news is quickly circulated. There is one interesting point, and this affects people in the district of the member for Murchison. People living beyond Kalgoorlie have their basic wage assessed on the wage existing in Kalgoorlie. The people in Kalgoorlie are badly off now, but I would say that the people in Leonora and those places further north are being forced to live on a wage which is leaving them in dire straits.

Mr. O'Brien: They suffer badly.

Mr. EVANS: Apart from the admirable features of our industrial arbitration laws, it is regrettable that the Act should contain sections which prescribe pecuniary penalties and penal servitude for members of unions who decline to accept employment in the terms prescribed by the court. I say that the right of every person to sell his labour is as fundamental to him as is the right of trial by jury. A few weeks ago members opposite were most verbose; they were most concerned and most ruffled and vigorously objected when they thought that a prices commissioner might interfere with the rights of business people. Yet they have been remarkably silent since 1952 when the rights of unions and the officers of those unions to conduct their own affairs were interfered with. Those officers have been penalised, but Opposition members have been most silent on the matter.

Mr. Court: Do you consider that Mr. Chifley was wrong when he brought that into the Commonwealth Act?

Mr. EVANS: I will tell the hon. member what I do consider. The member for Nedlands is a most polished person—he is always casting reflections on the workers and their representatives.

Hon. Sir Ross McLarty: That is not true, of course that is too silly. Do not be a baby!

Mr. EVANS: As a result of the 1952 amendments the workers are perturbed—

Mr. Court: You have not answered the question yet.

Mr. EVANS: —and justifiably so, because of these penal sections introduced by an anti-Labour Government. The Government that I support has done a praiseworthy job. It has not gone as far as I would have liked it to go—it has aimed for the stars and hit the roof-top—but next time we will aim higher. The Government has made an honest attempt to liberalise some of those sections and the penalties contained therein. As for the alleged necessity for maintaining sections prescribing stringent fines and penal servitude, I would say that those who advance the contention that they are necessary, are governed by prejudice; I would not say that they hold prejudice, or prejudice themselves but I would say that prejudice holds them. Most of them are misinformed, or just badly prejudiced against the welfare of the worker.

Mr. Court: Do you think that penalty clauses should be taken out of all legislation where people, human beings, just the same as the people you are talking about, are involved?

Mr. EVANS: I do not like penal clauses of any kind. This Government has made an attempt to inject a reasonable dose of social justice into this legislation. I hope that will meet with the pleasure of the member for Nedlands. Members of the Opposition perpetrated the great crime of introducing these penal clauses and the responsibility is upon their shoulders. It reminds me of that old Arabian saying—

Mr. Court: You have not answered the question I put to you previously in regard to Mr. Chifley introducing these amendments.

Mr. EVANS: That old Arabian saying was: "A fool can throw a stone down a well, but it is often very difficult for 100 wise men to withdraw it." I throw that remark into the laps of the members of the Opposition who were responsible for introducing these stringent clauses in the dak days of 1952. The Government has liberalised these clauses and the worst we can do is to labour them, but that is what the members of the Opposition would like to do. I would like to see them removed altogether. However, we have to be content with small mercies and if we cannot get the bosses off our backs, at least we can get them off our necks. As these clauses remain today, they are harsh, unconscionable and, in my opinion, are a disgrace to the 1956 vintage of modern conditions.

Mr. Court: Even the Minister for Labour is smiling.

Mr. EVANS: I am glad of that. I would now like to deal with the individual clauses of this Bill. It is proposed to amend Sections 40 and 42 so that they will read as they did prior to being amended in 1952 by the McLarty-Watts Government. The essence of this particular amendment is designed to bring about industrial harmony between the employer

and the employee, and to allow of a reasonable chance of this being achieved. The aim of the Industrial Arbitration Act is to bring about harmony between the employer and the employee. It is our honest opinion that these clauses should be liberalised and remodelled in the light of human justice, to do just that.

As these sections read at the moment, after the attack made upon them by the McLarty-Watts Government in 1952 or, should I say, after "the Assyrian came down like a wolf on the fold," the Arbitration Court would be hamstrung. The aim of the previous Government, of course, was to harass the worker, to destroy the solidarity among the working class and to breed dissatisfaction. The true purpose of the court is frustrated; that is, it cannot create conditions conducive to a fair day's work for a fair day's pay. However, in the clauses which were amended by the anti-Labour Government in 1952, those conditions were removed.

Mr. Court: Such as what?

Mr. EVANS: I can mention the fact that the boilermakers' union was badly victimised by the introduction of one of these particular clauses. A worker was compelled to sell his labour. If he did not do so, it was "or else." We have no legislation on the statute book which lays down that a shopkeeper must sell a certain type of goods "or else."

The Bill proposes to add a new section, Section 71A, which relates to preference for unionists. This principle is as equally important to an employer as to an employee. I would like to approach this question along a different line of thought from that followed by the member for Boulder and possibly by those members who will follow me. As I have said, this principle is just as important to the employer as it is to the employee, especially when it is associated with the slogan we have adopted in this State, namely, "buy local produce," or, in other words, we should show preference for W.A. goods.

This new provision aims at consolidating prosperity and security and bringing about economic stability and contentedness, not only for the worker but to all engaged in industry in this State. There are none so blind as those who refuse to see and so doubtless Opposition members, because of their traditional hatred of unionism will oppose this measure. However, if the workers are contented, they will give of their best and if they know that everybody is pulling together they will naturally give of their best, and the employer is the one who will benefit thereby.

It is proposed to amend Sections 123 and 127 of the principal Act, which sections relate to wage justice. The amendment to the former section is aimed at bringing a small ray of sunshine into the life of the apprentice—that small person who has been badly neglected and who has been often spurned and forgotten. The proposed amendment intends to give the court an opportunity to declare a percentage of the full tradesman's wage to be the wage of the apprentice. This will be the means of encouraging the best type of lad to enter these trades, the members of which will play a most important part in the future of Western Australia. We are becoming more industrialised every day, and we must have these trained personnel to keep the wheels of industry turning.

I congratulate the Government on its foresight and its sense of social justice by proposing to grant to the apprentice something which has been denied him for so long. The amendment to Section 127 will make it compulsory for the court to declare quarterly basic wage adjustments, about which I spoke earlier. If this is agreed to, the action of the court will cut both ways. During the depression years anti-Labour Governments throughout Australia clamoured for such adjustments and due to the periodic review conducted by the court, these adjustments were made to reduce the basic wage. However, when the basic wage was stabilised and it began to rise with the announcement of the quarterly adjustments, the anti-Labour Governments forgot the clamour that they had made to the court previously to have these adjustments effected.

The Bill proposes to insert a provision setting out that any increase in the basic wage will be reflected in the quarterly basic wage adjustment. At the same time it is proposed that if the basic wage drops, the court will be compelled—if the statistician's figures justify it—to reduce the basic wage. The member for Boulder said that, as far as the Goldfields are concerned, the court shall make no reduction in the case of a male worker until the amount to be so reduced reaches 9s. 11d. and the amount for females, 6s. 5d.

Another progressive move is planned in this Bill by adding a new Section 136A with two subsections. This proposes to give union officials the right, at all reasonable times—and reasonable times are so defined—and without undue hindrance to the employer, to visit the employees at their place of work. For the benefit of the member of Nedlands, I wish to say that we are anxious to meet the employer on an equitable basis to iron out any problems on the spot to prevent any industrial trouble from arising. I am certain that this clause will help to bring about industrial harmony and create contentedness among the workers.

If we can only bring into operation the machinery of industrial harmony, it can be so geared as to provide happy relationships for all concerned. We have proved our case. I have read the speech made by the member for Nedlands and I can

only hope that, having proved our case, members of the Opposition will be able to prove theirs; because we believe that a whole-hearted effort on both sides to do something, not only for the worker, but for the State of Western Australia, will produce a piece of legislation that will in later years be noted by the integrity, understanding and goodwill not only of the workers but of everybody in this State.

MR. PERKINS (Roe) [11.1]: When I listened to the member for Kalgoorlie speaking, I began to think that perhaps one should have a much closer look at the provisions in this measure. I can hardly think that the Minister would have been pleased at the support given him by the hon. member who has just spoken. It does seem extraordinary that any member of this House should adopt such an irresponsible approach as the member for Kalgoorlie has displayed towards a question which is of such great importance.

Mr. Evans: That is your opinion.

Mr. PERKINS: One expects to hear that sort of speech on the domain at Sydney or on the Yarra bank at Melbourne; and when I heard the member for Kalgoorlie make reference to Syria, I wondered how much longer he was likely to remain a member in this House.

Hon. J. B. Sleeman: You will be surprised.

Mr. PERKINS: Does the hon. member mean that the member for Kalgoorlie is going to Syria! I have no objection to his going to Syria. Some of the sentiments he has expressed would be well received in that particular country at present.

Mr. Evans: I am glad I have given you something to speak about.

Mr. PERKINS: When dealing with this legislation we must realise that although it is easy to voice a desire to help workers in a particular part of industry, one must also remember that if it is going to raise the costs in that industry, it would not only have ill effects on the employers but it would also affect the employees of that industry.

Surely all members must have given very careful consideration in the last year or two to statements made by very responsible public men and economists in relation to the dangers of the continual rise in the costs of production in Australia! More and more of the products that Australia has been accustomed to export and on which she has earned overseas exchange, are having difficulty in holding their markets in the various countries of the world where it has been customary to send them.

We have also been told by responsible officers of Federal departments as well as by the Ministers in charge of those departments, that as the years go by, it will be impossible for the primary industries to earn all the international exchange required to keep Australia on a proper economic footing. It has been stressed that more of our secondary industries will have to produce goods of quality at a price to enable them to find markets overseas, and so earn the international exchange necessary for vital imports to keep those industries functioning, as well as for the general needs of the Australian public.

Mr. Potter: It is the responsibility of management.

Mr. PERKINS: I agree that management has its part to play, but surely if we are going to have an irresponsible approach by members of this House which gives directions to the Arbitration Court as to how it shall act after it has given very careful consideration to a particular application for a variation of wages and conditions in an industry, then we are getting on to very dangerous ground indeed. It is because of that approach by some members of this Chamber that I rise to speak.

I do not wish to deal with the particular clauses in the Bill, because I have no doubt there will be plenty of opportunity to debate them during the Committee stages. But I would like to stress that there is this danger in any legislation that we pass—which is liable to increase costs—of aggravating the difficulty that Australia is facing at present. As I have said, that can be just as serious for the employees of a particular industry as it can for the employers. Once an industry becomes uneconomical, it becomes impossible for it to pay better wages and to provide better conditions for its employees irrespective of what legislation is passed by any Parliament in Australia.

Once we close the margin too much then, of course, those who are responsible for running that industry will find it impossible to expand it, or perhaps even to maintain it. There seems to be a rather complacent feeling in the minds of many members in this Chamber, even at present, that primary industries are still quite prosperous and can carry further imposts. I say quite definitely that the red light is showing, and that there are many marginal producers who are finding it difficult to carry on profitably at the present time. Members will find that expansion will cease unless that position can be rectified.

I can see dangers ahead and I do not think any member should approach legislation of this kind in an irresponsible manner. I heard the member for Nedlands ask the member for Kalgoorlie, while he was speaking, if the latter thought Mr. Chifley was wrong. Mr. Chifley, of course, was a Labour Prime Minister, and I think those of us who did not share his political opinions and who disagreed with him rather strongly at times, at least had a great deal of admiration for his force of

character, and the way he went ahead with a particular policy once he was convinced it was right.

Surely if Mr. Chifley thought it was necessary to have some of the disciplinary provisions in the Federal legislation, that must be an indication that there is a necessity for some of those provisions in the legislation we are now considering. I do not wish to say any more at this juncture. We need to give more consideration to this matter than has been given by the member for Kalgoorlie. Members on the Government side should not lose sight of the fact that if the result is to raise costs in industry to any degree, the economic position of Australia can be aggravated.

MR. HALL (Albany) [11.11]: This Bill to amend the Industrial Arbitration Act is based on very sound reasons. We should start off, first of all, with the objects of unionism. They are to watch over, improve, foster and protect the interests of its members, and to improve the social and economic position of them by lawful means. Furthermore, they seek to render pecuniary and other assistance in repelling any infringement, or attempted infringement, of the rights and privileges of its members.

In considering the progress of the working classes, little has yet been said of the growth of trade unions, but the movements have been certainly keeping pace with one another, and there is a prima facie probability that they are connected, each being at once a part and a consequence of the other. We have already noticed how the first endeavours of the new workmen's associations or unions at the beginning of this century were directed to securing the enforcement of labour laws. But these, no less than the ordinances of the old guilds, are unsuited to the modern age of mechanical invention.

Early in the century the unions set themselves to win the right of managing their own affairs, free from the tyranny of what used to be called the combination laws. Those laws had made a crime of what was no crime, that is, the agreement to refuse to work, in order to obtain high wages. Men who know that they are right in their purpose, care little for the additional criminality involved in the means they adopt to achieve that. They know that the law in the old days was full of class injustice, but, step by step, the old laws have been repealed until now nothing is illegal, if done by a workman which would not be illegal if done by anybody else. The law no longer refuses to protect the property of the unions and with that freedom comes responsibility.

Whilst violence and intimidation went out, and rightly so, unions in the main selected for their leaders able and far-seeing men, and under their guidance the modern organisation of unions has rapidly developed. Today if we are to achieve harmony and good relationship between employer and employee, it will be necessary for the leaders and the management to work much closer in harmony. I do not believe that the threat of the penal clauses help very much, and if not eliminated, they should definitely be reduced.

Union leaders taken all round are usually keen to avoid disputes, and it is in the interests of both management and worker to get to know each other better, that the ablest unionists recognise the general solidarity of their interests with those of the employer. Far from needlessly hindering the employer in his business, they do all that they can to make it work easily, but still retaining their strategic advantages in bargaining. Their action as a whole tends to improve the character and increase the efficiency of labour. These benefits outweigh any harm that unions can do. Strikes are generally discouraged by the best unions and the better organised the union, the smaller is the chance that a local quarrel will mature into a strike of any consequence. The direct expenses of strikes are of small importance relative to the policy which they support.

So it does appear, however, that the proposed amendments are designed with the object of minimising monetary penalties for offences against the Act and deleting all reference to prison terms for similar offences. For this the Government is to be commended because, after all, the Act is an industrial and not a criminal piece of legislation. Therefore any penalty provided in the Act should be in the nature of a deterrent only, and should in no way be onerous or repressive. In an industrial Act of this nature designed for the prevention and settlement of industrial disputes, the contents should be aimed at, and the emphasis placed upon, conciliation rather than arbitration combined with repressive penalties. I would urge the House to support the Bill.

The repeated calls by the Commonwealth Government are for greater co-operation between management and labour and to increase production in order to achieve greater stability in the national economy. To get this result we must first have contentment among the workers. They will not respond to the big stick. It is to be noted that the Bill proposes to insert a provision enabling the court to grant preference to unionists. I believe this to be a progressive step. It will be argued from the Opposition benches that this clause will be harmful to employers, that it will create some imaginary evil in the community, deprive workers of their freedom to join or otherwise, and all the usual stock-in-trade arguments about undermining democracy, etc.

The plain fact is that the operation of preference will remove one of the greatest causes of dissatisfaction in industry. As most members should know, nothing creates greater dissatisfaction, bad feeling and bitterness than the presence in a well-organised factory or mill of a few disgruntled and selfish people who will always be first in for benefits, so long as the other fellow pays for them. Members who have been connected with industry for any length of time will understand this when I say that I have seen a firm grow from obscurity into brilliance. I say, with a lot of feeling, that the co-operation between the union and the management in that firm left nothing to be desired. I support the second reading.

MR. CROMMELIN (Claremont) [11.19]: I do not intend to hold up the House to any great extent in speaking to this Bill. I wish to refer to some of the clauses with which I am familiar. The question of penalties appears to be all-important. In a State like Western Australia where for a great number of years, with the exception of one occasion, we have been very free of industrial problems, the writing down in a document of large penalties is not as severe as it might be in a state which is more prone to industrial troubles.

The clauses in the Bill intend to take a lot of the effectiveness out of the penal clauses by reducing the maximum penalties imposed, more often than not, by half. These penalties were incorporated to encounter such offences as refusing to supply the court with membership records or hindering the court's inquiries when union ballots came under suspicion. They were inserted in 1952, I think, as a result of the metal trades strike. I would draw attention to the fact that this strike did not originate in Western Australia, but was engineered by some means from outside the State.

However, once these penalties were imposed the strike did not last for a great deal of time. After all is said and done, it is not only the workers who suffer when a strike is on. Of course, the employer suffers but there are lots of other workers who have no connection with the strike whatsoever who have to suffer with those who are on strike. More especially do those who are married, with families to maintain, suffer the penalty of being out of work, caused by another union on strike.

In the last four years I am sure we must agree that most of the unions in this State have had quite reasonable gains and have not suffered any inconvenience in regard to these penalties. The other clause on which I intend to speak is that in regard to the agricultural and pastoral industries. It is not permitted by the Act for the court to limit hours in this respect. This may seem hard, but at the same time when such occasions come along as harvesting, when faced with heavy rains and a limited time in which to do it, the average fellow who works on a farm gladly does it, providing he is getting fair treatment from his employer.

In most cases I think the farmer does treat his employee fairly. The same applies in the pastoral industry but not so much in the shearing industry, which is done by contract work and usually within eight hours. But there are difficulties in droving because work can only be done within a limited time. Members know that in certain parts of the North-West it is impossible to drove sheep after 9 or 10 o'clock in the morning, and it has to be done later on in the afternoon. Therefore we should adopt a reasonable attitude to that aspect of the Bill. Another clause which suggests that apprentices are to be paid an award rate in accordance with that of a finished artisan—

The Minister for Labour: No, you want to read the Bill. I told the same thing to the member for Nedlands.

Mr. CROMMELIN: I attempted to read the Bill and understood from it that we were endeavouring to bring the wages of apprentices on to a basis proportionate with that of a tradesman. In the country districts there are a lot of young men under the age of 21 who go to farms and stations in the hope that one day they may be in a similar financial position to their parents, and they themselves become farmers. I did myself at the age of 15½ years, and in that respect I would point out to members the great risk that farmers take in these days in teaching young boys.

If a boy puts a tractor in the wrong gear and pushes over a fence, it costs a lot of money, and the same thing applies if a harvester is put out of gear. In that respect, I do not think it is possible to get down to the actual basis as to what we should pay a young man who wants to learn something. He is not only being taught a trade; he is being given the experience of a farmer both in regard to machinery and how to conduct a farm. It is entirely different from the man who wants to become a carpenter or experienced machine-hand, and that aspect, too, requires some consideration.

The only other clause on which I intend having anything to say is in regard to the right of entry to factories by union representatives. I have not had any experience of union representatives being refused the right of entry to factories in the metropolitan area. Mr. Phillips—I do not mind mentioning his name—of the Clothing Trade Union came into my factory at least twice a month and in the summer-time on the hot days, once a week. On no occasion was it ever suggested to that gentleman that we did not

want to see him in the place; he was always welcome. The same applies to factory inspectors, of whom some are women. They were at liberty to come in and tell us if anything was wrong at any time.

I feel that the cause of union officials or secretaries being refused entry, is, or could be, the fault of the union secretary. I think in most cases they are able to obtain entry at any time. I have found in my approach to union secretaries that if one treats them well, one gets very little industrial trouble. I feel that the suggestion that there needs to be a law to allow these fellows to come in at set times, is unnecessary. There may be cases where they have been refused entry, but perhaps they have used the wrong type of approach to the employer.

In our State today we have to get over these petty pinpricks if we are to achieve the harmony that is so necessary to enable us to produce quality goods at a marketable price. We should be proud of the fact that there is very little disharmony between the worker and the employer. I have not had a quarrel with a man or woman working in my factory, and that is because of the application of the principle that we should treat our employees as we would have them treat us.

We take, I think, an exaggerated view of some of these industrial matters. We always have the court to appeal to when there is a difference of opinion and on many occasions industrial troubles are only differences of opinion, and unfortunately those differences of opinion are not always brought about by the employees but by some other person who is telling them what to do from another State. A lot of our trouble can spring from this cause. I oppose the second reading of the Bill.

MR. O'BRIEN (Murchison) [11.32]: I am of the opinion that the Bill is eminently desirable for the workers and the people of the State. Back in 1952 I can remember when the Government of the day—the McLarty-Watts Government—brought down the legislation with the penalty clauses, which, in my opinion, were not altogether called for. Instead of trying to find the cause of a temporary dispute—

Hon. Sir Ross McLarty: We knew the cause all right.

Mr. O'BRIEN: Had the Government, instead of taking the action it did on that occasion, been more co-operative towards the strikers concerned, I am sure it would have achieved a successful result. The Bill proposes to reduce the penalties—I would like to see the deletion of them. The measure provides for preference to unionists, and rightly so, because if we have true unionists working under an award, surely they are entitled to protection, and the only protection they can have is to be covered by the award. These men are unionists because they are prepared to accept the Arbitration Court award. I think the member for Nedlands asked: Why should any person who requires work be debarred from gaining employment in a particular industry? Well, a man is not debarred from gaining employment in any industry. He is accepted in the industry, but he is expected to become a unionist.

The Bill deals with the regulation of piece-workers' hours and apprentices' rates. I feel that the matter of the apprentices' rates is one which will receive the support of the House. Instead of a progressive percentage, the court is to fix a percentage of the tradesman's rate in the trade in which the apprentice works. This provision is quite clear, and it is a very fair one.

The question of the basic wage has been well outlined by previous speakers and I feel sure that if the adjustments were made, we would have much more harmony in our community today. As we know, the basic wage was suspended in September, 1953—really speaking, from July—and if the amount shown by the index figures were included, it would make the basic wage about £14 9s. 3d. today. No basic wage decrease should take effect until at least the amount of £1 4s. 1d. is made good to the workers of the State.

Away back in 1925 and 1930, quarterly adjustments were provided for by the then Liberal Government. Today Liberal members seem to be very much opposed to such adjustments. The Bill is a substantial contribution to the workers and the people of the State, and I have great pleasure in supporting it.

HON. SIR ROSS McLARTY (Murray) [11.38]: Since the penalty clauses have been mentioned by several members—some of them calling them vicious and referring to the hardships inflicted as a result of the provisions introduced when my Government was in office—I would like to say a few words. I remember that at the time these clauses were introduced a great song and dance was put on by members opposite. They predicted that there would be dire consequences; that men would suffer severe penalties, and all the rest of it.

I recall, too, that an attempt was made to beat up mass meetings in the hope that they would be attended by overflow gatherings, but they were almost a complete failure. This showed a lack of interest on the part of the workers of the State in the provisions that were put into the legislation. What has happened from 1952 to 1956? What hardship has been inflicted on any workers as the result of the inclusion of these provisions? Why were they included? It was not to inflict hardship on workers, but to protect them. A little prior to the introduction of that measure, about the time of the metal trades strike, we had in progress in this State the most

unjustifiable strike that has ever taken place in Western Australia and that was the opinion of hundreds of workers with whom I spoke as I travelled about. I can remember numbers of railway men who expressed privately to me the view that that strike was completely unjustified.

It was a strike against what was known as the Galvin award, an award which did not apply in this State and I can recall certain unionsists discussing the strike with me. I asked why Western Australia had been selected as a place to try out the strike when the Galvin award did not apply here, and they replied that they thought this was the best State in which to give it a trial and that if they succeeded here, they would carry on the strike in the other States also. In those days I conducted almost all the negotiations with union representatives on behalf of the Government and I never refused to see the recognised union leaders, from Mr. Chamberlain, at the Trades Hall, downwards, but I did refuse to see certain communistic union leaders who came to this State to take part in that strike because I was firmly convinced that they had not come here to end the strike but to keep it going.

Mr. Lawrence: I asked you to intervene under Section 62, but you would not.

Hon. Sir ROSS McLARTY: That strike caused this State a loss of a colossal sum of money and the Government felt that the circumstances were such that certain amendments to the Arbitration Act were necessary. Those amendments were not made without our seeking advice from people we believed competent to give it, and we did not seek advice only from our own supporters or people who might be regarded as hostile to the workers of this State, and what hardships have those penalties imposed? I listened carefully to the speech of the member for Boulder, as I regard him as an authority on industrial matters. I have heard him on previous occasions condemn these penalty clauses but have never heard him tell the House where any hardship has been inflicted on any class of worker.

Mr. Moir: But it could be.

Hon. Sir ROSS McLARTY: Should that occur I feel certain that no arbitration court would inflict these penalties unless there was full justification for doing so.

Mr. Moir: In the way some of the penalty clauses are worded, the hardship is inflicted on the worker before he can get to the court.

Hon. Sir ROSS McLARTY: I have heard that argument before and I can remember the hon. member saying that a couple of men might leave a job and be charged with being on strike, but that has not happened and I do not think it ever will.

Mr. Moir: It could happen.

Hon. Sir ROSS McLARTY: Let the hon. member tell me about it when it does happen.

Mr. Moir: Something happened to you today.

Hon. Sir ROSS McLARTY: That is so. The member for Wembley Beaches said these were atrocious penalties but gave no example of where they had resulted in hardship. I understand he has been connected with unions for a long time but, apart from the usual sort of thing we hear about atrocious penalties, he gave no example of hardship.

Mr. Lawrence: What about Roche and Healy?

Hon. Sir ROSS McLARTY: I think we had better not get on to that subject. I suggest to the Government and the Minister for Labour that if the court inflicted severe penalties on the workers under these provisions, the Minister would be able to come to Parliament with a strong case for a reduction in the penalties. Even the Minister did not give a single instance of hardship having been caused, and I believe that over the year during which these amendments have been in operation they have had the effect of preventing a certain amount of industrial trouble in this State. The member for Boulder will admit that there is in Australia an element that has existed for some years and which has a disruptive outlook. We find that class of men in a number of unions, but fortunately they are in the minority. If they could get sufficient power, however, they could do a great deal of damage and could defy the law of this country. That is the class of man who could be affected by these penalties.

Mr. Potter: They are not only found in unions.

Hon. Sir ROSS McLARTY: Most of the other provisions of the measure have been adequately dealt with by the member for Nedlands, but I noticed a proposal to bring the agricultural and pastoral industries within the jurisdiction of the Arbitration Court, and I do not think that is a wise provision at present.

The Minister for Labour: Are you not prepared to leave it to the court?

Hon. Sir ROSS McLARTY: Shearers and workers in the pastoral industry are covered by Federal awards. I have here a letter from the Farmers' Union, which is representative of a large number of farmers, and which offers strong objection.

Mr. Moir: What award are they working under?

Hon. Sir ROSS McLARTY: This letter is dated the 26th September.

Mr. Ross Hutchinson: There is no limitation of hours there.

Hon. Sir ROSS McLARTY: It says—

> The manner in which the Government seeks to amend the above Act is noted from a copy of the Bill just received.
>
> We are particularly concerned with the proposal to delete from Clause 94 (c), the words "except workers engaged in the agricultural and pastoral industries." We do not know the reason the amendment has been put forward, but think that it may be for the purpose of enabling the State Arbitration Court to make an award covering employment of workers in the shearing industry.
>
> Some years ago the Australian Workers' Union, W.A. Branch, endeavoured by negotiation with this union, to have the State shearing award introduced and one of the provisions which the union wanted was that the hours of work under the award should be limited to 40 per week.

The Minister for Labour: The same as the Federal?

Hon. Sir ROSS McLARTY: The letter goes on—

> It was obvious, however, that the provisions of Clause 94 (c) of the Industrial Arbitration Act would not permit of hours being fixed for piece-workers and discussions on the matter came to a halt.
>
> In any case, we do not favour the introduction of a State award for shearers considering that the Federal pastoral award is sufficient in this respect, nor were we prepared to agree, even if it were possible, for the hours of work to be limited to 40 per week.

Mr. Moir: What limitation is there under the Federal award?

Hon. Sir ROSS McLARTY: I will finish the letter if I may—

> In the agricultural districts, it is customary for shearers to work 5½ days, and sometimes 6 days, per week, and we consider that this state of affairs should not be interfered with. if a 40 hour week was introduced, it would curtail the weekly output of the industry and there is already insufficient shearing labour to adequately meet requirements.
>
> Another proposed amendment is that Clause 127 shall be amended so that it will be obligatory on the court to amend the basic wage in accordance with the variations of the quarterly cost of living figures. We do not approve this amendment as we consider that the question of basic wage adjustment should be left to the discretion of the court.
>
> I am instructed to submit to you our viewpoint on these matters, so that you will be informed as to our attitude when the Bill is further debated.

Mr. Evans: Where did that come from?

Hon. Sir ROSS McLARTY: From the secretary of the Farmers' Union.

Mr. Evans: You are in the wrong union.

Hon. Sir ROSS McLARTY: I read the letter to show members the feelings of the Farmers' Union. At this time we have to be extremely careful—and the member for Roe said something about this when he was speaking—that we do not add to the costs of the primary producer. They are mounting rapidly at present and in quite a number of commodities we are getting close to the cost of production.

I read in "The West Australian" today a leader taken from the "Sydney Morning Herald" which had something to say about the price of wool and its upward tendency at present. Wool is bringing good prices at the moment but there is no real indication that it will continue to bring a good price because international conditions throughout the world are having their effect. The wool position could alter, and alter rapidly, and if there were a downward trend in the price it would have a very great effect upon the general economy of this State and the Commonwealth, and upon the farming community in particular.

As regards the quarterly adjustments to the basic wage, I think we would be well advised to leave the discretion with our Arbitration Court. If the members of that body were of the opinion that the workers were not receiving justice, they would see that justice was done. We know that wages are fixed on the basis of what industry can pay and I think at a time like this, we would be wise to allow a discretion to the Arbitration Court in regard to the quarterly adjustments of the basic wage.

If the court was of the opinion that a rise in the basic wage might bring about unemployment and might cause certain industries to shut down and would be detrimental to the economy of the State generally and make it hard for the Government, I think in the interests of all of us, the court would be justified in saying, "There will be no increase this quarter." As time progressed and the court reviewed the situation, it could, if it thought the ends of justice should be met, grant an increase.

I think that the speech of the member for Nedlands was a very thoughtful one and one which should commend itself to the House. I support the points of view which he put forward.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn—in reply) [11.56]: I do not propose to reply to the second reading debate at great length and

any member who wishes to debate it further can do so during the Committee stage, which I hope will be reached this evening or early tomorrow morning. However, I want to refer to a few matters that have been raised and I shall take the member for Nedlands first. I do not know whether he put forward his own viewpoint, but it appeared to me that he had a brief and he submitted it. He was quite entitled to do so; but I would suggest that the member for Nedlands should have taken the trouble to compare the amendments in the Bill with the provisions in the Act. I interjected when the hon. member was speaking and asked him whether he was sure of his ground. That was in regard to apprentices, and I shall deal with that point in a moment.

The question of preference was raised and anybody would think this was the first time an attempt had been made to introduce a preference clause into industrial arbitration legislation. He also spoke about the limitation of hours for workers in the pastoral and agricultural industries. It seems to me that the member for Nedlands, as he was quite entitled to do, was following a pattern of some interests who are determined to oppose any change.

Mr. Court: That is not fair comment. That was my own analysis of the Bill.

The MINISTER FOR LABOUR: That is what I believe.

Mr. Court: It was my own analysis of the Bill.

The MINISTER FOR LABOUR: I do not think it was; that is my opinion.

Mr. Court: I am telling you that it was.

The MINISTER FOR LABOUR: I have already said that the hon. member was entitled to be briefed by some interested people.

Mr. Court: I was not briefed at all.

The MINISTER FOR LABOUR: That is my opinion, and I believe it.

Mr. Court: Believe what? Your opinion.

The MINISTER FOR LABOUR: I believe the hon. member was briefed by some interests, and he was quite entitled to be. I think the hon. member should have read the provisions of the Bill for himself instead of being just a repeater for somebody who submitted a brief.

Mr. Court: You are not fair in your comments. I was not using anybody else's words.

The MINISTER FOR LABOUR: I just want to deal with a few points to show how illogical some members are and how superficial they are in regard to their opposition. It is quite apparent that they did not read the provisions of the Bill and I will deal with two items. The first is in regard to apprentices and I will repeat a phrase used by the Leader of the Opposition just before he resumed his seat. In regard to the basic wage he said, "I think it should be left to the discretion of the Arbitration Court." He was referring to the proposal to make it obligatory on the Arbitration Court to make quarterly adjustments to the basic wage. Will he deny that he used those words?

The Minister for Transport: He would like to.

The MINISTER FOR LABOUR: As regards apprentices, I interjected when the member for Nedlands was speaking and I said that the Bill did not contain what he was indicating to the House. The present provision states that the Arbitration Court can lay down a basic wage and can determine margins for the degree of skill in industry or the particular nature of the work being performed, the subject of an application to the court.

The court lays down a basic wage but for junior workers or infirm workers or apprentices it is entitled only to lay down a percentage of the basic wage. All that the Bill seeks to do is to give the court the right, if it *so deems* fit, to grant to apprentices a percentage of the tradesmen's rate. That is what the Bill does. If this measure passes as it is now, it will not be obligatory on the court to grant to an apprentice a percentage of the tradesman's rate. It will merely grant to the court the right to award such percentage if it so desires.

The member for Nedlands might have given a little thought to the Bill before he made his submissions. A Commonwealth court of inquiry that was held a couple of years ago took evidence which I read through and through. That evidence was taken by a judge of the Commonwealth court in all States of Australia and this follows along the lines of one of his recommendations. Yet members of the Opposition in this State try to mislead, either deliberately or innocently—

Mr. Court: There was no misrepresentation from this side.

The MINISTER FOR LABOUR: There was misrepresentation. As I have explained it now, that is the meaning of the provision in the Bill, but that is not what the member for Nedlands put up to the House. The court would not be obliged, to grant a percentage of the tradesman's rate. I will now deal with Section 94, Subsection (1), paragraph (c). The present section in the Act provides that the court could, by any award, do certain things. Then paragraph (c) reads something along these lines: "The court may by any award limiting the hours of piecework in any industry, except the pastoral and agricultural industries." All the Bill seeks to do is to give the court power to limit the working hours in the pastoral and agricultural industry. The clause will then read, "The court will, on

any award, limit the piecework hours worked by employees in any industry" or words to that effect.

If the Leader of the Opposition is prepared to allow the court to use its discretion in regard to the basic wage, why is he not prepared to let it use its discretion in regard to an apprentice's rate or the rate to be paid to pastoral or agricultural workers? Where is the logic of that? It make me sick to hear this sort of stuff being given out without the person who puts it over being sure of his facts.

I now propose to deal with the statement made by the Leader of the Opposition in regard to the Farmers' Union. I will say in advance that I do not expect the member for Roe to agree with me. At present there is a Federal pastoral award operating in Western Australia and the shearers and the shedhands work a 40-hour week. There are certain limitations in the pastoral award. Any farmer who has less than a certain number of shearing stands or who shears less than a certain number of sheep is not entitled to come under the Federal pastoral award. What the A.W.U. is seeking is to have the right to approach the State Industrial Arbitration Court for an award to cover employees in the agricultural or pastoral industries who are not bound by the Federal award and it will be for the court to determine whether, in the circumstances of the case, it should make a State award to cover those workers and employers who are not bound by the Federal award. This is leaving it to the discretion of the Arbitration Court, so what is wrong with that provision?

I think the member for Claremont said something about wet sheep and that they may not be dry until nine or ten in the morning. Any member who represents an agricultural area and who is acquainted with sheep should know that if sheep are wet they will take more than a few hours to dry. They would probably take a few days to dry.

Mr. Crommelin: I did not mention wet sheep.

The MINISTER FOR LABOUR: The hon. member mentioned dry sheep.

Mr. Crommelin: I referred to droving or the driving of sheep.

The MINISTER FOR LABOUR: It amounts to the same thing. The hon. member said that the workers might not be able to start until nine or ten in the morning.

Mr. Crommelin: I said they stopped at nine or ten in the morning.

The MINISTER FOR LABOUR: That is what I wanted the hon. member to say. Any one would think, from the remarks made by the member for Claremont and those made by the Leader of the Opposition, that the shearers are paid for the whole day but that is not so because they are employed on a piecework basis.

Mr. Crommelin: I was not talking of shearers at all.

The MINISTER FOR LABOUR: The hon. member was talking of sheep and where there are sheep, there are shearers.

Mr. Court: You are putting up a bad case. You misrepresented my remarks and now you are misrepresenting the remarks made by the member for Claremont.

The MINISTER FOR LABOUR: I am putting up a case that cannot be broken down. I will now deal with the question of penalties, but before doing so, I want to say that in regard to the letter from the Farmers' Union read out by the Leader of the Opposition, we have, in certain areas, several people who own a number of sheep and who are bound by the Federal award, but there are others who are not so bound. If this Bill is agreed to, all the union will be entitled to do is to apply to the Arbitration Court for a State award and it will be for the court to determine whether an award shall be delivered.

Dealing now with the question of penalties, I said before, and I repeat, that this Bill is not seeking to amend the Criminal Code; it is aimed at amending the Industrial Arbitration Act and human relationships are involved. The member for Claremont said that in this State, so far as he knew, there had been only one major dispute over a number of years. Records will show that the number of working days lost in this State due to strikes amount to a small percentage over the years. I have quoted figures in relation to that aspect previously and for the last 10 or 15 years there have been few industrial disputes among workers in Western Australia.

However, because of one dispute that occurred, the Government of the day panicked and showed itself in its true colours. The Leader of the Opposition has said that there have been no strikes since and he thinks that these savage penalties were responsible, to some extent, for deterring workers from breaking the industrial arbitration law, but such is not the case. The fact is that these savage penalties have been written into the Industrial Arbitration Act and still remain there and the unions know they are directed at them and they have every justification for asking for their removal.

Mr. Court: Why did your Federal counterpart put them into the Commonwealth legislation?

The MINISTER FOR LABOUR: I am not referring to our Federal counterpart in dealing with this Bill, but since the member for Nedlands has mentioned the Federal aspect, I will deal with that immediately.

Mr. Court: Why are you running away from the penalties?

The MINISTER FOR LABOUR: I am not running away from the penalties.

Mr. Court: You are. How do you explain the action of the Chifley Government?

The MINISTER FOR LABOUR: The Chifley Government determined its attitude from a Federal point of view. I am speaking from the Western Australian point of view and as a Labour member in this State. I do not care what the Commonwealth Labour Government put on the statute book. I believe that the penalties which were introduced into this legislation by the McLarty-Watts Government at the time showed up that Government in its true colours.

Let me now deal with the question of preference for unionists. I would like to give an opinion expressed by one of the leading Liberal members of the present Commonwealth Ministry. This is what Senator O'Sullivan had to say at the Dulwich by-election campaign in New South Wales on the 7th October, 1953—

> In fairness to the Labour Government in Queensland I point out that compulsory unionism has operated in that State for many years and has not worked to the disadvantage of ex-servicemen or employers. Compulsory unionism has worked quite satisfactorily and it has not the terrors for me that it might appear to have for some of my colleagues.

Section 40 of the Commonwealth Conciliation and Arbitration Act states—

> (1) The court, or a conciliation commissioner by its or his award, or by order made on the application of any organisation or person bound by the award may,—
>
> (a) direct that, as between members of organisations of employers or employees and other persons (not being sons or daughters of employers) offering or desiring service or employment at the same time, preference shall, in such manner as is specified in the award or order, be given to such members, other things being equal;
>
> (2) Whenever, in the opinion of the court or a conciliation commissioner, it is necessary, for the prevention or settlement of the industrial dispute, or for the maintenance of industrial peace, or for the welfare of society, to direct that preference shall be given to members of organisations as in paragraph (a) of subsection (1) of this section provided, the court or commissioner shall so direct.

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

Ayes	25
Noes	16
Majority for	9

Ayes.

Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Evans	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lawrence	Mr. May
Mr. Marshall	*(Teller.)*

Noes.

Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Andrew	Mr. Brand
Mr. Hoar	Mr. Thorn
Mr. Lapham	Mr. Mann

Question thus passed.

Bill read a second time.

In Committee.

Mr. Sewell in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 25 amended:

Mr. COURT: This is the first of the clauses seeking to remove the main body of penalties inserted into our industrial arbitration law of 1952. During the second reading we tried to convey the reasons why the penalties were inserted in 1952 together with other major amendments to the industrial arbitration law at the time. The Leader of the Opposition explained in some detail the circumstances surrounding the insertion of these penalties and the machinery inserted to deal with a new technique of strikes. It is no good the Minister running away from the Federal Labour Government in this regard because it is admitted by the Commonwealth Government of the day that the amendments were inserted in their arbitration law under pressure from the moderate, decent, right-wing unionists of the day.

Hon. J. B. Sleeman: What rot!

Mr. COURT: That is a fact. The hon. member was not here the other night when I read the quotations from Dr. Evatt —

Hon. J. B. Sleeman: I am glad I was not if that's how you are going to speak.

Mr. COURT: —who, under extreme pressure from moderate unionists of the day, brought down these penalties and this machinery.

Mr. Jamieson: That does not make them good.

Mr. COURT: The penalties in the Western Australian law were in the main one-half of those inserted by the Commonwealth Government.

Mr. Lawrence: What union are you a member of?

Mr. COURT: I am a member of the Musicians' Union; in fact, I am a life member. I know this is not very comforting to members on the other side but one has to study the background of this to appreciate its significance. I am at a loss to know why this Government wants to rush in and withdraw this machinery. I know that members opposite have said, "You objected to the penalties in the profiteering Bill", and so on. Of course, I objected to the form of the penalties that went in. Not only was it a fine of £500 and imprisonment, but there was also the branding of the affected person. Looking at the Companies Act and the vicious penalties contained therein for comparatively unimportant offences so far as economy and well-being of the State is concerned—

The Minister for Native Welfare: Look at the money these companies have got.

Mr. COURT: It is all very well for the Minister to make that remark but I would point out that those penalties apply to the smallest companies as well as to the biggest. He well knows that most of the technical breaches of the law are not made by the big companies, but by the small ones which have not the same machinery and staff to watch the requirements of the Act.

Hon. J. B. Sleeman: Tell us more about the right wing unions.

The Minister for Works: This is a bit like the devil quoting the scriptures.

Mr. COURT: If the Minister is adopting this as the scriptures, he should see that the Bill is withdrawn very smartly. I have already quoted the remarks made by Dr. Evatt, but I have no objection to doing so again. They are contained on page 1811 of the Federal Hansard of the 30th June, 1949. He said —

> The trade union movement itself has supported the proposal to pass this legislation. The Australian Council of Trade Unions which represents the opinion of the majority of organised workers in this country, has approved of the principle of this Bill.

Mr. Lawrence: That was the end of the financial year.

Mr. I. W. Manning: I remember the Premier of Western Australia, Mr. Hawke, calling on the people of this State to work like the devil for Dr. Evatt.

Mr. COURT: Dr. Evatt went on to say—

> Objections have been raised to the Bill in certain quarters, and I have no doubt that many honourable members have received a spate of telegrams from certain groups which object to the measure on the ground that it interferes with the right of members of trade unions to conduct their own elections. Of course, the Bill does nothing of the kind. When one reviews the history of parliamentary elections, one realises how baseless such a suggestion is.

Towards the end of his speech he said—

> We put this Bill forward as a step that has been approved by the trade union movement, which has gradually come to appreciate that trade union elections are entering a sphere which is as important to the well-being of the community as are elections for the Commonwealth or a State Parliament.

Mr. Moir: What has that got to do with Section 25?

Mr. COURT: It has everything to do with that section because at that time the Commonwealth Government had to insert a mass of machinery into the arbitration law to overcome difficulties experienced in settling industrial disputes.

Mr. Moir: Section 25 has nothing to do with industrial disputes. It concerns registration and membership.

Mr. COURT: The member for Boulder is showing unexpected ignorance of the subject because this particular matter is a very vital part of the machinery.

Mr. Moir: You are supposed to be talking about Section 25.

Mr. COURT: I presume the member for Boulder can have his say in due course. If he will take the trouble to study the Hansard report referred to, he will see that that provision deals with the whole machinery that was inserted into the Commonwealth law at the time. The Minister is seeking to reduce the penalty for each week of default from £5 to a penalty of £2. I quoted cases in the Companies Act which contain many provisions for the lodgment of returns and information, and in which the penalties imposed are not £2, £5, or £10 per week; but £2, £5, or £10 per day.

The whole of that Act is punctuated with penalties expressed as an amount per day, not per week. They have been in the Act since 1943. That state of affairs is accepted by the Government and has been accepted by us for many years. Government members have constantly referred to the penal provisions in legislation as being the maximum penalties, that the courts do not have to impose the

maximum, and that they will be reasonable about the penalties. We have accepted that proposition. From Clause 2 to Clause 10—

The CHAIRMAN: I would remind the hon. member that we are only dealing with Clause 2.

Mr. COURT: I am trying to save the time of the Committee by showing that all these clauses, from No. 2 to No. 10, are related and deal with penalties. I want to make my main protest on this clause and to make it clear to the Minister that if we do not divide on each and every one of the subsequent clauses it is because the discussion on Clause 2 is being taken as a token protest against the action of the Government. That was my main reason for referring to the subsequent clauses. I do not propose to go into detail when they are dealt with.

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

Ayes	22
Noes	16
Majority for	6

Ayes.

Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
	(Teller.)

Noes.

Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Andrew	Mr. Brand
Mr. Hoar	Mr. Thorn
Mr. Nulsen	Mr. Mann
Mr. Lapham	Mr. Ackland
Mr. Toms	Mr. W. Manning

Clause thus passed.

Clause 3—Section 36B amended:

Mr. COURT: This is a further clause seeking to reduce penalties and I feel I should make some special comment on this one. It amends Section 36B and it is interesting to read the Commonwealth 1949 counterpart which is Section 96B. The penalties in the Commonwealth 1949 amendment were £100 or imprisonment for 12 months or both. The penalty in the Western Australian amendments of 1952 were £50 or imprisonment for six months.

I invite members to note the difference between the Commonwealth and State amendments in addition to the difference in the actual penalty of money and imprisonment. The Commonwealth Act, Subsection (6) specifically says—

> An Act or decision of the Industrial Registrar under this section shall not be subject to appeal to the court.

In the State amendment made in 1952 we find that subsection (6) says—

> An Act or decision of the registrar under this section shall be subject to appeal to the court within the time and in the manner prescribed and the court may hear and determine the appeal.

Not only were the penalties in regard to money and imprisonment cut in half but there was a right of appeal in the State amendment, whereas the Commonwealth amendment moved by Dr. Evatt specifically said there would not be any appeal from the decision of the Industrial Registrar.

Hon. J. B. Sleeman: You have suddenly become fond of the Doctor!

Mr. COURT: I have not, and I do not think that will happen. But it is pertinent to note that this so-called champion of the worker has been very quiet about the trials and tribulations of the people in Hungary.

The CHAIRMAN: Order!

Mr. COURT: It is pertinent to refer to the inconsistency of attitude. The Minister has talked about the viciousness of these penalties but he does not refer to the sufferings of the people at the Poznan trials and riots; bread and freedom riots.

The Premier: What about going back to Rasputin?

Mr. COURT: This is more recent.

The CHAIRMAN: Will the hon. member keep to the clause.

Mr. COURT: I am discussing the penalty provisions of this clause because it does seek to reduce the penalties. We are opposed to this clause.

Mr. POTTER: I am supporting this clause. The member for Nedlands is constantly referring to the Commonwealth Act introduced by a Labour Government, but we must remember there was a particular set of circumstances existing at that time. If a Labour Government was in office in the Commonwealth sphere at the moment, most of these penal clauses would be removed and likewise we would have them removed from this particular Act. That is the reason why I have risen on this occasion because cognisance must be taken of the circumstances which caused the penal clauses to be inserted in the Commonwealth Act. I repeat that had a Labour Government continued in office, those provisions would have been taken out of the Act.

Clause put and passed.

Clause 4—Section 36H amended:

Mr. COURT: I have no intention of holding up the proceedings by going through the procedure of every clause unless the Minister desires it. If he accepts the fact that we are opposing every clause it will save the time of the Committee.

The MINISTER FOR LABOUR: I am under no illusion regarding the members of the Opposition; I know they are opposing all the clauses. They have indicated this by their speeches and it is therefore quite evident. In connection with the penalties, I do not believe that savage penal provisions in an Act of this nature are going to do any good in fostering harmony and goodwill between the employers and workers in this State. While members opposite say they have not been used to the detriment of workers in this State, the fact is that they are there, and we want them substantially reduced. I believe that if they are reduced—they will still be substantial in various clauses—it will not open the way for industrial disputes in Western Australia. I believe it will increase the goodwill and harmony which is desirable in a State like Western Australia.

Mr. BOVELL: During the past few years we have had, with the operation of the existing Act, industrial harmony in Western Australia and I believe it is the effect of the Act as it now stands which has maintained that industrial harmony. The Minister has just said that the penalties in the Act at present are too vicious and he desires to reduce them. I would emphasise the fact that they are maximum penalties and that the industrial position in Western Australia under existing legislation has been quite satisfactory. Therefore I feel that the move by the Government to have these penalties reduced is not in the best interests of industrial harmony in this State.

Clause put and passed.

Clauses 5 to 10—agreed to.

Clause 11—Section 40 amended:

Mr. COURT: This clause is tied up with Clause 16 and I prefer to leave the debate until we come to that clause. We are opposed to Clause 11 because it is consequential on the later one.

Clause put and passed.

Clause 12—Section 42 amended:

Mr. COURT: The same thing prevails here.

Clause put and passed.

Clause 13—Section 71A added:

Mr. COURT: This is the clause dealing with preference to unionists, and the Minister, if I understand his reply to the second reading debate, has now admitted that the intention of this provision is compulsory unionism.

The Minister for Labour: I did not say anything of the sort.

Mr. COURT: The Minister had better read his speech again because he came back to the question of compulsion.

The Minister for Labour: I did not.

Mr. COURT: Is the Minister now saying that he does not intend compulsion?

The Minister for Labour: I intend the clause as it stands.

Mr. COURT: Of course, it is compulsion. The Minister questioned my sincerity in presenting the case the other night and inferred that I had been briefed or that I was reading my brief. That is not the case at all. I have studied this in considerable detail. In view of his interjections when I was speaking the other night, I have obtained legal opinion on this clause which provides—

> Where preference of, or in, employment in an industry is mutually agreed by the parties to an industrial dispute or other matter before the court, or where an application for preference of or in employment of an industry is made to the court by an industrial union of workers, the court shall grant preference . . .

I ask members to note the words "of or in." They make a terrific difference to the clause. The legal opinion is emphatic that the phrase means, in effect, compulsory unionism.

Hon. J. B. Sleeman: If you changed your solicitor, you would get another opinion.

Mr. COURT: Not on this point. I would back this opinion against any that the hon. member can produce. If the hon. member brought six Q.C's. here and put them in six different rooms they would arrive at the same conclusion on this clause. The opinion, which is rather long, concludes as follows:—

> If a similar problem in Western Australia were decided by reference to the decisions of the High Court and the New South Wales Industrial Commission, then no doubt a provision for preference would not operate so as to compel an employer to discharge a non-unionist and replace him with a unionist. In our view, however, the Arbitration Court in Western Australia, relying on its previous decisions and that of the Full Court in the Masterbuilders case, would find in the proposed Section 71A authority to compel the discharge of a non-unionist and the employment of a unionist in his stead, which, as the Federal and New South Wales authorities suggest, goes beyond the proper conception of preference.

This is not a question of the Arbitration Court having a discretion to grant preference; the provision is that the court shall grant it.

Mr. O'Brien: The provision in the Bill is as fair as you can have it.

Mr. COURT: The hon. member wants to study the clause very closely. The first part of it provides that the court shall do this; that it shall grant preference.

The Minister for Native Welfare: Under certain conditions.

Mr. COURT: No. It provides that the court shall grant preference either by mutual agreement or on the application of a union, and then, as a second leg, it says that the court may do certain additional things. If the court in granting preference thinks there are other workers who should be brought into the sphere of preference, it has authority to add those people to the application. That is the situation that exists under the proposed new Section 71A. We regard this as a form of compulsory unionism and we are opposed to compulsory unionism.

Mr. MARSHALL: I think the member for Nedlands must certainly have a brief on this matter. He is clearly misinformed on the interpretation, despite the assertion that he has obtained legal opinion on it. He well knows that quite a number of unions already have preference in their awards.

Mr. Court: I know that.

Mr. MARSHALL: In the metal trades organisation we have a combination of unions associated in a common agreement. When an industry is, perhaps, established in a small way one particular union of the metal trades group may obtain an industrial agreement with it, and by so doing it is possible to have included in it the preference to unionist clause. As the business expands, it is possible that members of other organisations could go into the employer's establishment and as a consequence they would be parties to the award or agreement.

I take it that when other unions come into an industry where preference exists, the court shall apply that preference to them and I say there should be no objection to that. We hear much about conditions overseas and particularly in the U.S.A. we find that industrial organisations can obtain agreements with establishments and that it needs only 51 per cent. of the personnel in such an establishment to be members of the organisation and once the agreement is signed the other 49 per cent. are compelled to join the organisation. It is in the interests of the employer, where he is bound by an award or agreement, that all his employees should be members of the organisation concerned, as it leads to greater harmony.

Many unions have members working alongside non-unionists, but that does not make for good industrial relations as the unionists have to maintain the wages and conditions of employment and obviously the employer could dispense with the services of the unionists and employ non-unionists if he wished. With considerable experience of industrial relations, I cannot see why all awards do not contain this provision. The opposition to the preference provision when an award is before the court always comes from the Employers' Federation, although most Government awards and those of other big concerns contain the principle.

Mr. ROSS HUTCHINSON: Ostensibly the clause means preference to unionists but in actuality it means compulsory unionism. Its wording is intriguing when we come to "mutually agreed." Further on, the clause states that where an application is made for preference the court shall grant it, so there is no necessity for a mutual agreement.

Mr. Marshall: You appreciated the preference clause in the teachers' award.

Mr. ROSS HUTCHINSON: There have been elections won and lost on the principle of compulsion before today, because Australians do not like compulsion. Some people conscientiously object to this sort of thing.

The Minister for Labour: Are you in the Parliamentary Superannuation Fund?

Mr. ROSS HUTCHINSON: Only because I am compelled to be. The clause further states that the court may grant preference to members of such other unions as it thinks fit. The member for Nedlands pointed out the significance of the words "of or in employment," which savour of compulsory unionism. When asked by the member for Nedlands whether it meant compulsory unionism, the Minister merely said he stuck by his clause. I see no necessity for the clause and I oppose it.

Mr. LAPHAM: Members opposite have been keen to see that the penalty provisions of the Act remain and they are throwing on the trade unions the burden of seeing that union members comply with the Act. My experience over the years is that non-unionists can cause trouble in an establishment. The dissatisfied non-union worker stirs up trouble among union members until they are incited to act in a way contrary to the Act. There are irresponsible people who will not shoulder the burden but they should be compelled to accept their responsibilities and become trade union members.

The employer and the union go to considerable trouble to reach agreement either through the Arbitration Court or by consent in order to have harmony in an industry. As a consequence, where one or two individuals are not prepared to shoulder their responsibility, it means that they are imposing on others who are and it is entirely a wrong principle to support someone who is, in effect, a parasite in the industry.

While this clause does not compel anyone to belong to a trade union, it is a preference clause inasmuch as it indicates that where work is available, it should be given to the individual who is a member of the union. That is only right because there are two parties to an agreement, the empolyers on the one hand and the trade union on the other.

Mr. Court: That is where they mutually agree.

Mr. LAPHAM: If it goes to the Arbitration Court, it is an agreement through the court.

Mr. Court: No, that is a direction of the court.

Mr. LAPHAM: The Bill provides that where an individual seeks employment and he is a member of a union, he shall be given preference of employment but there are also certain provisos. The Bill indicates that the court may grant preference of employment to members of some other industrial union and in granting preference it may impose such conditions as it thinks fit. Members opposite seem to have lost sight of the words "in any case."

Mr. Court: No.

Mr. LAPHAM: I am quite satisfied that there is every safeguard in this clause.

Mr. I. W. MANNING: I would like to put a question to the Minister and ask for his ruling.

The Minister for Labour: Put it on the notice paper.

Mr. I. W. MANNING: I want to know the position of a farmer who is employing a permanent farm hand. If he were approached by a unionist, and his permanent farm hand is a non-unionist, would the farmer have to employ the unionist and dismiss the non-unionist who has been satisfactory to him and who is skilled in the work of the farm?

The Minister for Labour: What do you mean by "permanent"? He would be subject to a week's notice all the time.

Mr. I. W. MANNING: That may be so but by "permanent" I mean a man who has been in the employment of the farmer for a considerable period.

Mr. Lawrence: On a point of order, Mr. Speaker, is the hon. member asking a question or is he to be allowed to make a speech like this.

The CHAIRMAN: That is not a point of order.

Mr. I. W. MANNING: Can the Minister give me a ruling on that point.

The CHAIRMAN: The Minister would not be able to give a ruling on that.

Mr. MOIR: This is a fair and reasonable clause and it is easy to see who are the mentors of the member for Nedlands in regard to this provision; without a doubt it would be the Employers' Federation. Anyone who has had any experience with that body knows that when negotiating with employers they are fairly easy on the question of preference until the matter gets into the hands of the Employers' Federation, and then their attitude changes completely.

The member for Nedlands has quoted at length from the Commonwealth Arbitration Act but it may surprise him to know that the Commonwealth Court gives a measure of preference that goes far beyond the provisions in this Bill. The award between members of the Australian Workers' Union and the Commissioner of Railways in the Commonwealth applies only to those who are members of the A.W.U. Anybody who is not a member of that union but who is working in the railways cannot claim the benefits of that award. The same applies to a worker working in the pastoral industry.

There is preference to unionists in the goldmining industry here and the employers are quite happy about it. If it is brought to the notice of the employer that a man does not belong to the requisite union he is given the option of joining the union or being dismissed. The employer and not the union does that. The employers in the goldmining industry have adopted that attitude because they know that the employment of non-unionists in industry causes trouble; it caused trouble in the goldmining industry in years gone by. This provision tends to ensure that there is harmony in industry. Why should not preference be given to members of a union who have had to put up their submissions before the court and who have been granted an award under which better conditions, greater privileges and increased remuneration are enjoyed by the members of the union concerned in that industry? Why should a person who is not a member of the union enjoy the rights that have been fought for and won by union members?

Mr. COURT: Before a vote is taken, I would like to make it clear that we on this side of the Chamber are not saying there should not be any preference for unionists. There are many instances in this State where preference for unionists is shown. What we are objecting to is a form of compulsory unionism obtained through the back door.

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

Ayes	22
Noes	16
Majority for	6

Ayes.

Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
	(Teller.)

Noes.

Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Hearman	Mr. Roberts
Mr. Hutchinson	Mr. Watts
Mr. I. Manning	Mr. Wild
Sir Ross McLarty	Mr. Crommelin
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Andrew	Mr. Brand
Mr. Hoar	Mr. Thorn
Mr. Nulsen	Mr. Mann
Mr. Lapham	Mr. Ackland
Mr. Toms	Mr. W. Manning

Clause thus passed.

Clause 14—agreed to.

Clause 15—Section 94 amended:

Mr. COURT: This is the clause that attempts to include workers engaged in the agricultural and pastoral industries. In effect, the amendment seeks to override two Arbitration Court decisions; one made in 1945 and the other in 1946 when it was held that the hours of work did not come under the jurisdiction of the Arbitration Court. I think we have explained at some length, during the second reading debate, reasons for our objections to this clause and I merely wish to repeat that we oppose it.

The MINISTER FOR LABOUR: I want to make this definite. The member for Nedlands, if I heard aright, said that on two occasions the court ruled against making an award.

Mr. Court: No, I said the court ruled that it did not have the power to fix the hours of work in an award covering the agricultural or pastoral industry.

The MINISTER FOR LABOUR: Exactly! That is the purpose of the amendment. It is designed to give the court the authority, if it desires to use it, to fix hours of work in the agricultural or pastoral industry. It will be the court that will have the right to fix the hours and not Parliament.

Mr. Court: We know what you are trying to do. You are trying to overcome the objections of the pastoralists to a 40-hour week.

The MINISTER FOR LABOUR: With the amendment we propose to strike out in paragraph (c) of Section 94 the words "workers engaged in the agricultural and pastoral industries" and I am advised that that will give the court the right to determine the question of hours in the pastoral industry. What has the member for Nedlands or any other member of the Opposition to fear if the court had an applicant before it for a 40-hour week in the sheep industry in certain parts of the State which are not covered by an existing award? The applicant to the court must produce evidence to support the case presented. If the Farmers' Union or any other body opposed the making of an award by the court and submitted sufficient evidence in rebuttal, I have no doubt that the court would not make any award.

All we are asking is that the discretion shall lie with the court. The court has not the power at the moment. Members of the Opposition are harping on the question that the court shall have this, that and the other. This is an instance where they can leave the matter to the discretion of the court.

Mr. BOVELL: There has been a good reason for excluding the agricultural and pastoral industries from this Act and that is that agricultural and pastoral pursuits could not continue on a 40-hour week if so directed by the court. It is necessary for both employers and employees to work hours to suit the industry in which they are engaged. That applies to farming pursuits, anyhow. I am going to oppose the clause because it is not in the best interests of the primary industries of this State.

Mr. HEARMAN: One thing the Minister has not mentioned is that there are a number of primary industries today which have their costs and returns fixed by virtue of various Acts of the Commonwealth Parliament. The dairying industry is a case in point. If we are the only State that permits the union to demand a 40-hour week in the dairying industry, it will upset all our cost of production arrangements.

The Minister for Transport: Do you think this is an arbitration court or lunatic asylum?

Mr. HEARMAN: I sometimes wonder. If the Minister thinks the court will not agree to such a thing, I would like to hear him say so because we know that this Government has taken certain action to try to influence the court on one occasion.

The Minister for Transport: I think you had better prove those words.

The Minister for Labour: You are reflecting on the court; it almost amounts to contempt of court.

Mr. HEARMAN: Nothing of the kind! I notice that the Premier is not buying into this argument. I would like the Minister to explain the point I have raised. In

so far as the dairying industry is concerned, in the past we have tried to get the unions into the Federal Arbitration Court but without success. Had we been able to do so, we might have got a higher price for our product.

Mr. Lawrence: On a point of order, Mr. Chairman, are the hon. member's remarks "sine die" to the clause that is being considered?

The CHAIRMAN: There is no point of order involved.

Mr. HEARMAN: I know of no union that is anxious to see this provision incorporated in the Act; I have had no representations made to me along these lines and I would like to know where it came from.

The Minister for Labour: The Australian Workers' Union.

Mr. HEARMAN: It is possible that a union could apply without having a member in the industry. What is the position then?

The MINISTER FOR LABOUR: The member for Blackwood asked where this provision came from. As I have said, it came from the Australian Workers' Union. This is a Federal body which is also registered under the State Industrial Arbitration Act. It is registered federally for 60 or 70 industries. In this State it is registered for mining, agriculture, forestry, main roads and other primary industries. Included in those would be viticulture, horticulture, fruitgrowing, pastoral and primary industries. There are approximately 10,000 members in Western Australia. A man may be working on the De Grey pastoral station and in a month's time he may decide to go to Donnybrook, and from there he might proceed to Mount Barker or Bridgetown in which case the union could apply for an award. They would submit their claims to the court which would make a determination on the evidence put before it by the union and the employers' federation.

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

Ayes	22
Noes	16
Majority for	6

Ayes.

Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May

(Teller.)

Noes.

Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Hearman	Mr. Roberts
Mr. Hutchinson	Mr. Watts
Mr. I. Manning	Mr. Wild
Sir Ross McLarty	Mr. Crommelin

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Andrew	Mr. Brand
Mr. Hoar	Mr. Thorn
Mr. Nulsen	Mr. Mann
Mr. Lapham	Mr. Ackland
Mr. Toms	Mr. W. Manning

Clause thus passed.

Clause 16—Section 98A repealed:

Mr. COURT: The object of Section 98A was to give the Arbitration Court certain powers to cancel awards either in whole or in part. This was a very necessary part of the machinery to deal with a situation which existed and could exist again. In my view, it is very wrong to have a state of affairs where the employer would be bound by an award, but an employee group, considering that it was an unsatisfactory award, could completely ignore it and apply for an amended award. When Section 98A was inserted into the Act the court was given power to cancel an award in part or in whole.

The MINISTER FOR LABOUR: Two clauses which were agreed to previously also referred to Section 98A. This section was a new fangled provision first put into the Act in 1952. Where a substantial portion of the workers in a union created an industrial dispute and there was a refusal to work, the court could cancel the award or make any order it thought fit. That does not tend to create harmony in industry. Further, this provision could be used by an employer as a means to obtain workers at less than the award rates of pay.

Mr. Court: How could that be done?

The MINISTER FOR LABOUR: Because the award would be cancelled.

Mr. Court: The Arbitration Court would protect the workers.

The MINISTER FOR LABOUR: That is most amusing. We have just had a division on the previous clause where the Government has asked for the Act to be amended to empower the court to do certain things and there was opposition to it. Section 98A could not be used to the benefit of any class of worker. If anything, the employer could pay less than the award rates if the award was suspended. The provision serves no useful purpose.

Mr. ROSS HUTCHINSON: I move—

That progress be reported.

Motion put and negatived.

Mr. COURT: There are some observations made by the Minister which should be commented on. Firstly, he said that Section 98A was a new fangled idea which had not been in the legislation before.

The Minister for Labour: I did not say that. I said it had not been in the Industrial Arbitration Act before.

Mr. COURT: I suggest the Minister reads his speech.

The Minister for Labour: I meant in the legislation of this State.

Mr. COURT: It was taken from the Comonwealth Act and it was inserted into the State Act.

The Minister for Labour: That was the first time it was included in the Western Australian Act.

Mr. COURT: It is not a new fangled idea. It was put in for a very good purpose. Maybe in the next two months or two years, the Government will have need for that provision. The Minister said that the provision would enable employers to worsen the industrial conditions of their employees; I cannot imagine anything more nonsensical. The only circumstances under which the Arbitration Court would cancel an industrial award in part or in whole would be for some very serious breach. This would not be done very lightly. It would only be cancelled because a group of workers had done something to the detriment of the workers of this State generally, therefore the court in cancelling that award would seek to protect all workers.

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

Ayes	22
Noes	16
Majority for	6

Ayes.

Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
	(Teller.)

Noes.

Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. J. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Andrew	Mr. Brand
Mr. Hoar	Mr. Thorn
Mr. Nulsen	Mr. Mann
Mr. Lapham	Mr. Ackland
Mr. Toms	Mr. W. Manning

Clause thus passed.

Clause 17—Section 123 amended:

Mr. COURT: This clause seeks to amend the basis of assessing the remuneration of apprentices. The Minister in charge of the Bill implied during the third reading that I did not concede, while speaking to the second reading debate, that the final decision is still at the discretion of the court. I have read my speech on the matter since. He interjected half way through my comments on that section. I admitted freely it is at the discretion of the court. We feel that the present basis should remain, that is, the rate to be based on a percentage of the basic age. Different circumstances apply to apprentices as compared with journeymen who have served their time and qualified. I do not propose to go over all the reasons which I advanced at some length during the second reading.

Mr. MARSHALL: The member for Nedlands still insists that apprentices should receive a percentage of the basic wage while we consider that they should receive a percentage of the particular wage of the trade or calling to which they are apprenticed. The member for Nedlands knows that we have considerable difficulty in inducing lads to enter various trades.

Mr. Court: Only some.

Mr. MARSHALL: Particularly the metal trade, and this country has been put to considerable expense in bringing out hundreds of skilled migrants to make up the shortage of skilled tradesmen. The unions generally know this position exists and they feel that by giving some justice to apprentices in relation to percentages of wages required, it will help the various trades in inducing lads to enter and avoid bringing in people from overseas. Every member in this Chamber I am sure will agree that we should have our own lads learning trades rather than bring in migrants from overseas, many of whom are unable to pass a trade test. I feel there should be no argument on this point at all, and the member for Nedlands has advanced no justification whatever for apprentices, percentages being associated with the basic wage.

Clause put and passed.

Clause 18—Section 127 amended:

Mr. COURT: This is probably the most far-reaching of all the clauses in the Bill and it proposes to change the word from "may" to "shall" in respect of basic wage adjustments. We have been over this not only in the second reading debate but on several occasions during the last three or four years. I have nothing new to contribute and the Minister knows our reasons for opposing the provision. We feel the matter should be left to the discretion of the court. This will make it mandatory and is further interference with

the court regarding the fixing of prosperity loadings and the capacity of industry to pay. At the moment the court has to decide these things with a degree of justice to all concerned.

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

Ayes	22
Noes	16
Majority for	6

Ayes.	
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
	(Teller.)

Noes.	
Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Andrew	Mr. Brand
Mr. Hoar	Mr. Thorn
Mr. Nulsen	Mr. Mann
Mr. Lapham	Mr. Ackland
Mr. Toms	Mr. W. Manning

Clause thus passed.

Clause 19—Section 132 amended:

Mr. COURT: I do not propose to speak at length on this except to say that it is another clause for the reduction of penalties.

Clause put and passed.

Clause 20—Section 136A added:

Mr. COURT: This clause provides for increased rights of entry for union officers. We consider the present provisions are adequate. If there is any instance of an employer not being reasonable, adequate machinery exists for an adjustment to be made without delay, and without great cost. We oppose the provision.

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

Ayes	22
Noes	16
Majority for	6

Ayes.	
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
	(Teller.)

Noes.	
Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Andrew	Mr. Brand
Mr. Hoar	Mr. Thorn
Mr. Nulsen	Mr. Mann
Mr. Lapham	Mr. Ackland
Mr. Toms	Mr. W. Manning

Clause thus passed.

Clause 21—Section 140 amended:

Mr. COURT: This and the last clause are consequential on much of the discussion that has taken place. We oppose both Clause 21 and 22.

Clause put and passed.

Clause 22, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [1.53]: I move—

That the Bill be now read a third time.

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

Ayes	23
Noes	16
Majority for	7

Ayes.	
Mr. Brady	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
Mr. Lawrence	*(Teller.)*

Noes.	
Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. I. Manning	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Andrew	Mr. Brand
Mr. Hoar	Mr. Thorn
Mr. Nulsen	Mr. Mann
Mr. Lapham	Mr. Ackland
Mr. Toms	Mr. W. Manning

Question thus passed.

Bill read a third time and transmitted to the Council.

House adjourned at 1.58 a.m. (Thursday).