

who are breaking the law, put their names in the Press in that connection.

Mr. Styants: Do you want to put the dummies in prison instead of fining them?

Mr. McDONALD: No. I want to get rid of the dummies and put the owners where the dummies are now. I want to put the people there who are really running the show and getting the big money, and who have mansions in the various suburbs round Perth. As I have already pointed out, this business is now costing the people of this State—and mostly the poor people—an amount which is getting on towards £500,000 a year. That figure is based on a comparison with the population of South Australia and the figure arrived at in the 1938 report of the Royal Commission on S.P. betting in South Australia. I reckon about £400,000 a year is what the people lose to S.P. betting shop proprietors in this State. I suggest that it is a grave matter at any time, but a still more grave matter at the present juncture. I commend the Bill to members. It is small; it will not stop betting; it may not reduce it greatly, but it will help the Commissioner of Police and if he should enforce the law rigorously, especially as it is augmented by this measure, then he should be able to do something towards accomplishing what I know is the wish of all members, namely, a reduction in the cost of starting price betting to the people of this State.

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

Ayes	14
Noes	21

Majority against 7

AYES.

Mr. Abbott
Mr. J. Hegarty
Mr. Hill
Mr. Hughes
Mr. Latham
Mr. Mann
Mr. McDonald

Mr. McLarty
Mr. Sampson
Mr. Seward
Mr. Shearn
Mr. Watts
Mr. Willmott
Mr. Doney

(Teller.)

NOES.

Mr. Berry
Mr. Coverley
Mr. Cross
Mr. Fox
Mr. W. Hegarty
Mr. Leahy
Mr. Marshall
Mr. Millington
Mr. Needham
Mr. Nulsen
Mr. Panton

Mr. Rodoreda
Mr. F. C. L. Smith
Mr. J. H. Smith
Mr. Sivants
Mr. Tonkic
Mr. Triot
Mr. Willcock
Mr. Wise
Mr. Withers
Mr. Wilson

(Teller.)

Question thus negatived.

Bill defeated.

BILL—LOAN, £916,000.

Returned from the Council without amendment.

House adjourned at 12.15 a.m. (Thursday).

Legislative Council.

Thursday, 11th December, 1941.

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

QUESTION—TAXATION.

Betting Fines as Allowable Deduction.

Hon. J. CORNELL: Asked the Chief Secretary: 1, Is the deduction claimable by proprietors of S.P. betting shops for fines imposed for illegal betting therein an allowable deduction under both the Commonwealth and State income tax provisions? 2, If allowable under the State income tax law, is it intended to introduce legislation this session abolishing this Gilbertian state of affairs? 3, As fines imposed upon proprietors of illegal S.P. betting premises are allowable as income tax deductions, are proprietors of licensed premises fined for breaches of the Licensing Act allowed a similar concession? If not, why not?

The CHIEF SECRETARY replied: 1, Yes. 2, A decision has not been made in this matter. 3, Fines are not allowed to proprietors of licensed premises because the courts have decided that they are not incurred in the course of the trade or business and are not deductible.

BILL—CHILD WELFARE ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

The CHAIRMAN: Progress was reported on motion by the Honorary Minister to reinsert, as a new clause, Clause 6 which had been struck out in a previous Committee. as follows:—

6. Section thirty-two of the principal Act is amended—

(a) by deleting paragraph (b) of the section; and

(b) by deleting paragraph (b) of the proviso to the said section.

The HONORARY MINISTER: I have a statement from the Crown Solicitor as follows:—

The proviso to Section 32 of the Child Welfare Act prevents an order for the committal of an uncontrollable child being made unless the parent or near relative who makes the application gives security for the maintenance of the child.

This proviso is couched in imperative terms and I understand that courts have always interpreted the wording to mean that no order could be made unless security of some sort was given by the applicant.

In some cases orders have been refused, not because the court was satisfied that the child should be allowed to go free, but because the applicant was destitute and not able to put up security of any sort. Unfortunately, there are quite a few people in the community who are in this position, and if they happen to have uncontrollable or incorrigible children, they cannot obtain the protection afforded by an order of the court.

As pointed out by Sir Hal Colebatch in the debate on Clause 6, the near relatives of a child can be made liable to pay for the maintenance of the child under the provisions of Section 68 of the principal Act. Accordingly the deletion of paragraph (b) of the proviso to Section 32 does not mean that a person can escape liability if his or her child happens to be committed to an institution. The deletion of paragraph (b) will have the simple consequence that an order can be made under Section 32, even where the near relative is unable to put up any security of any description.

If at a later date the financial position of the near relative improves, the department could obtain an order under Section 68 to ensure payment of a contribution towards the child's maintenance.

All that will happen under the new clause is that the court will have more power to send an uncontrollable or incorrigible child to an institution in the circumstances provided for in Section 32.

The CHAIRMAN: If there is any desire to strike out paragraph (a), I suggest that it be done at once, and then discussion can proceed on the new clause as amended.

Hon. H. SEDDON: I move an amendment—

That paragraph (a) be struck out.

In some circumstances whipping would prove a corrective. In cases of brutality a straight-out whipping would have a salutary effect, and in cases of sexual offences whipping might be desirable.

The HONORARY MINISTER: I oppose the amendment. Mr. Seddon said that a whipping would be justified in the case of a brutal boy, but I think its effect would be to make the boy still more brutal. As regards sexual offences, these are really the results of a disease and can be cured only by special treatment. Corporal punishment would have no effect upon such offenders.

Hon. Sir HAL COLEBATCH: I support the amendment. We must bear in mind that the Children's Court deals with children up to 18 years of age. We cannot claim for a minute that the Children's Court has been instrumental in reducing juvenile delinquency or crime. To take away the right to order a whipping in the case of a young man—not a child—is a retrograde step.

Hon. E. M. HEENAN: I support the amendment. The Honorary Minister has pointed out that for a period of 15 years no whipping has been ordered; consequently, we would not be running much risk by allowing the provision to remain. Sir Hal Colebatch was wrong when he said the Act applied to a child up to 18 years of age: the age is 16 years. The provision may act as a deterrent in certain cases.

Hon. J. G. HISLOP: I am amazed to think that anybody in this enlightened period thinks a whipping has any effect upon sexual offenders, no matter what their age may be. Sexual offenders should be treated at a psychological clinic. Some years ago I went to the Police Court and protested against the repeated gaoing of exhibitionists; these men were being sentenced to imprisonment time after time for periods of 12 months. Imprisonment had no effect whatever upon them; but sending them to the Heathcote institution for psychological investigation did have a satisfactory effect. I was instrumental through the Government in having a psychological clinic established at the Perth Hospital. A similar institution

has been also established at the Children's Hospital. Unfortunately, however, owing to the war, the activities of these clinics have been greatly reduced. Notwithstanding that no magistrate, for a period of 15 years, has ordered a whipping, the next magistrate may have sadistic ideas and order children to be whipped, and Parliament will be powerless to prevent it.

Hon. J. J. HOLMES: From what Dr. Hislop has said, one would think that the only crime children can commit is a sexual offence. The Minister has told us that for a period of 15 years no whipping has been ordered; but the fact that the magistrate has the right to order a whipping has a great deal to do with keeping children on the right path. I have discovered that a policeman keeps more people on the right track than does the Church. I am opposed to the amendment, as the retention of the provision will, in my opinion, act as a deterrent.

Hon. J. G. HISLOP: Modern progress in police methods of handling children proves that threats have very little effect upon them. No doubt members are aware of the excellent work that is being done in this State by the police boys' clubs.

Hon. G. FRASER: The work they do is effective.

Hon. J. G. HISLOP: Yes. The clubs keep the boys off the street, and the policemen become the friends of the boys. A story is told of a boy who joined one of these clubs and whose habit had been to rob orchards. His old habit recurred after he had been a member of the club for some months, and he again fell from grace. He saw the long arm of the law close by, took to his heels and ran as fast as he could to the police boys' club. Upon opening the door, he rushed to the sergeant in charge and said, "My heavens. I just got here in time. I thought the bobby was going to get me." The sergeant took the lad in hand and showed him the right road. That was much better than threatening to birch the boy. To threaten a boy like that with a birching would be to send him back to his old habits. The modern trend of psychological treatment of boys is something we must be aware of. Woolloomooloo, in Sydney, is one of the toughest spots in Australia. That suburb has a magnificent club with over 3,000 boys. After something like two years, there must be over 1,500 boys who attend police clubs here.

Hon. G. FRASER: The number is over 2,000.

Hon. J. G. HISLOP: When a police boys' club is opened in a district the boys flock around it. The police need not walk the streets looking for the boys as they are at the club.

Hon. H. S. W. PARKER: I agree with what Dr. Hislop has said, but at the same time must vote for the abolition of this clause. I have seen Press reports of instances where a magistrate has seen the parent of a delinquent child and said, "If you give this child a whipping that will be the end of it." I do not think the clause means that there will be a cat and nine tails or anything of that sort.

The CHAIRMAN: Section 142 provides how the whipping shall be conducted.

Hon. H. S. W. PARKER: In rare cases whipping is essential. So far as stealing fruit is concerned, it is only natural for a boy to do that. If his father catches him he will give him a bit of a whacking knowing that he used to do it himself. It would be infinitely better if we threw out the whole of this legislation. We have no Act which is better fitted to make criminals, than the Child Welfare Act. I am not speaking of the manner in which it is administered.

The CHAIRMAN: The hon. member can throw the Bill out by moving me out of the Chair.

Hon. H. S. W. PARKER: No. These are only amendments. While the Act is in existence we must have this clause. The Act is a farce, because the only thing for a bad boy is to give him a whipping.

Hon. T. MOORE: We have not had any bad boys in this country for 15 years!

Hon. H. S. W. PARKER: I know of an instance of a birching being ordered and nobody would give it to the boy.

Hon. G. FRASER: Mr. Parker said the present Act is a farce. It would be a farce to do what he suggests.

The CHAIRMAN: I hope the hon. member will leave it at that.

Hon. G. FRASER: I intend to; I am not going to pursue it. What is the use of leaving in an Act a section which has never been put into force?

Hon. H. S. W. PARKER: For 111 years it has been a capital offence in Western Australia to commit treason. There has not been one offence in that time. Should that provision be wiped out?

Hon. G. FRASER: That is the first point, and then even if the magistrate ordered the whipping there is no one in the State who will carry it out.

Hon. A. Thomson: The father could do it.

Hon. G. FRASER: This is a whipping to be given by some official. The father does not need an order from the magistrate to give his son a whipping. It depends upon the circumstances.

Hon. H. S. W. Parker: It depends on the mother's feelings.

Hon. G. FRASER: Although crime by children has increased in recent years, and even since the Children's Court has been established as we know it, that is no reason why we should leave this power in the Act. Other factors account for the increase of crime.

Hon. T. Moore: The age of pace.

Hon. G. FRASER: The children born since the last war have been born in a different atmosphere from those born prior to it. We should encourage the formation of the clubs mentioned by Dr. Hislop.

Hon. A. Thomson: That is not in the Act.

Hon. G. FRASER: That is so, but it is an alternative to leaving whippings in the Act. Dr. Hislop has suggested a means by which child crime can be reduced.

The CHAIRMAN: That is a suggestion, but it cannot be put into the Bill.

Hon. G. FRASER: That is so.

Hon. V. HAMERSLEY: It is not possible to have a police boys' club in every centre. They can probably be conducted only in the city where there are plenty of police. It is not only in the metropolitan area where these difficulties arise.

Hon. T. Moore: You have no bad boys in the country.

Hon. V. HAMERSLEY: There are some. This form of punishment is necessary for children. Because some youngsters are not chastised, they get beyond themselves. I know one or two children who have gone to school, and their parents have been told that unless the youngsters were given a caning the school authorities would prefer not to have the children at the school. I can quite understand that the old system would have made a decent citizen of the child. As some boys grow older they become, unless checked, incorrigible. I am in agreement with Mr. Seddon.

Hon. C. B. WILLIAMS: Some members apparently want to carry on the system of punishment that is described in Marcus Clarke's book "For the Term of His Natural Life," or perhaps the system that was carried on in their youth.

The CHAIRMAN: It is carried on.

Hon. C. B. WILLIAMS: I understand that for 15 years it has not been carried on. All the flogging we got in our time did us no harm. Most of us have had a kick in the pants from a policeman, and so we took care to keep away from him. In those days, however, there were no children's courts to pass sentences of flogging. Yet some members want to carry on that brutality in Western Australia today. Seemingly some men have not yet got out of the atmosphere of a hundred years ago.

The CHAIRMAN: That remark of the hon. member is very objectionable.

Hon. C. B. WILLIAMS: I know, Sir, that it is your duty to keep interjections down.

The CHAIRMAN: My duty is to keep members to the point.

Hon. C. B. WILLIAMS: Let us have a vote which will place on record those members who in 1941 want to flog kiddies.

Hon. H. SEDDON: I expected that tirade. The flogging Mr. Williams talks about died out many years ago. From time to time I have seen Press reports stating that in a children's court a magistrate suggested to the parents, "The best thing you can do with this boy is to give him a thrashing." We have all been boys, and I do not think the thrashings we got did us any harm. If we have boys of our own, we have to chastise them.

Hon. J. G. HISLOP: Has Mr. Seddon any proof that good resulted from the floggings which he has known to be ordered?

Hon. H. SEDDON: We have all had whippings in our day. I have had mine, and as far as I can see they did me no harm.

Hon. E. M. HEENAN: I want to make my position clear, as my earlier remarks were apparently somewhat ambiguous. No member of this Chamber is more opposed to the whipping of children than I am. Dr. Hislop and Mr. Williams are not the only members who hold the sentiments which they have expressed. The mere fact that a magistrate has not ordered the whipping of a child for 15 years carries a great deal

of influence with me. It has some influence on a boy if upon coming before a court he is told by the magistrate, "Look here, lad, don't come before me again, for I have power to order you a-whipping."

Members: Hear, hear!

Hon. E. M. HEENAN: I hope that 15 years, or for that matter 115 years, may go by before another whipping is ordered. As a deterrent, however, it has some value.

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

Ayes	..	..	..	..	17
Noes	..	..	..	..	10

Majority for 7

AYES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. L. Craig	Hon. H. L. Roche
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. H. Tuckey
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. E. M. Heenan	Hon. G. B. Wood
Hon. J. J. Holmes	Hon. H. Seddon
Hon. W. J. Mann	(Teller.)

NOES.

Hon. L. B. Bolton	Hon. J. G. Hislop
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. T. Moore
Hon. E. H. Gray	Hon. H. V. Plesse
Hon. W. R. Hall	Hon. C. B. Williams
	(Teller.)

Amendment thus passed.

Hon. Sir HAL COLEBATCH: I take it the simplest method of dealing with the question is to vote against the new clause as it now stands. I shall certainly do so. There are cases in which parents come to the court and ask the magistrate to make an order by which they will be relieved of the maintenance of the child, and the child will be handed over to an institution. It may be right to say that subsequently proceedings may be taken against the parents for maintenance, but I suggest that that question should be left with the court. If parents will not make a contribution or give any authority, then the proviso might be inserted, and I should not object to it. However, I do not think there is anything to prevent the magistrate from saying to the parent, "If you cannot make any payment, I shall make no order." It is not my intention to quarrel with the legal opinion which has been cited. It would be a simple matter to insert a proviso relieving the magistrate from making an order or requiring security.

The HONORARY MINISTER: Sir Hal Colebatch's suggestion is redundant. There

is ample provision in Section 68 of the Act for the magistrate to make a maintenance order. That is the advice given me by the Crown Law authorities. Many people come to the court without being able to furnish security of any kind. The position is as I stated yesterday.

New clause, as amended, put and a division taken with the following result:—

Ayes	..	..	..	..	17
Noes	..	..	..	..	9

Majority for 8

AYES.

Hon. L. B. Bolton	Hon. W. H. Kitson
Hon. L. Craig	Hon. T. Moore
Hon. J. A. Dimmitt	Hon. H. S. W. Parker
Hon. J. M. Drew	Hon. H. V. Plesse
Hon. G. Fraser	Hon. H. Tuckey
Hon. E. H. Gray	Hon. F. R. Welsh
Hon. W. R. Hall	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. E. H. H. Hall
Hon. J. G. Hislop	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. H. L. Roche
Hon. V. Hamersley	Hon. H. Seddon
Hon. J. J. Holmes	Hon. A. Thomson
Hon. W. J. Mann	(Teller.)

New clause, as amended, thus passed.

Clause 18—Repeal of Sections 140, 141 and 142:

The HONORARY MINISTER: I move an amendment—

That in line 2 the words "and one hundred and forty-two" be struck out.

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

Bill again reported with amendments and the report adopted.

On motion by the Honorary Minister, the third reading stage was postponed till a later stage of the sitting.

BILL—WORKERS' HOMES ACT AMENDMENT.

In Committee.

Resumed from the 9th December. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 6—Repeal of Section 24 and new Section:

The CHAIRMAN: Progress was reported on an amendment to strike out paragraph (a) of Subsection 1 of proposed new Section 24.

Hon. Sir HAL COLEBATCH: In my opinion, the necessity for building houses exists in the metropolitan area only. In the

country, as we all know, there are numbers of vacant shops and houses. The need for houses in the metropolitan area is entirely abnormal and is due to circumstances associated with the war. Many people are coming from the country to live in the city on account of war conditions.

Hon. G. Fraser: The shortage of houses existed long before the war.

Hon. Sir HAL COLEBATCH: The shortage is due to another cause, namely, the lack of skilled labour.

Hon. A. Thomson: That is a very important cause.

Hon. Sir HAL COLEBATCH: I cannot see that any good purpose is to be served by giving the board power to erect houses. That is opening up a new avenue altogether, something entirely different from what is contemplated by the Act. The Minister may shake his head, but the Act contemplates the building of homes for workers. This proposal contemplates building for speculative purposes. If the clause is agreed to, I propose to move a proviso to the effect that such homes shall be built by contract after tenders have been called.

The CHIEF SECRETARY: I think it is desirable to stress the fact that this clause deals with what is commonly known as the freehold section of the Act. There are really two sections, namely, the leasehold section and the freehold section. I have to admit that some of my remarks when the Bill was previously debated should have been directed to the policy of the board in regard to the leasehold and not the freehold section. As a matter of fact, the power to erect and dispose of houses is already in the Act. It is not something new at all. What has happened is that the whole of the section has been redrafted to make it particularly clear that the board has that power. The board has had such power for many years, but has never exercised it. By the Committee's agreeing to the amendment, all that would happen would be that the amount of £800 which the board can advance would be increased to £900.

Hon. V. Hamersley: It is a bit of a gamble.

The CHIEF SECRETARY: I do not think there is any gamble about it at all. What I said is perfectly true. The original Act contains the following:—

Subject to the provisions of the Act and the regulations, the board may with the approval of the Minister erect and dispose of dwelling houses to workers . . .

Hon. C. F. Baxter: From what section of the Act are you quoting?

The CHIEF SECRETARY: From Section 24, as amended.

Hon. L. B. Bolton: Paragraph (a) has been added to that provision.

The CHIEF SECRETARY: No; the section has merely been redrafted and embodied in the clause.

Hon. L. B. Bolton: The parent Act does not contain the words you have quoted.

The CHIEF SECRETARY: Yes, it does. The hon. member must remember that the Act has been amended on a number of occasions.

Hon. J. J. Holmes: Does that section apply to freehold and leasehold propositions?

The CHIEF SECRETARY: Yes. The clause will increase the maximum amount the board may advance from £800 to £900. That is the only difference between the Act as it stands and the proposal in the Bill. The power has already been possessed by the board for 15 or 20 years, and I may allay the fears of members who are inclined to oppose the clause by informing them that the board has not itself built any houses for 20 years.

Hon. A. Thomson: Some were built at Katanning.

The CHIEF SECRETARY: Yes, but that was done 20 years ago. The practice of the Workers' Homes Board is to call for tenders and the board itself does not enter into any contract. Certainly the board has no intention of acting as a building proprietor. I make the point, however, that no one can predict what conditions will operate after the present war. Circumstances may be such that it may be desirable for the board to exercise powers that have not been availed of for about 20 years.

Hon. J. J. HOLMES: If the clause is to be agreed to, I hope Sir Hal Colebatch will move the amendment he has already suggested. On many occasions I have said that the only house a man should own is the one in which he lives, because he will look after it. I am afraid that with the extension of the day-labour system, the position may arise when homes may be built with State bricks or State timber without any opposition and—

Hon. G. Fraser: The hon. member is at it again!

The Honorary Minister: Yes, there he goes again!

Hon. J. J. HOLMES:—there will be no possibility whatever of providing workers with cheap homes. The duty of this Committee is to ensure that the man desirous of purchasing a home shall have it constructed under the cheapest and best conditions; if that is to be done, the work shall be carried out by contract.

Hon. W. J. MANN: I am not satisfied with the clause, notwithstanding the explanation by the Chief Secretary that it is merely an amplification of the existing section. From what I can gather, it seems we are asked to continue a system that the Commonwealth War Service Homes Board tested out and discarded long ago as being unsatisfactory and unprofitable. Another point that arises is that a builder may decide to erect a building and a worker may agree to buy it, paying £100 deposit and liquidating the balance of the purchase price on the basis of regular weekly instalments. The worker may enlist or he may be called up for military duty. What will be that man's position under the National Security regulations? If he has made arrangements for purchasing the home through the Workers' Homes Board, he may find that, in dealing with a Crown instrumentality, he has not the advantage of the moratorium applying to soldiers under the National Security regulations. That point should be clarified.

Hon. Sir Hal COLEBATCH: I desire to anticipate the discovery that the Chief Secretary may make before long. One of the greatest difficulties we experience in connection with legislation is to know just what amendments have been made to specific Acts. In this instance I find that the amendment to which the Chief Secretary referred has been inserted in the Act in red ink and the marginal note shows that it was passed in 1922. I am afraid that means that I was the Minister responsible for the amending legislation. Apparently it has served no good purpose, and could therefore well be deleted from the Bill as having proved unnecessary and unprofitable. If it is to remain in the Act, I shall move the proviso that I have already indicated.

Hon. G. FRASER: I hope the amendment will not be agreed to, because one phase that has escaped the attention of members is that conditions may be such in the future that the board may be asked to

erect homes, or none will be available for the people.

Hon. C. F. BAXTER: Why do you say that?

Hon. G. FRASER: Because of the difficulty experienced in securing labour and the inability to let contracts. Members should not lightly reject the clause before giving adequate consideration to that phase. Already many propositions have been held over because no tenders were lodged for the work. My experience of the board is that it will not use this power unless absolutely necessary.

Hon. J. J. Holmes: Then how is it proposed to build these houses?

Hon. G. FRASER: That is left to the decision of the board. The hon. member would prefer a shortage of homes rather than approve of the day labour principle. There is no keener body than the Workers' Homes Board.

Amendment put and negatived.

Hon. C. F. BAXTER: Provision is made in subparagraph (iii) for the board to purchase a dwelling house and the land. Surely we are not going to empower the board to purchase homes! Such a thing was never intended when the Act was put on the statute-book. The board was set up to increase the number of homes.

Hon. Sir Hal Colebatch: This is to make advances to enable a worker to purchase a home.

The CHIEF SECRETARY: I am surprised at Mr. Baxter.

Hon. C. F. Baxter: I missed the effect of the words that the board may make advances to a worker for such a purchase.

The CHIEF SECRETARY: Sir Hal Colebatch's explanation is correct. I believe that this provision has been applied in country districts, and but for it many workers would not have been able to enjoy the benefits of the Act. In some country towns the housing accommodation is adequate, and to build additional homes would be unwise. In a country town recently there was a home available that a worker desired to purchase. The provision is intended to meet such cases.

Hon. Sir HAL COLEBATCH: I move an amendment—

That the following words be added to the proviso to Subclause 1:—"Provided that any dwelling house erected under the authority of paragraph (a) of this subsection shall be built by contract after the calling of public tenders."

Hon. G. Fraser: You are going to defeat the objective of the words we have just retained.

Hon. Sir HAL COLEBATCH: There is nothing new to be said about it. We all know the arguments on questions of party political matters.

The CHIEF SECRETARY: If there is anything in the suggestion of Sir Hal Colebatch that this is a party political matter, members will be well advised to leave the Act as it stands. I would not have the hon. member accused of introducing a party political matter into an Act that has been in operation for so many years. I have sufficient confidence in the board to realise that whatever the circumstances might be, it would do the right thing in the interests of its clients, who are the people to be considered.

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

Ayes	10
Noes	16

Majority against 6

AYES.	
Hon. L. B. Bolton	Hon. W. J. Mann
Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. H. Seddon
Hon. J. G. Hislop	Hon. H. Tuckey
Hon. J. J. Holmes	Hon. G. W. Miles
(Teller.)	
NOES.	
Hon. C. F. Baxter	Hon. E. M. Eenan
Hon. L. Craig	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. H. L. Roche
Hon. E. H. Gray	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. F. R. Welsh
Hon. W. R. Hall	Hon. G. B. Wood
Hon. V. Hamersley	Hon. H. V. Plesse
(Teller.)	

PAIR.	
AYE	NO.
Hon. J. M. Macfarlane	Hon. C. B. Williams

Amendment thus negatived.

Clause put and passed.

Clauses 7 to 11—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed*.

BILL—MARKETING OF EGGS REGULATION.

Laid aside.

Received from the Assembly.

The PRESIDENT: Is there any sponsor for the Bill? If not, the Bill must be laid aside.

Bill laid aside.

BILL—LICENSING (PROVISIONAL CERTIFICATE).

Second Reading.

Debate resumed from the 9th December.

HON. H. SEDDON (North-East) [6.0]: The reason I obtained the adjournment of the debate was because I desired to draw attention to what had occurred with regard to the taking up of a petition for a license. I have been informed that there have been cases of misrepresentation by agents engaged by persons to take up these petitions. On one occasion an agent represented to an elector that the petition was for the purpose of obtaining a school, not a license.

Hon. C. B. Williams: You are stretching our imagination quite a lot by saying that.

Hon. H. SEDDON: I speak from information given to me by a person whose veracity I have every reason to accept. It appears to me to be incumbent on the members of the Licensing Court to exercise supervision and control over these petitions. The person engaged to get them signed is usually an estate agent and he obviously does the best he can for his client. Those practices are entirely undesirable and I bring them under the notice of the House because, as I say the Licensing Court should exercise some supervision over the taking up of petitions. Where attention is drawn to some undesirable practice, the court should make investigation into it. I support the second reading.

HON. C. B. WILLIAMS (South) [6.2]: I support the second reading. I agree with Mr. Seddon that persons are engaged to obtain signatures to petitions for a license; but he must remember that persons are also engaged to obtain signatures to petitions to close hotels at six o'clock. No doubt the latter persons are just as big fabricators as are the former. We have canvassers to assist us in our electioneering; I have no doubt the hon. member employs them, as I do. I have known such men to forge signatures to claim cards. We all know that to be so; mostly it is done in ignorance. But I do enter a protest against asking us to credit that a person would take a petition round for an hotel and say that it was a petition for a school. Surely the people would know whether there was a school or an hotel in their district.

Hon. H. Seddon: Mr. President, I simply stated what was told to me and drew attention to what is obviously an improper practice.

Hon. C. B. WILLIAMS: I quite realise, knowing Mr. Seddon as I do, that he would not wilfully tell a lie. Were I in his place, I would go back to the person who gave me that information and ask for some further particulars.

HON. SIR HAL COLEBATCH (Metropolitan) [6.4]: I do not offer any opposition to the Bill, but would like the Chief Secretary to explain why this course should be taken, instead of empowering the licensing magistrates themselves to grant such an extension of time as they may think fit. That would have been a simpler and better method.

Hon. G. Fraser: Is not this the usual procedure in these cases?

Hon. Sir HAL COLEBATCH: What reason is there for a Bill such as this? Is it intended to override the Licensing Court?

Hon. G. Fraser: I understand that Parliament will not delegate its authority on this point.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [6.5]: The Act does not empower the licensing magistrates to grant any extension of time, as suggested by Sir Hal Colebatch.

Hon. Sir Hal Colebatch: Why not amend the Act and give them the power?

THE CHIEF SECRETARY: I am not too sure, but I think considerable debate has taken place on this point in years gone by.

Hon. C. F. Baxter: Very strong debate, too.

Members: Yes.

THE CHIEF SECRETARY: It was considered that it was essential for Parliament to retain this authority. The Government is not desirous of introducing contentious legislation at this stage of the session, but is anxious to do the fair thing by the applicants concerned. Section 62 of the Act provides that if it should be desirable to extend the period of a provisional certificate, a Bill must be introduced for that purpose. I explained the position fully when introducing the Bill. The people concerned have already spent £2,500 and that amount would be absolutely lost to them if the Bill is 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—TRAFFIC ACT AMENDMENT (No. 2).

Second Reading—Rejected.

Debate resumed from the previous day.

HON. A. THOMSON (South-East) [6.10]: The report of the select committee appointed by this Chamber to inquire into third-party risks under the Traffic Act was laid on the Table of House on the 15th October, 1940. The report provided the House with some interesting, instructive and valuable information. I must confess to disappointment that it has taken the Government over 12 months to consider the advisability of introducing a Bill to deal with third-party risk insurance. I must also confess to grievous disappointment that the Government should have introduced such a measure as we have before us. Most members will agree that third-party compulsory insurance is long overdue. What amazes me is that the Government, while admitting that the general consensus of public opinion is that this legislation should be passed, has placed a lion in the way. What use was it for the members of the select committee to which I referred devoting themselves to obtaining evidence from men experienced in the insurance business and submitting a report, when we have what I might term a shandy-gaff Bill like this submitted to us?

The members of the committee went very carefully into the matter. They realised that the Government had on previous occasions submitted Bills to this House seeking to give the State Government Insurance Office the right to enter into this and other classes of motor car insurance. One would have thought that the Government, had it been sincere in its desire to introduce this legislation, would have given greater consideration to the report of the select committee. I admit that the Government has adopted some of the recommendations, particularly the recommendation that no profit should be made out of third-party compul-

sory insurance. The Bill provides, however, that this class of insurance shall be conducted solely by the State Government Insurance Office.

No doubt the Minister will inquire, when, he replies, what I am complaining about. In the report of the select committee, there is a recommendation that legislation should be brought in immediately to provide for a compulsory pool, to be administered by an advisory body of three persons, one—the chairman—to be appointed by the Governor and one by the motorists, while the third was to be experienced as an insurance underwriter. Instead, the Bill makes provision for a board of five members, none of whom, as far as I can judge, will carry any financial responsibility. Had the recommendation of the committee been adopted, it would have removed any suggestion of what might savour of State trading. While the Government is not desirous that the State Government Insurance Office should make a profit out of this class of insurance, nevertheless, in my opinion, any profit made will be smothered up in the general administration of that office.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. THOMSON: I was remarking before the tea suspension that it would be quite possible for the expenses to be smothered in the general administration costs of the State Insurance Office. One finds it difficult to arrive at a decision seeing that the Bill has come here at such a late stage, and if report is correct we are going to close the session tonight. That does not give members much opportunity to digest a Bill of this character. I would like to have been in the position of asking the House to refer it back to the Minister in charge to give more detailed consideration to the report submitted by the select committee. However, the Government has seen fit to adopt portion only for our recommendations. I am pleased to see the Bill provides that when the vehicle license is issued it will have imprinted upon it the fact that the premium for third-party risk will have been paid. At least we will save a certain amount of money in that direction. All that we know is that it is intended there shall be no profit made out of the measure, but that any accumu-

lated profits which might accrue shall be given to motor owners by way of rebates.

The select committee recommended that the administrative costs should not exceed 10 per cent. I will not be divulging any secrets when I say that definite statements were made by men in a position to give valuable information that, provided this class of insurance was made compulsory and they were given the management of it, they would guarantee that the expenses would not exceed five per cent. As a matter of fact, one of them went so far as to say that if he were given a monopoly, he would be able to put somebody in charge and amuse himself for the rest of his life. When this Bill was before the House last year we also had a certain amount of evidence showing that the insurance companies did not consider this Act could be administered under 30 per cent.

Hon. H. V. Piesse: That was after a conference with Mr. Bennett, was it not?

Hon. A. THOMSON: Under ordinary circumstances of insurance effected by companies without a pool, the companies have to pay the agents and representatives and maintain costly offices. I am, therefore, sorry to say that the recommendation we submitted has not been given as much consideration as I would have liked it to receive. Third-party risk insurance is long overdue, and as it is compulsory the intention is that it should be provided at the cheapest possible rate. No doubt the Minister will argue that by putting it in the hands of the State Insurance Office that object will be accomplished. If the Bill passes the second reading I hope one or two amendments will be passed to improve it. At this late hour it is rather difficult to amend such a Bill as this without causing anomalies. I have an open mind regarding the measure. I am disappointed in it. I had hoped that more consideration would have been given to the select committee's views. Another aspect should be considered. In view of the war we now face, it seems that we are within measurable distance of having practically the whole of the motors driven off the roads except those owned by people who will be able to instal gas producers.

Hon. L. B. Bolton: They have restricted them too.

Hon. A. THOMSON: There might be no great disadvantage caused if further con-

sideration were given to this measure along the lines submitted by the select committee.

HON. SIR HAL COLEBATCH (Metropolitan) [7.37]: As Mr. Thomson has reminded us, 14 months ago a select committee of this House took exhaustive evidence and submitted a report on this matter. There was ample time, even during last session, for a Bill to have been framed in accordance with that report, but instead—after a lapse of 14 months—on what we are given to understand is the last day of the session, this Bill is presented, bearing little resemblance to the recommendations of the select committee, and varying in important particulars from like legislation in force in any other State of the Commonwealth. Its outstanding feature is to extend and expand a State trading concern by giving the State Insurance Office a monopoly of third party insurance.

I am not going to argue the question as to whether it is desirable to put private insurance companies out of office altogether. That is not a matter which now arises. Nor do I question for one moment the earnestness of the Government, or those members of the Labour Party who honestly believe in the principle of the nationalisation of all means of production, distribution and exchange. In normal times I would not blame them for seizing every opportunity to advance that idea. It is the policy of their party. But these are not normal times, and it is not fair that those of us, perhaps wrongly but with equal sincerity, who hold opposite views should be called upon to pass a Bill of this kind in circumstances which do not permit of anything like adequate consideration.

There are three courses open to us, and, I think, only three. One is to pass this Bill as it stands and to permit the Government to carry out its idea of expanding the functions of the State Insurance Office. That is a course I, for one, do not propose to take. The second course is to pass the second reading and then endeavour to amend the Bill in order to bring it into some sort of conformity with the report of the select committee, and also with the practice adopted in the other States.

Hon. W. J. Mann: That would take a week.

Hon. Sir HAL COLEBATCH: To my mind there are three objections to that. One is that the time is not at our disposal to do

it effectively; secondly, if we did it the Government would probably not accept it, judging by past experience, and we should, after all, find ourselves just where we are today; and thirdly, that an attempt to amend the Bill in that direction would unavoidably mean a wrangle on this party political issue which divides us. I do not feel disposed to enter on an argument of that kind at a time when our minds are wrapped up in more important matters.

There is a third course open to us which is this: We have done without compulsory third party insurance for a great many years—too long I admit. The blame rests upon the shoulders of successive Governments—the present Government is not entirely to blame, but all Governments over the last 20 years—for not having brought into effect a practice, the necessity for which is admitted in every country of the world.

The Chief Secretary: This is the only Government which has endeavoured to deal with the position in this State.

Hon. J. J. Holmes: How long has this Government been in power?

Hon. Sir HAL COLEBATCH: The necessity for legislation of this kind is less today than it has been at any time during the last quarter of a century, because of the drastic and very proper, and I think, quite improperly delayed, petrol rationing. Any person who suffers an accident through the fault of a man of substance can recover damages without the aid of this measure. The class of people who would not be able to pay damages are likely to be, for the most part, driven off the road as a result of these highly proper and too long delayed drastic petrol restrictions. I believe it is the wish of a great many members of this House that we should have an opportunity to deal properly with a third party insurance measure, and the Government can introduce it at any time it likes so long as we have an opportunity to consider it. For that purpose I move an amendment—

That the word “now” be struck out and the words “this day six months” added.

Hon. J. J. Holmes: I second the amendment.

HON. W. J. MANN (South-West—on amendment) [7.45]: For many years I have voiced the opinion that steps should be taken to insist upon third-party insurance being taken out by every motor car owner.

At no time did I think that, to give effect to that idea, we should create a monopoly, and that the numerous companies engaged in insurance business in this State should be debarred from taking part in that branch of insurance. I am not a company director, nor am I interested in any company, but I recognise that these insurance companies are important factors in our daily lives. They employ a large number of people and distribute a lot of money. They are extremely handy when national loans are floated, and in a number of ways have served an excellent purpose. True, they make profits, otherwise they could not exist, nor could they render the public service they do nor take up the duties of citizenship as they do. I cannot be a party to supporting a Bill that will create a monopoly. Had the Government brought down a measure that would leave it open for all companies to join in the pool—

Hon. G. Fraser: Then they would want to charge 20 per cent.

Hon. W. J. MANN: I think Mr. Thomson has dispelled a good many objections on that ground. I think he said the select committee had had evidence from people well qualified to speak that the business could be done for 5 per cent.

Hon. G. Fraser: You want all the companies to come in.

Hon. W. J. MANN: Although I am not authorised to speak on behalf of the companies, I am pretty sure they would be prepared to enter into an agreement for a limitation of profit to a degree that would be acceptable to all concerned.

Hon. G. Fraser: We can only go upon the evidence given.

Hon. W. J. MANN: I think some of that evidence has been distorted.

Hon. G. Fraser: No fear!

Hon. W. J. MANN: I have been told it has. My informant should know something about the matter.

Hon. G. Fraser: Read the evidence!

Hon. W. J. MANN: I support the amendment. It appears from the statement made by the Prime Minister that only a few days will elapse before fewer cars throughout Australia are seen on the road. Since petrol rationing came into vogue, the number of motor vehicles has largely decreased. The Prime Minister made it extremely clear, emphatically so and without ambiguity, that not a gallon of petrol would be used for

other than national services. If his forecast comes true, practically every motor vehicle on the road will inevitably be covered for third-party risk. I speak of vehicles belonging to firms, business people and the like. It can, therefore, be said that for all practical purposes, third-party insurance will become universal. I would like to support the Bill, but refuse to be a party to starting a monopoly that will cut out an important section of the people. I have no brief for any insurance company, but I recognise that the Government and those it represents have made at different times violent efforts to whittle down the business of companies, and I do not stand for that. What I stand for are reasonable charges. I am sure that had the Government taken steps to allow the companies to join in this business, a very reasonable arrangement could have been arrived at.

HON. C. F. BAXTER (East—on amendment) [7.50]: There is no stronger advocate of third-party insurance than I am, but to ask anyone to analyse this Bill at the little time at our disposal is to urge an impossibility. The Chief Secretary interjected that his Government was the only one in Australia that had attempted to bring down such legislation. The Government must realise that only in the last 20 years has there been any real necessity to put legislation of this kind on the statute-book, and for 15 out of the last 18 years Labour Governments have occupied the Treasury bench and they could well have brought the third-party insurance into being.

Hon. G. Fraser: Your Government was in power for some years, and could have introduced this legislation.

Hon. C. F. BAXTER: It was only in office during one of the worst financial crises the country has ever experienced. To cope with the situation, we had no time to bring down legislation of this kind. I hope the House will not be expected to pass such a far-reaching and exacting measure at this late hour. It is certain that during the three years of which I speak when Labour was not in power, the Government I was connected with had no thought of bringing down such a Bill.

Hon. G. Fraser: Third-party insurance would not have cost the Government anything.

Hon. C. F. BAXTER: We had enough to do at the time. In one session alone no

less than 110 Bills were brought before Parliament. The demands upon our time during that crisis were so extraordinary that we could not go into a matter such as this. The demand for third-party insurance was not so great then as it became later on. Sir Hal Colebatch remarked that there was less need during the present period than over a long term of years for legislation of this kind, because so many motor vehicles were off the road, and many more would soon be following suit. I agree, also, that more motor vehicles should have been taken off the road long ago. Altogether too much petrol has been consumed since the outbreak of war, for the use of much of which there was little or no necessity. I have not analysed the Bill but have taken a cursory glance through it.

We are told that the insurance rates will be cheap. How do we know what they will be? I can find nothing in the Bill to say what the rates are going to be. That is one of the features this House should look into, seeing that no charge will be imposed for collecting the premiums, up to the point of registration by the police in the city and registration by the local authorities in the country. All the money collected by such bodies at no extra cost will go into a pool. The rate should, therefore, be very low, but before passing the Bill this House should know what the percentage charge will amount to. We should not enact a measure without this knowledge, and cause motorists to run the risk of having high charges imposed upon them. I have not had time in which to digest this Bill; it would take some days to do so. It should have been brought down early in the session. The Government introduced other measures most of which were sectional, favouring their own supporters and not of equal importance to this. We should not be asked to deal with a Bill of this nature in the dying hours of Parliament. There is only one thing for us to do, namely, to support the amendment moved by Sir Hal Colebatch, that the Bill be read this day six months.

HON. L. CRAIG (South-West—on amendment) [7.55]: I do not subscribe to the attempt to have this Bill read six months hence.

Hon. C. F. Baxter: I did not expect you would.

Hon. L. CRAIG: If the principles contained in the Bill are good, they are worthy of the further consideration which this House is apparently not prepared to give. We have to ask ourselves whether third-party insurance is desirable. I think the answer is in the affirmative. Whilst I am not in favour of all the clauses, I think the principle of the Bill deserves consideration at our hands. Whom are we out to protect? We desire to protect that section of the community which may be the victims of accidents caused by negligent drivers. The Bill will provide that protection, but whether in the way we desire is another point. It provides protection for those who today are not getting it. The Bill also provides for cheap insurance. The premiums will be collected at the point where registration occurs. No charges are to be made. That is a principle which deserves careful consideration.

The House might readily pass the second reading, and put the Bill into the shape desired during the Committee stage. There has been a tremendous amount of lobbying over this measure, more than I have known in connection with any Bill during the eight years I have been in the House. That has taken the form of letters and personal canvass. I have no objection to those who are vitally concerned taking the steps they have. No one has expressed any opposition to the Bill as a Bill. The only real opposition I have heard of comes from people who are vitally concerned, the insurance companies, and they object to the monopoly provision. They said, "Cut out the monopoly provision, and we are prepared to accept the Bill." Apparently the main objection members have to the Bill is that private insurance companies will be prevented from participating in the scheme.

Hon. W. J. Mann: Do you think the Government would accept the Bill without the monopoly?

Hon. L. CRAIG: It is not for us to say. If we think legislation of this sort is necessary, it is our duty to do the best we can with it and then submit it to the Government. If the Government then is not prepared to accept it, the responsibility will be on its head, and there will be no accusation against this House that it is unwilling to pass the social legislation desired by a large section of the people. I do not think we can cavalierly dispose of the Bill because we do not like one or two of its

clauses. If it contains the germ of good legislation, that germ should be developed. I think the measure can be put into reasonable shape in Committee, otherwise we are but a poor House. I hope the Bill will not be thrown out without consideration. It is certainly one for discussion in Committee. I am sure the House agrees that the legislation is necessary. Members have said it is too late in the session for us to consider the Bill. We have all day tomorrow and next week. If it is desirable to pass the Bill, we should not let a day or a week interfere with our doing so. We all agree that legislation of this kind is wanted. That being so, it is our duty to put it into shape and provide the protection we all agree should be provided. I oppose the amendment.

HON. J. CORNELL (South—on amendment) [8.0]: It is claimed that the lapse of time brings marvellous changes, but it does not bring such drastic changes as war produces. In my opinion there is less need for this legislation now than there was 10 years ago. It is two years since a similar Bill was introduced, the automobile industry then being practically at its top. That measure was lost as the result of disagreement, the Government not being prepared to make the measure open play. Private enterprise was not allowed to participate in covering third party risks, and that fact lost the Bill.

Hon. J. J. Holmes: This Bill is the direct opposite.

Hon. J. CORNELL: I take it that what the Bill contains is the Government's policy. Has the Government taken advantage of the lessons taught by the previous rejection? If it has not done so, we can presuppose that if we carry the second reading and take the measure into Committee we shall get back to what happened two years ago. I am not prepared to adopt that course and thereby commit the country to a great deal of expense. It is all very well for Mr. Craig to say that a large section of the people wants the measure. However, the change produced by the war has led to far fewer motor vehicles being on the roads, with consequently a far smaller number of accidents.

Hon. C. B. Williams: Accidents do not happen now, I suppose?

Hon. J. CORNELL: Very few.

Hon. C. B. Williams: There have been four in a week.

Hon. J. CORNELL: The situation is summed up in the fact that the Government has not profited by past experience, but has seen fit to bring down a measure tinctured with the same essence of monopoly as the last Bill was. If we considered this matter for a month, we should, I think, arrive at the same conclusion.

HON. H. TUCKEY (South-West—on amendment) [8.4]: Unquestionably, third party compulsory insurance is highly necessary. I believe that 75 per cent. of the people favour it. An objectionable clause of this Bill, however, is that which proposes to give the State Government Insurance Office a monopoly. It is a pity the Government did not realise that fact earlier. The Government must be aware, from the attitude of this House in the past, that we would not agree to the Bill in its present form. I am in sympathy with much that has been said as to there not being sufficient time to consider the Bill. It is important legislation, and members expect the session to close within the next 24 hours. That period does not allow us to do justice to the Bill.

It has been said that third party insurance must be established because it will afford some protection to persons involved in motor vehicle accidents. I go further and say that it is highly necessary from the aspect of hospital finance. I know of at least one hospital which has had a bad run of motor accident cases, hundreds of pounds in fees not being collectable from the victims of the accidents. With third party insurance that hospital's position would be very different, and the institution would have no difficulty in financing. This is a most serious matter, and therefore we should do all we can to bring about third party insurance as soon as possible. On this occasion I am disposed to support Sir Hal Colebatch's amendment. I do not see what else I can do in the circumstances.

HON. V. HAMERSLEY (East—on amendment) [8.7]: I support Sir Hal Colebatch's amendment, feeling that if the Government had been granted the proposed monopoly it would be necessary for all members to take into consideration that those of us who have cars and motor vehicles would have to enter into contracts with the Government. Now, Section 34 of the Constitution Act renders us liable to serious pro-

ceedings in such circumstances. Nevertheless, if the Bill passes, we shall be compelled to enter into contracts with the Government, and if one of us has an accident rendering him subject to claims for damages and expenses his position will be extremely awkward. I assume that in such circumstances we should find ourselves brought within the scope of Section 34 of the Constitution Act, and in a very ticklish position.

I prefer at all times to have the right to choose where I shall insure my vehicle. I am quite convinced that for years it has been necessary to cover the third-party risk, because numbers of people injured by motor vehicles were deprived of all compensation owing to no cover having been taken out. Still, we should be most careful in granting the Government the monopoly it asks for. Throughout the country no one would respect us if we granted the Government this monopoly. We shall force an unfair position on the country if we pass the Bill. I myself do not like the measure. The session is to close down this week, and I fail to see that we can in a few hours knock up a satisfactory measure in place of this one. It will be better to postpone the Bill to a future occasion. Personally I object to being compelled to insure in a State office.

HON. E. H. H. HALL (Central—on amendment) [8.11]: I do not wish to give a silent vote on the amendment moved by Sir Hal Colebatch. I agree with the opinion that it is Parliament's duty to pass legislation of this kind. I am not prepared merely because this legislation has been so long delayed, to cast it out as proposed by the amendment. Although I shall not support the amendment, yet I shall not support the proposal for a Government monopoly. I struggled valiantly but unsuccessfully to prevent a monopoly of a much smaller kind. On that occasion I did not receive from the majority of members the support I thought I ought to have secured. I shall try to be consistent in the proper sense of the word. Though I shall vote against the amendment, I am not favourable to the creation of a monopoly, and therefore I am not prepared to support the Bill as it stands.

HON. E. M. HEENAN (North-East—on amendment) [8.13]: I consider that Sir Hal Colebatch's amendment should not be ear-

ried. I regard this Bill as one of the most important measures that have come before the House. The principle of third-party insurance has been debated here from time to time. This Chamber appointed a select committee which went into the pros and cons of the subject, and submitted a report which was a good guide to the Government in framing this Bill. I do not think it is a valid argument against the measure that because of some unknown circumstances the Bill came down at a late stage. There are not many matters of great importance on the notice paper, and I am sure that if this Chamber tackles the problem something can be made out of the Bill.

Third-party insurance is such a crying need that we must face the problem of doing something about it. Other States have adopted that course. Although possibly the need for third-party insurance is not now so urgent as it was in former years, still we are legislating for the future; and of course all of us hope that the time will come when motor cars will be running on our roads again and petrol will be available. The Honorary Minister has told us that the figures given to him mean an insurance premium of about 33s. It will not be compulsory for motor car drivers to insure their motor cars in the State Government Insurance Office, but apparently, as the Bill reads, it will be compulsory to take out third-party cover with the State Government Insurance Office.

Hon. V. Hamersley: What will it cost?

Hon. E. M. HEENAN: According to my note of what the Minister said, it will cost 33s.

The Honorary Minister: It is 27/6 in South Australia.

Hon. E. M. HEENAN: And the cost here will be 20 per cent. above that in South Australia. The question of a monopoly by the State Government Insurance Office is one on which we may hold divergent views but we should recognise that at the present time the State office has almost a monopoly of workers' compensation insurance and I think most members will agree that third-party insurance is somewhat in the same category as workers' compensation insurance. Most of the clauses of the Bill are such that I am sure almost every member will agree with them. Simply because some are opposed to the suggestion that the State Government Insurance Office

should have a monopoly of the business is not sufficient reason for members to carry such a drastic amendment as Sir Hal Colebatch has moved.

HON. G. B. WOOD (East—on amendment) [8.18]: I do not intend to cast a silent vote and have risen to explain why I am going to oppose the amendment. For many years we have been trying to secure legislation of this kind and while I admit that I do not support the Bill in its entirety and particularly that portion of it giving a monopoly to the State Government Insurance Office, I do not intend to vote for an amendment that will throw out the Bill lock, stock and barrel.

THE HONORARY MINISTER (Hon. E. H. Gray—West—on amendment) [8.19]: I hope the amendment will not be agreed to. Mr. Craig said there had been a lot of propaganda regarding the Bill. I was astounded by the letter from the Royal Automobile Club written against the main principles of the Bill. As a member of that organisation I emphatically protest against its having entered the political arena. Its members are not confined to one particular party. It has done a wonderful amount of good. One receives more from it in return for his subscription than from any other organisation, with the exception of trade unions. There is no doubt that the Royal Automobile Club has rendered great service, but in voicing an opinion on political lines it is making a very great mistake and acting beyond its constitution. It will do itself serious injury if it begins to support any political party.

Hon. A. Thomson: The Royal Automobile Club was only supporting its own pool.

The HONORARY MINISTER: The Royal Automobile Club is only an agent of the insurance companies. It boasts about its insurance pool but it is only an agent for the tariff companies.

Hon. A. Thomson: It has reduced premiums by 20 per cent.

The HONORARY MINISTER: No more than has Lloyds. However, that is by the way. What I want to stress is that the main principles of this Bill are well-known to members of this House, especially those who served on the select committee. The Bill closely follows the legislation of the Eastern States, and the main point of cleavage con-

cerns the desire of the Government to secure a monopoly for the State Government Insurance Office.

Hon. J. J. Holmes: If we knock out the monopoly, will the Government accept the amended Bill?

The HONORARY MINISTER: The duty of this House is to submit its case and meet another place in conference. This measure would not take two hours to consider because everybody is well acquainted with its main principles which have been discussed in this Chamber many times.

Hon. J. J. Holmes: Your Government has taken nine years to bring the measure down.

The HONORARY MINISTER: We cannot do everything at once. There is plenty of time to consider the measure. There has been no official announcement that the session will finish tonight. We could meet again tomorrow or next week. The House could pass the second reading and put the Bill through Committee in two hours. It must be remembered that the Government's duty is to submit the best scheme possible, and it would not be fair to allow the private companies to take advantage of this measure and use the State instrumentalities to make a profit. Under the measure there would be close co-operation between the local authorities, the Traffic Department and the officials of the State Government Insurance Office. That should produce a scheme incomparably cheaper than any the private companies could put before the public. The Government's policy is to secure the most efficient and the cheapest scheme, especially now in view of the very serious condition of the country. The Bill embodies the considered view of the Government which believes that this is the best form of organisation. I hope the amendment will be defeated, that the Bill will pass the second reading, and that the House will submit its considered opinion on the Bill to another place so that if necessary a conference can be held with a view to some agreement being reached. That is our duty.

Amendment put and a division taken with the following result—

Ayes	..	..	..	13
Noes	..	..	..	12
				—
Majority for	..	..	..	1
				—

AYES.

Hon. C. F. Baxter
Hon. L. B. Bolton
Hon. Sir Hal Colebatch
Hon. J. Corneli
Hon. J. A. Dismitt
Hon. V. Hamersley
Hon. J. J. Holmes

Hon. W. J. Mann
Hon. H. V. Plesse
Hon. H. L. Roche
Hon. A. Thomson
Hon. F. R. Welsh
Hon. H. Tuckey
(Teller.)

NOES.

Hon. L. Craig
Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray
Hon. E. H. H. Hall
Hon. E. M. Heenan

Hon. W. H. Kitchin
Hon. G. W. Miles
Hon. T. Moore
Hon. H. S. W. Parker
Hon. G. B. Wood
Hon. H. Seddon
(Teller.)

FAIRS.

AYES.

Hon. J. G. Hislop
Hon. J. M. Macfarlane

NOES.

Hon. W. R. Hall
Hon. C. B. Williams

Amendment thus passed.

Bill rejected.

BILL—CHILD WELFARE ACT AMENDMENT.

Read a third time and returned to the Assembly with amendments.

BILL—ADMINISTRATION ACT AMENDMENT (No. 2).

In Committee.

Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—New section: Reduction of duty in certain special cases:

The CHIEF SECRETARY: It was pointed out that the Bill as drafted did not include nurses. I was under the impression that the Interpretation Act would cover the position and that nurses would be dealt with.

Hon. J. Corneli: That is so.

The CHIEF SECRETARY: So as to make sure, I decided that it would be better specifically to mention nurses in the Bill. In order to get some information on the subject and because of the fact that the Commonwealth has passed legislation of a somewhat similar character, I caused a communication to be sent to the Commonwealth Crown Solicitor at Canberra asking whether nurses were regarded as portion of the Naval, Military or Air Forces for the purposes of that particular Act. The reply received was—

My opinion nurses not members Forces mentioned for purposes of Estate Duty Assessment Act, 1940.

That is the Act which provides exemption of estates up to £5,000 in respect of members of

the Forces. So that the position may be made perfectly clear and that nurses shall be specifically mentioned in the Bill, I move an amendment—

That in line 4 of Subsection 1 of proposed new Section 98A after the word "King" the words "or was a member of any medical corps, nursing service attached to any of the Forces aforesaid" be inserted.

Hon. H. S. W. PARKER: What will be the position of V.A.D.'s?

The Chief Secretary: My impression is that they will be regarded as members of the nursing service.

Hon. H. S. W. PARKER: That is hardly likely because the V.A.D.'s are employed as typists, clerks or in various other capacities. Then again, if we specifically mention certain sections of the service in the Bill will it not be held that others not mentioned are thereby excluded? The V.A.D.'s do not know until they get overseas in what capacity they will be employed.

Hon. H. V. PIESSE: When the V.A.D.'s were here their official address associated them with the Australian Army Medical Corps. Later they were informed that they were to be addressed as members of the V.A.D. and not as members of the A.A.M.C. That indicates that they will not be regarded as part of the nursing service.

Hon. J. CORNELL: A somewhat similar question arose when a Bill introduced by Mr. Craig was discussed in this Chamber. I have been actively connected with the Returned Sailors and Soldiers' Imperial League of Australia for the last 24 years. We have always been given to understand that nurses on active service were regarded as part of the establishment with which they were associated. That is to say that if the nurse was with the Navy, she was a sailor; if with the Army, she was a soldier; if with the Air Force, she was an airman. The Chief Secretary has quoted the opinion of the Commonwealth Crown Solicitor, but I again direct the attention of members to the latest regulation promulgated under the Australian Soldiers' Repatriation Act, which I quoted the other evening. I see no reason why the Chief Secretary's amendment should not be agreed to because it will make the position doubly sure.

Dealing with the question generally with particular reference to the definition of "active service," I discussed the matter with Senator Collett who some little time ago relinquished the position of Minister for

Repatriation in the Federal Government. He expressed the opinion that the amendment on the notice paper in the name of the Chief Secretary would get us nowhere as it meant nothing and said nothing. On the other hand, he considered that the amendment I have placed on the notice paper would be capable of application effectively, particularly as it follows closely the wording of the definition in the Australian Soldiers' Repatriation Act. In dealing with this matter we should cover the position thoroughly and my own opinion is that all V.A.D.'s who go overseas must be regarded as on active service abroad.

Hon. A. Thomson: They should receive the same protection as is accorded to others.

Hon. J. CORNELL: The amendment standing in my name will cover them. We must consider whether V.A.D.'s who go overseas are appointed or enlisted.

Hon. H. S. W. Parker: They are all enlisted now.

Hon. J. CORNELL: Then they are all part of the show and are on active service.

Hon. H. V. PIESSE: The V.A.D.'s have a military number and officers have been appointed. When they were granted leave, the passes stated that they were soldiers on leave, and their address abroad is "A.I.F." Amendment put and passed.

Hon. J. CORNELL: I should like to hear the views of the Chief Secretary on the amendments appearing on the notice paper.

The CHIEF SECRETARY: This Bill is the result of a decision arrived at by a conference of Premiers, and I understand that by passing it we shall be getting into line with the other States. The Government prefers its own amendment to that indicated by Mr. Cornell, even though both mean practically the same thing. I am not prepared to accept the opinion of Colonel Collett against that of the Solicitor General. While I have great regard for the provisions of the repatriation Act, it does not follow that we must adopt a provision from that measure. It may go much further than we propose. My amendment has been drafted to meet the wishes of the State Government. In another place the Premier promised on the third reading to consider two points that had been raised, one being the definition of "active service" and the other the deletion of the word "direct" in the reference to death being the direct result of a person being engaged on active service. I am sub-

mitting an amendment in accordance with the promise of the Premier. I have no desire to go further, and the wishes of the Government should be considered. We want to be fair and even generous, but we should be allowed to determine what form the amendment should take.

Hon. J. CORNELL: I am satisfied that the Government is anxious to act generously, but my object is to prevent confusion in the matter of interpretation. If two men enlisted for service overseas and one was killed in his first engagement, his dependants would get the benefit of the provision. Another man might serve for two or three years, be invalidated home and die here. Is there anything to say that his dependants shall benefit?

The Chief Secretary: They would, provided he was a member of the forces and had not been discharged.

Hon. J. CORNELL: But suppose he had been discharged and suffered a recurrence of his war disability and died, would not his dependants be as much entitled to consideration as those of a man who died before being discharged?

Hon. E. H. H. Hall: Is that not clearly provided for?

Hon. J. CORNELL: No. If we are going to confer benefits on members of the forces who die as a result of active service, why should the man I have instanced be denied similar treatment? Whatever entitles a man to a pension under the Repatriation Act should entitle him to consideration under this measure, and if we do not make provision for that, we shall be looking for trouble.

The CHIEF SECRETARY: If members read the clause carefully, they will find it provides for a man who at the time of his death was a member of the forces, clearly indicating that if he had been discharged before his death, he would not be provided for under the measure.

Hon. L. Craig: Many soldiers on being discharged are put on the reserve.

The CHIEF SECRETARY: Under the proposed amendment they have to be members of the forces. Mr. Cornell is anxious to provide the same conditions as are laid down in the repatriation Act and regulations regarding men whose dependants are entitled to a pension as a result of the death of men in consequence of war service. Even though the Repatriation Commission has been agreeing to allowances over a period of

20 years, it does not follow that men should be entitled to this benefit. We cannot extend the benefit indefinitely.

Hon. J. Cornell: No, but make it for the duration of the war and one year thereafter.

The CHIEF SECRETARY: The amendment is restricted to men so long as they are members of the forces and is as broad as we can reasonably make it. I have discussed the matter with the Crown Law authorities and am satisfied that it has a definite meaning.

Hon. J. Cornell: What is the meaning of the words "according to orders as part of his duty"?

The CHIEF SECRETARY: That the man was acting according to orders. However, I do not want to be drawn into a discussion concerning the meaning of words. A question has been raised as to whether soldiers on active service at Darwin would be covered by this measure. I reply that the Bill deals only with soldiers who leave Australia on active service. If it is desired to cover soldiers at Darwin, provision would have to be made for them.

Hon. W. J. Mann: Is provision made for them elsewhere?

The CHIEF SECRETARY: Provision is not made for them in this Bill.

Hon. J. Cornell: Our troops in Malaya were not on active service until three days ago.

The CHIEF SECRETARY: Some members are not as familiar with military terms as are other members. This Bill is the outcome of an agreement arrived at between the State Premiers. The Government feels that it cannot go beyond the terms of that agreement.

Hon. H. S. W. PARKER: I gather that the arrangement made at the conference mentioned by the Chief Secretary was that all soldiers killed on active service should be covered by this Bill. "Active service" really means soldiers actually engaged with an enemy. That is putting it roughly. The Defence Act provides that the term shall have the same meaning given to it by the Army Act. The definition in the Army Act means that a soldier is actually engaged with the enemy. I can see this difficulty: A naval vessel might be engaged some miles off our coast and the wounded might be brought here and die of their wounds. They would not be covered by the Bill. I do not think that is intended.

The Chief Secretary: I think that definition is too indefinite.

Hon. H. S. W. PARKER: The definition of "active service" in the Defence Act covers what is intended.

Hon. Sir HAL COLEBATCH: Suppose a soldier whose superior officers had all been killed was afterwards shot himself, would he be acting under orders?

Hon. L. Craig: Soldiers are always under orders when on active service.

Hon. Sir HAL COLEBATCH: But there would be no one to give him orders.

The CHIEF SECRETARY: Sir Hal is in the same boat as I am. I, too, am not au fait with the meaning of all military terms. Mr. Cornell's amendment would exclude certain persons who are on active service.

Hon. J. Cornell: Whom am I excluding?

The CHIEF SECRETARY: Those men who might die of self-inflicted wounds or as the result of some breach of discipline.

Hon. J. Cornell: Do you think they ought to get any privileges?

The CHIEF SECRETARY: No. I am pointing out that Mr. Cornell has supplied the answer to Sir Hal Colebatch. I must accept the advice of my legal advisers, the Crown Law authorities. The argument Mr. Parker used was put up in another place and was the cause of this amendment being drafted. Mr. Parker stated that men wounded in a naval action and landed here would not be entitled to the benefit of this legislation. I think they would.

Hon. H. S. W. Parker: I agree with you.

The CHIEF SECRETARY: That is one point we have cleared up.

Hon. J. CORNELL: The only persons I have consulted on this Bill are men connected with the administration of the Repatriation Act and with measures dealing with soldiers on active service. My first amendment has nothing to do with death, but with active service. I think the difficulty could be overcome if the measure were limited to the duration of the war and one year thereafter. I move an amendment—

That in line 4 of Subsection 1 of proposed new Section 98A after the words "active service" the following be inserted:—"Outside Australia—

- (a) on a ship of war engaged in seagoing operations beyond the territorial waters of Australia, and
- (b) as a member of any force after the vessel on which he proceeded outside Australia had departed from the port in which he had embarked."

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

Ayes	11
Noes	13

Majority against	2
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AYES.

Hon. C. F. Baxter	Hon. J. J. Holmes
Hon. L. B. Bolton	Hon. W. J. Mann
Hon. Sir Hal Colebatch	Hon. H. L. Roche
Hon. J. Cornell	Hon. H. Seddon
Hon. L. Craig	Hon. E. H. H. Hall
Hon. J. A. Dimmitt	(Teller.)

NOES.

Hon. J. M. Drew	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. A. Thomson
Hon. E. H. Gray	Hon. H. Tuckey
Hon. W. H. Kitson	Hon. F. R. Welsh
Hon. J. M. Macfarlane	Hon. C. B. Williams
Hon. G. W. Miles	Hon. H. V. Plesse
Hon. T. Moore	(Teller.)

Amendment thus negatived.

Hon. J. CORNELL: I move an amendment—

That in line 7 of Subsection 1 of proposed new Section 98A the words "is the direct result of" be struck out and the words "results or has resulted from any occurrence happening during the period" inserted in lieu.

I accepted the previous decision of the Committee, but I am not prepared to accept the proposed amendment of the Chief Secretary to strike out the word "direct." My amendment would provide definitely for the man who came back from active service and died.

The CHIEF SECRETARY: Mr. Cornell forces me into the same position as that in which I was placed in regard to the previous amendment. My definition of "active service" seems to be quite sufficient to cover everything that Mr. Cornell desires. If the Committee agrees to Mr. Cornell's amendment it will be necessary to agree to a further amendment in order to provide for certain people whom he desires to exclude from the benefits of the Bill. That is why the Premier gave an undertaking that he would look into the points raised and more particularly into this word "direct." By deleting the word "direct" and accepting the definition of "active service" as it appears on the notice paper, the Committee will cover everything that could possibly happen to a member of the Forces. The definition is so worded that it would cover the cases referred to by the hon. member.

Hon. J. CORNELL: It is unfortunate that this Bill should have been discussed at this stage and more unfortunate still that there is not a quorum in the Chamber. In view

of the fact, I do not intend to proceed with my amendment.

Amendment, by leave, withdrawn.

The CHIEF SECRETARY: I move an amendment—

That in line 7 of Subsection 1 of proposed new Section 98A the word "direct" be struck out.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That the following words be added to Subsection 1 of proposed new Section 98A:—"And the expression 'active service' means any service outside Australia which any member of any of the said forces is, as such member, required to perform according to orders as part of his duty."

Hon. H. S. W. PARKER: I move—

That the amendment be amended by striking out in line 4 the words "which any" and inserting the words "as a" in lieu.

The Chief Secretary: I oppose the amendment.

Hon. T. MOORE: I know of men who are badly treated by the authorities. Why, for the sake of a few pounds, differentiate between the men who volunteer and go overseas and those who volunteer but do not get away? If Mr. Parker's amendment means that all these men will get the benefit, I support it.

Hon. L. CRAIG: I support the remarks of Mr. Moore. If a man is in such a desperate condition as to inflict wounds on himself which will eventually cause his death, he is in a shocking state of shell shock. There are, of course, exceptional cases where a man may do that because of his general make-up. Such an action could be overlooked.

The CHIEF SECRETARY: I did not introduce the suggestion of self-inflicted wounds. All my amendment provides is that the person concerned shall be a member of the forces and be under orders at the time.

Hon. H. S. W. Parker: As soon as he enlists he is under orders.

The CHIEF SECRETARY: For that reason there is no need to alter my amendment as it appears on the notice paper. Mr. Parker has abbreviated it, certainly.

Hon. H. S. W. Parker: That is all.

The CHIEF SECRETARY: His amendment probably goes further than mine.

Hon. H. S. W. PARKER: The Chief Secretary has misunderstood the amendment. If he reads his amendment with the clause he

will find it is only a definition of "active service." My amendment will make the Minister's amendment read as follows:—"and the expression 'active service' means 'any service outside Australia as a member of any of the said forces.'" I am not touching the clause at all; only the amendment.

The Chief Secretary: I still stick to my amendment.

Hon. T. MOORE: I cannot understand what the last words mean, "require to perform according to orders as part of his duty." They do not mean anything to me.

Hon. J. CORNELL: What Mr. Parker is endeavouring to do is to put in a simple definition of "active service." Any person who goes abroad is, according to Mr. Parker, on active service.

Hon. H. S. W. Parker: No! That is according to the definition.

Hon. J. CORNELL: The Government is endeavouring by these last words to do what I desire. Only recently 10 "diggers" commandeered a truck in Egypt and started out for Cairo, A.W.L., and one was shot by a Gypso. An endeavour was made to get him a pension under the Australian Soldiers Repatriation Act. Under those circumstances is such a man to get it?

Hon. H. S. W. Parker: They do under this.

Hon. J. CORNELL: Mr. Parker is generous.

Hon. H. S. W. PARKER: Those people were under orders. They disobeyed them, but they were under orders.

Hon. J. CORNELL: They disobeyed orders and one got shot; was he entitled to a pension?

Hon. H. S. W. PARKER: I am not speaking of a pension.

Hon. G. FRASER: I want to get clear in my mind the difference between the Chief Secretary's amendment and Mr. Parker's. As I see the position, the Chief Secretary's amendment would only cover men while under orders, but Mr. Parker's amendment would cover a man who, while he was on leave in Cairo, took part in a battle similar to the battle of "The Wozzer." I want to know the meaning of the two amendments.

Hon. L. CRAIG: It is a case of tweedledum and tweedledee.

Hon. T. Moore: The Minister's amendment does not cover a man on leave.

Hon. H. S. W. PARKER: They both mean exactly the same.

Hon. J. J. Holmes: Why waste the time of the Committee?

Hon. H. S. W. PARKER: Because I do not like to see stupid words in an Act of Parliament. A soldier is always under orders, and it does not matter how he may die. The only question is whether he is on active service or not. This Bill does not provide that a man who dies from a self-inflicted wound, or has run amok is debarred from these benefits. If this were included, I would vote against it because this provides benefits for the widow and family.

Amendment on amendment put and passed.

Hon. H. S. W. PARKER: I move—

That the amendment be amended in lines 5 and 6 by striking out the words "is, as such member, required to perform according to orders as part of his duty."

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

Hon. L. CRAIG: I move an amendment—

That in line 8 of Sub-paragraph (ii) of Sub-section 2 of proposed new Section 98(A) after the word "calculated" the words "on such excess over £1,000" be inserted.

I propose that the exemption of £1,000 shall have general application to all soldiers. As the Bill provides now the estate of a deceased soldier, which is worth £999, will pay no death duty, whereas another estate worth £1,001 will have to pay the full duty. I think the general exemption of £1,000 should apply to all soldiers; it is not a question of money, but of principal.

The CHIEF SECRETARY: I regret that I cannot accept the amendment. If agreed to, the effect would be much greater than the Treasurers of the various States could afford to accept. The concessions outlined in the Bill are the limit to which they can go.

Hon. T. MOORE: If it were not that the men concerned are on active service, we would not spend so much time arguing on these issues. Members should remember that soldiers' estates will not only have to pay death duty, but income tax will also have to be paid and that will be a heavy item. I support the amendment.

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

Ayes	12
Noes	15
Majority against	3

AYES.

Hon. C. F. Baxter
Hon. Sir Hal Colebatch
Hon. L. Craig
Hon. J. A. Dimmitt
Hon. E. H. H. Hall
Hon. G. W. Miles

Hon. T. Moore
Hon. H. V. Plesse
Hon. H. Seddon
Hon. F. R. Welsh
Hon. C. B. Williams
Hon. W. J. Mann
(Teller.)

NOES

Hon. L. B. Bolton
Hon. J. Cornell
Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray
Hon. W. R. Hall
Hon. E. M. Heenan
Hon. W. H. Kitson

Hon. J. M. Macfarlane
Hon. H. S. W. Parker
Hon. H. L. Roche
Hon. A. Thomson
Hon. H. Tuckey
Hon. G. B. Wood
Hon. J. J. Holmes
(Teller.)

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clause 4, Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—DEATH DUTIES (TAXING) ACT AMENDMENT.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of First Schedule:

The CHIEF SECRETARY: This taxing measure follows on the Bill we have just dealt with. Hence it will be necessary to agree to make in this Bill the same amendments as have been made in the Administration Act Amendment Bill (No. 2). The amendments appearing on the notice paper have been altered in accordance with Mr. Parker's amendments in the earlier Bill. I move an amendment—

That after the word "King" in line 4 of proposed new proviso the following words be inserted:—"or was a member of any medical corps nursing service attached to any of the forces aforesaid."

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 8 of the proposed new proviso the word "direct" be struck out.

This follows on the previous amendment.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That at the end of the proposed new proviso the following words be inserted:—"For the purposes of this proviso, the expression 'active service' means any service outside Australia as a member of any of the said forces."

This also follows on the previous amendment.

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

Clause 3—Amendment of Second Schedule:

The CHIEF SECRETARY: It will be necessary to amend the clause and also Clause 4 to make them conform to Clause 2 as amended.

On motions by the Chief Secretary, clause amended by inserting after the word "King" in line 5 of the proposed new proviso the words "or was a member of any medical corps nursing service attached to any of the aforesaid forces"; by striking out in line 8 of the proposed proviso the word "direct"; and by adding at the end of the proposed proviso a new paragraph as follows:—"For the purposes of this proviso the expression 'active service' means any service outside Australia as a member of any of the said forces."

Clause 4—Amendment of Third Schedule:

On motions by the Chief Secretary, clause amended by inserting after the word "King" in line 8 of the proposed new proviso the words "or was a member of any medical corps nursing service attached to any of the forces aforesaid". by striking out in line 11 the word "direct"; and by adding at the end of the proposed proviso a new paragraph as follows:—"For the purposes of this proviso the expression 'active service' means any service outside Australia as a member of any of the said forces."

Clause, as amended, agreed to.

Clause 5, Title—agreed to.

Bill reported with amendments and the report adopted.

MOTION—TAXATION.

Volunteer Militiamen's Sustenance.

Debate resumed from the 18th November on the following motion by Hon. J. Cornell (South)—

That in the opinion of this House, the taxing under the Income Tax Act of 2s. 5d. per day sustenance received by volunteer militiamen, whilst compulsory trainees are exempted, is unfair and unreasonable, and considers that the National Security regulations should be invoked to remove this anomaly.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [10.11]: Mr. Cornell's motion was moved with the idea of correcting what was considered to be an anomaly. That anomaly arose out of an

interpretation given by the Commonwealth Solicitor General in connection with the Commonwealth Income Tax Assessment Act. It is rather strange that just about the time when Mr. Cornell was moving this motion here, the Commonwealth Government apparently was giving consideration to the same matter. The Commonwealth Government expressed its views in the form of an Amending Income Tax Assessment Bill. Unfortunately I have not been able to obtain a copy of that measure, and I can only ask members to take my word for it that the Commonwealth Parliament has dealt with the matter. I have here a copy of a telegram received by the Taxation Department at Perth, from which it appears that the net result of the Commonwealth Parliament's action is that it has solved the problem of the anomaly by providing that all the men shall be subject to the same taxation. So that whether these members of the forces have volunteered or whether they come under the compulsory sections of the Defence Act, they will all be assessed on the value of the sustenance they received, thus doing away with the anomaly so far as Commonwealth income taxation is concerned.

That of course does not do away with the anomaly connected with State income tax. We do not propose to amend our State Income Tax Assessment Act, for we do not propose to take away from any member of the forces any concession made to him. In my opinion there is no occasion for Mr. Cornell to proceed further with his motion. He has not intimated what he proposes to do.

HON. J. CORNELL (South—in reply) [10.14]: I only have to venture the opinion that in view of questions and answers during last month with regard to the variations and gyrations of the Taxation Department one does not know where one is. As I said when moving the motion, the men who were not allowed the deductions as against those were—namely the volunteers as against the men called up—were both placed in the same position. This removed an invidious situation, and therefore I ask leave to withdraw my motion.

Motion, by leave, withdrawn.

Sitting suspended from 10.18 to 10.40 p.m.

BILLS (2)—THIRD READING.

- 1, Administration Act Amendment (No. 2).
- 2, Death Duties (Taxing) Act Amendment.

Returned to the Assembly with amendments.

MOTION—ADDITIONAL SITTING DAY.

On motion by the Chief Secretary resolved:

That, unless otherwise ordered, the House meets for the despatch of business on Friday at 3 p.m. in addition to the ordinary sitting days.

House adjourned at 10.45 p.m.

Legislative Assembly.

Thursday, 11th December, 1941.

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

QUESTION—NARROGIN HOSPITAL

As to Electrical Fittings.

Mr. DONEY asked the Minister for Works: 1, Is he aware that in building the Government hospital at Narrogin the contractors appear to have failed properly to